# DOMINION OF CANADA

OFFICIAL REPORT

OF

# DEBATES
# HOUSE OF COMMONS

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FIRST SESSION—FIFTEENTH PARLIAMENT

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16-17 GEORGE V, 1926

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## VOLUME V, 1926

COMPRISING THE PERIOD FROM THE NINTH DAY OF JUNE TO THE SECOND DAY OF JULY, 1926, INCLUSIVE

BEING

**VOLUME CLXXIV FOR THE PERIOD 1875-1926**

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OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1926

# HOUSE OF COMMONS

# DEBATES

OF THE

OFFICIAL REPORT

DOMINION OF CANADA

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# House of Commons Debates

OFFICIAL REPORT

## Wednesday, June 9, 1926.

The House met at two o'clock.

### FUEL SUPPLY COMMITTEE

Mr. E. A. LAPIERRE (Nipissing) presented the second report of the special committee appointed to investigate the fuel supply of Canada, as follows:

Your committee recommend to the House that they be given leave to sit while the House is in session.

He said: By unanimous consent of the House I beg to move:

That the second report of the special committee appointed to investigate the fuel supply of Canada presented this day be concurred in.

Motion agreed to.

### RAILWAY COMMITTEE

Mr. W. D. EULER (North Waterloo): On behalf of the hon. member for Pontiac (Mr. Cahill) I beg to present the third report of the select standing committee on Railways, Canals and Telegraph Lines.

### EXCISE ACT AMENDMENT

Hon. GEORGE H. BOIVIN (Minister of Customs and Excise) moved for leave to introduce Bill No. 188 to amend the Excise Act.

Sir HENRY DRAYTON: Explain.

Mr. BOIVIN: At the present time there are customs bonded warehouses at many seaports where there are no excise warehouses. Imported tobacco, cigars and cigarettes are supplied as ships' stores from these customs warehouses, and no excise warehouses being available at these points, American goods are sold where Canadian goods cannot be sold. The Canadian manufacturers have complained of this discrimination, and the proposed bill is merely to provide that tobacco and cigars may be removed from excise warehouses to customs bonded warehouses, in order to place our Canadian manufacturers in the same position as the American manufacturer. There is a second clause in the bill providing that on all cigars the rate of excise shall be $3 per thousand. At present the rate is $3 on all cigars except those put up in very small packages of ten or less, and for some unexplained reason the latter have paid the higher rate of $4, although the cost of packing must be considerably more. The object of the bill is to do away with the discrimination. There are no other clauses.

Motion agreed to and bill read the first time.

Mr. SPEAKER: When shall the bill be read a second time?

Some hon. MEMBERS: Now.

On motion of Mr. Boivin the bill was read the second time.

Sir HENRY DRAYTON: Is the bill distributed?

Mr. BOIVIN: I do not insist on proceeding at the present time. It can stand until tomorrow.

Mr. SPEAKER: Next sitting of the House in committee of the Whole.

### PRIVATE BILLS

#### FIRST READINGS

Bill No. 173 (from the Senate), respecting The Quebec, Montreal and Southern Railwas Company.—Mr. Morin (St. Hyacinthe-Rouville).

Bill No. 175 (from the Senate), for the relief of Alice Victoria McGibbon.—Mr. McClenaghan.

Bill No. 176 (from the Senate), for the relief of Samuel Paveling.—Mr. Geary.

Bill No. 177 (from the Senate), for the relief of John Jones.—Mr. McClenaghan.

Bill No. 178 (from the Senate), for the relief of Benamin Rapp.—Mr. Anderson (Toronto-High Park).

Bill No. 179 (from the Sente), for the relief of Bernard Thomas Graham.—Mr. Baker.

Bill No. 180 (from the Senate), for the relief of Robert Edward Greig.—Mr. Baker.

Bill No. 181 (from the Senate), for the relief of Dasie Hawkey.—Mr. Speakman.

Bill No. 182 (from the Senate), for the relief of Annie Sophia Gordonsmith.—Mr. McClenaghan.

Bill No. 183 (from the Senate), for the relief of Bertha Amelia Bertelet.—Mr. Mewburn.

Bill No. 184 (from the Senate), for the relief of Olive Mary Mead.—Mr. Bell (Hamilton West).

Bill No. 185 (from the Senate), for the relief of Alice Elizabeth Blakely.—Mr. Geary.

Bill No. 186 (from the Senate), for the relief of Ethel Maud Hargraft.—Mr. McClenaghan.

Bill No. 187 (from the Senate), for the relief of Frédéric Vinet.—Mr. Geary.

## THE DETROIT AND WINDSOR SUBWAY COMPANY

Sir HENRY DRAYTON (West York) moved the first reading of Bill No. 174 (from the Senate) to incorporate the Detroit and Windsor Subway Company.

Hon. J. A. ROBB (Minister of Finance): Mr. Speaker, I have not the bill before me, but my attention has just been directed to the fact that the stock having no par value the revenues of Canada will lose $10,000 by the incorporation of this company. The bill is presented quite regularly under the rules, I think, but I bring this to the attention of the House so the rules may be amended. Otherwise, if this becomes a common custom, the treasury will suffer.

Motion agreed to and bill read the first time.

Mr. SPEAKER: I may say that I gave instructions to our officers at the beginning of the session to adhere strictly to the rules laid down as regards fees and additional charges, but some time ago the House decided upon a motion made by the hon. member for Quebec West (Mr. Parent) to disregard them on account of the early meeting of parliament. Naturally, this may entail loss of money to the exchequer but our officers are not responsible.

## QUESTIONS

(Questions answered orally are indicated by an asterisk.)

### SOLDIER SETTLEMENT LANDS

Mr. BROWN:

1. What quarter sections or other parcels of land were sold to the Soldier Settlement Board through or by the firm of Kennedy and Kennedy, Winnipeg?
2. Who in each case was the vendor?
3. When and at what price was each parcel of land acquired by the vendor?
4. When and at what price was each parcel sold to the board?

[Mr. Speaker.]

Hon. Mr. STEWART (Edmonton):

1 and 2. (a) S.W. 17, 19, 1 E., Carl Sjornan; (b) N.W. 29, 3, 12, W., J. W. Nelson; (c) E. ½ 30, 17, 9, W., A. W. Trickey; (d) S. ½ 16, 17, 10, W., A. W. Trickey; (e) N. ½ 16, 17, 10, W., A. W. Trickey; (f) N.W. 28, 17, 9, W., J. S. Fredericks; (g) N. ½ 2, 17, 10, W. Ethel Chanter; (h) S.E. 19, 17, 9, W., A. W. Trickey; (i) N.E. 7, 17, 9. W., A. W. Trickey; (j) N.E. 28, 17, 10, W., G. W. Harker; (k) N.W. 12, 16, 13, W., Levi Rogers; (l) S.E. 11, 16, 13 W., Levi Rogers; (m) S.W. 12, 17, 13, W., Lillian Young; (n) S.E. 5, 18, 10 W., T. W. Reid; (o) N.E. 28, 16, 13, W., G. H. Smith; (p) N.W. 28, 16, 13 W., G. H. Smith; (q) N.E. 11, 16, 13 W., A. P. Walker; (r) N.E. 2, 16, 13 W., A. P. Walker; (s) N.E. 31, 14, 13 W., A. M. McKenzie; (t) S.E. 31, 14, 13, W., A. M. McKenzie; (u) S.E. 22, 16, 13 W., S. Corley; (v) S.E. 11, 1, 29, W., A. J. McInnis; (w) N.W. 23, 19, 11. W., P. Sosiak; (x) N. ½ 34, 17, 10, W., F. J. Murray; (y) S. ½ 22, 19, 10, W., F. J. Murray; (z) N.W. 23, 17, 10, W., H. H. Moss; (aa) N.E. 23, 17, 10, W., H. H. Moss; (bb) S.E. 23, 17, 10, W., Amy Moss, wife of H. H. Moss; (cc) S.W. 23, 17, 10, W., H. H. Moss; (dd) N.W. 14, 17, 10W., H. H. Moss; (ee) N.E. 14, 17, 10, W., H. H. Moss; (ff) S. ½ 14, 17, 10, W., H. H. Moss; (gg) S.E. 11, 1, 29, W., H. H. Moss.

3. The board has no information on file but a search in the Land Titles Office and the Provincial Lands department shows: (a) January 12, 1917, grant by crown; (b) December 22, 1898, $970; (c) July 16, 1919, $3,200; (d) and (e) July 31, 1919, $7,680, (f) September 24, 1919, $1,600; (g) July 10, 1919, $3,840; (h) and (i) August 25, 1919, $2,700; (j) January 4, 1911, grant from the crown; (k) March 28, 1918, $3,000; (l) September 18, 1917, grant from crown; (m) March 11, 1919, $3,200; (n) May 7, 1913, grant from crown; (o) September 27, 1912, $2,500; (p) October, 1, 1917, $2,400; (q) June, 1900, $1,120 (school lands); (r) November 15, 1912, $2,600; (s) and (t) October 13, 1919, gift from father; (u) September 15, 1916, $1,150; (v) July, 1919, $4,200; (w) February 1, 1917, $2,200; (x) July 29, 1919, $3,840; (y) August 9, 1919, $2,250; (z) (aa) (bb) (cc) (dd) (ee) (ff) July 27, 1919, by agreement of sale and Q. C. Deed, Wm Grant to Amy Moss, wife of H. H. Moss, $14,080 for the two sections of land; (gg) No information.

4. (a) September 4, 1919, $1,500; (b) June 5, 1919, $3,300; (c) July 30, 1919, $4,575; (d) July 18, 1919, $4,480; (e) July 18, 1919, $4,480; (f) August 4, 1919, $3,700; (g) July 16, 1919, $4,480; (h) September 25, 1919, $2,300; (i) September 12, 1919,

$2,400; (j) August 20, 1919, $2,700; (k) Februray 28, 1920, $4,500; (l) February 28, 1920, $4,000; (m) March 4, 1920, $3,800; (n) April 5, 1920, $3,300; (o) March 29, 1920, $6,000; (p) April 22, 1920, $4,000; (q) March 30, 1920, $5,500; (r) May 6, 1920, $4,400; (s) February 21, 1920, $5,000; (t) February 21, 1920, $6,000; (u) April 15, 1920, $5,500; (v) May 10, 1920, $4,800; (w) May 14, $2,800; (x) July 30, 1919, $4,480; (y) November 5, 1919, $4,680; (z) July 2, 1919, $2,000; (aa) July 2, 1919, $2,000; (bb) December 13, 1919, $5,000; (cc) (dd) July 15, 1919, $4,160; (ee) December, 13, 1919, $6,000: (ff) July 17, 1919, $4,160; (gg) May 22, 1919, $4,800.

CANADIAN NATIONAL RAILWAYS—RADIO STATIONS

Mr. DOUCET:

1. What has been the capital cost of the Canadian National Railways radio stations to date?
2. What has been the cost of up-keep to date?
3. What has been the cost of operation to date?
4. What has been the total expenditure and indebtedness incurred in relation to this matter by the Canadian National Railways?

Hon. Mr. DUNNING:

1. $105,173.90.
2. and 3. September, 1923, to December 31, 1925, $369,515.54.
4. $474,689.44.

CANADIAN NATIONAL RAILWAYS—ADVERTISING EXPENSES

Mr. DOUCET:

What amounts were paid out by the Canadian National Railways or by any one so authorized, to newspapers or other publishers for advertisements, publicity and for other printing matter whatsoever, during the years ending December 31, 1923, 1924 and 1925, respectively?

Hon. Mr. DUNNING: 1923—$1,340,131.97; 1924—$1,718,415.82; 1925—$1,443,203.80.

VANCOUVER HARBOUR COMMISSION

Mr. GARDINER:

1. Has the Vancouver Board of Harbour Commissiners any employees resident in the province of Alberta?
2. If so, how many?
3. What are their names and addresses?
4. What salary is paid to each employee?
5. What is paid for expenses to each employee?
6. What is the service rendered by each?
7. Has the board any offices rented in the province of Alberta?
8. If so, where and from whom rented?
9. What rental is paid for each office?

Hon. Mr. CARDIN:

1. Yes.
2. One.
3. J. A. McColl, 715 Lancaster building, Calgary, Alta.
4. $225 per month.
5. Actual travelling expenses.
6. Giving of information pertaining to and soliciting business for the port of Vancouver.
7. Yes.
8. Calgary—Canada Life Assurance Company, Calgary.
9. $30 per month.

YUKON TERRITORY—TELEGRAPH RATES

Mr. BLACK (Yukon):

1. What is the charge to the public for sending a ten word message over the government telegraph lines and wireless system between the following points:
(a) Whitehorse, Y.T., to Dawson, Y.T.;
(b) Whitehorse, Y.T., to Mayo, Y.T.;
(c) Whitehorse, Y.T., to Edmonton, via Dawson and Mayo;
(d) Whitehorse, Y.T., to Vancouver, via Dawson, Mayo and Edmonton?
2. What is the distance between the following points over the government telegraph lines and wireless:
(a) Whitehorse, Y.T., to Dawson, Y.T.;
(b) Whitehorse, Y.T., to Mayo, Y.T., via Dawson;
(c) Whitehorse, Y.T., to Edmonton, via Dawson and Mayo;
(d) Whitehorse, Y.T., to Vancouver, via Dawson, Mayo and Edmonton?

Hon. Mr. LAPOINTE:

1.

| | |
|---|---|
| (a) Land line, Whitehorse, Y.T. to Dawson (government telegraph service) .. .. .. .. .. .. .. .. | $2 50 |
| (b) Land line, Whitehorse, Y.T. to Dawson (government telegraph service) .. .. .. .. .. .. .. .. | 2 50 |
| Wireless—Dawson to Mayo .. | 1 50 |
| Total .. .. .. .. .. .. | $4 00 |
| (c) Land line—Whitehorse, Y.T. to Dawson (government telegraph service) .. .. .. .. .. .. .. .. | $2 50 |
| Wireless—Dawson to Edmonton—via Mayo.. .. .. .. .. .. | 2 50 |
| Total .. .. .. .. .. .. | $5 00 |
| (d) Land line—Whitehorse, Y.T. to Dawson (government telegraph service) .. .. .. .. .. .. .. .. | $2 50 |
| Wireless—Dawson to Edmonton—via Mayo .. .. .. .. .. .. | 2 50 |
| Canadian National telegraph service—Edmonton to Vancouver, B.C. .. .. .. .. .. .. | 75 |
| Total .. .. .. .. .. .. | $5 75 |

2. (a) 460 miles.
(b) Whitehorse, Y.T. to Dawson, Y.T., (government telegraph service). Dawson Y.T., to Mayo, Y.T., Airline 115 miles (approximately).
(c) Whitehorse, Y.T., to Dawson, Y.T. (government telegraph service). Dawson, Y.T., to Edmonton, Alta.—Airline 1,100 miles (approximately).
(d) Canadian National telegraph service (No information as to distance beyond Dawson).

PORT OF AMHERSTBURG

Mr. GOTT:

1. How much money was spent by the Canadian government in channel construction at the port of Amherstburg, Ontario, during the years 1922, 1923, 1924 and 1925?
2. Under whose supervision was the work carried on?
3. When was the work completed?
4. What dredges or tugs were used in connection with the work?
5. Were any reports made that the work was not properly completed?
6. If so, by whom?

Hon. Mr. KING (Kootenay):

1 to 6. The dredging of a channel in front of Amherstburg, Ontario, was done by the United States government and no contribution thereto was made by the Canadian government.

POSTMASTER E. L. PARK

Mr. GOTT:

1. Are men holding government positions permitted to take part in political contests in any department under the present administration?
2. Were there any complaints regarding postmasters taking part in the federal election of 1925, in any town in South Essex?
3. Were there any reports made to the department either before or after the last general elections to the effect that Postmaster E. L. Park, of Essex, Ontario, took part in the election of October 29th last?
4. If so, what complaints were lodged, and by whom?
5. What action has been taken by the department?
6. What action would be taken by the department if it could be thoroughly established that a postmaster who as the servant of the people, took part in discussions, debates, or frequented assembly places designed as political quarters?

Hon. Mr. LAPOINTE:

1. Civil servants engaged in partisanship work are liable to dismissal. (See Section 32, Civil Service Act, 1918).
2. No.
3. No.
4. Answered by 2 and 3.
5. None.
6. See answer to No. 1.

[Mr. Lapointe.]

HON. DUNCAN MARSHALL—RAILWAY PASS

Mr. GOTT:

1. Has transportation been issued by the Department of Railways to Hon. Duncan Marshall?
2. If so, what number pass has been issued to him?
3. On what line, and in what section of Canada is pass honoured?
4. On what ground is transportation issued?

Hon. Mr. DUNNING:

1, 2, 3 and 4. No free railway transportation has been issued by the Department of Railways and Canals to the Hon. Duncan Marshall.

CANADIAN NATIONAL RAILWAY—HIGHEST PAID OFFICIALS

Mr. GOTT:

1. Who are the 25 highest paid officials of the Canadian National Railways in Canada?
2. What salary is drawn by each one?
3. Have any of them an expense account? If so, which ones, and how much per year are they entitled to?
4. Who are the 10 highest paid officials of the Canadian National Railways resident outside of Canada?
5. What salary is paid to each one?
6. Is there any expense account in connection with any of their positions? If so, how much per year?

Hon. Mr. DUNNING: The management of Canadian National Railways does not consider it in the public interests to divulge information of this character.

LEAMINGTON ONION WAREHOUSE

Mr. GOTT:

1. How much has been expended up to date by the government through the erection of an onion warehouse in the town of Leamington, Ontario?
2. Under whose direction is the work being, or has been, carried on?
3. What salary or wages have been paid on construction, and to whom?
4. What rate of wages and the total drawn by each employee?
5. How does the government purpose to operate the warehouse?
6. Under whose supervision will it be placed?
7. What salary will be paid, and what jurisdiction will the caretaker be empowered with?

Hon. Mr. LAPOINTE:

1. $16,246.90.
2. The work is being supervised for the Public Works department by Mr. R. Winter, district resident architect for Ontario.
3 and 4. No information as work is being done by contract.
5, 6, and 7. The matter is at present under consideration.

R. P. CLERK

Mr. HOCKEN:

1. Is R. P. Clerk still inspector of customs, Montreal?
2. Does the said R. P. Clerk make recommendations to the Civil Service Commission for the promotion of members of the Civil Service in the Customs department at the port of Montreal?

3. Has the said R. P. Clerk recommended any one for promotion during the months of February, March, April, May, of this year?

4. Is this the same R. P. Clerk who sent liquor to members of the Civil Service Commission (since resigned), and, if so, does the government consider it proper to permit him to make further recommendations for promotion?

Hon. Mr. BOIVIN:

1. Yes.

2. No, but efficiency and fitness ratings are made by both collector and inspector.

3. Answered by No. 2.

4. The government has made no change in position occupied by Mr. Clerk pending report of special committee investigating administration of Department of Customs and Excise.

COAL TRANSPORTATION VOTE

Mr. SPENCER:

Referring to amount of $200,000 voted on July 16th, 1924, to meet expenses of coal transportation in Canada:

1. How much of this amount was spent?

2. What province or provinces benefited from the money so voted?

Hon. Mr. STEWART (Edmonton):

1. Vote No. 483, 1924-25 $(200,000).

| | |
|---|---|
| Paid Canadian Pacific Railway Company | $ 657 63 |
| Paid Canadian National Railways | 10,393 44 |
| Total expenditure | $11,051 07 |

2. All the coal to which the amounts expended applied was mined in the provinces of Nova Scotia and New Brunswick, all but a small part being furnished by Nova Scotia, and was sold in the provinces of Quebec and Ontario, the greater part going to the province of Quebec. (The subvention was paid direct to the railway companies transporting the coal as was provided for by parliament).

HALIFAX GRAIN ELEVATOR

Mr. QUINN:

1. What has been the total cost of the new grain elevator at Halifax, Nova Scotia.

2. What is the capacity of said elevator?

3. What is the amount of grain passed through said elevator via the railway since its completion to the present date?

Hon. Mr. ROBB:

1. $650,549.57 to March 31st, 1926.

2. 1,000,000 bushels storage capacity.

3.

| | Bushels |
|---|---|
| Wheat | 832,980 |
| Oats | 1,518 |
| Barley | 36,118 |
| Total | 870,616 |

MONTREAL HARBOUR COMMISSION

LOAN OF $12,000,000 FOR TERMINAL FACILITIES

Hon. P. J. A. CARDIN (Minister of Marine and Fisheries) moved that the House go into committee at the next sitting to consider the following proposed resolution:

Resolved, that it is expedient to authorize a loan to the Harbour Commissioners of Montreal in an amount not exceeding $12,000,000, to carry on the construction of terminal facilities, upon approval by the Governor in Council of detailed plans, specifications and estimates for such works and the deposit of debentures of the corporation to cover said loan.

He said: His Excellency the Governor General having been made acquainted with the subject matter of this resolution recommends it to the favourable consideration of the House.

Mr. CANTLEY: We have not heard all of what was said. Will the minister speak out so we may know what this resolution is?

Mr. SPEAKER: Order. I will read the resolution.

Mr. CANTLEY: Well, Mr. Speaker, you do not speak any too loudly.

Mr. SPEAKER: Order. I speak loud enough.

Sir HENRY DRAYTON: Explain.

Mr. LAPOINTE: This is new usage; these explanations have never been given before.

Sir HENRY DRAYTON: It may not have been done before, but I understood we were trying to shorten the work of the session, and if we know what we are expected to loan this $12,000,000 for, it will hasten things along.

Mr. LAPOINTE: I have noticed, Mr. Speaker, that when an explanation is made on notice being given we have to give the same explanation when the resolution comes up the following day. This has never been done before; it is a new practice inaugurated this year to give explanations when we give notice of resolutions.

Sir HENRY DRAYTON: I am not insisting if my hon. friend does not want to give the explanation; I cannot insist, but I am suggesting that it would save time.

Mr. CARDIN: I have no objection at all—

Mr. SPEAKER: Louder.

Mr. CARDIN: I have no objection to saying a word in regard to this resolution. This is simply a notice that to-morrow I pro-

pose to move that it is expedient that a loan be made to the harbour commission of Montreal of an amount not exceeding $12,000,000. The loan is made under the same conditions as previous loans have been made to this harbour commission; there is no change at all. The contention is that additional works are required to meet the developments of the port of Montreal, and we propose to make a loan on which they will have to pay interest, as they have paid interest on the money advanced previously.

Sir HENRY DRAYTON: I thank my hon. friend for the information, but he has not added to our knowledge of the subject at all. I merely express the hope that when he brings on his motion to-morrow we may have full particulars of what this money is to be spent for.

Mr. CARDIN: Certainly.

Motion agreed to.

## VANCOUVER HARBOUR COMMISSION

### LEASE OF ELEVATOR No. 1 TO WHEAT POOL

On the Orders of the Day:

Hon. H. H. STEVENS (Vancouver Centre): Some weeks ago I placed a question on the order paper regarding the leasing of No. 1 elevator in Vancouver. The answer I received conveyed the idea that nothing was under direct consideration. I desire to bring the matter again to the attention of the government and must do so with some considerable force because of a distinct conflict of information emanating from government sources. To make my point clear I would like to read an editorial appearing in the Morning Star of Vancouver, under date of June 4:

> According to an Ottawa despatch the conference in progress over the proposal that the wheat pool lease No. 1 elevator here have ended in a "settlement agreeable to both sides". If the terms of the settlement are those contained in the telegram there need be no doubt that they are satisfactory to the wheat pool. "The elevator", it is stated, "will continue to be operated this summer by the harbour commissioners, but it is agreed that by the end of October the commission will notify the pool whether or not the elevator will then be leased to it. If it is to be retained under the harbour commission the pool will then be free to go ahead and provide such facilities of its own as are required."
>
> This is simply so much camouflage. Beneath the smooth phraseology which implies that the disposition of the elevator is still an open question may be discerned the intention to hand it over to the wheat pool next fall. The commissioners will continue to operate during the summer—when the elevator is doing little or no business—but before the end of October the pool is either to step in or "be free to go ahead and provide such facilities of its own as are required". The pool, however, as everybody knows, is perfectly free to go ahead at once and provide its own facilities in Vancouver. Moreover, it cannot wait until October before it makes its arrangements for handling the new crop through this port. It follows that it would not delay beginning building operations a single day were it not very sure that the government would provide it with facilities by surrendering No. 1 elevator through the harbour board.
>
> There can be no reasonable doubt, if the despatch is authoritative, that when Colonel Kirkpatrick returns to Vancouver he will have a very clear idea of the decision the harbour board is to render four months hence—when protest will be futile in the face of the accomplished fact.

I wish most respectfully but urgently to request a clear, definite statement from the government on this important matter, and I also wish to direct attention to the fact that every large representative business group, the board of trade, the shipping interests, the merchants' exchange and others in Vancouver are deeply concerned and interested in this question. I am not expressing an opinion; I merely draw these facts to the attention of the government and in justice to those interests I think before a decision is finally arrived at a definite statement should be given by the government officially. If the government are not prepared to make this statement to-day I would ask that a statement be given as soon as possible, and that the agreements or correspondence be laid on the table of the House in order that we may know exactly what is in the mind of the government and what proposals are under consideration.

Hon. P. J. A. CARDIN (Minister of Marine and Fisheries): For the present I may say that a request has been made by the people to whom my hon. friend referred to the harbour commissioners to lease No. 1 elevator, and representations have also been made to the department. A meeting was held in Ottawa between representatives of the pool and the president of the harbour commission of Vancouver, and it was agreed between the parties that everything would be maintained for the present as it is now; no change is to be made. It is understood that by the end of October a decision will be reached one way or the other, and the harbour commission will give a definite answer then. This proposal has been accepted by the representatives of the pool, who have agreed to wait until the end of October for a definite answer from the harbour commission. So for the present the position is absolutely unchanged, and if any change is made a definite answer will be given in October next.

Mr. STEVENS: One further question, if I may be permitted. Is there any understanding between the government and the pool that the harbour commissioners are to give a decision granting the lease?

Mr. CARDIN: No, there is no understanding.

Mr. STEVENS: Will the harbour commissioners be at liberty to make the decision they think best at that date, namely, October 31?

Mr. CARDIN: Yes.

## REPORTED STATEMENT OF CAPTAIN SHAW

On the Orders of the Day:

Mr. G. G. COOTE (Macleod): I would like to ask the government a question based on an article appearing in the Edmonton Journal of June 2. This is a despatch from High Prairie, dated June 2, headed:

Alberta needs Liberal government to get favours, says Captain Shaw.

It quotes some other remarks made by Captain Shaw at this meeting, and says in part:

He spoke on long term credits, educational and health matters but doubted if a Liberal government at Ottawa would sponsor any legislation promoted by an Alberta government other than Liberal.

I would like to ask the government if the leader of the Liberal party in Alberta is correctly interpreting the attitude of this government, and if he has received any authority from this government or any member thereof for making such a statement.

Right Hon. W. L. MACKENZIE KING (Prime Minister): I would not like to be drawn into participation in the general election which is taking place in Alberta at the present time. I would say to my hon. friend, however, that so far as co-operation by this government is concerned I do not imagine any legislation would be prejudiced by coming from a Liberal government anywhere; but I would also say that this government is ready to co-operate with any of the provincial governments irrespective of party affiliations in measures which are for the general good of Canada.

## CIVIL SERVICE SALARIES

On the Orders of the Day:

Hon R. J. MANION (Fort William and Rainy River): I have a telegram here, which I imagine has been sent to a number of the members, in regard to civil service salaries. It is from the amalgamated civil servants at the head of the lakes, who wire:

General meeting of Amalgamated civil servants demands the immediate completion of personnel of Civil Service Commission, also a satisfactory revision of the civil service salaries before the end of the present parliamentary session, with increases made retroactive to April 1, 1924.

Perhaps the Prime Minister would care to make a statement in regard to that.

Right Hon. W. L. MACKENZIE KING (Prime Minister): The only statement I would have to make in regard to that particular telegram if it reads as I think I heard it, that certain persons demand that certain things be done, is that the government is not inclined to respond to requests preferred in that way.

Mr. MANION: That is a matter between the Prime Minister and the amalgamated civil servants. I was simply asked to bring the telegram to the attention of the government.

Mr. A. U. G. BURY (East Edmonton): I would like to call the attention of the right hon. the Prime Minister to a telegram received by me from the civil servants in the city of Edmonton, expressing dissatisfaction that the salary revision of the civil servants has not been effected, and asking whether anything will be done this session, and that the increases be made retroactive. I would like to know if the Prime Minister can make any statement in that regard.

Mr. MACKENZIE KING: All I can say is that this matter is receiving consideration. The government has had numerous representations from civil servants as to the position of their salaries, and we are as anxious as any hon. member to have the matter adjusted as speedily as possible, but the government does not wish to have a large bill for increased salaries run up without the matter being carefully inquired into, and we will have to use due caution in that regard.

Mr. BURY: May I ask the Prime Minister if it is the intention to hold the matter up until the personnel of the Civil Service Commission has been completed?

Mr. MACKENZIE KING: Not necessarily.

## CANADIAN NATIONAL RAILWAYS

### TORONTO OFFICE BUILDING

On the Orders of the Day:

Hon. R. J. MANION (Fort William): Some time ago I put a question on the order paper dealing with the erection of a building at the corner of King and Yonge streets, Toronto, and asked if any new arrangement had been come to in regard to that proposed structure. I received the answer no. I do not doubt the word of the government, but even before then I had received word, rather authoritatively, that an arrangement had been entered into. I should like to ask now—it is some weeks

since I put the question before—if the government has any further statement to make dealing with the erection of a building at the corner of King and Yonge streets, Toronto.

Hon. CHARLES A. DUNNING (Minister of Railways and Canals): The statement made previously is still true in every particular.

Mr. MANION: No arrangement has been come to?

Mr. DUNNING: No.

## INQUIRY FOR RETURN

### DEBT AND TAXATION

On the Orders of the Day:

Mr. W. E. TUMMON (South Hastings): I should like to ask the government, more particularly perhaps the Minister of Finance (Mr. Robb) when I may expect replies to questions put on the order paper on February 4, and appearing on the order paper, previous to March 15 last, as question number 108, and passed on March 15 as an order of the House for a return. I have made repeated inquiries about the matter, but am told the information has not yet been brought down.

Mr. LAPOINTE: Would my hon. friend state what was the subject matter of that order?

Mr. TUMMON: The question had reference to the total net debt of the Dominion, the amount of the debt said to be attributable to the war, the total amount collected through the income tax, sales tax, and so forth.

Hon. J. A. ROBB (Minister of Finance): My recollection is that the return was tabled some days ago, but I will have the matter looked into.

## STRAWBERRY IMPORTATIONS

On the Orders of the Day:

Hon. S. F. TOLMIE (Victoria): I would like to ask the Minister of Customs (Mr. Boivin) if the government has taken any action or proposes to take any action in connection with the report presented to the House yesterday by the hon. member for Nanaimo (Mr. Dickie) relating to the flooding of the Canadian market by American strawberries.

Hon. GEORGE H. BOIVIN (Minister of Customs and Excise): I am very sorry that owing to an engagement with an official from a friendly country I was unable to be in my seat in the House yesterday at two o'clock.

[Mr. Manion.]

I am glad to say that the government has taken action. A representative of the Department of Customs has been sent to the country of production to ascertain on the ground the home market value of the fruit in question, and in the meantime instructions have been given to all of our collectors in western Canada to accept entry only subject to amendment and correction.

## KINGSVILLE HARBOUR MASTER

On the Orders of the Day:

Mr. E. J. GOTT (South Essex): In Hansard of May 26, at page 3729, the following question appears:

> Has Mr. J. A. Donaldson of the town of Kingsville, Ontario, who acted as returning officer for the south riding of Essex in the federal elections of 1925, been appointed to the position of harbour master at the port of Kingsville, Ontario?

Several other questions followed. The answer to the first question was no, and the other answers were just as empty.

On June 7, the following appeared in Hansard:

> 1. Who was the harbour master at the port of Kingsville, Ontario, in 1925?
> 2. Who occupies the position of harbour master at port of Kingsville, Ontario, now?

and several other questions. To that the answer was:

> 1. There was no harbour master at the port of Kingsville, Ontario in 1925.

And the other answers were just as empty.

I would ask the government, or the Minister of Marine and Fisheries (Mr. Cardin) if this is an evasion, or if the questions are unanswered simply because of a technicality, because the word "harbour master" was used in place of "wharfinger."

Hon. P. J. A. CARDIN (Minister of Marine and Fisheries): The answer which has been given to my hon. friend was given according to the information handed to me by the officers of the department. I am bound to say that I think the information given is absolutely correct. I can understand that certain questions might not have been answered specifically, but by a reference to the answer to a previous question, such as "Answered by No. 1." Of course, if no harbour master has been appointed, it is unnecessary to give any particulars about him. At all events, I shall make inquiries, and if there is any technicality in regard to which my hon. friend thinks he is entitled to complain, I shall see that he is given the information.

## SUPPLY

### HUDSON BAY RAILWAY

The House in committee of Supply, Mr. Duff in the chair.

Railways and Canals—Hudson Bay railway—construction and betterments, $3,000,000.

Mr. CAHAN: I realize, Mr. Chairman, that a member representing one of the Montreal constituencies, when he rises to discuss before this committee the question of the completion of the Hudson Bay railway, cannot expect a very sympathetic hearing from a certain section of the House representing those western constituencies which undoubtedly regard the completion of this railway as a matter of supreme importance to them and to the grain trade of the constituencies which they represent. I wish to state, however, at the outset, that I am personally not conscious of any prejudice against those who represent the constituencies of the middle west, and I came to this House actuated with a sincere desire to ascertain the views of those gentlemen upon all the important public questions of the day, and with the desire to assist, so far as I could, in what I believed to be the national interest in carrying their views to a successful application and issue. One who represents an eastern constituency, however frequently he may pass through from the eastern ports to the western ports of the continent, staying over a few days here and there in the cities and towns of the middle west, coming in contact only with acquaintances who reside in those towns, with an occasional automobile ride into the country to see the progress of the wheat crop for the time, does not, I am sure, become completely acquainted with the views of the more rural sections of those districts, and, therefore, I have found the House of Commons something of a training school in the five months or more which I have passed here. Contact with the very able and intelligent representation of the middle west in this House has certainly modified my own views to a considerable extent, and therefore I trust the gentlemen who compose it will give me a patient hearing for the short time in which I consider the question before the committee.

The city of Montreal has no jealousy whatever with respect to development of other ports as grain ports of this Dominion. When it was ascertained, after the completion of the Panama canal, that the grain trade could successfully be assisted and its interests promoted by the shipment of grain from Alberta to Vancouver, and then by sea through the Panama canal to the ports of Europe, I believe the leading commercial men of the city of Montreal were as gratified by the fact that that venture was proving successful as if it had meant an increase of the grain trade through the port of Montreal itself. And with respect to the possibility of developing a grain trade through Port Nelson or Fort Churchill through Hudson bay and Hudson strait to Europe, I feel assured that if the interests of the middle west could be promoted by the development of this proposed route, the amount of trade to be done through either port would not to any appreciable extent affect the interests of the port of Montreal, and that the successful carrying out of that project would be received with almost unanimous approval in that city. The fact is, however, that with regard to the development of the route in question the people of the east wish to know, wish to be informed in some reliable and satisfactory way, that it is a commercial project that can be carried on upon ordinary business lines, and that the results in giving a lower grain freight from the middle west to Europe will be such as to justify not only the expenditures made in the past but the expenditures which must be contemplated in view of the completion of the railway—the provision of terminals, the provision of ships and the possibility of those ships operating for such a time and under such conditions as to lower the grain freight rates from the middle west to Liverpool below existing rates over the present routes.

In that connection there is a feeling that we should not, at the present time, enter upon projects involving large capital expenditures and increases of the obligations of the country unless and until Canada as a whole is quite fully persuaded that the projects contemplated are not only feasible but likely to prove profitable. I do not wish to enter upon any side issue but the fact remains, and every elector of the eastern provinces is conscious of it, that the railway obligations of the Canadian National Railways have increased from approximately $103,000,000 to $2,120,000,000 since 1911. That is an increase in the long term obligations of the people with respect to railways of nearly $2,000,000,000. We know, of course, as stated by the hon. member for Hants-Kings (Mr. Foster) last evening, that the net national debt of this country represents $2,442,000,000, and that in addition to that there are outstanding securities of the National Railways which are now the obligation of the Canadian people, to the amount of $931,000,000 odd additional, increasing the net national debt—if we include the National Railway obligations, which are owing to the public, in the general debt

of the country—to $3,373,000,000. Therefore, the conditions under which we are met today to consider the question of the completion of the Hudson Bay railway and terminals are very different from those with which this House was face to face in the year 1911 when the contract for the construction of the first section of this line was made. In 1911 we had a very considerable industrial and commercial activity in this country. We had had the national policy of safeguarding the interests of the country ratified time and again by the action of the Liberal party under the leadership of Sir Wilfrid Laurier and the Hon. W. S. Fielding. There was stability in tariff affairs and there was reliability with respect to the action of the government which had given confidence to those engaged in the industrial development of Canada from one end to the other. We were sanguine, and possibly too sanguine. On the eve of the election of 1911—if I remember the facts and I have quite a vivid memory—there was a great issue before the people of this country. But the representatives of the Liberal party, in their natural desire to secure the sympathetic support of the people of Manitoba and Saskatchewan and even Alberta, in that day, during that election campaign, promised that the government of Sir Wilfrid Laurier, if returned, would enter upon and prosecute in a practical and successful way the construction of a railway from The Pas, to which an extension had been completed by Mackenzie and Mann from their main Canadian Northern line, to Hudson bay. That government was defeated in the election, but before resigning office in August 1911 they entered into a contract with J. D. McArthur for the construction of the first 185 miles of line from The Pas to Thicket Portage, and upon that line there has subsequently been expended, for the 185 miles of road, the sum of $2,300,000. But in that election of 1911 representatives of the Liberal Conservative party had also assured the electors of the middle west that if they were returned to power they would give sympathetic and practical support to the construction of the same line of railway, and there was, if I may say it without offence, a sort of competition between the propositions made by the leaders of the great parties in the contest. The first section of 185 miles having been partly completed in the year during which the work was carried on, in September 1912 the government of Sir Robert Borden, to show their sympathy with the aspirations of the people of the west, entered into a contract for the extension of the line from Thicket Portage to Split Lake Junction, a distance of 68 miles, on which according to the returns, $2,300,000 has been expended. Following that up, in the ensuing month, December 1912, the government of Sir Robert Borden made another contract for the final section from Split Lake Junction to Port Nelson a distance of 171 miles, on which up to the present time $3,500,000 has been expended. No rails or ties were laid over the last 92 mile section to Port Nelson. Therefore, if both parties have striven for the favour of the electors of the middle west by making promises with regard to this railway construction, if both parties have expended millions of public money in carrying out the promises which they made and if the course which they pursued was commendable, both parties should receive equal approval with respect to the results. If, on the other hand, there was a premature attempt to open up that line, if the project has not proved successful and is not likely to prove successful in the future, both parties must assume responsibility. In addition to these expenditures I mention, I find that The Pas bridge, built by the government of Sir Wilfrid Laurier, has cost $300,000. The bridges at Manitou rapids and Kettle rapids together cost $460,000; rails, fastenings, frogs and switches $2,500,000; while other miscellaneous expenditures on the railway amounted to $2,500,000; or in all, in round numbers, $15,000,000 has been expended on that railway up to the present time. In addition there has been expended on the terminals at Port Nelson $6,500,000 in round numbers. On the harbour terminals, as stated by the Minister of Railways, no work has been done since 1917, and the work upon the railway was closed at mile 332 in October 1918. In endeavouring to ascertain the reasons why this work was discontinued in 1917, I have examined the official documents so far as they are available, and I can only say to hon. members of this House who have not taken the trouble to peruse these documents, that if they will examine sessional papers No. 234 and No. 234A of 1924, which were brought down in the House in response to an order of the House, passed on April 14, 1924, they will find a body of information which is very informing indeed and which will prove useful to hon. members in coming to some practical decision upon the issue that is now before us. At page 16 of this return I find a report from Port Nelson dated December 22, 1917, by Mr. D. W. McLachlan, the engineer then resident at Port

3 p.m.

Nelson, a man, I believe, of very, very considerable ability—at least he has been eulogized somewhat by members of the present government. I am going to weary the House for one moment with a quotation.

Mr. DUNNING: What publication is the hon. member referring to?

Mr. CAHAN: It is a return made to an order of the House of April 14, 1924, I do not think many hon. members are aware of the existence of this return.

Mr. HANNESSON: Is it not the same return that was quoted in the House yesterday?

Mr. CAHAN: I cannot tell you whether it is or not, but I am going to refer to it. The report is addressed to W. A. Bowden, chief engineer Department of Railways and Canals, Ottawa, Ont, and reads:

Many a time during the past four years I have been on the verge of coming out in absolute condemnation of the undertaking on which I am engaged, but so long as I thought there was a chance of the Hudson Bay railway ever proving of value for any national purpose—

Mr. DUNNING: Perhaps it will help my hon. friend if I tell him the hon. member for East Algoma (Mr. Nicholson) placed that report on Hansard yesterday.

Mr. CAHAN: I did not find it.

Mr. DUNNING: It appears at page 4208.

Mr. CAHAN: The report proceeds:

—I thought that I had better not do so, especially as I know that you have always been one of its staunchest supporters. In the light of the ice conditions of this year, which I observed carefully on August 13, 29 and September 6, in the entrance to Port Nelson and the operation of our ships to and from Port Nelson for the past five seasons, I have come to the conclusion that the season for tramp steamships on this route is going to be so short that the cost of doing every item of work in the handling and transporting of merchandise is going to be so great that the route is not going to be able to compete with the lake route to Georgian bay and rail to Montreal.

Port Nelson was this year blocked with ice on August 29, and there was still ice around the harbour entrance on September 6, proof of which I inclose.

The Sheba altered her course twice on the 12th of September to avoid ice within one hundred and fifty miles of Port Nelson. Though this year is extremely late as regards ice, yet it is quite usual to meet ice in the vicinity of cape Tatnam until September. The extreme season will count in a commercial route. I also feel that we cannot extend the latter end of the season beyond the date on which our ships have been leaving in recent years, which means that the 15th of October will terminate commercial navigation, unless aeroplane reconnaissance of the Fox channel ice floes brings to light something now unknown.

Assuming for argument as long a season as can be hoped for, viz., two months between arrival of first ship at Port Nelson and departure of the last ship, I find that the Hudson Bay railway route could not offer a greater rate to tramp steamers to come to Port Nelson than would be required to induce them to go to Montreal, and I feel that under equal rates the tramp steamer will prefer to go to Montreal rather than to Port Nelson when sailing to or from a European port.

For your perusal I have prepared the following table, showing cost of transporting grain from Saskatoon to Liverpool via Fort William:—

With the permission of the House I shall place this table on Hansard:

| | Cents per bushel |
|---|---|
| Saskatoon to Fort William 917 miles at 4½ mills per ton mile.. .. .. .. .. .. .. .. | 12.4 |
| Transfer to Fort William— | |
| Interest on cost of elevator and dock space at 6 per cent, handling its capacity seven times in season at 45 and 35 cents per bushel first cost 80 x 6 x 1.. .. .. .. .. | 0.7 |
| 100 7 | |
| Labour and operation of elevator. Average of Port Colborne and Montreal.. .. .. .. .. .. .. .. .. .. .. | 0.3 |
| Lake boat transport Fort William to Bay Port, September rate.. .. .. .. .. .. | 1.5 |
| Transfer at Georgian Bay port, same as above.. .. .. .. .. .. .. .. .. .. .. | 1.0 |
| Rail haul to Montreal— | |
| Present C.P.R. line from Port McNicol, 375 miles at 4 mills per ton mile, or C.N.R. line to Key Harbour to Montreal proposed, 401 miles at 3½ mills per ton mile.. .. .. .. .. .. .. .. .. .. | 4.5 |
| Transfer at Montreal.. .. .. .. .. .. .. | 1.0 |
| Ocean voyage pre-war rates.. .. .. .. .. | 5.0 |
| Insurance omitted.. .. .. .. .. .. .. .. | |
| | 26.4 |

The report goes on:

As a comparison with the above I have prepared the following table showing costs of transporting grain from Saskatoon to Port Nelson. The rate via Hudson Bay railway would be as follows:—

| | Cents per bushel |
|---|---|
| Saskatoon to Port Nelson, 730 miles at 6¼ mills per ton mile.. .. .. .. .. .. .. .. | 13.8 |
| Transfer to Port Nelson— | |
| Elevator and dock space each 70 cents per bushel. | |
| Interest on cost of above space handling capacity twice 70 x 6 x 1 x 2.. .. .. .. .. | 4.2 |
| 100 2 | |
| Forward.. .. .. .. .. .. .. | 18.0 |
| Labour power and operation of elevator double lake costs.. .. .. .. .. .. .. .. | 0.6 |
| Interest on cost of ⅜ grain delayed three months, value $1 per bushel at 8 x 3 x 2. | 1.3 |
| 100 12 3 | |
| Total above.. .. .. .. .. .. .. .. | 19.9 |

Margin left for ocean voyage, extra insurance and interest on cost of works=26.4—19.9=6.5 cents per bushel.

The ocean rate from Montreal is generally a liner rate, not a tramp rate. When a tramp rate is

quoted it is usually two cents in excess of the liner rate and less than seven cents has hardly ever been quoted, so that even if the Port Nelson route could get as good insurance as Montreal the best that can be offered would only equal the Montreal rate to tramps. On account of trans-shipping difficulties it is hardly possible to conceive of liners running to Port Nelson or package freight being handled in large quantities.

In the figures given I have assumed that it will always cost twice as much to furnish the labour to handle a cargo at Port Nelson as it will cost to furnish the labour to handle a cargo in Fort William or Montreal, and I also assume that the operating cost per ton mile on the Hudson Bay railway will be 40 per cent higher than a railway between Saskatoon and Fort William, both on account of the increased price of fuel and the shortness of the season, which I consider must synchronize with navigation from Port Nelson to Europe. I can prove that I am within the mark in many ways. If a man is brought here for two months' work as much will be paid out for transportation wages and time as there is for work done, provided no higher rate is paid than in Fort William and there is in addition the cost of assembling and disbanding the organization. Though transportation on these works has amounted to 28 per cent of the pay-roll, yet there is also a large amount of overhead charges carried by other accounts in the nature of waiting for the season and other things. The construction season here has been nearly three times as long as the operating season will be and one of the embarrassments of the future construction work will be the absence of work in April and May. The very thought of bringing together an organization to operate a port for two months with no other diversion but the loading of irregular ships and then disbanding again as abruptly, is, of itself, a most difficult task and its cost will be very nearly the cost of a similar organization elsewhere if operated for their season. The stationman on the Hudson Bay railway makes $10 per day for ninety days and does nothing the rest of the year. Our men here do nothing outside from November to April, and so it will be for all time.

If you have any doubts re this matter, think of our experience with the stevedore. Time in, time out; transportation in, transportation out; and ten hours when there are no ships.

I have no longer any hesitation—

And remember that is the resident engineer on whose advice the government were depending.

I have no longer any hesitation; the Hudson Bay railway is doomed to certain failure. There may be fish in Hudson bay, but there is no fishing season. There may be minerals on the east coast, but they are as accessible from Halifax as from Port Nelson.

There is nothing for the Hudson bay north of the Huronian rock out-crops south of Split lake, so long as the St. Lawrence river route is available and as for agricultural possibilities north of the same point, there are none.

Yours very truly,

D. W. McLachlan.

In the face of that report anyone who is concerned about the increasing burden of debt and taxation which the people of this country must bear, but who nevertheless is anxious to see every consideration given to the furtherance of the interests of the various sections of Canada including the middle west, in order to give them the cheapest possible rates from their producing centres to the markets of Europe, must hesitate, if he is a man accustomed to dealing with facts and figures, before voting large expenditures upon the completion of the Hudson Bay railway, with the main purpose in view of providing cheaper grain rates from the middle west through Hudson bay and the the straits to Liverpool and other European ports. I will pass over the other reports dealing with the difficulties of constructing terminals; of overcoming the ice obstacle; of the fact that ships can come only in special weather within 20 or 22 miles of the proposed wharves and docks at Hudson bay; of the fact that there is ice filling up a large part of the estuary and preventing ships having access to the harbour works from November 15 until the following April and May.

But in passing I should like to refer to a further report. We all know that in 1920 the Senate formed a special committee to report, not on the feasibility of constructing and operating the railway, not on the cost or future value of the terminal works at Port Nelson, but to confine itself solely to the navigability of the straits and the bay during the various seasons of the year. That committee met. With regard to the evidence placed before that committee, and as to the report the committee made, I do not think any practical man who has had very much experience in the construction of large engineering works, would, on that evidence and on that report, authorize on behalf of any company an expenditure of $500,000 at the least. I happen to have had, during some seven or eight years of my life, experience as the local executive head of a company that carried out one of the great undertakings of the world, employing for seven or eight years some 15,000 to 20,000 men, and having at least 300 competent engineers from every part of the world to consult with, in making a railway through mountains which, if not inaccessible, were accessible with great difficulty, in building the largest dam in the world until it was surpassed by the Gatun dam of the Panama canal, and in building an enormous reservoir which wiped

out two or three considerable towns, and which developed a waterfall eight times the height of Niagara. Connected with that enterprise, which cost many millions of dollars and has proved one of the most successful of its kind in the world, one attains certain habits of mind in dealing with such a project, having always in view, as you must have, the necessity of keeping down expenditures so that the works may be created at a cost which will ensure the possibility of the project becoming a commercial success. With that habit of mind, acquired during those years and other years, I read the report of the Senate with the utmost dissatisfaction, and it gave me no confidence whatever in the feasibility and practicability of the navigation of the Hudson straits for more than two or two and a half months during each year, nor in the feasibility and practicability of the railway itself and the terminal works which were partly completed there and which are still contemplated.

Mr. MURPHY: Would the hon. member permit a question?

Mr. CAHAN: I would prefer it being put later on if the hon. member has no objection. At the moment my mind is on a particular subject. Mr. McLachlan, in his evidence before the committee gave an account of himself which I should like to put on record. He said:

I am engineer in charge of the work at Port Nelson on Hudson bay. I have been in charge from August 6, 1913. Nelson at that time had been selected as the terminal. The minister went up in 1912, the year before I went up, that was the confirmation of the former selection. I left Halifax on July 4, Sydney on July 8, and arrived at Nelson on August 6. We were stuck in the ice, we were stuck about a week in the Strait about half way through the strait, then we got away from there and I think we got over to 140 miles from Nelson on about the last day of July and we were stuck there until the 4th.

Remember, that is 140 miles from the estuary out in Hudson bay itself.

We got loose from that ice on the evening of the 4th, and we arrived at Nelson on the 5th and went in on the 6th.

So they were stuck by ice one day's steam from the estuary.

It was heavy ice, enough to stop one of those Newfoundland sealers. I was in the Bonaventure, which is just as good an ice-breaker as there is, she was a Newfoundland sealer. There was practically nothing done at the terminal when I got there. I ran it a year and four months the first time, but I have gone back each spring about April 1. I came out sometimes about December 1; sometimes I did not come out until the middle of February. I always go and come overland by way of Le Pas. I have made only the one trip by water.

In dealing with his own experience as to the navigability of the bay and the estuary of the Nelson river, he says:

Regarding the navigation season from the Atlantic to Port Nelson, my opinion is that in the early part of the season the ice conditions immediately off Nelson will govern—

So that it is not entirely a question as to the navigability of the straits, but the ice conditions immediately off the Nelson estuary govern for a certain time of the year.

—and that at the end of the season the ice conditions at the head of Mansell island will govern. The latest ice at the mouth of the Nelson estuary occurred in the season of 1917. On August 13 of that year the ice appeared to stretch in a continuous belt from the Nelson shoals towards cape Tatnam, and I consider a tramp steamer could not pass through. On August 29 in the same year I found the ice stretching in a great belt just off the outer bar.

That is, the outer bar of the Nelson river.

Beyond this seaward the surface area of the water seemed to be densely packed, though a tramp steamer might be able to worm her way through at considerable danger to herself. Anything in the nature of buoys in the outer bar and for many miles inside it would have been carried away had they been placed. During the next few succeeding days ice was seen floating about in the estuary at within eight miles of the island.

That is the island they were building in the estuary in connection with the particular terminal.

The experiences of this particular season are extreme. In the year 1915 a Newfoundland sealer arrived at Port Nelson on August 1, and the tramp steamer Sheba arrived in 1916 on August 8. They both met considerable ice. I do not think that any ship arriving at Port Nelson earlier than August 20 has done so, since I have been there, without encountering ice at some point or other on its voyage.

Proceeding further, he says:

The latest departure from Port Nelson was on October 22, 1915, when the tramp steamer Sheba and two sealers, Belleventure and Adventure, left. The only ice they encountered was a belt about twelve miles wide near the head of Mansell island. The earliest difficulty with the ice during my stay at Port Nelson was when the tramp steamer Sinbad, which left Nelson on September 30, 1913, encountered ice in the vicinity of Mansell island, got frightened and came back to Nelson, but made a second attempt, leaving Nelson on October 13, and made the journey successfully. During that same season the tramp steamer Alette, which left Port Nelson on October 7, encountered ice near Mansell island and received a hole in her bow and returned to Nelson, wrecking herself on the 16th.

And so on. I do not regard evidence of that character as conclusive either with respect to the navigability of the straits and bay or

even of the estuary of the Nelson river for more than two months or at most two and a half months each year. But when this government came into office it was met with the fact that nothing had been done in the construction of that railway and nothing had been done to keep it in operating condition since 1917 or 1918, and the government undertook an investigation asking for further reports on the condition of the railway at that time. I find a report made to the government by Mr. McLachlan under date of February 7, 1923, which appears at page 35 of sessional paper No. 234A for 1924. The information which the government obtained at that time as a basis for future action reads in part as follows:

The Hudson Bay railway and the Port Nelson harbour works stand in the following positions:

(1) Eighty pound steel rails are laid from The Pas to mile 333, which is the second crossing of the Nelson river.

(2) The remainder from mile 333 to Port Nelson, mile 424, is graded but practically no bridges are built.

(3) A steam-hauled train is operated from The Pas to mile 214 twice a month. On this section the ties are now nine to ten years old, and they cannot hold up a steam locomotive any longer. Heavy expenditures on tie renewals are necessary.

(4) The timber trestles all along the Hudson Bay railway to mile 333 have heaved badly, and the telegraph line is also in very bad shape.

(5) Large quantities of train-hauled ballast would be required to put the 333 miles on which track is laid in shape to support heavy freight business, as the foundation grading is composed of vegetable material which shrinks when loaded.

(6) In the 91 miles between the second crossing of the Nelson river, mile 333, and Port Nelson, there are two rivers to cross, viz., the Limestone and the Airhole. The bridge required in the latter case is quite expensive, and will require a viaduct one hundred feet high and nearly one thousand feet long.

(7) Though the 91 miles between mile 333 and Port Nelson is said to be graded, there is only a mound of vegetable material in place and 80 per cent of the work of making a satisfactory road-bed is yet to be performed in this section.

(8) At Port Nelson an excellent base for operations has been established, and the work done on the artificial island, and on the bridge which connects it with the north shore has stood the test of storms, ice action and tides splendidly.

(9) It could reasonably be said that the harbour works at Port Nelson are advanced to the point where work could soon be begun on sinking the cribs for the deep water dock face, which is designed to lie along a sloping hardpan surface about 800 feet north of the present estuary channel, and three-quarters of a mile south of the north shore of the estuary.

(10) Very little of the 5,500,000 cubic yards of dredging which is required has been done. Up to the time when the work was shut down in 1917, all the plant was used in dredging crib sites, and obtaining gravel and stone from the river bed for the filling of the cribwork, as it was sunk in place.

(11) Careful surveys of the channels leading from the proposed docks to deep water in Hudson bay were made in 1918. These show that it will be feasible to provide for the accommodation of ships up to 26 feet draft, but no anchorage for such ships can be provided except at huge expense within 22 miles of the proposed docks.

(12) The nature of the estuary and the foundation conditions in it did not permit anything in the nature of a shelter from storms to be provided in the design of the harbour works. It is hoped, however, that the 13 miles of shoal water between the docks and the relatively deep water of the bay will so break up the waves that ships will not suffer damage when lying against the wharves.

(13) The strong tidal currents and the low distant shores will always prevent ships entering and leaving Port Nelson except during clear weather.

(14) The chief difficulty and expense with the dredging at Port Nelson is the disposal of the material in a situation where it will not be subsequently dislodged or carried into the channel which it is proposed to use for navigation.

(15) The navigation season for tramp ships entering and leaving Port Nelson will not be longer than from August 20 to October 20, and even in that period will not be entirely free from ice. In 1917. the estuary was blocked with ice on August 29, and in 1913, the Fox channel ice in Hudson straits blocked the tramp ship Allette and prevented her passing through on about the 10th of October.

D. W. McLACHLAN.

In view of that report and others accompanying it I find a clear inference that the government decided, so far as it came to a decision, not to proceed with the completion of that line, and apparently, at one time, almost decided to remove the rails from a part of that line and prepare for its operation as a light railway with light oil-burning locomotives. As I read these reports I can find no evidence whatever that there is any prospective agricultural development north of The Pas which should induce the building of a road for the purpose of opening up that district. I have some acquaintance with the great Peace river district of British Columbia, and, if this road were to be built for agricultural purposes, I would vote to spend ten dollars to open up that Peace river district for every dollar I would spend to open up the district north of The Pas as an agricultural district.

Mr. DUNNING: Does my hon. friend know the country north of The Pas from personal knowledge, as he says he knows the Peace river country?

Mr. CAHAN: I have never been there, but I am reading between the lines of these reports.

Mr. DUNNING: Between the lines!

Mr. CAHAN: Between the lines as well as the lines themselves. I ask the hon. gentleman, who should know, if there is any agricultural district north of The Pas which

would pay for the expense of constructing and operating a colonization road to open it up.

Mr. MULLINS: Yes.

Mr. DUNNING: Some of my hon. friends are answering the question. It is not proposed to build this line solely for the purpose of developing the agricultural possibilities, but there are agricultural possibilities northeast of The Pas along the line of the Hudson Bay railway.

Mr. CAHAN: I am not denying that, but I am saying that they are very limited in area, and I am saying further, from the best information I can obtain, that no one would ever suggest the construction of this line as a colonization road for the opening up of agricultural districts, such as they are, and limited as they are, north of The Pas.

Mr. DUNNING: Not for that alone.

Mr. CAHAN: Not for that alone; that is what I intended to say. Now I have evidence in these reports, and I have had the evidence of those who have been over that line, of one in particular—I am not going to give his name, because it was a confidential inquiry and a confidential answer—that from mile 214, at The Pas, north the entire distance to Port Nelson the line runs through what is largely muskeg.

Mr. BIRD: It is not so.

Mr. CAHAN: A considerable part of this road from mile 214 north is covered with 4 feet of moss on the average.

Mr. DUNNING: My hon. friend is not now quoting any official report.

Mr. CAHAN: I am quoting from the information given me by an engineer who went over that road personally.

Mr. DUNNING: But not from any official report.

Mr. CAHAN: I will prove it pretty largely from Mr. McLachlan before I am through, if necessary.

Mr. DUNNING: Mr. McLachlan never had anything to do with the railway.

Mr. CAHAN: He reported to a considerable extent, and the minister has brought down his estimates, as an engineer, as to the cost of terminals and all that sort of thing.

Mr. DUNNING: My hon. friend is misquoting me there. I produced at no time figures from Mr. McLachlan relating to the railway.

Mr. CAHAN: I am not saying you did. Therefore, do not accuse me of misquoting you.

Mr. DUNNING: I hope my hon. friend will read Hansard to-morrow morning on this point.

Mr. CAHAN: I will, and if I have made a slip, why I certainly take it back. But I am saying this, that your estimates with regard to the terminal and port are within a few thousand dollars of the estimates which were made by Mr. McLachlan several years ago, and which I find in this report. Therefore, I infer that those estimates which were given to the House yesterday with respect to the port terminals are in fact Mr. McLachlan's estimates, and being so, any man who is a competent engineer for the harbour works of the nature and extent contemplated at Port Nelson is quite competent to give evidence with regard to the construction of a railway line over the muskeg which extends for a very considerable distance at least from Port Nelson south.

Mr. CAMPBELL: May I ask if engineer McLachlan reports muskeg on the line of the Hudson Bay railway?

Mr. CAHAN: I will deal with that in a moment. I am saying now that in certain parts on which the line is laid over muskeg, I am told that the subsoil to that muskeg is continuously frozen until the muskeg and moss is removed, and that the embankment then built over that for a considerable section of the 92 miles to Port Nelson has by its own weight sunk down until you cannot see the line because it is engulfed by the mud which the sun has opened up beneath.

Mr. HANNESSON: May not the moss have gathered owing to the delay in construction?

Mr. CAHAN: I have no doubt that the moss has gathered during the one thousand years or perhaps one million years in which we were awaiting railway development there. It undoubtedly did gather there in that time.

Mr. DUNNING: Perhaps my hon. friend would permit a question.

Mr. CAHAN: No, if you will allow me—

Mr. DUNNING: Just in fairness to Mr. McLachlan. My hon. friend does not intend to convey the impression that Mr. McLachlan is the engineering authority responsible for the statements just made by my hon. friend with regard to muskeg along the railway.

Mr. CAHAN: My hon. friend, I have noticed since he came into this House, has the habit, which he no doubt acquired when he was dealing with another body, of asking questions the implication of which is very unpleasant and unfortunate, and which is not in accordance with the fact on which his questions are based. There is no desire whatever on my part to mislead him, and I am not endeavouring to mislead the House either. The House knows and clearly understands, if it has not permeated the dull intellect of the hon. gentleman, that I was not attributing that statement to Mr. McLachlan. But I have Mr. McLachlan's own statement and his sworn evidence before the Senate committee of 1920 where he said:

I have thought a great deal about the difficulties of building a railway across barren land, and the only way that I can see would be by the construction of a continuous pile threstle or a continuous timber platform. The Hudson Bay railway through out almost its entire length is not built of solid material, such as clear sand and gravel, but is constructed out of the vegetable material of the country. This creates an embankment which is compressible and has a tremendous shrinkage, and would require a large amount of ballast continuously applied for a great many years.

That is Mr. McLachlan's evidence upon it, and I think it quite fully supports the private report which I obtained in making personal inquiries of gentlemen who have been over that line.

Mr. McLachlan, in another report which I have at hand, has dealt with the comparative costs of shipping grain from the middle west to Europe via Port Nelson and other routes. At page 39 of this report, No. 234A, he deals with the cost of building at Port Nelson elevators, and compares the cost with the cost of building similar elevators at the city of Montreal or at Fort William. He says:

The cost of constructing the elevators at Port Nelson may be taken as 50 per cent advance on Montreal and lake port costs.

The annual operating cost for labour, material and repairs at the Port Nelson elevators can be taken at 90 per cent of that at Montreal or at the lake ports.

The operating cost per ton mile, north of The Pas on the Hudson Bay railway, may be taken at 80 per-cent advance on the rates used in other parts of Canada.

The general rail rates should be taken at sufficient to pay interest on equipment and out of pocket costs, which is probably about 60 cents per 100-ton mile, except on the Hudson Bay railway.

The grain facilities at Port Nelson and other ports may be taken for estimate purposes, at 2 elevators of 3,500,000 bushels capacity each with 4,000 lineal feet of deep water berthing space in front of them.

The stay in port of each ship may be taken at five days in ocean ports and four days in lake ports.

[Mr. Dunning.]

The cost of docks and dredging in Port Nelson may be taken at double that in Montreal and four times that at the head and foot of the lakes, where pile construction can be used.

And then he gives a tabulated statement—dealing solely with the cost of elevators and their operation—showing that the cost of transfer per bushel at Port Nelson would be 8.9 cents, at Montreal 1.27 cents, and at the head and foot of the Great Lakes 1.13 cents, showing a very considerable difference in the expense of operating the proposed elevators at Port Nelson.

Then at page 40 he gives a table showing the transport costs from Humboldt—which he selects as a typical point—to Liverpool via various routes. I will not give the entire statement, I will simply state the results of his findings. He finds that via the Hudson Bay railway and Port Nelson the minimum cost per long ton of grain freight will be $12.63. He finds that the present rate, via the lakes and rail to Montreal, is $12.17; and he finds that via the St. Lawrence, upon the completion of the Welland canal, the rate will show a reduction to $10.96. In the face of that report I ask hon. gentlemen to believe at least that the practical business men of Montreal are not jealous of, and are not opposed to the opening of, a rival port so-called when the cost of operating from a point like Humboldt in the middle west to Liverpool will be at least $1.67 per long ton more via Port Nelson than via Montreal.

I do not wish to take up more of the time of the House but the position as I see it is this. I have spent a very considerable time in reading the official reports included in the records of the House, which reports, some printed and some not, are available to members and which are at the disposal of any hon. member who will call at room 108 where he will find every courtesy extended to him if he wishes to explore these papers. I find it difficult to conceive how any experienced practical business man can assume that even if the line is completed, even if the terminal works are carried out on the scale suggested by the Minister of Railways—but which he has not pledged himself to carry out, as I understand it—you can carry grain from the middle west via—

(Mr. Speakman, member for Red Deer, having entered the House after an absence of several weeks owing to illness.)

Mr. CAHAN: If I may be allowed, I wish on behalf of hon. members on this side, and I am sure also on behalf of hon. members

in other quarters of the chamber, to say how deeply gratified we are to find that the hon. gentleman who has just taken his seat is able to return and associate with us once more.

Some hon. MEMBERS: Hear, hear.

Mr. CAHAN: But to proceed—

Mr. MILLAR: May I ask the hon. member a question at this moment?

Mr. CAHAN: I do not know enough about the subject to answer questions with any greater degree of accuracy than I am doing.

Mr. MILLAR: Can the hon. member give me, from Mr. McLachlan's report or from any other source, any good reason why the cost of handling grain over this railroad and at the elevators should be doubled, trebled, and in some cases quadrupled, as compared with any other route?

Mr. CAHAN: All I can say is that I ask the hon. gentleman to give the same earnest attention to these reports that I have given myself, and I am accepting them as the best information available to me. The information set forth in detail there—in greater detail than is possible for me to quote—appeared to me at least to throw the gravest possible doubt upon the practicability of sending grain from the middle west via Port Nelson to European ports at less cost than it can be sent now via the Montreal route.

Mr. MILLAR: You just have to swallow the bald statement.

Mr. CAHAN: No, I do not swallow the bald statement. I am studying the engineers' reports with such intelligence as I possess and with such experience as I have had. I am giving a certain credence to them and I have learned nothing anywhere that disputes the information therein contained. That is as far as I am going.

Even if you carry the grain to Port Nelson there is then the difficulty of finding ships. The other night when, on another motion, I was carrying on a discussion with the Minister of Railways and urging him to use his influence with the officials of the Canadian National Railways to transport grain over that system to the ports of Halifax and St. John, I pointed out to him that, after the close of water navigation on the St. Lawrence, the grain rates from Fort William and from lake ports to Halifax and St. John were exactly the same as those to Portland, and exactly the same as those to New York, Baltimore and Norfolk, Virginia, and I argued with some vigour that, in view of the fact that the grain rates were the same, a certain part of the grain transportation of the Dominion during winter months should be given to the ports of Halifax and St. John. We all know that Halifax is open every hour of the year. We know that exactly the same can be said of the port of St. John. We all know there are lines of steamers each week from St. John to Liverpool, and that there are lines of steamers connecting with European ports which regularly call at Halifax. We know as well that these are ports which are open to secure tramp steamers on very favourable terms. We also know that the rate of insurance, even in winter, is not high from St. John or Halifax. And yet hon. gentlemen opposite—and if I am not mistaken, the hon. Minister of Railways, but I would not like to misquote him—suggested that the reason why grain could not readily be sent via St. John and Halifax was the alleged fact that ships were not available there for carrying grain.

Mr. DUNNING: No, I did not say that.

Mr. CAHAN: Well I was certainly confronted with that statement by some hon. member opposite. I had suggested that we could provide the ships at St. John and Halifax in such numbers and of such capacity that there was no reason why St. John and Halifax should not participate in that grain trade transportation. Think of those ports open the year round, with certain liners coming week by week, with tramp steamers calling there almost week by week throughout the year; and yet it is claimed that they do not come in sufficient numbers to facilitate the export of grain. Compare that with Port Nelson, open for the grain train two and a half months in the year at the most, closed in the estuaries till late in the season, so that if ships could even enter the straits and find their way through the fields of ice which are sometimes found in the Hudson Bay, they would be waiting for days for openings in the ice to get into Port Nelson and to the wharf. How are you going to procure the availability at Port Nelson of ten ships which are necessary even to begin the transportation of wheat from that port? How are you going to obtain ships of a construction, a class and a quality capable of performing that service, in view of the fact that they have to encounter the field ice at the most critical time during every month of the summer. Those

ships are not in existence to-day and must be specially constructed, and I may say that that will not faze hon. members opposite, because they always want ships, and in their specifications always arrange to provide ships which must be specially constructed, and of a class not to be found in active business in any part of the world, as for instance in the Jamaica and West India service.

But what will be the cost of constructing these ships of 5,000 to 7,000 tons for the grain trade, and of sufficient strength to meet the ice fields that will be encountered? Have we any estimates of the cost? The estimates are an important part of the proposition. If we are to deal with the feasibility of the route, the capital expenditure necessary for the completion of these ships is a relevant and salient fact which should be placed before the House. Are you going to construct these ships as a part of the Canadian Government Merchant Marine service, or are you going to subsidize them, and if you have to subsidize them, have you obtained any estimate of the cost, by way of subsidy, of securing the services of these ships during those two months and a half? That is information which the minister can obtain any time within thirty or sixty days from the shipbuilders in England, or if he wishes, from shipbuilders in Germany, who I believe furnish ships now-a-days at a little less cost. What is the capital cost? Are we going to enter upon the work of completing the Hudson Bay railway, the Hudson bay ports, and the Hudson bay services overseas without the slightest idea of what it will cost to provide the ships? The information can be obtained any time in a general way within sixty days. What is to be the cost of insurance on freight and ship from Port Nelson overseas? That enters into the cost of the carriage of grain or other freight. Have you sought information from the great marine insurance companies? Certainly the insurance rate will be higher during those two months than the rate of insurance to any other Canadian port from Liverpool or any European port. That excess adds to the cost. In other words, Mr. Chairman, this House, as a body of intelligent business men, should know, and should know now before we enter upon the completion of that line to Port Nelson, what would be the cost of providing the ships, and of providing facilities in the bay, including light houses and attendants and including the radio stations and telegraph stations, and all the paraphernalia necessary to open up that strait, bay and estuary, so as to make it a feasible commercial proposition for steamers to enter there.

4 p.m.

Hon. members say the Hudson's Bay Company has been operating in the Hudson bay for some hundred or more years, but I have read something of the history of the Hudson's Bay Company, and I do not believe that until this year, or last year at the earliest, the Hudson's Bay Company ever placed a steamship in their ocean service to the Hudson bay. Their ships were sailing vessels similar to those used years ago to trade out of Newfoundland and Maritime province ports up into the Hudson bay. Time was of no consequence in their voyages. They fitted out for the north and for the Hudson bay, and it was quite immaterial to them whether they returned that year or the following year. They provided themselves with sufficient supplies to enable them to remain there the whole winter. If they were caught in the ice they stayed there, and when the spring freshets came and the water of Hudson bay or the estuary warmed up and the ice melted, they took up their hawsers and started out. That sort of navigation of the Hudson bay offers no precedent whatever for the commercial operation of ships on a business and profitable basis, for the purpose of placing the grain trade of the middle west on a more economic and profitable basis than it is at present.

Therefore I say that we require more information. No body of business men who sit on the board of any company entering upon a large construction such as that would authorize an expenditure of $500,000 or $50,000 and rely on the feasibility of the project on such information as is available to this House at present. We are told that we may open up in that district a mineral belt, and that as a colonization road it may prove profitable. A private member of this chamber has difficulty in getting information. Even if I asked some of the engineers in the employ of the Department of Railways, they do not like it to be known that they are giving information to a member of the opposition, whether he sits on the front bench or a rear bench, but sometimes one can obtain some information from the outside. I have no doubt from the reports I have that there is mineral wealth in that country. Why then should we not have from some department of the government a complete return of all information available regarding the mineral resources of the district? That would help members on this side of the House to a

material extent in the consideration of the partial appropriation which is now before us. I am told that the entire mineral wealth out there is south of mile 214. My information is that no minerals have been discovered north of that point. The mineral belt lies considerably nearer The Pas than even mile 214 to which the road is now operated twice a month and affords ample facilities for the transport of all minerals produced in that district, and I therefore suggest to the minister that this present expenditure be confined to improving the road as a branch line, or, to use what is really a synonymous term, a colonization road—not a standard main line—up to mile 214. The road is now tumbling down and is unsafe for locomotives. As a matter of fact the railwaymen are fearful when setting out from The Pas as to whether they will ever bring the locomotive back. Why should we not put into working condition the existing road which passes through the mineral belt, and have a complete report presented to the House as to what further extensions are necessary to open up every prospective mine within a considerable distance of the line? Because this line, as I view the map, runs right through the mineral belt, although the minerals are to be made available only by extensions in an eastern and western direction from the line. We could vote this three million dollars on such an understanding. Why should not the minister undertake to spend $2,000,000 in putting into proper operating order the line as far as mile 214? Why not encourage likely prospectors to come in and ascertain what can be done in opening up that mineral country? Why not submit to the House every bit of information available with regard to the possibilities of the district? The government, it seems to me, might well study the views advanced by the hon. member for Winnipeg North Centre (Mr. Woodsworth) last night in his address, many suggestions in which I must say I heartily approve of. We can have definite information on the subject whether from engineering or other experts. I am sure it is possible to collect all the facts and all the information which is to be found in a hundred and one reports, and which may be supplemented by calling upon those who have already reported upon the subject to give more definite information. All that we can, I have no doubt, easily procure and embody in concrete form so that in voting further appropriations for the Hudson Bay railway we may at least have the satisfaction of knowing that there is some practical, substantial ground for our expenditures.

Those of us who have come into this House for the first time do not feel bound in the slightest degree by the political game which was played between the two parties to secure popular support in the northwest in 1911. Nor do we feel bound by the proposition made on the one hand by the Prime Minister (Mr. Mackenzie King) to secure a large vote from Saskatchewan in the last election, any more than we consider ourselves committed, on the other hand, to any of the counter propositions, as reported in the press, made by some of the leading Conservatives to obtain the same support. We wish to exercise intelligent, conscientious judgment. If the road, by any reasonable expenditure within our means, can be made a profitable enterprise capable of serving the interests of that western district, we are anxious to do everything in our power to promote to that extent the national welfare of Canada. But we do not want to be seduced, by mere camouflage or by mere dreams, into making further appropriations of money which is so necessary for development in other parts of the country, and wasting it on a project upon which $20,000,000 has already been expended without any results up to the present day.

Mr. MULLINS: Are all the brains of the country centred in Montreal? Have we no intelligence in western Canada?

Mr. CAHAN: I quite conceive that we in the east in some matters are mere children intellectually as compared with some hon. gentlemen from the west, but we have interests to represent, and therefore we want all the information available to our dull brains so that we may satisfy our conscientious judgments in considering such a question as this. And I ask for no more than such information. If this appropriation is restricted simply to putting the existing road into shape with a view to saving what money has already been spent—spent, in my opinion, recklessly— if it is to recondition the road up to mile 214, which I understand is as far as it goes now, opening up all the timber resources now waiting to be developed, then I am prepared to stand up to-night or to-morrow or at any other time and vote in favour of it. But I do not feel disposed to vote in favour of a readjustment of the line, so as to place it in operating state, if such a vote is to be regarded as a promise and a pledge on the part of this

parliament that it will embark upon further extensions of the railway to the bay, involving additional equipment and possibly an added expenditure of $20,000,000, and providing ten specially equipped steamers to do the service of the grain trade for two or three months of the year through Hudson bay and the straits. And that is the predicament in which we find ourselves to-day. We members from the east, so far as I know, are sincerely desirous, yea, we are anxious to associate ourselves with the people of the west in the development of their country by every reasonable project. But we do not wish to be deceived into supporting a partial appropriation such as this, knowing that the fact that we vote for it will be alleged by hon. gentlemen opposite, and construed by the country, as implying on our part a promise to vote for the completion of the road through the last ninety-two miles of bog and moss to reach Port Nelson and to provide for the steamship equipment necessary to carry grain during two months of the year.

Mr. DUNNING: I shall put on record in Hansard some other documents from the reports from which my hon. friend (Mr. Cahan) has been reading, and I will treat him with more courtesy than he extended to me, although I confess I feel rather more comfortable since his admission that the dulness of intelligence is not altogether confined to myself.

Mr. CAHAN: I place myself far below the minister's limit.

Mr. DUNNING: We have listened to a very excellently prepared address embodying all the facts which could be marshalled and all the inferences which could be drawn in order to prove that this enterprise is complete and utter folly. I must congratulate my hon. friend on having done the job thoroughly as a special pleader against the route. My hon. friend based most of his remarks, in so far as they were based upon official documents, upon the 1917 report of Mr. McLachlan, and that is the report I want to refer to particularly. It must be remembered that Mr. McLachlan is a very excellent engineer who specializes in port and hydraulic work generally. To listen to my hon. friend, one would think that Mr. McLachlan was an economist, a financier, an expert in shipping, an expert in railroading —indeed an expert in anything connected with the operation of a transportation system. Mr. McLachlan himself would be the last man to claim special knowledge along those lines. It is true Mr. McLachlan made a report in 1917. He has made other reports since, but the latter are never quoted by those who desire to use Mr. McLachlan in the manner in which my hon. friend used him. The only fault I have to find with Mr. McLachlan is that in his 1917 report he went entirely outside his professional sphere in many respects. The government of the day recognized that and referred his report, in so far as it related to factors outside his special professional knowledge, to a man who might be expected to have some professional knowledge and training with respect to those factors.

If hon. members will look at the return to an order of the House of April 14, 1924, to which reference was made by the member for St. Lawrence-St. George, they will there find at the bottom of page 63 a letter from Mr. R. A. C. Henry, to whom I referred yesterday—addressed to the chief engineer of the Department of Railways and Canals. Following that on page 64 they will find Mr. Henry's detailed analysis of the factors which fell within his purview with regard to the Hudson Bay route and its possibilities. I should like to dispense with reading both those documents, but if I am not permitted to place them on Hansard I shall be very glad to read them, because as a commentary on the address of my hon. friend from St. Lawrence-St. George they are illuminating indeed. I prefer to let them speak for themselves.

An hon. MEMBER: Put them on Hansard.

Mr. DUNNING: My hon. friend is a very able lawyer, but frankly, I would not go to him if I wanted advice with respect to an aching tooth or a contagious disease.

An hon. MEMBER: You might.

Mr. DUNNING: No, not with respect to any disease.

Mr. CAHAN: I am an expert on teeth, not on contagious diseases.

Mr. DUNNING: I would not go to a railway man if I wanted advice on shipping. I would not go to the economist, Mr. Henry, if I wanted advice regarding those technical engineering matters with which Mr. McLachlan is familiar by reason of his special training. But when Mr. McLachlan, I admit in a period of some discouragement with regard

to the particular work he had in hand, makes a report entirely outside his professional sphere, my hon. friend exclaims, "This is just what I want! True, this man is not an expert along the line he is now reporting on, but his report suits me, and I ignore the report made by Mr. Henry, whose special line of work is to analyze these particular matters." The interruption which so angered my hon. friend I made only in justice to Mr. McLachlan. Following my hon. friend's remarks, he passed from Mr. McLachlan's statements to those made by some engineer, whom he did not name, and back again to Mr. McLachlan, and I only wanted to make sure in justice to Mr. McLachlan—for whom I have a high regard—that my hon. friend was not attributing to him statements made by the anonymous engineer. That was all. There was no need for my hon. friend to be angered or to impute to me discourtesy. I had no such intention. It is now clear, however, that my hon. friend did not attribute to Mr. McLachlan statements with regard to the construction and the condition of the railroad other than those which he read from Mr. McLachlan's own reports.

That is all I have to say. I know other members desire to speak on this subject. I merely want to put on Hansard the report of Mr. Henry.

(Following are Mr. R. A. C. Henry's letter and report referred to by Mr. Dunning):

Department of Railways and Canals
Room 306, Continental Life Building,
Toronto, Ont., March 14, 1918.

W. A. BOWDEN, Esq., Chief Engineer,
Department of Railways and Canals, Ottawa, Ont.

Dear Sir,—I am enclosing herewith, in duplicate, memorandum prepared in connection with the Hudson Bay railway and Port Nelson route which may be of assistance to you.

You will notice that I have indicated or rather I have estimated the minimum tonnage to be handled over the railroad to meet not only ordinary operating expenses but also fixed charges. I also assumed that all that this route would be required to do would be to land wheat or grain in Liverpool at the same total transportation cost as obtained via the Georgian Bay-Montreal route.

I am also returning Mr. McLachlan's memorandum which you handed to me for comment.

Yours truly,

(Sgd.) R. A. C. HENRY.

Department of Railways and Canals, Canada

W. A. BOWDEN,
Chief Engineer.

Office of the Chief Engineer,
Ottawa, Ont., March 14, 1918.

Memo. for Mr. Bowden Re Hudson Bay Route

An analysis of the traffic possibilities of the Hudson Bay route on a pre-war basis appears to indicate as follows:

1. That about 5,000,000 bushels of wheat or wheat equivalent in other grain must be handled to meet operating expenses.

2. That about 10,000,000 bushels of wheat or wheat equivalent in other grain must be handled to meet operating expenses and pay 3 per cent on estimated cost of the development now under construction.

3. That there is sufficient grain now grown in the territory tributary to the Hudson Bay railway to warrant the belief that with equivalent rates to Liverpool the quantity of grain last mentioned would go via the Hudson Bay route.

4. That there could be developed a sufficient inbound tonnage from Europe to place Port Nelson on the same footing with respect to the load factor as say Montreal.

5. That the possibilities of the safe navigation of this route have not yet been sufficiently demonstrated to warrant any private company undertaking the placing of a sufficient number of vessels in this service to carry the quantities of grain above-mentioned without assistance from the government is certain. Hence it seems evident that the government must purchase or charter sufficient vessels to handle this traffic and operate the route until such time as its commercial feasibility has been demonstrated.

These vessels, if chartered, could be chartered only for the period of navigation and, if purchased, could be used during the period of closed navigation on the Hudson Bay route, for traffic between the Atlantic and Pacific or distributed on several trade routes.

6. That it would be necessary by some means to hold sufficient grain over from one year's crop to provide cargoes for vessels arriving before the new crop was ready to move.

It has been suggested that the season of navigation on the Hudson Bay route is so short that the cost of doing every item of work in the handling and transporting of merchandise is going to be so great that the route is not going to be able to compete with the lake route to Georgian bay and rail to Montreal, and that the necessity of creating an organization for such a short period is a very serious factor.

That the season of navigation from Hudson bay is limited to two and one-half months there does not now appear to be much doubt. It is and must be frankly admitted that such a condition would be expected to involve a larger expenditure per unit of traffic than would be the case if navigation were possible during the whole year and the load factor favourable and constant. Unfortunately, however, the load factor in the Canadian internal freight traffic is neither favourable nor reasonably constant. For example, an examination of the shipping records on the Great Lakes will disclose the fact that on the average since 1909, over 40 per cent of total quantity of wheat, in fact of all grain, passing through Fort William and Port Arthur eastbound goes forward in two months, namely, in October and November immediately following the harvesting of the crop. The peak load in the grain traffic east is from two to three times the average load, so that during this period from two to three times the average number of cars, train employees, elevator employees, and lake vessels, which would be required to handle this traffic if it flowed uniformly throughout the season of navigation, must be diverted from other channels or called into action from idleness. Conditions on the Hudson Bay route would vary from those obtaining on the lake route only in degree and probably not to as great an extent as might at first thought be supposed, especially now that the government controls the Canadian Northern system with its many branches into the heart of the grain belt. The difficulty of bringing a separate organization into exist-

ence for the short period of navigation on the Hudson bay will not be any more serious than doubling or trebling the handling equipment normally in use on the prairie, in fact the labour equipment etc., could probably be utilized for an extra month in relieving the pressure of traffic to the head of the lakes after the close of navigation on Hudson bay.

The amount of traffic to be handled is another factor, it would be absolutely foolish to consider shipments limited to a million bushels or even two million bushels by this route and the elevator should handle its capacity five times instead of twice as has been suggested.

Transportation charges Saskatoon, Fort William, Georgian bay, Montreal, Liverpool.—The cost to the shipper at Saskatoon for the transportation of a bushel of wheat from that point to Liverpool via Fort William-Georgian bay ports-Montreal on the pre-war basis (liner rate exclusive of insurance) is about 26 cents. This rate obtains so long as there is a fair amount of grain offering. When there is an excessive amount of grain to be moved the rate increases and when there is not very much grain offering the rate declines slightly.

Transportation charges Saskatoon-Port-Nelson-Liverpool.—If wheat can be transported via the Hudson Bay route at the same rate as obtains via the Georgian bay-Montreal route it would be expected to obtain a portion of the traffic, so that it will be assumed for purposes of comparison that a rate of 26 cents per bushel can be met on this route which will be subdivided as follows:

| | Cents per bushel |
|---|---|
| Charges Saskatoon-Pas, ½ cent ton mile, 300 miles | 4.0 |
| Ocean voyage and insurance, say | 8.0 |
| Margin left to cover expenses over Hudson Bay railway and Port Nelson terminals | 14.0 |
| | 26.0 |

It remains therefore to determine the minimum quantity of wheat or wheat equivalent in other grains (as the outbound traffic must necessarily consist largely of grain) which must be transported over this route to cover operating expenses and provide a fair return on capital investment. The annual fixed charges in connection with the Hudson Bay railway and Port Nelson terminals are estimated as follows:

| | |
|---|---|
| Three per cent interest on cost of Hudson Bay railway, $16,000,000 | $480,000 |
| Three per cent interest on cost of Port Nelson terminals, $13,000,000 | 390,000 |
| Total | $870,000 |

The minimum annual maintenance expenditure required to keep the route open is:

| | |
|---|---|
| Maintenance Hudson Bay railway, 420 miles at $800 | $336,000 |
| Maintenance Port Nelson terminals (arbitrary) | 250,000 |
| Total | $586,000 |

Traffic ex north Atlantic ports in terms of tonnage appears to be somewhere in the vicinity of double the tonnage into these ports as far as foreign trade is concerned. It will be assumed then that an inbound tonnage equivalent to 50 per cent of the outbound tonnage may be expected via the Hudson Bay route. On the basis of 10,000,000 bushels of wheat or wheat equivalent in other grains per year or 300,000 tons outbound and 150,000 tons inbound, assuming an average net load outbound of 1,200 tons and the same number of trains inbound, we have 500 trains or 210,000 train miles at $1.40 per train mile or a cost for maintenance of | $ 294,000
Elevator operating expenses, ¾ cents bushel | 75,000
Unloading charges, 50 cents ton on inbound tonnage | 75,000
| $ 444,000
Total annual charges | $1,900,000

Gross receipts would be as follows:

| | |
|---|---|
| 10,000,000 bushels wheat at 14 cents | $1,400,000 |
| 150,000 tons freight inbound at $3 | 450,000 |
| Total | $1,850,000 |

It seems evident therefore that at least 5,000,000 bushels of wheat must be handled annually to clear operating expenses and at least 10,000,000 bushels to meet both operating expenses and fixed charges at 3 per cent on money invested.

The first of the new crop would not reach Port Nelson until about September 10th to 15th, so that shipments made prior to that date would have to be from the previous year's crop.

The handling of ten million bushels of wheat in such a short period would require a large number of vessels, from 20 to 50 dependent upon tonnage, as each vessel could probably make only two trips in one season. Berthing accommodation for four or five vessels would appear necessary, and an elevator of 2,000,000 bushels storage capacity to prevent congestion and insure a steady flow of grain at all times during the short season. Almost 7,000,000 bushels of wheat passed through the government elevator at Saskatoon during the period from September 1, 1915 to August 31, 1916, so that no difficulty should be experienced in securing 10,000,000 bushels of grain, or wheat equivalent, for the Hudson Bay route from the district tributary to Saskatoon.

Attached hereto is a statement giving description of land tributary to certain Canadian Northern lines which might be considered as partly tributary to the Hudson Bay railway, also giving by car loads grain originating on each. This statement would appear to indicate that there is now at least 10,000,000 bushels within easy reach of the Hudson Bay railway.

With regard to inbound tonnage, the initial trip of the season might either be from the Atlantic coast of America, or from Europe; the second trip would of course have to be from Europe. Coal would appear to be a likely cargo inbound. Thirty-five thousand tons of bituminous coal would be required annually for the operation of the railway and terminals to handle the traffic outlined above. This coal might either be obtained at Sydney or from England and could be landed at Port Nelson at a cost of about $5 per ton. There is no possibility however of bituminous coal imported by way of the Hudson Bay route competing with the western product from the mines in the Yellowhead or in the vicinity as the attached tables will show.

Anthracite Coal:—In the case of anthracite coal, however, the prospects are much better. The pre-war price of anthracite coal at Saskatoon was around $13.50 per ton retail. This comes from the Pennsylvania district. I am advised that good quality Welsh anthracite compares very favourably with good quality

Pennsylvania anthracite, but the characteristics of each are sufficiently different to demand somewhat different grates and arrangements for draught. The Welsh anthracites are on the whole somewhat softer, contain less ash, and volatile matter, burn more freely and give slightly more heat than the Pennsylvania anthracites. Welsh anthracite is not used to any extent in Eastern Canada partly because of the proximity of the Pennsylvania fields and partly because generally speaking furnaces have been designed to use the Pennsylvania product. In the middle west, however, circumstances have forced design of furnaces which would burn bituminous as well as anthracite coal, for this reason it would appear that good quality Welsh anthracite might be expected to compete with the Pennsylvania product in the portions of the prairie provinces tributary to the Hudson Bay route under favourable conditions as to price. It would seem on the basis of pre-war prices that Welsh anthracite could be landed at such points as Moose Jaw, Regina and Saskatoon at from 65 cents to $2 per ton less than Pennsylvania anthracite could be landed at the same points. During the years 1912 to 1915 inclusive the imports of anthracite coal through the ports of Fort William and Port Arthur has been fairly constant and has averaged approximately 490,000 tons (2,000 pounds) annually; during the same period the imports of anthracite through the Dakota and Minnesota gateways has averaged 15,000 tons annually, making the total imports of this commodity from the Pennsylvania fields into the middle west about 500,000 tons annually. The exact distribution of this coal is not certain but it is estimated as follows:

| | |
|---|---|
| Port Arthur, Fort William and points east of Winnipeg .. .. | 130,000 tons |
| City of Winnipeg .. .. .. .. .. | 200,000 tons |
| City of Moose Jaw .. .. .. .. .. | 10,000 tons |
| City of Saskatoon .. .. .. .. .. | 10,000 tons |
| City of Regina .. .. .. .. .. .. | 15,000 tons |
| Points in Manitoba and Saskatchewan west of Winnipeg .. .. | 135,000 tons |
| Total .. .. .. .. .. .. .. .. | 500,000 tons |

It would seem reasonable to expect a traffic in Welsh anthracite coal to the extent of from 50,000 to 75,000 tons per annum with conditions so favourable as to price, and there is no doubt that with a decrease in price of from 65 cents to $2 ton the consumption of anthracite would be increased largely especially in parts of the country where there is no wood available for fuel.

There is also the possibility of some traffic in structural steel to certain portions of the west in competition with steel from the Pittsburg district, and a good deal of structural material will be required in the next few years of development in western Canada.

During the years 1911-12, 1912-13 and 1913-14 the customs returns show that about $15,000,000 worth of goods consisting of cottons, woollens, iron and steel products, china and earthenware, glass and glass products, cocoa, paper and paper products, linens, gloves, linoleum and other general merchandise was imported direct from Europe annually to such points in the middle west as Winnipeg, Brandon, Regina, Moose Jaw, Saskatoon, Edmonton, Calgary and Lethbridge. In addition to this there is also a large volume of general merchandise imported from Europe annually which is handled through jobbing houses in Montreal and Toronto, and eventually finds its way to the prairie provinces. There is no doubt whatever that with the opening up of the Hudson Bay route, even with the short navigation season, that a substantial portion of this traffic would take the Hudson Bay route since there would be a considerable saving in distance over the route via Montreal or Halifax.

The middle west has been developing rapidly during the last few years and has shown a very substantial increase in population. A very substantial portion of this increase is from the British Isles and these settlers are certain to purchase a considerable quantity of general merchandise in Great Britain if there is a substantial decrease in the long rail haul from Montreal. They will naturally time their purchases so as to come within the period of navigation on Hudson bay.

The foregoing memorandum has been made on the basis of pre-war conditions and it is only fair to remark in this connection that conditions may be largely changed for a considerable period following the war, in what respect and to what extent is of course difficult to forecast. The following tables are attached:

1. Table showing shipments by lake of wheat and all grain from Fort William and Port Arthur by months, 1909-1912.

2. Table showing Exports of Canadian wheat and all grains from various Canadian ports, 1910-1915 inclusive.

3. Table showing quantity of grain exported from Montreal.

4. Table giving the estimated transportation expenses, Hudson Bay railway in handling 10,000,000 bushels of wheat outbound and 150,000 tons inbound in 75 days.

5. Table showing population of principal western prairie cities, towns and provinces, 1916.

6. Table showing value of goods imported from the United States to Canada through the Dakota gateways during years 1912-1915 inclusive.

7. Table showing imports of coal through ports of Fort William and Port Arthur during fiscal years ending 31st March, 1912, 1913, 1914 and 1915.

8. Table showing probable freight charges on rolled steel shapes from Pittsburg and England and various points in western Canada.

9. Table showing probable relative costs of anthracite coal to western points from Pennsylvania and Wales, 1913 prices.

10. Table showing cost of fuel purchased by Canadian Northern railway during the year ended June 30, 1916.

11. Table showing probable relative cost of bituminous coal from Yellowhead, Pennsylvania and Sydney, 1913, at various points in western Canada.

12. Table of distances.

13. Table showing value of goods imported through the principal ports in the middle west during fiscal years ended March 31, 1912, 1913, and 1914.

14. Table showing quantity of United States anthracate coal used 1916-17 in various western cities and towns with prices, from report by Commission of Conservation, 1917.

15. Table showing cars of grain handled 1913-1916 inclusive on various Canadian Northern lines tributary to Hudson Bay Railway.

(Sgd.) R. A. C. HENRY.

TABLE SHOWING SHIPMENTS BY LAKE OF WHEAT AND ALL GRAIN FROM FORT WILLIAM AND PORT ARTHUR BY MONTHS

| Month | Sept. 1, 1909 | Aug. 31, 1910 | Sept. 1, 1910 | Aug. 31, 1911 | Sept. 1, 1911 | Aug. 31, 1912 |
|---|---|---|---|---|---|---|
| | Wheat | All grain | Wheat | All grain | Wheat | All grain |
| Sept. | 5,157,000 | 6,043,000 | 4,043,000 | 5,256,000 | 4,136,000 | 5,176,000 |
| Oct. | 14,912,000 | 18,068,000 | 10,068,000 | 17,766,000 | 14,534,000 | 16,403,000 |
| Nov. | 15,524,000 | 21,608,000 | 15,813,000 | 21,280,000 | 1,616,000 | 27,864,000 |
| Dec. | 7,692,000 | 10,980,000 | 1,782,000 | 2,140,000 | 2,806,000 | 4,392,000 |
| April | 5,788,000 | 8,000,000 | 5,309,000 | 5,859,000 | 89,000 | 147,000 |
| May | 5,412,000 | 9,389,000 | 8,717,000 | 11,951,000 | 18,481,000 | 25,532,000 |
| June | 3,267,000 | 5,905,000 | 2,478,000 | 4,924,000 | 9,368,000 | 13,464,000 |
| July | 2,281,000 | 4,876,000 | 3,576,000 | 6,948,000 | 5,101,000 | 8,345,000 |
| August | 3,025,000 | 3,861,000 | 4,853,000 | 9,006,000 | 4,642,000 | 7,764,000 |
| Total | —63,146,000 | 88,918,000 | 62,742,000 | 85,234,000 | 87,142,000 | 114,906,000 |

| | Sept. 1, 1912 | Aug. 31, 1913 | Sept. 1, 1913 | Aug. 31, 1914 | Sept. 1, 1914 | Aug. 31, 1915 |
|---|---|---|---|---|---|---|
| | Wheat | All grain | Wheat | All grain | Wheat | All grain |
| Sept. | 2,534,000 | 4,467,000 | 5,466,000 | 7,583,000 | 12,218,000 | 14,204,000 |
| Oct. | 12,308,000 | 14,109,000 | 38,023,000 | 48,640,000 | 17,196,000 | 23,562,000 |
| Nov. | 28,826,000 | 39,869,000 | 29,940,000 | 43,442,000 | 16,249,000 | 21,518,000 |
| Dec. | 11,774,000 | 17,006,000 | 18,672,000 | 32,565,000 | 2,893,000 | 3,877,000 |
| April | 1,569,000 | 2,381,000 | 2,962,000 | 4,610,000 | 8,708,000 | 9,702,000 |
| May | 16,364,000 | 27,026,000 | 14,328,000 | 22,414,000 | 7,463,000 | 10,514,000 |
| June | 5,914,000 | 12,405,000 | 5,454,000 | 10,932,000 | 3,024,000 | 4,523,000 |
| July | 7,438,000 | 15,732,000 | 6,655,000 | 9,695,000 | 2,613,000 | 4,199,000 |
| August | 2,643,000 | 7,822,000 | 1,914,000 | 3,289,000 | 1,931,000 | 2,923,000 |
| Total | —96,124,000 | 148,953,000 | 124,697,000 | 185,535,000 | 72,293,000 | 95,022,000 |

TABLE SHOWING EXPORTS OF CANADIAN WHEAT AND ALL GRAINS FROM UNDERMENTIONED PORTS

WHEAT

| Year | Montreal | St. John | Halifax | Total |
|---|---|---|---|---|
| 1910 | 16,537,000 | 6,794,000 | 185,000 | 23,516,000 |
| 1911 | 15,306,000 | 6,411,000 | 244,000 | 21,961,000 |
| 1912 | 23,191,000 | 8,287,000 | 123,000 | 31,601,000 |
| 1913 | 27,442,000 | 7,785,000 | 444,000 | 35,671,000 |
| 1914 | 27,888,000 | 6,652,000 | 1,234,000 | 35,774,000 |
| 1915 | 22,173,000 | 6,413,000 | 504,000 | 29,630,000 |

ALL GRAIN

| | | | | |
|---|---|---|---|---|
| 1910 | 20,653,000 | 7,610,000 | 409,000 | 28,672,000 |
| 1911 | 21,065,000 | 7,088,000 | 526,000 | 28,679,000 |
| 1912 | 29,066,000 | 8,821,000 | 407,000 | 38,294,000 |
| 1913 | 39,630,000 | 9,140,000 | 806,000 | 49,576,000 |
| 1914 | 37,660,000 | 7,300,000 | 1,502,000 | 46,462,000 |
| 1915 | 29,636,000 | 10,250,000 | 935,000 | 40,821,000 |

## STATEMENT SHOWING QUANTITY OF GRAIN EXPORTED FROM MONTREAL

| Year | United States Grain | | Canadian Grain | | Total |
|---|---|---|---|---|---|
| | Wheat | All grain | Wheat | All grain | |
| 1907 | 5,373,000 | 10,201,000 | ..... | ..... | ..... |
| 1908 | 10,908,000 | 10,613,000 | 19,553,000 | 21,536,000 | 32,149,000 |
| 1909 | 12,762,000 | 13,207,000 | 14,300,000 | 15,678,000 | 28,885,000 |
| 1910 | 3,883,000 | 6,756,000 | 16,537,000 | 20,653,000 | 27,409,000 |
| 1911 | 1,623,000 | 7,064,000 | 15,306,000 | 21,065,000 | 28,129,000 |
| 1912 | 7,335,000 | 9,568,000 | 23,191,000 | 29,066,000 | 38,634,000 |
| 1913 | 6,052,000 | 6,742,000 | 27,442,000 | 39,630,000 | 46,372,000 |
| 1914 | 32,873,000 | 36,862,000 | 27,888,000 | 37,660,000 | 74,522,000 |
| 1915 | 10,525,000 | 10,785,000 | 22,713,000 | 29,636,000 | 40,421,000 |

## ANALYSIS OF OPERATING EXPENSES HUDSON BAY RAILWAY ON BASIS OF 10,000,000 BUSHELS OF WHEAT OUTBOUND AND 150,000 TONS INBOUND IN 75 DAYS

| | | |
|---|---|---|
| COAL— | | |
| one-tenth of ton per locomotive mile: 21,000 tons at $5 | | $ 105,000 |
| Coal for switching locomotives, etc..... 6,000 " 5 | | 30,000 |
| LOCOMOTIVE RENTAL— | | |
| 40 locomotives at $15 per day for 75 days | | 45,000 |
| CAR RENTAL— | | |
| 7,500 cars required to move 10,000,000 bushels wheat assume eight days per round trip or 60,000 car days, at 50 cts | | 30,000 |
| TRAIN CREWS— | | |
| 30 train crews, including switching crews consisting of:— | | |
| Locomotive engineer | $ 6 00 per day | |
| Locomotive fireman | 4 50 " | |
| Train conductor | 5 00 " | |
| Two brakemen | 8 00 " | |
| | $ 23 50 per day for 75 days or | 53,000 |
| EMPLOYEES AT DIVISIONAL POINTS— | | |
| 20 men at each—80 men at $4.50 per day for 75 days or | | 27,000 |
| Oil and waste—say $1 per locomotive day | | 3,000 |
| Superintendence—say | | 10,000 |
| Contingencies 5% | | 15,000 |
| Total | | $ 318,000 |

## TABLE SHOWING POPULATION OF PRINCIPAL WESTERN PRAIRIE CITIES AND TOWNS—1916

| | |
|---|---|
| Winnipeg | 250,000 |
| Brandon | 18,000 |
| Regina | 45,000 |
| Moose Jaw | 25,000 |
| Saskatoon | 20,000 |
| Prince Albert | 7,000 |
| Battleford | 3,500 |
| Edmonton | 75,000 |
| Red Deer | 3,500 |
| Calgary | 80,000 |
| Lethbridge | 11,000 |

## TABLE SHOWING POPULATION OF PRAIRIE PROVINCES

| | 1911 |
|---|---|
| Manitoba | 456,000 |
| Saskatchewan | 492,000 |
| Alberta | 375,000 |

TABLE SHOWING VALUE OF GOODS IMPORTED FROM THE UNITED STATES TO CANADA THROUGH THE DAKOTA GATEWAYS DURING THE YEARS 1912-1915 INCLUSIVE—FROM COMMERCE AND NAVIGATION OF THE UNITED STATES

| Year | Value of all Imports | Quantity of Anthracite Coal |
|---|---|---|
| 1912 | $ 27,000,000 | 12,000 tons |
| 1913 | 30,000,000 | 12,000 " |
| 1914 | 38,000,000 | 26,000 " |
| 1915 | 25,000,000 | 10,000 " |

## DEPARTMENT OF CUSTOMS

OTTAWA, October 19, 1917.

STATEMENT showing the imports of coal through the Ports of Fort William and Port Arthur during the fiscal years ended March 31, 1912, 1913, 1914 and 1915.

| —— | Bituminous slack | | Bituminous round | | Anthracite | |
|---|---|---|---|---|---|---|
| PORT ARTHUR | Tons | Value | Tons | Value | Tons | Value |
| 1912 | 1,988 | $ 3,734 | 1,281,382 | $ 2,937,661 | 152,589 | $ 763,675 |
| 1913 | 6,226 | 15,613 | 1,042,624 | 2,292,488 | 167,705 | 893,120 |
| 1914 | 16,111 | 36,833 | 1,291,828 | 3,028,936 | 205,380 | 1,078,450 |
| 1915 | 28,017 | 49,113 | 721,761 | 1,262,396 | 146,207 | 763,400 |
| FORT WILLIAM | | | | | | |
| 1912 | 56,616 | 68,745 | 1,774,733 | 3,851,774 | 311,323 | 1,528,675 |
| 1913 | 45,801 | 75,089 | 1,801,646 | 3,756,991 | 294,162 | 1,556,106 |
| 1914 | 91,758 | 158,549 | 2,363,556 | 5,295,306 | 376,835 | 1,954,441 |
| 1915 | 191,551 | 287,104 | 681,403 | 1,418,980 | 316,744 | 1,662,665 |

## TABLE SHOWING PROBABLE FREIGHT CHARGES ON ROLLED STEEL SHAPES FROM PITTSBURG AND ENGLAND

### FROM PITTSBURG

| | | | | | |
|---|---|---|---|---|---|
| Pittsburg-Lake Erie, 150 miles at ·4c ton mile | | | | | $ 0 60 ton |
| Lake Erie-Port Arthur | | | | | 0 75 " |
| Port Arthur-Winnipeg | 425 | miles at | ½c | ton mile | 2 12 " |
| " Brandon | 560 | " | ½c | " | 2 80 " |
| " Regina | 770 | " | ½c | " | 3 75 " |
| " Moose Jaw | 820 | " | ½c | " | 4 10 " |
| " Saskatoon | 900 | " | ½c | " | 4 50 " |
| " Edmonton | 1,225 | " | ½c | " | 6 10 " |
| " Calgary | 1,250 | " | ½c | " | 6 25 " |
| " Lethbridge | 1,170 | " | ½c | " | 5 85 " |

### FROM ENGLAND

| | | | | | |
|---|---|---|---|---|---|
| England-Port Nelson | | | | | $ 2 00 ton |
| Port Nelson-Winnipeg | 910 | miles at | ½c | ton mile | 4 55 " |
| " Brandon | 845 | " | ½c | " | 4 20 " |
| " Regina | 850 | " | ½c | " | 4 25 " |
| " Moose Jaw | 890 | " | ½c | " | 4 45 " |
| " Saskatoon | 750 | " | ½c | " | 3 75 " |
| " Edmonton | 1,075 | " | ½c | " | 5 35 " |
| " Calgary | 1,150 | " | ½c | " | 5 55 " |

TABLE SHOWING RELATIVE COSTS OF ANTHRACITE COAL TO WESTERN POINTS FROM PENNSYLVANIA AND WALES, 1913 PRICES

FROM PENNSYLVANIA

| | |
|---|---|
| Coal at mine Scranton | $ 5 25 ton |
| Transportation to Buffalo, 300 miles at ·4c. ton mile | 1 30 " |
| Buffalo-Fort William | 0 75 " |
| Cost at Fort William | $ 7 30 ton |
| Cost at Winnipeg, .5c ton mile | $ 9 45 |
| " Brandon, .5c ton mile | 10 10 |
| " Regina, .5c ton mile | 11 15 |
| " Moose Jaw, .5c ton mile | 11 40 |
| " Saskatoon, .5c ton mile | 11 80 |

FROM WALES

| | |
|---|---|
| Coal on board steamer *Wales* | $ 4 25 |
| Transportation to Port Nelson | 2 00 |
| Cost at Port Nelson | $ 6 25 |

| | | | | | |
|---|---|---|---|---|---|
| Cost at Saskatoon | .5c ton mile | for 750 | miles | | $3 75–$10 00 |
| " Brandon | .5c | " 850 | " | | 4 25– 10 50 |
| " Regina | .5c | " 850 | " | | 4 25– 10 50 |
| " Moose Jaw | .5c | " 890 | " | | 4 45– 10 70 |
| " Winnipeg | .5c | " 900 | " | | 4 50– 10 75 |

## CANADIAN NORTHERN RAILWAY SYSTEM

"Show the cost of fuel purchased during the year ending June 30, 1916. Have the statement show *(a)* the purchasing price; *(b)* the freight charges; *(c)* the cost of handling; *(d)* other expenses, if any, also the total cost of fuel placed on locomotives and the average cost per ton. State the principal sources of supply and points of delivery to the Company's Lines.

| Source of Supply | Point of Delivery to Company's Lines | Tonnage | *(a)* Purchase Price per Ton | At | *(b)* Freight Charges Paid other Lines | *(c)* Cost of Handling | *(d)* Other Expenses | Total per Ton on Company's Lines | Total Cost of Fuel |
|---|---|---|---|---|---|---|---|---|---|
| | | | $ cts. | | $ cts. | $ cts. | $ cts. | $ cts. | $ cts. |
| Pitts, No. 8 District, 8¾" | Key Harbour | 31,487 | 1 17 | Mine | 1 10 | 0 25 | 0 62 | 3 14 | 98,869 18 |
| Pitts. No. 8 District, 8¾" | Key Harbour | 3,125 | 1 40 | " | 1 30 | 0 25 | 0 63 | 3 58 | 11,187 50 |
| Pitts. No. 8 District, 8¾" | Quebec | 52,056 | 1 17 | " | 1 57 | 0 24 | 0 68 | 3 66 | 190,524 96 |
| Pitts. No. 8 District, 8¾" | Quebec | 370 | 1 30 | " | 1 57 | 0 24 | 0 69 | 3 80 | −1,406 00 |
| Pitts. No. 8 District, 8¾" | Quebec | 13,269 | 1 40 | " | 2 36¼ | 0 24 | 0 70 | 4 70¼ | 62,497 47 |
| Pitts. No. 8 District, Slack | Quebec | 366 | 0 85 | " | 2 36¼ | 0 24 | 0 26 | 3 71¼ | −1,358 77 |
| Pitts. No. 8 District, ¾ Lump | Montreal | 18,132 | 1 17 | " | 1 57 | 0 20 | 0 62 | 3 56 | 64,549 92 |
| Shawmut District, ¾ Lump | Ottawa | 11,002 | 1 20 | " | 2 05 | 0 10 | 0 62 | 3 97 | 43,677 94 |
| Shawmut District, ¾ Lump | Ottawa | 9,233 | 1 25 | " | 2 05 | 0 10 | 0 62 | 4 02 | 37,116 66 |
| Shawmut District, ¾ Lump | Ottawa | 7,063 | 1 35 | " | 2 05 | 0 10 | 0 63 | 4 13 | 29,170 19 |
| Shawmut District, ¾ Lump | Ottawa | 3,029 | 1 30 | " | 2 05 | 0 10 | 0 63 | 4 08 | 12,358 32 |
| Shawmut District, Mine Run | Ottawa | 6,936 | 1 10 | " | 2 05 | 0 10 | 0 61 | 3 86 | 26,772 96 |
| Shawmut District, Mine Run | Ottawa | 6,196 | 1 15 | " | 2 05 | 0 10 | 0 62 | 3 92 | 24,288 32 |
| Shawmut District, Mine Run | Ottawa | 1,910 | 1 25 | " | 2 05 | 0 10 | 0 62 | 4 02 | 7,678 20 |
| Shawmut District, Slack | Ottawa | 235 | 1 15 | " | 2 05 | 0 10 | 0 23 | 3 53 | 829 55 |
| Shawmut District, Slack | Ottawa | 261 | 1 00 | " | 2 05 | 0 10 | 0 22 | 3 37 | 879 57 |
| Shawmut District, ¾ Lump | Joliette | 510 | 1 20 | " | 2 05 | 0 10 | 0 62 | 3 97 | 2,024 70 |
| B.R. & P. District, ¾ Lump | Cobourg | 123 | 1 40 | " | 1 70 | 0 10 | 0 64 | 3 84 | −472 32 |
| B.R. & P. District, ¾ Lump | Toronto | 18,195 | 1 20 | " | 1 70 | 0 10 | 0 62 | 3 62 | 65,865 90 |
| B.R. & P. District, ¾ Lump | Toronto | 2,349 | 1 25 | " | 1 70 | 0 10 | 0 62 | 3 67 | 8,620 83 |
| B.R. & P. District, ¾ Lump | Toronto | 10,180 | 1 30 | " | 1 70 | 0 10 | 0 63 | 3 73 | 37,971 40 |
| B.R. & P. District, ¾ Lump | Toronto | 8,196 | 1 35 | " | 1 70 | 0 10 | 0 63 | 3 78 | 30,980 88 |
| B.R. & P. District, ¾ Lump | Toronto | 19,277 | 1 53 | " | 1 70 | 0 10 | 0 65 | 3 98 | 76,722 46 |
| B.R. & P. District, ¾ Lump | Toronto | 58 | 1 60 | " | 1 70 | 0 10 | 0 65 | 4 05 | 234 90 |
| B.R. & P. District, ¾ Lump | Toronto | 2,530 | 1 44 | " | 1 70 | 0 10 | 0 64 | 3 88 | 9,816 40 |
| B.R. & P. District, Smokeless | Toronto | 220 | 1 50 | " | 1 70 | 0 10 | 0 63 | 3 93 | 864 60 |
| B.R. & P. District, Smokeless | Toronto | 359 | 1 75 | " | 1 70 | 0 10 | 0 65 | 4 20 | 1,507 80 |
| B.R. & P. District, Smokeless | Toronto | 344 | 1 70 | " | 1 70 | 0 10 | 0 65 | 4 15 | 1,427 60 |
| B.R. & P. District, Mine Run | Toronto | 8,296 | 1 10 | " | 1 70 | 0 10 | 0 62 | 3 52 | 29,201 92 |
| B.R. & P. District, Mine Run | Toronto | 668 | 1 15 | " | 1 70 | 0 10 | 0 62 | 3 57 | 2,384 76 |
| B.R. & P. District, Mine Run | Toronto | 189 | 1 25 | " | 1 70 | 0 10 | 0 63 | 3 68 | 695 52 |
| W. Virg. Pocahontas, Mine Run | Toronto | 1,639 | 1 50 | " | 2 45 | 0 10 | 0 64 | 4 69 | 7,686 91 |
| B.R. & P. District, Slack | Toronto | 562 | 1 00 | " | 1 70 | 0 10 | 0 21 | 3 01 | 1,691 62 |
| B.R. & P. District, Slack | Toronto | 240 | 1 13 | " | 1 70 | 0 10 | 0 22 | 3 15 | 756 00 |
| B.R. & P. District, Slack | Toronto | 861 | 1 15 | " | 1 70 | 0 10 | 0 22 | 3 17 | 2,729 37 |
| B.R. & P. District, Slack | Toronto | 187 | 1 60 | " | 1 70 | 0 10 | 0 26 | 3 66 | 684 42 |
| B.R. & P. District, Smithing | Toronto | 56 | 1 60 | " | 2 26 | 0 10 | 0 65 | 4 61 | 258 16 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| B.R. & P. District, Smithing | Toronto | 134 | 1 87 | " | 2 26 | 0 10 | 0 66 | 4 89 | 655 26 |
| Shawmut District, Mine Run | Duluth | 24,784 | 1 37 | " | 1 13 | 0 35 | ..... | 2 85 | 70,634 40 |
| Shawmut District, Mine Run | Duluth | 16,857 | 1 47 | " | 1 18 | 0 35 | ..... | 3 00 | 50,571 10 |
| Pitts. No. 8 District, ¾" | Duluth | 12,289 | 1 42 | " | 1 13 | 0 35 | ..... | 2 90 | 35,638 00 |
| Nova Scotia | Halifax | 26,043 | 2 81 | " | 1 01 | 0 11 | ..... | 3 93 | 102,348 99 |
| Youghiogheny, ¾" | Port Arthur | 103,216·6 | 1 52 | " | 1 13 | 0 35 | 0 64 | 3 64 | 375,706 24 |
| Pitts. No. 8 District, 8¾" | Port Arthur | 99,641·0 | 1 17 | " | 1 10 | 0 35 | 0 63 | 3 25 | 323,833 25 |
| Youghiogheny, ¾" | Port Arthur | 246,958·3 | 1 37 | " | 1 13 | 0 35 | 0 63 | 3 48 | 859,413 84 |
| West. Virg. Pocahontas | Port Arthur | 5,363 | 1 20 | " | 1 47 | 0 35 | 0 62 | 3 64 | 19,521 32 |
| Youghiogheny, ¾" | Port Arthur | 29,159·9 | 1 27 | " | 1 13 | 0 35 | 0 63 | 3 38 | 98,557 42 |
| W. Virg. New River, Smokeless | Port Arthur | 7,193·4 | 1 23 | " | 1 47 | 0 35 | 0 62 | 3 67 | 26,398 31 |
| Pitts. No. 8 District, 8¾" | Port Arthur | 208,848·4 | 1 40 | " | 1 10 | 0 35 | 0 63 | 3 48 | 726,791 04 |
| West. Virg. Pocahontas | Port Arthur | 2,784 | 1 30 | " | 1 47 | 0 35 | 0 63 | 3 75 | 10,440 00 |
| West Virg. Fairmount Gas | Port Arthur | 4,576·9 | 1 07 | " | 1 20 | 0 35 | 0 63 | 3 25 | 14,872 00 |
| W. Virg., New River, Smokeless | Port Arthur | 4,739·5 | 1 28 | " | 1 47 | 0 35 | 0 63 | 3 73 | 17,676 47 |
| Alberta | C.N.R. Tracks | 348,252 | 3 09 | " | ..... | ..... | ..... | 3 09 | 1,076,098 68 |
| Saskatchewan | C.N.R. Tracks | 1,729 | 2 25 | " | ..... | ..... | ..... | 2 25 | 3,885 85 |
| British Columbia | Union Bay | 8,185 | 3 60 | " | 0 45 | 0 15 | ..... | 4 20 | 34,377 00 |
| | | 1,390,463 | ..... | ..... | ..... | ..... | ..... | ..... | 4,743,183 15 |

Average cost per ton of fuel, $3.41.

NOTE.—The Railway company is allowed $1.00 per net ton from Nordegg to Warden on Braxeau coal, of which 295,108 tons are included in Alberta coal.

TOTAL COST OF FUEL PLACED ON LOCOMOTIVES AND THE AVERAGE COST PER TON

| Total Tonnage | Total Cost | Average Cost per ton |
|---|---|---|
| 1,157,532 | $4,310,914 78 | $3.72 |

TABLE SHOWING RELATIVE COST OF BITUMINOUS COAL FROM YELLOWHEAD, PENNSYLVANIA AND SYDNEY, 1913

| | | |
|---|---|---|
| Cost at mine, Yellowhead | $ 3 00 | |
| Cost at Saskatoon, 5 cts. ton mile for 500 miles | 2 50 | |
| | | $ 5 50 |
| Cost at mine, Fernie | $ 3 00 | |
| Cost at Regina, 5 cts. ton mile for 500 miles | 2 50 | |
| | | $ 5 50 |
| Cost at Brandon, 5 cts. ton mile for 725 miles | | 6 75 |
| Cost at Winnipeg, 5 cts. ton mile for 860 miles | | 7 30 |
| Cost at mine, Pennsylvania | $ 1 50 | |
| Transportation to Buffalo 300 miles at 4 cts. ton mile | 1 30 | |
| Transportation Buffalo—Fort William | 75 | |
| Cost at Fort William | | $ 3 55 |
| Cost at Winnipeg, 5 cts. ton mile for 426 miles | | 5 70 |
| Cost at Brandon, 5 cts. ton mile for 560 miles | | 6 35 |
| Cost at mine, Sydney | $ 2 25 | |
| Transportation Port Nelson | 2 00 | |
| Cost at Port Nelson | | $ 4 25 |
| Cost at Saskatoon, 5 cts. ton mile for 750 miles | | 8 00 |
| Cost at Winnipeg, 5 cts. ton mile for 900 miles | | 8 75 |
| Cost at Brandon, 5 cts. ton mile for 845 miles | | 8 50 |

TABLE OF DISTANCES

| To Western Points | Distance in Miles | | | |
|---|---|---|---|---|
| | Port Nelson | Pas | Fort William | Montreal |
| Winnipeg | 912 | 482 | 426 | 1,415 |
| Portage la Prairie | 847 | 427 | 481 | 1,470 |
| Brandon | 845 | 425 | 559 | 1,540 |
| Regina | 850 | 450 | 777 | 1,770 |
| Moose Jaw | 890 | 470 | 820 | 1,810 |
| Saskatoon | 750 | 330 | 900 | 1,890 |
| Prince Albert | 670 | 250 | ..... | ..... |

STATEMENT SHOWING THE VALUE OF GOODS IMPORTED THROUGH THE UNDER-MENTIONED PORTS DURING THE FISCAL YEARS ENDED MARCH 31, 1912, 1913, AND 1914, FROM UNITED STATES AND ALL OTHER COUNTRIES, WITH A LIST OF THE PRINCIPAL ARTICLES

DUTIABLE GOODS

| | 1911-12 | | 1912-13 | | 1913-14 | |
|---|---|---|---|---|---|---|
| | United States | Other Countries | United States | Other Countries | United States | Other Countries |
| Brandon | $ 1,249,123 | $ 191,846 | $ 1,322,447 | $ 204,847 | $ 1,025,459 | $ 177,437 |
| Winnipeg | 20,991,940 | 9,767,295 | 30,261,847 | 12,183,478 | 22,033,354 | 11,889,279 |
| Calgary | 5,076,961 | 1,477,104 | 7,867,881 | 1,971,330 | 5,711,718 | 1,978,782 |
| Edmonton | 2,163,067 | 651,165 | 4,546,981 | 1,129,502 | 4,657,268 | 1,592,295 |
| Lethbridge | 1,583,554 | 177,399 | 1,656,761 | 344,551 | 1,144,208 | 176,765 |
| Moose Jaw | 2,001,519 | 166,168 | 3,676,737 | 274,526 | 1,525,637 | 250,768 |
| Regina | 3,381,481 | 211,116 | 4,121,053 | 369,789 | 3,406,910 | 467,844 |
| Saskatoon | 2,940,084 | 268,714 | 5,069,999 | 465,034 | 2,825,676 | 538,677 |

FREE GOODS

| | 1911–12 | | 1912–13 | | 1913–14 | |
|---|---|---|---|---|---|---|
| | United States | Other Countries | United States | Other Countries | United States | Other Countries |
| Brandon | $ 544,291 | $ 90,749 | $ 458,486 | $ 96,694 | $ 613,630 | $ 77,656 |
| Winnipeg | 4,221,773 | 1,640,011 | 5,438,356 | 3,045,148 | 4,348,906 | 3,143,303 |
| Calgary | 1,143,053 | 309,573 | 1,345,075 | 308,591 | 1,173,727 | 340,992 |
| Edmonton | 534,356 | 97,387 | 1,059,194 | 102,425 | 930,670 | 199,484 |
| Lethbridge | 500,179 | 7,956 | 566,158 | 26,455 | 396,202 | 28,154 |
| Moose Jaw | 556,684 | 22,548 | 787,495 | 29,460 | 810,981 | 41,321 |
| Regina | 344,363 | 88,426 | 570,667 | 123,814 | 576,503 | 67,447 |
| Saskatoon | 518,436 | 87,575 | 913,428 | 94,110 | 1,030,978 | 124,085 |

LIST OF PRINCIPAL ARTICLES IMPORTED FROM COUNTRIES OTHER THAN UNITED STATES

Dutiable:—Cottons, woollens, iron and steel manufactures, spirits, silks, fruits and nuts, china and earthenware, glass and manufactures of, cocoa, etc., hats, paper and manufactures of, linens, gloves, sugar and confectionery, linoleum, leather and shoes, electrical apparatus, fish, tobacco, ribbons, ammunition, rubber clothing, drugs.

Free:— Horses, books, drugs, jute cloth, iron and steel manufactures, coffee, settlers effects, tea, tin.

DEPARTMENT OF CUSTOMS, OTTAWA,
January 29th, 1918.

## TABLE SHOWING QUANTITY OF UNITED STATES ANTHRACITE COAL USED 1916–17 IN VARIOUS WESTERN CITIES AND TOWNS WITH PRICES, FROM REPORT BY COMMISSION OF CONSERVATION, 1917

| City | United States Anthracite used in 1916–17 | Price of United States Anthracite per ton F.O.B. cars at points named |
|---|---|---|
| | Tons | |
| Winnipeg | 200,000 | $9 50 to $10 00 |
| Portage la Prairie | 4,000 | 10 00 " 10 50 |
| Carberry | 1,050 | 10 65 " 11 15 |
| Brandon | 9,200 | 10 60 " 10 85 |
| Virden | 2,280 | 10 80 " 12 15 |
| Moosomin | 1,836 | 11 00 " 12 25 |
| Wolseley | 1,012 | 11 50 " 11 75 |
| Regina | 43,300 | 11 60 " 12 25 |
| Moose Jaw | 3,845 | 11 45 " 12 35 |

Statement showing number of cars of grain originating on some of Canadian National Railway lines tributary to Hudson Bay Railway, 1913 to 1916 inclusive.

Swan river to Preeceville—distance 72 miles

This line is through an open prairie country with occasional wooded bluffs and admirably adapted for either grain growing or mixed farming.

Statement of Grain handled off above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars .. .. | 1,270 | 625 | 2,118 | 1,683 |

Candora to Sturgis—distance 22 miles

This line runs through open prairie country suitable for grain growing.

Statement of Grain handled off the above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | .... | .... | 800 | 488 |

Note: Line put in operation in 1915.

Dauphin to Prince Albert—Distance 160 Miles

This line leaves the main line of the Canadian Northern three miles north of Dauphin. For the first 120 miles north and westbound from the junction with the main line, the country is open and wooded in some sections, well adapted for mixed farming; in addition to grain production a considerable amount of live stock is shipped. From mile 120 to Tisdale, mile 272, the line runs largely through a timber country producing quantities of lumber and other forest products, which are shipped east and west. The principal mills are on Red Deer lake, about mile 160 and at Crooked river, mile 259. This section of land has produced large quantities of ties and piling timber used for maintenance purposes for other sections of the system. At Tisdale, mile 272, the line enters the open country well adapted for grain growing and mixed farming. This class of country, with the exception of occasional bluffs, extends to Prince Albert, mileage 360. At Prince Albert, with a population of

about 6,500, considerable traffic is secured from the Prince Albert Lumber Company in lumber shipments destined to various points on the system.

Statement of Grain and Lumber handled off the above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Cars of grain.. .. .. .. | 1,969 | 1,069 | 3,202 | 2,568 |
| Cars of lumber.. .. .. | 3,900 | 3,337 | 2,405 | 2,851 |

Hudson Bay Junction to The Pas—Distance 87 Miles

This line is through timber country. While eventually there may be some farming done, it cannot be classed as desirable from an agricultural standpoint. All material for the construction of the Hudson Bay railway is handled by this line, in fact it is the only line having connection with the government line under construction to Port Nelson.

Statement of Fish, Lumber and Copper Ore handled from The Pas

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Fish.. .. .. .. .. .. .. .. | 29 | 49 | 33 | 54 |
| Ore from March to November 1917, inclusive, 81 cars. | | | | |
| Lumber.. .. .. .. .. .. .. | 143 | 612 | 559 | 731 |

Welford to St. Brieux—Distance 21 Miles

This line is through an open prairie country well suited for grain growing or mixed farming.

Statement of Grain handled off above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. .. .. | 306 | 163 | 570 | 299 |

Regina to Prince Albert—Distance 249 Miles

Acquired in 1906 by purchase from the Regina, Long Lake and Qu'Appelle Railway. The principal cities are Regina, population say 30,000; Saskatoon, population 24,000 and Prince Albert, population 6,500. The line from Regina to Saskatoon, 160 miles, is through an open prairie country, ranging from flat plains to rolling country and well adapted for grain growing. The only important stream crossed is the South Saskatchewan river at Saskatoon.

From Saskatoon to Prince Albert, a distance of 89 miles, the country for the first 60 miles is open prairie, generally level and grain producing throughout. From Roddick to Prince Albert, a distance of 29 miles, the line is through partly wooded country, adapted for cattle raising and mixed farming.

This line crosses the main line of the company at Warman.

Statement of Grain handled off Regina to Prince Albert line

| Years | 1913 Cars | 1914 Cars | 1915 Cars | 1916 Cars |
|---|---|---|---|---|
| Regina to Saskatoon.. .. . | 4,884 | 3,430 | 7,445 | 5,120 |
| Saskatoon to Prince Albert. | 1,071 | 681 | 1,028 | 931 |
| Total.. .. .. .. .. | 5,955 | 4,111 | 8,473 | 6,051 |

Saskatoon-Calgary Line—Distance 400 Miles

From Saskatoon to Munsen, a distance of 302 miles, the line is through an open prairie country, slightly rolling, well adapted for grain growing and well settled, with villages or towns located at intervals of about seven miles. While the country is only partly under cultivation the yield has been satisfactory as the statement shown below will show. From Munsen to Calgary, a distance of 98 miles, it can be classed as a good mixed farming country, shipping a considerable amount of grain and cattle. From Saskatoon to Hanna, a distance of 262 miles, the company handled 59.3 cars of grain per mile of track for the crop of 1915.

[Mr. Dunning.]

For mileage 312 to 324 and along the Red Deer river is located what is commonly called the Drumheller coalfields—fourteen mines are in operation and have produced up to 136 cars per day. The mine owners claim that this can be increased at any time to 178 cars per day, or approximately 5,500 tons, providing sufficient cars are supplied. Provision must be made, commencing September next, for daily loading of approximately 7,000 tons, all of which must be handled by the Canadian Northern railway.

Statement of Grain shipped off the Saskatoon-Calgary line

| From: | Miles | 1913 Cars | 1914 Cars | 1915 Cars | 1916 Cars |
|---|---|---|---|---|---|
| Saskatoon to Kindersley.. | 126 | 3,605 | 1,863 | 7,587 | 4,693 |
| Kindersley to Hanna.. .. | 136 | 1,605 | 901 | 7,924 | 5,655 |
| Hanna to Calgary.. .. .. | 138 | 438 | 390 | 1,901 | 1,965 |
| Total.. .. .. .. .. | 400 | 5,648 | 3,154 | 17,412 | 12,313 |

Statement of Coal handled from Drumheller, Alberta

| Years | 1912 | 1913 | 1914 | 1915 | 1916 | 1917 |
|---|---|---|---|---|---|---|
| Number of cars.. | 287 | 1,117 | 4,148 | 6,236 | 10,986 | 20,379 |

Delisle to Dunblane—Distance 59 Miles

This line is through an open prairie district, ranging from level plains to rolling country, well adapted for grain growing, for mixed farming. From the crop of 1915, the Canadian Northern railway moved 3,317 cars grain, say at 66,000 pounds, carrying a rate of 23 cents per 100 pounds to Port Arthur—$151.80 per car or total revenue of $503,530.60, equivalent to $505 per mile of track from the originating point to Port Arthur, a distance of 997 miles.

Statement of Grain handled off above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | 1,579 | 725 | 3,317 | 2,362 |

Elrose Junction to Eston—distance 85 miles

This line is through open prairie country, slightly rolling and well adapted for grain growing. Some of the company's lands are located along this line, which is likely to be extended westward to a connection with the Saskatoon-Calgary line. From the 1915 crop there was shipped 4,056 cars from this line, or 48 cars per mile of track, the revenue from which was approximately $626,927, the rates to Port Arthur from stations on this line being 23 and 24 cents per 100 pounds, and basing the figures on 66,000 pounds to the car. The above amount provided revenue of $589.77 for every mile of track from a point midway on this branch to Port Arthur, i.e., 1,063 miles.

Statement of Grain handled off above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | 844 | 258 | 4,056 | 3,703 |

Note.—The 1914 was a poor crop. In 1915 the mileage extended from 50 to 85.

Dalmeny to Carleton—distance 36 miles

This branch is open prairie, generally level country and suitable for grain growing.

Statement of Grain handled off above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | 805 | 553 | 942 | 872 |

Prince Albert to Denholm—length 117 miles

From Prince Albert westerly for the first 15 miles can be classed as a cattle country, but producing considerable cordwood, which is shipped to Prince Albert and to points south including Saskatoon. From mileage, 15 to Denholm, with one or two small exceptions, the country is open prairie, well suited for grain growing or mixed farming.

Statement of Grain handled off Prince Albert-Denholm line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | 1,946 | 1,587 | 2,206 | 2,287 |

Shellbrook to Big River—distance 56 miles

This line is through part open country suitable for mixed farming and partly through timber. The Prince Albert Lumber Company have logging operations tributary to this line and deliver cars loaded with logs at sidings on this branch which are then handled by the Canadian Northern to Prince Albert. At Big river, the terminus of this line, there is also a saw-mill, the product of which is shipped over this line.

Statement of Grain handled off above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | 25 | 31 | 435 | 373 |

Statement of Logs handled off above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | 2,473 | 2,076 | 1,767 | 1,144 |

Statement of Lumber handled from Big River

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | 531 | 254 | 898 | 1,370 |

North Battleford to Turtleford—distance 56 miles

This line leaves the main line at North Battleford and runs through a good farming country all the way to Turtleford. The company have under construction a line extending from near Edmonton easterly and when completed will connect with this branch, giving the settlers on the north side of the Saskatchewan river transportation facilities. At present some of these settlers have upwards of 60 miles haul to reach the nearest railway which is the Canadian Northern main line. Under these conditions the settlers are confining their efforts to livestock which can be driven to market.

Statement of Grain handled off the Battleford-Turtleford line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | 642 | 406 | 1,497 | 1,100 |

Battleford Junction to Battleford—distance 8 miles

This branch was constructed to give the old town of Battleford connection with the main line. The principal traffic is shipments to and from the town of Battleford.

Statement of Grain handled off above line

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Number of cars.. .. | 39 | 36 | 65 | 58 |

Summary

| Years | 1913 | 1914 | 1915 | 1916 |
|---|---|---|---|---|
| Total Cars .. | 16,144 | 9,288 | 37,648 | 29,037 |
| Bushels.. .. | 18,000,000 | 10,000,000 | 41,000,000 | 32,000,000 |

Mr. BIRD: Mr. Chairman—

Mr. HANNESSON: Mr. Chairman, I should like—

The CHAIRMAN: The member for Selkirk (Mr. Hannesson) has the floor.

Mr. BIRD: Mr. Chairman, I had the floor and gave way to the Minister of Railways.

The CHAIRMAN: It is quite true the hon. member for Nelson (Mr. Bird) had the floor on that occasion, but about an hour ago the hon. member for Selkirk sent me a note saying he would like to follow the hon. member for St. Lawrence-St. George (Mr. Cahan) and I promised to recognize him.

Mr. BIRD: Is it in order for an hon. member to pre-empt the floor of the House?

The CHAIRMAN: If the hon. member for Nelson wants the floor he has the right to it; he rose first. I leave it entirely to his judgment.

Mr. FORKE: Mr. Chairman, I rise—

Mr. CAHAN: I should like to suggest, Mr. Chairman, that the hon. member for Nelson established the precedent of pre-emption.

Mr. HANNESSON: Mr. Chairman, I might explain that I deferred rising in my place because the hon. Minister of Railways had intimated to me that he wished to speak next.

Mr. FORKE: Mr. Chairman, I rise to a point of order. I think the Chairman is perfectly straight and honest in his rulings, but I do think on this occasion he kept his head too close to the papers in front of him, for the simple reason that I have watched him time after time when members in this end of the chamber have risen first and have noticed that some other member to the Chairman's left has caught his eye.

Some hon. MEMBERS: Order.

Mr. FORKE: I am not attributing anything unfavourable to the Chairman's conduct. I think he is perfectly honest—

Some hon. MEMBERS: Order.

Mr. FORKE: —but it seems to me he should look along the chamber sometimes, when he would probably see other hon. members trying to catch his eye besides those to his left.

Mr. BIRD: Mr. Chairman, I did not understand that in committee it was customary to make arrangements as to the order in which members are to speak. It seems to me unfair when a member sits here throughout a debate that his chance to speak should be lost simply because another member, who may not have been in the House during the debate, has arranged with the Chairman and pre-empted his turn.

Mr. HANNESSON: I have been in my seat the whole afternoon.

Mr. BIRD: However, I am quite willing to give way to my hon. friend because I realize we are both fighting in the same cause. I simply protest against the procedure.

The CHAIRMAN: I might say to the hon. leader of the Progressive party (Mr. Forke) that of course while in the chair I have no particular sympathy with any party or any member. I need not go further than that so far as he is concerned. About an hour ago the hon. member for Selkirk sent me a note saying he would like to follow the hon. member for St. Lawrence-St. George. I wrote him in reply that the arrangement was quite satisfactory to me. Shortly after the hon. member for North Battleford (Mr. McIntosh) also sent me a similar note, and I told him where he would come in. Then the Minister of Railways asked that he might follow the hon. member for St. Lawrence-St. George, and to this the hon. members for Selkirk and North Battleford agreed. The hon. member for Nelson rose in his place first, and if he desires to exercise his right he is entitled to the floor, but I think under the circumstances that, as he has just admitted, both the hon. member for Selkirk and he are fighting for the same cause in this debate the incident is satisfactorily settled.

Mr. FORKE: Mr. Chairman, I think we ought to have this matter definitely settled. It is just a point of order. I have always understood that when the Speaker was in the chair during a regular debate it was arranged between the whips in what order hon. members should speak, and the Speaker was furnished with a copy of that list, but this is the first time I ever knew that the chairman of the committee of the Whole kept such a list with no arrangement whatever being made.

The CHAIRMAN: I might also say to the hon. member for Brandon that the practice is quite usual, whether in committee or in the House and if persons send their names to the Chairman he is perfectly justified in following that list.

Mr. HANNESSON: When the motion to adjourn the debate was made last night I had not intended speaking because I felt the House to be so favourable to this item that it would be useless to take up any more time. But I have a deep interest in this subject, and the remarks of to-day and last night compel me to say a few words. When in 1886 the famous telegram to which the minister referred was sent saying "Hurrah; the rails are shipped", the projected route of the Hudson Bay railway was through the constituency of Selkirk, and to-day the dump from which the rails were removed is still to be seen at Warren, Manitoba. The descendants of the original Selkirk settlers are also to be found in that constituency, people who came in by way of Hudson bay, and the descendants of most of the Hudson bay factors find their homes there. These people have all had to do with the Hudson bay and the north country, and they have not only a sincere belief in the feasibility of the route but a conviction that it can be made to pay and that the completion of the road is inevitable. If I thought for one moment there was any danger that this item might not pass, I would not be doing my duty if I did not say something. But I believe something should be done to controvert what I can only characterize as propaganda against that railway which I regret to say has come almost altogether from this side of the House, with the exception of the hon. member for Winnipeg North Centre (Mr. Woodsworth).

Mr. WOODSWORTH: I would just like to say that I resent having my speech characterized as propaganda against the railway; in my remarks I stated that I would vote in favour of the estimate. I prefer to make my statements in my own way, without having them characterized by the hon. member opposite.

Mr. HANNESSON: My hon. friend's remarks will speak for themselves, and I am sure he will again have occasion to do some explaining in this connection. Last night I was very much impressed by the remarks of the hon. member for South York (Mr. Maclean). He pointed out that the destiny of Canada would be realized in the north, and I am a firm believer that if we are to realize our destiny we must look northward. Every movement in that direction has been successful, and has worked to the good of Canada.

Every argument I have heard in this House and elsewhere against the feasibility of the Hudson Bay railway has been almost identical with the arguments advanced against practically every effort that has been made to extend our civilization and settlement northward. I can also say that during the years I have heard the Hudson bay route discussed —and they are many—the same kind of talk has gone on as we have heard in this House with regard to the feasibility of the route. It is a remarkable thing that although the hon. member for St. Lawrence-St. George (Mr. Cahan) had apparently spent a good deal of time gathering data and material to demonstrate that the route was not feasible and would not pay, he was unable in support to quote a single witness with the exception of Mr. McLachlan, a man uninformed in many things, however well he may be informed in others. It is all very well for hon. members to say that the north is a frozen country

fit for nothing and that Hudson strait is not navigable, but when they are asked for proof they point to a report made in 1917 by an engineer who was there when nothing was doing and made but one trip by water. This same man gave evidence before the Senate committee in 1920, among other witnesses, and we all know the report made by the Senate.

The hon. member for Winnipeg North Centre said last night he would like to have an expert commission investigate the matter; he wanted expert evidence. Is not that exactly the kind of propaganda which has been delaying the construction of the Hudson Bay railway all along? Whom would that commission be composed of? He suggested it should include engineers, shipping men, grain men and others.

May I point out the nature of the evidence given before the Senate committee, upon which the report was based? They took the evidence of a sergeant of the Royal Canadian Mounted Police who had been in that country for many years; Mr. F. C. T. O'Hara, Deputy Minister of Trade and Commerce; Mr. J. G. Desbarats, Deputy Minister of Naval Service; Captain Frederick Anderson of the Hydrographic branch, Naval Service; D. W. McLachlan; Vilhjalmer Stefansson, the Arctic explorer; Captain Norman E. Freakley, who had been in the Hudson's Bay service since 1898, sailing the bay; Captain Bernier, the Arctic explorer, sent specially to Hudson bay by the government; W. P. Anderson, of the Marine Department; Lance Corporal White, of the mounted police; Edward E. Prince, Dominion Commissioner of Fisheries; Mr. John L. Payne, statistician, Department of Railways and Canals; Hon. Frank Cochrane, who went to Hudson bay himself; W. G. Walton, a missionary; J. B. Tyrrell, a mining engineer; J. W. Tyrrell, a civil engineer; Mr. E. E. Clawson, Department of Marine and Fisheries, and others. All these men had been at the bay personally and were as well qualified in their own branches as anyone who could be selected by this government. Yet my hon. friend says there is not sufficient data and information. After hearing the evidence of these men the Senate made a report which fully justified the government in going ahead. It must also be remembered that in 1912, when it was decided to go ahead with this matter, the then Minister of Railways personally went to Hudson bay. For several centuries men have been doing business there. There are records dating back to 1740 showing the nature of the country, the feasibility of the route and all that is required.



Before I go into some of the objections which have been made I would just like to say that I was very grateful to the minister for the information he gave, but that information was disappointing to me as it will be to a great many other people. In the first place I think this House is entitled to know the exact condition of the system from someone who has made a personal examination. It is hard to believe after the appropriations that have been voted almost every year by this House, running up to $300,000 in some years, that the system should be so badly run down that it requires $3,000,000 to put it into shape. Mind you, I am not finding fault with the principle of first repairing the existing track. I think that is only sound business, and that it will decrease the expense in connection with further construction. But when we are asked to vote an amount of $3,000,000 I think this House is entitled to know that it is not an estimate made by some person sitting at a desk here in Ottawa or in the Department of Railways and Canals. I think the House is entitled to that information. I asked for it yesterday, and it seems to me that it should be made available. But that is not the only disappointment. I am not going to go over all the promises of construction that have been made, but during the last year both parties made specific promises to the people of the west. The promise of the Liberal party was as specific as it could be—"immediate construction of the Hudson Bay railway to Port Nelson." That promise was reiterated here in the House in the Speech from the Throne; it was made again in the Prince Albert by-election. Again, when the leader of the government in the Senate said that the vote was only for repairs, that statement was afterwards denied in this House. The people of western Canada expect that there will be no more dilly-dallying about this thing. They do not want to be put off further, and if $3,000,000 is not enough—and remember, the construction of the 92 miles could be proceeded with concurrently with the repairs—we expected that the amount required would be voted this session. I say that this House should go on record as definitely committing the government of Canada to the construction of the road right to the bay. That is all that I suggest they should do. I quite realize that if the road is constructed to the bay, the further question of the construction of harbour works and improvements will come up subsequently. But by the time that does come up, we shall expect the government to have sufficient in-

formation to enable us to judge whether it is wise to make that expenditure or not. But that is not an issue at the present time. The government is not committing itself on that point, and I am not asking this House to commit itself to that further construction. But I say that we are entitled, in view of the promises made by representatives of both parties, to a definite declaration that the full amount required for the road be appropriated.

A great deal has been said about navigation. I submit that in view of the Senate report there is no need to go into that question exhaustively, particularly as the present vote is not concerned with that expenditure. Every man in the west believes that the Hudson Bay railway will be a grain route, but whether the grain business alone or the cattle business alone will justify the construction of this road, we believe that the grain business and the cattle business taken in conjunction with the other business that the road will develop will justify its existence, and it is only from the point of view of dealing with these characteristics that I am going to speak now, because I think we have gone far afield in dealing at the present time with navigation or with the cost of harbour improvements at the bay.

In the first place, may I draw the attention of the House to the report made by Professor Prince, at page 43 of the Senate report, with regard to the fisheries? It shows beyond all question that not only are the fisheries of the rivers wonderful, but the wealth of fisheries at the bay is overwhelming and would add greatly to the wealth of Canada. Almost every kind of fish is to be found in the bay. Mr. McLachlan has said that there might be fish there, but that there would be no fishing season. The only thing he had to go upon in making that statement was what some Indians in the district had told him. As everybody knows the Indian is not a deep sea sailor, and he fishes in a very crude way.

A pamphlet has been issued this year by the inspector of fisheries of the Dominion, showing the result of investigations made last year, and it confirms Mr. Prince's view that the fishery wealth of northern Manitoba and the bay is amazing. I am not going into the details, because any member who is curious can find them in the sources I have indicated.

With regard to minerals, the Senate report gives considerable information. We know that at The Pas minerals have been discovered that justify the expression of opinion that was made by Mr. Tyrrell before the Senate committee. There is not the slightest doubt that there is enormous mineral wealth in that district that will be available when the country is opened up by the railway. When you think of the wealth produced for Ontario in what was the backwoods of that province, which years ago people would not hear of as fit for habitation, you can realize the possibilities in the Hudson bay territory.

There is not only timber but pulpwood in that territory. Between The Pas and Split Lake it is estimated that there are 6,000,000 cords of pulpwood. There is now a mill at The Pas with a capacity of 125,000 feet per day, and the timber runs farther north than has been indicated. I have examined the photographs available to every member of this House, taken by the Air Service, and to be found in the Topographical Surveys branch, showing the whole country from The Pas to Port Nelson and Fort Churchill covered with forests of much the same character almost right up to the bay.

I do not need to dwell upon the fur wealth of that country, and how that will help. For centuries the Hudson's Bay Company has been capturing fur-bearing animals in that district. That will add to the business of the railway, and it is a big business, as witness the fur market in Winnipeg, which is going to equal the Montreal fur market. The furs come altogether from the territory that is to be served by the Hudson Bay railway.

I am going to dwell for a few minutes on the climate and soil, because more has been said detrimentally about that than perhaps about anything else except navigation. Hon. members laughed at the hon. member for Marquette when he spoke of bathing in the Hudson bay. I am not going as far as that, but I shall read a few extracts to show the nature of the weather at the bay, and which will at the same time give an idea of the capabilities of this region for cultivation. I am reading from "The Hudson Bay Road" by A. H. de Tremaudan, which will be found in the library. He has gathered information regarding the climate going back as far as 1752. He says:

> In 1752, Robson, the architect of Fort Prince of Wales, had a similar opinion: "I have seen a small pea growing without any culture (at York Factory). Most kinds of garden stuff, particularly peas and beans, grow here to perfection....I am of opinion that barley would flourish....Gooseberries and red and black currants are found in the woods growing upon such bushes as in England....I should expect by no more labour than would be proper for my health to procure a desirable livelihood; not at all doubting of my being able to raise peas and beans, barley and probably other kinds of grain (on Hayes river).... The natural produce of Hudson bay grows very fast, and comes to perfection much sooner than that of England. There is no spring or fall—a leap from winter to summer....The soil is fertile, the climate temperate, fit for the produce of all kinds of grain

and for raising flocks of tame cattle....At Churchill horses and cows have been kept in winter, though greatly exposed to the frost and cold,....at Moose Factory sown wheat has stood the winter frosts and grown very well the summer following,....black cherries also planted here have grown and borne fruit, as would other trees if propagated;....the climate is not worse than that of Sweden, Denmark, Russia, Poland and North Germany."

Then take the evidence of Mr. R. F. Stupart, now Sir Frederick Stupart, director of the Meteorological Service, before the Senate committee of 1907:

As to the isothermal lines of that part of the country lying south and west of Split lake on the route of the proposed railway between the head of The Pas and Churchill, Mr. Stupart explained that in the month of June the district in question is between the isothermal line of 50 and 55. The corresponding isothermal district in Europe would be the extreme north of Scotland in June. In July that district is between the isothermal lines 55 and 60, and that would correspond with Scotland and a portion of Scandinavia. In the month of August the district in question is about 55, and there you have Scotland again. The country had a reasonably fair climate for the three summer months, June, July, and August.

I could quote more to the same effect. It is the long day of sunlight that enables things to grow so well in that territory, in fact the temperature rises until about six o'clock in the evening of each day. Then as to the soil. The hon. member for St. Lawrence-St. George talked about the moss in that country. The engineer whose statements he was quoting was not talking about moss; he was talking about the bog covering swamp where it went to any depth. But in the northern country where there is rock there always will be moss. Nevertheless there is plenty of good land in that country as it shown by the evidence given before the Senate committee in 1924. Let me point out the evidence of Mr. Stefansson to be found at page 34 of that report:

I think Churchill would be the best place to establish a musk-ox ranch because we know that it is good grass country.

He went on to explain that on the prairie there was plenty of grass, and that what is known as the barren lands was actually prairie. On those barren lands there are no trees but there is plenty of grass. At page 50 of the same report we find the evidence of Mr. J. B. Tyrrell who stated:

I think a reindeer ranch proposition on the west coast would be quite feasible. I saw great stretches of grass land, and also I saw vast herds of caribou which live on grass exclusively. They seemed to get abundance of feed.

What is the use of the hon. members accepting the biased reports of men that have travelled only in a very restricted area of that country and who say that the barren lands are incapable of producing, in the face of the statements of men like Stefansson and Tyrrell who say that those districts are capable of producing live stock, and in particular reindeer and musk ox. We who have been in the region referred to, and are familiar with its capabilities, know that in the matter of production it has great potentialities. At one time in our history the cry was raised that very little could be grown away from the main line of the Canadian Pacific railway in the west. Nevertheless that company has built many branch lines from its main line in Saskatchewan and in that territory to-day there is a production of no less than 150,000,000 bushels of wheat. Those identified with the early history of the Canadian Pacific railway should have known better than to entertain any doubt of the possibilities of the west in the matter of production. Similar doubts were expressed in the past with regard to the possibilities of Manitoba, or at least the northern part of the province. It was said that grain could not be grown there. Yet grain is being grown there to-day, and all the time the area of production is extending farther and farther north. There is no question in my mind but that people who have posed as authorities have been utterly wrong in their statements about the northern country. It is not one bog or swamp, nor is it a useless and barren country. It is a region capable of great development and that development will take place before many years have passed. We of the west who know that country and realize its possibilities have great faith in it. We come to hon. members with assurance and ask them to give us something that has been promised for generations and generations. We say to them that if they wish the destiny of western Canada to be realized they will help us to roll the map northward because that is where the future development of western Canada lies.

Mr. BIRD: It had not been my intention to speak at all until I listened to the hon. member for St. Lawrence-St. George (Mr. Cahan). I notice, by the way, that that hon. gentleman is in the habit of delivering himself and getting out of the chamber as quickly as possible; he has everything to teach and nothing to learn evidently. I listened very carefully to the hon. member's speech throughout, and I must say that it was a very clever piece of special pleading. His procedure amounted to this: All he did was to magnify the McLachlan report and belittle the Senate report. It is a very easy form of arguing when you can take two documents and carefully select all that is palatable in the one and all that is unpalatable in the other. I do not mind the hon. gentleman belittling the Senate on ordinary occasions it

he can do it. Nor do I mind him glorifying Mr. McLachlan on the proper occasion. But let us deal for a moment with the notorious McLachlan report. Personally I do not want to detract from the ability of this engineer. I think it is conceded that as an engineer he is foremost in his profession; but I want to remind the House that not a word in this report comes from Mr. McLachlan in his capacity as engineer. I would point out that this famous letter deals with phases of the problem which lie entirely outside his capacity as a port engineer; and if you will read all that Mr. McLachlan has ever said about Port Nelson you will find that on no occasion has he ever attempted to detract from that port. So far as Mr. McLachlan is concerned, the problem is not an engineering one at all, because Mr. McLachlan will be the first man in this country to admit that the engineering problems have been solved, and I think he would be prepared to admit that they have been solved by a very clever engineer. Of course I give due weight to the opinions of Mr. McLachlan as expressed here on the problems of navigation. I suppose he has as much right to an opinion as anybody in this House on navigation; and also we must attach some weight to his opinion given on matters of transport. This letter is composed of two sets of opinions; one based upon his view of the navigation difficulties, and the other on his view of the transport problem. He speaks in the first instance as a navigator and in the second instance as a freight expert, but not as an engineer because if he had spoken as such he would have described Port Nelson as one of the best ports of its kind on the face of the globe, as it surely is. The beginning of this letter always strikes me with a certain amount of amusement:

> Many a time during the past four years I have been on the verge of coming out in absolute condemnation of the undertaking.

I think it sheds a ray of light, if I may say so, on the temperament of Mr. McLachlan. It seems that he had his ups and downs. At times he felt that the enterprise was going to be a success. At other times he was down in the dumps, so to speak, and he felt sure, almost to the verge of admitting it, that it would not be a success. I am afraid that Mr. McLachlan, although he is an expert engineer who has carried a great work to the point of success, is in his disposition somewhat a little bilious and a little inclined to waver. Let me point out that my hon. friend from St. Lawrence-St. George has built up the edifice of his argument on this somewhat strange, outlandish document of Mr. McLachlan. The hon. member mentioned what Mr. McLachlan said in the following paragraph:



> Port Nelson was this year blocked with ice on August 29.

Now all newspapers opposed to the Hudson Bay railway have based leading articles on that one paragraph which stated that in midsummer Port Nelson was blocked with ice. Our friend from St. Lawrence-St. George emphasized that. I have the report before me, and if hon. members wil turn to page 19 they will find that Mr. McLachlan wrote a letter dated August 30, the day after the port was supposed to be blocked with ice, in which he says:

> As I write this letter, the ice is still in clear view in the vicinity of the Alette. Yesterday as it was a very fine day, I seized the opportunity and went out in a gasoline boat to a point about five miles beyond the Cearense.

He went fifteen miles down the estuary in a gasoline boat the day he reported the port was blocked with ice. I think this periodical appearance in the Nelson estuary of floating ice in summer is just as understandable as the appearance of floating ice in the estuary of the St. Lawrence. These phenomena arise precisely from the same cause. Mr. McLachlan admitted that it was an extraordinary year. It may occur in midsummer of any year that there may be a field of floating ice going as far south as the estuary of the Nelson just as it gets as far south as the north Atlantic shipping route in certain years. That goes without saying, but it is another matter to base on that an argument against the feasibility of the route. Mr. McLachlan's report is based solely, not upon his experience as an engineer, because his experience as an engineer relieves the Hudson bay route entirely from any doubt. I say that Mr. McLachlan would be the first man to admit that Port Nelson at the present time, up to the point he left off working on it, was a real success, and that nature and human ingenuity had come together and had made a feasible port in that estuary. Too much importance can be attached to these point blank statements we have listened to this afternoon. If you look at any project from the beginning, it is easy to conjure up imaginary difficulties which, in the popular view, will condemn it. Suppose such a process had been followed for instance in regard to the port of Montreal, or in regard to any great world ports, that would be sufficient to condemn it in the minds of some people. I have

5 p.m.

before me some excerpts from a pamphlet entitled:

Notes from report on British and continental ports with a view to the development of the port of Montreal and Canadian transportation.

It states here:

Although Great Britain's sea power during Elizabethan times achieved a position that has since preserved her commercial integrity, Liverpool's maritime commerce was then being carried by 15 ships with an aggregate burthen of 268 tons. The sand dunes sloping to the river were undisturbed by artificial construction, and no shelter for ships existed. Nature has, however, been overcome by the courage, persistence and skill of determined men who, in the words of a former dock chairman, have made of Liverpool "a purse out of a sow's ear."

They had made a port out of the level sand dunes. I have another interesting extract here.

The length of the channel from the Nore Light to London Bridge is 47½ miles, with a width varying from 1,000 feet to 200 feet, and a depth varying from 26 feet to 14 feet at low water.

And the narrowest width of the channel at Port Nelson is over 1,000 feet. Now let me give a further extract. This relates to Montreal:

In the year 1773 Glasgow was an important town, having less than 30,000 inhabitants. There was no harbour, the river Clyde being in places from 15 to 18 inches deep, and with only a "sensible" tide opposite the town. As far down as 12 miles below Glasgow the river was fordable. The river Clyde is now one of the great navigable highways of the world, 22 feet deep at low tide and 33 at high tide—

Almost exactly what the channel at Nelson is now.

—and its construction is considered a triumph of engineering skill. The creation of this inland waterway, with the resulting commercial and manufacturing establishments, is certainly a most notable achievement. It was the success of the improvements on the Clyde which prompted the improvement of the river St. Lawrence ship channel to Montreal, which now, as regards size and navigability, so far surposses its model.

I quote this just to show that from the point of view of engineering the proposition at Port Nelson is one of the best this world affords, one of the shortest, deepest and cleanest channels you can mention off hand. As to ice conditions, it is possible to magnify ice to almost any dimensions, if you want to belittle this proposition, but I want to say that some of the busiest trade channels in the world have conditions which are just as black to the outside observer as anything pointed out by the hon. member for St. Lawrence-St. George. Let me now quote from Lloyd's calendar for 1924; concerning ice in the Baltic:

The obstruction by ice varies considerably in different years.

Just as it does in the Hudson bay.

The winter marks are laid out in November and December, and removed in March and April. In the northern part of the gulf of Bothnia, navigation is not generally open to sailing vessels until the middle of May. In the gulf of Finland navigation is usually closed about the end of November and opens late in February. The entrances to the gulf of Riga are usually closed in a few weeks, but the middle of the gulf rarely freezes completely. The river Dwina is kept open by ice-breakers. The earliest recorded date of the closing of Kronstadt is 12th November and latest 20th January, and the earliest opening 9th April and latest 24th May, Petrograd being a little earlier and later.

It goes on to show the ice conditions in a good many other important ports of northern Europe, and none of the conditions portrayed are any more favourable than the conditions portrayed by the hon. member for St. Lawrence-St. George. It is beyond refutation that in relation to this route there is no engineering problem whatsoever. The whole problem with regard to the Hudson bay route boils itself down to the navigation of the straits. Every reasonable man must concede that. There is no problem anywhere else.

Mr. SPENCE (Parkdale): What about money?

Mr. BIRD: That problem depends upon one's point of view and the object aimed at. I can quite understand that it looms larger in the mind of the hon. gentleman than it does in mine. That is explained by a difference in geography. The problem of the Hudson bay route, I repeat, is precisely that of the navigation of the straits. And we must narrow it down still further, for I do not think there is a man in this House who will deny that the Hudson straits are navigable during some part of the year. Everybody knows that; everybody is aware that in certain months during the summer the straits are as navigable as the Mediterranean sea. It is therefore not a question of navigability. I listened to the speech of the hon. member for Hants-Kings (Mr. Foster) last night, and I was surprised to hear him suggest that this was all a matter of sentiment. You will have observed as I did that he was the only man who had indulged in any sentiment so far as the debate had then proceeded. In fact, his speech was all sentiment. I have read it again and I have yet to discern a single fact in it. He declared that he had gone through the straits and had got scared, notwithstanding the fact that he had gone in an ice-breaker. He went through the straits and was so scared that no money would ever per-

suade him to repeat the trip. He is the only man bearing an Anglo-Saxon name I ever heard of who was scared in going through the straits.

Mr. PRICE: I do not think the hon. member is quoting the member for Hants-Kings correctly. I do not think he made use of that language at all.

Mr. BIRD: Of course he did not. I could not repeat offhand the exact language he used, but the substance of it was that having gone through the straits he was in a superior position to give an opinion on the question. If therefore he was possessed of the information he should have cited a few instances in proof of his assertions so that he might have been checked up. As it is we cannot check him up.

This is more than a matter of sentiment. So far as the navigability of the straits is concerned, no reasonable man here or elsewhere will deny that the whole question is the length of the season of navigation. I want the committee to keep that in mind because it is the kernel of the whole question. Do not let us be led aside by any talk of muskegs along the Hudson Bay railway or by any suggestion of difficulties in engineering, because such difficulties do not exist. The whole problem, I say, consists in the length of season in which the straits may be navigated. Now that problem certainly is not a matter of sentiment, nor is it a matter of mere guesswork. It has been investigated at least three times through money voted by this House. In 1885-86 an expedition was sent out to the bay at the instance of parliament to look into the question, and again in 1896 another and better equipped and a more costly expedition was dispatched to make investigations. And that expedition had the benefit of the findings of its predecessor. Again, in the years 1910, 1911, 1912, 1913 and 1914, at the expense of the country, a more thoroughly equipped and a scientific expedition was sent out for the sole purpose of discovering how long the straits were open for navigation in the course of the summer. The hon. member for St. Lawrence-St. George never mentioned that expedition. He never referred to it, for the simple reason that it was not just favourable to the trend of his speech. That expedition was instructed to enter the straits at the earliest practicable moment and to leave them at the last moment it thought advisable, and it reported in favour of the Hudson Bay route, giving the length of the navigation season at four months as a minimum, with a possibility of extending it at each end. I have before me the report submitted by that expedition and I find in it this statement:

> The period during which vessels could enter Hudson strait with comparative safety may be taken to extend from July 15 until November 15, with an extension of a week at either end according to the season.

That was no hasty conclusion; it was the deliberate finding of a careful, well equipped and scientific expedition. So that the question as to the earliest moment at which vessels may enter the straits and the time at which they may safely depart has been settled. It has been known for a good many years that the middle of July may be regarded as the average date at which commerce may enter these straits with any degree of safety. There is no question about that; we do not need to send any more expeditions to discover the fact. It has been settled for all time to come. It is as firmly established in the realm of realities as is the clock tower on this building. We do not need to spend any more money whatever to find it out. It does not matter what documents may be brought forward, those who follow the researches that have been made are bound to come to the conclusion that July 15 marks the beginning of commerce in the straits. The only question therefore which we have to decide is the length of time during which shipping can go on.

Now the hydrographic surveys carried out in the years I have mentioned afford the only instance of any earnest effort having been made to determine the date at which navigation in the Hudson straits closes. The Anderson expedition, sent out particularly with the idea of ascertaining the closing date of navigation, without very much effort found that navigation could go on for at least another month beyond the date set by Wakeham. I believe any reasonable person who reads the story of the Anderson expedition will come to the conclusion that the hydrographic surveys, although they went further than any other expedition along those lines, did not go as far as they might have gone; and it is my belief that in many years the period of navigation will extend over a much longer period than that which the Anderson expedition gave as their conservative report.

The member for East Algoma (Mr. Nicholson) and other hon. gentlemen who have spoken against this proposition have advocated a new expedition. Now, I wonder what more that expedition could find out than has already been found out. How would it help this problem to take in coal and dump it in the Nelson river? I do not know very much about navigation problems—

Mr. CANTLEY: Agreed.

Mr. BIRD: I know perhaps as little as the hon. gentleman who interrupts.

Mr. CANTLEY: Very likely.

Mr. BIRD: But I know the problem is simple—in fact at one end of the period there is no problem at all, and at the other end it is so simple that it does not need a special expedition to find out just when the period of navigation closes, because I feel convinced that all the documentary evidence exists whereby any reasonable person can form a fair conclusion as to the conditions of navigation in November and December. Supposing this expedition, advocated by the enemies of this scheme in order to win delay and profit by the accidents that might happen, went there in a very unfavourable year, ran into a pack of ice in the middle of August and was stuck there, unintentionally, just as I was told by my hon. friend from Marquette a short while ago the Welshman, a tramp steamer, ran into a pack of ice in the St. Lawrence river in the month of May about two years ago; supposing that happened, would it not be a triumph for our hon. friends? That is precisely what they want. Supposing on the other hand it happened to be a very favourable year, something like the year 1912 when ordinary steamers could have gone in the middle of June and sailed out in the first week in January, because it is on record that in certain years there the straits are clear of ice for seven months, during which commerce could safely traverse those straits; what would our friends say if that happened to be the sort of year in which this expedition was sent out? I am afraid they would not accept the results, and all the money would have been spent for nothing. The futility of a proposition of that kind is beyond words to anybody who knows anything about the documentary evidence.

Mr. MANION: Did the expedition to which my hon. friend refers make one trip or a number of trips?

Mr. BIRD: They made a number of trips in the one year. Their official instructions were to enter the straits at the earliest moment, and to leave at the latest moment. they did considerable cruising around the straits in between the trips.

Now let me refer to the colonization phase of this subject. My hon. friend from St. Lawrence-St. George made a big pretense of building up a solid structure of argument against this proposition. It is only necessary to point out one or two things in addition to those I have already brought to the attention of the committee, to demonstrate that his argument from beginning to end was just a form of special pleading, not very much better than the servile articles that have now and again appeared in the newspapers of Montreal —not very much better, not much more solid; a little more pretentious, that is all, but in some cases actually based upon those pot-boiling articles. For instance, imagine the hon. gentleman standing up and seriously telling us that the Hudson Bay railway runs through a country of muskeg! We thought that bogey had been dissipated a good many years ago. We thought when that wilderness had been penetrated by actual construction work that all the talk about frozen tundra and frozen soil would be forever shattered. You know, in the childhood of the race people always conjured up all kinds of chimeras just beyond the horizon where the unexplored land lay. It was always very easy for the childish mind of humanity to conjure up all sorts of mysteries in that region where human beings could not penetrate and find out for themselves. Similar chimeras were conjured up about the Hudson bay country before construction of the line began. I had not intended to mention the fact, but I myself two or three years ago went over the entire length of the Hudson Bay line as far as steel is laid and then went down the Nelson river to the port itself. I want to say, in contradiction to what the hon. member for St. Lawrence-St. George said this afternoon, that there is no such thing as muskeg between The Pas and Port Nelson. Why, the original reports of Mr. Armstrong are enough to prove that. Under a Liberal government he was sent to investigate conditions for railway construction in the direction of Port Nelson, and here is an excerpt from his report:

> The route selected towards Port Nelson follows the Churchill route for some 150 miles, or thereabouts, the description of which has been given. Unlike the Churchill route, the Nelson route does not resolve itself into natural divisions, each presenting different characteristics peculiar to itself, but throughout maintains a generally uniform appearance, so that the description given for the first division of the Churchill route may be applied in a general way to the whole of the Nelson route. It is not expected that the rock work will amount to very much, the major portion of the grading being in clay loam with smaller percentages of sand, gravel and swamp. The tundra is not encountered on this route, the whole line being through timber not appreciably different from that described on the first 200 miles of the Churchill route. It may be mentioned here that sand and gravel has been found sufficiently often to justify our belief that ballast may be had without unduly long hauls, except on the northern 70 or 80 miles of the Churchill route.

Having been over the entire length of the road I can fully confirm everything said there. Here and there the line naturally passes through a small piece of swamp land as it would in any part of Canada, but speaking generally I believe there is no length of railway in this country so easily maintained and operated as will be this portion. The hon. gentleman said the line had actually gone out of sight in the bog. I travelled very inch of that line, and as far as I remember we kept on top all the time; I do not remember any time that the train or gasoline car had to be portaged. In a great many cases the line passes over rock and sand and gravel and clay, just as Mr. Armstrong says.

The hon. gentleman was quoting, I think, from a pamphlet written by a Mr. Payne, who is a paid propagandist for the Canadian Pacific Railway. The hon. member was trying to belittle the natural resources along that route. The Department of Agriculture of this government a year or two ago was asked to establish experimental stations along the line of this railway, in that well known clay belt discovered by Mr. Tyrrell many years ago, amounting to over 10,000 square miles. It was well known that gardens were kept successfully in that clay for many years, but until last year it was not known how agricultural products generally could be raised. I have the report of the mile 137 station,—

Mr. DICKIE: How far is that north of The Pas?

Mr. BIRD: There is one at mile 185 and one at mile 137, and the station at mile 137 had the following results:

| | Bushels per acre |
|---|---|
| Wheat— | |
| Garnet | 64.3 |
| Bishop | 64.3 |
| Marquis | 62.8 |
| Ruby | 53.5 |
| Early Triumph | 47.8 |
| Prelude | 46.3 |
| Oats— | |
| Legacy | 125.2 |
| Victory | 118.2 |
| Banner | 117.0 |
| Gold Rain | 90.5 |
| Daubeney | 79.4 |
| Alaska | 68.5 |
| Barley— | |
| O.A.C. No. 21 | 106.4 |
| Chinese | 102.2 |
| Early Chevalier | 98.9 |
| Charlottetown | 95.4 |
| Duckbill | 87.5 |
| Albert | 28.5 |

Anyone who knows that northern country is quite well aware that the section described by Mr. Tyrrell is an agricultural district of great potentiality. That part of the country far away from the line may not be developed for many years, but as soon as the line is constructed and a regular service guaranteed surely settlers of all kinds will be attracted.

I need not go into the mineral situation, but everyone knows perfectly well that for the first hundred miles this railway passes through the great pre-Cambrian field which has made Canada so famous in regard to minerals. That great pre-Cambrian area almost entirely surrounds Hudson bay, and the Hudson Bay railway passes right through the centre of it. This mineral area is in two lobes, almost like a human lung; the one lobe is the great northern Quebec district, while the other is the district running to the Mackenzie basin and the Arctic circle. The Hudson Bay railway, almost as though by design, strikes this great district in its very centre and runs through it for the first hundred miles or so. It is a matter of history that in recent times great deposits of copper and gold have been discovered in close proximity to the first hundred miles of this railway.

I need not enlarge upon the agricultural prospects of the next two hundred miles, but besides agriculture in that district there are immense possibilities in the way of timber and fish. This is the lake district of Canada; the most wonderful lake district in the world exists in my constituency about half way up the railway, and that district is noted for its beauty as well as for its wealth of fish. I believe no lakes on this continent excel in beauty some of those to be found near the Hudson Bay railway. Someone has said we cannot run this railway on sentiment alone. We do not have to; we have learned within the last two or three years that even natural beauty is an economic asset. But with fish and timber and agricultural possibilities I believe the central part of the Hudson Bay railway is destined to attract a great amount of settlement.

I do not want to prolong my remarks, but in closing let me refer to the last despised hundred miles of this railway, which has been referred to by former speakers. They have said that the last hundred miles is barren of prospects there. To my mind that is the most attractive portion of the whole line, because in the first thirty miles of that part there are some of the most wonderful water power resources to be found anywhere in Canada. The railway actually runs within a mile or two of and parallel to the river for this distance, contiguous to some of the finest water power sites in the world, with the last power site sixty miles from Nelson, at Limestone rapids. Within that thirty mile stretch

there are two million units of horse power at minimum flow and over three million at maximum, and to my mind that is the most promising and most attractive part of the railway.

I need not enlarge upon the possibilities of the bay itself. Mr. McLachlan, who in his time has played many parts, tried to become a fish expert as well as a transportation expert; he said there were fish in Hudson bay but that there was no fishing season. I would take the word of a resident of the constituency of my friend from Selkirk, where the people are born fishermen and know fishing prospects when they see them, rather than the word of Mr. McLachlan or anyone else in the engineering line. I will read this interesting paragraph taken from The Pas Herald of August 1, 1924:

Captain Baldwin Anderson, of Gimli, Manitoba, who has been in charge of fishing operations at Manito Rapids for the Armstrong Independent Fisheries Co., returned to The Pas last Saturday .

Before returning here Captain Anderson made a trip to Port Nelson in the interests of the fishermen of Lake Manitoba, who have been wanting to get some knowledge of the fishing possibilities of Hudson Bay. The Captain spent some time at the Bay and made a thorough investigation.

He was very pleased with the results and says there are great possibilities for the fishing industry in the northern waters. At the mouth of the river, tullibee, herring and trout are very abundant, while white whale and seals are also in large numbers. The white whale, Mr. Anderson states, produces the finest quantity of oil, and the flesh, when cured as it is in Iceland, is also good to eat. Further up the river sturgeon are abundant, Mr. Anderson taking out $1,200 worth in 10 days.

Fishing boats, he states, could go up the river for 60 miles. The banks of the Nelson River would form an ideal location for fishermen's homes. The banks are high and the ground rich. Farming could be carried on at the same time, and the fishermen could have their boats tied up right at their door.

That is from a practical, an experienced fisherman, and that was precisely the impression that the party which I was with took of the situation. I have been up lake Winnipeg and have seen the conditions under which lake Winnipeg fishermen make their living, and I know perfectly well that if ever that class of men, who run their fishing with their farming, get an opportunity to settle at the end of the railway at Hudson bay, that is where they will be, for that is the kind of living they wish to have. I think I have said enough, Mr. Chairman, to show the fallaciousness of the ponderous argument put forward by the hon. member for St. Lawrence-St. George.

Any Canadian with only a little amount of imagination who looks at a map of Canada will surely see that when the Hudson Bay railway is completed we are going to get immediate access both summer and winter to that immense continent which we call ours, but which in actuality we have never yet claimed and never laid hold of. When this railway is completed, we will find ourselves immediately in touch with every coast and shore along the Hudson bay. in touch with those great islands to the north, and with those great rivers which flow into Hudson bay and which are navigable, some of them, for two or three hundred miles from the Bay.

I should like to quote, in closing, words which I think are most worthy of the subject, and which were uttered by the right hon. leader of the opposition at Regina, on October 13th last, when he said:

Canada is too vigorous, too virile and too proud to see the Hudson Bay railway carried to within seventy or eighty per cent of completion, and leave it there a spectacle to the world.

Those are sentiments with which every full-blooded Canadian can sympathize. After all, it is not so much a matter of local sentiment. The hon. member for St. Lawrence-St. George went back a few years, in order to gain a point, and said that both the traditional parties, the Liberals and the Conservatives had demeaned themselves in order to respond to this fatuous appeal from the west. That is an attitude which no hon. gentleman can take who knows anything about the history of the Hudson Bay railway.

Mr. STEWART (Leeds): He did not use those words.

Mr. BIRD: No.

Mr. STEWART (Leeds): Then why did you use them?

Mr. BIRD: The hon. member will not deny that that was the essence of what he said.

Mr. STEWART (Leeds): I deny it.

Mr. BIRD: I think the hon. gentleman would deny anything that was unpalatable. I know it is an unpalatable thing for any party to have any of its members detracting from the traditions of the party in that way. I think it is unjust because anybody who understands the history of the Hudson Bay railway knows that no great party in this country could have escaped declaring themselves on this question, because it was not the aspiration of any small section of Canada, it was the aspiration of the whole of Canada. At that time it was the whole of Canada that was ambitious for the development of the west, and the great parties and their leaders, Sir Wilfrid Laurier and Sir

Robert Borden, and men of almost equal standing, all of them alike caught this spirit which was possessing Canada at that time, this desire to see that western country developed to its utmost. I do not think it is fair, I do not think it is advisable to detract from the history of our parties more than is necessary, and the parties certainly were not deserving of that criticism at that time, because I believe with all my heart that they responded inevitably to what was a national aspiration and a national demand at that time.

As usual, Mr. Chairman, when a person speaks without preparation he tends to run to length.

Mr. FOSTER: What rivers does the hon. member refer to that are navigable for two hundred miles from Hudson bay?

Mr. BIRD: The Thelon river, for one. Perhaps the hon. gentleman knows the geography well enough to know where that is.

Mr. FOSTER: Will you tell the House where it is?

Mr. BIRD: The Thelon river is on the eastern side of the watershed which divides the eastern side of the Northwest Territories from the west. The Mackenzie basin is on the one side, and the basin of the Thelon is on the other. The Thelon river is admittedly one of the greatest rivers in Canada. Anyone who wants to find out about the river only need to apply for a pamphlet issued by this parliament, and written by Mr. Tyrrell, who himself was one of the most recent explorers, in fact, the only Canadian explorer of that country. It was explored many years ago by Samuel Herne and men like that, British explorers, but Mr. Tyrrell was the first Canadian, I think, who ever took an accurate survey of the great Thelon river, and as soon as the port is established at Nelson, the Thelon river will be within a day or so of Port Nelson, and surely it will bring business to the road because that is one of the finest fur-bearing countries in the world. Its mineral wealth is great; in fact, it has been noted for centuries as a place where the mineral possibilities were almost mythical in magnitude. In regard to copper, there is a district up there called the Copper Mine country. Anyone who exercises his imagination only a little must realize what immense possibilities lie in opening up even a river basin like that, which is navigable for three or four hundred miles from its mouth even by ocean-going steamers, not to speak of the reaches beyond which would be open to smaller craft, to canoes and the like. That territory has sometimes been called barren, but that is a sad misnomer for that important part of Canada.

Mr. FOSTER: Where does that river open into the bay?

Mr. BIRD: About two hundred miles north of the Churchill river.

Mr. FOSTER: It is frozen all the year round.

Mr. BIRD: I beg to differ from the hon. gentleman. That very river was the channel which the ancient seekers after the northwest passage navigated. The river was so mighty that they thought they had found the passage; they thought it was a branch of the sea leading to China, and those noble men of old sailing in there in their little cockleshells went down the river for hundreds of miles until they tasted the water and found that it was getting fresh, and they turned back home. My hon. friend says it is frozen all the year round. That is a little more of his sentiment.

Mr. STEWART (Leeds): My hon. friend made a reference to Mr. Tyrrell, the engineer. Did he report in favour of the Hudson Bay railway or against it?

Mr. BIRD: I do not think that Mr. Tyrrell ever made a pronouncement on the Hudson Bay railway.

Mr. STEWART (Leeds): He has written articles on it.

Mr. BIRD: Yes, and perhaps the hon. gentleman has something in his mind—

Some hon. MEMBERS: Oh, oh.

Mr. BIRD: I meant something specific. However, I will venture this statement: If all the members in this House to-day were animated by the same spirit that animated Mr. Tyrrell there would be no question about the Hudson Bay railway. To him and his brother, I think, Canada owes more with regard to our existing great unexplored territories than any other men that went up into them, not excluding the type of explorer sent cut by Great Britain. The Tyrrell brothers were scientific geologists who traversed the country not only because it was their business to do so but because they loved it with a great love. Those men were enthusiasts, and I really think that if we had to depend upon the statements of the Tyrell brothers there would not be much doubt as to the Hudson Bay railway becoming an actuality.

Mr. MANION: My hon. friend who has just taken his seat, and some other hon. members, have implied that the party on this side was completely opposing the expenditure now proposed on the Hudson Bay railway. I admit that a number of speeches have been delivered on this side questioning the advisability of spending such an amount of money, and the advisability particularly of spending the vast amount that will ultimately be necessary to build up elevators, lighthouses, and so forth, to investigate the feasibility of the Hudson bay route. At the same time I point out that the best speeches, to my mind, which have been made in favour of this vote have been made by members of the Conservative party from the western provinces, in particular the members for South Winnipeg (Mr. Rogers), Winnipeg South Centre (Mr. Kennedy), and others. I say that in justice to these gentlemen, because it is true that in this party there are differences of opinion.

I have sat in this House for a number of years, and for the last four or five years I have heard this question discussed. But this is the first time I have ever said a word on the subject, and while I represent the city of Fort William, which would probably be injured more by the building of the Hudson Bay railway and the utilization of that route, if it were a success, for the shipment of grain, than perhaps any other city in the country, I am not opposing the vote this afternoon in any way. I have the good fortune to represent a very fine constituency. I represent a constituency where the people are broadminded enough to think in Canadian terms; and in saying that I do not desire to make any reflection upon anybody who may differ from me in regard to this railway. I believe we should look upon all questions of this kind as Canadian questions. Personally I am of the belief that we cannot carry on the government of this country successfully and well if we take too much of a sectional view in regard to any of these questions. I am quite open myself to conviction upon this matter. At the same time I point out—and with all due respect to the hon. gentleman who has just resumed his seat and who has been a little severe, too severe perhaps, towards those who do not agree with him and who hold that the grounds upon which this undertaking is based should be looked into—that those entertaining a contrary opinion have as much right to their views as the men who support the building of the Hudson Bay railway. They have looked into the project, they have read the reports made with respect to it, they have read the editorials in the press, they have heard speeches upon it; and certainly you can find from these different sources as good an argument one way as the other—perhaps I should say a better argument against than for. Take for example what we read in the newspapers of this city. If I mistake not, the two papers published here, one Liberal and the other Conservative, are both opposed to this expenditure upon the Hudson bay route. That is my recollection; I am open to correction if I am wrong, but I think I am not. The same is true of other sections of the country; many newspapers, both Liberal and Conservative, have been opposing the expenditure upon this route. At the same time I believe the real basis for that opinion is that the people feel they do not want to embark upon the expenditure of another twenty-five or fifty million dollars without being certain they are going to get something in return. This is the feeling which prevails throughout the country. And may I right here suggest something my hon. friend (Mr. Bird) has sneered at but which I think, has never been done, although necessary, that is to have a proper investigation made of Hudson strait and Hudson bay before expending further large amounts of money. I am not discussing the vote of $3,000,000 which is proposed by the Minister of Railways at the present moment. I have no objection to that expenditure because it has been promised, I think, by the leaders of both political parties, who I believe made promises in the west that an amount of money would be spent for this purpose. Personally I have no criticism to offer of that expenditure, but to make the route feasible, to make it possible for ships to carry wheat by this route to the European ports, which would mean the building of elevators, the dredging of the Nelson river, and the building of docks and lighthouses, the Minister of Railways himself admits would require an expenditure of $26,000,000; and anybody who is familiar with the administrative matters knows that a minister will always admit a very much less amount than the actual expenditure will be. Probably the right figure would be half that much again, if not double the amount of the minister's present estimate. Now, I do not believe that even my hon. friends from the prairie provinces, who are heartily supporting the project, would be very desirous of spending unnecessarily, from twenty-five to fifty million dollars of the money of the people of this country. I cannot understand why they should take the attitude of desiring such an amount of money to be spent unless there will be some return for it. May I suggest that while this expenditure of

$3,000,000 is being made to convert the Hudson Bay railway into a colonization route or a development route—and when I use the word "development", I use it in the sense of developing the minerals and other resources in that region of which hon. gentlemen have spoken —why could not a proper investigation be made into the complete enterprise? Such an investigation could be carried on at comparatively little cost to the people of this country, for a period of two or three years. I have discussed the matter with the senior member for Halifax (Mr. Black), and I asked him this afternoon what the cost would be of making use of one of the vessels of the Canadian Government Merchant Marine. He told me that to put one of those vessels on the service for three years between Halifax and Port Nelson would cost not much over $100,000. I am not allowing for depreciation, insurance, or anything of that sort. Up to the present time we have not got very much value out of these ships, in fact a number of them have been sold for a figure as low as $40,000. Why not make use of one of these vessels in connection with an investigation of this kind? It could for a period of four or five months each year of the investigating period, conduct complete surveys and give a good return for its trip. As a result a report could be made to the people of Canada fairly and honestly with the desire to bring out nothing but the actual facts as to whether this is a feasible route or not.

Mr. DUNNING: Would my hon. friend permit me a question? Is he not aware that continuous voyages of the kind he refers to were made during the period of work at the port by vessels chartered by the Department of Railways and under its control?

Mr. MANION: Not voyages of the kind I have proposed; I do not think anything of the kind I have proposed has been made. I admit there have been many trips into Hudson bay but they have been isolated in a sense, whereas the whole season should be investigated. Such an investigation could be conducted at a small amount of cost compared with an outlay of from twenty-five to fifty million dollars upon this route which may turn out to be a failure. I do not think our western friends desire to spend any such amount of money upon a scheme the outcome of which is doubtful. Let us investigate first and spend whatever money may be necessary afterwards. Speaking personally, if the reports of that steamer showed that the route was a favourable one for the shipment of grain I am one of those who would unhesitatingly vote for it. For the sake of national unity, if for no other reason, I would vote for it, because we want national unity in this country and the people of the west demand that this route be developed.

Now, why do I say it is questionable? We have heard reports read time and again in regard to the feasibility of this proposition, and we have heard reports read this afternoon by the hon. member for St. Lawrence-St. George. These reports are absolutely contradictory as to the feasibility and practicability of this route. I have listened to the reading of the Senate report, and I have also heard the McLachlan report. The Senate report rather supports the scheme and the McLachlan report opposes it. I have in my hand a statement by C. B. Watts, of the Dominion Millers' Association, from which I will read a few sentences. He has looked into the matter from the standard of the shipping of grain. He says it is not feasible and he reports against it. He says:

> What are the essentials necessary to move grain in large volume over any route.
> 1. Low freight and low insurance rates.
> 2. Large volume of shipping available.
> 3. Frequent sailings to various destinations.
> 4. That boats sail on schedule time.

And he points out that these are not obtainable on that route. I have something else which I wish to read, and really my reason for rising, rather than any other, was to read this letter. I ran across an Anglican clergyman who had spent thirty-two years in the Hudson bay territory as an Anglican missionary, a man not interested in the political affairs of the country so far as I know. He gave me permission to use his name. I wrote him a letter asking his opinion on the feasibility of the Hudson bay route as a grain shipping or cattle shipping route. I think the letter is worth placing on Hansard.

An hon. MEMBER: Where was he stationed?

Mr. MANION: I think he mentions the place. He was living in Toronto at the time, but had lived thirty-two years in that district. He says:

> In reply to yours of the 28th, instant, I may state that for thirty-two years I was the Anglican missionary to the Indians and the Eskimos who live in the territory east of the Hudson and James bays.

I understand that is not on the Nelson side, but conditions are very much the same I think. The letter continues:

> I left London, England; in the Hudson Bay Company's sailing vessel, The Lady Head, on June 11, 1892 and during that memorable voyage to Moose

Factory, James bay, we met with very heavy ice in the Hudson strait. We entered the ice pack off Resolution island about July 27 and did not see open water again till eleven days after. Of course there were many huge icebergs seen each day when the fogs permitted. Since that year it has always been a matter of great interest to us in the bay to hear the annual news of how many days the ship was in the ice, and only once, as far as I can recollect did the ship come through the strait and down the bay without encountering any.

Northerly winds are the most prevalent in the Hudson bay and that must account for the ice remaining in the Hudson bay till towards the middle of August as a rule. Then again, the waters, being so cold, we inevitably experience heavy fogs after every rain storm.

Knowing the great interest that has been stirred up in Canada re the Hudson bay route to England, I asked the captain of the S.S. Naskopie on the 12th of August, 1920 what he thought of Churchill as a harbour and he stated that only two ships, the size of the Naskopie, could be anchored at one time in that harbour and that even they had touched bottom there that year when a strong northeast gale was blowing. On August 7 they met with ice in the northern part of James bay and did not get free for three days. The ice drove the ship on to a shoal but they fortunately managed to get free again.

During the first two weeks of October, I understand, the heavy ice of Fox channel comes south and passes through the Hudson strait and that is the most dangerous of all, as the cold weather is already setting in by that time.

There can be no possible doubt that any vessel going to the Hudson bay must be strengthened in order to come through safely, for the ice will inevitably be met as a rule before August 7 and after October 1. Now it has been stated that a vessel larger than 5,000 tons cannot be navigated in the ice, and that strengthening the vessel for the ice means losing a certain percent of its carrying power. It is a significant fact, which should not be overlooked, that the Hudson's Bay Company, after a very long experience, use special vessels, and are now building one for the bay which cannot be a profitable cargo boat in the ordinary sense of the word, but built in relation to that exceptional condition which obtains in those northern waters.

As regards the establishing of aerial observation posts in the Hudson straits, would not the dense fogs which are so prevalent interfere in locating any possible open channels there?

Every one I have met who has had any experience in the two bays is of the opinion (apart from the lack of good harbours) that the ice and fog conditions are such that the Hudson bay route to England will never prove a success.

I would further state as regards the smaller vessels actually used in the bay every summer, that they usually stop sailing by the end of September. The Hudson's Bay Company, have a ninety ton engine boat, which supplies the cargoes to the southern posts of James bay during the first two weeks of July, and starts for Great Whale river post, Hudson bay (southeast) about August 1, taking a route along the shore so as to avoid the ice. Two or three of these vessels were brought in through the Hudson straits originally during the latter part of August and in September for use at Fort York and Moose Factory.

Personally I used a canoe myself in my summer journeys from post to post as I found from experience that I could have a better chance of getting through by that means, since my fifteen ton barge was forced up on to the land of Cape Jones by the ice on July 15 many years ago.

In concluding, I would like to add for your information that in taking the temperature of the waters from different depths in Hudson bay the highest I obtained at the surface during the hottest time of the summer was 47 degrees fahrenheit.

Your sincerely,

(Rev.) W. G. WALTON.

I would like to quote one sentence from a second letter I received from him dated May 4, 1926.

You may assuredly use my name and any information I give you in any way you desire. The bay (Hudson) on the eastern side freezes over for a distance of about 130 miles out from the coast in the vicinity of the two Whale rivers, owing to the chain of islands called the south and north Belshers. There are some excellent natural harbours here and there along the whole of the eastern side of James and Hudson bays.

He speaks also of the fish, but I will not take time to read his statement. He practically says that there is no possibility of its ever becoming an important fishing centre.

In closing, I wish to point out that I am not opposing, and many hon. members on this side of the House are not opposing, the expenditure of money putting into shape this Hudson bay route as a colonization and developmental road. We on this side of the House are just as sincere as my hon. friends who are fighting for completion of the road, but we have a perfect right to take issue and contend that before we add to the immense debt of the country another twenty-five or thirty million, we should know what we are doing and we should have a proper investigation as to the feasibility of the route. As we can do that at a cost of about $100,000 by using our own Canadian Government Merchant Marine boats, I think it is only a fair proposition. The minister should consider that while he is carrying on the proposed construction the investigation could be made. It is a fair and an absolutely honest proposition so far as I am concerned, and if I am in the House when this matter comes back to us, and if the report of that investigation shows it is a feasible route, I will gladly support my hon. friends from the west in regard to it.

Mr. SANDERSON: The letter my hon. friend read referred to the port of Churchill, not Nelson.

Mr. MANION: Yes, I understand Churchill is a very much better port than Nelson.

Mr. SANDERSON: That is not my hon. friend's opinion.

Mr. MANION: I have not offered my own opinion. I have not said anything about it

personally, but I say, in view of the information we have received from reports from engineers and others and from the newspapers, neither my hon. friend nor myself can have any absolute conviction as to what the most feasible route would be.

At six o'clock the committee took recess.

## After Recess

The committee resumed at eight o'clock.

Mr. McINTOSH: As the representative of a riding which may be described as being in the backyard of the Hudson bay territory, and as a western member of this national assembly, I feel it my duty to take part in the debate to which we have been listening for the last two days. The speeches on the other side of the House remind me of a story in which the element of doubt is the most conspicuous feature. There was a good-natured, well developed and exceedingly corpulent coloured gentleman named Cy Stoutin who, after a life in which spirituous refreshments played a prominent part and in which he had as good a time as possible, finally lost control of himself and passed off the stage. Upon his death a lady friend of the family called upon his widow to offer her condolences. This good soul, who happened to be a spiritualist, said that in a vision the night before she had seen Cy in the company of spirits. The widow said this could not possibly be; there must be some doubt, for Cy had been of such a nature and had lived such a life that he certainly could not have left any spirits behind him. In this debate, although there is an element of doubt as to where some hon. gentlemen stand, the western contingent in this House are deeply pleased to observe that this question has taken a hold on many members in the party to the left of the Speaker. With that support, and with the solid support of Liberals, Independents, Progressives and members of the Labour party, we need have no misgivings as to what will be the outcome if this matter is pressed to a vote.

The hon. member for Fort William (Mr. Manion) before the committee rose at six o'clock, said that the best speeches that had been made on the subject had come from the party on the left of the Speaker. Well, so far as this side is concerned, I may inform the hon. gentleman that there is no necessity for Liberals from any of the provinces of Saskatchewan, Manitoba and Alberta to put themselves on record as being in favour of the Hudson Bay railway, inasmuch as we as a party have for years advocated the project.

[Mr. Manion.]

Personally I have supported it in the newspapers I control in my own riding, and I have espoused it as well from time to time on the platform. Last night the hon. member for South Winnipeg (Mr. Rogers) suggested that the government in asking for a vote of $3,000,000 to complete the first lap of the road was not going as far as it should. In his opinion the government should ask parliament for $6,000,000. Now we know what would have happened if the government had come down with such a request. We know that sections of the eastern press—our western press is wholeheartedly in favour of this project—daily and weekly would have said to the country: Six million dollars is too big a sum of money to vote, $3,000,000 will be sufficient, for we ought to put the road first in shape, we ought to recondition it and lay the foundation well, and then next year complete the road by putting through another estimate for $3,000,000. I think the government has taken the right stand in asking for a vote of $3,000,000, which will demonstrate to the people that they mean business. I believe this is the common sense way of approaching the problem. I do not believe it would be good business to ask for a vote of $6,000,000 and rush the road through to the bay, instead of making a complete job of it as we go along. The people of western Canada from Winnipeg to the mountains, and beyond the mountains to the Pacific, are thoroughly satisfied with this estimate of $3,000,000, and they are daily putting themselves on record to the effect that the Liberal party is standing back of its pledges to see this road completed.

The hon. member for East Algoma (Mr. Nicholson) asserted last night that before we tell the Dominion we are going forward with the completion of this road we ought to secure all the facts through investigation after investigation, and if we fall short of one fact we should not proceed. He said:

> We must have all the facts before we could prove to the world and prove to the Dominion that the navigation of the straits would be a commercial proposition.

I submit, Mr. Chairman, that you could have investigation after investigation from year to year, from decade to decade, but even after securing all the facts available it is quite probable that many members would not be satisfied and would still make this a controversial proposition. I claim we have sufficient information to prove that this will be a successful road, and I say this government is doing the correct thing by submitting this estimate of $3,000,000 and telling the country:

We are going to get down to business and make a start on this all-important project.

The hon. member for Hants-Kings (Mr. Foster) asserted last night that if he cast in his lot with the majority of this House for this estimate his vote would be based very largely on sentiment. There are three factors in the life of any individual,—and what concerns the individual concerns the nation, because the nation is simply the individual writ large—they are intellect, which gives vision; sentiment, which adds fire; will power, which manifests itself in action. And by action we capture objective after objective in life. So I say to the hon. member that he is not basing his vote on a broad enough foundation. I should like to see him go further and say that so far as his vision and his sentiment and his will power are concerned, he intends to put them together and tell the people of the west that he is wholeheartedly back of this proposition, and by his vote will do his best to put it through the Commons.

The hon. member for St. Lawrence-St. George (Mr. Cahan) was good enough to tell the House that the representation from western Canada was an important representation, that we try to take a wide view of things, that we honestly stand back of what we think should be done for Canada. I thank the hon. gentleman for those sentiments, but I would remind him that as representatives from western Canada we are simply carrying out the desires of our electorates in the stand we take on this important question, because there is no doubt about it throughout Manitoba, throughout Saskatchewan and throughout Alberta, the people want the government to go forward and complete the Hudson Bay railway without further waste of time. The people of the west expect us to cease talking and to show our faith in a greater Canada by moving northward—because our destiny is in that direction as well as in the east and in the west—and tap that great area, thus proving to the world that we are ready to overcome the difficulties that lie before us. That is the only way an individual or a nation can be successful. You know the saying, "He who doubts is damned already." If we are going to have doubts regarding great national projects of this nature, then I say we are not going to make history as our fathers did in days gone by.

The hon. member for St. Lawrence-St. George said that the completion of this road would add to the obligations of Canada, and on that argument he based his advice that we should pay off all our debts before we proceed further with this undertaking. But, Mr. Chairman, that is not the way we do business. A business man pays his debts as he goes along, and he reaches outward and beyond his present area of activity continually. It is men of this type who are successful in their own undertakings or in the management of great corporations. Therefore I do not think the hon. gentleman's advice should be accepted either by the government or by the country, for it would entail delay and ultimately stagnation. Let us go forward and meet our obligations as they mature just as we have met them in the past.

The hon. gentleman also said he would like to see a further investigation made of this project. We talk about commissions and committees of investigation, until we are gradually getting into the condition of losing faith in the power of our own initiative. We must rely upon the individual and collective enterprise of our people. Without wasting further time in talk, let us go ahead as quickly as possible with this undertaking.

Now, Mr. Chairman, I notice the same hon. gentleman mentioned the agricultural and fishing possibilities of the Hudson bay country. As to the former, I can assure him that the experimental farm branch of the Department of Agriculture carried on investigation work during 1925 throughout the area along the Hudson Bay line. We find tests were made with several varieties of wheat, oats, barley, peas, mangels, turnips, beets, carrots, sweet clover, alsike, red clover, brome grass, timothy and western rye grass. The seed was sent forward early in May, together with directions for its use.

Mr. DICKIE: I would like to ask the hon. gentleman a question. How many settlers are along that road from The Pas to rail end, aproximately?

Mr. McINTOSH: I never took a census of those settlers, so I could not say definitely. But it is not the settlers there now about whom we should concern ourselves; we are concerned about those who will be there ten, fifteen or twenty years from now.

Mr. DICKIE: These settlers have had railway facilities for three or four years.

Mr. McINTOSH: The railway facilities have not amounted to anything for years. This $3,000,000 is going to give them some real railway service. But to return to the investigations of which I was speaking. These were carried on at Hudson Bay Junction, mile 137 and mile 185, and the results were wonderful. I would like to place them on

Hansard, because I think the country will want to know exactly what can be grown at points along that line up to mile 185. Results were obtained at mile 185 and mile 137 of the three points cultivated.

At mile 185, where the soil is a medium silt clay loam with a fairly large proportion of fine sand, which could be improved by manuring or ploughing down a green crop, four varieties of wheat, sown May 23 and harvested August 29 to September 15, gave the following results: Garnet, 40.05 bushels per acre, grade No. 4; Marquis, 35 bushels per acre, grade No. 6 (immature and frozen kernels); Prelude, 32 bushels per acre, grade No. 1; Ruby, 29.6 bushels per acre, grade No. 3.

Banner oats yielded 73.5 bushels per acre; Daubeney, 70.8 bushels; Gold Rain, 66.1 bushels and Alaska, 54.7 bushels. With the exception of Banner, all varieties were fully matured and should make good seed if screened to remove small grains.

With barleys, Alberta yielded 30.8 bushels per acre, and O.A.C. No. 21, 39.7 bushels, the grain being well matured and would make good seed.

That is one place where tests were made. Two varieties of clover and two of grass were sown with excellent results. Peas did exceptionally well, as did potatoes, but the results from turnips and carrots were rather poor.

At mile 137, where the soil is similar to that at mile 185, six varieties of wheat were sown May 22 and harvested between August 28 and September 15. Ruby yielded 53.5 bushels per acre, grading No. 4; Marquis 62.8 bushels, grading No. 6; Garnet 64.3 bushels, grading No. 3; Bishop 64.3 bushels, a white wheat, difficult to grade according to western standards; Prelude, 46.3 bushels, grading No. 1, and Early Triumph, 47.8 bushels, grading lower than No. 6. The Prelude wheat harvested at this point furnished the best sample of all those grown in the whole project. All the other varieties received a low grade on account of excessive starch.

Of the six varieties of oats, Daubeney yielded 79.4 bushels, Alaska, 68.5 bushels, Legacy, 125.2 bushels, Gold Rain, 90.5 bushels, Victory 118.2 bushels, and Banner, 117.0 bushels. As with the wheats, oat yields were phenomenally high, but some varieties were held a little too long before being harvested and some slight shelling had started.

With barley Alberta yielded 28.5 bushels per acre, Chinese 102.2 bushels, O.A.C. No. 21, 106.4 bushels, Duckbill 87.5 bushels, Early Chevalier 98.9 bushels, and Charlottetown 95.4 bushels.

With grasses, clovers and roots, practically the same results were secured as at mile 185.

At Hudson Bay Junction, no definite results were obtained, as the plot on which the crops were sown was flooded during excessive June rains.

Mr. DAVIS: Would the hon. member kindly inform the House what acreage these crops were grown on?

Mr. McINTOSH: They were just small plots. I am not sure of the size, but they were calculated on the basis of the acre. A person can sow 25 square feet of land and get a product which can be measured in terms of the acre, if he is any kind of a scholar, it only takes a little arithmetic.

Before taking my seat I would like to give some reasons for an expenditure of $3,000,000 this year for going forward to the bay and an expenditure of $3,000,000 next year to land us at the bay. That will complete the road and help make that route one of the international highways of commerce. I have not the slightest doubt what the results will be; from what I have read on this question I am more of a believer now than when I began to consider it years ago. I believe that in ten years the men standing up in this House and decrying the Hudson Bay railway will be ashamed of their statements.

The first reason is that this road will increase the flow of immigration from the United States, the United Kingdom and the northern areas of other countries from which Canada should hope to draw population if the unit of our people in the years to come is to be racially, mentally, morally and in initiative what we hope it will be. Another reason is that it will most certainly contribute to the development of western Canada between Winnipeg and the mountains and even beyond that bulwark of rock, timber, minerals, and precious stones, dividing the prairies from the great province of British Columbia. It will also, by becoming a part of the Canadian National system, make better and fuller use of its equipment thereby energizing the road as a whole and acting as a by no means inconsiderable factor in paying the operating expenses. It will help wonderfully in placing the people's railway on a more solid and enduring basis. And it will tell the world and this continent of which we are a conspicuous part that our future as a nation is not only eastward and westward but northward

as well, thereby at least making a small attempt to make good the appellation bestowed upon us by Grant Balfour when he wrote:

> Dominion of the north, how vast!—
> Unequalled in the distant past
> By proud, imperial Rome.

That is a great name, and we should do our best to merit it. Further, the completion of this railway will prove to mankind now and hereafter that the evidence some hon. members of this House profess such a great desire to have in their possession—scientific and engineering data enough of which we already have to go resolutely on with the project—is objectified before them. How? By the lands to be developed, the mines to be opened, the fisheries to be tapped, the water powers to be harnessed and the gas and oil possibilities to be discovered, apart from the geographical quotient of the entire problem which when worked out will constitute all the factors required of the business and commercial equation compatible with the reason and faith which should characterize us as a people. And it will be a fitting testimony to the genius and vision of Canadians, because it will be a visible sign to all nations that we intend to prosecute a vigorous and forward policy in the settlement and development of our northern heritage. By the very process of development of our natural resources it will gradually increase our exports, thereby aiding in obtaining a more favourable balance of trade. This is something for which Conservatives and Liberals alike have been proclaiming the need from the housetops since confederation. It will internationally make Canada a more popular trading ground—a very important thing. It will make way for a great tourist traffic, which is bound to arise when we prove to the continent and the world at large that we have tapped that great country and are ready to receive from all parts of this continent and from all parts of the world tourists who can spend weeks in that territory not only enjoying themselves but in contributing to their health as well. Lastly, it will add immensely to the principle of national unity in the Dominion, something which is devoutly desired by the adherents of all political parties in this country.

Before taking my seat, Mr. Chairman, I wish to say that I am back of this project, and I intend to vote for it, if it comes to a vote, as I believe every member of the Liberal party from western Canada, without finding it necessary to speak on this subject, is back of it, and will do his best to support it and thus help make the project one of the most successful in the history of Canada.



Mr. MacLAREN: Mr. Chairman, the Hudson Bay railway has been under discussion for two days. That is a very brief period when we consider the fact that this same railway and the Hudson bay have been under discussion in this parliament and in the country for the last forty years. The views that are held are most conflicting, first, as to the commercial feasibility of the route, and secondly, even if it is commercially feasible, whether the project is commercially sound and of advantage to the country. I am satisfied that all members of this House and the people of the country are prepared to examine a subject such as this in a fair and broadminded way, but I believe also that it is equally important for the members and the people to be satisfied that this is a sound, sane and prudent project.

The first thing to consider, I believe, is what is the proposal of the Minister of Railways. He proposes now that a grant of $3,000,000 be made to restore the portion of the line on which the steel has already been laid to the standard of a branch line. He further proposes that the balance of the road, which is graded, but on which the steel has not been laid, should be completed up to a similar standard. That would make in all an expenditure of $6,150,000. He also gives us estimates for terminal facilities and equipment, amounting to $20,000,000. I notice that in those estimates there is no reference to the steamers, I presume of special construction, which will be needed to carry on the trade. Nor do the estimates contain a reference to a dry dock. I doubt very much if the grain trade could go on from the Hudson bay, so far away from all other ports, unless a dry dock is provided. The minister says that when this expenditure of something over $6,000,000, and the expenditure of a certain portion of the $20,000,000 has been made and the equipment provided, he proposes to test out that route. Evidently the minister has some doubt in his own mind, because he says: We will go only so far as this point, and then we will make the test,

If the test proves the route to be feasible, it will be necessary then to do two things. It will be necessary to re-lay the whole road to bring it up to first-class standard, for otherwise it would be impossible to do an intensified grain traffic over that route, and secondly, he will need to build his terminal facilities, adding considerably to his estimates that are now before the House. But I will consider this question on the basis of his present estimates. I suppose in every case where large construction has gone on, the original estimates have been exceeded three or four times. I do not think I would be

making a wild guess if I were to say that $100,000,000 will be needed to complete this project if it is carried on to finality. Now if the minister's test is successful, he will require to re-rail the route and provide further facilities. If it is not feasible, then we have spent a large sum of money almost to no purpose.

I believe that the minister in his proposal is starting at the wrong time and from the wrong end. I would submit to the House that the time to make the test, which he proposes to make after the construction, is before the construction; in other words, that the time to make the test is now. Surely we will all agree to that. He also, I submit, begins from the wrong end. The wrong end is to make the test beginning from the Hudson bay outwards. I submit that the proper end at which to begin is from the Atlantic inwards.

Now what might be done? I would advise that several ships—not one ship, as was suggested here to-day, because that would be no test; it would not be fair that the whole project should depend on the success of one ship, because something might go wrong with it—proceed to the Hudson bay at intervals of a week or thereabouts during the period in which the bay and the straits are supposed to be open. I believe in that way we would get evidence that we have not got at the present time which would give our people, if it succeeds, some assurance. Let me say to the committee that a large section of the people of this country regard this project as an obsession and as a chimera. They are not satisfied that the project has been sufficiently supported by evidence. I submit that we should take means not only to satisfy the people but to satisfy ourselves by getting the evidence in connection with a project such as this which has been postponed now for so long, by testing out the route, by sending in the ships that we now have through the straits and the bay. By testing out the route in that way we will be prepared, if the evidence is favourable, to support the project, but at the present time and on the present proposal I feel that I shall be compelled to oppose it.

Mr. GUTHRIE: I am one of those in the House who have been from the outset a supporter of the Hudson Bay railway. I well remember the initial steps in connection with this route. I well remember the Right Hon. George P. Graham, then Minister of Railways, turning the first sod of the railway. I think at that time we were all impressed with the importance of the proposal, and perhaps some of us were somewhat too optimistic. I am inclined to class myself even now as one of the supporters of the proposal. But if my confidence has been somewhat shaken by the reports which have been developed over a period of the last ten or twelve years, I think an equal lack of confidence is felt not only on this side of the House but by very many hon. members who sit on the other side. I judge that from the remarks which have been made directly to myself, from items which we read from day to day in the daily press, and from reports which have come to hand over a period of ten or twelve years, and I for one feel now that we are either taking the first step in a tremendous outlay, or else we are merely completing a line of railway which ought to be completed and the expenditure on which can be kept within reasonable bounds.

I should like the minister, for my own sake and I think for the sake of a good many hon. members of this House, to make a little more clear his declaration of the policiy of the government with respect to this undertaking. I listened to the remarks of the minister yesterday with great attention, I have read his remarks again to-day from the columns of Hansard, and so far as he has given the committee any indication of the policy of the government in regard to this proposal it is all contained in very few words, capable I think of more than one meaning. I refer to his language as reported at page 4192 of Hansard, where he says:

> Now, in connection with these figures I want it distinctly understood that I am not committing the government to this expenditure.

That was the expenditure in regard to the Port Nelson harbour. Then further on the minister said:

> It is the policy of the government to complete this route as economically as possible, in order to enable a fair trial of it to be made.

To complete what? Is this the route to Europe, or is it only the route to Port Nelson? Later on he says:

> When I spoke of a fair trial being made I meant a fair trial of the sea route to Europe from a Hudson bay port.

To my mind it is evident that the policy of the government is really the extended plan, the ultimate object of the government being to establish a sea route from Port Nelson to Europe as a commercial undertaking of this country. It is a proposal which according to all experts, whether they be the experts of the government or otherwise, is going to involve an expenditure in regard to the sea route and harbour improvements of from twenty millions—the figure announced by the

minister, although he said he was not committed to it—up to the estimate of forty millions, placed upon the undertaking by the hon. member for East Algoma (Mr. Nicholson), who gave figures in this connection last night. For my part I should like to have some plain declaration by the minister before I am called upon to decide this question, either by vote or by silent assent without a vote.

I am in favour, as I think every member of the House is, of the completion of this line of railway, a railway upon which this country has now expended—I think this is a reasonable statement of the fact—$20,000,000. To have that railway lying there practically worthless after such an expenditure is an absurd situation. We have gone so far that we must go farther; and if it requires $3,000,000 to put that road in running shape as a branch line railway I do not think anyone would hesitate to vote the money. If it requires another three millions to continue the road to Port Nelson I for one would not hesitate to grant that money. But there I stop, because from the evidence which has come to me, and from what I have heard and read, I do not think we have sufficient information to justify the larger expenditure from Port Nelson to Europe.

I think there is a great deal of force in what my hon. friend (Mr. MacLaren) said a few moments ago. Why not try out the feasibility of this water route before we go further? Why delay the matter? Surely it is not an impossible thing in the course of a season to find out just what the possibilities of the route are—if a ship could not be bought for the purpose, surely one could be chartered—before we launch the substantial expenditure which is proposed. I think that in the minds of the most sanguine there is doubt as to the feasibility of the route. I believe there is doubt in the mind of the minister; I know there is doubt in the minds of some of his colleagues. This is not a new question; it has been discussed, considered and turned over time and again during the last five or six years. Deputations have come down from the west in regard to it. The matter cannot be made free from doubt unless some money is spent in actual experiments, in making a fair trial. Then I appeal to the minister: Why not have that trial made now? It could be done from the eastern end, it could be done from the ocean approach. Let us see from actual experience what could be done in the way of navigation of Hudson strait, what could be done in the way of navigation of Hudson bay, what could be done at present with regard to Port Nelson without further expenditure. Go ahead if you will with this $3,000,000 expenditure, but let it be understood that it is only for the purpose of rehabilitating that portion of the road upon which the steel is laid. I think we will all agree to that. If the minister would give the committee a declaration that the policy of the government is not to plunge this country into a larger expenditure, that the outlay is merely to be confined—in the meantime at least, until further experiment is made—to the rehabilitation of the road, avoiding any commitments in regard to the larger issue, I do not think there will be very much difference of opinion in regard to the question in this committee.

Mr. DICKIE: Coming as I do from British Columbia I may be pardoned if I do not display the same enthusiasm for this "On to the Bay" project as some gentlemen do who are greatly interested in it. I have sat here patiently listening and hoping for some information that would convince me that I was probably a little wrong in the impression I had formed with respect to this route. I expected to receive from hon. gentlemen opposite, from the ministers or from the gentlemen sitting behind them, some information with respect to the project. We have heard nothing of the kind except from the Minister of Railways. Surely the members from Quebec have something to say with respect to the proposed expenditure of such an immense amount of money. Surely these gentlemen have met with hardly voyageurs who have been up in that country and who know something about the Hudson Bay route, much more than those of us who belong to British Columbia. I would have welcomed any information from hon. gentlemen opposite. We have received none, nevertheless we have the assurance that these hon. members are going to vote solidly for this large expenditure. I am a little disappointed in that respect. I should like to have heard from the Minister of Agriculture (Mr. Motherwell). He spoke last year with reference to this subject and I should like to quote a few of his remarks. In the House of Commons on April 7, 1925, the Minister of Agriculture said:

> I do not know why we are not now going to Churchill instead of going to Nelson, and I am going to read and put on Hansard some of the authorities whose testimony makes that question still more puzzling. Again I ask, in view of what these authorities say, why did they go to Nelson? I do not know. Some of our western friends are impatient on this subject, and I do not blame them because they have really been thwarted on this matter so long. I do not blame the late government for suspending work

in 1917 and 1918. I recognize that I run the risk of being misunderstood in casting doubt on the practicability of Nelson as a proper harbour. I have come to the conclusion that there has been a big blunder made in going to Nelson. Why did they do it?

That is from the Minister of Agriculture. Why does he not give us some information to-night with respect to the matter? I remember that he made a very excellent speech with respect to the resources of that route alongside the railway. He told us of the grain that could be raised there at the experimental farm. He also spoke very dramatically about the great possibilities up in that country. He said he saw an apple growing there. There was just one small little apple, but it was an apple. He spoke twice with respect to it, and I could not help feeling pity in my heart for that little lonely apple in that Laurentian country, waiting for the railway to be built. Then the thought occurred to me that perhaps some pre-Cambrian serpent had beguiled the Minister of Agriculture and he "did eat" the apple. He said nothing more about it. Perhaps he spoke allegorically, I do not know. I know he spoke very glowingly with reference to the agricultural possibilities alongside that road. I will go further and quote some further remarks that estimable hon. member made. He said:

Well, I am going to quote what was stated in an annual report of the Department of the Interior in 1884:

"The Nelson, in the last thirty miles of its course expands like a funnel, from half a mile to many miles in width at its mouth so that it offers no natural advantages or facilities for a harbour, but rather the reverse."

Then he quotes an extract from the report by Lieutenant Gordon in 1886, where he said:

I consider the estuary of the Nelson river is one of the most dangerous places in the world for shipping to go.

He also quoted Captain Bernier, and we all know the reputation of that intrepid mariner. He knows this district very well indeed. The quotation reads:

In the Hudson bay, as far as my experience has gone, there are two ports—Port Nelson, which will never be a port, because the river gives so much sediment and every spring when there is a heavy thaw there is a wash-out which changes the channel of the previous year. Therefore, a vessel coming in would need to have full knowledge of the present spring before she could enter, and she might be obliged to discharge outside. I consider that Canada is too poor to maintain a port like Nelson.

How in face of this information are we from British Columbia, who are relying on facts and figures as to whether this is going to be a proper project in which to embark many millions, going to decide? I have listened to many arguments on the floor of the House in favour of the project. Hon. members spent more time in criticizing the efforts of those who could not see eye to eye with them than in adducing argument in favour of the project.

Mr. HANNESSON: What has that to do with the question?

Mr. DICKIE: It has everything to do with it. I quote a few more words from the Minister of Agriculutre in connection with this matter:

Here is Nelson, exposed to the sea, an uncertain channel, better, it is true, than we thought it was a few years ago. The season opens up a little earlier at Nelson, but there are low tides, great mud flats, with a channel away off from dry land, with half a mile of steel trestling to get to it, quite a considerable quantity of dump to get to the steel trestling, and an artificial island at the end of that. Imagine that! Just a row like these desks for half a mile of steel thestles to go across a mud flat to the channel which is constantly changing at Nelson. Then you have to build a great island on which to erect elevators like those at Montreal. The man who built on sand was, it seems to me, a wise man in comparison with this one. Why did they go there? There has been spent on that harbour up to date about six million dollars, and it is believed that Churchill could be established at a port for one-half of what it would take to complete the harbour at Nelson. Those of you who know what dredging means will realize how slow a government dredge can be, especially if you have ever gone down the St. Lawrence and looked at some of the locks there: the lock-keepers have to put up a picket to see whether the dredges are moving or not. As to dredging Nelson harbour, you would have to wait from now till the crack of doom to get results.

That is the idea of the minister with respect to this project. What are we to expect? How are we to be guided if we have to rely on such expressions of opinion as that?

The hon. member for St. Lawrence-St. George quoted Mr. McLachlan at length; there are however some things he overlooked to which I would like to direct attention. In Mr. McLachlan's report of September 17, 1917, I find the following:

Port Nelson was this year blocked with ice on August 29, and there was still ice around the harbour entrance on September 6, proof of which I enclose.

Now we have the hon. member for Nelson this afternoon telling us there were no difficulties, apart from those in the straits, in navigating the Hudson bay. They were the principal difficulties, but I consider the greatest difficulty is at the mouth of the Nelson river.

Mr. HANNESSON: In dealing with the navigation, would my hon. friend quote from Captain Bernier or Mr. McLachlan, specifying the qualifications of each?

Mr. DICKIE: Yes. It is hardly necessary for me to dilate on the qualifications of Captain Bernier, the man who has made many trips into the Hudson bay and is more familiar with it, perhaps, than any other navigator in the world.

Mr. HANNESSON: Did he give evidence of that?

Mr. DICKIE: The evidence he gave I have quoted.

Mr. HANNESSON: But with reference to the navigation of the Hudson bay?

Mr. DICKIE: I am saying nothing of the navigation of Hudson bay or the straits. Possibly they are navigable for several months of the year, but I do not think Port Nelson is accessible for ships for more than sixty days at most in the average year. On the 15th, Mr. McLachlan wrote:

On Monday succeeded with difficulty in reaching Nelson Shoal with Yates. Ice very heavy and densely packed. A twelve and a half foot tide completely covers Nelson shoal.

That is not the paragraph I intended to read.

Mr. HANNESSON: The hon. member should be very careful when he quotes.

Mr. DICKIE: What is wrong with that quotation? I think the trouble is with your imagination.

Mr. CAHILL: Both hon. members might speak a little bit louder.

Mr. DICKIE: Referring to the railway, Mr. McLachlan, the engineer in charge of the works up there, said:

In the 91 miles between the second crossing of the Nelson river, mile 333, and Port Nelson, there are two rivers to cross, namely, the Limestone and the Airhole. The bridge required in the latter case is quite expensive, and will require a viaduct 100 feet high and nearly one thousand feet long.

Though the 91 miles between mile 333 and Port Nelson is said to be graded, there is only a mound of vegetable material in place and 80 per cent of the work of making a satisfactory road-bed is yet to be performed in this section.

There we have 92.5 miles with just a little amount of vegetable matter, and still we have an estimate of the cost of completing that grade of over $20,000. That is $210 a mile for grading that 92.5 miles. Any man familiar with contracting work would laugh at that estimate. There is no man who is at all familiar with railroads who will not laugh at that estimate. It is absurd to imagine that we can complete, on an expenditure of $210 a mile, a grade of railway in territory where there is now only a mound of vegetable matter. It is simply impossible.

Mr. DUNNING: I do not admit that the grade is merely a mound of vegetable matter.

Mr. DICKIE: We have to be guided by the reports, and I have gathered from several engineers with whom I have conversed on this subject that the reports, so far as this is concerned, are quite correct. I do not think the minister would suggest for a moment that that grade could be completed at $210 a mile. I say it is absolutely ridiculous and if the other estimates are on a par with this we can see what we may expect. Mr. McLachlan says:

The nature of the estuary and the foundation conditions in it did not permit anything in the nature of a shelter from storms to be provided in the design of the harbour works. It is hoped, however, that the thirteen miles of shoal water between the docks and the relatively deep water of the bay will so break up the waves that ships will not suffer damage when lying against the wharves. The strong tidal currents, and the low distant shores will always prevent ships entering and leaving Port Nelson except during clear weather.

The hon. member for St. Lawrence-St. George has referred to the tramp ships. To any man who is even slightly familiar with navigation, one of the most serious obstacles in the way of this project is indicated in another report by Mr. McLachlan:

The tidal and channel conditions of this estuary, even after improvement, will require a ship to wait outside the entering channels in Hudson bay until high tide, and then when the tide is high, it must come in quickly with the tide and tie up to the wharf before it has fallen materially. It also contemplates that a ship, when loaded, must arrange to leave the wharves a little before high tide, so as to traverse the distance from the wharves to deep water in Hudson bay, a distance of about twenty-two miles, before the tide has fallen more than a few feet.

Do hon. gentlemen realize what that means? Any ship coming in in a fog, in a snowstorm, or in a wind storm would find it impossible to keep to the channel, even if it were dredged ten feet. This twenty-two miles of shallow water before reaching the river proper is one of the greatest objections to the scheme, and it seems to me we are embarking upon something the success of which we are not assured of. While at the outset it was considered a feasible route for the shipment of grain and cattle from the northwest, overseas, it is obvious that there are now very grave doubts as to the possibility of its success in view of the reports of Mr. McLachlan. And I have not heard anyone challenge Mr. McLachlan's engineering ability. Everyone knows that he occupies a high position because of that ability; I do not think anyone would suggest for a moment that Mr. McLachlan would submit any report which he did not sincerely believe to be true. He

spent four or five years studying that country, under inclement conditions and after investigating the whole subject thoroughly he gave it as his opinion that the project was not feasible.

Mr. CAMPBELL: Is it not fair to say that the reports of the Tyrrell brothers are quite the opposite of those of Mr. McLachlan?

Mr. DICKIE: The Tyrrell brothers do not recommend Port Nelson as the harbour.

Mr. HANNESSON: The hon. member heard the minister's statement regarding Mr. McLachlan's qualifications as an engineer, but did he not hear what was said of his qualifications as a seaman?

Mr. DICKIE: It is a waste of time talking to anyone who is as biased as my hon. friend. I am trying to get the facts of the matter. I do not say that I am opposing this undertaking. Certainly I am in favour of reconditioning the road to mile 214, or to the point at which Split lake is tributary to the railway. But I do want to have all the facts fairly submitted to the House, and I can assure my hon. friend that I am discussing the subject with an unbiased mind. Hon. gentlemen who are so enthusiastic over this matter cannot see any facts that are not favourable to the completion of the Hudson bay. But we know that any loiterer by the wayside will notice a flat tire on a limousine sooner than the occupants of the car will. I am afraid hon. gentlemen who are so stoutly supporting this project are very much in the position of the occupants of a car so disabled.

I listened with careful attention last night to the remarks of the hon. member for Winnipeg North Centre (Mr. Woodsworth), and while it is seldom I find myself in agreement with that hon. gentleman I must admit that he made a very practical, a sensible and a forceful speech on this subject. The hon. gentleman has peculiar ideas in some respects but I consider him a brave man who can stand up and say clearly and fearlessly just what he thinks on a question of this kind, as the hon. member did last night, when he knows that the views to which he is giving expression are not regarded with favour in the city from which he comes. He is entitled to a great deal of credit for the stand he takes. But so far as other hon. gentlemen are concerned, those gentlemen who are waving their hands and arguing strenuously in support of the undertaking without advancing good reasons, they will not convince anyone who is really anxious to get at the facts and to view the whole question from an impartial standpoint.



A good many reports on the Hudson Bay railway are available from various sources, both from the engineers and from private persons who have been on the ground, and these reports cannot be ignored. I should like to think that the project could be made successful, and I say this as a resident of British Columbia, knowing quite well that the greater the success of the Hudson bay route the greater probably would be our loss out there. We have nothing to gain by it. But I am trying to look at the matter from a broader standpoint. In days gone by we in British Columbia have borne without murmur our share of Canada's burden. I have sat in this House and seen an appropriation asked for which will lead to some $10,000,000 in order to develop trade with the West Indies, and I observe that there is foreshadowed a loan of $12,000,000 to Montreal. We in British Columbia contribute in taxation per capita as heavily as does any industrial part of Canada, and we are willing to do all we can for the general good of Canada. But I do not believe that the Hudson Bay grain route is feasible, and in my opinion the only means of settling the question beyond doubt is to send up a couple of our own ships to cruise back and forward there for about a year. Although I have no doubt that if this were done the verdict would confirm the finding which has already been made. Some years it might be possible to get into Port Nelson during two or two and a half months, but of what use is the month of August for taking grain from Port Nelson? And with a 4,000,000 bushel elevator, how could we expect to haul enough grain to make the thing pay? An hon. member said last night that they would be storing grain between the close and the opening of navigation. What nonsense! Imagine hauling grain in there in the winter time and letting it lie in the elevator until the following August. The thing is absurd. In my opinion the whole project is an hallucination.

Mr. MILLAR: Do they not haul grain to Fort William in the winter?

Mr. DICKIE: But they do not wait until August 20 of the next year to take that grain out. And they can take it by rail any time they want to. Port Nelson, on the other hand, is absolutely sequestered. My hon. friend knows that without my telling him.

Now, as I say, I do not know just exactly what to do with reference to this question. I do not believe in voting the $3,000,000. I believe in voting enough money to recondition the road up to the point so graphically described this afternoon by the hon. member for Nelson (Mr. Bird). Beyond that, to talk of

the mineral possibilities is simply speculation. When you get beyond the Flin Flon and Mandy mines, north of The Pas, where is there one mining property of value in that whole country northward to the bay? There is no ore coming out of there. The formation being pre-Cambrian, we are in the habit of saying that we have the greatest potential gold region in the world in the north, but those gold deposits are not contiguous, they are sometimes hundreds of miles apart. The Hudson Bay railway might be completed, and yet a branch line running off a hundred miles from the main line might have to be built to tap the mining region which we hope may be discovered, and even that might be tapped easier from The Pas.

Mr. MILLAR: There are millions of bushels of grain in the country elevators in March and April. Would it be foolish to take that grain in April to Port Nelson to be shipped out in July?

Mr. DICKIE: There is no record of the port being open in July.

Mr. MILLAR: Oh, yes.

Mr. DICKIE: Mr. McLachlan in his report states that in the middle of August, 1917, the port was not open. That may have been an exceptional year, but the consensus of opinion is that two months navigation is all you can depend on from August 20 in each year. We know the intense desire on the part of the people of the west for that route, they are willing to stake their all that it will be a success. But how are we to judge? As I say, we are loiterers by the wayside trying to deal with the question from the point of view of the best interests of the whole Dominion. Suppose the route is a success to the point that you can send grain just as cheaply from Port Nelson as from Fort William and down the St. Lawrence, how will Canada benefit? What about our great ports of Montreal, Quebec, St. John and Halifax in the east, and our two great ports on the Pacific?

Mr. MILLAR: There will be plenty of grain for all of them.

Mr. DICKIE: Why spend money on the hypothesis that we are going to have a port up there that will bring transportation relief? It is absolutely money thrown away.

Mr. HAY: Mr. Chairman, personally I am supporting the vote, and I am doing so for the very good reason that I have an abiding faith in the possibilities of the Hudson bay route. I am in rather a unique position in my faith in this route. Three generations of my ancestors came into Canada through Hudson bay as pioneers, my great grandfather almost a century and a half ago. In conversation with men who were actively engaged in the early days in transporting goods from Port Nelson I have secured information that confirms my faith and convinces me that the route is practicable and feasible and will ultimately become one of the highways of the North American continent to Europe.

A number of hon. gentlemen are opposed to this expenditure. I can understand some of the opposition coming from eastern Canada, whose representatives fear that perhaps the completion of the Hudson bay route will interfere with the trade which is now going through the port of Montreal and other eastern ports; but like many others who have had some experience of the west and its possibilities agriculturally, I believe that every avenue of transportation will be necessary to handle the grain and other produce of the west when it becomes fully settled, or even when another 500,000 farmers are located on the western plains. Consequently I do not think there is any reason for eastern Canada to fear the effects of any competition from the Hudson bay route; I think there will be ample traffic for all our ports when the west is properly developed.

I believe, Mr. Chairman, that the greatest factor in the development of western Canada will be the completion of the Hudson bay route. The Hudson's Bay Company have realized the possibilities of this route for over two hundred years. This summer it will be 258 years since their first vessel sailed from England to the bay, and ever since their ships have each year safely navigated the straits to Port Nelson with goods for that northern region. Recently I noticed in the press what seems to me to be a significant item. It is dated Winnipeg, January 21:

> The board of directors of the Hudson's Bay Company announced that a large steel icebreaker will be put into service in the Hudson bay next summer.

That is, the present summer.

> The icebreaker is now under construction in England, and it is expected will be completed by July.

Then I notice another significant press despatch, dated London, March 9:

> Colonel J. Obed Smith, former director of European emigration for the Canadian government, has been retained as special adviser by the Hudson's Bay Company Overseas Settlement, Limited, the newly formed unit of the Hudson's Bay Company, which will carry out the company's own migration scheme in Canada.

I repeat, Mr. Chairman, those two articles are somewhat significant, particularly in view of the intention of the government to complete the line to Port Nelson at the earliest possible moment. The minister has assured us of that,

and personally I have no reason to doubt his sincerity. I am naturally a little disappointed that an effort is not being made to complete the road to the bay during the present summer. I think it would have been possible to do that had an amount of $6,000,000 been included to complete that line. In view of the fact that the harbour commission of Montreal is asking this government for a loan of some $12,000,000, and in view of the fact that the Welland canal appropriation for the present summer amounts to $14,000,000 I do not think it would have been out of the way if $6,000,000 had been asked for the completion of this road this summer.

A number of members of this House speak of the completion of the Hudson Bay railway as a concession to the west. I disagree with and resent that statement, because that is not so. We do not look upon the completion of this railway as a concession to western Canada; it is a right which belongs to us, a right which the western people have bought and which their lands have paid for. Consequently it is wrong to speak of it as a concession.

A good deal has been said, Mr. Chairman, with respect to the feasibility and navigability of the route to the Old Country by way of Port Nelson. Some of our friends say we have not sufficient information to warrant such expenditures, while others say we should satisfy the people of the country before spending more money. The governments of this country have been trying to satisfy the people for a number of years with respect to the navigability of the route. As far back as 1884, during the regime of the late Sir John A. Macdonlad, a committee was appointed to investigate and gather information with respect to the feasibility of this route, and I am going to quote some of the evidence placed before the government by that committee. I may say that they gathered information from all reliable sources and presented a report to the government, and a part of that report was to the effect that the government would be well advised to send an expedition to Hudson bay to find out whether the straits and bay were navigable and whether the route was feasible. In 1885 the year following the report, something like forty years ago, an expedition was sent to Hudson bay. The vessel arrived there in June, I believe, and cruised around the bay and straits until the following October. Observatory stations were established at different points, and I would like to give some of the information gathered. I think this will be of interest, because we of the west are vitally interested in this proposition and believe that it is necessary to the future development of western Canada. So we cannot allow such statements as were made in the House yesterday and to-night to go unchallenged.

I want to quote first of all from Dr. Robert Bell, who was senior assistant director of the Geological Survey of Canada, and who was examined at length by this committee:

> He had, in the course of his professional duties, visited the immediate shores of Hudson bay, or the country surrounding it, each of the six years from 1875 to 1881, both inclusive, and was therefore in a position to give much valuable information to the committee. Besides, he had passed through Hudson strait, and had been to considerable trouble in collecting information from others concerning the navigability of those waters.
>
> Having travelled much over the country, he gave it as his opinion, based on an extensive knowledge of engineering, that there were no great obstacles in the way of the construction of a railway from Winnipeg to Hudson bay. He further stated that the bay and strait were open long enough each year to be utilized for ordinary commerce, or to the extent of four and a half months, and possibly longer.

The doctor's own language was:

> We know them both to be open for four and a half months at least, say from the middle, and certainly from the end, of June until the middle of November.

He also gave a full account of the resources of that country. I want to quote further, and I think the information I intend putting on Hansard should convince at least some hon. gentlemen who are opposed to this route that the contentions of the hon. member for St. Lawrence-St. George (Mr. Cahan) particularly, together with those of the hon. member for East Algoma (Mr. Nicholson) and one or two others, are not borne out by the facts gathered by this commission. The information I am now giving with respect to navigation and ice conditions in Hudson bay was gathered by this committee from the most reliable information, the log books of the Hudson's Bay Company ships which had been plying these straits for a number of years. The information covers a period of something like thirteen years, from 1871 to 1883, or eighteen trips in all. I will just give some of the outward bound trips together with the conditions which prevailed in these years. On August 16, 1870, the ship Prince Rupert passed through the straits and met some ice; in 1871 the same vessel passed through the bay and straits and met with no detention. The same conditions were met in 1871, 1872, and 1873. The Ocean Nymph entered Hudson bay and passed through the straits on August 10, meeting with heavy ice, and the following year the same ship also met with ice. The Lady Head, another Hudson's Bay Com-

pany vessel, passed through the straits in 1876 and met no ice, and the same conditions prevailed from 1876 to 1880, a period of six years; there was no detention at all from ice and in some cases no ice was sighted. In 1881 the Prince of Wales passed through the bay and straits and was not detained, while in the following two years this ship met with some ice. Of the eighteen trips outward bound on only five occasions were the ships detained by ice, or ice was sighted only five times. Consequently you will see, Mr. Chairman, that the navigation of the straits is feasible at that time of the year at any rate, and for a much longer period, I believe.

I want to quote now from the log books of the Hudson's Bay Company vessels—and this evidence was also given before the committee:

> There is no record in any of these logs—

That is, logs of the Hudson's Bay Company's vessels:

> —as to the date of the closing of the strait. The latest given of passing out was October 27, 1883, having sailed from Moose Factory October 7th. No loose ice was seen in the bay or strait; only a few icebergs in the strait.

In other words, almost until November 1 no ice was seen with the exception of an iceberg in the straits. It goes on:

> It will be seen from the evidence submitted to the committee, that there was a difference of opinion as to the duration of navigation in Hudson strait. Mr. McElhinney, with the log-books of the Hudson's Bay Company's ships, covering thirteen years from 1870, to guide him, said that "three months' navigation is all" that can be counted upon; while Dr. Bell, from personal experience, to a certain extent, felt sure that four and a half months, at least, could be relied on.

The title of this book is Our Northland, and it was written by Charles R. Tuttle, who was employed as observer with the expedition by the Dominion government. This is how he sums up the whole thing:

> Ice, in certain seasons of the year, will always be an obstacle to the navigation of Hudson strait; but I hold the opinion that having acquired a full knowledge of the character and movements of the ice, and being furnished with steam vessels suited to those waters, the mariner will have but little difficulty in making expeditious voyages from the west shore of Hudson bay to the ports of Europe, during at least eight months in each year.

That is the evidence of a man who was employed for the special purpose of observing conditions in the Hudson bay and straits during the time the Dominion government expedition was cruising in those waters. That is the opinion I also personally hold, after speaking with men who have been through those waters, and have lived in that territory for a great many years.

I do not wish to take up any more time, Mr. Chairman. I simply wished to place on record these facts, which may be helpful in showing that the Hudson bay and straits are practicable for navigation during a large portion of the year. The hon. minister can count on my support in any attempt he makes to complete the road, not only to the bay, but so far as the ocean part of the route is concerned as well.

Mr. ROSS (Kingston): Permit me, Mr. Chairman, for a very brief time to occupy the attention of this House on this very important item of expenditure. I remember for the last three or four years that every report, written or verbal, ever made on this subject has been given to this House. I also am acquainted with the history of this question, and know that there are three periods especially in Canadian history which have brought a revival of this question before the people of Canada. But first let me say that if the minister would rise in his place now and take the responsibility for the statements just quoted by the last speaker to the effect that this is a navigable route for eight months of the year, I will sit down at once and say not another word. But I know he will not, nor will any other person who is acquainted with this subject assume that responsibility or take that position.

Those three periods in Canadian history to which I have referred are, first, the period when a charter was given to the Hudson's Bay Company to trade in this part of North America. There was no other route by which that company could reach the tract of land chartered to them; consequently they had to use that route, and they brought to this country settlers of whom we are all very proud, and of whom the last speaker is a very worthy example.

The second period in our history which brought a revival of this route was in that strenuous contest between two nations of Europe for the possession of this part of the continent—the contest between Great Britain and France. The British had no route by which to reach their part of the Dominion except by means of the Hudson bay and straits, and it was therefore absolutely necessary for them to use that route.

The third period was when the traffic began to flow freely, too freely, from the north west through St. Paul, Minneapolis and Chicago, owing to the very expensive rates through our own Canadian ports.

These three periods in history have practically passed, Mr. Chairman, and therefore the great urgency for that route has passed,

except for this reason—and I am surprised that those in favour of the route have not brought this forward as an argument for the completion of the road—that it will give us another British route by way of the Hudson bay and straits, one of importance to our empire for military purposes and tactical reasons. I am very much surprised, I say, that that argument has not been used by those who advocate this route.

Coming to the statement of the Minister of Railways, he has placed upon Hansard and before the people of this country the facts on this question that have been available for a great many years. Complete data have been available for many years he said, for the decision of this matter, and in view of those statements I am very much surprised at the position that has been assumed by this government during the last three or four years. I would like to examine and review the position of this government and of their followers during that period.

Let me begin first with the statements made during the late compaign by the Prime Minister and the Minister of Customs while touring the west. The Minister of Customs, as reported in the press, said:

Had there been fourteen or fifteen Liberals from Saskatchewan to urge the necessity of the Hudson Bay railway, the railway would now have been built. It had been discussed in one or two caucuses—

I would like our friends to the left to listen to this:

—and Mr. Motherwell was always in favour of it, but he had no support. There was no one to help him out.

The Prime Minister made use of these words:

Do you wonder that the Hudson Bay railway was not completed when there was no one to speak for it?

Let us see. From 1921, Mr. Knox, who occupied a seat in this House, was a persistent advocate of the railway, and how much assistance did he get from the Minister of Agriculture? Mr. Knox moved a resolution as follows:

That in the opinion of this House it is expedient that more effective consideration and recognition be given to the resolution adopted by parliament on March 12, 1923, recognizing the priority of the Hudson Bay railway with reference to the transportation projects started subsequently.

Now let us consider the statements by Mr. Knox as to the party which is now expected to put the Hudson Bay railway through. In the first place Mr. Knox expressed himself as follows:

A party like the Liberal party which has made no further advances during the four years in which it has held office in the carrying into effect of its platform and policy published will certainly not be received with open arms by the thinking portion of the electorate, especially in that part of Canada lying west of the Great Lakes.

Here we have the Prime Minister and the Minister of Customs saying that they received no support during their four years term of office for the completion of the Hudson Bay railway, and on the other hand an expression of opinion by Mr. Knox that they did nothing. But additional interest will be found in the remarks of the hon. member for Nelson (Mr. Bird) who has so consistently and strongly voted confidence in the government this session. The hon. gentleman's remarks will be found to be of great interest in view of the statement of the Prime Minister and his colleague, when they went west, that they had received no support in connection with this project. Mr. Bird said:

Where does the Liberal party stand in regard to the Hudson Bay railway? Who knows? Who can tell?

Answer, nobody. He said further:

There is such paralyzing influence within the ranks of the Liberal party which makes it impossible to proceed with this venture—

Mr. Knox also made a reference in this House to the party that were supposed when they went west to be strong supporters of this railway. With respect to the Minister of Agriculture he said:

I have often wondered why the hon. minister could not see his way to give us his influential support.

Who is right, the Prime Minister and the Minister of Customs who went west and said that Mr. Motherwell was the only one who was pushing forward the Hudson Bay railway and got no support from the Progressives, or Mr. Knox who wondered why the minister could not give his support? Mr. Knox continued:

In 1925 after the Minister of Agriculture had made a trip to Kettle Rapids he became an out and out believer in the scheme.

Listen to further remarks of Mr. Knox:

We are almost forced to the conclusion that the minister had his line of action already decided upon before he started for Kettle Rapids. Such a statement coming at the present time to me looks somewhat fishy —too much of the red herring variety—a further excuse for further delay.

The foregoing is the opinion expressed by Mr. Knox of a member of the government who was supposed to be the only member pressing for the completion of the Hudson Bay railway. Now the hon. member for Nelson remarked with respect to Mr. Motherwell in 1925:

The minister is one of those gentlemen, and there are a great many of them, who form their opinions first and collect their evidence afterwards.

This with reference to the man who was the only supporter of the Hudson Bay railway. Now listen to this as showing the strong sympathy of the Minister of Agriculture for the Hudson Bay railway:

> He quoted evidence that Port Nelson was not a port. To-day after having investigated the matter further he quotes other evidence which proves exactly the opposite. Two devils were at work, the big devil Mr. McMaster and the little devil Hon. Mr. Motherwell, against this project.

We are assured that Mr. Motherwell assumed a dangerous attitude, especially for a minister of the crown. However, the minister went to Kettle Rapids, where he consulted trappers who gave him his opinion that Port Nelson would never make a suitable terminal for this railway. We would like to hear from other hon. gentlemen opposite, who now seem to be anxious for the completion of this railroad, why they have changed their views expressed during the past three or four years. I notice the Chairman of the committee has just gone out. I should like him to have an opportunity of showing whether or not he was a supporter of this railway. The hon. member recommended two proposals—first, a special committee to consider the matter; and second, a committee of business men to go into the bay themselves and see the feasibility of the project. I have failed to hear the hon. gentleman expressing one word in regard to the attitude the government has assumed to-day.

Then there was the Minister of Agriculture with his suggestion. He wanted to load one or two Atlantic liners, or boats as large, to go up the Labrador coast to Fort Churchill before coming to a conclusion in regard to the matter.

Mr. BENNETT: It might be a valuable route for shipping Saskatchewan and Alberta horses purchased by the minister for European customers.

Mr. ROSS (Kingston): I do not know as to that. This is the opinion he gave here. This strong advocate of the Hudson Bay railway who could not get any support for the scheme, was going to have these tests made before he could come to a conclusion and advise as to one route or the other. In any event he was quite satisfied that Port Nelson was not suitable.

The Hon. Mr. Graham, former Minister of Railways, was not going to be driven into a corner on this question by hon. gentlemen to the left. Consequently he did nothing except what I am going to state later. Then we come to one hon. gentleman very prominent in the ranks of hon. gentlemen opposite, one who aspires to be Minister of Railways—I refer to Mr. Euler. He made the statement I am going to quote as far back as 1921, but we fail to hear him and others giving expression to their sentiments this session. Why such secrecy? What is the matter? Is there any explanation for the silence they are maintaining to-night? Listen to these words from Mr. Euler. The proposition had been made to discontinue the grant for further work on this railway, and then the hon. member for North Waterloo says:

> I may say at the outset that if the Minister of Railways had stated to the House that the government had definitely decided not to continue the construction of that railway at any time, I believe he would have met the wishes of a large majority of the people of Canada.

In view of this strong stand taken by very important members of the party opposite in the last few years, how can hon. gentlemen on this side who have doubts upon the question be expected to support this item unless these gentlemen explain why they have changed their minds, or if they have not changed their minds that they will not support the item? Is it fair to expect that we on this side, after such strong statements have been made by hon. gentlemen opposite, should support this vote? The same hon. gentleman, speaking of a member of the Progressive party who had brought forward the motion to go on with the project, said that he quite expected the grandchildren of that gentleman would be heard in the House expressing a wish for the completion of the Hudson Bay railway.

Mr. EULER: I said I hoped they would, I did not say I expected they would.

Mr. ROSS (Kingston): There is not very much difference between a hope and an expectation. One step has been taken in that direction by not sending back to parliament this particular gentleman to advocate the completion of the Hudson Bay railway.

Now let us go further. What has been the attitude of the government towards this question? In 1923 Mr. Knox brought forward his annual motion, and this government placed in the estimates $350,000 for the same purpose that the present Minister of Railways would lead us to believe the item now under consideration is inserted in the estimates, namely, to put upon a solid basis the road as it is. Yet what was their strong enthusiasm, and what did it amount to? After getting this vote of $350,000 they spent $60,000 on the railway. And what was that to do? Partly to replace the rails and the ties that they had taken away from it for the benefit of the Canadian National. If the government got a

vote of $350,000 from the House and only spent $60,000, how much heart had they in the proposition or why this change of attitude towards this scheme?

I was glad to hear the hon. member for Saskatchewan say he was sick of committees and commissions, but his heart was not strong when the measure came up, because even in his time in this House he has already seen two commissions appointed, a tariff board and a commission on Maritime rights. I have no doubt he is getting very sick of it and not willing that any other commission be appointed to investigate this matter.

Having dealt with what this government has done and what it has not done, and what it has promised to do and has not done, I would like in a word to express my own attitude towards this proposition. I am not so bigoted or biased, if sufficient reasons were shown that there was anything to be gained by this expenditure, that I would not vote for it. I am Canadian first, last and all the time, and I do not care where the expenditure is; if it will benefit Canada I am ready to vote for it. But when a vote is given which the government has jockeyed with for three or four years, and now comes along and makes up its mind to an indefinite programme, I have my doubts as to whether I should support it or not.

I am going to take up two arguments presented in favour of this road. First, it is said that it is a colonization road. If this is the best place we can build a colonization road, I would discontinue the construction of any further colonization roads. With so many extra districts in Canada which are superior to the country here concerned—and I know those parts of the country, where roads would bring colonists, while, and this proposed road will not—I am going to oppose the Hudson Bay road as a colonization project. Further than that, if we should, by some good fortune, get colonists along that road, would it be a favourable place for them? Not at all. In the first place, supplies can only go to this district for a certain part of the year, and for the remainder of the year the expense of bringing supplies to them would be too great to make it an advantageous place for any colonization work. Secondly, it is claimed that it would be a grain route—because I do not think any person in advocating the road has separated it from a sea route via Hudson bay and the straits. Therefore the

10 p.m.

second factor in the advocacy of the road is that it is a grain route. Speaking of it as a grain route, I am going to place before the House what I think are the

[Mr. A. E. Ross.]

conditions. I am expressing my views; they may not be the views of other hon. members and may not be sound, but I think I know something about grain routes. Even the St. Lawrence as a grain route has one disadvantage so far as routing from ports south is concerned, and that is the insurance. The higher insurance is a factor against the St. Lawrence route, and what will it be on a route like the Hudson bay and straits? I have heard hon. members argue that there are no icebergs. That is quite true, but I do not think an iceberg is as dangerous as a field of ice. Navigators can circumvent an iceberg, but not fields of ice. So that the insurance rates on this route will be greater than on the St. Lawrence; therefore it is not so feasible as a grain route. The third point is the uncertainty of the arrival of vessels. I am not going to discuss the feasibility of the route and will not say whether it is navigable or not navigable, but there is an uncertainty as to the arrival and the clearing of vessels. Now that is a very important point with grain dealers and certainly it would be a great disadvantage to the Hudson bay and Hudson straits route. The fourth point is the uncertainty of getting a cargo. We know the disadvantage of the lake route, as far as it affects us as Canadians. We could contend easily with the Americans if we had a certainty of a return cargo to points such as Fort William and the north or the head of the lakes, and undoubtedly this route will be under a greater disadvantage in the uncertainty of cargoes inward.

My attitude is this: the government have not given us any idea of their complete programme in this matter. We are all agreed that perhaps it would be a good thing to complete what is of use of that road. Further than that, we are in the dark so far as this government is concerned. In spite of the many promises of the government, the minister will not stand up and say. "We propose to build this road, to put the terminal there, and to make a complete route to Hudson bay". All speakers in the past number of years have stated that the completion of the route to Hudson bay would be of very little use without a complete arrangement for the routing through the Hudson bay to Europe, and I find therefore that I cannot go much further than did the Hon. Mr. Crerar in 1921, when he said:

> I believe this route will ultimately become a great highway, and if the financial situation of the country warranted the expenditure I would be disposed to support the motion, but on account of the considerations I have mentioned I think it is well to postpone further expenditure for the present.

I think that would be the platform upon which a great many members of the House would stand if they expressed their opinion. We have had under the present government in the last four years expenditures that are staggering, and I think we can quite well say, "We will go no further on account of the financial situation of the country."

Mr. BENNETT: Both parties have in times past been in favour of the construction of the railway to Hudson bay. I do not regard the vote now before the House as in any sense committing me to the construction of a single foot of railway in addition to what has already been laid. It is true that the minister has declared it as the policy of the government to construct the line to the bay, but the fact is that the vote under consideration will not carry the road a single foot beyond where it now is. The money he now asks us to vote is for the purpose of reconditioning and rehabilitating the line already constructed. I am not opposed to that being done, but lest it should be thought that by acceding to this grant I am agreeing in principle to the completion of the line to Hudson bay, I desire to make a few observations.

We have at the moment some $20,000,000 odd invested in the road. If the records are correctly read, about $14,000,000 of that money came out of the sale of pre-emptions in western Canada. As a matter of business in an ordinary transaction most men would consider an expenditure of $3,000,000 somewhat large for the purpose of saving an investment of $20,000,000 amounting as it does to 15 per cent of the whole. I do not think it will be necessary to spend $3,000,000 for that purpose; less money than that will re-condition the road and restore it to proper working condition. That is my view after hearing the estimate of the work that has to be done to put the road into shape. The kinked rails, decayed ties, ruined road-bed, the light steel—all these are matters that can be looked after by an expenditure of less than $3,000,000. I therefore support the vote as it is proposed by the government. But from the information I have I could not under any circumstances vote to extend the railway a single foot beyond the present end of steel. I could not vote to send the railway to Nelson. I say that because I have not adequate information that would convince me that the expenditure of the money necessary, some $29,000,000 or $30,000,000, would be in the public interest. We have no such data as would warrant a board of directors, in the case of private corporation, speaking for intelligent, sober minded shareholders, in arriving at the conclusion that the expenditure now proposed was justifiable. And as I have frequently observed, we in this parliament in relation to railway matters are in the capacity of shareholders. We are shareholders of the Hudson Bay railway. Speaking from that point of view I should not be prepared, upon the information which has been submitted to us, to vote if I were asked to,—I am not as a matter of fact called upon to vote. at the moment—in favour of an extension of the Hudson Bay railway to the bay.

My mind is open; I have no preconceived notions, no prejudices and no bias with respect to this question. On the evidence as I have read it—I have read all the evidence that has been available—there seems to be a marked conflict of opinion. These points are apparent: first, that since the opening of the Panama canal and the movement of wheat from as far East as Maple Creek, and perhaps a little further, to the Pacific slope there is no longer that urgent demand for the movement of grain west of that point to the Hudson bay or Fort William. Rather the desire is to move it to Vancouver. In the second place it must be remembered that the population of the country is not expanding as we should like, and that any movement that takes place of grain toward Hudson bay must necessarily involve a corresponding diminution in traffic on the two roads that now operate. And the Canadian National Railway system cannot afford at this juncture to lose any traffic. It is now costing the people over $40,000,000 a year, notwithstanding the claim which is occasionally made that the figure is as low as $7,000,000. The fact is that last year it cost us over $71,000,000 in interest, of which, as has been said, but $33,000,000 was earned. So that when we realize that we are paying every year the substantial sum of $40,000,000 or thereabouts in interest for the maintenance of the Canadian national system, we can readily understand that any thoughtful man must view with apprehension loss of traffic, whether it be diverted in the direction of Hudson bay or be incurred in any other way.

I do suggest to the minister that inasmuch as—if he is permitted to remain in his office, as I trust he will not be—he proposes to submit to parliament some day a vote for the construction of the road to Hudson bay, he take steps immediately to demonstrate beyond any peradventure the feasibility of navigation in the straits. The minister has indicated, although not in so many definite terms, that he will at some future day ask parliament to support such a vote. We are not asked to do

so to-night, but before that moment comes may I suggest to the minister that he take a few of our Canadian merchant marine vessels and send them to Hudson bay to make a practical investigation of the question. Some of these vessels we sold last year at $40,000 each, and it is not too much to ask that four or five of them be specially equipped and strengthened in proper docks and shipyards and dispatched to the straits to ascertain under capable supervision what may be expected in the way of navigation in the straits and in the bay. That would be the path of reason. I do know that large private organizations desiring to carry on trade in the orient send out skilled men to study the conditions of the market, and I know also that the railways in days gone by, desiring to extend their lines, have engaged men to explore new territory, to examine the conditions and to estimate the traffic possibilities, all this being done with a view to ascertaining whether or not the undertaking contemplated would be warranted.

No one in this House can say authoritatively that from the evidence we have before us it is an economic certainty that the Hudson Bay railway if constructed to the bay would successfully, efficiently, or economically serve the purposes in mind. That, it seems to me, can be ascertained only by a thorough examination on the part of those competent to make such an examination, not on the land but on the sea. Let us remember that the sea traffic is what is of importance in this case; it is the dangers by sea that have to be considered. The dangers incident to navigation in the straits and in the bay must be carefully analysed When therefore we have ships of our own for which we have paid large sums of money and some of which, as I have already remarked, we sold last year for $40,000, might it not be possible to equip four or five or half a dozen of these vessels, strengthening them especially for the purpose, and have them systematically study the conditions in Hudson bay and straits from the standpoint not only of climate but of navigability, so that we might decide with certainty, before asking the people to expend further sums of money, whether or not the completion of the road would be justifiable? Let properly qualified and thoroughly competent men investigate the question, not on the ground but on the sea. Let them look carefully into the conditions incident to the safety of navigation at Port Nelson and in the straits. Have a careful investigation made of all the circumstances—the nature of the port and the channel; the shifting character of the sand bars; the possibility of erecting proper docks; the availability of material for the construction of such docks; the cost of elevators; the time required in the movement of grain from Port Nelson to Liverpool; the dangers that would be encountered in transportation, so that the insurance rate might be determined; and other allied questions. All these questions could be studied at firsthand by men specially deputed to carry out the investigation.

This, I submit, is not an unreasonable suggestion to make at this time. I will concede that the minister is as desirous as any other hon. member to avoid any unnecessary expenditures. I believe my friends who support so strenuously this route are just as anxious as I am that public money should not be wasted, are just as desirous as any person could be that this route, if established, should be a success. But I do ask them to support the representations to the minister that we should not rush into this enterprise without having that measure of information, that extensive knowledge which private business men as directors of a well-defined body of shareholders would be required to have before they would recommend to their shareholders the expenditure of these sums of money. I do this to-night because, fortunately, it is not that vote which is being considered by the committee. That vote will come, perhaps at another session, but in the meantime I do implore the minister to ascertain whether or not the commitment of this country to the expenditure suggested, namely, some $25,000,000 to $30,000,000, would be warranted from the dangers incident to navigation, from the conditions that prevail, and from the availability of the route measured by every test that would be imposed by a competent and skilful navigator in determining whether or not he would be warranted in taking his ship and cargo into and out of this port in the season of the year when the straits and bay would be open. That is all I suggest. We have ships that we are now triying to sell; they are no longer valuable from the standpoint of trade and commerce—and my friend from Kingston suggests to me that the cabinet might take a trip in one of those ships for the purpose of ascertaining the conditions of navigation.

Mr. DUNNING: We might take the board of strategy along also.

Mr. BENNETT: I assure my friend the minister that if he takes the board of strategy along they will then be the government.

Mr. STEWART (Edmonton): They have not made much success in that direction so far.

Mr. BENNETT: There are evidences not wanting of the measure of success that one might expect, namely, the consciousness of having done one's duty to his country regardless of attempts to secure support by means that might easily be questioned; and there are not lacking very striking evidences, in fact they have been apparent during the last few hours, that we have achieved some success at least in the effort to protect the industrial life of Canada from destruction. But I can readily understand my friend the Minister of the Interior, who sounded "the death knell of protection" a few years ago, making such an observation.

But let me proceed. I doubt not there are gentlemen within sound of my voice who would gladly take a trip in one of these ships for their own edification. I say that in no jocular sense. I do know there are members of this House with whom I have discussed the matter who have very strong personal opinions, based not on personal knowledge but on conviction arrived at from what they have read and from what they have been told. I think the minister and the government would be well advised to afford us an opportunity to have firsthand information derived from competent sources as to the availability of this harbour and of this bay for navigation for the purposes we all have in mind, namely, to afford us the cheapest possible route for the transportation of the commodities of western Canada to the markets of the world. If I believed that were possible I would support the proposal regardless of governments or parties. Because I have no such evidence as I would require if I had to consider it as a judge in an impartial way, I believe the whole matter is impracticable. And because of that fact I suggest we should utilize the means we now have at our disposal for the purpose of thoroughly testing this port, for the purpose of thoroughly testing this route, and for the purpose of enabling the government, as a board of directors, to recommend to their shareholders—the taxpayers of this country—a scheme, based not upon the land observations of people who do not know, but upon practical observations and experiments conducted by men who have sailed the seas and know whereof they speak.

That, however, as I said when I first rose to address the committee, is a matter which must be considered at some future time. The vote now before the committee is to rehabilitate the line as it now stands; it does not add a single mile to the Hudson Bay railway, but it saves the investment we have already made of upwards of $20,000,000. For that reason, and that reason only, I shall support this vote. But as to any further expenditure, I reserve to myself the right to have before me better evidence than I have yet seen introduced to justify it, believing that the country in its present economic condition, with the demands that are made upon the taxpayers by reason of the deficits that have to be met yearly on our National Railway system, believing, as I say, that we are not in such a position as warrants an additional dollar beyond the amount of this vote being spent on the route until we have evidence to convince our shareholders that such expenditure is warranted in the light, not of sentiment but of economic principles and of economic reasons.

Some hon. MEMBERS: Carried.

Mr. BURY: Mr. Chairman, I appreciate just as keenly as any member on either side of this chamber that the committee has listened very patiently to the long debate on this question, and I do not intend to trespass on the time of the House to any extent. I would not now have risen to speak but for the fact that the member for North Battleford (Mr. McIntosh)—with the best intentions in the world I have no doubt, and being himself assured of the truth of what he said—told the committee that the whole of the west was solidly behind this proposition, and he specifically mentioned the province of Alberta. Now, I cannot let that statement go unchallenged, because there is at least one member—and indeed the House has heard another in the person of the member for West Calgary (Mr. Bennett)—who does not believe in the project of the Hudson Bay route as a grain route. I cannot concede that it will be an economic grain route. Apart altogether from positive evidence either for or against that proposition, there is the undoubted fact that at the present moment the reports dealing with this aspect of the project are contradictory, that reports even from the same authorities are contradictory, and that the statements and sentiments of the ministers and the members behind the government who are supporting it are contradictory and inconsistent. If there was nothing else, that of itself would be sufficient ground for members on this side of the House who have no personal knowledge of the matter to pause before they could give support to the proposition as a grain route.

I have personal and specific reasons why I do not believe in the project as a grain route, but I am not going to trouble the House with them because, as the member for West Calgary stated, that question is not now before

us. I do want to say, however, in respect to this project that even as a colonization road I am not altogether in sympathy with it. The member for North Battleford has assured the committee that as a colonization road the project is justified, not because of the settlers who are there now but because of the settlers who will come after the road is completed. May I remind the House that there are great extensive tracts of this country, tracts the most fertile, the most promising, that are waiting to-day for railway outlets and cannot get them; tracts that have been colonized for ten, fifteen and twenty years and even longer, tracts from which the settlers have for years been going away because of lack of an outlet for the produce of their farms. So long as the Peace river country, the Grande Prairie country, and the High Prairie and Spirit river country are settled with colonists of the very best class, possessing lands which cannot be beaten and in few cases can be paralleled anywhere else in Canada, who are without railway outlet, I for one think it is wasteful to spend money on a colonization road with no settlers. That is my sentiment. I do not know that it will even meet with the approval of some of the hon. gentlemen of the Progressive party who represent Alberta or the other western provinces, but I want to make it perfectly clear that, either as a grain-carrying route or as a colonization road, I do not believe it is warranted or that the money to be spent is justified in view of the fact that there are other settled portions of the country crying out for railway facilities. I am not going to oppose this vote, but I could not let it pass after the statement of the hon member for North Battleford without letting the House know where I stand as a member from Alberta. I congratulate the Minister of Railways (Mr. Dunning) upon his perspicacity when he said that that province always adopts and maintains a strictly judicial attitude on this question.

Mr. MURPHY: I had not intended to speak during this debate at all, when there was a prospect of this vote, which I am going to support, carrying. But when I hear hon. gentlemen, especially those of the legal fraternity, arguing so strenuously against certain aspects of the matter, with regard to the completion of the road and the route in general, I feel that I cannot give a silent vote on this question. When the matter came up on Friday only a few were on this side of the House. I was fortunate enough to be one of them and I took a certain stand upon that occasion. I regret to say that an injustice was done by the press to the hon. member for Marquette (Mr. Mullins). He was reported as being absent on that occasion and as not looking after his parliamentary duties while to my personal knowledge he was sitting just across the aisle from me.

We have some objections raised to this route, in the first place with regard to the railway itself. These objections have centred mainly in the suggestion that this railway must be put into first class main line shape before it is ever used; that was one argument advanced last night. Are all railways first class when they are built Are they not sometimes built very shakily at first and later developed into main line condition? That has been the history of almost every railway in Canada, but of course the Hudson Bay railway must be in first class main line condition; nothing else will suit these gentlemen. Then the next point was that Port Nelson is not suitable; some hon. gentlemen think there should be further investigation with regard to the respective merits of Nelson and Churchill. The fact that they have been investigated and reported upon several times, and decided upon, counts for nothing; these gentlemen must be individually convinced, and the port must be selected to suit them. In this connection I would like to read from a report made by the Minister of Railways of the Borden government, Hon. Frank Cochrane. He looked over the ground personally and inspected the proposed terminals, Nelson and Churchill. On his return he spoke enthusiastically of the project. He said:

> I have every faith in the scheme, and I will push the Hudson Bay road for all it is worth. We intend to make this a good road. We have four-tenths grade. We are using eighty pound rails. I believe that the Hudson Bay route will mean much to the west in the way of lower freight rates. It will be a leveller, east and west. Just consider how much cheaper iron, steel and coal, for instance, from Sydney, could be shipped to the prairies. It will be of the greatest advantage to the east, and I believe eastern opposition is dying out. We found the bay free from ice. In fact, the only ice we saw to amount to anything was the bergs near Belle Isle, where all the Atlantic steamers encounter them. The straits are very wide, and with the aid of wireless I believe can be kept open for a long period.

Now hon. gentlemen who have never been over the route either by land or sea must be convinced; even the evidence given by the Minister of Railways under whose direction most of the work was done is not acceptable. In all seriousness I ask what kind of evidence could be adduced to satisfy men of that type.

Certain other gentlemen in speaking to-day against Port Nelson have used the name of the engineer in charge there, Mr. D. W.

McLachlan and I am going to read something which has not been read so far. These men pose as unbiased; they are adopting the judicial frame of mind. They are going to listen only to the evidence, and then they get up and argue—at least one hon. member argued—for a period of nearly three hours. During that three hour talk he did not bring forward one single bit of evidence in support of the project, but read everything against it. He simply adopted the lawyer-like attitude of arguing before a judge, bringing out everything in favour of his client. And he was adopting the judicial attitude! Here is what Mr. McLachlan, the engineer, at Port Nelson, said in his evidence before the Senate committee, among other things:

Last winter we knew that the chart which was prepared and published was not right, and we went back and thoroughly surveyed the entrance to Port Nelson all over again, with the result that we got the channel in a different place from the one shown on the chart. The result is that we effected a great improvement in the entrance to Port Nelson.

We have a channel there that has 20 feet of water at low tide. That means that when you have the height of the least tide to be expected you get a channel that is 33.7 feet deep. You can come into Port Nelson at any time. The new channel is a natural channel without any dredging. The depth is 20 feet at low tide, 33.7 at high tide and about 40 feet at spring tide. The great advantage of the new channel is that at first it leads towards one shore and then towards the other shore and finally up the centre of the estuary.

These extracts do not occur in sequence in the Senate report, but they will all be found there. This is the gentleman who has been quoted most copiously to-day as absolutely damning the whole project.

There has been opposition to the railway; there is opposition to the port and now the navigability of the straits is questioned. I would also like to put on Hansard a few extracts with regard to the navigability of Hudson straits. Here is the evidence of Commander A. R. Gordon, who made several trips there in the Neptune:

The ice has been supposed hitherto to be the most formidable barrier to the navigation of the straits, but its terrors disappeared to a great extent under investigation. We met no icebergs in Hudson bay nor did we hear of any being seen there; in the straits a good many were seen. The icebergs seen in Hudson straits in August and September would form no great barrier to navigation, nor do those met with off the straits of Belle Isle, nor were they more numerous in Hudson straits than they frequently are off Belle Isle.

Commander William Wakeham said:

Steam has now effected a complete revolution in ice navigation, and the most advantageous time for pushing on is when the ice is loose. Under similar circumstances a sailing ship would be utterly hopless. . . . . The nature and consistency of the ice in Hudson straits are such that, with an efficient steamer, the passage should be accomplished with very little delay or difficulty . . . . I absolutely agree with Captain Gordon in fixing the date for the opening of navigation in Hudson straits for commercial purposes by suitable vessels at from July 1 to 10. I consider that navigation should close from October 15th to 20th.

Here is the evidence of Doctor Bell:

It is impossible that there should be at any time in the twelve months difficulty in navigating the straits, for they are upon tide water. . . . . Why, navigation through the straits should be particularly easy, because, while there may at times be floating ice, there are no rocks and no islands upon which to go ashore.

Here is the evidence of Mr. J. W. Tyrrell, who has gone through the straits several times:

The straits can, in my opinion, be relied upon for unobstructed navigation from July 15th to November 1st, with a possible extension of two weeks at either end.

Captain Bernier says:

The Hudson bay and straits are open to navigation the year round, but as far as the strait is concerned icebergs block the way in places according where the current into or out of the bay drives them. With wireless stations established so that ships could be directed in their course the Hudson bay ports would rank amongst the most important on the continent, owing to the very appreciable difference in distance to Europe compared with that of other ports.

There is evidence in regard to the navigability of the straits; yet hon. gentlemen have said that there is no evidence in the record which they can accept as to the navigability of the straits or of the bay. Here we have the evidence of men who have gone in there, not once or twice, but many times.

We have heard during this debate that before we can test out the route and decide whether it is a feasible proposition, it must be put in ideal shape; everything must be finished; the road be made a first-class main line, the port fully established, with special ships constructed, and everything put beyond the possibility of a doubt. Conditions must be ideal. I would say to hon. members that if that had been the spirit which actuated our forebears, Canada to-day would be a wilderness. I would like to know how many farms would have been opened up in Canada if before the pioneers of this country started in to farm they must have a barn, thirty-five to forty feet wide and a hundred feet long, a two-storey brick house, furnished with the finest furniture, equipped with electric light and water works, and the farm with so many acres broken; with so many thousands of dollars worth of machinery and stock, and an automobile to run around in. Imagine having to take all these things into consideration and to have them on hand be-

fore a pioneer started in to farm! If you want to consider this railway in that light, it will never be a feasible project. Yet some hon. gentlemen will not be satisfied with a test unless they can have everything perfect with which to begin. Can we not as common sense men look at that route as we would look at anything else that we were starting out upon as individuals? We do not wish to have everything perfect when we start out. You can test out this route in a small way first. Finish the road to the bay, and the sea route can be tested out without going to an expenditure of twenty, thirty, forty or fifty million dollars. When any man says that that amount is necessary before the road can be tested out he is talking the veriest nonsense, and he knows it. I have it on the authority of the hon. member for Marquette that there is a gentleman in Winnipeg who has purchased two ships of the merchant marine from this government, and who is willing, out of his own purse, to build an elevator at Port Nelson and put these two ships which he has purchased into service on that route to test it out. Are not hon. gentlemen satisfied with that as a practical test? That is not going to cost the people of Canada one dollar. I know of that man; I am not going to give his name, but he is financially able to do what he claims he is willing to do.

It has been argued that before we start on this project every member of the House must be satisfied, according to his own individual opinion, that the route is actually feasible. Well, we would never have a car running over that road if every individual member of this House has first to be satisfied, according to his own individual opinion, as to the feasibility of the project. One man wants the ships to run in there, loaded with coal, to make a test, dump the cargo into the sea, perhaps, and later pick it up again. Another man wants the ships loaded with ballast, and to chase in and out of those waters to see if they are navigable. Other opponents of the project argue that the port must first be put in ideal shape to know whether the port can be used or not. Now what is the use of loading a ship with ballast and running it through the straits and the bay down to Port Nelson if you cannot test out the port? It would prove absolutely nothing to run ships through the straits and bay to Port Nelson unless you have docks and wharves there where the ships can tie up and unload.

Now I come to the last point I wish to make, and I do not know of any speaker who has mentioned it here to-day. It is to my mind

[Mr. Murphy.]

the most important reason for the completion of this road, and it is this: Every government and every leader of a political party from 1884, or earlier, up to the present, has stated that it is the policy of his party and government to finish the road. Every leader since that time has personally given his word to the people of this country that the road would be built. Now do the expressed opinions of the governments of this country mean nothing? Are the expressions of the leaders of the political parties in this country to mean nothing to the people of Canada? Are they simply vote-catching devices? Have we come to such a low tide of political morality in this country that we cannot accept the word of our governments and our leaders? If that is the opinion of the hon. members of this House after sixty years of responsible government in Canada, I say that it is surely time that we took stock of ourselves.

The second reason for the completion of this road which seems most important to me is this: that the funds were provided for the building of the road from the sale of lands in western Canada. Any man who wants to look up the records can find that out for himself. I could read them to-night, but I do not propose to take up the time of the House as they can be found in the Hansard debates of 1908. Those funds, Mr. Chairman, have actually been provided to the amount of $20,000,000, of which only $14,000,000 has been spent, and there is about $7,000,000 still to be collected for the building of that railway. The people who purchased those lands in western Canada did so on the distinct understanding that those funds were to be used for the completion of the road, and I am profoundly astonished that legal gentlemen who have such a high regard for contractual obligations and living up to the spirit of a contract will get up in this House and say that they are not convinced in their own minds that this road should be built. Surely if contracts are sacred as between individuals they should be even more sacred as between governments and the people of this country.

I regret, Mr. Chairman, that this discussion has savoured altogether of sectional expressions of opinion. There has been no hon. member of this House who has so far been—shall I say?—big enough and broad enough to argue this question from a national standpoint. They have taken simply a sectional view and considered how it is going to effect the particular part of the country in which they reside. I have not been a member of this House long enough to be able to study all the important questions before the people

of this country and express an opinion upon them. I hope, however, at some time in the future to be so well informed that no matter to what part of this Dominion a question coming up in this House may relate—whether it be one affecting Maritime rights, transportation problems, the building of wharves or terminals, or any other question—I shall be able to express a well-reasoned opinion concerning it, regardless altogether of whether it is specifically in the interest of the province of Manitoba or my own particular constituency.

I have only one regret with respect to the present proposal, and it is this: The vote of $3,000,000—which will undoubtedly pass—is not for the completion of the road but merely to put the existing line into shape. After the $3,000,000 is expended we shall not be one foot nearer tidewater than we are to-night, nor than we were in 1918. We shall be in exactly the same position, and shall not have made any material advance. I confess I was bitterly disappointed when I heard the Minister of Railways make the statement he did, and I am sure that other hon. members, notably hon. gentlemen from Saskatchewan, must feel equally disappointed. I do not see how it can be argued that this vote of $3,000,000 cannot be used to do more than put the existing road in shape. Surely only a portion of this three million is needed to repair the existing line so that work trains could be run over it and extend the line for a considerable distance towards the bay. I hope the minister will be able to justify the stand he has taken before the people of the west, because under the present proposition I do not see that the Hudson Bay railway will be at all advanced in the desired direction of reaching tide water.

Item agreed to.

Progress reported.

## RAILWAY BELT WATER ACT AMENDMENT

Hon. CHARLES STEWART (Minister of the Interior) moved the second reading of Bill No. 171, to amend The Railway Belt Water Act.

Motion agreed to, bill read the second time, and the House went into committee thereon, Mr. Duff in the chair.

On section 1—Short title.

Sir HENRY DRAYTON: What does the main act do?

Mr. STEVENS: I may say that I have gone over this bill pretty carefully. It is not very long and it appears to me to be perfectly all right. As I understand its purpose, it brings the Dominion legislation into harmony with the recent revision of the British Columbia statutes in connectoin with this particular matter, namely, the water rights in the railway belt. Also certain acts passed in the legislature of British Columbia affecting the manner of dealing with water rights, subsequent to the Dominion act of 1913, have possibly been made applicable by order in council, and the present legislation will validate these actions. I think that is really the substance of the bill, with one addition, namely, that hitherto the provincial government have submitted applications to the minister, and that is now made obligatory. Would the minister kindly make an explanation?

Mr. STEWART (Edmonton): The hon. gentleman has stated the objects of the bill fairly thoroughly. It is retroactive only in so far as it will validate the time that may have elapsed between the passing of the order in council and the passing of the legislation. There are one or two additions beyond what the law officers of the provincial government have suggested, making it compulsory on their part to furnish us with the details of applications in order that we may judge whether or not they are going to affect residents on crown lands.

Sir HENRY DRAYTON: What is really the purpose of the original act?

Mr. STEWART (Edmonton): Prior to 1910 there was some doubt as to who controlled the water rights in the railway belt. That was settled in 1912, and an act was passed by this parliament empowering the provincial government to supervise the granting of these rights. Concurrently the leasing under license of any of those water rights was made to apply to both crown lands and provincial lands, and the difficulty arises owing to the fact that there are crown lands in the railway belt as well as provincially owned lands that have passed into private ownership. This is simply to harmonize and make effective the legislation of British Columbia for the whole period dealing with water rights.

Sir HENRY DRAYTON: It is confined to power and irrigation purposes.

Mr. STEWART (Edmonton): Irrigation particularly.

Mr. FRASER: Heretofore, under the legislation of 1913, the exclusive right of administering these lands was in the province of British Columbia. Now you are taking that exclusive right away from them and asking for a dual administration. Is that the idea?

Mr. STEWART (Edmonton): No, we are not doing that. We are not making any change in the administration. That was decided in 1912. The decision by the Privy Council is that the federal government have the control. The federal government in turn passed the control to the provincial governments by the act of 1912, amended again in 1913. There were several amendments during the years up to 1924, when the British Columbia government consolidated their act and made it necessary to bring our act into conformity with theirs. That is all we are doing.

Section agreed to.

Section 2 agreed to.

On section 3—Administration under British Columbia Water Acts.

Mr. FRASER: I want the minister to be sure he is quite right in connection with that. In section 3 you are cutting out the words "exclusive control," referring to the province of British Columbia, and putting in the words:

Under the control of the authorities of the province of British Columbia.

That does not say "exclusive control." It appears to me that that brings in a dual responsibility for every water record issued in the railway belt.

Mr. STEWART (Edmonton): No. All we are doing is asking that the British Columbia government furnish us with the details of every permit that is issued, in order that we may ascertain whether or not it will adversely affect residents or lessees on crown lands. We are not interfering in any way. The British Columbia Water Act prevails, and the administration is in the hands of the British Columbia government—not exclusively of course, because we are asking them to perform these services which formerly they had been performing voluntarily, but under the agreement in the old act. Objection has been raised by some of the residents on crown lands. The delay is the difficulty at the moment. There are 100 odd applications held up pending this regulation, and the Attorney General of British Columbia drafted these sections, with the exception of section 3 and the additions to section 5 of subsections 11 and 12, which are merely putting in the legislation what was formerly being done by them voluntarily, in order that we may have a definite record here for the protection of the people on crown lands.

Mr. FRASER: The reason I am so anxious to see that the legislation is correct, and that no mistake is made, is this: you might as well give a man nothing at all as give him a piece of land in that country without the water. The water is absolutely essential to the ownership of the land, and if in any way you provide a dual control of that water you make it that much more difficult for the licensee of water to get control of it. If a man makes an application to the British Columbia government for a grant of water, it has to be submitted first to the officials of the provincial government. If they decide to grant the application, it will have to go through the same process at Ottawa, and the matter will be complicated. As I am anxious to see the people there obtain their water as easily as possible, I must say my suspicions were aroused in regard to the elimination of the word "exclusive". Formerly the British Columbia government had the right to make the grant, and when you took out the word "exclusive" it looked as if you had dual control, making it that much harder for the people to secure their water.

11 p.m.

Mr. STEWART (Edmonton): Only to the extent that they furnish us with full particulars of the application. In certain cases it is referred to the board, which is a board of the British Columbia government. Lessees of crown lands are affected, and all we are doing is to provide that we shall be furnished, as we have been furnished in the past, with all the records. Previously it was not compulsory, but now it will be. There will be no dual control. We are not concerned unless objection taken to the application and the issue of the license by some resident on crown lands who feels that he is being injured. Then and then only will we interfere.

Mr. FRASER: That is all right.

Section agreed to.

On section 4—Commencement and publication of orders in council.

Mr. FRASER: In regard to those orders in council, do I understand that this act is made necessary by reason of the fact that certain regulations which were called for in the former act by order in council had not been completely complied with? Here you are providing for the same practice exactly; you still require these orders in council. Could the act not be so amended as to make the procedure a little simpler, so that it would not be necessary that the order in council should be published in the Canada Gazette for a specified time? That is what has given rise to the trouble.

Mr. STEWART (Edmonton): We cover that completely. If it is discovered, in the case of certain permits now in existence, that after the issuing of the license, delay occurred by reason of the fact that we had not brought our act into conformity with the legislation of British Columbia, the retroactive provision of this bill will validate those permits. As regards the necessity for legislation in the future, the hon. gentleman will see, if he studies the bill closely, that we are providing against such a contingency. We cannot forego the right to pass orders in council, because after all the authority still remains with the federal government. If there should be a short delay between the issuing of the permit and the passing of the order in council, no action will be taken against the lessee.

Mr. FRASER: You have eliminated the necessity for repeating that legislation, like a recurring decimal, every four or five years?

Mr. STEWART (Edmonton): Yes.

Section agreed to.

Section 5 agreed to.

Bill reported, read the third time and passed.

On motion of Mr. Mackenzie King the House adjourned at 11.05 p.m.

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## Thursday, June 10, 1926.

The House met at two o'clock.

### PRIVATE BILLS COMMITTEE

Mr. GEORGE PARENT (Quebec West) presented the sixth report of the select standing committee on Miscellaneous Private Bills.

### ALLIED INDIAN TRIBES OF BRITISH COLUMBIA

Mr. W. G. McQUARRIE (New Westminster) presented a petition from the allied Indian tribes of British Columbia.

### QUESTIONS

(Questions answered orally are indicated by an asterisk.)

#### COLD LAKE—FOREST FIRE

Mr. SPENCER:

1. Was there an attempt to fight forest fire near Cold lake, Alberta, in October, 1925?
2. Were persons of the names of Martin and Shaw supposed to have taken part in fighting fire?
3. Did they send in a bill for the work they were supposed to have done; if so, to what amount?
4. Who is the fire marshal for the district around Cold lake?
5. Did he make an investigation with regard to supposed fire? If so, how many witnesses did he call?
6. What was the cost of calling said witnesses, and has a report been received by the government?

Hon. Mr. MOTHERWELL:

1. A forest fire started on the north side of Cold lake in the latter part of July and was effectively cut off and brought under control by August 8th. This fire apparently continued to smoulder inside the fire guards, and some time during September and October, two persons named Martin Nyhus and Lester Shaw, considered it advisable to make some extra fire guards. This was done without securing the authorization of the forest authorities.
2. Answered by No. 1.
3. Yes. Approximately $460.00 is claimed. Department is paying $88.00.
4. The local Dominion fire ranger for the district around Cold lake is Mr. J. W. Allen.
5. Yes. Four men who worked in the original fire. An investigation was also made by the district fire ranger at Edmonton.
6. No expenditure was incurred in connection with witnesses, either by the local fire ranger or the district fire ranger. A report by the district fire ranger is on file.

### EXCISE ACT AMENDMENT

Hon. GEORGE H. BOIVIN (Minister of Customs and Excise) moved that the House go into committee to consider Bill No. 188 to amend the Excise Act.

An hon. MEMBER: Is it printed?

Mr. BOIVIN: I am informed, Mr. Speaker, that the bill was printed and sent to the distribution office this morning. It was explained yesterday.

Motion agreed to and the House went into committee, Mr. Duff in the chair.

On section 1—Removal of tobacco, etc.

Sir HENRY DRAYTON: Mr. Chairman, I think the object sought by my hon. friend is perfectly proper. As I understand it, the purpose of the bill is to enable trade to be carried on at ports where we have a customs warehouse, but no excise warehouse; that is, to enable Canadian goods to be sold in competition with American. This is quite right. It is a little dangerous, though; does my hon. friend think he has got everything safeguarded? I would have thought the easiest way would have been to make any customs bonded warehouse an excise bonded warehouse.

Mr. BOIVIN: If every customs bonded warehouse were made an excise bonded warehouse I am afraid the abuse would be still greater. It is understood that every excise

bonded warehouse in the country is subject to continual surveillance by an excise officer, and to the payment of a fee. It is pointed out that American cigarettes are brought in to these customs bonded warehouses and sold as ships stores to the fishermen going to the Grand Banks and elsewhere, without the payment of any duty and without the payment of any American excise. It is absolutely impossible for the Canadian manufacturers to compete with them, and the acting deputy minister of the department, who was also head of the excise branch, advises that the safest way would be to permit them to remove Canadian cigarettes of domestic manufacture from the excise bonded warehouse and place them in the customs bonded warehouse, where they would have no excise duty to pay.

Section agreed to.

Section 2 agreed to.

Bill reported, read the third time and passed.

## INCOME WAR TAX ACT AMENDMENT

Hon. George H. BOIVIN (Minister of Customs and Excise) moved the second reading of Bill No. 116, to amend the Income War Tax Act, 1917.

Motion agreed to, bill read the second time, and the House went into committee thereon, Mr. Duff in the chair.

On section 1—Gross revenue.

Mr. STEVENS: Paragraph (m) of this section defines the gross revenue where a personal corporation has revenue from more than one source, in which case the gross revenue means the sum of the net profits from each source. Does this affect in any way what I think we will come to somewhere later in the bill, the subject matter of previous discussion, namely double taxation or taxation from two sources? I have not had time to consider this paragraph very carefully, and I was just wondering whether this definition will in any sense establish the principle of double taxation.

Mr. BOIVIN: No, indeed. The definition just referred to is inserted for the express purpose of avoiding the possibility of double taxation. There is a clause further on in the bill which provides that all dividends upon which taxes have once been paid at their source, shall not again be taxable. My hon. friend will also see later on in the bill that a personal corporation is assimilated to a person, and therefore the dividends which may go through one, two or three holding companies will come to the final holding company or the personal corporation absolutely free from any except the original tax.

[Mr Boivin]

Sir HENRY DRAYTON: What is the idea of confining that particular definition to personal corporations? It is rather badly drawn, but I take it that the intent of that paragraph is to confine it merely to personal corporations.

Mr. BOIVIN: The gross revenue means the sum of the net profits from each source.

Sir HENRY DRAYTON: Is not that the effect of the definition? The paragraph reads:

> "Gross revenue" (where a personal corporation has revenue from more than one source) means the sum of the net profits from each source.

I admit that the drafting is not what one would desire, but it seems to me the effect is that in the case of personal corporations having revenue from more than one source gross revenue shall mean the sum of the net profits from each source. Am I wrong?

Mr. BOIVIN: The sum of the net profits from each source is right. The definition of gross revenue is required in the act and was not there before, because that phrase is now used in the section of the bill dealing with personal corporations; it will be found nowhere else. One of the requisites of a personal corporation is that its gross revenue must be, to the extent of one quarter or more, derived from the ownership of investments or from trading in investments. In all other cases the revenue taxed is the net revenue after exemption, but in order to determine whether or not the corporation is a personal corporation the gross revenue has to be considered. This is the only part in the bill where the words "gross revenue" are used.

Sir HENRY DRAYTON: I take it, then, that this refers only to personal corporations?

Mr. BOIVIN: Yes.

Mr. CHURCH: When this resolution was in committee I suggested an amendment which would come properly under section 1. My suggestion was that a definition of the word "resident" be added. As I pointed out, certain gentlemen who live in Canada, possessing large incomes, go to Europe and England and say, "We do not live in Canada", and they pay no income tax here at all. When they go to England and France they say the same thing; they do not live there, but live in Canada. It seems that now there is one law for the rich and one law for the poor, and I ask the minister if he will not accept Bill No. 147, introduced by myself, and incorporate it in this present bill. It is too late now to advance my bill beyond the first reading, but I think the bill is a fair one. It is the law of

the United States and of Australia. I do protest against the lopsided enforcement of the present act. I think the minister should look at Bill No. 147, and I am sure if he does, he will see that it is a perfectly fair bill. What are you going to say to the poor man who has to pay a tax of $40 or $60? I have heard of cases where men were summoned to the police court because they did not pay their income tax for smaller amounts than that, and the judge imposed a heavy fine on them for violating the act. I submit to the minister that this is the place to incorporate my amendment in the definition. I do not want to move an amendment and delay the committee, but I hope the minister will attend to this matter. A large number of wealthy people are evading payment of the income tax by saying that they do not live in Canada, although they are domiciled here, their business is here, they draw dividends from business carried on in Canada. I venture to say that the minister knows many of these cases himself, and I would like a statement of policy from him in that regard.

Mr. BOIVIN: I have looked at Bill No. 147, which was introduced by my hon. friend a few days ago. The object of his bill is to prevent anyone from evading taxation, but while the persons he refers to may at the present time evade municipal taxation, owing to the fact that they are not in Canada at the time the municipal taxes are levied, I think I can pretty truthfully assure him that they do not evade federal taxation. The Income War Tax Act provides that:

> There shall be assessed, levied and paid upon the income during the preceding year of every person,—
> (i) residing or ordinarily resident in Canada, or
> (ii) who remains in Canada during any calendar year for a period or periods equal to one hundred and eighty-three days, or
> (iii) who is employed in Canada, or
> (iv) who, not being a resident of Canada, is carrying on business in Canada, or
> (v) who, not being a resident of Canada, derives income for services rendered in Canada, to any person resident or carrying on business in Canada but only upon that portion of the income so earned by such non-resident.

We feel that this cannot be very well strengthened without causing hardship and without causing recrimination on the part of foreign countries. When it is provided that everyone who is ordinarily resident in Canada, everyone who resides in Canada, and everyone who remains in Canada during any calendar year for a period equal to 183 days, is obliged to pay income tax to the federal treasury, I really do not think it would be advisable to add the still more drastic terms of bill No. 147. In any event, if it was the desire of the government to incorporate Bill No. 147 as part of this bill or as an amendment to it, it would be necessary for us to begin by introducing a new resolution, because it might entail a slight increase in taxation, and the government could only provide for that in the usual way by introducing a resolution in the committee of Ways and Means, having it adopted there, and a bill then submitted for the consideration of the House.

Mr. CHURCH: I still think that something should be done in this connection, and I would like to have the minister say whether he will adopt my suggestion, yes or no. The minister knows that there are evasions of the income tax by wealthy people, and with all respect I do say that little or no effort, so far as I know, is being made to collect the tax from these people. We have had these people before the court of revision in Toronto, where they have claimed that they live in England, and have millions of dollars invested there. They claim the same thing in connection with the federal taxes. I would like the minister to say yes or no whether he will accept this amendment as set out in Bill No. 147.

Mr. BOIVIN: As I pointed out before to my hon. friend, the persons to whom he refers who evade the tax in Toronto pay their federal taxes to the federal government. They are unable to evade the federal tax with the excuse which was mentioned by my hon. friend, and the commissioner assures me that they are obliged to pay their federal taxes to the federal treasury, that they are reached by the present bill. As I pointed out to my hon. friend a moment ago, the adoption of his bill would necessitate a new resolution, and a long routine of procedure which would delay the adoption of the measure for several days.

Section 1 agreed to.

On section 2—Dividends to individuals to be liable to tax.

Sir HENRY DRAYTON: During the main discussion of the principle which is covered here, my hon. friend was asked whether he would not look after the case of people who are now being taxed on dividends for the first time this year in regard to their income of 1925. The income is pretty well spent by this time; they had no idea that they would be taxed, and I should like to know whether my hon. friend has come to the opinion that it is impossible to postpone that tax and make it applicable only to the income of 1926. My hon. friend will recollect that this point was stressed at some length, and I thought he was going to agree to the suggestion.

Mr. BOIVIN: Yes, I remember very well that the point was argued at some length, in two connections: first, the retroactive effect which it was proposed to give in the case of personal corporations going away back to the period of the inception of the corporation, and secondly, the taxing of the dividends earned by joint stock companies and distributed during the year 1925. Both matters were taken up and carefully discussed together, and submitted to the legal department of the Income Tax branch, and also to the Justice department. It was pointed out that the taxation of the dividends drawn in the year 1925 was perfectly within the rights of the Dominion government; in fact, it was pointed out that the retroactive effect in general would be legal and could be enforced. But I am leading up to the statement that it was deemed not to be advisable to give a general retroactive effect to the provisions of the present bill, but that in so far as the revenue earned during the year 1925 was concerned, it should not create any great hardship to the holders of these dividends to have to pay the taxes upon them, for the reason that in practically 90 per cent of the cases of taxpayers in the Dominion of Canada the taxes paid, even considering the taxes on the dividends, will be smaller this year than last year. That has been figured out and has been ascertained. There are a few individual cases where persons deriving almost their entire income from dividends will have to pay slightly more taxation this year than they did the year before, but it was pointed out that the changes in the income tax law are always made at the time of the budget, that in so far as last year is concerned these people should have made provision for any possible change in the income tax so brought down, that it has been customary to make these changes when the budget is introduced and to make them apply to the previous year, and that no serious hardship would be felt, providing, however, that the retroactive effect would not extend further than one year, and that is the year upon which the taxes are being paid. In deference to the wish expressed by the hon. member for West York, the former Minister of Finance I propose later on to introduce a clause removing the drastic retroactive effect from the personal corporation dividends.

Mr. CLARK: In the amendment which the minister proposes to introduce will the 1925 dividends of corporations be taxed on the same basis as they were last year?

[Sir Henry Drayton.]

Mr. BOIVIN: No, the dividends from corporations will be taxed upon the new basis—that is to say the earnings of corporations will be taxed at 9 per cent instead of 10½. The dividends derived from corporations and taxed as income to the shareholders will be taxed, of course, under the new schedule of rates. In other words the entire bill, with its advantages and disadvantages, will be applicable to the revenue earned during the year 1925.

Mr. CLARK: Will the minister state whether he considers it would be within the powers of parliament not only to enact legislation for the purpose but to collect taxes on income earned, say ten years ago?

Mr. BOIVIN: There is nothing which would prevent the government, if it so desired and parliament approved, from reaching back for ten years and collecting taxes on income earned at that time. But we do not propose to do that. We propose only to collect the new tax on the dividends earned last year, on the dividends for which return was not made at the time the new bill was introduced, on the dividends earned during the year which was dealt with by the Minister of Finance when the budget was introduced into the House. We propose to follow the custom which has always been followed in the administration of the Income Tax Act, that it be made applicable to the returns filed during the year in which the income tax changes were made.

Mr. CLARK: In other words the minister states that income from dividends earned ten years ago would be on the same basis as incomes from dividends paid in 1925 in so far as the legal powers of enacting legislation and collecting taxes thereon are concerned.

Mr. BOIVIN: If my hon. friend will look at the book, the very excellent book written by Mr. Lefroy on The Canadian Federal System, he will find that Mr. Lefroy states:

> There is nothing whatever to prevent the parliament of Canada, or even the provincial legislatures, from legislating retrospectively in relation to all matters within their respective jurisdictions.

I do not mean to say that to go back ten years would be a good principle. As I have just stated to the hon. member for West York we have considered the representations made, and we have decided that there will be no retroactive effect to our legislation previous to the year which is now being budgeted

upon and for which the returns were made after the changes were introduced in this House.

Mr. CLARK: Is the quotation which my hon. friend has just read the basis of the opinion given by the Department of Justice and the legal officers in the Income Tax branch?

Mr. BOIVIN: I did not ask all the officers of both departments what books they had read before giving their opinion.

Mr. CLARK: I am asking is that the basis of the opinion?

Mr. BOIVIN: It would form a very good basis for the conclusion I would arrive at, that our legislation is legal but I understand there are many other authorities, that in fact the Income War Tax Act itself was amended in the same way by a previous government some time ago. Originally, if the tax was not collected within three years it became prescribed. It was found that a great many abuses occurred under this provision, and very rightly my hon. friends now sitting opposite introduced an amendment giving the tax retroactive effect, claiming that all income taxation not paid to the Dominion government should be paid and should be collected. Under that retroactive effect many amounts were made payable which had become prescribed under the former law. The matter has been tested in the courts and my hon. friends were found to be absolutely right. It was decided that the parliament of Canada had the power in question.

Mr. CLARK: I think my hon. friend has missed the point. I argued the point at some length the last day this matter was before us, and I enunciated the principle my hon. friend has quoted from Lefroy, namely, that it is within the competence of parliament to enact such legislation—there is no argument about that. But this is a tax against the income of the individual; it is a tax against property and being a tax against property, it must attach to the property. My point is, however, that if the property has ceased to exist there is nothing for the tax to attach to; and as the Minister of Customs admits, the property is just in the same position, whether it was earned ten years ago or last year, insofar as the collection of taxes is concerned. The income earned ten years ago forms, perhaps, a better basis for a picture. The income which was earned ten years ago is indisputably out of existence, and so is the income that was earned last year. That property has ceased to exist. Therefore, though parliament may pass an enactment taxing the income that was earned in any year, the power of collection does not exist because there is nothing for the tax to attach to. It must attach against something, but it being a tax against property there is nothing for it to attach to because the property does not exist. That is where I submit the minister is wrong and where; if he has quoted the whole opinion of the Department of Justice and the legal advisers of the Income Tax branch, they are wrong. I suggest that the full details of their opinions be given to parliament because if they base them upon the quotation from Lefroy undoubtedly their position is sound—that is that parliament has the power to pass the legislation. But I say there is no power to collect a tax against property because there is nothing for the tax to attach to, the property having ceased to exist.

Mr. BOIVIN: Well, if my hon. friend was right, there would be hundreds of people in Canada who would pay no income tax, and I for one would have paid none during three years, because at the time I came to make up my income tax returns I found the money upon which I was paying my income tax had ceased to exist—

Mr. CLARK: That is not the point.

Mr. BOIVIN: —and I was obliged to borrow in order to pay it. That would apply absolutely to the argument of my hon. friend who says that the dividends earned during 1925 have ceased to exist. Is that the argument he makes?

Mr. CLARK: May I put the matter in this way: Take last year when there was no amendment before the House. The Minister of Customs knew the year previous—the year that he was earning his income—exactly what taxes he had to pay. As he earned income the tax attached to it, and he was bound by law to set aside a sufficient portion to meet that tax. And so in regard to the ordinary income earned last year: In so far as our taxation was not increased and made retroactive we all knew what tax was going to attach to it and we were bound to make the necessary provision to meet it. If the minister was foolish enough to spend the money, to make no provision for taxation, and to be under the necessity of borrowing, that was a matter of business and he was a poor business man. He was bound to set aside something to meet the tax. The taxpayer did not know last year, when he was earning his income, and setting aside something, that the government would this year increase the tax to be paid upon last year's income. If he had known

that legislation was to be passed, it might have been different. He did not know, did not make provision and thought he was entitled to spend every cent of his income, except that portion necessary to provide for the taxes which were then applicable to his income. The situation to-day is therefore quite different from that which my hon. friend has described as the one which influenced him in his decision to spend all his income.

Mr. BOURASSA (Labelle): I am surprised the hon. gentlemen is getting so scrupulous about the retroactive effect of this measure. Under the old act, as I pointed out recently before coming to this House, the people who were married, having a community of property, were taxed as having one single income; in fact, they had only one margin of exemption, but people who had not a community of property had two margins. But in 1916 there was a doubt. People married under the regime of community of property—and I was one of them—made their return under two separate forms, one-half of the income being attributed to the husband and one-half to the wife. The department refused to accept these returns. They claimed the taxation should be levied on one income, and therefore there would be only one margin of exemption. I got an opinion from one of the most eminent civil lawyers in Montreal and sent it to the department. The Minister of Justice had the law amended and made retroactive, so as to force us to pay for the year 1916 and the year 1917 with one margin of exemption, while other people were allowed two margins of exemption. That was a clear case of injustice, as pointed out by the hon. member who has resumed his seat, but I do not see that there were any scruples of conscience on the part of any Tory members, because that principle was applied for six years against all married people having community of property. In my case, I had only one margin of exemption while married people having separate property had two margins.

Mr. CLARK: Did any one contest it?

Mr. BOURASSA: I protested it.

Mr. CLARK: But the hon. member did not contest it in court?

Mr. BOURASSA: No, I was not going to spend any more money, but I was in the same position as my hon. friend, relying upon the law, upon the principle of justice, and upon the legal opinion which I had obtained with reference to taxation based upon equity and common sense, and upon what I understood was the law. But the Justice department interpreted it otherwise, got parliament to sanction that interpretation and enacted it into law.

Mr. CLARK: That is the point the Minister of Customs referred to—that parliament had passed the law. Undoubtedly parliament has passed lots of legislation which, if certain aspects of it had been contested in the courts, might have been found to be ineffective. If my hon. friend had contested the case in the courts, it might have been found that he was not liable to pay the retroactive tax, especially if it were on property which ceased to exist.

Mr. CAHAN: When the resolution preliminary to the bill was introduced, I urged somewhat strenuously that the dividend income of the tax-payer for the year 1925 should not be increased by ex post facto legislation. The hon. member for Labelle has pointed out a case of ex post facto legislation which certainly did cause a very great deal of irritation in the province of Quebec, to which it alone applied. But the fact that the department insisted upon clearing up the doubt in regard to the meaning of the act by subsequent legislation which became retroactive, is no reason in my opinion why this parliament should now create similar grievances. I quite understand that in the majority of cases, as the Minister of Customs has suggested, this provision will decrease the tax payable by individual holders of stock in Canadian companies. But there is a great number of cases where they will suffer grievances. I have to accept what the minister says, that the increased tax will apply to only ten per cent of the tax-payers, but I know a number of people who have suffered grievances. I know of cases where, if this provision applies to 1925, they will pay two or three times as much and they are not people with large incomes either. I pointed out to the hon. member the other day a case which came under my notice—I have the correspondence in my desk—of a clergyman who is retiring, and whose entire savings of a lifetime are invested in stock of Canadian companies. Under this act he will be compelled to pay nearly three times the amount he would have paid upon his income in 1924. The number of such cases may be ten per cent. That would mean that nearly two thousand people will undoubtedly pay more for 1925 under this legislation than they would have paid under the legislation existing up till April. That will cause very serious grievances, and I think these people are justified in complaining. It is imposing upon them a burden which they should not

have to bear, and I take issue with the government on that point. Any man having a small investment in Canadian companies up to December 1925 could not foresee that parliament was going to increase his taxation two or three times by legislation introduced in April 1926. That is a grievance which should not be allowed to exist. It will cause great irritation and dissatisfaction, and therefore I suggest that the best way to proceed is this: In so far as the income tax payable for 1925 is concerned, no tax-payer should be compelled to pay more than he would have paid under the legislation existing up to April 1926. That would be fair. If you wish to make a reduction to others, well and good, but do not increase the tax on one or two thousand people who, to my mind, are largely people whose incomes depend upon estates which are being administered by trust companies and trustees. I am not referring to the widow and orphan class. Do not make those people pay two or three times as much as they would otherwise have paid in order to make up the deficiency in income due to the reduction of the taxation of other people with respect to 1925. With regard to 1926 they can get rid of their stock, sell it for what it is worth, and invest it in other things. I am suggesting to the minister that a fair way is to have a proviso that by reason of this legislation people should not be compelled to pay now with regard to 1925 incomes more than they would have paid under legislation existing during 1925.

Mr. BENNETT: I should like to add a few arguments to those advanced by my hon. friend with respect to the desirability of removing this difficulty if possible. In a recent issue of the Free Press there was an editorial on double taxation pointing out that the minister had been making a very earnest effort to meet the difficulties of the situation as they were apparent to him and also expressing the hope that he might meet them. This is a real, not an imaginary grievance; it is double taxation in the very worst sense. The effect of it is to induce Canadian holders of securities of their own country to sell them and to invest the money in United States securities. Prior to the enactment of this legislation it is perfectly clear that there was a direct inducement to a man having money to invest it in Canadian enterprises because the dividends he received from it were free from normal tax. As the legislation now stands there is no freedom from normal tax on the part of those dividends and dividends which he receives from a United States investment stand on exactly the same basis as dividends which he receives from a Canadian investment. I think the minister admitted that the other evening. The discrimination is therefore only against Canadian investments.

I suggest in addition to what the hon. member for St. Lawrence-St. George (Mr. Cahan) has suggested, that in respect to dividends of 1925 the law is obviously unfair for this reason. Brokers and bond sellers, have been disposing of securities and advertising in the public press during 1925 that income from preferred shares, for instance, of their companies would be free from normal tax, and stating what the normal tax was. It is clear that as the legislation now stands there is no freedom from normal tax, but the income from those dividends on Canadian securities is to be taxed just as incomes from dividends on Canadian securities were taxed before this law came into operation.

I will give an illustration from my own experience. I have some preferred shares, we will say for the sake of argument, in a Canadian company and last year let us say that I received $5,000 in dividends. That $5,000 in dividends having in the hands of the company paid tax once to the government, came into my hands free from normal tax. When my tax return was made out I received the benefit of the tax paid by the corporation on that money. There was therefore freedom from normal tax. Let me say also for the sake of argument that I had some shares in the American Telephone and Telegraph Company from which I received $1,000. That $1,000 in dividends in my hands paid income tax upon the whole amount because, as this was a foreign corporation, there was no freedom from normal tax. That is, this country's exchequer had received no money from the corporate income of that company. The effect of this legislation is to place my Canadian securities upon exactly the same basis as my United States securities. I can see no answer to that as regards the tax returns. I observe it has been suggested that such is not the case, but the evidence is that the dividends of $5,000 which I received from the Canadian company in 1925 are going to be taxed at exactly the same rate as the money which I received from the United States company. I have to put them into my tax returns as moneys received from that Canadian company, upon which money I pay that rate. It is true that the United States corporate tax is a higher tax than the Canadian corporate tax, but the money as it comes into my hands pays the same form of taxation in both instances.

When for instance people of small means whom I know bought some preferred shares last year it was said in the literature on the subject that those shares were free from normal tax and these people bought on the strength of the legislation then existing with reference to 1925. It appears to me that the suggestion made by the hon. member for St. Lawrence-St. George is only fair when he asks that parliament should declare in a section attached to this legislation that nothing therein contained should be taken as compelling payment by the taxpayer of a higher tax in 1926 than he would have paid under the act that was in force in 1925 on the income derived by him from the very sources that paid it.

The minister should go a step further. I think the other evening he admitted the difficulty of double taxation. It is not only double but treble taxation in some instances and I will give an illustration that has come under my observation. The directors of a Canadian company gave dividends to a trust company that was appointed executor of a man's estate. In the hands of the trust company the department insisted upon payment of income tax upon that money as income derived from the estate of the testator.

3 p.m. Then the trust company distributed that money to the several persons named and in their hands the department also sought income tax on that money. I know that a protest was made at the time the tax was paid but I know that the given sum of money, say "X", paid taxes three times before it reached the ultimate beneficiary. That is a fact. Whether it is right or wrong I do not know. The protest which was made at the time was unavailing and the tax was paid. "X" money paid tax, first, as owing by the corporation that earned it; second, in the hands of the trust company that received it for distribution and, third, in the hands of the ultimate beneficiaries to whom it was paid by the trust company. I can give the names and the amounts if necessary. Those are facts. In every instance, however, there was a freedom from normal tax on money in the hands of trust companies that received dividends in the manner I have indicated and in the hands of the ultimate beneficiaries. The minister realizes the difficulty and if he is not able to make what is suggested of universal application, he should make it of limited application at any rate for the smaller taxpayer. It seems to me that is desirable.

[Mr. Bennett.]

The minister said the other evening that they were considering the matter. The journal to which I referred in its editorial hoped that he might be able to find some solution. I suggest as a solution that we should add to the bill a section declaring that with respect to Canadian dividends there should be a reduction of say 4 per cent from the tax; that is that all Canadian dividends should be free from a normal tax of say 4 per cent. That would give an incentive to Canadians to invest their money in Canadian enterprises rather than send it to the United States. I know whereof I speak when I say that since this budget came down, there has been a realization to no inconsiderable extent of Canadian securities and the money has been invested in United States securities, first, because their market ability is greater than ours and, second, because the return is larger than ours. I know a gentleman who tells me that he always invests his money in United States securities because he gets larger returns. "Now," he said, "it is settled, I would not care to put them in Canadian securities at all because I get no allowance for my normal tax. I pay my corporation tax, and then I pay the full tax, the same as I would in the United States; and I can realize upon my securities much more quickly and get a better return in the United States than here." If anything can be done to meet this situation of double taxation, however slight it might be, I am sure it would serve as an incentive to people to invest their money in enterprises in this country. As it now stands, any man with $10,000 to invest will not feel disposed to put that money into enterprises in Canada, knowing that by so doing he will have to pay 9 per cent on any money that is earned in the hands of a corporation, and then the full tax, without any allowance for normal tax, on the income as it is paid to him by way of dividends. If the minister can effect that purpose I think he will be doing Canadian industry some service, and he will be giving some slight inducement to Canadians to invest their money in Canadian enterprises rather than in those of a foreign country. Those are the suggestions I desire to make to the minister.

Sir GEORGE PERLEY: Before the minister answers, may I say how pleased I am that my hon. friend from West Calgary (Mr. Bennett) has put forward this particular phase of the matter in his usual forcible way. I desire to support what has been said by him and by the hon. member for St. Lawrence-St. George (Mr. Cahan). The

other evening when we were discussing the resolution I took occasion to speak about this same subject, and I now want to add slightly to what my hon. friend from West Calgary has said. My idea is that not only will the bill as brought down result in investors being more likely to put their money into American stocks, but I feel very strongly indeed that it will have the effect of preventing the starting of new enterprises in this country. It seems to me this will be more harmful than the question whether the bill will tend to divert Canadian money into foreign investments. The other day the minister agreed with our position and said he would try to provide a remedy in this bill. I had not intended to speak on the subject until we got to the particular clause, but as the new proposal he has made with respect to family companies hardly meets the case, I want to urge as strongly as I can that he should carry out some such suggestion as that made by the hon. member for West Calgary; that is, there should be some substantial allowance off the regular tax for income derived from Canadian companies. To my mind that is the simplest way to put this matter right and still leave an inducement to Canadian investors to place their money in Canadian enterprises, and so provide work for our own people.

Mr. GEARY: Mr. Chairman, may I ask the minister a question with regard to the same clause? It is subject to two perfectly fair criticisms. First, it is retroactive, and I am sure this government does not want to pass retroactive legislation if it can possibly be avoided. Such legislation is not looked on with favour, least of all I think in connection with taxation. Secondly, this is undoubtedly double taxation. I should like to point out to the minister something that has not yet been brought to his attention. There is a definite ruling by the department that the taxation on corporation income should not be taken into account in the statement of the company in arriving at its net return; that, on the other hand, the taxation is directly against the shareholders' profit. That has come up on several occasions and the ruling of the department is definitely to that effect. You cannot get behind it. When the shareholders' profit is divided possibly the percentage of return is lower because of the taxation. Now the government proposes to impose an additional tax on that residue.

As to investment, it takes two courses. The first is the ordinary course of trading. I agree thoroughly with my friends who have preceded me that one prefers putting one's money into a Canadian company rather than into an American or even a British company. All the more was this the case because of the advantage that has accrued to him when he came to pay his income tax. But a more important side is that in raising money for new enterprises one of the baits—I do not speak disparagingly of the prospectuses issued by the promoters of Canadian companies—presented to the people of this country has been that on the preferred or common stock you might be assured that the normal dividends would be exempt from tax.

Mr. POWER: If the hon. gentleman will permit me—to his knowledge, since this budget was brought down two months ago, has there been a considerable falling off in the sale of Canadian stocks and a diminution in their value on the stock market?

Mr. GEARY: I do not know definitely, and if I did I would say to the hon. gentleman it would mean nothing to me. I do not think you can get any gauge of the prosperity of the country or the real value of stocks by the prices quoted on the stock market; those prices fluctuate from a variety of causes.

Mr. POWER: I merely put the question because from the observations of my hon. friends from Toronto and from West Calgary and other hon. gentlemen it might be gathered that this legislation would have the effect of preventing investment in Canadian industrial enterprises. But if my information is correct —it may not be because I do not follow the stock market—I am led to believe that stocks have risen in value during the last few months and that there has been a large volume of transactions on the stock exchange.

Mr. GEARY: Mr. Chairman, I am quite ready to admit that, but I do not think you can tie it up to the situation we have in hand. I have suggested there are two branches to be considered in the investment of money. One is the ordinary day by day trading of people who are investing in the stocks of companies which are already under way. Without knowing the result of this legislation, I think I am safe in saying that as a matter of ordinary common sense it is not an advantage to buy a stock upon which your income is less. But I think a more important phase to consider is that of putting money into new enterprises. Take an enterprise well known to my hon. friend, the St. Maurice Company. My recollection is that the prospectus in regard to a recent flotation contained this inducement to investors to put their money

into the preferred or common stock: The stock will escape the normal tax. I would suggest to the hon. minister and his colleague that it is quite plain that by reason of this tax immunity many hundreds of thousands of dollars of Canadian money have gone into Canadian enterprises which require new capital, that money having been diverted from other channels. It has been a decided inducement to the Canadian people to support Canadian enterprises, and it has been a corresponding advantage to the latter in getting the capital required for carrying on their business.

Mr. LADNER: Mr. Chairman, I have come across a number of cases where double taxation would work a hardship, certainly under the first proposed legislation, although I think the modification perhaps removes that hardship. Perhaps the best illustration I can give, and it will be of interest to the minister and the House, is with respect to the British Columbia Electric Railway Company, which with its subsidiary companies represents a capital investment of $60,000,000 or $70,000,000. In a letter from the president he sets out the effect upon his company of the amendments originally proposed, but he also mentions other points, for instance:

With regard to the taxation of dividends, I of course find it difficult to see any justification for the course proposed by the government, and in particular so far as my company is concerned, I strongly protest against the proposals on the following grounds:

In the first place, this company, like many others, has in the course of its growth during the past thirty years, acquired many smaller companies, until to-day it consists of an aggregation of some twenty companies, of which the British Columbia Electric Railway Company is the parent and owns all the stock. To take an instance, the Vancouver Gas Company was formed many years ago and was purchased by this company about the year 1906. The Vancouver Gas Company received a charter from the city of Vancouver to do a gas business within the limits of the city of Vancouver.

Consequently it was necessary to keep this company alive in order to preserve its charter. When the city of Vancouver grew, it was found necessary to extend our gas business into the outlying suburbs of South Vancouver, Point Grey and Burnaby, and it became necessary to form another company to do this business, as the charter for the Vancouver Gas Company was limited to the boundaries of the old city of Vancouver. Here we have an illustration of two companies.

I mention this, Mr. Chairman, because these companies were not formed to evade taxation, but rather as the necessities of the business grew.

The shares of the British Columbia Gas Company, which was formed to do business in the suburbs, are owned by the Vancouver Gas Company, and the shares of the Vancouver Gas Company are in turn owned by the British Columbia Electric Railway Company. As I understand the proposals of the government, the profits made by the British Columbia Gas Company will first of all be liable to taxation. Those profits, when realized and transferred in the shape of dividend to the Vancouver Gas Company, will become again liable to taxation, and the profits of the Vancouver Gas Company, when they in turn are transferred by means of dividend to the coffers of the British Columbia Electric Railway Company, will be subject to a third tax. Can this wholly unjustifiable and inequitable suggestion be a serious proposal of the government?

Just at that point I would like to ask the minister if the amendments now contained in the bill cover that question, and limit the taxation to the original company producing the dividend, and then to the shareholder when he receives it.

Mr. BOIVIN: My impression was that, as my hon. friend could not find very much criticism against the bill itself, he was reviving a dead horse for the purpose of killing it all over again. If he would look at subsection (12) of section 3 of the bill—

Mr. LADNER: That is not the case at all. I wish to make sure of this point, which involves a great deal of money.

Mr. BOIVIN: Subsection (12) of section 3 of the bill reads:

An incorporated company shall not be subject to a tax in respect of dividends paid to it by a company incorporated in Canada the profits of which have been taxed under this act.

The next paragraph also touches this point.

An incorporated company shall be exempt from taxation in respect of dividends received from a company incorporated outside of Canada to the extent that the latter corporation has earned income within Canada and actually paid a tax in respect of such income under this act.

So I think it is quite clear that all those complaints, which I will admit were made legitimately by this electric company when they had nothing before them but the resolution, are covered. The resolution gave us the power to tax in the way set forth in that letter, so the protest was certainly legitimate at that time, but it is very clear now that no double tax can be collected under the bill.

Mr. LADNER: There was just one other point.

The second serious complaint I have is that, as you know, my company made a local issue—

That is, in Vancouver.

—which called in the first instance for $2,250,000, but as the public subscribed for $7,000,000 of this stock we ultimately issued $5,000,000. In our prospectus we stated that the dividend on these shares would not be liable to taxation, a statement which was of course perfectly true at the time it was made, and no doubt assisted materially in selling the shares. Now we are told that these dividends are liable to tax.

I want to ask the minister another question in this connection. Under the terms of the bill as it now reads, I understand that notwithstanding the conditions under which these shares were sold, the tax will be levied against the shareholder in any event, and that he will have no redress against the company.

Mr. BOIVIN: My hon. friend is quite right there. In all cases where the revenue of the unmarried shareholder exceeds $1,500, and the revenue of the married shareholder exceeds $3,000 the dividend he would receive from the stock of this company would be liable to taxation. It may be that the prospectus issued two or three years ago by the company stated that the shares were not liable to taxation.

Mr. LADNER: They were issued this spring.

Mr. BOIVIN: At the time the prospectus was issued that statement was absolutely correct, because at that time the moment the corporation paid 10½ per cent as a company tax on its earnings the balance, when distributed to the shareholders, was liable to taxation but exempt from the normal tax. In many cases there was at least a 2 per cent tax and in some cases more, according to the revenue derived by the shareholders, but these dividends were exempt from the normal tax of 4 per cent or 8 per cent as the case might be. In that respect the statement was quite true. But I do not think it will be embarrassing to the company. No one can expect a company to guarantee in advance what the Canadian government will do in years to come, and parliament certainly cannot be limited in its taxation powers by any statement which may be placed in the prospectus of any individual company.

Mr. CAHAN: In order that I may bring the point I had in mind before the committee I beg to move the following amendment, seconded by the hon. member for Lanark (Mr. Preston):

Provided, however, that no taxpayer shall be liable by virtue of this section to pay in respect of dividend income for the year 1925 a greater tax than would have been paid by such taxpayer in case this section had not been enacted.

I am simply putting it in this form in order to place my position on record, and I am very anxious that the minister should take this point under his favourable consideration.

Mr. BOURASSA: I think it would meet the wishes of the hon. member if the paragraph were amended by applying it to the year 1926 instead of 1925.

Mr. CAHAN: That would suit me quite as well.

Mr. BOURASSA: That would be quite simple, and would be quite proper, I think, because I am not in favour of retroactive legislation in any form unless it is absolutely imperative. The question of double taxation was dealt with during the budget debate, and I think it is applied more or less in every country; taxation is levied upon company profits and upon individual income. I think this is so in the United States, and I do not see how the Canadian investor would gain by placing his money in that country which, according to the statement of the hon. member for West Calgary (Mr. Bennett) is more heavily taxed than is Canada. A person receiving his income from the United States would have to declare it in the same way he declares his income derived from Canadian investments. I think it is wrong to create the impression that this legislation is discriminating against Canadian investment; it is simply putting the individual taxpayers of Canada on the same footing whether the income is derived from foreign or from Canadian investments, and whether from real estate or industrial pursuits.

Then there is another feature which has to be considered. What proportion of these dividends has accrued on real invested capital, and what proportion on watered stock? We hear very much about the pitiful position of the poor widow and orphan deriving a small income from money invested in Canadian industrial enterprise. I think the number of widows and orphans in Canada who have invested their money in industrial enterprise is very small compared with the number of financial sharks who have issued stock for twice and three and ten times the real amount of legitimate capital invested in their industry; and now because they are going to be taxed not only on their legitimate individual incomes but also upon the incomes they derive from their investments in watered stocks, we hear all sorts of wailings about the fate of the widows and orphans. I think it is high time that parliament should make a readjustment so that all taxpayers are put on the same footing. We should cease considering the individual through the company. The company's profits are one source of revenue that is taxable, and rightly taxable, giving returns to the state. The individual income of each taxpayer is another thing to be considered. and when you treat the dividend owner in the same manner that you treat the farmer or the real estate owner, who is not taxed upon his

revenue below a certain figure, and above that is taxed according to one single scale of taxation on his individual income, whatever the source of it may be, I think you are coming nearer to social justice than you have previously.

With regard to the retroactive feature, I entirely agree with the hon. member for St. Lawrence-St. George and the hon. member for West Calgary. No doubt calculations were made on the individual incomes of 1925 without anticipation of this legislation. I do not think we should make it retroactive, and therefore I would be prepared to vote for an amendment that would make this section cover incomes accruing only in 1926 and in the following years.

Mr. HANSON: I have given a good deal of consideration to this question of double taxation. I believe that the situation created by the new legislation has given rise to a very great deal of anxiety on the part of Canadian investors. The chief objection which I had to the provision of the bill relating to taxation of companies has been done away with by the insertion of the amendment which is provided for in subsection 12 of section 3, which provides:

> An incorporated company shall not be subject to a tax in respect of dividends paid to it by a company incorporated in Canada the profits of which have been taxed under this act.

The only objection I have to that clause is that it does not go quite far enough, because there are cases of Canadian companies owning American subsidiary companies which have paid taxation, or will have to pay taxation, to the American government, and under this they would be taxed twice. I think they ought to be in the same category as the Canadian subsidiary, and I would ask the minister to give consideration to that point. If he does not provide for that case, there will be double taxation such as he is attempting to avoid, I think, in this connection.

There still remains, however, the objection to the retroactive features of this legislation, and the best solution that I have been able to devise is the one that has occurred to the hon. member for West Calgary, and to which he has given expression, that some arbitrary provision might be set up by the department which would relieve to a limited extent this hardship of double taxation. It is important, notwithstanding anything that might be said with respect to the sale of shares upon the stock market, because I tell the minister that this feature of double taxation is going to make it extremely difficult



to get people to buy stock in new Canadian enterprises. I have had just a little bit of experience in that matter, and I know that to induce the ordinary hard-headed investor to buy preferred stock in a Canadian industrial concern, you have to give him a very handsome bonus of some sort before he will put his money into it at all. You have got to go further than that. You have to pay the underwriters who take the stock and put it on the market a very handsome commission, which has to be absorbed by the company before it can begin to pay any returns. I do want to impress upon the minister the desirability from the standpoint of pure business, and that is the only point of view from which I want to discuss this thing, of giving consideration to the suggestions that have been made in this respect by the hon. member for West Calgary. Like other hon. members I have not had very much opportunity to study the proposed amendment of the hon. member for St. Lawrence-St. George, but I imagine that that amendment is brought forward to meet another situation in respect to the province of Quebec with which we in the common law provinces are not very familiar.

I want to urge upon the minister that before he forces this legislation through, further consideration be given to the representations which have been made with respect to taxation of dividends from Canadian companies. It is hard enough now to get people to invest in them, and what will happen is this: People will not invest in Canadian companies, but they will put their money into bonds where they can get a fairly good return with less liability to taxation. That is the point I would impress upon the minister. I do not wish to take up any more time, but I still think that the act is unfair in that regard. I know that people who are in the money market or who are liable to come into it very soon, for funds from the public, view with a very considerable degree of alarm the enactment of this legislation, and they take the view that having made dividends taxable—the minister used the word "earned;" I think what he meant was dividends earned, declared and paid in the year 1925—having made those taxable, I think the minister is not doing himself or the country justice when he elaborates that feature in the bill. That is another matter against which I protest.

Mr. O'NEILL: Apropos of the suggestion of the hon. member for West Calgary in the matter of taxing dividends, I understand that there is a 50 per cent depletion allowance on

dividends paid on gold and silver stocks, 25 per cent on copper stocks, and nothing on nickel. Is there any rational basis for that arrangement?

Mr. BOIVIN: I am informed that the reason why no depreciation so far has been allowed in the case of nickel is that the matter has not been brought to the attention of the department; no formal request for a regulation covering nickel has been made. I am informed that under the act the minister has the right and power to determine the amount of the reduction which will be allowed upon the taxable portion of the dividend to compensate for the depreciation in the value of the mine from which the mineral is taken. That explains why the depreciation is greater in the case of gold, and the commissioner tells me that if an application is made in respect of nickel it will be taken into consideration and a regulation framed which will be fair to the miners of nickel, the same as to the miners of other metals.

Mr. O'NEILL: The same would not apply in the case of pulp and paper, which is a wasting asset?

Mr. BOIVIN: It does apply to the depletion of timberlands.

Mr. HANSON: What is the depletion allowed for pulp and timber limits?

Mr. BOIVIN: I am informed by the commissioner that it depends entirely upon the value of the timber before it is removed, and that it depends also upon the locality in which the limits which are depleted are situated.

Mr. BENNETT: And the purpose for which it was used.

Mr. BOIVIN: It depends entirely upon the nature and value of the timber, the quantity depleted, and the value of the property from which the timber has been removed.

Mr. HANSON: It is a floating affair, so to speak.

Mr. BOIVIN: It is an affair which must be settled by regulation. If any specific, definite rule were adopted, what would be fair for one would be very unfair for another, as with regard to the rule we are trying to adopt now, that everybody pay the same tax upon the same amount of income. It appears to my hon. friends opposite to be very unfair in certain cases. Well, I am willing to admit that in certain particular cases there is unfairness. It is absolutely impossible to draft any income tax law where there will be absolutely no unfairness. However, if hon. gentlemen opposite who have spoken to the amendment moved by the hon. member for St. Lawrence-St. George have concluded their remarks, and as it is desirable that we should reach a vote upon it at the earliest possible opportunity, I should like to say to my hon. friend that his amendment cannot be accepted by the government. According to the wording of the amendment he would immediately take eight per cent from the income taxation of every person whose income was derived from dividends during the past year.

Mr. CAHAN: No, the minister has not understood me correctly.

Mr. BOIVIN: Well that would be the result according to the wording of the amendment.

Mr. CAHAN: If the minister will allow me, all the amendment says is practically this:

Providing, however, that no taxpayer shall be liable by virtue of this section to pay in respect of dividend income for the year 1925—

Mr. BOIVIN: That is it.

Mr. CAHAN: Only for dividends for the 1925 period.

Mr. BOIVIN: That is it.

Mr. CAHAN:—

—a greater tax than would have been payable by such taxpayer in case this section had not been enacted.

Under this the tax could not be raised on any individual for the year 1925, but if there was any reduction he would get the benefit of it. In regard to that 10 per cent of the taxpayers to which the minister made reference, the persons making up that 10 per cent would not be compelled to pay a higher tax in respect of their dividend income for 1925 than they would have paid if this had not been passed. You should not by ex post facto legislation compel the taxpayer to pay a higher tax than he would otherwise have paid in respect of his dividend income for 1925.

Mr. BOIVIN: I do not like ex post facto legislation, neither do I like the tu quoque argument. But I can say to my hon. friend that while his friends were in power they passed ex post facto legislation every time they amended the Income Tax Act, and they increased the amount that had to be paid by the taxpayer for the year preceding the one during which the income tax was introduced. May I cite for example—

Mr. HANSON: It is no answer to the argument to say that because we did something you are justified in doing the same thing.

Mr. BOIVIN: I am very glad to hear the hon. member for York-Sunbury say that because his party did wrong it is no argument whatever for us to say that we are doing the same thing. I am going to try and argue that what may be wrong in some cases is not always wrong. I am going to try and argue that it is not a hardship, that it is not illegal, that it is not even ex post facto legislation, to determine and decide at the present time, with the approval of parliament, that some persons who made their income tax returns after this legislation was introduced into the House shall pay upon their dividends more than they paid last year. It is proposed, if I understand the intention of the hon. member for St. Lawrence-St. George correctly, to see that no one's income tax is increased this year.

Mr. CAHAN: In respect of dividend income.

Mr. BOIVIN: In respect of the amount received from dividends, but according to the amendment as worded it is quite clear that the revenue from all dividends should not be taxed more this year than it was taxed last.

M. CAHAN: No, no.

Mr. BOIVIN: That would mean a reduction of 8 per cent. Of course the wording of the amendment may be slightly altered. Let us suppose the wording is slightly altered to convey the exact meaning of the hon. member for St. Lawrence-St. George beyond all possible doubt. I say that even then it would be impossible to accept the amendment for the reason that this legislation is correcting what we consider to have been a wrong. I am not prepared to admit that the patriotism of the people of Canada is so weak and so futile that it must be bolstered up with the promise of exemption from taxation in order to get them to invest in Canadian companies. If that is the argument hon. gentlemen oposite want to advance, and if they say we are going to kill Canadian industry because we are asking the industrialists of Canada to pay as much taxation upon the return they will derive from their home dividends as upon the dividends they derive under greater difficulties from foreign investments then this government is willing to take the onus and the blame.

[Mr. Boivin.]

Sir GEORGE PERLEY: Surely my hon. friend does not want to be unfair. All we are objecting to is that Canadian enterprises should be required to pay double taxation.

Mr. BOIVIN: If my hon. friend puts the matter in that way I say it is just as fair for a man to pay the company his share of taxation on his dividend and then pay the government his share of taxation on the income from dividends as it is for him to go to the United States and pay 13½ per cent there and the same tax in the case of dividends received here. When hon. gentlemen opposite say that investors are going to be driven to the United States do they realize that when they go there they have to pay 13½ per cent if the shareholder really pays the dividend? It may be argued, perhaps, that the shareholder does not pay the dividend. If that is so the whole argument falls to the ground. But if it is true that the shareholder pays the dividend his taxation is 13½ per cent in the United States whereas it is only 9 per cent here.

Mr. BRISTOL: Is that a correct statement? I think perhaps it might be true in the case of New York state but not in the case of New Jersey.

Mr. BOIVIN: The 13½ per cent is the federal income tax. I am very glad that my hon. friend has reminded me that in certain states of the American union there is an additional tax to be paid by the company to the state. I had forgotten that, and I thank my hon. friend for his reminder. In any event the federal income tax is 13½ per cent. But hon. gentlemen opposite say "Oh well, why don't you do as the United States do; why don't you exempt as they exempt from normal tax?" Do my hon. friends stop to consider what the exemption from normal tax is in the United States? Do my hon. friends stop to consider that upon the first $4,000 of net revenue in excess of credits, the normal tax in the United States is only 1½ per cent? The only exemption that the American investor gets from the 13½ per cent that he is obliged to pay, or will pay next year, unless his revenue exceeds $4,000, is 1½ per cent, and he is therefore obliged to pay a net 12 per cent to the government, because the corporation tax exceeds the normal tax by 12 per cent. If you want to go a step further, upon the second $4,000, or upon $8,000 revenue in excess of credits, the normal tax is only 3 per cent; therefore the total tax they are obliged to pay over

there, even with the exemptions, is 10½ per cent, whereas the tax payable here is only 9 per cent. I cannot understand how my hon. friends can argue for a moment that this is going to drive capital from Canada into the United States. It is true, as my hon. friend from York-Sunbury pointed out, that this expression in the prospectus that the dividends derived from Canadian companies would be exempt from taxation, may have been an additional lure to people, perhaps to the widows and orphans referred to by my hon. friend from St. Lawrence-St. George, to invest their capital in these corporations, but I claim it is not a safe and sound investment for people with very small capital, and that lure should not be held out to the widows and orphans to place their money in corporations where the revenue is not absolutely sure and safe, and where the investment is not the kind that is recognized as a safe investment for trust funds. I want to go a step further. My hon. friend referred very feelingly—and I always admire such an expression of sentiment—to the cases of clergymen who have retired from the church, and of widows and orphans who are deserving perhaps of more generous consideration on the part of parliament than other people. But my hon. friend is not making an appeal on behalf of people who are very poor, or on behalf of the indigent widows and orphans who require government assistance, because any person who is obliged to pay one single cent upon revenue derived from corporation dividends must have at least an invested capital of $60,000 before he draws an amount in excess of the $3,000 that is exempt from taxation. Is my hon. friend going to tell me that anybody who has not at least $60,000 invested is going to draw more than $3,000 in dividends? It is absolutely impossible, because the dividends paid by our corporations, while they may be a little bit higher than 5 or 6 per cent, generally, if you consider the price at which the security is sold, average 5 and 6 per cent. If the dividends derived are 5 per cent, it would take $60,000, and if they are 6 per cent, it would mean $50,000 of invested capital before that poor widow or poor orphan, or poor minister, would have to pay one single cent in Dominion taxation.

Mr. CAHAN: I cannot follow the declamation of the hon. minister. Nor will I attempt to match my wits with his in dialectics of the kind he has attempted. I am dealing simply with this point in the proposed amendment; that with regard to last year, 1925, you should not impose, in this month of June, a higher tax than would have been paid if this legislation had not been passed. I am not dealing with the question of widows and orphans, but simply stating that a great number of people who derive their income from estates or investments in Canadian companies will pay two and sometimes three times as high a tax, under the legislation we are now enacting in 1926, as they would have paid under the 1925 legislation. I suggested to the hon. minister that he give it favourable consideration. He wishes to make it a vote of want of confidence in the government. If it is the wish of hon. members that in discussing these bills any suggestion made on this side of the House shall be regarded as a vote of want of confidence in the government, they are establishing a precedent that has never been established in this House before. The minister asks us to discuss the question on its merits. When introducing his bill, he asked that we should make suggestions, and stated, if I remember correctly, that the government were prepared to receive fair suggestions for their consideration. That was the proper spirit. The hon. member suggests that those sitting on this side of the House have enacted similar legislation in years past. If so, as a new member, I assume no responsibility for it. I am here to act according to my intelligence and judgment, and I do not regard myself as responsible for the wrongs which have been created in the Canadian parliament for the last fifty years by either party. Therefore I ask hon. members to consider the very point and the only point raised by this amendment. Such legislation as he has suggested could not be passed under the constitution of the United States. Hon. members laugh, but they simply show their entire ignorance of the subject by laughing. Ex post facto legislation of this kind could not be passed under the constitution of the United States, and you will look in vain, through the taxation proposals of the British government if you endeavor to find a proposal in any year to impose a higher tax on incomes earned the previous year than was in force in that year. Therefore let us deal with it squarely. I say that it is unjust, no matter who does it, in the case of a man who has derived his income from dividends only—and I am limiting it to dividend income—that he should be compelled to pay a higher tax on a legislation passed in June 1926, on his income for the year ending December 31st, 1925. The hon. member should not make it a vote of want of confidence in

the government. I had hoped that it might have been considered fairly, apart from the partisan aspect, which unfortunately the hon. member has injected in the discussion.

Mr. BOIVIN: I hope my hon. friend will not misunderstand me. In my remarks, I was not answering merely the argument advanced by my hon. friend, but I was endeavoring to answer the criticisms which have been levelled since the discussion commenced against this particular clause of the bill.

Mr. CAHAN: Why not limit the discussion to the amendment for the present?

Mr. BOIVIN: I do not propose to limit myself to the amendment, owing to the well-known rule of parliament, that when a member is discussing an amendment to a bill or to a clause of a bill, he also has the right to discuss the bill or the clause itself. That is one reason, and the other reason is that I hope, when we reach the vote on the amendment, and when all our hon. friends happen to be in the House, that we may possibly dispose of the clause itself at the same time.

Mr. CAHAN: I can say that until I told the hon. member to my left (Mr. Preston) no member had the slightest idea that I was going to move an amendment, and I had not discussed it with anyone.

Mr. BOIVIN: I do not mean that at all; but since the amendment has been moved by my hon. friend a large number of members on both sides have come in for the purpose of listening to the discussion and taking part in the vote, and I thought it would be a good idea if we could dispose of the amendment and the clause at the same time. My hon. friend need not assure us in the loud tone which he has used that he has no responsibility for the legislation enacted by his hon. friends in the years prior to 1925. Any hon. member who read his speeches during the campaign in his constituency well knows that he accepted no responsibility for any acts of the Conservative party prior to then.

Mr. BOURASSA: That is why the hon. gentleman was elected.

Mr. BOIVIN: For once the hon. member for Labelle and myself entirely agree. But let me come to the subject matter of the amendment itself, which I am willing to say has a great deal of merit. At first I misunderstood the amendment. That misunderstanding I



corrected. I pointed out that under the intent of the amendment we would be obliged to remit 8 per cent upon all income derived from dividends which we would collect this year. I said that that was impossible owing to the fact that when the budget was drafted and the reductions were made, the additional revenue to be derived from dividend income was taken into consideration and a remission of the entire revenue from dividend income would throw the whole fabric—

Mr. CAHAN: I know the hon. gentleman is sincere, but this does not remit.

Mr. BOIVIN: I am just coming to that. I say that that would be the argument if we remitted 8 per cent on all dividends, but my hon. friend pointed out that that was not his intention. His intention is merely to prevent an increase in the amount paid by any dividend earner during this year over what he would have paid under the old law. That, I understand, is the exact purpose of my hon. friend's amendment. There are in Canada some people who receive this entire income from dividends and of course they would be favoured by my hon. friend's amendment because they would pay less than they would pay under the new law. But there are many other people who derive one-half or three-quarters of their income from other sources and the balance from dividends. They could very well come to the government and say: You were unfair to me; you reduced the taxation which you should have collected on dividends received by my neighbour, but you did not reduce it on mine. Where is the answer?

Mr. CAHAN: I will give the answer. The answer would be that you have not reduced it at all. The answer is that this payment with reference to the year 1925 would be exactly what would have been payable under 1925 legislation, but for the future the tax payable by the man who receives income from dividends is increased. You are simply making it impossible to take more from one class on income derived in 1925 for the purpose of reducing the amount taken from another class on income derived in 1925.

Mr. BOIVIN: It is impossible to make the taxation of all persons who derive income from dividends the same this year as last year. To do so would destroy the effect of the budget.

Mr. CAHAN: That is not what I said.

Mr. BOIVIN: That is merely to give the comparison and to lead up to the other argument. If we do not do that we are removing the retroactive effect as regards some dividend receivers and leaving the retroactive feature as regards others.

Mr. CAHAN: We are taking away to a certain extent the retroactive effect with regard to one class but with regard to all others we are reducing their taxation. The retroactive effect with regard to every other class is to reduce for 1925 what they would otherwise pay. Be fair.

Mr. BOIVIN: I want to be exceedingly fair and I am going to ask my hon. friend again: Does he by his amendment propose that income tax payable on all revenue derived from dividends shall not be greater this year than it was last year?

Mr. CAHAN: Not at all.

Mr. BOIVIN: If that is not his proposal, what revenue derived from dividends does he desire to exempt?

Mr. CAHAN: Under the legislation now proposed in clause 2, 90 per cent, according to the statement of the minister, of income tax payers of Canada will pay less in respect of dividend income received for 1925.

Mr. BOIVIN: I did not say "in respect of dividend income received." I said "90 per cent of all the income taxpayers of Canada, no matter from what source their revenue was derived, would pay less income tax than last year."

Mr. CAHAN: I understood the hon. gentleman differently. I understood that we were dealing with those who derive their income from dividends. I retract the implication but there was a misunderstanding. My point is this. We in 1926 are removing the normal tax provision and decreasing the taxation upon a great body of income taxpayers. I understood that this would merely mean that the proposed legislation would give taxpayers who were paying tax for 1925 a reduction in their net income tax payable. But I understood the hon. gentleman to say in answer to me that he agreed that it would increase the tax on 10 per cent of the taxpayers. Whether the percentage is 10 or 20 per cent, it is unfair now to reduce the income tax

4 p.m. payable for 1925 in respect of 90 per cent of the taxpayers and to increase the tax payable in 1925 on the remaining 10 per cent if those are the proportions. Whether they are the correct proportions or not, this illustrates my point. Therefore I ask the minister, not with regard to income generally, but with regard to income received from dividends on Canadian stocks, that the income tax payable for 1925 under this legislation shall not be increased beyond what would have been payable under the legislation existing in 1925. The tax on income received from dividends should not be greater than it was so as to avoid increasing the tax on those individuals by ex post facto legislation. In that connection I suggested certain reasons why I regard ex post facto legislation of this kind as immoral; further than that, it increases dissatisfaction and discontent, and creates grievances from one end of the country to the other. Let us deal fairly with those people and say: We will increase your income taxes from this day forth, for 1926 and every subsequent year, but we will not now by retroactive legislation increase your taxes on income derived from dividends for the year 1925.

Sir HENRY DRAYTON: Mr. Chairman, I do not know what has happened. When I went out of the House for a few minutes we were getting along in a calm, business-like spirit, but I come back to find the hon. minister standing on both hind legs and with both hands extended to high heaven hurling all kinds of challenges at this unfortunate opposition. I wonder if it is the time for us to indulge in this kind of gymnastics. We have any amount of material for it, and if it is the wish of the government we certainly will indulge in this diversion. But I prefer to think this is a matter of business and that we are trying to get the right thing done for the greatest number of our people. I ask the minister at this stage of the session to consider our harrowed feelings and no longer to harrow them unnecessarily. Let us see if we can approach this subject now in the frame of mind that will enable us to ascertain if two and two make four. Now, Mr. Chairman, there seems to be a little bit of misunderstanding between the minister and the hon. member for St. Lawrence-St. George as to what is meant by the resolution.

Mr. BOIVIN: My hon. friend says he was out of the House. We are not discussing the resolution, we are discussing the amendment.

Sir HENRY DRAYTON: I have gathered that. I should say the effect of the amendment is to make paragraph 2 apply for the year 1926 instead of 1925.

Mr. CAHAN: I offered even a greater advantage to the government than that.

Mr. BOIVIN: My hon. friend understands it still less than I do myself—although I admit I do not.

Mr. CAHAN: Would my hon. friend kindly procure the amendment from the Clerk just to see the point?

An hon. MEMBER: Read it aloud.

Sir HENRY DRAYTON: Some hon. gentleman says, "Read it aloud." Here it is:

Provided however that no taxpayer shall be liable by virtue of this section to pay in respect of dividend income for the year 1925 a greater tax than would have been payable by such taxpayer in case this section had not been enacted.

Mr. CAHILL: Now, what does it mean?

Sir HENRY DRAYTON: I would suppose, Mr. Chairman, it means that the section refers only to income taxpayers. I think that is clear.

Mr. BOIVIN: It refers only to dividend income taxpayers.

Sir HENRY DRAYTON: That is what I mean. It refers to them solely, and I would take it that the object of the amendment is this: The tax payable in respect to these dividends is to be calculated upon the law in effect before this act was passed.

Mr. BOIVIN: That is as I understand it.

Sir HENRY DRAYTON: Well, that is something which we can discuss quietly. My hon. friend is to some extent—and I give him credit for it—recognizing the evils of double taxation, and he is seeing to it that at least double taxation should occur only once as a result of what he is doing with respect to companies; he is making profits only once paid subject to double taxation. My hon. friend admits that. Well then, he agrees with us that double taxation in itself is bad. I wonder if he could not help a little bit in this connection. It is perfectly true that the number of people affected is small compared with the whole, but my hon. friend will find some taxpayers have to pay twice as much as they were paying before, others more than twice as much. Their accounts are closed for the year. I think in some instances my hon. friend will find he is putting those people in his class and my class—they will have to borrow money to pay those taxes. That is really what is being done. My hon. friend of course wants revenue. Well, has he considered this? I made a calculation as to how much additional revenue could be raised, but in that calculation I had to assume certain figures, and it may be that I assumed figures too high in connection with the class of income that the dividends would fall under, and I think my hon. friend is of that opinion. But instead of having this change in the law, as the minister wants revenue, has he considered putting up instead of reducing the corporation tax? If we want revenue, and if we do not want simply to bother people because they are owners of industrial shares, why should he not put a little more tax on companies?

Mr. BOIVIN: The reason it was considered advisable to reduce the company tax instead of increasing it was that Canada is a young, undeveloped country requiring a certain amount of foreign capital to assist its development, and we thought the lower the company tax the easier it would be to attract foreign capital to develop our natural resources.

Sir HENRY DRAYTON: I am quite frank in telling my hon. friend there is no doubt it is a help to some extent. But does he not think he is perhaps doing more harm than good? From what I caught of my hon. friend's peroration he wanted to debate the question of the loyalty of the Canadian investor, and he contended that the Canadian investor would invest in the enterprises of his own country never mind what happened, or words something to that effect. I do not think there is any question of driving Canadian capital out of the country. I am frank in telling my hon. friend that.

Mr. BOIVIN: Hear, hear.

Sir HENRY DRAYTON: Because when Canadian investors go outside with their capital they are still liable to income tax on their income from foreign investments. But this is what will happen. My hon. friend now is putting down the yield on these dividends to 5 and 6 per cent. He knows that bonds can be bought on the basis of this percentage where there is a first charge and practically no risk, he knows also that mortgages can be obtained to return this rate of interest, and I submit to him that the effect of the amendment therefore is to put a premium on bond and mortgage investments. To the extent that you remove the incentive for taking a chance you put a premium upon investments in safe things. Does my hon. friend think that is a good thing? I know he will agree that it is not, but he had to look for revenue somewhere and this is the result.

I also want to point out to my hon. friend that companies and shareholders can evade this double taxation; all they have to do is change the form of the security, and my hon. friend is going to receive less money than he is now getting. It is as well to recognize these things clearly; in order to get rid of this double taxation to a very large degree it is only necessary to increase the number of bonds and deferred stocks,

and limit the number of shares. Payments for moneys legitimately invested in business on the creditor basis are certainly deductions which have to be made, and if that be done —and there is no reason why it should not be done—serious inroads may be made on the $31,000,000 now received from corporations. I ask my hon. friend to consider this himself, without appealing here and there for advice. Is it not possible for him to make such a provision as well give some incentive, never mind how slight, to the financing of industrial corporations? I do not want it for all corporations; some, such as banks and mortgage loan companies, do not require this sort of thing at all and I am not asking it for them. But when we come to industrial corporations, which my hon. friend will agree we need and which are difficult to finance, is it not possible for this government to continue some sort of incentive to investment in that class of security by the Canadian taxpayer? I would ask my hon. friend to think it over carefully.

Mr. WOODSWORTH: I think some of us are still rather at a loss to know how to vote on this amendment. Several explanations have been made, but they are rather involved, bringing in as they do the principle of double taxation and also the particular point before us in the amendment, namely retroactive legislation. I confess that the statement of the hon. member for St. Lawrence-St. George (Mr. Cahan) rather appeals to me; I do not like the idea of retroactive legislation. If his statement is correct I am almost inclined to think I will have to vote for the amendment notwithstanding its source. But if there is any real objection I would like to have it from the minister, as it seems to me the minister has not definitely and satisfactorily answered the argument of the hon. member for St. Lawrence-St. George.

Mr. BOIVIN: I have attempted to answer it, but I have been interrupted so often that my answer has not been completed.

Mr. HANSON: You interrupted yourself to make a campaign speech.

Mr. BOIVIN: I do not very often follow the example of the hon. member for York-Sunbury (Mr. Hanson); if I did so once he should forgive me. I endeavoured to point out that while there was a great deal of merit in the amendment proposed by the hon. member for St. Lawrence-St. George it was unacceptable to the government because the amendment itself created an inequality and a hardship. The hon. member has in mind, I think, the idea of exempting those taxpayers who are called upon this year to pay income tax on dividends derived from corporations, who are paying a greater tax this year under the new law than they would have paid under the old law. The desire is to make their taxation as small this year as it would have been last year under the old law. That is not the exact wording of the amendment, but the wording is immaterial.

Mr. WOODSWORTH: I did not quite so understand it. I wanted to make sure of that.

Mr. CAHAN: There is one error I might point out. The hon. gentleman uses the word "this year;" this is now the year 1926.

Mr. BOIVIN: I mean the tax payable this year on the income earned in 1925.

Mr. CAHAN: I am saying that we should not by legislation now, in June, 1926, increase the tax payable on income dividend received in 1925, but for this year in which we are now living, 1926, the increased taxation shall apply as in the bill brought down.

Mr. BOIVIN: There is something to be said in favour of the argument of my hon. friend. I tried to point out, however, that we could not reduce the income tax as we have reduced it for the taxpayers in general if we did not impose what is called by some double taxation on company dividends. You cannot both eat your cake and have it.

Mr. CAHAN: May I ask a question, just to make it clear?

Mr. BOIVIN: Certainly.

Some hon. MEMBERS: Order.

Mr. CAHAN: The hon. gentleman does not object. Does the minister mean that we cannot, in respect of the 1925 income, reduce the tax for a large class of people without increasing the tax on the other classes?

Mr. BOIVIN: I say that if you reduce the tax on the dividends derived by one individual in Canada from joint stock companies you must do the same on all dividends derived by all individuals from Canadian joint stock companies, and if you do that you are obliged to reduce the only tax which you are now imposing by about eight per cent, which was the normal tax exemption given under the old law. If that is done it will cause a loss to the Dominion treasury of over $2,000,000, and if you lose that $2,000,000 in order to buckle your budget, as we sometimes say in French, it will be absolutely necessary to increase the income

tax upon the others. If my hon. friend wants to submit as an amendment that the income tax in force last year be applicable to everyone for the income to be collected in April, 1926, we will then get more revenue and I would have no objection to consider his amendment. But it is absolutely impossible for this government to make both ends meet if we reduce the tax to everyone entitled to a reduction under the new law without collecting the taxation upon incomes derived from corporations. We will lose that $2,000,000 if we adopt the amendment proposed by my hon. friend, and this government cannot afford to do that without changing the whole structure of the income tax act.

Mr. BOURASSA: Will the minister permit a question? Let us confine ourselves to the taxation of corporations and their shareholders. Supposing you tax for the year 1925 all corporations according to the rate existing previously, that is 10½ per cent; then supposing you tax the individual shareholders according to the rate of taxation in existence last year, you will then make both ends meet. Do not make it retroactive, and I think you will get a figure which will perhaps be sufficient. Of course, if you decrease the rate from 10½ per cent to 9 per cent on the profits of the companies, and you accept the amendment of the hon. member for St. Lawrence-St. George, I admit that you have a decrease. But if you treat both corporations and individuals alike for the year 1925, and apply the new legislation to the year 1926, both as to corporation profits and individual dividends, I think you will reach your object, and be far safer so far as the principle of the legislation is concerned.

Mr. BOIVIN: I know that the intention of avoiding even the semblance of retroactive legislation is a good thing, and if it were possible always to avoid retroactive legislation I would be in hearty accord. But I say once more that to adopt precisely the principle put forward by my hon. friend from Labelle would cause a loss to the Dominion treasury, upon the estimate made by the Minister of Finance, of $2,000,000. We cannot afford to make that loss without increasing the income tax upon the individual. It would be absolutely necessary to adopt either the entire law of last year or the entire law of this year. By adopting the entire law of last year we would collect about $12,000,000 more than if we adopted the law of this year.

Sir HENRY DRAYTON: We have a loss of $2,000,000, the minister says, if the amendment be adopted. Is that loss of $2,000,000 over and above the receipts from the companies on the basis of last year's taxation, which would be 10½ per cent? Then what does my hon. friend say the real loss would be, because the suggestion of the hon. member for Labelle seems to me to be absolutely reasonable, that if you delay the taxation of the individual shareholder you must also delay in the case of the corporation.

Mr. BOURASSA: Quite so. Apply the same thing under section 5.

Sir HENRY DRAYTON: Would there be anything like that loss then?

Mr. BOIVIN: Yes, the loss was calculated by making a comparison as regards corporations under the present law and under the old law. If we were to adopt the amendment of my hon. friend from St. Lawrence-St. George without reverting to the original tax on corporations, I think the loss would be about $4,500,000.

Sir GEORGE PERLEY: Is that $4,500,000 the amount the 10 per cent of the taxpayers who are going to pay more would have to pay under the present law as compared with the old?

Mr. BOIVIN: I think my hon. friend misunderstood me entirely. I did not for a moment wish to convey the idea that 10 per cent of the taxpayers were going to pay this difference in taxation. The idea I wanted to convey was this, that of all the taxpayers in Canada there were 10 per cent whose revenue was entirely derived from the distribution of dividends, and that that 10 per cent would pay more taxation than they had paid previously, but the other 90 per cent would pay less. I am quite willing to admit that among the other 90 per cent, there may be 40 per cent or more who may pay on their dividends more taxation than they paid before, but that amount will be offset by the reduction on the balance of their revenue to such an extent that their total tax will be reduced. But it is absolutely impossible to give an estimate as to the exact amount that will be paid by the 10 per cent who will pay more taxes. There are in a very, very few cases some persons who may pay taxation now who never paid taxation before. Take the case of a person with no revenue except a revenue of $5,000 from a $100,000 investment in some Canadian company. That person previously received exemption from normal tax and paid no taxation whatever. At the present time he will be obliged to pay 2 per cent on $2,000, or a tax of $40. So it is absolutely impossible to answer direct the question of my hon. friend.

Sir GEORGE PERLEY: I thought that the officers of the department, in making a comparison as between the two systems of taxation, would have arrived at some calculation of the extra amount which this 10 per cent would have to pay who are going to pay more under the present law.

Mr. BOIVIN: I am sorry that was not done.

Sir HENRY DRAYTON: I want to get this clear. My hon. friend's point, as I understand it now, is that there would be a loss, if we adopted this amendment, of $2,000,000 even if we reverted to the taxation of 10½ per cent.

Mr. BOIVIN: Yes.

Sir HENRY DRAYTON: Therefore the calculation of the department as to what will be recovered for the treasury under the new law taxing the shareholder will approximate $5,500,000.

Mr. BOIVIN: No, $4,500,000.

Sir HENRY DRAYTON: No, $5,500,000. I understand from the debate that there is a reduction of $3,100,000 or $3,500,000 in the taxation on the companies by reducing the rate from 10½ to 9 per cent. Am I not right?

Mr. BOIVIN: I am informed that the entire tax derived from the companies during the last fiscal year reported was about $31,000,000, and 1½ per cent on that would be a little over $4,500,000.

Sir HENRY DRAYTON: The minister is quite right. My hon. friend gets the figure of a little over $4,500,000 as the reduction in company taxation, and he says in reply to the hon. member for Labelle that if we go back to the old form of taxation having regard to the companies, on the one hand, putting them back on the 10½ per cent rate, and having regard to the shareholders, on the other hand, there will be a loss of $2,000,000. If that be correct, it is perfectly plain that my hon. friend's estimate of new money to be found by the new tax is $6,500,000.

Mr. BOIVIN: I think my hon. friend is right.

Sir HENRY DRAYTON: Then on my hon. friend's basis we are raising new taxes to the extent of $6,500,000.

Mr. CAHAN: In view of the fact, according to the explanation of the Minister of Customs, that $3,500,000 or thereabouts is to be taken off the taxation of companies and imposed largely upon a certain class of shareholder only, and as the government have treated this as a want of confidence motion, which I did not intend at all—I moved it simply to serve as a protest against that kind of legislation—with the permission of the seconder, I withdraw the amendment.

Amendment withdrawn.

Section agreed to.

On section 3—Personal corporations.

Mr. HANSON: Is any amendment proposed in connection with this section?

Mr. BOIVIN: Before section 3 carries I should like to make an amendment to which I am sure we shall all agree. That is in paragraph (g) of subsection 10—personal corporation dividends. It will be found at the top of page 3. In the clause we are now considering it is stipulated that it shall have a retroactive effect and that dividends earned prior to 1925 shall be taxable when distributed. If they are not distributed year by year for the next five years they will be taxable at the end of the five years. The government is bound to admit that while the personal corporation was perhaps a method of evading taxation, it was nevertheless a legal method. The company was legally formed and carried on its operations legally. We have therefore decided to amend that clause by striking out paragraph (g) and inserting in lieu thereof the following:

Dividends actually declared by a personal corporation after the 31st day of December, 1924, shall be deemed to be paid out of income earned after the said 31st December, 1924, so far as the same is available, and to that extent shall not be liable to further taxation in the hands of the shareholders.

Sir HENRY DRAYTON: It is retroactive for one year.

Mr. BOIVIN: The same as in the other case we have just been discussing. That is to say for the income tax returns made this year they shall pay but there shall be no further retroactive effect.

Sir HENRY DRAYTON: What about distribution?

Mr. BOIVIN: It is provided that all dividends which are actually declared by the corporation after the 31st December, 1924, shall be deemed to be paid out of income earned after that date, and to that extent shall not be liable to taxation. I think that makes it quite clear that in so far as there is any surplus available, when dividends are declared from it, these dividends shall not be taxable again if they have been taxed once.

If, however, the company decides to take the surplus that it now has on hand and later distribute it as dividend, and if that surplus is in excess of the entire earnings of the company on and after the month of December, 1924, then of course that would become taxable as a dividend distributed to the shareholders.

Sir HENRY DRAYTON: The original idea, as I remember it, was this: We started out with the tax running back and covering the whole period. My hon. friend stops that and now brings the period down to a year. That still leaves available undistributed profits. My hon. friend had a certain length of time within which profits were to be distributed. What does he do with that?

Mr. BOIVIN: That is wiped out entirely. There is no obligation on personal corporations now to distribute profits. They are going to be treated as individuals and going to pay taxation on their earnings in the future. After that they can distribute their profits as they please without taxation.

Sir HENRY DRAYTON: If I follow my hon. friend the effect of that would be to draw the teeth of the whole of this legislation.

Mr. BOIVIN: No.

Sir HENRY DRAYTON: Oh, yes, if you just make profits taxable as against the company. What we want to do is to make them taxable as against an individual.

Mr. BOIVIN: Certainly we want to make them taxable as against the individual. The original intention was to try and make these corporations pay a corporation tax and then oblige them to distribute their dividends and pay personal taxation upon the dividends. That was deemed to be unfair; I think my hon. friend will admit it is unfair. The object is to prevent an evasion of the law. A personal corporation may very well have been formed for some other purpose than to evade the law. There is no desire on our part to destroy a personal corporation; we do not want to force the personal corporation out of existence. If for purposes of succession duties, for instance, and if for purposes of administration, people prefer to operate as a corporation all right, we have no objection, but we do say that they must pay the same amount of federal taxation as if they had continued as individuals. That is the object of our law, that is the case we want to get at. If my hon. friend considers that we have made any mistake in trying to attain that end I am willing to correct it. We do not want to make the law retroactive. We do not want to go back and force them to distribute their surplus because many of these personal corporations have invested that surplus in non-liquid assets, and we feel that it will be harsh to make them borrow money to pay income taxation as my hon. friend and myself were obliged to do. Therefore we make the law effective this year for the profits earned by the operations of the personal corporation last year. In future, no matter what the surplus may be the entire earnings of the corporation will be taxed as personal income every year.

Sir HENRY DRAYTON: The main shareholders?

Mr. BOIVIN: All shareholders.

Mr. HANSON: The company.

Mr. BOIVIN: Not the company, the shareholders of the company.

Sir HENRY DRAYTON: That is what I thought.

Mr. BOIVIN: In that case the profits are deemed to be distributed for the purposes of taxation and they are taxed accordingly. That will be the case for last year and for all future years. Surplus accumulated in the past upon which taxation has not been paid will not be taxed until it is distributed as profits. They can distribute these profits when they like subject to whatever income tax may be in effect at that time.

Sir HENRY DRAYTON: What section will deal with the question of election in the case of these companies?

Mr. BOIVIN: For the personal corporation there is no election. A personal corporation will be treated as an individual and will pay no company tax. There is a section with respect to election in the case of a family corporation namely section 8. In section 8, subsection (b) provides:

> The shareholders of a family corporation may elect that, in lieu of the corporation being assessed as a corporation, the income of the corporation be dealt with under this act as if such corporation were a partnership.

Sir HENRY DRAYTON: I was just wondering whether you distinguished between family corporations and these personal corporations.

Mr. BOIVIN: Both are defined under the act. The personal corporation is defined in section 3, and the family corporation in section 8.

Sir HENRY DRAYTON: Very good.

Mr. BOIVIN: My hon. friend will readily see the difference between the two. We can discuss the subject of family corporations when we reach section 8.

Mr. CLARK: Did I understand the minister to say that in future the profits of a personal corporation will be taxed whether distributed or not?

Mr. BOIVIN: The profits of a personal corporation will not be subject to the company tax at all. They will be taxed as if they were the earnings of an individual. Once taxed, it makes no difference whether they are distributed or not, they will be taxed as the earnings of the individual, but they will not be subject to further taxation.

Mr. HANSON: Take the case of a personal corporation which was formed for the purpose of reducing the income tax paid by the owner of the corporation, who transfers a million dollars' worth of securities from which the personal corporation receives the coupon or dividend. Assume that amounts to $100,000 per annum. That $100,000 has already been subjected to a tax in the principal company from which it is derived. That is one tax. Now $100,000 in the hands of a personal corporation is to be treated as the income of that personal corporation, and taxed to it, whether it is distributed or not. That is the proposition now. Even though they do not declare a single dividend, that $100,000 will be included in that tax. Will the corporation pay a third tax at the hands of the owner of the personal corporation?

Mr. BOIVIN: No.

Mr. HANSON: It may be cured by subsection 12.

Mr. BOIVIN: The definition of "personal corporation" is as follows:

(10 (a) For the purposes of this act a "personal corporation" means a corporation or joint stock company (no matter when or where created) controlled directly or indirectly by one person, who resides in Canada, or by one such person and his wife or any member of his family, or by any combination of them, or by any other person or corporation on his or their behalf, whether through holding a majority of the stock of such corporation, or in any other manner whatsoever, the gross revenue of which is to the extent of one quarter or more derived from one or more of the following sources, namely:—

from the ownership of or the trading or dealing in bonds, stocks or shares, debentures, mortgages, hypothecs, bills, notes or other similar property, or from the lending of money with or without security, or by way of rent, annuity, royalty, interest or dividend, or from or by virtue of any right, title or interest in or to any estate or trust.

Paragraph (b) of sub-section 10 reads:

The income of a personal corporation, in lieu of being assessed the tax prescribed by subsection two of section four of this act, shall on the last day of each year be deemed to be distributed as a dividend to the shareholders thereof and shall in their hands constitute taxable income for each year in the proportion hereinafter mentioned, whether actually distributed by way of dividend or not.

It should be quite clear, first, that in order to be a personal corporation that corporation must be an investment corporation and not and industrial concern. I think it further makes it quite clear that there is no double taxation whatever. Of course if the person is the owner of shares in an industrial corporation which has once paid a 9 per cent income tax, and derives dividends from those shares, those dividends form part of his personal income and are taxable as his personal income. If those shares, instead of being owned by the person, are owned by the personal corporation, they will be taxable in the same way. But I want to make clear to my hon. friend, as treble taxation has been mentioned, that a third tax will not be paid, and that there will be no company tax whatever paid by the personal corporation under the provisions of this bill.

Mr. HANSON: I am relieved to know that. Then this will be the situation: A tax-payer owning $5,000,000 of stock in an industrial corporation, which is the active earning corporation, and which will pay the tax, transfers this stock to a holding company, a company which will come within the definition of this sub-section, and be a personal corporation with $5,000,000 of stock, upon which dividends are declared; that dividend will first be paid into the hands of the holding company in which the stock is registered, and will be deemed under this act, as far as I can see, to have been paid directly to the shareholders themselves, without going through the hands of intermediaries.

Mr. BOIVIN: Yes.

Mr. HANSON: Then there is no treble taxation. There is that feature of the double taxation and I am relieved to find that there is no treble taxation.

The CHAIRMAN: Shall the section be adopted?

Some hon. MEMBERS: Carried.

Mr. HANSON: I understood we were going to deal with the subsections.

Mr. BOIVIN: I have no objection to having them discussed.

Mr. HANSON: They are important.

Mr. BOIVIN: Yes. The Chairman called section 3. I proposed a most important amendment to paragraph (g), subsection 10 and that was carried, as I thought.

The CHAIRMAN: Shall the amendment to paragraph (g) carry?

Mr. HANSON: We have not reached that yet.

The CHAIRMAN: Yes, hon. members have been discusing it.

Mr. BOIVIN: While paragraph (g) has been amended, I do not think we should preclude any hon. member from discussing any other paragraph if he desires to do so.

The CHAIRMAN: Shall paragraph (a) carry?

Mr. CAHAN: I would like to speak to paragraph (d).

Paragraphs (a), (b) and (c) agreed to.

On paragraph (d)—Valuation of property transferred.

Mr. CAHAN: I wish to make a few observations, but not to provoke an acrimonious discussion. In ascertaining values, under this section, regard shall be had to all the facts and circumstances and the decision of the minister in that respect shall be final and conclusive. Those are the words of the paragraph. I think it is most unfair to place in the judgment of a political head a decision affecting very large values. It should be open to appeal, like any other matter of assessment. To place in the hands of a political head power to adjust matters of this kind is in my opinion to prolong that same condition of affairs which we found in another department now being investigated.

Mr. BOIVIN: In answer to my hon. friend I say, first, that I do not consider that the minister will be called upon very often to pass an opinion, because the very nature of this legislation will perhaps discourage the formation of personal corporations and the passing on of property to them. Paragraph (d) reads:

> The value of the property transferred by each shareholder or his predecessor in title shall be the fair value as at the date of the transfer of such property to the corporation.

That must be determined by someone. If it is not to be determined by the minister, by whom shall it be determined?

[Mr. Boivin.]

Mr. CAHAN: If it is to be determined by the minister, I am suggesting there should be an appeal, as in other matters, to the board. I do not think the arbitrary decision of the minister should be final and conclusive.

Mr. BOIVIN: If my hon. friend looks up the Business Profits War Tax Act, he will find two similar sections in that act which was administered by the present commissioner of Taxation and which gave rise to no trouble whatever. I think my hon. friend will admit with me that it is always well whenever possible to avoid litigation and law costs. When he uses the phrase "placing power in the political head of the department", perhaps technically according to the letter of the act he is right. But my hon. friend knows that neither the present minister nor any of his predecessors belonging to either political party ever sat down to examine into the details of any individual tax return in the office of the Commissioner of Taxation. The word "minister" is used in the act merely as a term to represent the official to whom the minister delegates his powers and who has charge of the administration of the act. The act has been administered with fairness since its inception; there has never been any complaint. This is carrying out the terms or provisions of other sections of the act as enacted by the previous government. If there was anything good that the previous government did it was the inclusion in the Income Tax Act of certain sections which prevented litigation and the payment of costs. It is true that speaking as an attorney I may be advocating a law which will be inimical to the interests of members of my own fraternity who might like to make law costs out of this litigation, but I am sure it will be for the advantage of the taxpayers in general.

Mr. CAHAN: The suggestion does not apply to me as one who makes law costs out of his clients. I repudiate that.

Mr. BOIVIN: In making these remarks I absolutely forgot that my hon. friend is like myself a member of the bar. I was thinking of myself alone and not of him. If he imagines there was any thought of an insinuation in my mind that he was proposing this amendment for any such purpose, I hasten to retract. I am not going to offer him an apology because I never intended nor thought that the expression could refer to him.

Mr. CAHAN: In respect of decisions of the minister, if I remember correctly—I have not the act before me—I understand that "the minister" is defined as "the minister or his

deputy." I have brought up before the Commissioner of Taxation for his decision a great number of matters on behalf of clients of mine when I have time after time placed the legal aspects of those questions before him. While I do not always agree with his legal decisions I certainly have never found on his part any disposition to be unfair or unjust; on the contrary I have found every disposition on his part to give an adequate hearing to the presentation of such points of law as I have had to present on behalf of my clients. But in respect of his decisions so far there is an appeal. This clause as I understand it takes entirely away the appeal in these matters and I see no reason why there should not be an appeal from the deputy minister to the board in the ordinary course. This involves large questions of values, and, if my memory is correct, this is not the only clause in the bill in which the decision of the minister is final and conclusive.

Mr. BOIVIN: There is no board before which the appeal could be lodged. The appeal would have to be lodged with the Exchequer Court. There is already in the act a provision by which any shareholder complaining of the amount assesed against him has the right to appeal from the decision of the commissioner to the Exchequer Court of Canada.

Mr. CAHAN: Is the old appeal board abolished?

Mr. BOIVIN: The board which was originally created for the purpose of administering the Income Tax Act was abolished some three years ago.

Paragraph agreed to.

On paragraph (e)—One personal corporation succeeding another.

Mr. HANSON: Will the minister state shortly the object of this paragraph?

Mr. BOIVIN: The object as I understand it is to place the Commissioner of Taxation in a position where he can always bring back the earnings to the individual instead of to the company. In other words, where one personal corporation is succeeded by or transfers its property to another personal corporation, the shareholders of the first shall be deemed to have transferred to the second the property which they transferred to the corporation first mentioned, that is to say the original corporation:

When any person has acquired or acquires the control of a personal corporation he shall be deemed to have transferred to such corporation the property transferred thereto by his vendor.

That means this. Let us suppose that two personal corporations are brought together and that is the case which it is sought to cover. All the property placed in one corporation by one individual will still be considered to be his property, and all the property placed in the corporation by the other individual will still be deemed to
5 p.m. be his property when the two are welded together as one corporation and when the profits are divided between them. In taxing the profits of personal corporations it is of course absolutely necessary to retain the percentage of shares or percentage of interest held by each individual shareholder. This provision is inserted in the law merely for the purpose of making it possible for the Commissioner of Taxation to determine what the proportionate share of the profits of each individual partner will be.

Sir HENRY DRAYTON: If that is the idea, has the minister considered the effect of the limiting section as defining "personal corporations"? In that section the minister will see that we have a combination. We shall have more than one person coming in. We shall have a series of families doing that. My hon. friend is right in stopping it.

Mr. BOIVIN: This is what I wanted to point out. If it were possible—a thing which is practically impossible—for two personal corporations to be brought together owned by two persons who are not members of the same family, then it ceases to be a personal corporation.

Sir HENRY DRAYTON: That is just what the minister does not want to have cease. The easiest way of evading the act would be to put the two of them together.

Mr. BOIVIN: It is pointed out to me that if that was done the past surpluses of the corporations at the time of reorganization would under another clause of the act, as it exists at present, be taxable.

Sir HENRY DRAYTON: Which section is that?

Mr. BOIVIN: Section 5 of the Income War Tax Act amendment which was assented to on the 19th July, 1924, chapter 46, 14-15 George V. The section reads:

On the winding up, discontinuance or reorganization of the business of any incorporated company the distribution in any form of the property of the company shall be deemed to be the payment of a dividend to the extent that the company has on hand undistributed income.

Sir HENRY DRAYTON: Is amalgamation covered by those words?

Mr. BOIVIN: It is certainly a reorganization; when two companies amalgamate one, in a way, has to be purchased by the other.

Sir HENRY DRAYTON: I think that is right; it must be a reorganization.

Paragraph (e) agreed to.

Paragraph (f) agreed to.

On paragraph (g)—Personal corporation dividends.

Mr. BOIVIN: That is amended.

Sir HENRY DRAYTON: It is limited to the one year?

Mr. BOIVIN: Yes.

Mr. HANSON: Has the minister any estimate of the additional revenue the government will get under this new section 3?

Mr. BOIVIN: A certain number of personal corporations were formed during the last fiscal year, and it would be absolutely impossible to state the amount of revenue we will derive from those particular corporations until the income tax returns reach the head office. In most instances those returns are not yet available. As to corporations organized prior to that time it is also impossible to state what their earnings for the last year were and consequently what the tax will amount to. I would hesitate to estimate the amount of gain at the present time.

Mr. HANSON: Does the minister mean that he has not the amount, or that he does not want to give an estimate?

Sir HENRY DRAYTON: Both.

Mr. BOIVIN: If my hon. friend desires, I will endeavour to have an estimate made and give him the information personally or in answer to a question which he may place on the order paper if he so desires.

Mr. HANSON: That is good enough.

Mr. MacLAREN: Mr. Chairman, it is most desirable that no difficulty should be placed in the way of these personal or family corporations. So far as I am aware they are largely for the purpose of avoiding difficulties with respect to succession duties which at the present time may be imposed even on small estates by many of the provinces and also by the United States. I think the minister appreciates the usefulness of these corporations, which are conducted for perfectly good sound reasons. So far as I can come to a conclusion on this matter, the amendment will allow incorporations to be effected without undue difficulty as to taxes, and at the same time will prevent the evasion of income tax by the individual.



Amendment agreed to.

Paragraph (g) as amended agreed to.

On section 3, subsection (11)—Carrying charges.

Mr. BOURASSA: In what degree does this differ from the corresponding paragraph of the resolution, No. 8 I believe? Under this paragraph people holding property, some parts productive and other parts unproductive, heretofore were allowed, quite properly, to deduct from the income of their productive property the taxes paid or losses incurred upon their unproductive property. The member for Fort William (Mr. Manion) and several other hon. gentlemen raised the point, and the minister made it quite clear, I think, that it was his intention to cover it. He said he wanted to reach the speculator who was investing some of his surplus income in real estate for speculative purposes and thus evading taxation. The other point is this. I know many instances, for example, of a family holding a couple of houses or tenements which are returning an income, and holding besides two or three vacant lots as part of the estate. Very often the latter class of property cannot be readily sold for what it is worth. It is not held for speculative purposes, but municipal taxes are levied upon it every year. Surely it is as equitable that the owners should be allowed to deduct the losses upon the unproductive property from the income returned by their productive property as it is for a company before distributing dividends to deduct losses incurred and taxation paid upon unproductive property. I understand that companies are covered. It is said that:

> The carrying charges or expenses of unproductive property or assets not acquired for the purposes of a trade, business or calling, or of a liability not incurred in connection with a trade, business or calling, shall not be allowed as a deduction in determining income for the year 1925 and each year thereafter.

The result is that the speculator who trades in real estate will under this clause be able to deduct the taxes he pays on unproductive property from the income he receives on productive property; but the small property-owner, one of the most useful type of ratepayers and citizens, will be unjustly treated.

I think it is unsound legislation. It could be covered without much change in the tax law, provided of course it was interpreted in the proper spirit.

Mr. BOIVIN: This subsection is nothing more than an amplification of subsection 8 of section 3 of the act, which reads as follows:

In computing the amount of the profits or gains to be assessed ,a deduction shall not be allowed in respect of disbursements or expenses not wholly, exclusively and necessarily laid out or expended for the purpose of earning the income.

As to income from the taxpayer's chief occupation, the subsection proposed is to render certain what has been deemed to be the law heretofore, namely, that the profits of a person derived from a trade, business or calling, if invested in unproductive property not required for the carrying on of the business, precludes the carrying charges of that property from being allowed as a deduction from the annual revenue of the particular business or calling. Such expenses are not necessarily laid out or expended for the purpose of earning the income, but rather for the carrying of a capital non-productive asset.

As to income from sources other than the chief trade, business or calling, that has generally been termed a secondary income. It may be said by way of example that taxes and interest in respect of unproductive real estate would not be allowed as against say, income from royalties. However, the interest payable in respect of the money borrowed, of which the unproductive property represents the security, may be set against the interest received on money loaned by the taxpayer but taxes, local improvements, assessments and like carrying charges of unproductive real estate are not proper deductions against income derived from salary or from interest. Such charges naturally should be capitalized; they should be added to the cost of the property in order to determine whether or not a profit is made at the time the property is sold, which profit, of course, is now exempt from taxation. The main point is that the expenditure is not made in the earning of income; it is an expenditure on capital account, and expenditures in connection with capital do not come within the purview of the income tax act. Notwithstanding what may be said to the contrary, the clause in its present form appears to me absolutely fair and logical, because all that a taxpayer is entitled to deduct in computing his income should be expenditures made to earn the income or in the hope of earning it. The carrying charges of unproductive property acquired by a taxpayer, which acquisition he is not prepared to admit would constitute a piece of business, are certainly not business expenses. If they are not business expenses they must be personal expenses, so the taxpayer is no more entitled to deduct the carrying charges of a vacant lot or of unproductive stock than he would be entitled to deduct the taxes paid in respect of his own garden or the property on which he resides.

The income tax act is not and cannot always be in every respect strictly logical; in some cases it may not always be absolutely fair, but so far as this clause is concerned, if fairness and logic are to be appealed to, all I have to say is that it is pretty difficult to find words in which to enact a clause which might be fairer. The hon. member for Labelle (Mr. Bourassa) is perfectly right when he says it might create a hardship on the person who has inherited unproductive property, who is obliged to hold that property and who will not be allowed to charge against his revenue from other sources the taxes and insurance which he must pay on the property which he is obliged to carry. In the first place, if the man were a dealer in real estate he would of course have a right to charge the taxes and insurance as a part of his business. If he is not a dealer in real estate, or if he is an investor and has a certain number of tenements or houses which he rents, the carrying charges of all his real estate will certainly be liable as a charge against the revenue derived from part of the real estate. But I do not see how a clause could be worded to get over the difficulty presented by the hon. member for Labelle if at the same time we do not exempt all real estate which is unproductive and which is being held as an investment. After all, no matter what may be the value of a property, it is undoubtedly held in the hope of a future sale and profit. "Hope springs eternal in the human breast." I am willing to admit that in a great many cases the hopes are never realized, and that in a great many cases the property is eventually sold at a loss. But perhaps it would have been better if the property had been sold years previously; perhaps the loss might not have been so great, and the carrying charges would have been saved. There is no doubt that when property is held it is held in the hope of an eventual profit, and that profit must include the taxes paid on the property. The income tax act does not touch that profit; it is left clear in the hands

of the man who makes it, and for that reason I think it is fair to say that the carrying charges should be assessed against the property.

Sir HENRY DRAYTON: My hon. friend referred to the different kinds of income, primary and secondary. In view of what my hon. friend has said am I right in saying that this inhibition merely applies to the income derived from the chief occupation or business? If that is so I entirely agree with it, but if it is being pressed as against secondary income I think it would be wrong.

Mr. BOIVIN: It will be up to the Commissioner of Taxation, of course, to decide whether or not exemption should be granted for the carrying charges on real estate, for instance, if a man is the owner of a certain quantity of real estate, part of which is rented, but of which a building which should have been rented is left vacant for a year or so owing to the condition of the building or because of the fact that the demand is not equal to the supply in that particular locality, that man is not going to be penalized. He will be allowed, of course, to deduct the carrying charges of that vacant building from the revenue derived from the other buildings on which he derives a profit. I am not prepared to say that all cases of secondary revenue should be grouped together, but I will say that I think in effect and in principle my hon. friend is quite right when he says that the revenue derived from the principal occupation should not be offset by these carrying charges on unproductive property, but that where there is an additional revenue which does not come from the chief occupation it should be considered, and I am sure the commissioner will act accordingly.

Sir HENRY DRAYTON: That is my whole point.

Mr. BOURASSA: Do I understand the minister to say that, if the owner of real estate derives a certain amount of revenue from that property while holding some other real estate with charges upon it, these charges will be deducted from the revenue derived from other real estate?

Mr. BOIVIN: Yes, I think I can make that statement now and I think the commissioner will so interpret the act. Any person holding real estate part of which is rented and part vacant may deduct the carrying charges of one part from the profits on the other providing the property is not held for speculation.

[Mr. Boivin.]

Mr. BOURASSA: That is the way it was done under the old act.

Mr. BOIVIN: It will contiue to be so done.

Mr. HANSON: The minister will agree that on a strict interpretation of this section that would not be the case.

Mr. BOIVIN: The object of the clause, as I think my hon. friend will realize, is to prevent abuse. These abuses have crept in through people who have gone out deliberately and bought property which for the time being is unproductive, but upon which the rate of increase of value is so large that in three or four years the property becomes very productive indeed. They sell it at a large profit within three or four years. They play the game of speculation where property values are going to increase rapidly, and in that way evade the income tax. The purpose of this particular clause is to reach those people and to oblige them at least to pay taxes upon that property without deducting those taxes from the revenue on which they can claim exemption. There is no intention of imposing any hardship.

Mr. HANSON: If that is the purpose of the section, it is all right.

Mr. BOIVIN: That is the purpose.

Section 3 agreed to.

On section 4—Rates of tax.

Mr. BOURASSA: With reference to section 4 (1A), I must again appeal to the minister to consider the question of the exemption of children. We have heard on many occasions during the budget debate, and again in this debate, of the interests of corporations and the advantage of inducing people to invest in industrial pursuits; but I repeat now what I stated on a previous occasion, that the great defect of the fiscal legislation of almost all countries is to forget the state of the family, is to forget that the primary advantage of a country is the establishment of a family, and that the duty of the state is to alleviate as much as possible the burdens of fathers and mothers. Why adopt the age of eighteen instead of twenty-one? Twenty-one is the legal age. Until a child has reached the age of twenty-one he is under the legal and social responsibility of his father and mother. Even in the English provinces, and under some legislation of our province which is not in harmony with our church legislation, marriages between two minor children, both of marriageable age, are declared null if not ac-

companied by the consent of their parents. Therefore, until they have reached the age of twenty-one, boys and girls are not full-fledged citizens and ratepayers; they have not complete liberty of action. Besides, under the previous law, as under this law, there is ample margin for the government to do away with the exemption in case of children earning their own living. The section itself says:

For each child under eighteen years of age who is dependent upon the taxpayer for support.

Why should you tax the parents who have in their charge boys and girls of nineteen, twenty, and twenty-one years of age? That is the very time of life when their maintenance and education is the most expensive to the parents. It seems to me it is precisely at that period of family life that the parents should be helped and considered by the state. Therefore I again appeal to the government —we shall have to do it one day or another, because public opinion will force it upon us—why not be agreeable to it now and raise the margin of exemption from eighteen to twenty-one years of age? If it is said that a large number of children between eighteen and twenty-one years of age are earning their living, then I repeat you have under this clause, as well as under the preceding law, power to prevent parents claiming exemption on account of children who are earning their livelihood. Even at the present time there are children of sixteen and seventeen years of age whose parents cannot claim exemption for them under the present law. Therefore this only applies, I repeat, to those parents who have the will and the courage to impose upon themselves the necessary sacrifices to give further education to their children, who endeavour to make of their children more useful citizens, and try to arm them for the battle of life as well as for the responsibilities of citizenship. I think they should be encouraged. We read much about the advantages of education, but when the father and mother impose upon themselves sacrifices to give a better education to their children, the state steps in and says: You shall pay the penalty of your devotion to your child, to the state, and to society. It is all wrong; it is inspired by a false conception of the duty of the state towards the family. Means could easily be found to recoup the state for the little difference this would mean in the taxation raised.

I think this matter should be considered right now, when we are speaking of reducing the burdens of the people of this country, when we are speaking of inducing people to be more hopeful of the future of this country. If there is a class of people that demand the sympathy of the state and of parliament, it is those men and women who have the courage to establish a family and to impose upon themselves sacrifices in order to make of their children as useful and as cultured citizens as they can possibly become. It seems to me there should be no hesitation, Mr. Chairman, in making the age of exemption coincident with what has been adopted in all our civil laws as the age of full maturity, of full emancipation for the children. Up to the age of twenty-one they are socially, morally and legally a charge upon their parents to a greater or to a lesser degree; the principle is there, and I think the principle should carry here. Until the civil codes of the various provinces are amended so as to say that children are fully emancipated at eighteen years of age, I do not see why you should tax parents for the maintenance and education of their children between the age of eighteen and the full age of civil emancipation, which is twenty-one. If I can find a seconder I would move that the words "twenty-one" be substituted for the word "eighteen."

Sir GEORGE PERLEY: I would like to say a few words in support of my hon. friend from Labelle. I quite agree with the argument he has put forward. Everyone in this country believes in giving the children a good education. I have not had the experience myself, but I quite realize how difficult it must be for the father of a large family to see that his children are properly brought up and educated as they should be. It is for the good of the state in every way that that should be done, and if the children are given a proper education, it means that the father has to keep on supporting them until they are twenty-one years of age or thereabouts. As a matter of fact, the burden on the family grows heavier as the years go on. To my mind the suggestion of the hon. member is well worthy of consideration by the minister.

Mr. CAHAN: When this was before the committee before, I supported the suggestion of the hon. member for Labelle, and I went further and suggested that there should be added after the word "child" in paragraph (c) the words "under twenty-one years of age or incapable of self-support on account of mental or physical infirmity."

Mr. POWER: There would be an exemption, under the amendment suggested by my hon. friend in the case of children say of 19 or 20 years of age who were self-supporting.

Mr. CAHAN: Who were self-supporting?

Mr. POWER: Yes.

Mr. CAHAN: My hon. friend is quite right, I am putting the amendment in the wrong place. My suggestion is there should be exemption for every dependent child under 21, and for every other child over 21 who is incapable of self-support on account of mental or physical infirmity.

Mr. POWER: Would it not meet a greater number of cases if you inserted in the interpretation clause the word "child"? That would cover every case in which the child was incapable of supporting himself.

Mr. CAHAN: Perhaps so. We all know that in the province of Quebec, by statutory law, children, even over 21 years of age, who are incapable of self-support on account of mental or physical infirmity must be supported by their parents.

Mr. POWER: That is not very much of an argument, because the parents must be supported by the children too in some cases.

Mr. CAHAN: Yes, in certain cases. We have, in other words under the code in the province of Quebec a system of law which provides for support by the family of those who are otherwise incapable of supporting themselves. But inasmuch as this applies to the whole country, may I point this out? I have a case in mind of a parent having two blind children, who are being educated, and who will at a certain age be quite capable of earning their own living by reason of the education they are receiving at a modern educational institution for the blind. But there are cases of a different character. I remember the case of a young man, under 21 years of age, who was earning his own living by working in a machine shop. A spark from one of the machines destroyed his eyesight, and he is entirely dependent upon his parents until by education he can learn to support himself by some other means, weaving wickerwork and that sort of thing. For every child under 21 years, and for every child over 21 years who is dependent upon his parents for support—in other words, to use the term in the statute who is incapable of self-support on account of mental or physical infirmity—there should be a deduction of $500.

Mr. FORKE: What is meant by the expression, a child under 21 years of age dependent upon its parents? How is that interpreted? I know many instances of young people of 19 and 20 years of age, teaching school and drawing salary, who are dependent on their parents. There is an instance, very close to myself, where a girl of 19 or 20 is teaching school and earning a salary. Would she be regarded as dependent upon her parents for a livelihood?

Sir HENRY DRAYTON: No.

Mr. FORKE: There is likely to be some injustice unless the interpretation is clear and unmistakable. I should like to have some explanation from the hon. member for St. Lawrence-St. George in regard to the matter. Does my hon. friend understand what I mean?

Mr. CAHAN: The point to which my hon. friend refers was not the point I was raising.

Mr. FORKE: I quite appreciate the point my hon. friend raised. It had reference to children of any age who by reason of mental or physical disability, were not self-supporting.

Mr. CAHAN: My hon. friend might put his question to the minister who is in charge of the bill.

Mr. FORKE: I thought the hon. gentleman was advocating a change with respect to this particular section of the act.

Mr. DUNNING: Will my hon. friend be good enough to inform us what the informal friendly conversation he is conducting is about, because we cannot hear it at this end of the chamber.

Mr. FORKE: I am very glad my hon. friend is getting a taste of the experience we at this end of the chamber have had day after day, week after week. I am afraid that if the Minister of Railways had had the same experience he would have lost his temper after a while. Nevertheless that is the experience we are continually encountering here. Its effect is baneful, because if you are not able to hear what is going on you lose interest and begin to talk with your neighbour, which only aggravates the condition. In the last parliament I had a seat in the central part of the chamber and my interest was much keener in everything that went on. This session I do not feel the same interest simply because I am not able to hear what is said.

Mr. CAHAN: The hon. member is more happily situated this session, because he knows beforehand what is going to take place.

Mr. FORKE: I am very glad to confess that sitting so close to the hon. member for St. Lawrence-St. George, as I do, I am able to hear no inconsiderable part of what is said in this chamber.

The CHAIRMAN: It has been moved by Mr. Bourassa, seconded by Mr. Woodsworth, to amend paragraph (c), subsection 1A of section 4 by striking out the word "eighteen" and replacing it by the word "twenty-one."

Mr. BOIVIN: Before the amendment is voted upon I have only one word to say. I do not intend to disagree at all with the hon. member for Labelle. We have discussed this matter together at least on one occasion, and we are in hearty accord with the idea that the parent who has a child under twenty-one years of age in a college or convent, and who is endeavouring to give to that child all possible education and fit it for the struggles of life, should receive an exemption of income tax, at least upon the amount expended for that education. I think we are agreed on that. But there is this to be remembered: The government is handing out exemptions this year in every direction under the Income Tax Act. It must be remembered that previous to the present year the only exemption the father of a child got was an exemption from the normal tax. In other words it was an exemption of 4 per cent of $500 if he was a poor man; if he was a rich man it was 8 per cent of $500. That is all. But under the act as it now stands the father is getting a straight exemption of $500 no matter what rate of income tax he pays. In other words, if a father has a net income of $25,000, he is getting an exemption of 25 per cent on $500. We are practically multiplying by three the exemption given to fathers and mothers under the old act, and we are making progress in another direction. We have given an exemption this year of $1,000 more to the parents themselves. Last year the exemption to married persons was $2,000; this year it is $3,000.

Mr. CAHAN: But the minister increased it in other cases.

Mr. BOIVIN: We are increasing the exemption.

Mr. CAHAN: No, decreasing it.

Mr. BOIVIN: Well, we are in certain cases.

Mr. CAHAN: You increase the exemption by $1,000 in some cases.

Mr. BOIVIN: I shall be glad to discuss that with my hon. friend when we reach that clause. The fact is that under the old act married persons got $2,000 exemption.

Mr. CAHAN: Each.

Mr. BOIVIN: Yes, when they were not married in community of property; when they were wealthy enough to have separate incomes.

Mr. CAHAN: When they did have separate incomes.

Mr. BOIVIN: Yes, but if they happened to be in the moderate class or in the poor class, which class my hon. friend has been defending, under certain circumstances they had no double exemption, because they had no double income.

Mr. CAHAN: Does the minister mean that when they have $3,000 exemption they are in the poor class, and that when they have $4,000 income and are subject to $4,000 exemption they are in the rich class?

Mr. BOIVIN: No, that is not what his hon. friend has said. If that point is to be discussed now, let us discuss it. In the case of a man and wife living in a certain village, there is no reason why the man, simply because he happens to hold real estate and property, should be obliged to pay taxation to the government on a revenue of $4,000, while the man and woman living on the other side of the street, receiving the same income, should be exempt because they happen to have made a marriage contract. That was unfair and unjust, and we have endeavoured as far as we can—we cannot do it perfectly—to adjust that inequality by making the exemption the same for all married couples. But let me answer my hon. friend from Labelle. In the year 1918, when the first amendments were made to the Income War Tax Act, the exemption for a child in the case of the normal tax was only $200, and the age limit was 16 years. In 1919 the age limit was raised to 18. In 1922 the exemption of the normal tax was increased to $300 and the age limit was 18 years. In 1924—and this was due largely to public opinion created by the paper published by my hon. friend from Labelle—the exemption was raised to $500 for all children under 18 years. This year we have increased the exemption to married people, the fathers and mothers of these children. I would request my hon. friend from Labelle, in view of the fact that we have been following him along the way—perhaps from afar, but following him as well as we could—to consider withdrawing his amendment for the present session, with the assurance that when we see what revenue is derived from the tax as it will be when these proposals are adopted, if it is at all possible to do so the exemption will be proposed by the government. It would be impossible to

do it now in the case of all children. It would be very difficult for the commissioner to deal with cases of students in the universities who are earning money to pay part of their way. It would be very difficult, in the case of children who are not in school, to determine whether or not they are entirely dependent on their parents. In the case of a widow who has children going through college, and in the case of the widower who ceased to be a married person and who has children going through college, provision is made that where either is the parent or a child under 21 years of age the same exemption is allowed as is given to a married person, namely, $3,000. The law has been further amended by giving to all householders that same exemption of $3,000. I think my hon. friend from Labelle is convinced that we are moving in the right direction. We may not be moving quite so rapidly as he would desire, but I assure him that his request will receive very serious consideration, and I hope that next year the condition of the country will be such that it will be possible to make a further increase in the exemption.

Mr. BAKER: In reference to the exemption on account of children, in the case of the son of a well-to-do family, who is not going to college, who is quite able to work but will not work, and who gives his life to sport, where does he stand?

Mr. BOIVIN: One of the reasons why we have endeavoured to keep the age of children in respect of whom exemption is granted at eighteen years is to prevent children who are not going to school and who refuse to work from getting the benefit of the exemption.

Mr. BOURASSA: There are very few children who are what are called "sports" and who do nothing except enjoy life. I do not know whether there are in Ontario or not. Perhaps the hon. member is referring to the class of family, which is rapidly growing—described as the new American family—which consists of a man, a woman and a pet dog. But I am not referring to them at all. I am referring to the families with a large number of children. There are some in all provinces.

I would not have any objection to withdrawing the motion in view of the opinion the minister has expressed, but what I am afraid of is the spirit of his department. The department is imbued with the idea of getting money, which is quite proper; but very often when officials of the department become imbued with that idea they lose sight of other aspects, the human aspect and the social aspect. They become so imbued with the idea of getting dollars and cents that they have a dollar mark imprinted on their brain, and they have a fifty cent piece in place of a heart. The minister says that to increase the margin will enhance the difficulty of finding out what children are actually dependent upon their parents. There are difficulties in finding out what moneys are to be paid by any taxpayer. The minister is finding out that there is some difficulty in ascertaining what amount of duty should be paid at the boundary for customs duties. All ministers of Finance, Customs, and the old Department of Inland Revenue knew of the difficulty of collecting taxes. There are always people trying to deprive the state of its due. There are plenty of capitalists who have made false returns of income tax to this government. There are plenty of debenture holders who collect their coupons through banks without paying tax upon them because they do not declare them. I would suggest that the government impose a stamp tax upon those coupons as a safe means of taxing them. The answer is: Oh, no, we do not want a stamp tax; the business community does not want to be disturbed. But the poor individual who has eight or ten children to raise, who is not allowed the amount of rental he pays on his house if he owns none, who is not allowed the taxes he may pay on a small piece of property he is keeping as a legacy for some of his children, is looked after very carefully and keenly by the officials of the department. He is easily reached, first, because he is honest and, second, because the value of his property and goods is readily determined by the taxing bodies of the government, whereas the large capitalist or investor, about whom so many hon. gentlemen have spoken with such tenderness, is the one who finds the greatest ease in evading taxation.

The minister cannot devise any form of taxation to cover all forms of fraud perpetrated on the treasury. No minister, no department, will ever be able to do that, but that should not distract us from the social aspect of a fiscal system, of taxation and of government. I repeat, in a country like ours where we are crying out for population, where we are spending millions to attract foreigners to build up Canada, can we not make a little sacrifice to help the people born and brought up in this country who are trying to increase our population by the most natural law, by the law that has been made and blessed by God, but which unfortunately is being evaded by an increasing number of taxpayers?

I will not withdraw this amendment unless I have a declaration that no other change will be made to the income tax and no reduction granted to any other class of ratepayer until the case of the father of a family has first been considered.

With regard to dependents it is said that it will be a difficult thing for the officials to find out what children are at school, what children are helping their parents or not. Undoubtedly a few cases of that nature will escape just as other cases of fraud or injustice occur under other articles of the law. The minister has admitted very candidly that he cannot frame a law that will apply in all cases and prevent all fraud. I repeat, just because a few parents might claim undue exemption for children who are not a charge upon them, are we not first and above all to consider the case of numerous fathers of families who have dependent upon them as a family charge children between eighteen and twenty-one and who are certainly much more interesting than any other class of ratepayers we have considered? If the minister is prepared to make the declaration that the first reduction in income tax will be along that line and that the officials will not prevail over him to the contrary, I am prepared to withdraw my amendment now; otherwise I will maintain it.

Mr. ROBB: I am very much in sympathy with the views advocated by my hon. friend, but I think I can give him some additional reasons why he should not press his amendment at this time. We have had presented to us from many sources applications for exemptions, and as my hon. friend knows we have conceded some of them. There is the case of dependent children who are invalids, unable to earn. They may be thirty, forty or fifty years of age.

Mr. BOURASSA: But only upon brothers and sisters, not upon parents.

Mr. ROBB: They may be. They are dependents. Then there is the case of hospitals, which has been very strongly brought to our attention. I think my hon. friend, in view of our record of the past few years, might very well trust us as to what we shall do in another year.

Mr. BOURASSA: I want something clearer than that.

At six o'clock the committee took recess.

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## After Recess

The committee resumed at eight o'clock.

The CHAIRMAN: When the committee rose at six o'clock we were considering subsection (1A) of section 4 of Bill No. 116.

Mr. BOIVIN: An amendment, Mr. Chairman, had been proposed by the hon. member for Labelle (Mr. Bourassa). If I understood him correctly, just before adjournment he said he would withdraw his amendment upon condition that the government would give him an assurance that this amendment would be first considered before any further amendments were made to the Income Tax Act. While we have not had a meeting of the cabinet, and therefore I am not in a position to speak for the entire government, I give my hon. friend my assurance that before any other amendment is made to the Income Tax Act at a future session; if I am still a member of the government, the amendment proposed by him this afternoon will receive first consideration.

Mr. BOURASSA: This is a rather guarded statement, Mr. Chairman, but I suppose the hon. minister can hardly express it any other way. Anyhow, while I remain a member of this chamber, or even out of it, I shall have some means of reminding the government next session, even if the hon. minister should not then be one of its members, of the promise now given by him. Consequently in view of the late stage of the session and of what the government has already done to come nearer to what I consider a better spirit in the Income Tax Act, I consent, upon the promise, to withdraw the amendment.

Amendment withdrawn.

Subsection (1A) agreed to.

Subsection (1B) agreed to.

On subsection 2.

Sir HENRY DRAYTON: What is that section?

Mr. BOIVIN: In the old act there was a definition of the term, "dependent child", which is replaced by the new subsection (1A).

Subsection 2 agreed to.

Sections 4, 5 and 6 agreed to.

On section 7—Transfer of property.

Sir HENRY DRAYTON: What is the real change there? I thought that was the law.

Mr. BOIVIN: This takes the place of the provision which is now in the act, and which is expressed in such a manner as to permit the minister to ratify a transfer to a wife or child.

if he is satisfied that such transfer is not made for the purpose of evading the income tax. In practice, the minister has consistently refused to ratify any transfer to a wife, but has ratified transfers to children where the same have been reasonable, irrevocable and made in good faith. The amendment distinguishes between a transfer to a wife and a transfer to a child. As to the latter, the law remains the same; as to the former, the minister is relieved of all responsibility. It will be noted that there is nothing to prevent the transfer of property by a husband to a wife, but when it is for the purpose of evading income tax it will be ignored. That is to prevent the evasion of the law which very often takes place when the husband has a very large and his wife a small income, or vice versa; in order to evade payment of income tax they even up their respective incomes by means of a transfer. We do not attempt to prevent this; we merely say that the income tax will be the same as if the transfer had not been made.

Sir HENRY DRAYTON: But was not that properly looked after before? It could not be done without the minister's consent. But suppose now you have a husband and wife separating, are you going to drive them to divorce before any proper rearrangement of their property can be effected?

Mr. BOIVIN: No. Under the old act the minister was never called upon to give consent, but had he been so requested he could have consented I think under such a provision as we are now incorporating. If a married couple separate, and the husband desires to transfer to his wife a certain amount of property, there is nothing in the act to prevent it.

Sir HENRY DRAYTON: Yes, he must pay income tax on property he no longer owns.

Mr. BOIVIN: He must pay the same income tax as if he had retained the property.

Sir HENRY DRAYTON: That is what I say; in order to get rid of taxation on property you have not got, you must get a divorce. I think my hon. friend should let the old section stand.

Mr. BOIVIN: I am willing to admit in connection with this law that my friend is right part of the time, but I hope he will not even insinuate that I have framed this clause to encourage divorce.

Sir HENRY DRAYTON: That is where we are getting to, though.

Section agreed to.

[Mr. Boivin.]

On section 8—Family corporations.

Mr. CAHAN: Mr. Chairman, I do not think the provision that 75 per cent of the stock must be owned by the members of one family is quite comprehensive enough to cover the conditions which I pointed out when the original resolutions were under discussion. The other alternative is 80 per cent of the stock—

> which is owned by persons actively employed in the business of the corporation or by such persons—

That is, those actively employed in the business of the corporation.

> —and their families.

We have in the various provinces, particularly in Quebec, a number of corporations which are private companies within the meaning of the Companies Act. The definition of "private company" under that act is:

> A company which by its letters patent or supplementary letters patent,—
>
> (a) restricts the right to transfer its shares; and,
>
> (b) limits the number of its members (exclusive of persons who are in the employment of the company and of persons who having been formerly in the employment of the company were, while in such employment, and have continued after the termination of such employment, to be members of the company), to fifty; and,
>
> (c) prohibits any invitation to the public to subscribe for any shares or debentures of the company.

A very considerable number of partnerships have been organized as private companies under that act. They do not consist of companies of which 75 per cent of the stock is held by the members of one family; you would hardly find one private company of that kind, and on the other hand 80 per cent of the stock may not be held by persons actively employed in the business of the corporation, or by such persons and their families. I could tell the committee of a very considerable number of companies in which the partners, attaining age and wishing to be relieved of active participation, have formed their employees together with themselves into what is known as a private company. A few of the neighbours in the little country town are brought in and they really operate as a partnership although incorporated as a private company. The transfer of their shares is restricted; they cannot go out and appeal to the public to subscribe for new shares; they cannot sell their bonds and debentures to the public. I think if we are to maintain our small local industries in the towns and villages of those provinces which I know, east of the Ottawa river, the restrictions of this definition will not enable us to do so; the profitable operation of these companies will be im-

possible. They are operating on a small margin, they give industrial life to our towns and villages and should be encouraged in every possible way. One encouragement I should like them to have is relief from the double taxation involved in this act, by allowing the shareholders of such companies, as are defined to be private companies under the Companies Act, to be treated as partners in respect of the income tax which would otherwise be levied upon the company.

Sir HENRY DRAYTON: In support of what my hon. friend has said I would point out that in Ontario I know of trading concerns which, for the purpose of ease in carrying on business, have been incorporated. The members of the firm are not always members of the same family, and sometimes where there were three or four or five members actively engaged in the business, two or three have died and the business is carried on by those remaining, who certainly could not hold 80 per cent of the stock. Yet at the same time this would be an essentially private corporation. I have in mind an insurance corporation which I think is incorporated for half a million dollars. They are agents, carrying on the underwriting business; they are not an insurance company themselves. Although the stock is distributed the payments out of profits are not distributed on a stock basis. They meet together and apportion the profits in accordance with the activities of the different members during the year; sometimes one will get more and sometimes the other, although the holdings are exactly the same. We have a number of companies of that kind, and I really think they should have this option, if the minister can see his way clear to adopt it.

Mr. BOIVIN: I agree with what has been said by both hon. gentlemen; I think these companies should not be treated as a corporation if they desire to be considered a partnership. It was our idea that we had pretty well covered every possible case. I may be wrong, but I think the case mentioned by the hon. member for St. Lawrence-St. George would come under the second part of the definition, which says:

> —a corporation. . . . eighty per centum of the stock of which is owned by persons actively employed in the business of the corporation or by such persons and their families.

Take a case where the owner of a store or any trading corporation, desiring to interest his employees in the business, gives them a certain number of shares which are not transferable and which cannot be sold to the public on the stock market. He brings these people into the business; he wants their continued interest, support and assistance. It is not necessary that they should be relatives, nor is it necessary that they should be members of the same family so long as they have an interest and are actively engaged in the business. That company would come under the terms of this act as a family corporation.

Mr. CAHAN: Would the minister allow me an interjection? I am dealing now with the class where 80 per cent of the stock must be held by persons actively employed in the business or by such persons and their families. If I were in my own office I could give a list of at least a dozen companies each carrying on a small manufacturing business in a country town. There will be two or three employees who have been the clerks and officers employed in that business, and the real owner of the business may have made provision in his will giving 20 per cent or even 25 per cent of the stock to his employees by way of remembrance and providing that the employees, while they remain in the business, shall have the option of buying the remaining shares at a certain rate from the estate. Many companies of that kind have been formed during the last few years, and if the second part of this clause were made to read 50 per cent it would cover quite a number of the cases I have in mind, but 80 per cent is a very large proportion. I know of some companies doing business in small towns in Quebec where the owner of the business has died and the employees have gone to one or two local people of importance and secured from them the financial assistance necessary to buy out the concern. Some change such as I suggest would assist very much in promoting the small industrial undertakings of our smaller towns and villages.

Mr. BOIVIN: I can assure my hon. friend that I see the force of his argument. I think most cases where the original owner of the company had died and his business was transferred, as I think my hon. friend suggested, in a major portion to his heirs, but in a certain portion to his employees, who might not have sixty per cent of the stock, would be covered by the proviso that 75 per cent of the stock would be held by members of one family.

Mr. CAHAN: It is usually put in trust.

Mr. BOIVIN: I understand that. What I am prepared to say to my hon. friend is this: We do not want to create any hard-

ship. We do not want any concern which in reality is a partnership, which has been formed into a corporation for legitimate reasons, to suffer under the terms of this act and if any such case as that suggested at this moment as an example by my hon. friend, is brought to our attention during the course of the present fiscal year, instructions will be given to the Commissioner of Taxation to withhold the levy, and at the next session of parliament this clause will be amended in a way which will meet that particular case. But you must give us a chance to gain some experience in the nature of the cases that will be presented to us. Also you must not get away from the idea that in all joint stock companies where the stock is not all held by the members of one family, or by former partners in the partnerships, then there enters into the administration of the company at least a different mode of accounting. Then salaries are paid to the directors of the company. Then the manager of the company is operating and administering property which belongs to somebody else. The directors are working both in their own interest as shareholders, and also to earn their salaries as directors of the company.

Mr. CAHAN: Why not make it 60 per cent, instead of 80 per cent? That would make it perfectly clear that those who are actively employed in the business of the company own a clear voting majority of the stock. That would overcome that objection. If you make it 60 per cent for the present year, at the end of this year the Commissioner of Taxation will have before him a complete list of all such companies, and will be able to suggest such amendments as would deal fairly with them so as to prevent any imposition by persons who were not in good faith carrying out the provisions of the act.

Mr. BOIVIN: I would be disposed to accept the suggestion made by my hon. friend were it not for the fact that this afternoon he protested very strongly against retroactive legislation which would make the tax more instead of less. I would prefer to have our retroactive legislation next year reduce the tax instead of increase it.

Mr. CAHAN: It would only increase it for the future.

Mr. BOIVIN: But for the present year it would increase it. What I want to say to my hon. friend is this, and the only objection there is to accepting his suggestion at once is that if you make it 60 per cent, you would place two or three employees in the position of forming a partnership and then going to the general public and selling 40 per cent of their stock. When that 40 per cent of the stock was sold to the general public, they would still be, in so far as the Income Tax Act is concerned, in a position where they could optate to have their profits taxed as a partnership, and I am sure my hon. friend does not want that to happen. He does not contend that the men who go to the public and sell 40 per cent of their stock should be placed in a different position from any other industrial corporation.

Mr. CAHAN: I would obviate that by taking the definition of private company, which prevents the sale of the stock except under very grave restrictions. I do not think that allowing three or four old employees to go to their neighbours and secure assistance from them, they purchasing a minority share of the stock, would create any difficulty which could not be overcome very readily. If you wish to limit it, limit it as to the amount of capital. But as to these smaller companies, where you have men who are really in a partnership and some other person coming in with a limited partnership, it would apply in exactly the same way. They come in for the purpose of assisting local industry, and for the purpose of assisting temporarily those who are actively engaged in the business locally. I am sure if that were reduced, even if you reduce it to 60 per cent, it would give relief to such cases as I have in view because in all these cases the employees would own at least 60 per cent of the stock within a year or two.

Mr. BOIVIN: I do not think there would be very much hardship, because I am sure my hon. friend will admit that in every case where the profits of that company are more than $12,000 there will be no incentive and no reason for these people not to pay as partnerships, because they will be saving money by doing so. If the company decides to pay the company tax, which is 9 per cent, it will be paying a greater tax only in the case of incomes under $10,000. If the income of the company is more than $10,000, it will suit them better to pay the 9 per cent than it would to decide to pay as a partnership.

Mr. CAHAN: I cannot follow that quite.

Mr. BOIVIN: I think my hon. friend will admit that the company tax is 9 per cent, no matter what the profits may be.

Mr. CAHAN: Yes.

Mr. BOIVIN: Next there is a $2,000 exemption for companies, and the tax is payable on all profits over $2,000, so that the profit must be $12,000. The profit is $10,000 plus $2,000 before the company tax becomes less than the normal tax. For the smaller companies, the company tax is a hardship, and they would be better off if they paid the ordinary individual tax. For large companies the company tax is a benefit. I think my hon. friend will find that all these companies to which he refers, where they are making more than $12,000 a year, would be very pleased to keep on paying the company tax of 9 per cent. They will place their surplus aside and pay no tax whatever on it; they are not obliged to pay one cent on their dividends until they are distributed. If there is that intimate personal interest in the company that my hon. friend referred to a moment ago, if these are partnerships where the partners are striving to get the shares of the deceased owner, I think they are really family corporations in the real sense of the word.

Mr. CAHAN: No—

Mr. BOIVIN: "Family corporations" as defined under the act. Perhaps we might have found a better term. But I think my hon. friend will admit that there are very few of these corporations that are going to optate to pay as partnerships. Most of them are going to pay as corporations. I repeat to my hon. friend again, if there are any corporations which are in reality family corporations who come to the Commissioner of Taxation, and who make the option of paying as partnerships and who cannot be allowed so to pay under the act, their case will be held in abeyance. It will not be decided by the minister, but will be held in abeyance and brought to parliament next year, and an amendment will be made which will cover every individual case which has merit. I hesitate to accept the amendment of my hon. friend making it 60 per cent for the reason I gave a moment ago. It will enable people to go out and sell 40 per cent to the public if you limit them to the definition in the Companies Act that my hon. friend read. There will also be additional hardship in administration because companies which are not family corporations at all, and companies which are not composed of individuals who were formerly partners could come in and take advantage of the act. We do not want them to do that.

Mr. CAHAN: Would the minister make it 75 per cent in both cases?

Mr. BOIVIN: I am informed by the officers of the department who have reviewed all the income tax returns for the past few years, that all cases are covered by the 80 per cent, and that it is a fair proportion. However, as I promised my hon. friend, if it is found that there is unfairness in the clause as it stands, it will be corrected next year even before the tax is paid.

Mr. EULER: Will there be any discrimination, for example, in the case of shareholders of companies affected who are not all resident in Canada?

Mr. BOIVIN: No, there is nothing in the bill which says that shareholders of a company must be all resident in Canada. They must be all members of one family or persons actively employed in the business, one or the other.

Mr. EULER: Is there a definition of what constitutes the members of a family?

Sir HENRY DRAYTON: I take it the wording in the bill really means they must be relative?

Mr. BOIVIN: Yes, I would say relatives. Subsection 7 of section 8 of the act provides that the decision of the minister upon any question arising under the subsection, including any question as to the application of the term "family corporation", shall be final and conclusive. I can assure my hon. friend that the clause will be very liberally interpreted so far as relatives are concerned.

Section agreed to.

Sections 9, 10, 11, and 12 agreed to.

Bill reported, read the third time and passed.

## SPECIAL WAR REVENUE ACT, 1915

The House resumed from June 7, consideration in committee of Bill No. 115, to amend the Special War Revenue Act, 1915.—Hon. Mr. Robb—Mr. Duff in the chair.

Mr. CAHAN: Before proceeding may I ask, just for information, whether Bill No. 147, to amend the Income War Tax Act, 1917, has passed the committee?

Mr. BOIVIN: That is a private member's bill, which appears on the order paper as a public bill. It was introduced by the hon. member for Toronto Northwest (Mr. Church) and stands for second reading.

Mr. MACKENZIE KING: It is not likely to be reached this session.

The CHAIRMAN: When Bill No. 115 was last before the committee we were considering an amendment moved by Mr. Robb to section 9.

Mr. STEVENS: Mr. Chairman, if you would announce to the committee that the amendment you are reading is not in the printed bill we shall have a better understanding of what we are doing.

The CHAIRMAN: I may say that all the clauses in Bill 115 were passed either at the last sitting of the committee or at a previous sitting. The Minister of Finance at the sitting of June 7 proposed an amendment to section 9, and that is what we are now considering.

Mr. POWER: Is it the same amendment that was proposed two or three days ago?

The CHAIRMAN: Yes. It is in Hansard of June 7.

Mr. MEIGHEN: The time seems to be opportune to ask the government again what further amendments they propose to the budget of the year, and when they will be announced?

Mr. ROBB: I have no others in contemplation.

Mr. MEIGHEN: I need only add that the answer of the government to any queries of this sort is useful only as indicating that the opposite to what the government informs the House is likely to take place. I cannot say I am surprised at what the government has done in proposing this amendment, nor is my state of mind affected one way or the other by the several assurances which came from various members of the government many times: first that amendments were not contemplated at all or intended, next that there would be none, and lastly, and in the most solemn possible form from the Minister of Finance, that there would be none that would be substantial, and that if there were any they would just be a change in wording so as to make clear something about parts. All these assurances have gone the way of all assurances this government ever gave. They have proven to be wholly without any purpose, at least without any effect save to mislead the House, and to be wholly falsified by events. In a word they have been in every way worthy of the administration. Nor am I surprised at the character of the amendment itself. It is just about the kind that of retreat which one would expect this government to choose. One would never expect it to come out of the front door and admit it is wrong, but if there is any chance of escape out of the back door, under cover of an umbrella, that is the course the government will always pursue.

I am not at all out of sympathy with the object of the amendment; in fact its object is in line wholly with the central policy of the Conservative party, its historic policy. The government's course is merely a camouflage surrender to the principles which they have for many years denounced and to the men whom politically they have for many years derided. The way this should be done, as everybody knows, would be to restore the duty, pending investigation, to where it is placed by this amendment, at 26 per cent or slightly over, on lower priced automobiles, and then remove the excise tax. Then, if anything be needed to further ensure a larger proportion of manufacture in Canada, it should be done in a straightforward way by the duties being further adjusted against importation of parts. This would be the frank and correct way, and the people would understand it, but it is just because the people would understand it that the government does not choose such a course—no other reason in the world. The excise tax is to be removed. All right, remove it in a straightforward way, and make what is left the duty. When you remove the excise tax on goods made in Canada and leave it on goods imported from the United States, then it is an excise no more; it is a duty. But the government want it called an excise in order that under such miserable camouflage they can can escape. That is the whole idea of this amendment. I would be delighted to support it if the government would reach the object in a frank, open way: put the duty at 26 per cent and remove the excise tax on automobiles under $1,200. Why is it not so done? Does any hon. gentleman suggest any other reason, save that they want to confuse the people of Canada? They want to secure by subterfuge and indirection what they have not the courage to secure by the open straight-forward way. What is to be thought of an administration which boasts of its hostility to protection—that is, boasts of it where they feel the cause is not strong and not popular, but is ready to secure all the protection possible as long as it is called "safeguarding;" an administration which is opposed to duties as such, but is ready to get duties as long as you call them "excise"? Such is the position of this government. And when they bring the amendment in they stand up and say: "Now we are ready to put this through, but if by any chance our precious political lives are imperilled we are ready to repeal or to withdraw it." If the

supine and spineless could go further than that, I have never witnessed it in my life. Is there anything but the jelly-fish in the whole conduct of the administration on tariff matters? If this is essential, if this be the true mind of the government, why do they not come forward and declare it to be government policy and stand or fall by it, instead of holding it as a sword over the committee, saying, "If anybody opposes it we will drop it. It is right; we ought to do it, but it is not half as right as that we should be in power. It is valuable, but not half as valuable as our precious political lives." This is the attitude of the administration, and hon. members will not be deceived, and I hope the country will not be deceived, although certainly the government will endeavour to deceive it. This is merely the restoration of the duty to 26 per cent and the removal of the excise tax. That is all. The excise tax was not there for the purpose of raising the duty on automobiles. It was there to get revenue for Canada out of automobiles instead of having to get it out of what were considered more acute necessaries of life. If the government feel they can do without the revenue, well and good; let them do without the revenue; let them remove the excise. If they feel that the duty has to be reimposed in order to retain the industry in this Dominion, they will be supported by every member on this side of the House. They tell us that this is going to secure the manufacture of these goods in Canada. It is the duty that secures the manufacture in Canada. If the manufacture consists more than it should of importation and assembly, then the frank, open way to remedy that situation is by a duty on the parts, thereby providing for manufacture of the parts in Canada.

The hon. member for North Waterloo (Mr. Euler), who is following me closely, knows this just as well as I; he knows that this is a camouflage; that it is intended to mislead and confuse the people of this country; that it is put in this form in order that ministers of the crown may go out and say: We reduced the tariff on automobiles to 20 per cent, when they did not do so. It is done in order that they may go out and say: We have cheapened them, and in order that they may pretend that they have cheapened them at the expense of the manufacturers when really they have cheapened them at the expense of the treasury of Canada, or in other words at the expense of the taxpayers of this Dominion.

All I rose to say was this: When we have a government taking a course and asking the House to follow it, let that course be taken in the straightforward way, in the way the people will understand. Do not let it be taken in a circuitous way, by the subterfuge such as this, which leaves the law in such shape that we have a duty of 26 per cent, 6 per cent of it being called an excise tax when it is not an excise tax at all. In a word the government is calling a duty "excise" in order that the people may not understand what is being done, the government thereby being relieved, so they hope, of the ignominy into which they have brought themselves.

Mr. MACKENZIE KING: I take direct exception to my right hon. friend when he says that the government in this measure is proceeding in any indirect or circuitous way to attain an object which it has had in view with respect to all tariff changes which have been made during this sesion. The one object underlying the changes in the tariff this session has been to make commodities cheaper to the consumers of this country. The automobile is a necessity to practically all branches of industry and trade and to consumers in a large way; we have been endeavouring to make that particular commodity available at a lower rate to the consumer. We have sought to do that first of all by a reduction in duty. We are seeking to take a step further in the same direction by the removal of a war tax hitherto imposed upon automobiles of $1,200 and under when manufactured in Canada. My hon. friend admits that that will be the effect of removing the excise at the present time. If that is the effect it is attaining the object this government has had in view in the tariff changes which have been introduced.

The customs duty on automobiles of $1,200 and under has been cut 15 per cent. That cut remains 15 per cent and my right hon. friend by no argument of any kind can refute that statement. The tariff is there; it is printed so that everyone can read and make comparisons for himself, and the fiscal statement as it will appear after this budget has been adopted will disclose two facts, first, that the tariff on automobiles of $1,200 and under has been reduced 15 per cent, and that in addition on cars manufactured in Canada a 5 per cent war tax has been removed, which benefit the manufacturers of automobiles have undertaken to see is passed on to the consumers by way of an equivalent reduction in the price.

It has been stated that possibly the manufacturers will not keep their word in that particular. I for one am prepared to accept their word at the present time. But if it

is found that they do not keep their word in that particular, the government has at hand a remedy that can compel them to keep their word in a manner that will still further help the consumers of this country, and that is by removing the war tax on all cars of $1,200 and under, wherever manufactured. The government has power to do that by order in council without legislation because in this particular we can lower although we cannot raise taxation by order in council. If automobile manufacturers do not give to the consumers of this country the full benefit of the reduction in excise which we are making at the present time, this government by order in council will remove the 5 per cent excise on all cars of $1,200 and under. Having said that much, may I add this? My right hon. friend, I believe, desires to help the manufacturers of this country, but we on this side of the House are just as anxious as my hon. friend to help the manufacturers of this country. Hon. gentlemen opposite think the only way in which to help the manufacturing industry is by increasing tariffs, putting on more protection.

Mr. MEIGHEN: That is what this is doing.

Mr. MACKENZIE KING: To-night we are showing by this method that we can help the manufacturers by taking off taxation. There is a great difference between imposing a tax to protect an industry and removing a tax in order by so doing to help consumers and incidentally to help manufacturers as well, as I believe and hope this will do in the case of the manufacturers of automobiles in Canada. If the removal of this excise tax tends to create a large demand for automobiles because of their selling at a lower rate it will certainly help that industry and ought to be beneficial to the automobile manufacturers. We believe it will have that effect. Just as we discovered that owing to the lower cost of agricultural implements the demand increased, so we believe with a lower cost of cars, the demand will increase.

My right hon. friend says a great deal at different times about manufacturing in Canada, about encouraging manufacture in this country. This is the removal of a tax affecting the product of Canadian industry. We are allowing the tax to remain on the product of United States industry; we are helping our own industry in this Dominion in a way which assists the consumer and the manufacturer at the same time. If an object of that kind is not laudable and worthy, I should like to know what object could be laudable and worthy. Again I repeat

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that the change which the government is making at the present time is in the direction of the budget as introduced which aimed at removing taxation. The tariff has been reduced 15 per cent on automobiles of $1,200 and under. That reduction remains as it is, and now we are proposing this further removal on cars manufactured in Canada, of a 5 per cent tax which was imposed in time of war. May I add that to enjoy this immunity from taxation the cars manufactured must represent manufacture to the extent of at least 40 per cent for a year and 50 per cent thereafter in Canada, which means additional employment to and of labour in this country. That is another very important item. These are the objects which the government has had in view, and they are objects which should commend themselves to this House irrespective of party.

Mr. MEIGHEN: If anything was necessary to improve on the presentation which I made of the actual effect of what has been done and also its character, if anything was necessary to supplement what I said, the Prime Minister has supplied it. I stated that this was being done in this form with the effect of leaving a duty of 26 per cent on automobiles of $1,200 and under and at the same time enabling members of the government who do not want the people to understand that effect to say that those same automobiles had a duty of only 20 per cent. That is exactly what the Prime Minister has said to-day. On an automobile under $1,200 coming into Canada a duty of 20 per cent has to be paid and as well—

An hon. MEMBER: Hear, hear.

Mr. MEIGHEN: Yes; wait for the next "hear, hear." In addition 5 per cent has to be paid on the imported value for customs purposes plus the duty. This means 6 per cent more on the imported value for customs purposes. This 6 per cent is called an excise tax although it is not because it is not levied on the home-made article and it cannot be called an excise tax unless it is levied on the home-made article. Because it is called an excise tax when it is not, the Prime Minister stands in his place and says, "Only 20 per cent has to be paid." I ask hon. members opposite of open mind, could anything be a more miserable subterfuge than that? Exactly the same dollars and the same cents are paid on every imported automobile under $1,200—exactly the same as if the duty was 26 per cent.

Mr. MACKENZIE KING: Certainly, on every imported automobile; but we are speaking of the cars manufactured in Canada.

Mr. MEIGHEN: What can the duty be on except on the imported automobile? Every imported automobile pays a duty of 26 per cent, and the Prime Minister now says, "Certainly." Never let him say anything else. That is precisely what has to be paid. Therefore there is protection of 26 per cent, and the government has retreated to that extent. But what I am objecting to is not its retreat, I am objecting to the covering of that retreat, to the deception of the Canadian people.

"Now," says the Prime Minister, "this excise is going to be reflected in the lower price;" and he adds that I admit the fact. Certainly I admit it. I have not the least doubt the manufacturers will carry out their undertaking. But I suggest to the government: if it put the duty to 40 per cent, the manufacturers will give the same undertaking exactly that the taking off of the excise will be reflected in lower price. Then we would have far more automobiles made in this country, almost half as many again, and we will have a still lower price.

Now I ask the government, as it is ready to take the word of the manufacturers that they will reduce the price by the excise in the present case, why will it not take their word in the other, and so secure the making of all the goods in this country? This though is another phase of the discussion which, while it is valuable to enter upon, takes the attention of hon. members from the character of this amendment, from the cover under which the government seeks to beat this retreat in order that the people of Canada will not observe the shame into which it has brought itself. Let me repeat, what should have been done and what would reach precisely the same end would be frankly to say: We have a duty now of 26 per cent on imported automobiles; that is quite right and proper. We have no more excise tax on any automobiles. Very good, if you want that we have no objection. It reaches precisely the same end, and that is the way the government should word its amendment. And wording its amendment in that form, I believe it would secure the overwhelming support of this House. The only reason the government does not do it is in order that unscrupulous speakers on the other side may stand before the electors of this Dominion and boast falsely that this government has reduced the tariff on automobiles to 20 per cent when it has done nothing of the sort.

Mr. MACKENZIE KING: There is just one circumstance of my right hon. friend's reasoning that I should like to draw to his attention and to the attention of the House. If it be correct to say that by taking off this tax of 5 per cent we are increasing protection to that extent, by the same process of reasoning my right hon. friend should have spoken of the previous tariff rate not as 35 per cent but as really 40 or 41 per cent.

Mr. MEIGHEN: No.

Mr. MACKENZIE KING: Exactly. According to my right hon. friend's reasoning we have been paying all along 41 per cent; we are now reducing it to 26 per cent.

Mr. MEIGHEN: I am almost ashamed to rise to answer a contention of that sort.

Mr. LAPOINTE: No wonder.

Mr. MEIGHEN: Protection is a charge against the imported article which is not charged against the home article. The charge now against imported automobiles is 26 per cent, which is not against the home article at all; so the duty is 26 per cent. Before the charge against imported automibiles was 35 per cent, which was not against the home article; so the duty was 35 per cent.

An hon. MEMBER: Plus.

Mr. MEIGHEN: Plus nothing. Again I apologize to the committee for explaining that two and three are five.

Mr. CAHAN: Mr. Chairman, I congratulate the government upon its adoption of the protective policy. I would suggest that they can place the industries of this country in a strong and stable position if they will proceed further with their present policy and remove the excise tax from all products of Canadian industry, retaining the tax on importations of similar products.

Mr. MACKENZIE KING: Will my hon. friend agree that the government is adopting a protective policy if it now proceeds to remove from American cars the tax that we have just removed from those of Canadian manufacture?

Mr. MEIGHEN: No.

Mr. MACKENZIE KING: That is what we are doing.

The CHAIRMAN: Carried.

Mr. CHURCH: Mr. Chairman—

The CHAIRMAN: Order.

Mr. CHURCH: I think I am in order, Mr. Chairman. At the present time the automobile industry of Canada simply consists of assembling plants, the various component parts being brought in from the United States. It is no use for the Prime Minister to blow hot and cold on this question. There is such a thing as protection not only for automobile parts, but for the whole car. I contend that what we need to make this a key industry is the imposition of such tariff protection as will result in the manufacture of every part of the automobile in this country. I contend that this is practically a second budget and the government has not played fair with the automobile industry. By their unstable tariff policy they are driving our motor mechanics across to the United States. I am quite in order in speaking to this matter. This resolution was in committee and you cannot consider the resolution without considering the amendment as well; they are all interlocked and related to the automobile industry, which has been ruined and destroyed by the present government.

Amendment agreed to.

Mr. BURY: Would the Minister of Finance (Mr. Robb) say whether he has considered, as he promised to consider when this question was up before, the matter of excepting building materials from the sales tax? The Minister promised to give that suggestion consideration, in the interests of settlers.

Mr. ROBB: As my hon. friend knows, that is a pretty wide question. I recall now that my hon. friend referred particularly to lumber, but lumber is not the only building material. The officers of the department are studying the subject now; we have power to do that by order in council, should we so decide.

Mr. ARTHURS: Some time ago I called the attention of the Minister of Finance to the fact that settlers having their own logs sawn had to pay sales tax.

Mr. ROBB: I do not think so.

Mr. ARTHURS: It is being collected.

Mr. ROBB: I will direct this matter to the attention of the minister administering the act. I recall that when Sir Thomas White introduced the act he thought that should not apply.

Mr. ARTHURS: This tax has been collected continuously in my county. During the budget debate I drew the minister's attention to the fact, and I suggest now that it would be just as sensible to charge a tax on the threshing of grain as to charge sales tax on the logs a settler has sawn up for his own use.

Bill reported.

Right Hon. W. L. MACKENZIE KING (Prime Minister): Mr. Speaker, I move that we proceed now to order No. 25 of public bills and orders.

Motion agreed to.

## CANADA GRAIN ACT AMENDMENT

The House in Committee on Bill No. 8 to amend the Canada Grain Act (warehouse receipts)—Mr. Campbell—Mr. Duff in the Chair.

On section 1—Contents of warehouse receipts.

Mr. KENNEDY (Winnipeg): The bill now before the House is to my mind of such importance, particularly to western Canada, that I feel I owe no apology to members of the House, coming as I do from the city of Winnipeg, for taking the time necessary to discuss it and to explain its import.

Both sides of this House and all parties are one in their pride in respect to the position held by Canada to-day in the grain trade of the world. Canada stands in the very vanguard as an exporter of wheat, and to appreciate the importance of her position in that regard it is but necessary to state it. To-day the world wheat crop amounts to approximately three billion bushels. Much of the wheat is consumed by the countries producing it, and the number of wheat exporting countries is comparatively few. The amount of wheat required by importing countries over and above what they themselves produce is roughly seven hundred million bushels. Of this huge total Canada alone supplies about three hundred million bushels, or approximately half. Other countries together supply the balance; Argentina two hundred million bushels; United States one hundred million bushels; Australia ninety million bushels, with the remainder coming from the Danubian states, India and other small exporters.

It must be at once apparent to the House that in the building up of such a tremendous wheat export Canada must have developed machinery and handling equipment for that trade which represents a very considerable investment. In round figures the amount of private capital invested in plant and equipment for the handling of that export trade is

$85,000,000. This represents the investment by private companies in country elevators, terminal elevators and incidental equipment. Until at least three years ago the whole of this export trade was handled by what I may call private grain companies in close competition. The heart of the trade is Winnipeg, and its ramifications extend throughout the prairie provinces, their purpose being to gather the wheat crop of the prairie provinces and to convey it to terminal ports in order that thereby it may reach the markets of the world. Never has it been a monopoly. This trade has been carried on by companies entering into the keenest sort of competition.

Within recent years the movement in the west toward the co-operative marketing of grain has materialized and within the last three years there has appeared above the horizon in western Canada a new competitor. That new competitor is known in common parlance as the wheat pool. Let me remark here that so far as the wheat pool is concerned I as a western Canadian, I as a Canadian, cannot, nor do I, take any exception to the object it has set out to achieve. In so far as the purpose of the wheat pool is to gather and carry the produce of the western farmers to the markets of the world at as cheap a cost as possible, I am in entire accord therewith. The only question at issue, so far as this bill is concerned, is by what means shall it secure the object which it has set out to attain. It is this association known as the wheat pool that sponsors this bill No. 8. I shall refer to the grain trade, apart from the pool, in general terms as the grain trade. The grain trade oppose this bill because they see the effect of it is to imperil their investment by a means not available to the ordinary competitor, but by means of legislative enactment. When I say the grain trade takes exception, I am referring not to a trade that has been a discredit to this country, but to a trade that has been developed in this country throughout the many years that wheat has been produced and is generally recognized as being conducted in a very efficient manner.

The pool and the grain trade take issue on this amendment. This House is asked to decide between the two, and for that purpose I here and now wish to state the facts as I understand them after some investigation of the situation, and I hope I speak with some knowledge of it. I wish to state the facts merely as they are and leave to this House the matter of judgment. Before proceeding further it might be well to look for a moment at just what is the existing relationship between the producer of grain and the grain trade to which I am referring. Is the producer of grain to-day, without this amendment, at the mercy of the grain trade? Their relationship is regulated by the Canada Grain Act, administered by a Board of Grain Commissioners, a public body appointed by the government. Now comes the pool and asks that the Canada Grain Act be amended as set out in Bill No. 8. In order to appreciate the purpose of this amendment, as well as its effect generally on the grain trade in the west, it is necessary, chiefly for the benefit, if I may say so, of those members of the House who come from the east, to make just a brief survey of the method by which the grain is collected on the western prairies and transmitted to the terminal ports whether they be at the head of the Great Lakes, Vancouver, Prince Rupert, or Duluth.

With a crop the size of the Canadian wheat crop, which last year was approximately 430,000,000 bushels, every member will at once appreciate the fact that it is necessary to establish warehouses where this grain may be stored, in two places: first, throughout the country, secondly, at the terminal points. If any member of this House desires to enter into the business of handling grain effectively, he must do this: he must establish terminal elevators at some terminal port, and he must also establish lines of elevators throughout the country to gather the grain in order that that grain may be fed into his terminal elevator. If any man entering the grain business invests his money in a terminal elevator without investing also in feeders throughout the country, there is only one end, and that is his terminal elevator will fail to get the grain from the country, and he must go out of business. Therefore he builds as feeders the country elevators, which collect the grain in competition with the elevators of competing companies, and having so collected the grain, their purpose is to carry that grain where? To the terminal elevator of his particular line. It is axiomatic, therefore, that if by any process of legislation or otherwise you commandeer the capacity of his country elevators, and having so commandeered it, take the grain that is stored in his country elevators and divert it from his terminal to the terminal of a competing company, you are thereby forcefully taking away business from his company, with what result? At first, loss of profit on his investment, and eventually, if carried to its logical conclusion, bankruptcy of his concern. If hon. members have followed that, I would like to say here, that just such an outcome is the tendency of this amendment. If I have money invested in a terminal elevator at Fort William, we will say, a ter-

minal elevator of 1,000,000 bushels capacity, that will cost me approximately $1,000,000, and if I have a like amount or double or half the amount invested in country elevators acting as feeders to that terminal, then if by legislation you force my country elevators to feed, not my own terminal, but the terminal of a competitor you thereby do me injury. If that effect is brought about by open competition I can have no complaint. The grain trade in the west acknowledge that. They say that if their competitor, the pool, by virtue of erecting terminal elevators at the points of export and by virtue of erecting or acquiring country elevators, secure a share of the grain trade and take it to their own terminal elevators, they accept that as being fair competition. But they do take exception to this House putting through the present bill which says in effect "you the private grain trade, with money invested in terminal facilities and in country elevator facilities, must accept into storage in your country elevators the grain of members of the wheat pool and not only that but at their direction, having so stored the grain in your country elevators, you must divert it from your terminals to their terminal which is the terminal of a competitor." I appeal to the fairness of this House, altogether apart from political expediency, I appeal to the business judgment of hon. members, to say if that is a sound business proposal?

Now, what reasons do the pool advance for the passing of legislation such as this? They state a principle and one which meets with popular approval; they state a principle to which I can take no exception. The wheat pool in western Canada is an association of producers of grain controlling to-day at least 50 per cent of the wheat of the west. Having so associated themselves for the purpose of marketing their own grain they say: We the growers of grain have the right to associate ourselves as a co-operative institution for the purpose of gathering our grain into warehouses or elevators in the country and storing it there until such time as we are ready to ship it, and having so stored it to maintain control over that identical grain and ship it from any elevator in which it may be in the west direct to the pool terminal. I accede at once to the soundness generally of the proposition that they have the right, as an association of wheat producers, to gather their grain, store it in country elevators, maintain the identity of that grain, maintain custody over it throughout, and ship it to their pool terminal. But the question arises at once how they are to effect that purpose. Supposing the Minister of Agriculture, if I may take him as an example, decides that he will go into the business of handling, exporting and selling grain in the markets of the world, how would he proceed? I take it that he would have to proceed without any special legislation from this parliament. He would have to proceed in the way that every other private grain company in the west built up its trade. He would establish a plant of elevators both terminal and country, terminal elevators to store the grain which his country elevators would collect throughout the prairie provinces. How far would the Minister of Agriculture or any other private individual get if he or they acquired terminal elevator capacity at the head of the lakes, or at Vancouver, or at Duluth, and then said to me as a competing company or to any other private line company "I have capacity for the storage of grain at the head of the lakes, or at Duluth, or at Vancouver, or at Prince Rupert. Now I want grain to feed to my terminal elevator"? If he did that how far would he get? Would I, through my country elevators ship the grain I have collected to his terminal elevator? Would any other private operating company do so? No, not a bushel would he get. He would be bound, therefore, to enter into competition by a system of gathering elevators throughout the country, collecting the grain from the farmer, and then feeding his terminal. The grain trade say that the pool should proceed by the same method. But is it proceeding that way? Having first sold the idea of the pool to a considerable portion of the western farmers it binds them upon contract to do what? To deliver their grain to the pool. The question then arises: How shall this grain that is contracted by farmers to be delivered to the pool reach the pool terminals? The solution is along the lines of ordinary competition, and this would be the procedure: The pool, having decided to go into the grain handling business, and having acquired terminal space at points of export, would then proceed to erect gathering elevators throughout the country, known as country elevators, and it would be through such elevators that it would feed its terminals. But so rapidly has the idea of the pool grown that it finds itself with more grain under contract than it has country elevator capacity to handle. Therefore instead of at once proceeding to build sufficient country elevators to collect the grain from all pool farmers, it now seeks to take a short cut which is not the line that can be taken by an ordinary competitor. And so it conceived the idea

that it would get legislation passed so that it could say to the private line companies, "You must not only accept pool grain for storage at country points as you have to do at present under the act, but you must send it to such terminals as the pool farmer directs you to send it, not to your terminals at the head of the lakes, or at Vancouver, or at other points." Where will the pool farmer, under these circumstances, direct the private line companies to send the grain? The answer is obvious—to the pool terminal. Pool members will tell you frankly that is the purpose of this legislation. If you read it you will see that it gives the owner of grain the right to demand delivery in two places—either at the country point, where stored, or on track in cars at the terminal elevator which it sees fit to name, which is in fact the pool terminal elevator. I want hon. gentlemen to note this fact—because it is a matter of considerable importance, and I appeal to the fairmindedness of those who have invested money in private enterprises—that if this bill goes through, a pool farmer can come to me, if I am the owner of a line of country elevators and terminals, bring in 1,500 bushels of wheat and say to me: "Store my wheat." I have to take it, as I do now under the law. He can come back in ten or fifteen days or two months, if the grain is still there, and say to me: "I want you to ship that grain to the pool terminal at Fort William." I would do that as the act now stands, provided he accepted delivery at that country point and took the chance of leakage and other hazards en route. But if this bill goes through, he can say to me: "I want you to deliver that grain not at your terminal but to the pool terminal, and you have to guarantee my weight and grain at the pool terminal." That is the situation. Under the existing act he can drive to my elevator in the country and say to me: "What grade will you give me for this grain?" I say: "No. 2 northern, a certain per cent dockage." If he in his experience and judgment considers that that is the proper grade and proper dockage, he will say: "Agreed; take it in store." I have got to take it in store. As the law now stands I am responsible for the safe keeping of that grain. I give him a warehouse receipt which certifies that I have received into store at that country point 1,500 bushels of No. 2 northern wheat, with a certain dockage. I must keep that in store; but if I need extra space in my elevator I have the right, upon giving him forty-eight hours' notice, to ship that wheat to some terminal point; or he himself can come in at any time the grain is in storage and, having ordered a car, order it loaded. According to the practice of the grain trade at present, when I ship it from my country point to my own terminal elevator I guarantee to him at the terminal point grade and weight. That is as the law now stands. Having received into store at the country point 1,500 bushels of No. 2 northern, I must deliver to him at my terminal elevator at any terminal point he may name a warehouse receipt calling for the same weight and grade of grain. But mark you, under the existing law I can afford to do that. I can afford to guarantee him weight and grade at the terminal point, because not only have I got the handling charges of that grain at the country point, which are fixed by law, but having transmitted it to my terminal I have there the benefit of the additional charges for handling and storage. There is no member of the pool but will acknowledge that the profitable end of the grain business is at the terminal elevator. That is the most lucrative part of the business.

Some hon. MEMBERS: Hear, hear.

Mr. KENNEDY (Winnipeg): I observe that hon. members agree. Now if by legislation you divert the grain from my country elevators to the terminal of the pool, which is a competitor of mine, what do you do? I handle the grain only at the country point, which is the least paying portion of the handling. How will that affect the grain trade in the west?

Mr. SPENCE (Maple Creek): Why?

Mr. KENNEDY (Winnipeg): The hon. member asks me why. I am prepared to discuss it, but frankly I do not want to labour the question before the House. I appreciate the courteous hearing which has been accorded me. I am a new member and diffident about taking up too much time, but this question is of such vital importance to the west that I press it. Without any intention of being discourteous, I would ask hon. gentlemen to make a note of their questions, and when I have finished my argument, to submit them to me, when I will answer them frankly and candidly, so far as I am able.

I want hon. members to follow this and understand it. Those in favour of this legislation will endeavour to impress you—and perhaps they will succeed—with the argument that there is justification for that diversion of the grain from my country elevator and my terminal to their terminal. They feel confident, I have no doubt, that they can

advance reasons for that diversion. As to that I will speak a little later, but at this point I want to bring home to hon. members of this House the fact that my grain handling plant is an economic entity, consisting of terminal capacity and country elevator capacity. My money has been invested in a system of grain handling whereby, in effect, the practice has been for me to gather grain in the country and transmit it to my terminal. That is why I built the terminal and the country elevators. They now ask that a change in the manner of handling that grain be brought about by legislation, with this effect: that every pool farmer or other farmer who stores grain in my country house can come to me any say: "Kennedy, I want you to send that grain which you have in storage in your country plant, not to your terminal elevator but to the pool terminal." What is the effect? It must be obvious. If hon. members agree—and I know by their attitude that they have agreed—that the profitable part of my plant is the terminal plant, then every carload of grain which, under ordinary circumstances would be fed to my terminal plant by my country elevator, is diverted from my country elevator to their pool terminal elevators, is a loss of business to my terminal and a gain of business to theirs. I want hon. members to observe that in the handling of grain the pool is a competitor and a real competitor. Is that proceeding along sound business lines of legislation?

If the private grain trade of the west had a legislative monopoly on the gathering of grain there, well might an organization of farmers such as the pool come to this House and say: You by legislation have given a monopoly of gathering grain in the west to private grain companies. We now demand legislation whereby we can get to our terminal elevators at least that portion of grain which belongs to the farmers who have entered our pool. If that were the situation I would not have the temerity to stand here for one moment to-night to oppose it, but that is not the situation. The grain trade of the west is not controlled by any legislative monopoly; it is being handled, as I say, by men who have risked their millions by way of investment in building up the business. They say to you to-night and they say to the pool: We take no issue with your objective to transmit wheat to your pool terminals and keep it in your own hands throughout the whole process of gathering and feeding it to the world markets as you like. But we do take strenuous objection to your asking for legislative powers that will compel us to use our country plants, not only to gather and store your grain, but having so gathered it, to transmit it, divert it from our terminals to the pool terminals, our competitor, thereby resulting in loss of business to our terminal plants and, by the same token, in gain of business to the terminal plants of our great competitor.

Moreover the effect of this legislation is to compel me as a private grain dealer, not only to divert the grain from my terminal elevator to the pool terminal, but, having parted with the custody of the grain at the country point thousands of miles, it may be, from the terminal elevator, to assume absolute responsibility for its safe delivery at the pool terminal on track guaranteeing grade and weight. If there be leakage en route who suffers the loss? If there be accident en route who suffers the loss? It is up to the private grain dealer to stand that loss without any remuneration. That is the situation. They urge with much show of reason this principle. For instance a pool farmer says: "I have cultivated the soil; I have grown this carload of wheat on my farm; I have gathered it, threshed it, brought it in and stored it in a warehouse belonging to a private company. Why should I not have the right to go to that warehouse and say: Deliver to me my identical property, my grain, in a car here?" They have that power; they can get that identical grain by virtue of provision in the Grain Act with respect to special binning. Of course in the rush season there are not special bins available for all who want them, but at present they have the right to come to my elevator and say: "I want to 'special bin' this," and if there is a bin available, under the law I must allocate that bin upon request, giving him a warehouse receipt for the weight of grain stored. When he orders his car I put the wheat in his car and I am done with it.

On the other hand if there is not special binning capacity and a farmer comes to me with a carload of wheat, since no special bin is available the grain must be mixed with other wheat because you cannot keep a separate bin for every farmer. As the wheat must be mixed with other wheat we must first decide what grade that grain is. I examine the grain and say: "I will give you No. 2 northern." Hon. members will remember that I am dealing with men experienced in grading grain. If the farmer is satisfied with that, he says: "All right." I tell him how much the dockage will be and he agrees to that. The only thing that remains to be done is to weigh the grain. I put the grain in a bin with other grain which I have graded

No. 2 northern. Another farmer comes along and the same thing happens, so that very soon in the one bin I may have the grain mixed of half a dozen or a dozen farmers. I shall have No. 1 northern in one bin, No. 2 northern in another, No. 3 northern in another and so on. At once hon. members will see that the identity of that grain is lost. Unlike furniture, the identity of which can be retained in storage, the identity of grain is lost as soon as it is mixed with other grain. But the farmer has a warehouse receipt that shows that I have taken into storage 1,500 bushels of No. 2 northern with a certain dockage. There is the right on which he stands. There is the document on which I must settle.

He has two rights. If he wants to take charge of that grain at the country elevator he orders a car. He comes to me and he says: "Kennedy, load my grain into car so and so." I do it. If he takes charge of that car, at once you will observe the practical difficulty arises that is urged by the western grain growers, and I accede to it. I load the farmer's grain in that way and I tell him I have weighed 1,500 bushels of No. 2 northern into that car. He may have a doubt as to the weight in that car; he may have some doubt as to the grade. That car is shipped and it arrives at the terminal fifty or a hundred bushels short. He comes back to me and he says: "Kennedy, my car is fifty or a hundred bushels short," as the case may be. I ask my operator and he says: "I weighed in the full weight." The question arises: Why is it short? Did it leak in transit? That is the question to be decided between the farmer, the railway company and the elevator company and it presents a practical difficulty. So in the trade the practice has developed that instead of the farmer taking delivery at the country point, with the exception of at the outside about five per cent, he takes delivery at the terminal elevator of the company that has his grain in storage at the country points, and the company guarantees his weight and grade, taking all chance of loss in transit by leakage and otherwise. By this legislation he wants the right to take delivery not at my terminal but at the country point and yet have the company guarantee weight and grade at the distant terminal. Why? The reason is obvious; it is because he has entered into the grain handling business and he wants to get the grain to feed his terminals. So he says: Give us a law that will make the private company not only deliver the grain at a country point but guarantee the weight and grade not at the country point of delivery but at the pool terminal at Fort William or wherever it may be.

10 p.m.

Now, it may be urged: You took into store 1,500 bushels of his grain, No. 2 Northern; if you load it into his car on the track at the country point he is not there perhaps when it is loaded, and if he is he cannot tell by looking at it its weight nor its grade; therefore why should you not guarantee it at the other end? He has his remedy. Why should I be asked to give up possession of the goods in my storage, turn them over to his custody and let him take them a thousand miles or more on a car that he has ordered from the railway, not I—it may be full of leaks so far as I know—why should I be bound to run all the risk without the custody and guarantee to him weight and grade at the other end? Suppose he puts this question: Well, if you do not guarantee weight and grade at the other end, how do I know I will get there the weight and grade my certificate admits? This is the way the law now stands, as I have already stated: If the grade remains in my custody and is shipped through my terminal, I give him a terminal warehouse receipt that he can go on the market with and demand delivery from my terminal of the exact quantity of grain that his certificate calls for in weight and grade and dockage. But he says: I do not want to do that, I want this legislation to get around that very thing; I want my grain to go to the pool terminal, not to yours. Well, this is my answer—the same answer that I would give to any other competitor: If you want the grain to go to your terminal, then you do what every other dealer in grain does, you provide the facilities in the country for gathering that grain; and if you build or acquire or lease your own country elevators and gather that grain, you can ship it to Timbuctoo if you wish, or to any other point. That is the answer.

Is that a solution beyond their power? If this law goes through—and a man does not need to be in the trade to know what will happen—instead of the terminal elevators of the private line companies working to capacity, they will be working on part time. I wonder if eastern members realize what the investment in a terminal elevator means? Approximately the cost of a terminal elevator is $1 per bushel of capacity; thus, a terminal of 1,000,000 bushels capacity means $1,000,000 of investment; of 2,000,000 bushels capacity an investment of $2,000,000. Now, I direct this situation to the attention of any hon. mem-

ber or any group of hon. members: Suppose you have $1,000,000 tied up in terminal elevators, just as soon as you begin to divert the grain that feeds those elevators and keeps them busy, so soon you begin to cut down on your profit—if you have a profit—until you come to the point where you investment no longer pays a profit, and eventually you get down to where it is a losing investment. You all know what that comes to. And so the grain trade say to the pool: We recognize you as a big competitor, as a growing competitor, as a serious competitor, but we stake our judgment on this—that it is efficiency which in the long run will get the business, and we are willing to pit our experience, our investment of capital and our method of handling grain against the pool method; we challenge you—if I may use that term—to proceed along the ordinary lines of competition, and we await the result with confidence.

Suppose pool members say, as hon. members who are urging this bill say: Well, if this legislation does not pass, eventually we will eliminate you anyway; if we do not get this facility through your country elevators we will build others and put you out of business. Well, what do we reply? Let me remark, Mr. Chairman, that when I say "we" I am not in the grain trade, I have not a dollar invested in it, and I am not acting for grain clients. I practise law in the city of Winnipeg, but so far as I know to-night, I have not one single grain company among my clientele. But I know something of the immense investment in the business, and it is because of that and because I come from the city of Winnipeg where this investment is centred that I discuss the question at such length. Well, what does the grain trade say in reply to that threat? They say: Proceed to collect your grain by building or acquiring country elevators, and having so collected the grain, ship it to your own terminals in competition with us; if you eliminate us by that method of competition, well and good, the best system wins. They say further: We are content to submit to elimination by competition; but we are not content, and we protest against being eliminated by legislation. For that is what the sponsors of this bill are seeking to do.

Now, I have pointed to the remedy open to the pool—to build its country elevators, collect its grain and ship that grain to its terminals. Is that impossible? How far have they proceeded with the solution? This far. I will divide the space so far as the storage of grain is concerned into terminal space—by that I mean space at any port of export at the head of the lakes, and at Duluth, Prince Rupert and Vancouver—and country elevator space. The total space in terminal elevators of all companies, including the pool, at the head of the lakes is, 64,700,000 bushels. Of this the pool owns or controls at the present time 17,450,000 bushels space. The United Grain Growers, which is also an association of farmers, controls at the lake head terminal space amounting to 3,100,000 bushels. The grain trade, as distinct from the pool and United Grain Growers controls 44,150,000 bushels space at the lake head.

That is only at the head of the lakes. Apart from that, the trade has terminal elevators at Vancouver and Calgary and at certain milling centres. Also, the pool has acquired from the Saskatchewan Co-operative Elevator Company its terminal elevator at Buffalo with its present capacity of 1,100,000 bushels, together with an addition now in course of completion, which will be ready for this year's crop, of another 900,000 bushels capacity, making the total terminal elevator capacity controlled and owned by it at Buffalo 2,000,000 bushels. In addition to this the pool has leased the government elevator at Prince Rupert with a capacity of 1,250,000 bushels. This gives the pool terminal elevator space as follows:

| | Bushels |
|---|---|
| Lake ports | 17,450,000 |
| Buffalo | 2,000,000 |
| Prince Rupert | 1,250,000 |
| Total | 20,700,000 |

In addition they have the right to terminal space in the government elevators at Vancouver of which there are two run by the Vancouver Harbour Commission. So much for the terminal space. For the handling of this season's grain the pool will control from one quarter to one third of the terminal space of all the elevators in the west.

Now we come to the country elevators. The total number of licensed country elevators is 4,292 according to a recent report, with a total capacity of 141,250,000 bushels. The pool now owns or controls, including the current year's building programme, the following: In Alberta it will have built 33 and controls under contract from the United Grain Growers 186, making a total of 219; in Saskatchewan it has built and acquired recently through the Saskatchewan Co-operative a total of 571; in Manitoba for handling this year's crop it will have forty, making a total of 830 country elevators under its control for the purpose of gather-

ing grain. In addition the western farmers, through the United Grain Growers, own considerable additional country space, and with that held by other private farmers' companies of a smaller nature it may be conservatively stated that the producers themselves own or control from a quarter to a third of the country elevator space for the handling of this year's crop. Out of approximately 4,300 country elevators the pool and its associated companies will have approximately 1,000 with which to take care of this year's crop. Therefore, so far as all space is concerned, it will own or control from a quarter to a third of the total space. You must remember, too, that the pool has only been in operation for a short time, and in a period of three years the three principal pools have gone thus far towards solving this economic problem. But where the shoe pinches is that they have signed up about 50 per cent of the grain and want all that grain in their terminal elevators. That is the rub, and we say to them, "Get it there the way any other company would get it".

Now I am going to appeal to the champions of the pool to forget for a moment, if they can, the political expediency of this legislation, and to view it as business men. If they had the money invested, as have the private grain trade how would they view this legislation? Is it to be supported by self-interest alone? Self-interest will dictate that any member of this House who is also a member of the pool will vote for this amendment, which is demanded by the pool. And if they recognize the necessity of catering to the wave of enthusiasm in the west in favour of the pool system of marketing, to which system I take no objection, they cannot help but support the amendment. But I ask them, perhaps without avail, to divorce themselves from immediate self-interest and from political expediency. I say to you that already, under your system of co-operative marketing, you have proceeded far; under propitious circumstances you have met with a large measure of success, from which I have no desire to detract. I congratulate the farmers of western Canada on the success which has attended their efforts through the pool, but having succeeded that far by the usual means of competition and your own intelligently directed energy, I urge upon you to seek not unfair advantage by legislation, in order to bring about a little faster what you yourselves claim you will do in any event by competition. Pass the word along to your men, if you like; tell the rank and file of the pool that the battle cry is to be, "No quarter to the grain trade of western Canada". Men of British traditions have heard and given the slogan of "No quarter" before, and they have always accepted it. The grain trade can take no exception to such an ultimatum, but I ask you to pause and consider. Suppose the effect of your legislation should be to eliminate entirely private investment in the grain trade of the west; you will then eliminate, although you may not take it very seriously, a factor from the handling of grain which to my mind goes to the root of the handling of all commodities; I refer to strong competition. If you drive out private competition from the handling of grain in the west and place it in the hands of a monopoly, however ideal it may be in theory, I warn you that you are courting a danger from which you may some day be glad to flee. I say to you then, do not ask this House to legislate your competitors out of business; do not seek to crucify on the cross of political expediency an investment of $85,000,000; do not let us stamp Canada as a country which lightly deals with the rights of invested capital. Hon. members may say to you as they have said to me, "Where did they get the money? If we did wipe it out they would not lose very much, even though $85,000,000 is invested." Some have had the temerity to say, "They got it from us, and if we take it away from them they are not entitled to much sympathy". That is a vicious principle on which to proceed with legislation. The money is there invested in plant and equipment; do not lightly pass legislation that will tend to confiscate it.

In closing I say to this House that Canada needs private capital for its development, not only for the grain trade but for our resources generally. This money that stands to-night invested in the grain trade in the west to the amount of $85,000,000 was invested certainly not with any idea that legislation would be passed that would tend to confiscate it. I urge upon the House therefore to remember that the future of Canada demands this, that private capital shall not have any special privilege, but that it shall have at least such a measure of protection as will not only reasonably safeguard its investment, but will tend to attract to this country capital for its development.

Mr. CAMPBELL: Mr. Chairman, I have no desire to take up much time debating this question because it has been fairly well threshed out in the committee on Agriculture and around the corridors. I believe most members are fairly familiar with the case for both sides. However, in view of the statements put before the House to-night, I feel that there is an obligation on me to present

the case from our side, and in opening perhaps I might give a brief history of the pool, what it is, and what it stands for.

The first pool operating in western Canada was that organized in the province of Alberta, which began its operations in 1923 and handled the crop for that year. The pools organized in Saskatchewan and Manitoba operated first in 1924. The three pools last year handled 81,500,000 bushels of wheat, besides a considerable quantity of other grains. This year it is estimated that the joint pools will handle at least 200,000,000 bushels of wheat, besides a very considerable quantity of coarse grains.

Some estimate of the importance of the pool and of the volume of its business may be gathered from the fact that next year's business will probably more than double the annual gross earnings of the Canadian Pacific Railway. In one interim payment made by the pool in March last, the amount of $37,000,000 was paid out in one day to the farmers. That was one of four payments. The pool now has offices at Vancouver, Calgary, Regina, Winnipeg, Fort William, Toronto, New York and Paris, and has made connections with agencies in every important country in the world. The pool will have in Alberta this fall for the handling of grain 33 of its own elevators, and will also have a joint control in the operation of 186 others, or a total of 219 elevators. In Saskatchewan they will have 571 elevators, and in Manitoba by next fall they will be operating 40. This makes a total of 830 elevators, which is 20 per cent of the total of 4,300 elevators in western Canada. The total terminal capacity at the head of the lakes is 64,700,000 bushels. Of this the pool at the present time controls 17,450,000 bushels, or 27 per cent of the total. The total capacity of the 4,300 country elevators in the prairie provinces is 143,351,000 bushels.

All this controversy arose, I may say, over section 159, which was the original section in the 1912 Canada Grain Act. As we understood that section, it did give to the farmer the right to determine the destination of his grain, and I do not know of a single instance in the last twenty-five years where a farmer putting his grain in a special bin in a country elevator was ever refused the right to ship that grain to any terminal of his choice. There are many farmers in this House to-night on both sides who have exercised this privilege for the last twenty or twenty-five years, and to whom it has never been denied.

We have two farmer elevator companies operating in western Canada—the Saskatchewan Co-operative, and the United Grain Growers. In my own district many a shareholder in one of those companies has found that his own elevator was plugged, and that he could not take his grain in there, but he was able to secure a bin in one of the line elevators, and was always permitted to have his grain shipped from that elevator direct to the terminal elevator of his own company. I do not know of a single instance in which he was ever denied that right. The elevator companies naturally must have assumed that the law compelled them to do that, or they would not have carried it out.

The particular clause which deals with this phase of the situation was, however, rather ambiguous because it says, as anyone may see who will look at section 159, "if either party so desires." That is in reference to shipping grain to the terminal of his choice. That being somewhat ambiguous, Chief Justice Turgeon, with the consent and approval of the Board of Grain Commissioners in drafting the new clause introduced in the bill of last year made it read, "if he so desires." He put it beyond all doubt that the right was in the hands of the farmer, and the farmer only, to determine the destination of his grain. That, I may say, was the clause in bill No. 113 of last year, the bill which had its first reading in this House on May 11, 1925. In the Agriculture committee last year, however, the grain interests were able to secure the passage of an amendment which took away from the farmer that right by altering the wording of this clause, and in addition, not being satisfied with that, they added another clause, which distinctly and specifically relieved the country elevator from all responsibility for weight and grade in case the farmer exercised this right.

The argument is used—I think it was used by the hon. member for Winnipeg South Centre to-night—that the farmer still has the right to determine the destination of his grain under the present act. Technically that is so; in reality it is not so, because under this disability, with the country elevator relieved of responsibility for the weight and grade, the farmer cannot possibly exercise that right. I do not suppose there was a single instance in western Canada last year where the farmer would take that chance.

In dealing with the situation as regards the country elevator, I may say that the transportation is part of the system. The country elevator is not a private institution. It is a semi-public institution. It has a public duty to perform. It is licensed by a public body, and recognized by law, and given certain rights and privileges, and placed under cer-

tain restrictions. Being given those rights, it has certain public duties to perform, and part of those duties in the handling of special bin grain is to guarantee the weight and grade at the other end; that is, when a farmer secures a special bin in a country elevator and has a carload of grain put in there, when it is loaded out on the car on the track the responsibility of the elevator has not ceased. The system and the law has always recognized that the farmer, not being in a position to check the weight and the grade in the car, must be guaranteed that weight and that grade when it is delivered at the terminal elevator. I might add that the handling charges are based on that. The elevator companies have staffs of men at Winnipeg who examine these cars as soon as they arrive there. They are notified by the railway company, and they examine the cars to see that there is no leakage or damage to the car itself, and they check the grade and the weight. They have a similar staff at the terminal points, at Port Arthur and Fort William, and at other points to which the grain may be shipped. This, I may say, is included in the handling charges. That is the elevator company are supposed to be paid a sufficient sum to reimburse them for the cost of examining these cars.

Mr. KENNEDY (Winnipeg): What is the charge?

Mr. CAMPBELL: The regular charge for special bin grain is 1¾ cents per bushel, but they are permitted by the Board of Grain Commissioners to charge 2½ cents per bushel. I may say that except in very rare instances they do not exercise that right. They prefer to handle it at 1¾ cents a bushel which is the prevailing rate charged in western Canada.

Mr. KENNEDY (Winnipeg): What do the country elevators get now, under the law, for handling grain?

Mr. CAMPBELL: Under the law the elevators are permitted to charge 2½ cents per bushel.

Mr. KENNEDY (Winnipeg): That is for special bin grain?

Mr. CAMPBELL: Yes.

Mr. KENNEDY (Winnipeg): And for grain other than special bin grain 1¾ cents?

Mr. CAMPBELL: Yes.

Mr. KENNEDY (Winnipeg): If this bill passes you will be allowed to have the grain diverted from the country elevator direct to your pool terminal. With the private company guaranteeing wheat to the pool terminal, is there not an additional charge provided for under the proposed amendment?

Mr. CAMPBELL: The present regulations provide for a charge of 2½ cents a bushel, as I said, but the elevator companies do not exercise that right.

Mr. KENNEDY (Winnipeg): I am not talking about special bin grain but grain stored in country elevators. If this bill passes will they not be entitled to charge 1¾ cents for handling grain at country points?

Mr. CAMPBELL: In the first place, there being no extra responsibility, it is not necessary for them to make any extra charge. The Canada Grain Act, I may explain for the benefit of the hon. gentleman, does not set the charges; it authorizes the Board of Grain Commissioners to set charges that in their estimation will be fair. The Board of Grain Commissioners meet every year for the purpose of discussing this question with the grain trade and setting what they consider a maximum charge. If they find, after a few years, that the elevators cannot be made to pay we have authority to say—and I say here tonight on the authority of the board—there is no question whatever but that the board will raise the rate in order to permit the operations of the elevators to pay.

Mr. KENNEDY (Winnipeg): Another question—

Mr. CAMPBELL: I think the hon. member should be fair. He asked me not to interrupt him while he was speaking.

Mr. KENNEDY (Winnipeg): As you gave me a most attentive hearing I was going to ask you whether you would prefer that I should ask you these questions as the points arise, or reserve them until you are through. If it is your wish that I should reserve the questions until you are through, I shall gladly do so.

Mr. CAMPBELL: I think I would prefer to take the hon. gentleman at his own word. He appealed to myself and others not to interrupt him while he was speaking. I am quite ready to accord to him the same courtesy he accorded to us; I am quite ready to answer any of his questions at the close of my speech.

I may say there are two classes of grain. These are subdivided into other classes but for the sake of argument I will say there are simply two. The first class is street grain and the second is special bin grain. Street grain

is the grain that comes in by wagon load; that is where the farmer cannot make up a car and he simply sells his grain by the wagon load direct to the elevator company. Special bin grain is grain that the farmer does not want to sell at that particular time. He simply uses the elevator company for warehousing purposes. He secures a special bin, has his grain placed in that bin, and has it shipped out to his order to whatever elevator he chooses.

Dealing now with the question of weights and grades out of the country elevator, I may say that the farmer authorizes the elevator man to order the car when he wants that grain shipped out. The farmer is out on his farm five, ten, perhaps fifteen or twenty miles from town in a good many cases. He may be in a place where there is no telephone, and he has no idea when the car will arrive. Sometimes the farmers have to wait months, actually months, before they can secure the necessary cars. As occasionally happens a trainload of cars will arrive late in the evening in a small town and the grain will be loaded into them by the elevator. In the busy season the elevator man will go to work at night to load that grain out; the farmer has no means of knowing when that is done. The first thing he knows about it, perhaps, is when these cars are hundreds of miles away on the road to the Great Lakes. Therefore the argument that the farmer can be on hand to see his grain loaded into the car is absolutely absurd. Any practical farmer in the House knows that it cannot be done except in very rare instances—in fact I will go further and say that I think in the majority of cases the grain is not weighed at all. When his grain is put into special bins the elevator man gives him a ticket for so many bushels. In many cases when that grain is loaded it is shot direct from the bin into the car; it is not put through the scales at all. The elevator man will report to his company not the exact weight but what the storage tickets call for. We do not assume that these elevator men are all dishonest, although in many cases they are. The police court records of western Canada will show a great many cases where these elevator men have been dishonest. However, that is not our reason for objecting to their weight. It is very easy for the most honest man to make a mistake. The farmers bring their wheat to the elevator in wagons. I have seen ten, fifteen, and twenty teams lined up behind each other waiting to unload into the elevator. Farmer No. 1 has a certain bin. He asks that his grain be loaded in that bin. The elevator man starts his engine and the grain is elevated into that particular bin. The very moment the first farmer's team pulls out another man comes in who has another bin. The elevator man then switches his spout to another position and it is very easy sometimes for him to get grain mixed. Any elevator man will tell you that one hundred or three hundred bushels of one man's grain may very easily get into another bin. When a particular car is loaded it is sealed up and shipped out. We will say in this particular case the farmer exercises the technical right which the act gives him of shipping to the pool terminal. But when the car gets there it is found that it is 100 bushels short. The act distinctly states that the elevator company shall not be responsible for that weight. Who does the weighing? The weighing in to the terminal elevator is done by government weighmasters who have no monetary interest in the grain there and whose scales are checked up repeatedly. Their scales are inspected and representatives of the elevator company stand by the scales and see every pound of their own grain weighed. Therefore I say the farmer has a perfect right to refuse to accept the weights set by the country elevator. But what does the elevator company do? They refuse to accept the government weights. In effect they state that they have not confidence in the government weighmaster, and they tell you that they have no right to examine these cars or to check weights and grades. That is another argument that cannot be backed up. When a farmer exercises his right to have a car of grain shipped to a pool terminal the elevator company cannot govern that but it can endorse on the bill of lading we will say for instance, "Advise the Pioneer Grain Company, Winnipeg". When a car of grain so billed arrives at Winnipeg, notwithstanding the fact that it is pool grain and that it was shipped by a farmer through a line elevator, that elevator company is immediately notified by the railway company. They have a staff for that purpose and they can go and examine the car. If there should be a broken seal, if there should be any sign of leakage, they immediately report it to the railway company and they have a claim for damages against the company if it does not weigh out at the terminal elevator. When it arrives at the terminal they have the same opportunity to check it. They are in identically the same position as they would be if the grain were going to their own elevator, and I defy the hon. member from Winnipeg South Centre, or

anyone speaking from the viewpoint of the grain exchange to-day, to show me any material difference between the case of a car shipped direct to their own terminal, and the case of a car billed as I have suggested, going to the pool terminal, where they have a terminal of their own.

Mr. KENNEDY (Winnipeg): I accept that challenge.

Mr. CAMPBELL: All right. The question arises, why does the farmer want to determine the destination of his grain? There are various reasons, and I will not give them in detail. I will give a specific instance to illustrate one of the reasons why the farmer wants his grain to go to his own terminal. I am speaking now of course from the standpoint of the pool, but before I am through I propose to speak from the standpoint of the non-pool farmer, because we are fighting the battle of the non-pool farmer just as much as the battle of the pool farmer. A farmer residing in a part of my constituency last year had two fields of wheat, one grown on summer fallow and the other on spring plowing. When he sent his samples to Winnipeg they were each graded No. 2. Under our grading system they graded exactly the same, but the grain grown on the summer fallow had a much higher protein content, which made it more valuable for milling purposes than the car of grain grown on spring plowing, although the grade was identically the same as the other. The farmer sent samples to a grain company in Minneapolis. One of them they passed on as a straight grade, and they would not pay more than the market price for it. On the other they offered a premium of 26 cents a bushel, because it was very much more valuable for milling purposes; the higher-priced would have netted the farmer nearly $400 per car. That is one of the reasons—I do not say the only one—why we want our grain to go to our own terminals, or why the farmer wants to determine the terminals to which his grain shall be sent, and also the reason why the grain companies want to have all the grain sent to their own terminals, whether the farmer wants it or not. We are not denying to the grain companies the right to send their own grain to their own terminals. They have a perfect right to do it and to get all the premiums they can on their own grain. But we object to giving them the privilege —it is not a right—of sending grain that does not belong to them to their own terminals, selling some of it as premium grain, securing the premium price for it, and delivering to the pool terminals grain of a similar grade, but of a quality that does not command the premium. That is one of the reasons why we want our grain to go to our own terminal and one of the reasons why they want to ship it direct to their terminals.

The argument has been frequently used that the country elevator system and the terminal elevator are a unit, and that if you separate them you destroy the system. The hon. member for Winnipeg South Centre stated that first a company builds a line of country elevators; that then they must of necessity build a terminal to handle the grain at the other end, and that if we use country elevators and ship the grain to whatever elevator we like, we are simply destroying the system. On the face of it I will admit that it looks plausible, but when you examine into it you will find there is nothing in it at all. I ask the member for Winnipeg South Centre, if that be so, how do the government terminals exist at all? Because the government own a tremendous amount of terminal space and have not one single country elevator, and it is only in so far as we depart from the present law that the government elevators are able to get any grain at all. The law to-day actually prevents grain going to government elevators. It is a direct discrimination against them, and I may say for the benefit of the hon. member and those who agree with him that a considerable number of grain companies operating elevators in the prairies to-day do not own terminals a tall. One such company is operating in my constituency, and so far as I know they make good profits and earn good dividends. One of the largest companies in western Canada, the one that showed the highest profits, was the Alberta Pacific Company. They have shown substantial profits, although they never owned any terminal elevator.

The question is asked, if the pool grain is passed through the country elevator and then all of it is permitted to go to the pool terminals, what are they going to do with the other terminal elevators? What is going to be done with them? I may say at the outset that there is not a bushel of terminal storage at the head of the lakes more than we need in a year when there is a good crop. That is proved by the fact that last year the pool in the busy season had to divert 5,000 cars of its own grain which it was not able to take care of itself, to outside elevators. Take an extreme case: suppose that all the local elevators of a certain company were used for pool grain, and not one bushel of grain was permitted to go to their own terminals—of course such condition is impossible but

we will take it as an hypothetical case—it would simply mean that the other terminal elevators could not accommodate that grain, and that particular terminal elevator would have to be used, either purchased or leased in some way. We all realize that in such a case we are up against economic laws. The men operating the pool are sensible business men, and they know that if they go to the terminal elevator and offer either to buy or lease, they must pay the value. If they buy it, they must pay the replacement value, and if they lease it they must pay sufficient to provide a good dividend on the money invested and all operating charges. They would have to do it if they built it themselves. There is no desire on their part to confiscate anything, nor could they do it.

The hon. member for Winnipeg South Centre tried to make a strong point of vested rights. He told us that there was invested in the grain handling facilities in western Canada about $85,000,000, and that this investment was going to be seriously jeopardized if the amendment went through. A good deal of this investment is government money. They have a very large proportion of it. In addition to that, the pool itself has about a third of the investment. Well, perhaps I am not correct in saying a third. The pool has about a third of the terminal storage and a smaller proportion of the country elevators, but at any rate, deducting the government investment, deducting the pool's investment, deducting the investment of another farmer's company, the United Grain Growers, I think I am safe in saying that the interests that are fighting this amendment to-day have an investment of not more than $45,000,000. On the other hand, what has the farmer got? According to last Canada Year Book the farmers of Western Canada have an investment of $3,350,000,000, or eighty times as much as the grain trade. My hon. friend will raise his hands in holy horror at the idea of jeopardizing an investment of $45,000,000, but if the amendment does not go through we are injuring vested rights eighty times as great. The secretary of the Grain Exchange, addressing the Agriculture committee, stated quite frankly that the pool could put the grain men out of business in two years. His exact words were that they could put them out of business in two years anyway. Supposing that to be so, supposing that in two years' time most of these grain companies go out of business, what will be the position of the non-pool farmers? because there will always be non-pool farmers. I am a strong supporter of the pool myself; my grain goes through it; I believe in supporting it, and I do not think I shall have any reason to change my mind. But I am not so optimistic as to believe that the day will ever come when every bushel of grain in western Canada will go through the pool, I think there will always be a grain exchange and always non-pool farmers. I ask hon. gentlemen then to consider seriously the position of these companies operating on the grain exchange and the position of non-pool farmers if this amendment does not go through. I am really arguing from the standpoint of my hon. friend, only I am looking ahead a couple of years. I am quite prepared to make the prediction now that if this amendment does not go through, within two years you will find officials of the grain exchange and these lawyers who are representing them here to-day coming to Ottawa and pleading with tears in their eyes to put through, in the interest of the grain companies and the non-pool farmers, the very amendment they are asking you to reject to-day. There is no question about that.

In my constituency there are a number of sidings where this year there will be none but pool elevators. That means that non-pool farmers at those particular points will have no other means of shipping their grain except over the platform, and it is only practicable to use that at certain times. The law as it stands to-day would at these points give the pool elevator a distinct advantage. Suppose a farmer thinks he has premium grain. He wants to take advantage of that fact. He puts it into a special bin in the pool elevator; he instructs the pool to ship it; but the pool exercises its right under this act—there is no reason why it should not—and ships it to its own terminal. If it is premium grain the pool will secure the premium and it will go into the pool for the benefit of the pool farmers. The farmer, the owner of the grain, will have delivered to some grain company to whom he wishes to sell his grain, grain of a similar grade, but the stuff is not premium grain. There is no question about that. The men who are operating the pool elevators are shrewd business men; they will not let an opportunity like that pass, and since the grain companies take advantage of the present law, most assuredly the pool elevators will take advantage of it themselves. What is then the position of the non-pool farmer? What is the position of the independent grain company operating on the grain exchange? There may be some of them who want to buy grain at points where there are none but pool elevators. They may buy grain through the country merchant or dealers

working on commission, but the law distinctly prevents them from procuring it—a distinct discrimination. I think I am safe in predicting, as I said before, that if this amendment does not pass now, within two years you will see this same host of gentlemen who are in the corridors to-day, pleading with tears in their eyes for us to pass this very amendment in the interest of the grain exchange and the non-pool farmers.

I want to make it distinctly understood that while we may be primarily representing the pool, we are pleading for a cause that is really in the interest of all the farmers and will eventually be in the interest of the grain trade itself. How does it happen to-day that we find the grain trade lined up on one side and the pool on the other? It is simply a coincidence, because it happens that the pool have about 50 or 60 per cent of the grain, but only a small proportion, about 20 per cent, of the country elevators. So the injustice in the aggregate is done to the pool. But in two years, according to Dr. Magill's prediction, the situation will be reversed and there is no doubt that the pool will have 80 per cent of the elevators and 80 per cent or more of the grain. Then what will be the position of the farmers who own the other 20 per cent of the grain, and what opportunity will the man operating on the grain exchange have—because I think there will still be a grain exchange—to secure that grain in its purity directly from the farmer?

The question of rates, of course, has figured very largely in this debate. The grain men tell us that if the country elevators are taken away from them; that is, if we are allowed to use the country elevators for storage purposes only, they will lose a great deal of money because the country elevators do not pay. I am not certain whether that is true or not, but I am not going to argue the point. To me it is immaterial whether they pay or not. But if they do not pay the fault is with the elevator companies themselves because they are permitted for "special bin" grain to charge 2½ cents per bushel, but they charge only 1¾ cents. It is true that on the other stored grain they are permitted to charge only 1¾ cents, but we have it on the word of the Board of Grain Commisisoners that if necessary they will be permitted to charge higher rates and we know they must be so permitted if they cannot be operated at a profit at present rates. The question arises why they do not exercise the right they have to-day to charge higher rates than they are now charging. The whole situation is this, that if the local elevator paid very well many country merchants, many groups of farmers, would go in and build elevators themselves. That is a condition the grain trade do not want; so by operating their country elevators at a loss they are able to secure a complete monopoly of the receiving end, and they can easily make up at the terminal what they lose at the country point. That is the situation. They are not frank and honest with us to-day in stating the situation as it is.

11 p.m.

They also use the argument that if they charge higher rate the farmers will load their grain over the loading plaform. There may be in western Canada points where the farmers have gone fairly extensively into mixed farming, where grain is only a portion of the total products, where perhaps they could, with facility, handle there a little bit of grain over the platform. But that is not so in the great majority of cases in western Canada. In my town we have five elevators and the car loading platform has accommodation for only two cars. It will take the average farmer from two to four days to load a car. With the quantity of grain shipped out of that point, even if they started loading on the first January and continued loading until the end of December of the same year, they could not load the total crop over the platform, and the amount the farmer would pay in demurrage charges would often be more than he would pay in elevator charges. Therefore that argument does not hold good, and if the elevator companies want to make the local elevators pay all they have to do is to ask for higher rates and be prepared to deal with competition at the country end.

There is one argument that our friends of the grain exchange have used around the corridors and in some of the committee rooms, but they have not used it before the Agricultural committee, nor publicly. It is this: They say that the pool to-day has an elevator at Buffalo and that if this amendment goes through and permits the pool to ship to their own terminal, it will assist in the diversion of Canadian grain to United States ports. What are the facts? In the first place the pool, I may say, did not build a terminal at Buffalo; they took over the Saskatchewan Co-operative Company's elevators and this terminal was included. But as the situation stands to-day at the Canadian ports of Quebec, St. John, Halifax and other points like that there are no elevators except government elevators, and as the law now stands it puts an impediment in the way of grain movement through those ports. Indeed it is only through the operations of the pool and of the law as

we expect to have it after this amendment passes that grain can go forward to those ports. The figures prove that every bushel shipped to the port of Quebec last year was pool grain. It would not be company grain because they send their grain to their own terminals and they have no elevators at Quebec, St. John or Halifax. If hon. members will look up the prices, they will find that prices of grain futures on the grain exchange are for delivery at the head of the lakes only. A miller in England buys a certain quantity of grain for delivery in May, July, October and so on. The price on futures on the Winnipeg Exchange is quoted to him f.o.b. head of the lakes, and the head of the lakes only. He cannot secure a future price on St. John, Halifax or Quebec. Why? Because through the operations of the grain exchange these Canadian ports are discriminated against. There is no question about it. Let me ask you: Who all these years has been fighting for the retention of our grain by our own ports; who in this House for the last four years has been fighting for it? The farmer group in this section of the House, joined recently by another farmer group in another part of the House. One of the reasons why we want to retain the grain in our own ports is because we wish it to go to the old country in its purity. We know that in transit through the United States it has been debased in grade; we know that while it has borne the Canadian grade certificate the Americans have been taking off some of our better grain and substituting their poorer grain therefor, using our better grain for milling purposes and debasing the grade of our grain on the European market. Therefore the pool that we are representing will find it to its interest entirely to divert every bushel of grain it possibly can to Canadian ports.

And what about the elevator at Buffalo? Will all the grain received there go down through American ports? Not at all. The pool has that listed as a transfer house. Through the operation of the Canadian coastal laws, it is often more profitable to ship grain to Buffalo and then transhipit to Montreal than to send it direct to Montreal from the head of the lakes. That is the situation, because American ships can handle the grain on that route but are prevented from doing so on the direct route, and so they cut the rates under all Canadian routes. Consequently a great deal of our grain goes to Buffalo for transhipment to Montreal and it does not go to the ocean through American ports at all. That is why the pool lists this elevator as a transfer house, and as far as I know it will not under ordinary circumstances send one bushel out through United States ports that can possibly be avoided.



Mr. KENNEDY (Winnipeg): Mr. Chairman—

The CHAIRMAN: Let me say to the committee before there is any further discussion that we are on section 1 of Bill No. 8—contents of warehouse receipts. Of course, I understand I have to allow some latitude on the discussion of this clause, but I would ask hon. members to keep as close to the clause as they possibly can.

Mr. KENNEDY (Winnipeg): I think, Mr. Chairman, the matters that have been discussed by both the hon. member for Mackenzie (Mr. Campbell) and myself are all very definitely related to just that clause. Now, the hon. member has suggested two or three points and asked two or three questions to which I wish to refer. He states that the country elevators are semi-public institutions, and arguing therefrom he contends that therefore they should be available for whatever purpose the producer of grain desires. The hon. member also says that the country elevators are licensed and regulated by the government. That is true. So is a drug store, so is practically every institution in this country that does business with the public. But because they are so licensed and regulated, does it follow that they are public institutions, to be used by the public for whatever purpose they wish?

Mr. CAMPBELL: May I be permitted to correct the hon. gentleman?

Mr. KENNEDY (Winnipeg): They represent private investment of capital that is regulated under the terms of the Grain Act. The hon. gentleman also says he is not sure whether the amount these country elevators are now by law entitled to charge for the handling of grain is remunerative. Now, generally he was very fair, but I think he overstepped the mark a little there. He tells us that our country elevators are entitled to charge 2½ cents for specially binned grain. That is true. I ask him what percentage of the grain handled in the west is specially binned; is it 10 per cent, taking the whole of the west?

Mr. CAMPBELL: Yes, considerably more.

Mr. KENNEDY (Winnipeg): Would the hon. member say 15 per cent?

Mr. CAMPBELL: Yes.

Mr. KENNEDY (Winnipeg): Well, he is misinformed.

Mr. EVANS: It is 50 per cent sometimes.

Mr. KENNEDY (Winnipeg): At a given point perhaps. The hon. member for Rosetown (Mr. Evans) knows very well that 50 per cent of the grain throughout the west is not specially binned—not even 15 per cent.

Mr. EVANS: It depends on the season.

Mr. CAMPBELL: In some years it is 50 per cent, at some points more.

Mr. KENNEDY (Winnipeg): That is begging the question. I say, averaging the wheat crop year in and year out, not 15 per cent is specially binned.

Mr. EVANS: You are wrong.

Mr. KENNEDY (Winnipeg): Then it is an honest mistake. That is my definite information. So much for the amount of grain on which they can charge that 2½ cents a bushel for handling. On all the other grain the rate fixed by the Canada grain commissioners is 1¾ cents a bushel. The hon. member for Mackenzie suggests to this House that he does not know whether or not this rate pays the country elevators. Well, if he does not know, he is the only member of the pool who is in that position. If he refers to the report of the Turgeon Commission, a commission that made a most exhaustive examination of the grain trade generally, he will there find it stated, and it is well known throughout the west by farmers and men in the grain trade, that the 1¾ cents per bushel handling charge does not pay for the money invested in those country elevators.

Mr. MILLAR: The time was when they did pay. They do not pay now because their number has been unduly multiplied by the grain trade.

Mr. KENNEDY (Winnipeg): The hon. member admits that that rate does not pay at the present time?

An hon. MEMBER: No.

Mr. KENNEDY (Winnipeg): I am speaking to the hon. member for Qu'Appelle (Mr. Millar). He has just interpolated that the time was when they did pay, but now they do not.

Mr. MILLAR: I admit frankly they do not pay now. They did pay. The reason they do not pay now is that they have been unduly multiplied by the grain trade.

Mr. KENNEDY (Winnipeg): I thank the hon. member for that frank answer—which I could not get from the hon. member who represents Mackenzie—because the hon. member for Qu'Appelle has sat on several grain commissions and knows what he is talking about in that regard. Now the hon. member for Mackenzie says: Well, I have the word of the chairman of the grain commission that if this grain is diverted from the country elevators to our terminals, and if the rate of 1¾ cents does not pay, then he will regulate it so it will pay. Is that evidence upon which this House should act in view of the admission of the hon. member for Qu'Appelle that 1¾ cents a bushel handling charge does not pay those private companies? There is no provision in this amendment for increases in rates. The hon. member for Mackenzie suggests that if after three or four years' trial we find it does not pay, we have the word of the grain commission that they will raise the rate.

Mr. EVANS: Does not the hon. member know that only a few years ago they offered to handle the grain for nothing? How did they make their money then?

Mr. KENNEDY (Winnipeg): I do not know that as a matter of fact.

Mr. CAMPBELL: Mr. Chairman, I rise to a question of privilege. The hon. member is misquoting me. He stated that I said if after three or four years we find it does not pay we will raise the rate. I made no such statement whatever.

Mr. KENNEDY (Winnipeg): I accept that; I did not intentionally misquote the hon. member. Cut out the three or four years; what guarantee has this House that if this amendment is passed and it is found that these rates do not pay, they will be raised? I submit that this is not a sufficient ground on which to pass this legislation. The hon. member for Rosetown (Mr. Evans) suggests that the elevator companies are willing to accept a lower rate, or to handle it for nothing. I am so accustomed to extreme statements from the hon. member for Rosetown on any subject he discusses that I attach no importance to that remark. The hon. member for Mackenzie says assuming that the private elevator companies do go to the grain commission and say, "One and three-quarters cents handling charge in the country does not pay; we want to raise it to three cents," they will raise it. Suppose it is raised to three cents. In theory that is all right, but what will happen? Take a country point where there is a pool elevator and a private elevator; the private elevator raises its rates to three cents and the pool elevator stores grain for two or two and a

half cents. How much grain will the private elevator get? You may ask how the pool can store it for two or two and a half cents while the other elevator charges three cents. The pool does not need to care; if it loses on storage charges at the country point under the co-operative system those losses will be made up at the other end. So far as the operation of its business goes the pool need not charge a cent at a country point; they could store the grain free. But they would have to make up the loss at the other end, and in the final result it would make no difference to the farmer. Therefore, as a matter of practical competition, the line elevators cannot raise their rates as against the pool elevators.

Some hon. MEMBERS: Carried.

Mr. KENNEDY (Winnipeg): It is not carried. I may say that since I have been in this House many hours and even days have been spent wrangling over matters of far less importance than this amendment. The hon. member for Mackenzie suggested that it is impossible for the farmer to be present at the country point when his grain is loaded. It is not physically impossible, but I will grant that as a fractical proposition it certainly is not convenient, and if he wishes to term it impossible I will not quarrel with him. But as the law exists the farmer does not need to be present to see his grain weighed, because he has a warehouse receipt which calls for delivery of weight and grade at the terminal of the company which accepted his grain for storage. The hon. member suggests to this House that if this amendment goes through, private line companies will still have custody of the grain from the time it leaves their country elevator; by some regulation which he suggests but which is not in the act, they are able to keep control of and examine the grain at any point, and he challenges anyone to deny it. Any man familiar with the shipping of commodities knows that to be impractical and impossible. As soon as the farmer goes to the country elevator and says, "Load out my car of grain and ship it to the pool", what happens? The elevator operator must load that car of grain and bill it, not to his company at the pool but to that farmer at the pool, and at no point in transit has he the right of inspection or examination. I grant you that the hon. member might be able to work out some provision, to go along with this amendment, which would give him that right, but there is nothing of that kind contained in the act and we must take the act as it is.

[Mr. W. W. Kennedy.]

The hon. member also suggests that they want their own identical grain delivered to the pool in order that they may get the benefit of any additional protein content of any particular wheat. I submit that that is an argument in favour of their objective. I do not dispute it, but let them build their own country elevators, gather the grain and ship it, and in that way they will get the additional protein content. In querying the position I take as to the economic entity of a company's plant for handling grain, the hon. member suggested that terminal elevators and country elevators were not bound up as an economic entity. He said, "Will the hon. member for Winnipeg South Centre tell me how it is that the government's terminal elevators get on without country elevators?" Well, government institutions have a way of getting on without paying their expenses which does not apply to private institutions, and I tell him that the government terminals do not pay as such.

Mr. COOTE: Does the hon. member know that the total earnings of the government elevator at Port Arthur over a period of ten years have been $4,924,000 with an expenditure of $1,474,000, leaving a net operating surplus of $3,450,000?

Mr. KENNEDY (Winnipeg): Let me ask the hon. member a question. Did they make that profit without handling grain?

Mr. COOTE: They made the profit without having any feeder.

Mr. KENNEDY (Winnipeg): Will you tell me where the private line companies will get their grain, without country feeders?

Mr. COOTE: I suppose they will get it where the government elevators get their grain.

Mr. KENNEDY (Winnipeg): Not if the pool carries out the intention which is suggested as a reason for this amendment. They say they want to get the wheat into their own terminals, and certainly the private line companies want the same thing. Where the government elevators will get their wheat it is difficult to say unless it is the surplus in busy seasons, and elevators cannot be made to pay on that basis.

Issue has been taken with my statement of the amount of money invested by the private grain trade in elevators, terminals and equipment. My figure of $85,000,000 did not include the pool investment, nor that of the private farmers' companies. This figure was

given me from a reliable source as the actual present day value of the investment of the private grain trade; it is not $45,000,000, as suggested by my hon. friend, but $85,000,000.

Some hon. MEMBERS: Carried.

Mr. KENNEDY (Winnipeg): It will probably be carried in just a moment. I do thank hon. members for their patience in listening to me. I am probably just as tired as they are. The history of this bill a year ago may be of interest to some of the members of the government who are in a hurry to get it through. and to this point I would particularly direct the attention of the Minister of Agriculture (Mr. Motherwell). I am sure he will correct me if I am misinformed, but I understand that in the committee on Agriculture last year the minister spoke in favour of the amendment, but when the matter came up for discussion in the House he voted against it.

Mr. MOTHERWELL: That is not right.

Mr. KENNEDY (Winnipeg): I am glad to know that the minister is more consistent than my information led me to believe. I was wondering whether he was going to support or oppose this bill.

Mr. MOTHERWELL: I have supported this legislation from its inception, and I am going to do so to-night.

Mr. KENNEDY (Winnipeg): And you have never spoken against it either in the House or in committee?

Mr. MOTHERWELL: Never.

Mr. KENNEDY (Winnipeg): I wonder how about the hon. member for Brandon, the leader of the Progressive party? I think I have the records to show that a year ago he not only spoke against this same amendment, but voted against it. Am I right?

Mr. FORKE: Even the best of men make mistakes.

Mr. KENNEDY (Winnipeg): I find myself wondering by what process of reasoning he has changed his mind from a year ago from opposing this measure to now supporting it, as I assume he is going to do. I have had no indication in the House of his attitude, although I had in committee. I am sure that, interested as he has been in the growing of wheat in western Canada, of which he is so fond of telling us, for a matter of thirty or forty years, he must have had sufficient experience a year ago to direct him how he should vote.

That brings me to this, and it is my last point. I would ask the House, is it because of any change in his opinion as to the merits of this bill that he is now supporting it, or is it because of political expediency? Is the passing of this Bill No. 8—I do not want to use a term that will be offensive to the acting leader of the government—

Mr. LAPOINTE: He has better information now.

Mr. KENNEDY (Winnipeg): This bill which did not receive the support of the government a year ago is now taken up by the government, I am assuming and I ask for what purpose? At least the circumstances to my mind are suspicious, and if we could put on Hansard the facts as I know they are in the minds and in the hearts of the sponsors of this bill, we would see some reason for this Bill No. 8, an act to amend the Canada Grain Act, being given such consideration by the government immediately after it was assured of the support of the group which is sponsoring this bill in favour of the amendment in connection with the excise tax on automobiles. I ask the House now to consider this matter on its merits. I leave it in their hands.

Mr. ROGERS: After my long experience in western Canada, and in the grain business for a very long time, I trust that the committee will bear with me for just a few minutes. Legislation such as that which is now before the House is always dangerous in that it interferes with vested rights. You have been told to-night of the vested interests incident to the terminal elevators, and the country elevators as well, in western Canada. Legislation, I say, under those conditions is always dangerous and is, in general terms, unsound in principle and unjust in its application. May I hope that this legislation, when it becomes law, will not work out in that manner? I am free to say, however, that I believe the hon. member for Mackenzie (Mr. Campbell) and the other members who sit around him in that part of the House will be back here in one or two years asking that this legislation be repealed, believing and recognizing, as they will then, that it is bad in principle, that it will work out with disadvantage to themselves, and prove of no advantage to the grain trade of western Canada. Believing that, Mr. Chairman, I only wish to express my regret that this legislation has been brought before the House. Still more do I regret that it is plain that this legislation is going to carry, because I am confident that it will work out to the detriment of the grain growers of the country, as it will work out to

the detriment of the grain carrying trade of western Canada. That is all I have to say. I just wanted to put myself on record that I am confident that in one or two years these same gentlemen who are promoting this measure to-night will be back here seeking a change in the act at the hands of parliament to relieve them from the conditions in which they are placing themselves by passing this legislation to-night.

Mr. ROSS (Moose Jaw): I beg to move to add as clause 2 of Bill No. 8 the following:

2. Subsection 2 of section 193 of the said act is amended by inserting the words "Moose Jaw" after the word "Edmonton" in the forth line and also by inserting the words "or the words Moose Jaw" after the word "Edmonton" in the eight line thereof.

Mr. KENNEDY (Winnipeg): I would like the mover to explain the purpose of his amendment.

Mr. ROSS (Moose Jaw): The effect of this amendment is to make Moose Jaw an order point. The Board of Grain Commissioners at the present time are establishing a grain inspection point at Moose Jaw and to make it a practical success an order point has to be made there. That can only be done by an amendment to the act. When Edmonton and Calgary were made inspection points, the act was immediately amended to include Edmonton and Calgary in this section. That is all I am asking now with regard to Moose Jaw.

Mr. KENNEDY (Winnipeg): The hon. member seems to be putting the cart before the horse. He says that the Board of Grain Commissioners have under advisement the matter of making Moose Jaw an inspection point, and therefore he wants this amendment made. If that is the intention of the board I suggest that he should have been able to come here with the information that that had been done, or at least have produced some evidence before the Agriculture committee to show that it was the definite intention of the board to make Moose Jaw an inspection point.

Sir HENRY DRAYTON: Perhaps the minister could tell us at once.

Mr. ROBB: The government have after consideration and consultation with the Board of Grain Commissioners intimated that an inspection point will be established at Moose Jaw, and the Board of Grain Commissioners are now instructed to make preparations to inspect the next year's crop there.

Amendment agreed to.

Section agreed to.

Bill reported, read the third time and passed.

[Mr. Rogers.]

## MONTREAL HARBOUR COMMISSION

### LOAN OF $12,000,000 FOR TERMINAL FACILITIES

Hon. P. J. A. CARDIN (Minister of Marine and Fisheries) moved that the House go into committee to consider the following proposed resolution:

Resolved, that it is expedient to authorize a loan to the Harbour Commissioners of Montreal in an amount not exceeding $12,000,000 to carry on the construction of terminal facilities, upon approval by the Governor in Council of detailed plans, specifications and estamates for such works and the deposit of debentures of the corporation to cover said loan.

Mr. SPEAKER: Is it the pleasure of the House to adopt the motion?

Hon. ROBERT ROGERS (South Winnipeg): No, Mr. Speaker. This motion proposes a very large expenditure and before we even permit its introduction we should have some explanation. I would ask the leader of the government that the resolution be allowed to stand until to-morrow, at all events until we are given some details. It is a very heavy expenditure to authorize in a few minutes.

Mr. CARDIN: We are only dealing now with the resolution. Full details of what is proposed will be presented on the second reading of the bill. We simply desire to advance the proposed legislation a stage.

Mr. ROGERS: You will present all the details showing the necessity for this expenditure?

Mr. CARDIN: Certainly.

Motion agreed to and the House went into committee, Mr. Duff in the chair.

Mr. STEVENS: I agree with the hon. member for South Winnipeg in his request for information. The resolution deals with a large sum. I take this opportunity of saying that as far as I know Montreal has always paid its interest on advances from the government, and I think the harbour commission of Vancouver is in the same position. But this is a large sum, $12,000,000 and I would ask the minister—I am not expecting him to give it to me now—to be prepared to furnish information when the House is in committee regarding certain expenditures that have been made as to which information was laid on the Table last session. I refer, for instance, to the cold storage plant in Montreal. Speaking from memory it was estimated, by the engineer of the harbour commission that the expenditure upon that plant would be $900,000, but I understand it amounts to pretty nearly $3,000,000. There was also a jetty, if I recall the facts aright, or other works, where the actual ex-

penditure exceeded beyond all reason the estimate of the engineer. Furthermore, there was some extension to the elevators proposed. These matters were dealt with in returns brought down last year but which we had no opportunity of discussing. I would therefore ask the minister to give an explanation of these wide discrepancies between the amount expended and the amount estimated. Then I think we are also entitled to a statement as to the amount of Montreal harbour bonds outstanding or held by the government, and the earnings of the port. I am sure the harbour commission have paid their interest, but the House ought to be informed as to the manner in which the interest has been paid and if there has been any delinquency in that regard. I do not think there has been, but if not let us have the information in an absolutely official manner. I think a full statement of that character will tend to shorten any debate on the matter, and also will give the House confidence in voting a large amount of this character.

Mr. CARDIN: I shall be pleased to give all the details that have been asked for by my hon. friend when we reach the second reading of the bill.

Sir HENRY DRAYTON: In the meantime has my hon. friend any idea of what this is for? Because the sooner we get that information the sooner we will be able to deal with the bill.

Mr. CARDIN: I can give that information now.

Sir HENRY DRAYTON: If you please.

Mr. CARDIN: The idea is to spend a certain amount of money in harbour dredging

Sir HENRY DRAYTON: How much?

Mr. CARDIN: About $800,000. Then on wharves, piers and basins, $5,400,000; on plant, $155,000; on shops and buildings $322,000; on rails and electrification, $1,342,000.

Mr. STEVENS: Is that for switching?

Mr. CARDIN: Yes. For permanent sheds $300,000; for grain elevators $3,155,000; and there are sundries amounting to $142,000. I will give further details when we reach the second reading, but the items I have enumerated are the largest items.

Sir HENRY DRAYTON: When we have these details under consideration the minister will advise us at the same time as to the total amount of business done by the port?

Mr. CARDIN: Yes.



Sir HENRY DRAYTON: The total amount of business done in grain, the grain storage at present, the necessity for further grain storage, and the necessity for all these different works having regard to the volume of business.

Mr. CARDIN: I will.

Mr. MULLINS: We have been passing large sums of money during the past few days in comparison with the few millions apportioned to the Hudson Bay railway. Last night we put through $14,000,000 for the Welland canal, and you are now slipping through $12,000,000 for Montreal harbour. Will there be any money left for Nelson harbour? I should like to ask the minister that question. To western members these amounts are staggering.

Mr. CARDIN: We are not "slipping through" any amount at all; we are only dealing with the resolution which ordinarily precedes the introduction of the bill. At the next sitting we will deal with the bill itself, and my hon. friend will have ample opportunity to discuss the request we are making. The government is not making a gift but a loan to the harbour commission of Montreal. The harbour commission have paid interest to the government in the past upon all the loans made to them, and they are in a position to pay interest even on the money they are asking for in this instance.

Mr. MULLINS: We may need a loan for Nelson harbour. We will have our indebtedness as well as Montreal, and I should like to see some money left in the treasury.

Mr. MACKENZIE KING: I think I can promise my hon. friend that if the Nelson harbour commission will undertake to pay interest as the Montreal harbour commission does, it will get a loan.

Mr. COOTE: I should like to say just a word on this resolution. I have often wondered what was the purpose of bringing in a resolution previous to the introduction of a bill unless it was to secure the wish of the House as to whether the bill should be introduced. As a rule when these resolutions are brought forward we get very little information such as would enable hon. members to determine whether or not they approve of the proposed legislation. I think it would be good policy on the part of any government, if they think it necessary to introduce a resolution preceding a bill, to advise the House exactly what provision the bill is going to make. Then they would know whether it was the wish of the House that the bill should be proceeded with. Per-

sonally I cannot object to-night to this resolution. I do think, however, that the amount is very large, and if the government are taking it for granted that the House approves and wishes them to introduce the bill it would certainly be a good time to present information in a general way as to what is to be done with the $12,000,000.

Mr. MACKENZIE KING: The resolution is simply an extra precaution in the way of preparing members for the bill when it is introduced. It draws their attention to the fact that a bill on the subject will be presented for their consideration. I agree that it is well that information should be furnished on the resolution, but I think far too much time of the House has been taken up, certainly this session, in discussing resolutions. The resolution is merely an introductory feature, but in some cases we have spent much more time in discussing the resolution than in discussing the bill itself. At the time the Grand Trunk acquisition took place, the government of the day, which had charge of that measure, refused to allow the resolution even to be discussed, holding it was not debatable. I cite that case to show how much beyond the former point of view the present administration has gone in regard to resolutions which have been introduced.

Sir HENRY DRAYTON: A departure from sound practice.

Mr. COOTE: I hope the business of the House will not be carried on according to precedents established by former governments. I think it would be far better to give the members of the House some information on the resolution; then if that information leads them to believe the bill should not be introduced, they have a chance to express their opinions. After the bill is introduced and we vote against the second reading, it becomes equivalent to a vote of want of confidence. Therefore I believe the purpose to be served by resolutions is altogether lost if no information be given when the resolution is introduced.

Mr. HAY: Can the minister give us the total amount loaned up to the present time to the Harbour Commissioners of Montreal?

Mr. CARDIN: The amount was $44,000,000 up to December 1 last, upon which they have always paid interest.

Mr. RYCKMAN: How much of principal has been paid?

Mr. CARDIN: None at present.

Mr. RYCKMAN: What sinking fund has been provided? It is a very nice thing to be able to borrow millions of money and simply pay the interest. As hon. members know, a man named Ponzi went to Atlanta penitentiary twice—

Some hon. MEMBERS: Order.

Mr. CARDIN: If I am not mistaken, they have already a sinking fund of over $1,000,000.

Resolution reported, read the second time and concurred in. Mr. Cardin thereupon moved for leave to introduce Bill No. 189, to provide for a loan to the Harbour Commissioners of Montreal.

Motion agreed to and bill read the first time.

On motion of Mr. Mackenzie King the House adjourned at 11.50 p.m.

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## Friday, June 11, 1926.

The House met at two o'clock.

### OBJECTIONABLE PRINTED MATTER

#### ADMISSION TO CANADA

On the Orders of the Day:

Mr. H. C. HOCKEN (Toronto West Centre): I would like to direct a question to the Minister of Customs (Mr. Boivin) and in doing so to read an extract from a magazine called The American Mercury, published in Boston and edited by H. L. Mencken. In an editorial of the issue for June the following reflection will be found:

> The average Englishman is a dull fellow and seldom shows any enterprise, but he knows how to follow leaders who have what he lacks, and he did it to immense effect for many centuries. But to-day, it must be obvious, there are few leaders for him to follow, and most of the few are pathetically fourth rate. It would be a sheer impossibility to imagine Palmerston or Disraeli swindled and made a spectacle of as Austen Chamberlain was at Geneva. It would be equally impossible to imagine the England of the great days following such dubs as Baldwin, Asquith and Winston Churchill—half of them fanatics and the other half rogues. The one English statesman who has shown any genuine skill at his trade for a generation past is Lloyd George, a petty attorney from a Welsh country town—the sort of fellow who, a century ago, would have served his country by sitting to Dickens or Thackeray, not by bossing the state. Nor has luck run with the Motherland on the next higher level. The amiable George V is so plainly a blob that alluding to the fact becomes a sort of cruelty, and his heir, searching the empire for a horse that won't throw him, becomes simply a comic character, even to the English. More and more they miss the waspish but hard-headed Victoria, and on blue days they miss dear Albert too.

I would ask the Minister of Customs (Mr. Boivin) if that kind of magazine is to be allowed to enter the Dominion of Canada.

Right Hon. W. L. MACKENZIE KING (Prime Minister): Mr. Speaker, the Minister of Customs is not in his seat, but I can assure my hon. friend that the minister will be as anxious as he is to avoid a casus belli or improper reflections in any way. I am sure he will look into the magazine and consider carefully whether its articles are of such a character as should cause it to be prohibited.

## STRAWBERRY IMPORTATIONS

On the Orders of the Day:

Mr. JAMES STEEDSMAN (Souris): I would ask the Prime Minister, in the absence of the Minister of Customs (Mr. Boivin), if before applying any dumping duty to strawberries entering this country an inquiry will be made into the retail price at which strawberries are selling in the prairie provinces. I am informed on reliable authority that strawberries are selling retail in Manitoba at $7.75 per crate of 24 quarts. What I want to know is will the officers of the department be instructed to make an inquiry into this matter before any action is taken with regard to the dumping duty?

Right Hon. W. L. MACKENZIE KING (Prime Minister): I think my hon. friend may assume that his request in that particular will be met.

## WELLAND CANAL VOTE—$14,000,000

On the Orders of the Day:

Mr. E. J. GARLAND (Bow River): I desire to direct to the ministry a question based on an incident that occurred in this House on June 9. As Your Honour will remember, we had just passed the Hudson Bay vote, and there was some confusion, some noise in the chamber, when the next item was called, which happened to be the item of $14,000,000 for the Welland canal. I very distinctly heard the Minister of Railways and Canals (Mr. Dunning) say: "If you will allow me to get the Hudson Bay material into this envelope, and to draw the Welland canal material out of another envelope, we will proceed," or words to that effect. I assumed, and so did many of my colleagues, that the minister was about to make a statement with regard to the item, but it appears that the Welland canal item carried quickly without any statement having been made. I desire to ask the Minister of Railways and Canals and the government if they would consent to the restoration of that item for the purpose of allowing the minister to make an explanation of that $14,000,000 vote.

Mr. MALCOLM McLEAN (Melfort): Mr. Speaker, it had been my intention to make the same request of the Minister of Railways and Canals (Mr. Dunning), but as it has been preferred by the hon. member for Bow River (Mr. Garland), I shall simply endorse his request.

Hon. CHARLES A. DUNNING (Minister of Railways and Canals): Mr. Speaker, I am of course in the hands of the House in regard to the matter. I was quite ready to proceed to give any information desired by members of the committee with respect to the Welland canal item, but from all quarters of the House came cries of "Carried," and I thought the item was carried. In addition to that, another item dealing with the Welland canal was called, and I believe carried also. But if there is an opportunity under the rules of the House again to get into a position where I can give any information which any hon. member desires with regard to the Welland canal, I shall be happy to do so. I do not know how under the rules the matter may be revived, but I have certainly no objection to giving the information.

Mr. GARLAND (Bow River): I would ask again whether the minister would place on Hansard an explanation with regard to this vote. The House is entitled to the information. The item only carried, I am convinced, on a misunderstanding. The minister, we assumed, was going to make a statement, but that statement was not made.

Mr. DUNNING: I am not just positive how a matter of this kind can be dealt with under the rules, but on the next occasion when the estimates of the Department of Railways and Canals come up for consideration in committee of Supply, I shall be pleased, with the consent of the House, to give the information, and in that way it can go on Hansard, as well as any discussion relating to it. I merely want to assure my hon. friends that I have no intention of avoiding a discussion with regard to the matter.

## CANADIAN NATIONAL RAILWAYS—YOUNG-PRINCE ALBERT BRANCH LINE

On the Orders of the Day:

Mr. J. S. WOODSWORTH (Winnipeg North Centre): Mr. Speaker, I should like to read part of the following telegram from Prince Albert, and ask a question concerning it:

> Understand that board of trade here have sent a resolution to Ottawa favouring the handing over of the Grand Trunk Pacific line from Young to Prince

Albert to the Canadian Pacific Railway. Believe that this would be the biggest steal of public property ever yet pulled off.

The telegram goes on:

This action of the Canadian Pacific Railway will supplement the action of last year when the people's railway was debarred from the Nipawin country, thus losing an enormous amount of revenue, and if the Canadian Pacific Railway get the established line referred to, the chances of the Canadian National Railway to gain greater success will receive a severe setback in this part of the country.

H. D. DAVIS,
Alderman and Chairman Western Lines
B.R.C. of A.

May I ask if the government has received such a request from the Board of Trade of Prince Albert, and further, whether there is any intention of turning over this branch line to the Canadian Pacific.

Right Hon. W. L. MACKENZIE KING (Prime Minister): As the member for Prince Albert, I might say to my hon. friend that if there were anything really serious in the message he has received, a message from the Board of Trade would have been sent to me. I have received nothing from that source, nor so far as I am aware has the government.

Mr. WOODSWORTH: The part of the telegram I omitted to read, thinking it irrevelant, contained the information that a similar message had been sent to the Prime Minister.

Mr. MACKENZIE KING: I am sorry, Mr. Speaker, that whoever sent that message to my hon. friend found it necessary to make that assertion, for up to the present time I have not received such a message, but no doubt it is on its way.

Hon. CHARLES A. DUNNING (Minister of Railways and Canals): Perhaps I should say a word in reply to my hon. friend's question. There has been some talk in the vicinity of Prince Albert as to the desirability—

Mr. RYCKMAN: Who is the member for Prince Albert?

Mr. DUNNING: I am replying, as Minister of Railways, to a question relating to the possible disposal of a portion of the Canadian National system. If my hon. friend thinks I am out of order in doing so, I shall be pleased to sit down.

Mr. WOODSWORTH: I should like to have an answer from the Minister of Railways.

Mr. DUNNING: There has been some talk among the people of Prince Albert, and possibly among responsible bodies in that city, regarding the desirability of having the Canadian Pacific Railway enter that city. The Canadian National Railway at the present time has two roads running north into the city of Prince Albert, one the former Canadian Northern line, and the other the former Grand Trunk Pacific line.

Mr. HOCKEN: Cut one out.

Mr. DUNNING: Well, there is territory to be served by both. They are both necessary to serve the people of the areas through which they pass; no one who knows the country will doubt that. I have been led to believe, as Minister of Railways, that the citizens of Prince Albert generally would welcome some such arrangement in order to get what they believe to be the benefits of competition. The telegram which my hon. friend read is a duplicate of one which reached me this morning, and is the first evidence of any dissension in that regard in that city that I have received.

With regard to the question itself, I may say that no sale has been made. Proposals were made, I am given to understand, by the Canadian Pacific Railway to the Canadian National Railway in connection with the matter and were declined by the Canadian National some time ago.

## SPECIAL WAR REVENUE ACT, 1915

Hon. J. A. ROBB (Minister of Finance) moved the third reading of Bill No. 115, to amend the Special War Revenue Act, 1915.

Mr. LAWRENCE A. WILSON (Vaudreuil-Soulanges) (Translation): Mr. Speaker, I would ask my colleagues of the French language to bear once more with me, while I express myself in the language of the majority of this House, in order to make a few remarks in connection with the bill at present before the House.

Mr. Speaker, I rise for the purpose of making some suggestions to the Minister of Finance. I shall be very cautious this time. When I made my maiden speech the other day I had had no acquaintance with Hansard. I find that the debates reporters are not only very capable stenographers, expert stenographers, but are really photographers because I think that every move I made on the occasion referred to was noted in Hansard.

Mr. MANION: Was your speech illustrated?

Mr. WILSON (Vaudreuil-Soulanges): It was rather in the nature of a cartoon. My purpose in rising on the present occasion is to help the Minister of Finance to increase the

revenue and thereby reduce taxation. I have the pretension to think that if my suggestions are accepted by the House they will result in increasing the revenue of this country by $20,000,000 per annum.

Sir HENRY DRAYTON: Hear, hear.

Mr. WILSON (Vaudreuil-Soulanges): This may seem a very large amount but I believe I can convince the House that I have not overstated it. I desire to make an absolutely non-partisan speech, and should any hon. member wish to ask me any questions while making these few remarks I will do my utmost to answer them. Now let me refer to alcohol, spirits, whiskey. These are words that are very seldom heard in this House. They have been heard, I believe, during the last four months in the Customs inquiry, and I think it is an opportune moment to bring the question into more striking relief in this House. I quite appreciate that the subject is not a popular one among members of the House of Commons. It is rather a delicate question for various reasons. May I say that I was president of the Licensed Victuallers Association in the Dominion of Canada for twenty-five years and during that time our good friends—my good friends—of the Dominion Alliance and other associations of that class, invariably sent out a questionnaire on the eve of every election to candidates asking them if they were in favour of the suppression of the sale, manufacture and importation of wines, beer and alcohol. I was therefore obliged, as president of the Licensed Victuallers Association, to counteract that menace by asking the different candidates in a great many divisions whether they would be in favour of the sale, the legalized sale of wines and spirits. That placed the candidate in a happier position and the issue was not forced. I simply mention that en passant.

You are all aware, of course, of the many changes that have taken place in the license laws in the different provinces in Canada. On that question I have nothing to say, because each province, according to the British North America Act, has an absolute right to say whether there shall be license or non-license, and to enact its own laws on this subject. But the federal government has the sole and absolute right to legislate concerning importations, the duties upon liquors and the conditions under which distillation may be carried on. The duty upon domestic liquor at the present day is $9 per imperial gallon, and on imported liquor $10 per imperial gallon—100 degrees proof. Proof means 100 degrees. Consequently 9 cents per degree is paid in the case of domestic spirits, and 10 cents per degree in the case of imported spirits. Scotch whiskey, brandy and gin are usually shipped by reputable dealers at 20 degrees under proof. That is good drinking strength. Consequently it pays $8 per gallon or $16 per case; there are always two gallons to the case. In Great Britain today the duty is £3 15s. 4d. per gallon, or $28 per case. I have made it a little lower. It is really $30 and $32 per case according to strength. However, the duty is $28 per case in Great Britain or $1 per bottle more than the duty here. Liquors in wood, that is in the cask, are generally shipped at proof strength or 100 degrees, as the importers do not wish to pay freight upon water, and the whiskey is generally "knocked down" or reduced by the importers here. That is well known in the trade. And still some think that the duty should be lowered and thereby diminish the amount of smuggling or illicit distillation. Even if we reduced the duty to $2 per gallon it would not prevent those abuses, as spirits do not cost more than 45 to 50 cents per gallon to manufacture.

The revenues derived in Great Britain last year from beer, wines and spirits were as follows:

| | |
|---|---|
| Customs— | |
| Beer | £5,591,362 |
| Rum | 4,839,167 |
| Brandy | 2,646,265 |
| Other spirits | 1,407,222 |
| Wine | 3,368,648 |
| | £17,852,664 |
| Excise— | |
| Spirits | £45,144,092 |
| Beer | 76,110,638 |
| License duty | 162,888 |
| Liquor | 4,144,555 |
| Other | 467,867 |
| | £126,030,040 |
| Grand total | £143,882,704 |

Now, listen to this marvellous legislation or order in council in connection with the customs tariff on imported liquor:

> Provided, as to all goods specified in items Nos. 156 and 156a when of less strength than the strength of proof, that no reduction or allowance shall be made in the management thereof for duty purposes, below the strength of fifteen per cent under proof.

This means that imported liquor must pay duty at least upon 85 degrees of spirits even if it is half that strength. If the liquor is 25 degrees under proof, it pays $2 per case upon water, and if it is 40 degrees under proof, it pays $5 per case upon water, but there is no such provision for domestic spirits. It pays an excise duty only according to its strength, and I regret to say that I have known ryes in bottles, bearing the excise stamp, shipped from certain Canadian

distilleries at 40 and 50 degrees under proof, given a preference over the imported of $6.20 and $8 per case respectively.

Is it fair to the Canadian government and to the people? No other country in the world has such an anomaly. To my mind the government should enact a law that no liquor in bottles, imported or domestic, should be allowed to be bottled or sold less than 25 degrees under proof and, in order to protect our distillers, the government should increase the customs duty to $2 per gallon, and leave the excise as it is at present. The government would reap a much larger revenue from both the foreign and Canadian distilleries and, at the same time, protect our home industries, which is only right, but, conditionally, that the strength be as indicated.

Now, Mr. Speaker, I come to that wonderful two-year law—a standing joke for many, many years. The excise law states that Canadian spirits must be kept in bond for maturing purposes at least two years before being offered for sale, but it fails to state that the spirits must be aged in oak or wooden casks. This is the little joker and the laughing stock of the foreign distillers or those who know. The great bulk of spirits, actually over 10,000,000 gallons, held in bond by the Canadian distilleries is kept in huge copper tanks or steel barrels where no perceptible evaporation is possible.

Mr. POULIOT (Translation): Would the hon. member allow me to ask him a question?

Mr. WILSON (Translation): With pleasure.

Mr. POULIOT (Translation): On what date was the order in council just mentioned passed?

Mr. WILSON: That order in council dates back to Alexander Mackenzie's time. It is very, very old.

Sir HENRY DRAYTON: It has whiskers.

Mr. WILSON: I must say, in justice, that I know of some distilleries that do age a portion of their output in wood, I have seen hundreds of barrels in Messrs. Walkers' warehouse, and I hope they reserve a fair portion for their friends in Canada.

Spirits cannot improve in copper tanks—

Sir HENRY DRAYTON: Hear, hear.

Mr. CHAPLIN (Lincoln): How about human tanks?

Mr. WILSON: Well, we pour it down the sewer. Spirits cannot improve in copper tanks any more than whiskey can improve in bottles, even if kept a hundred years. In these receptacles there is consequently no evaporation of fusel-oil and such whiskey should not be permitted for consumption.

Notwithstanding this, the law allows these distilleries 17 per cent for evaporation of spirits in copper tanks, namely, 4 per cent the first year; 3 per cent the second year; 2 per cent the third year; 2 per cent the fourth year and 1 per cent per year from the fifth to the tenth year, which equals 17 per cent allowance for supposed shrinkage, but when the spirits are kept in wood, an allowance of 33 per cent is made for the same period of time. This conclusively proves that the evaporation or shrinkage is considerably more in wood than in copper tanks.

In Great Britain, whiskey must be kept for three years in oak or wooden casks before being released for home consumption, but the foreign distilleries in Great Britain, France, Holland or any other country can export their new, raw material, made yesterday, and that is the "rotgut" we frequently receive. It is true that a recent order in council requires that foreign spirits should be at least two years old, but where is the proof? And, moreover, the order in council does not state it must be aged in wood; certainly not the gin from Holland or England that arrives here as colourless as the day it came out of the still, whereas if it had been stored in wood it would have been straw or amber colour.

I would also draw attention, Mr. Speaker, to the many false representations on the bottles, flasks and other packages of goods coming into this country, and would advise the government to adopt the English law in that respect. No bottle of brandy can enter England without an official stamp stating that it is distilled from pure grape wine, and it is not surprising that England has on her bonded docks the finest wines and liquors in the world.

I have been familiar with the Customs and Excise department, now merged into one, for nearly half a century, and I have a very high appreciation of the standing of the deputy ministers and other officials in those departments. I am not speaking of the ministers themselves because they never remain long enough. To-day we have excellent officials, and I am sure they would welcome an order in council, providing that excise stamps, affixed to bottles, should show clearly whether the contents have been aged in wood or in copper tanks, with the date of bottling as well as age and strength. I have no doubt these gentlemen will assist me in making my suggestions more concrete, so as to offer the gov-

ernment a bill that will be satisfactory to all concerned.

Let us build up the same reputation for our goods as they have done in Great Britain and, at the same time, increase our revenue. This would decrease bootlegging and moonshine stuff, as the people would insist upon having the article certified by the government, and would refuse the concoctions as we would refuse a counterfeit bank note.

With reference to recent smuggling of liquor into the United States via Canada, owing to prohibition in the United States, I believe this could be remedied to the satisfaction of the English, American and Canadian governments. In this connection, liquor has been imported consigned to a bonded warehouse in Canada, then export papers have been obtained to tranship these goods to St. Pierre and Miquelon, Mexico, Japan or the Sandwich islands. These goods, as has been clearly proven in the customs probe, never reach their supposed destination, but are landed in transit on the American side. This can easily be prevented by the Customs department, of which the hon. Mr. Boivin is now the vigilant head, by not allowing any transhipment of foreign liquors in bond after having been warehoused at any port of entry in the Dominion. Duty would then have to be paid upon such consignments and the government would derive a larger revenue.

It is easy to understand, Mr. Speaker, that no foreign shipper would consign goods to Montreal or Toronto if they were purchased by a legitimate dealer in New York, Chicago, New Orleans or San Francisco. This would not prevent shipment through Canada from the other side to another country, on a through bill of lading, and would therefore not deprive transportation companies of freight charges upon such shipments.

I will not dwell upon the question of wine at any length. I might say, however, that wine should never be classed with spirits. Spirits are distilled and wine is made from the natural fermentation of the grape. I would suggest, however, that no wine, either foreign or native, should be allowed to be sold if manufactured from dried raisins with sugar and alcohol added. The governments of Portugal, Spain, France and Germany have very strict regulations regarding the sale of wines for consumption in their countries. There is nothing more pleasant or healthful than pure wine with a lovely bouquet, developed only by the evaporation of ethers, and the combination of the natural spirit with the succinic, tartaric, tannic, citric and malic acids contained in the wine. The colouring is formed in the grape skin during its ripening, by the action of the sun and soil. But I will leave this to another occasion.

In conclusion I wish to assure my prohibition and temperance friends, if there are any in this House, that I have no desire to interfere with their opinions concerning the liquor traffic. I respect the views of every man on that question, but I would remind them, if they allow me, that liquor is absolutely necesary in certain cases. I might tell hon. members about a certain town in Nevada where they have the most stringent prohibition law ever enacted. One provision of the law is that no person can purchase a drop of liquor unless he has been bitten by a snake, and the certificate which he has to obtain from the medical practitioner of the town must be endorsed by the mayor and three aldermen. One day a traveller arrived at the hotel in the town and said, "I must have a drop of brandy or I will die." The hotel man said: "You cannot get any liquor in this place unless you are bitten by a snake." Where are the snakes? "They are up in the mountain yonder." The poor man wended his way up the mountain with about a hundred pilgrims ahead of him, but when he reached the summit the snake was too tired and it refused to bite. It is a terrible thing to be deprived of liquor under those conditions. Only the other day a man was knocked unconscious at the corner of 42nd street and Fifth avenue, New York. He happened to have a flask in his hip pocket. On the way to the Bellevue hospital in the ambulance the poor man came to and he felt something trickling down his leg. He exclaimed: "Great Scott, I hope it's blood."

I have the honour which very few other hon. members have had of seeing Sir John A. Macdonald in this House as well as his successors. I was quite a young man, but we all liked Sir John and I think he liked me. I have seen all his successors, Sir John Thompson, Sir Charles Tupper, Sir Robert Borden, my right hon. friend, Mr. Meighen, and now my dear friend, Mr. Mackenzie King. I do not see any reason why I should not disclose this secret if it is a secret. I am sorry Hansard is here for part of my remarks. In 1896 I came to Ottawa and sat in the council chamber where I saw Mr. Fielding, Mr. Davies, Mr. Blair, Mr. Paterson, Sir Henry Joly de Lotbinière and Mr. Sifton. I came with the very proposition that I am bringing before the House to-day and they thought well of it.

I have been an agent for distilleries for some years and I think a good deal of our

distillers. There are no better citizens than our distillers; but they have made millions and as I told some of the representatives of the distillers who are here to-day, I think that owing to our great war debt these gentlemen should give us a piece of the melon. I do not think it would be any hardship for them to agree that, outside of the changes I suggested, we should get a share of the profits. I do not know how that could be worked out, but it would be a good thing. As hon. members know, during the war there was a time of great uncertainty whether they should continue operations. There are hon. members who remember quite well when there was total prohibition and prevention of the manufacture of spirits in this country and there was a time when the distillers had cold feet. If they were to give this country a share of their profits we would be co-partners in their business; there would be a better feeling throughout the country, and there would be for the distillers more stability, which should exist as it does in all other countries. Otherwise, if you raise the two year law that I referred to a few minutes ago, you might have many distilleries cropping up throughout Canada as has occurred in Scotland, France and other countries.

Mr. HOCKEN: What limit would the hon. gentleman put upon their profits?

Mr. WILSON (Vaudreuil): That is a difficult question to answer. I do not know, but from what I know of the profits of the last fifty years which of course they have not on hand, but which have been handed down from father to son, I think they could give something. Hon. members know of the wealth of the large distilleries, such as the Corby's and the Seagram's. They certainly deserve it because they made better spirits than the American people did and they made a reputation in Canada for their product. They are valuable citizens; they give employment to large numbers of people and so on. This is a very delicate question because these gentlemen are good friends of mine; but I think they should do their share toward reducing our debt, and I am sure the leaders of the different parties in this House would look upon a project of that sort with some favour if there is still going to be distillation and sale.

In conclusion, let me refer to another source of revenue which I believe could be developed. I believe that our millionaire philanthropists in Canada should, while they are still living, do a little more than they are doing for the welfare of their country or their home cities or towns. Our Canadians are very charitable; in their wills they leave large amounts for hospitals and homes of different kinds. If they did that during their lifetime it would be more to their credit; they would see what they were doing, and it would help this country enormously. If a man who has an income of $200,000 or $300,000 a year gives $50,000 out of it, he is giving practically nothing if you take into consideration the income tax and the succession tax in Quebec. If a man is worth a million dollars he has to pay $60,000 in succession tax which the province gets. If while he is living he devotes some of his revenue to the public good he is doing something for the welfare of his country. Unfortunately, men who are wrapped up in business are not in the habit of handing out their money; they always think there is going to be a lean year or rainy day. It is only when they are dying that they see a different horizon and their outlook becomes broader. That is a question which these millionaires who are hoarding their capital should consider.

I may not have the honour of being very long in this House and this may be my last utterance. I feel that I could be easily replaced by a man who could do more for the country. But before I resign I must take this occasion to thank all hon. members for their kindly attitude toward me and for making me feel at home and comfortable. If I leave the House I shall have great pleasure in saying how well I was received by my friends from Ontario and the eastern and western provinces who understood my particular temperament and were kind and charitable.

Before resuming my seat I wish to take the House into my confidence in connection with a little dream I had the other night. We dream here a good deal. I dreamed that I died in Ottawa. I thought I was a senator and consequently I thought I was dead. I dreamed that I had left $100,000 to the Prime Minister (Mr. Mackenzie King), $100,000 to the leader of the opposition (Mr. Meighen), and $100,000 to the Minister of Finance (Mr. Robb). It was stipulated in the will that they should each put into my coffin $1,000 to show that they had confidence in me and respected my word. This would prove that they believed I had the wherewithal to meet the provision of the will. Well, while lying there I saw the Prime Minister come along gaily and deposit $1,000 in fresh bills.

Mr. STEVENS: Or a promissory note?

Mr. WILSON (Vaudreuil): And the leader of the opposition put in his $1,000 in gold. The Minister of Finance afterwards came up to the coffin, took out his cheque book and his fountain pen, wrote out a cheque for $3,000, laid it on my chest, took out the $2,000 in bills and gold—and went to Huntingdon.

Motion agreed to, bill read the third time and passed.

## SUPPLY

### PUBLIC WORKS

The House in committee of Supply, Mr. Duff in the chair.

Public Works—Maritime provinces generally—Dominion public buildings, $43,000.

Mr. ROGERS: The minister might explain this item briefly.

Hon. J. H. KING (Kootenay, Minister of Public Works): This is required for improvements, repairs and renewals in connection with public buildings in Nova Scotia, New Brunswick and Prince Edward Island including the cities of Halifax and St. John for which in previous years special appropriations were asked. In 1925-26, $42,997 was spent. It is an annual vote.

Mr. ROGERS: For ordinary repairs?

Mr. KING (Kootenay): Yes.

Mr. HANSON: I was not here when vote 133 was under discussion. If the minister would be good enough to give me the information I should like to know what will be the probable cost of the new post office at Chipman. I am anxious to get some information also with regard to the post office at Moncton.

Mr. KING (Kootenay): The item was passed some days ago but I am glad to give the hon. gentleman the information. We are asking for $5,000 to complete the construction of the building at Chipman. A contract was entered into and out of the appropriation of $10,000 for 1925-26 $8,000 was spent, $7,500 being on the contract and $500 for the purchase of the site. An unexpended balance of $2,000 is being re-voted this year. The fixtures for the post office have been contracted for and are now being placed. For these fixtures six tenders were received, ranging from $945 to $1,576. The lowest tender of $945, from the Office Specialty Company, was accepted.

3 p.m.

Mr. HANSON: I am not so much concerned about the fixtures. What was the total cost of the structure including the site?

Mr. KING (Kootenay): The contract was for $8,445.

Mr. HANSON: What about the building at Moncton? For a good many years the people there have been asking for a post office. Business men, boards of trade and other public bodies have been requesting the government to put up a new post office at a point east of the subway so-called, and notwithstanding the preference as to location indicated by these people the government bought a very expensive site from one of its own friends, the McManus Company. For that site they paid $40,000. The property is still occupied by the McManus people at a rental of $40 a month. A site costing $40,000 is being rented to the original vendor or a member of the family at the handsome sum of $40 a month, and no move has yet been made by the government to build the post office. Is this delay due to the opposition that has developed from the business men of Moncton, and if so is it the intention to abandon the proposed site? What does the minister intend to do about the matter, and why has nothing been done so far towards erecting the building? I believe this is a political deal made to suit the purposes of a valiant supporter of the government. The price paid was excessive, being nearly double the amount of the assessed valuation of the site, which is wholly unsuitable from the standpoint of the business people of Moncton, and the whole transaction has a very unsavoury smell. We ought to know something about it.

Mr. KING (Kootenay): I shall be glad to give my hon. friend full information on the subject. I absolutely resent his remarks. It is true that at the last session parliament did vote moneys for the purchase of a post office site in Moncton. Several sites were suggested. Those in the down-town section were carefully appraised as were also the proposed sites above the subway. The site my hon. friend speaks of was considered by the appraisers, by departmental officials and by myself—because I made an inspection—as the proper site for a post office building in Moncton. The price is a reasonable one and is confirmed by the assessors and by departmental officials. I am not prepared to say whether it suited the business community, but we had in mind other people than those with property to sell in the business section. We had petitions from people in the down-town section and from residents of Moncton, one for and one against the downtown location. If any gentlemen familiar with Moncton will, when arriving there by train, pass

from the station across to the property owned by the government they will confirm my judgment and that of the officials of the department. This was a proper purchase and is an ideal spot for a public building in Moncton.

Mr. HANSON: If that is so, why have not the government constructed the building? Is it because Moncton voted against the government on October 29 last? Why is the building rented for the absurd sum of $40 a month? That is not an adequate rental for a building costing over $40,000. I would like to tell the committee that this was a residential property not in the business district, although it is on a continuation of the main street. I venture to say that the preponderance of opinion as evidenced by public bodies, and not by individuals having private interests to serve, has been against this site from the very beginning. But this property was purchased from one of the members of the New Brunswick legislature who supported the late government there, and so far as I can observe that is the only reason for the purchase. I ask why the building has not been proceeded with.

Mr. KING (Kootenay): The property was bought because it was the proper site for a public building. The price was fair, but the criticism of my hon. friend is not fair.

Mr. HANSON: Would the minister tell me why construction is not being proceeded with?

Mr. KING (Kootenay): Yes. A large sum is required, and the matter is under consideration as to whether it is now opportune for us to proceed with the construction.

Item agreed to.

Public Works—Dominion public buildings—Improvements, repairs, et cetera, $102,000.

Mr. ROGERS: This amount is a re-vote from last year, is it not? Where is that amount to be spent?

Mr. KING (Kootenay): This amount is required for maintenance and repairs in connection with public buildings in Quebec, including those in Montreal which in previous years were carried under a special appropriation. Last year there was expended $101,990 from this vote, for the usual repairs and upkeep of buildings.

Item agreed to.

Public Works—Maisonneuve—public buildings, $50,000.

Mr. ROGERS: What is this amount for?

Mr. KING (Kootenay): It is the purpose of the department to purchase a property there from the municipality. Maisonneuve has now become part of Montreal and they have no use for this public building, which has been examined by the officials and reported upon as a very suitable building for postal purposes. It is the intention of the government to secure this property from the municipality for that purpose.

Mr. ROGERS: Just a few years ago we built a splendid post office there. Is there any necessity for another?

Mr. KING (Kootenay): The government bought a site at that time but a building was never constructed. I understand that site has been used by the municipality for a market place. It is proposed under this arrangement to take over from the municipality this municipal building, and exchange the site formerly bought for post office purposes.

Item agreed to.

Public Works—Montreal—Ordnance stores building, $24,550.

Mr. ROGERS: What is this amount for?

Mr. KING (Kootenay): This amount is the sixth payment on the Grant garage on Hillside avenue, Westmount, under an order in council dated April 16, 1921. There is interest due and other items, making a total of $24,533, and the vote is for $24,550. This building was formerly called the Grant garage and is being used to house ordnance and garage stores. The premises were secured by the government in 1921 and are being paid for by yearly payments.

Item agreed to.

Public Works—Montreal general post office—reorganization, $50,000.

Mr. ROGERS: That is a very large item for improvements or reorganization. Surely they could get along with less.

Mr. MacLAREN: What is a postal station? Is that a post office?

Mr. KING (Kootenay): Yes. This amount is required for a reorganization of the interior arrangements of the Montreal post office in order to provide improved facilities for the handling of mail. This is requested by the Postmaster General's department; it is a departmental matter and is carried as such.

Mr. ROGERS: It seems to be a very large amount.

Mr. KING (Kootenay): Yes, but of course there is a large service at Montreal.

Item agreed to.

Public Works—Toronto—Postal station "A"—mechnical equipment, $50,000.

Mr. POWER: That is a very large item for Toronto.

Mr. HEAPS: There are two items I would like to ask about.

Mr. POWER: I have already asked a question in regard to the vote for mechanical equipment at Toronto.

Mr. KING (Kootenay): This amount has been requested by the Post Office department to provide for the installation of mechanical equipment at postal station "A", Toronto, in order to handle the ever-increasing postal business there. This will effect a reduction in the operating expenses and will facilitate the despatch and delivery of mail. This amount is to be used in the establishment of a mechanical system for handling and forwarding parcel post; this class of mail matter at present is somewhat congested and requires relief. This is a recommendation and a request coming from the Post Office department to improve the facilities in Toronto for the handling of mail and parcel matter.

Mr. ROGERS: Is this all to be used in connection with the head office in Toronto?

Mr. KING (Kootenay): This is for postal station A, the Union station.

Mr. POWER: With the installation of this mechanical equipment, will it be possible to do away with a large number of the employees at the post office in Toronto?

Mr. KING (Kootenay): I have not that knowledge; that comes within the Post Office department, but usually when mechanical improvements are installed it is with a view to increasing the facilities and improving the conditions.

Mr. ROGERS: I would point out that the post office at Toronto does a great deal more business than probably half the rest of the post offices in Canada put together.

Sir EUGENE FISET: Not more than Montreal.

Mr. ROGERS: Oh yes, far more than Montreal. There is no comparison at all.

Mr. HEAPS: There are two small items to which I wish to refer, the Hamilton armoury and the Niagara Falls armoury, in connection with which local improvement taxes are to be paid by the government. What is the policy of the government in this regard? Is the same practice followed in regard to similar buildings in other parts of Canada?

Mr. KING (Kootenay): Yes and no. Usually in connection with local improvements adjoining public buildings, if the government is properly approached and the improvements are in conformity with the improvements being carried on by the citizens, a local improvement payment is made. Sometimes some municipalities make the improvements and then would assess the government of Canada. Municipalities who move in that way will have to take their chances as to whether they will receive favourable consideration or not. In some cases if the improvements are of such a nature that the department feels justified in compensating the municipality for those improvements, that is done. Usually I might say that in connection with sidewalk and street improvements adjoining public buildings, the government contribute to the local improvements.

Mr. HEAPS: Am I to understand that this is only a temporary charge for sidewalks and that sort of thing, or is this an annual fixed charge?

Mr. KING (Kootenay): This payment is the government's share of the cost of sewerage and asphalt roadway on Robert street between James and John streets in the city of Hamilton. This is the cost complete; there are no carrying charges.

Mr. GEARY: I am very glad to see that the municipality of Hamilton is getting some return in the way of local improvement taxes. Is it the policy of the department to consider favourably all such requests, or is the policy of the department against giving consideration to requests of municipalities for payment of its proper share of local improvement taxes?

Mr. KING (Kootenay): I think that, generaly speaking, local improvements in the vicinity of government property would be considered favourably by the department and by the government, providing that the municipality is carrying on similar improvements in the vicinity.

Mr. GEARY: I beg to call the attention of the minister to a case in Toronto. It may be more convenient at a later date, but there is a case of hardship south of the armouries in Toronto.

Mr. McGIBBON: What is the total cost of the building at Gravenhurst?

Mr. KING (Kootenay): The estimated total cost is $27,496.

Mr. McGIBBON: Will that complete the building?

Mr. KING (Kootenay): That will complete the building.

Mr. GEARY: My hon. friend from Quebec South had a keen eye and found $50,000 for postal station A, Toronto. I have been looking in vain for some appropriation for a custom house in Toronto. I do not know whether it is coming along in the supplementary estimates, but I should like very much to know if the minister would say that consideration will be given to that pressing need. It is a pressing need. It has been spoken of a great deal, and I am not going to give the figures and dates that have been placed before the House from time to time, but to the best of my recollection it must be fifteen years ago that the site for the new customs house in Toronto was purchased and the old custom house destroyed. Business, as I understand from commercial people, is suffering from a very great inconvenience; the inconvenience of doing work through the present custom house makes itself felt very widely throughout the commercial life of the city. This building has been a long time coming, and I should like to know if the minister has some project in mind.

Mr. KING (Kootenay): I quite agree with my hon. friend that the necessities for an improved customs building in Toronto are great. If he will go back a few years he will remember that it was considered wise at that time to remove the building that was serving as a custom house. That building was taken down, and later the proposal to rebuild was abandoned. That was in the after the war period, and my hon. friend no doubt realizes that the difficulties that prevented his friends from moving have been, and are still, in the way of this government. The money necessary to provide the facilities that should be provided in the city of Toronto would run into a very considerable sum, and up to date the government has not felt that they were in a financial position to undertake the construction that would be required. But the matter has been and is receiving consideration, and undoubtedly better accommodation will have to be provided in the city of Toronto.

Mr. BIRD: I wonder if the minister has given further consideration to the desirability of rearranging the seating in this chamber. I think I am speaking for almost all of us who sit in this section of the House when I say that fully one-third, if not one-half, of the total transactions in this chamber are lost to those of us who sit in this part of the House. In view of the constant protests that have been made, and sincerely made, I think the government ought to take into consideration the need of some rearrangement so that all members may take their part in the business of the House. In order to take one's proper share in what is going on, a considerable strain is involved on those who sit away from the treasury benches. I sincerely hope that the minister will give some thought to this matter. It may involve some considerable expense, but I think it would be money well spent if it means that it will give each and all an interest in the business of the House. I think that sometimes the sparse attendance in the House is very largely due to the fact of the strain imposed on some of us to attend to the business that is going on.

Mr. KING (Kootenay): In reply to my hon. friend, I think all of us who have been in the House for some time realize that its acoustic properties are not as good as we would like. Hon. gentlemen, of course, must realize that this is a very large chamber with high ceilings. In addition to the doubtless inferior acoustic properties, conversation often occurs between members when an hon. gentleman is speaking, with the result that there is a certain amount of confusion and noise which would not be overcome even if the seats in the chamber were re-arranged. The suggestion has been advanced that the throne should be moved to a point just about opposite the clock, and that the chamber should be reconstructed in a semi-circular form with members confronting the chair. I had Professor Saunders, of Harvard, a well known authority on acoustics, make a careful examination of the chamber some two or three years ago but he did not suggest that this idea should be carried out. He recommended that to improve the acoustic properties of the chamber a carpet be laid, and that curtains and other sound-absorbing material be hung from the walls, in order to intercept noises or echoes. I think a marked improvement resulted from the work carried out as a result of his suggestion. An estimate was made as to the cost of re-arranging the chamber and if I remember rightly it ran to between forty and fifty thousand dollars. At that time, as hon. gentlemen will remember, there was some doubt in the minds of members as to whether the tower and other portions of the building should be completed. Under the circumstances I did not feel that we would be justified then in spending such a sum upon the re-arrangement of the chamber; and I think that before such a plan is seriously entertained we should get expert advice as to whether this chamber is one that would lend itself to such a re-arrange-

ment. If the plan is reported against I am inclined to think that hon. members will have to continue to be subject to the existing conditions. This year a rather good line of procedure was followed in that the Prime Minister and the leader of the opposition moved down one seat nearer the centre of the chamber. I think there would be further improvement if they moved their desks still further down. I am satisfied that both the Prime Minister and the leader of the opposition would be happy to accommodate hon. members if it was their desire that this should be done. In any event I think very careful inquiry should be made before deciding upon any plan of reconstructing the chamber.

Mr. McGIBBON: I endorse the sentiments expressed by the hon. member for Nelson and I ask the minister this question: Does he not think the present government has been in power long enough to get a comprehensive report on this subject; or does he intend to let matters drift without doing anything to bring about an improvement? If anything can be done to improve the existing conditions, there ought to be no delay in carrying it out in the interest of members generally. I ask the minister if he intends getting a report on the subject from some competent authority?

Mr. KING (Kootenay): My hon. friend must have misunderstood me. I stated a moment ago that some two years since I had Professor Saunders report on the matter and I gave from memory the substance of his report. The document is now in the Department of Public Works and is available to hon. members if they wish to consult it.

Mr. McGIBBON: May I remind the minister that he closed his statement by saying that another report should be obtained?

Mr. KING (Kootenay): I said that before adopting such a plan as had been suggested careful inquiry should be made of people who are versed in matters of the kind. Personally I would not like to undertake to pronounce an opinion that the chamber could be re-arranged in the manner suggested and still afford all the necessary advantages. If it is the wish of hon. gentlemen another inquiry could be made. At the same time I impress upon my hon. friends the fact that an inquiry has already been made and that the information in our possession is against the suggested change.

Mr. BIRD: Has the minister inquired into the utility of some kind of loud speaker such as is used in large halls for public meetings?

Mr. KING (Kootenay): That would necessitate every hon. gentleman taking a forum and speaking from there. Probably it would be an advantage if all hon. members would speak from some central point in the chamber.

Mr. CANTLEY: I have listened with a very great deal of interest to what the Minister of Public Works has said in reply to the suggestions for the improvement of this chamber. I am not in a position to say what improvement in the acoustic properties has resulted from the changes of which he has spoken, but I must state that for a very considerable number of members the existing conditions are almost intolerable. Personally I do not hear much more than one-half of what is said here. I will admit that my hearing is not as good as it was ten years ago but still it is just about as good as that of one-half of the members that sit around me. May I say that when His Honour the Speaker makes any observations it is very seldom that I am able to hear much of what he says. This building is constructed of stone and the combination is the poorest possible in regard to acoustic properties. I think a great deal might be done in certain directions to improve the chamber but I am not going to take up time in enumerating them at the present moment. The hon. member for Nelson suggested the installation of a loud speaker. There is no doubt that something could be done along that line that would enable each member in the House to hear the speaker's remarks. To illustrate the possibility in that direction let me say that a few weeks ago I was present at the annual meeting of the American Iron and Steel Institute. It took place in one of the largest auditoriums in New York city where over 1,500 people participated. Speeches were made by gentlemen in various parts of the great hall and as a result of the apparatus that had been installed those speeches were heard perfectly in every corner. If that happy result could be achieved there it can be done here. I would ask the minister to invite people who are regarded as authorities to come here and give him some practical advice on the matter, because I am quite convinced that by the installation of appropriate devices the difficulty at present complained of can be thoroughly overcome. I ask the minister to take up the matter as soon as the House closes so that measures may be adopted without delay to overcome the present intolerable and unfair state of affairs which is not befitting this House of parliament.

Mr. MacLAREN: I would urge the minister to consider the advisability of filling in many of the spaces around this chamber with oak. I believe that would improve to a marked degree the acoustic properties of the chamber. The hanging of curtains has been of assistance but I think that possibly the filling in of many of the spaces with similar coloured wood would not detract from the appearance of the chamber and would result in a very substantial improvement in the matter of audibility.

Mr. KING (Kootenay): I will be very glad to consider the suggestions which have been made. May I say, however, that I think the filling-in of the vacant spaces with wood would affect the ventilation of the chamber. Even if that filling were done the use of curtains would still have to be continued. I am very glad this discussion has taken place and the government will give the matter consideration, with a view to improving the acoustics of the chamber.

Mr. ROGERS: I entirely endorse what the hon. member for Pictou said in regard to the acoustic properties of the chamber. I remember when the parliament buildings were being erected, before the spaces were put in, we very frequently came to the chamber, Senator Watson, myself and others, to test the acoustics. We made speeches to the architects and those in charge of the work, and at that time we felt the acoustics were going to be very satisfactory, but apparently something in the building of the galleries and the opening of those spaces has interfered with the acoustics. I think if the minister would secure the services of some authority on acoustics and have a very thorough examination made, a great improvement could be obtained. It would be most desirable, and I hope he will give careful attention to this matter, because the acoustics to-day are very bad indeed, and are a very great drawback to the business of parliament. Probably some trifling thing is causing the difficulty that we encounter from time to time.

Mr. MacNUTT: I am very glad the hon. member for Nelson has brought this matter to the attention of the committee. I was not aware that it came under the Department of Public Works; I thought it was a matter which the Speaker looked after entirely. I can assure the minister, now that I have learned that it comes within his purview, that he is going to hear from me quite frequently unless conditions in this chamber are improved. I am not hard of hearing, but I confess I do not hear more than half the discussion that takes place and as a result I absent myself from the chamber very frequently when under better conditions I would be here. If hon. members will look from my seat at the other end of the chamber, and see the number of members on both sides with their hand to their ear,—very often with one hand to each ear,—they will realize that the acoustics of the chamber are not what they should be. I am sure the country will welcome any expense the minister may incur to so improve the chamber, that members can hear what is being said. I have not been in my seat at the other end of the chamber for some weeks. I steal a place here and there in the middle of the chamber, to try and hear what is being said, and I am very glad to hear the promise of the minister in reference to this matter.

Mr. ARMSTRONG (Lambton): When we were sitting in the Museum we had the same trouble. Authorities in acoustic arrangements were brought from the United States to make an investigation. They were able to show that by placing little openings in the wall and closing them in such a way that they could not be detected, the acoustic properties of that building could be greatly improved. There are establishments in the United States who make a business of revolutionizing the acoustic properties of buildings such as the parliament buildings.

Mr. MANION: There is another point about this chamber which I think the minister might well deal with. I refer to its ventilation. I do not know how other members feel, but I certainly find this chamber very close despite the fact that it is built much as a cathedral is built. The temperature is often unbearable. There is a ventilation system but whether it gets out of order or not I do not know. Frequently the temperature is uncomfortable. I think if some arrangement were made so that during the warm weather, the windows at the top could be opened at the highest point, we would have a much finer system of ventilation and a more comfortable chamber. There is no doubt that a stone building such as this should be one of the coolest and most comfortable places in the universe. I do not think that any part of the building is so uncomfortable as the chamber. An investigation of the ventilating system should be made. Many times during the last couple of weeks conditions have been almost unbearable. I think great improvement could be made by some arrangement for opening the upper windows, as is done in many large halls.

Mr. KING (Kootenay): We will be glad to give the matter consideration. We are advised that we have one of the most up-to-date ventilating plants that can be obtained.

Mr. STEVENS: Is the plant properly run?

Mr. KING (Kootenay): I think so, sometimes the fans are run too fast and have to be slowed down. The opening of the windows would not improve matters.

Mr. MARCIL: Members of former parliaments will recall that we had a perennial discussion of the question of ventilation of the chamber in the old building. It was a house within a house, and we never got fresh air except that coming through the corridors. The Speaker's chair was put in the centre of the chamber, but the Senate, being a small chamber, the Speaker's chair was allowed to remain at the end. Here we have placed the Speaker's chair at the end of the chamber. If the Speaker's chair were placed at the centre and the seats were changed about members would get closer together and hear what was going on. I rarely hear what is going on at the other end of the chamber, except in case of a very loud speaker. The question might be studied to ascertain if it would be an advantage to remove the Speaker's chair from the end to the centre of the chamber, as it was in the old House of Commons. In that chamber the seats were reversed. In England they have a small room, comparatively, where the members sit, but the members are not all in the House at the one time; if they were they could not be seated. In Washington and Paris they have adopted the same principle. But here we have the Speaker's chair at one end of a large room. Perhaps the minister will investigate the matter and consider my suggestion with regard to placing the Speaker's chair at the side of the chamber. In the old building that arrangement was made and proved very satisfactory.

Sir EUGENE FISET: May I also mention the question of the light in the chamber? We have here direct light from globes in the ceiling, the result is that there is a tremendous glare, and we have to wear glasses. The glare is simply awful. This could be remedied by using proper lights.

Mr. BENNETT: Under this item I understand it is proper to discuss the question of departmental buildings in this city.

Mr. KING (Kootenay): No. We will come to that later under item 142.

Mr. ROGERS: What does the item of $130,000 re purchase of Daly building mean?

Mr. KING (Kootenay): That is to provide payment of the sixth instalment of the purchase price of $1,000,000 for the Daly building. The building was leased to the government at an annual rental of $85,000. The owners of the building offered to sell it for the sum of $1,000,000 payable in ten annual instalments of $100,000 each with interest at 6 per cent. The purchase was made in August, 1921.

Mr. ARMSTRONG (Lambton): Wonld the minister explain the item of $25,000 for warehouses on lake Erie for the Department of Agriculture? What buildings are being erected?

Mr. KING (Kootenay): This is a revote of $25,000 for the construction of warehouses for the storage of onions and other early vegetables on lake Erie. The proposed building is a two-storey frame structure, 35 feet by 70 feet deep, estimated to cost $25,000. It is being erected on the advice and suggestion of the Department of Agriculture in order to assist those who are engaged in the growing of onions and vegetables of that kind in the matter of storage so that they may get them on the market.

Mr. ROGERS: There was a vote of $60,000 last year for this warehouse. Has $35,000 been expended?

Mr. KING (Kootenay): Yes.

Mr. ROGERS: This is to complete the work?

Mr. KING (Kootenay): Yes.

Mr. ARMSTRONG (Lambton): How much land is connnected with this building?

Mr. KING (Kootenay): They bought a site at Leamington for $2,500 and there is one at Erieau?

Mr. GOTT: Are there two distinct warehouses?

Mr. KING (Kootenay): One at Leamington and one at Erieau. The one at Leamington is the only one constructed.

Mr. ARMSTRONG (Lambton): One is to be constructed at Erieau?

Mr. KING (Kootenay): That is the intention out of this vote.

Mr. BOYS: Would the minister explain the item of $219,780.35, appropriations not required for 1926-27? Would he give a list of the appropriations not required?

Mr. KING (Kootenay): That is a book-keeping statement placed there by the Department of Finance. It really indicates that the money has been expended and the work done, or it is found not necessary to expend the money.

Mr. BOYS: I should like if possible to get a list of the contemplated works for which money was not required. Possibly the items might be placed on Hansard.

Mr. KING (Kootenay): The list is as follows:

Ontario

| | |
|---|---|
| Essex public buildings—improvements to heating | $ 1,900 00 |
| Hailebury—To pay to the municipal authorities the amount of fire insurance for erection of community hall | 33,500 00 |
| Hamilton armouries—local improvement taxes | 3,397 56 |
| Hamilton—Public building,—new elevator | 5,000 00 |
| Kingston, R.M.C.—completion of dormitory building | 20,000 00 |
| Napanee public building—improvements to heating and plumbing | 3,000 00 |
| Ottawa—boiler shed and heating equipment at Booth St. experimental station | 9,000 00 |
| Ottawa—Dept. of Mines experimental station —government's share of cost of sewer on Carling ave | 3,320 82 |
| Ottawa—laboratory at Booth St. experimental station for Dept. of Mines | 10,000 00 |
| Ottawa—Parliament hill—paving roadways and sidewalks | 25,000 00 |
| Ottawa—Rideau Hall—alterations and improvements | 14,000 00 |
| Peterborough armoury—local improvement taxes | 1,261 97 |
| Prescott customs building—improvements to heating | 1,800 00 |
| St. Thomas public building—alterations and improvements | 2,000 00 |
| Sandwich—public building—improvements to heating | 1,100 00 |
| Sudbury—public building—repairs | 5,500 00 |
| Toronto—building for Seed branch | 45,000 00 |
| Toronto—In full and final settlement of claim of R. J. Fleming, for loss of garage by fire while occupied by the government under lease | 35,000 00 |
| | $219,780 35 |

Mr. GOTT: How does the government propose to operate these onion warehouses?

Mr. MOTHERWELL: We have scarcely reached that question yet as the building at Leamington is not equipped with the crates necessary to do the storing in. When the matter was first discussed with a committee representing the Leamington Onion Growers Co-operative Association, it was understood that the government would charge a fee for the services performed in very much the same way as they do in connection with elevators in the west. That fee has not yet been agreed upon or levied, but it was generally understood that the service would be paid for and operated in a similar way to the elevators for the portion of the year in which the storage is in demand. This is usually the fall of the year immediately after the onions are harvested. It will be operated by an officer of the government, possibly by someone selected by the Onion Growers Co-operative Association. I suppose he will have to be appointed by the Civil Service Commission, a fee charged and the building operated in the usual way.



Mr. GOTT: Will it be completed in time for this year's crop?

Mr. MOTHERWELL: Yes. There was sufficient money in the estimate for the work, but there was a good deal of delay in connection with the site. Some objection was raised to the first site because it was thought that an onion warehouse would be somewhat of a nuisance owing to the odours from it. A delay occurred with the result that they were not able to spend the money by the end of the fiscal year. That is the reason for this revote.

Mr. ROSS (Kingston): The appropriations not required for 1925-26 amounted to $146,758 and this year the amount is $219,780. The list is too long to read, but would the minister read the list which includes the $73,000 difference in last year's appropriations not spent?

Mr. KING (Kootenay): I do not understand my hon. friend's question Last year's appropriations not required under this vote amounted to $146,758.

Mr. ROSS (Kingston): This year the amount is $219,780 or in other words $73,000 of last year's appropriations are not required. Will the minister give us the items comprising that amount?

Mr. KING (Kootenay): The items will be in the list that I have handed to Hansard. These are expenditures that have been made, the work done, and therefore the sums are not required for the coming year.

Mr. WOODSWORTH: Complaints have been made about the acoustic properties and the ventilation and lighting of this building. I should like to add one more and I think a more serious one with regard to odours that are sometimes found around the building. In some of the rooms these odours are particularly noticeable. I have no doubt they come from the sulphite mills across the river.

Mr. STEVENS: A good disinfectant.

Mr. WOODSWORTH: That may be but they are very unpleasant just the same. Surely the company is large enough to devise some way of consuming its own gas and preventing it from coming over here.

Mr. ROSS (Kingston): The people who have to work in the midst of it do not mind it very much and those of us who are legislating might put up with it. The industry provides employment and we ought to be glad to see it going.

Item agreed to.

Manitoba—improvements, repairs, etc., $43,000.

Mr. ROGERS: The stables at Osborne were destroyed by fire over a year ago, and were not replaced in time to be of any service last year. The delay caused a good deal of hardship and inconvenience, as the government has many horses at that point. The loss sustained was quite serious. When will the structure be completed?

Mr. KING (Kootenay): The contract was entered into in December, 1925, and this is a re-vote. The stables will be completed this spring.

Sir HENRY DRAYTON: Will the minister put on Hansard a statement regarding the appropriations not required?

Mr. KING (Kootenay): Yes, they are as follows:

List of Appropriations not required for 1926-27
Public Buildings

| | Chargeable to income Appropriation 1925-26 |
|---|---|
| Manitoba— | |
| Brandon armoury—local improvement taxes | $ 1,397 34 |
| Brandon public building—local improvement taxes | 4,248 92 |
| Winnipeg—Fort Osborne barracks—purchase and alterations of Red Cross hut | 12,000 00 |
| Winnipeg custom house—alteration and improvements | 7,500 00 |
| Winnipeg—government's share of cost of high pressure fire protection service | 19,101 61 |
| Winnipeg immigration building—alterations and repairs | 18,500 00 |
| | $62,747 87 |

Item agreed to.

Saskatchewan—Dominion public buildings, $20,000.

Sir HENRY DRAYTON: A statement will also be put on the record with regard to the appropriations not required?

Mr. KING (Kootenay): Yes, I will give it to Hansard:

Saskatchewan

| | |
|---|---|
| Moose Jaw armoury—local improvement taxes | $ 1,982 74 |
| Moose Jaw—electric tractor for postal purposes | 3,000 00 |
| Regina public building—general repairs and improvements | 4,500 00 |
| | $9,482 74 |

Item agreed to.

Alberta—Dominion public buildings—improvements, repairs, etc., $40,000.

Mr. ROGERS: What is the explanation regarding the public building at Edmonton?

Mr. KING (Kootenay): This is a property adjoining the post office. The matter has been under consideration for some years, and we purchased the site last year. The sum of $23,000 is required to complete the payment on the property. In 1919 a building was offered the department for $90,000, and later on for $81,000, but this year we secured it for $52,500. We required an addition to the site and this vote is for the purpose.

Mr. ROGERS: Perhaps the minister would let the item stand until the hon. member for East Edmonton (Mr. Bury) comes in.

Mr. KING (Kootenay): There is really nothing more to be said on the vote. The property is essential to the business there, and the price is reasonable.

Mr. ROGERS: I am sure the minister will not mind letting the item stand.

Mr. KING (Kootenay): Very well.

Item stands.

British Columbia—public buildings, $210,650.

Mr. ESLING: I presume the $9,000 for the Revelstoke building is by way of completion.

Mr. KING (Kootenay): Yes.

Mr. ESLING: What is the explanation of the $6,500 vote for the Trail public building?

Mr. KING (Kootenay): This is for the site.

Mr. ESLING: Is there any prospect of an early construction of the federal building at that point?

Mr. KING (Kootenay): The matter is under consideration. Since 1914 very few public buildings have been put up anywhere

in Canada although last year we constructed a few. It is hoped that this year provision will be made for others. There are many localities in which sites were purchased years ago and the communities have been waiting patiently for the buildings. These demands are being met from time to time as our finances will permit.

Mr. ESLING: This community of Trail has not had, to my knowledge, one dollar of expenditure from the Public Works department in the last thirty years. It is perhaps the most thriving and most pro-
4 p.m. gressive community in the interior of British Columbia. Its payroll amounts to $300,000 a month, and located in Trail is what probably is the most extensive smelting plant in the empire. It is rather strange that no attempts have been made to put up this building which is very much needed. I am glad that at least some steps have been taken towards securing a suitable site. On whose recommendation was the site purchased, and were any other sites recommended to or considered by the department?

Mr. KING (Kootenay): I agree with the hon. gentleman that undoubtedly Trail is a very important point and it is in recognition of that fact that we have placed a sum in the estimates to secure the site. We hope to have the construction undertaken at an early date.

Sir HENRY DRAYTON: I understood the minister to say that the site had been secured. Which is correct?

Mr. ESLING: It has been purchased, has it not?

Mr. KING (Kootenay): Yes, this is to complete the payment.

Mr. ESLING: Does the minister know anything about the site?

Mr. KING (Kootenay): I have no personal knowledge of it apart from what I know of the locality generally. An examination was made by one of the officials, either Mr. Brown or Mr. Henderson—I am inclined to think it was Mr. Brown—who reported upon the site as being favourable. I am informed that it is satisfactory to the citizens of Trail.

Mr. ESLING: Nothing can be said against the site, but the consensus of local opinion is that the matter savours very much of political influence. During the past twenty years officials of the federal Public Works department have come from Victoria and made inspections and secured recommendations for the purchase of sites for a local federal building. I think I am safe in saying that at no time was this particular site recommended but that on all occasions another site was suggested, and I think it will be found that in the selection of this site two or three weeks before the last federal election there was a very strong inclination to think that political influence was brought to bear, without consultation with the citizens or general public. The old site, or rather the site recommended at all times, was a business property which was for sale—as were other pieces of property which are on record with the federal Department of Public Works at Victoria—for a less sum than was paid for this property. The other site is very desirable and, pending construction of a public building, would have brought in a revenue not less than $125 per month. When an appropriation is made for a site we do not expect the immediate construction of the building, but in this case the business property would have brought in a very substantial revenue. But without the knowledge of any of the citizens this residential site was purchased for $11,000 as against the business site which could have been purchased for $10,000. The site purchased will bring in no revenue until a building is constructed and the house removed. This site was purchased from the local Liberal whip, I may as well say, and will bring in no revenue whatever.

Mr. CASGRAIN: I would like to ask to whom my hon. friend is referring.

Mr. ESLING: I am referring to the local Liberal whip. The point is that the government is deprived of a very substantial monthly revenue, and our only hope is that the government will make up for that loss by speedy action in the construction of a local federal building which is so much needed there. At present rental is being paid for a customs office and for a post office, and in view of the immense revenue derived there a federal building is certainly justified. This government receives annually $1,500,000 in taxes from Trail. I cannot give the different items, but you will be able to judge them when I tell you that the Consolidated Mining & Smelting Company at Trail sets aside $2,500,000 every year for all taxes, and in addition there is the usual income tax collected. Surely a community which contributes so much to the public treasury is entitled to some recognition by way of a very much needed public building, which has been discussed for the past twenty years and strongly

recommended during that time by both the local board of trade and the Associated Boards of Trade of British Columbia. I only hope the minister will give this matter serious consideration.

Sir HENRY DRAYTON: I would like to ask the minister the exact date of the purchase of this property from the local Liberal whip.

Mr. KING (Kootenay): I have not heard that term used in connection with the gentleman from whom we bought this property. Mr. Binns is a respected citizen of Trail, and a business man there, although it is true, I believe, that at times he has supported the Liberal party. The property was bought on October 6, 1925.

Mr. STEVENS: I notice that the minister rather resents the vendor of this property being called a Liberal whip. I would refer him to my friend the chief Liberal whip here to wipe out that stigma at least. Would the minister be good enough to read the official report and recommendation in this matter? I think that would clear up a good deal of the dissatisfaction felt by some on this side.

Mr. KING (Kootenay): I find that I have not the official report from Mr. Brown, but it will be available to the committee later.

Mr. STEVENS: Perhaps this local whip reported to the chief whip here, and he may have the report.

Mr. CASGRAIN: No, I do not have it.

Sir HENRY DRAYTON: This may be a case where we will have a report written nunc pro tunc. There is no time for reports just before an election comes along and it is found necessary to make a purchase. The minister makes the purchase and of course he has not the official report, which would be rather inconvenient. But I have no doubt one will be supplied in due form, with all the marks of seriousness. In the meantime the whip has sold his house, and everything is over. I do not notice anything provided here for the house; this vote deals only with the property. What is the total price of the property?

Mr. KING (Kootenay): The price was $11,000.

Sir HENRY DRAYTON: Here we have a vote of $11,500, $5,000 of which was voted last year. Was that spent?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: How was it spent?

Mr. KING (Kootenay): As a partial payment.

Sir HENRY DRAYTON: Where did the money come from?

Mr. KING (Kootenay): From the appropriation passed last year.

Sir HENRY DRAYTON: Was an appropriation passed last year for this amount?

Mr. KING (Kootenay): Yes, an appropriation of $5,000. You will find it in the third column on page 34 of this year's estimates.

Sir HENRY DRAYTON: Yes, but I have a way of looking back a little further. Was not this amount taken out of the general vote last year?

Mr. KING (Kootenay): No, it was a special item in the supplementary estimates.

Mr. ROSS (Moose Jaw): Will the minister tell us if the other property did not belong to a good Tory there?

Sir HENRY DRAYTON: That is why the property was not bought.

Mr. ROSS (Moose Jaw): That is why the explanation is not given.

Sir HENRY DRAYTON: The hon. member is quite right. That was the reason why the property which brought in a good revenue, and which was a good business property, was turned down, and why we got the property that is bringing in nothing.

Mr. ROSS (Moose Jaw: The hon. gentleman wants to have the buying of property while he is in power and out of power as well.

Mr. BENNETT: We want business conducted in a businesslike way.

Sir HENRY DRAYTON: I think the chief Liberal whip has given us the reason—to the victor belong the spoils. That is the maxim of this government. The chief Liberal whip is quite right, and the spoils here are to go to the local Liberal whip of the province, and they go.

Mr. TOLMIE: In connection with the item for replacing buildings and equipment destroyed by fire at Esquimalt, I would point out that a number of workmen who were employed at the place at that particular time had their tools stored there, and they were all destroyed in the fire, entailing a very severe loss in many cases. These men are not rich;

they are men working for wages, and I would like to know if the government does not intend to make any provision for compensating them in full or in part for the loss of the tools destroyed at that time.

Mr. ESLING: What revenue is the government going to receive pending the removal of this house in Trail? Is there any revenue coming from this site at all? The owner lives in the House, and is the government going to get any revenue at all from the site, while losing all the revenue it would have received from the business site?

Mr. KING (Kootenay): I am not familiar as to the revenue being received. I have no doubt there is a charge being made, and I will ascertain what it is and advise my hon. friend.

Mr. ESLING: The site which has been purchased I admit is a very desirable site. It is right in the centre of the business district, but it is not so good, or not any better than the site that was rejected. The point is this, this department had on file in its office at Victoria bids and tenders for local property at lower prices than was paid for this property, and the property offered at a lower price was a monthly revenue producing property belonging to a good Tory, while the property purchased produces absolutely nothing, was purchased at a higher price, and belongs to the local Liberal whip. My Farmer-Labour-Progressive-Independent opponent got $5,000 on the eve of the election, and he slips into town and nobody knows anything about any negotiations until we learn that this residence property has been purchased for $11,000 bringing in no revenue, while the property at the other end of the block, which was always recommended to the government, and was generally accepted by the government as a proper location, was rejected although it was offered at a lower price, $10,000.

Mr. KING (Kootenay): I have no knowledge of the matter my hon. friend speaks of, but we know that in Trail, real estate values are changing very, very rapidly, and the property which he speaks of which was offered for $10,000 in 1915 or 1919 may be much more valuable to-day. It may be that my hon. friend has an interest in that property. He is himself a large owner of real estate in the city of Trail. So far as this particular piece of property is concerned, it was bought by the agent of the government, a gentleman in whom the department have confidence, and

[Mr. Tolmie.]

I am glad to hear my hon. friend say that the site is an ideal one. I think that is true. We have had no complaints from the citizens of Trail, and I think the implication of my hon friend is hardly fair.

Mr. ESLING: But it is true. I have no objection to the site. I am merely pointing out the influence which was brought to bear on the eve of an election, and the further fact that the government had on file in its office at Victoria tenders at a lower price than was paid for this property.

Mr. MANION: Perhaps the Minister of Agriculture could help the minister, because he did a lot of purchasing on the eve of the election. He purchased a lot of cattle for $28,000, which were afterwards sold for $7,000.

Mr. ROSS (Kingston): Has the minister an official report on the item with respect to Dominion public buildings—improvements, repairs and so forth?

Mr. KING (Kootenay): Replying first to my hon. friend from Victoria, who referred to the loss of some tools by workmen in a fire at Esquimalt, it is true that representations have been made to the Department of Militia and Defence regarding the loss by these workmen. I know that I have personally made representations, and I am hopeful that the department may find it possible to recoup the workmen for their loss.

Mr. DICKIE: I wish to back up the request of the hon. member for Victoria. These Esquimalt workmen were practically promised that they would be reimbursed for the loss of their tools in the fire several years ago. The Minister of National Defence gave me what amounted to a promise, and I think he intended to see that these men were reimbursed as soon as his representative had been out there and had made a report. I can assure the minister that they are entitled to be paid. The tools were very valuable, and they were supposed to be stored in a safe place.

Mr. WOODSWORTH: Representations have been made to me along that line, and I would remind the House that this loss was directly occasioned by the burning of the government's own building. These men were working there, and if this House can find it necessary to return a huge sum to the automobile dealers, as it did the other day, for a loss entailed by a change in taxation, I cannot see why a few hundred dollars should not be paid to these workmen who have lost their tools.

Mr. ROGERS: Would the minister explain the item of $20,000 for mortgage interest in connection with the Winch building at Vancouver?

Mr. KING (Kootenay): Answering first the question as to improvements and repairs to Dominion public buildings, this item is increased by $15,000 over last year. The increase in this appropriation is due to the cost of rearranging the heating for the post office, the examining warehouse and the Winch building, the cost of which is estimated at $13,800. The other items are for the usual repairs and renewals of buildings throughout the province.

In reply to my hon. friend from South Winnipeg regarding the 5 per cent mortgage interest item of $20,000, this is to pay the interest on the $400,000 required to be paid on the purchase price of the Winch building. This building was bought last year at a cost of $700,000. We exchanged the old post office property in Vancouver, at a value of $300,000, and took over the Winch building, leaving a balance of $400,000 to be paid, the payments extending over a period of years. We assumed the mortgage, and this is the first interest payment.

Mr. MANION: Unless it is a mortgage that cannot be paid off, the government could save $2,000 or $2,500 a year by paying it off, because they have money of their own which they are borrowing at less than 4½ per cent. It would pay them to pay off the mortgage if they have that privilege.

Mr. KING (Kootenay): I rather agree with my hon. friend that there is a considerable amount paid for this purpose.

Sir HENRY DRAYTON: The arrangement was entered into when money was much more expensive than it is to-day.

Mr. KING (Kootenay): Personally I think it would be better business to try and clear up these items. I have suggested to the Minister of Finance that possibly it would be wise to do this, and I am hoping that next year something will be done along this line.

Mr. MANION: We will clear the matter up for you next year.

Mr. ROSS (Kingston): Will the minister give an explanation of the second item reading as follows:—

Douglas—Site and building for immigration and customs—excise purposes, $15,000.

Mr. KING (Kootenay): There is a new customs building to be erected on the international boundary between the state of Washington and the city of Vancouver at the town of Douglas.

Mr. STEVENS: Will the minister indicate just where the building is being placed?

Mr. KING (Kootenay): On the international boundary, on the Pacific highway, near the Peace arch. My hon. friend knows the place.

Mr. STEVENS: I know the place very intimately.

Mr. KING (Kootenay): The property the government is using, if my memory serves me right, is Indian property.

Mr. STEVENS: At the present time.

Mr. KING (Kootenay): I think so.

Mr. STEVENS: The present shack is on an Indian reserve, but the suggestion of customs premises, both on the American side and on the Canadian side, at the Peace arch has been the subject of some considerable negotiation. I was wondering if this appropriation cared for the purchase of the lands adjoining the Peace arch on the Canadian side, or whether it is intended to put up the buildings on the old site on the Indian reserve.

Mr. KING (Kootenay): I have this memorandum in my notes:

The local municipal authorities and the Departments of Immigration and Colonization and of Customs and Excise have not reached a final agreement regarding the site, and until one is selected it is impossible for the Architects branch to prepare a plan of the building.

That is the report we have. I know that within the last month there have been negotiations regarding some of these lands.

Mr. STEVENS: Nothing has been spent as yet.

Mr. KING (Kootenay): No.

Mr. STEVENS: But you are increasing the vote.

Mr. KING (Kootenay): Yes.

Mr. McGIBBON: Would the minister give some explanation regarding the last item, repairs and improvements at William Head quarantine station?

Mr. KING (Kooteney): The item covers the annual repairs and improvements at William Head quarantine station. As my hon. friend probably knows, it is a very important

station. The item of $82,200, covering appropriations not required for 1926-27 is made up as follows:—

| | |
|---|---|
| Bentinck island lazaretto—new buildings and improvements | $ 14,700 00 |
| Courtenay—public building | 33,000 00 |
| Esquimalt boat house at H.M.C. barracks | 9,000 00 |
| Kamloops—public building | 20,000 00 |
| Vancouver—grain inspection office | 5,500 00 |
| | $82,200 00 |

Mr. McGIBBON: Has the minister got details of the hospital station at William Head?

Mr. KING (Kootenay): The cost of construction up to March 31, 1925, was $636,715.18, and the repairs over that period were $58,337, making a total of approximately $695,000.

Mr. ROSS (Kingston): Has the minister any report with respect to the public building at Revelstoke for which a vote of $9,000 is asked?

Mr. KING (Kootenay): That is to complete the contract for the building and furnishings.

Mr. ROSS (Kingston): Official reports have been furnished with respect to all these items except the vote for the Trail public building. Would it not be advisable to allow that item to stand until the report has been forthcoming?

Mr. KING (Kootenay): I will have the information for my hon. friend.

Mr. DICKIE: We know the minister is good-hearted. Would he not assure us that the artisans who lost their tools during the fire at Esquimalt will be repaid? It is an old question and it will only mean the expenditure of a few hundred dollars. These men should be compensated and that would be the right thing to do. I am sure the minister will view the matter in the same light as I do myself. May I remind him also that compensation was practically promised two years ago?

Mr. KING (Kootenay): I think I explained to the House that the matter was one within the Department of National Defence and that it was being considered—I hoped favourably considered—by the minister who will make an announcement to the House on the matter.

Mr. STEVENS: Will the minister promise us a statement on the matter before our next sitting on Monday?

[Mr. J. H. King.]

Mr. KING (Kootenay): I think that will be hardly fair to the Minister of National Defence. He will deal with his own items as they come up and it will be for him to make any announcement in connection with the matter, not for me.

Mr. FRASER: I understood the minister to say that the amount of appropriations not required for 1926-27 was $82,200. I did not gather that the minister made any statement with respect to Kamloops public building.

Mr. KING (Kootenay): Yes, the information will appear in Hansard.

Item agreed to.

Alberta—Dominion public buildings—improvements, repairs, etc., $17,000.

Edmonton—public building—addition to site, $23,000.

Mr. BENNETT: I desire to make a few observations with respect to the public building at Calgary. Some years ago the government acquired a site on the leading street of of the city, opposite the Dominion Bank and the Union Bank which cost a quarter of a million dollars. As a matter of fact the site was originally—a portion of it at least—acquired by the citizens and given to the crown. Then the additional property was acquired. In the estimates the year the war broke out provision was made for commencing the building. The old building was taken down because the floor space which is so essential for a post office was not there. At the present time we are paying in Calgary over $90,000 per annum for rental of public buildings. The minister has the figures before him. I think perhaps it is a little more than $90,000. Am I right?

Mr. KING (Kootenay): Somewhere in that vicinity.

Mr. BENNETT: The amount is a little over $90,000. Now, a federal building in a city like Calgary is almost essential. It should not be a post office building. There should be a post office on the ground floor, and provision should be made for every federal service—the land office, the immigration office, the railway commission, and others. A building of about eight storeys would cost approximately $1,500,000, or let us say $1,600,000. If a special form of security were issued to provide public works in this country, where the rental paid would be sufficient to meet the interest on the capital expenditure plus a sinking fund, it would be a very economical procedure. Now suppose we fixed the amount at $1,600,000 in the present case and paid

as high a rate as 5 per cent; that would be $80,000. But it would not be necessary to spend quite that much money, and the rate of interest would be less than 5 per cent. It would therefore follow that the interest could be paid, and a sufficient sum set aside for sinking fund sufficient to amortize the entire loan at the end of twenty years, and the country would own the building. There has been some discussion with respect to the site. It was acquired at a time when land was very high, but it is admirably adapted to the construction of a public building. The citizens who originally contributed the corner lots do not look kindly upon the idea of there being any change in the post office location. For instance, two large banks were established there in the first instance, because of the post office being located nearby. I desire to urge upon the administration an appropriation for the purpose of enabling the building to be commenced, basing that appropriation upon the rentals now paid, so that there will be set up in the public records of this country an account for that particular building, and the rentals that are now being paid will be, without increase, credited to that account from year to year, being sufficient to liquidate the entire interest charges, with a sinking fund that will entirely absorb the loan within fifteen or twenty years. While I am speaking on that subject, I have the same observation to make with respect to the public buildings in this city. From time to time I have looked into the situation here. This country owns a large area of property west of the Supreme court buildings facing on the river. All those buildings belong to the crown, as I understand it. Let us assume it would cost $8,000,000 to put up a suitable departmental building covering that area. Some may say it would cost much more than that, but for the purposes of the services of this country we do not require the most ornate building in the world, and I am informed that the rent paid in this city by the government, notwithstanding that we have the new Hunter building, and notwithstanding the purchase of other buildings, amounts to nearly $700,000 per annum.

Mr. HANSON: It amounts to $1,400,000.

Mr. BENNETT: I have the figures here and I think the amount is about $700,000. That $1,400,000 includes buildings outside of Ottawa. Let us see what that means. That $8,000,000 at 4¾ per cent would cost this country less than $400,000. The amount to be set aside for sinking fund at $200,000 which is entirely too large, would mean that we would save $100,000 per annum. What we are doing at the present time is not business. I remember when the Canadian Pacific put a viaduct across the river at Lethbridge they had experts determine exactly what it cost to move traffic. They erected that great steel viaduct because it showed an annual saving, and it enabled them to deal with the situation just as I have outlined. Why should the country not conduct business in the same way, and pass legislation to create a special form of security which would be gladly purchased by the insurance companies, and issue 4¾ per cent or 5 per cent bonds for fifteen or twenty years and apply the rent we are now paying in Ottawa against that cost? Not only would we save money, but what is more —and this is the important factor—we would save large sums in heating, elevators and lighting. This morning a gentleman from my own constituency came to me asking for information, and I had to ring up three different buildings before I could get it. No one knows better than the minister the difficulties that are incident to the present situation. Some of the ministers have to keep automobiles, magnificent machines, imported at great cost, because it is so difficult to get from one branch of a department to another. I sympathize with them, because it would be detrimental to their interests if they should have to walk any great distance in a city like this, and Peerless transportion is very much to be preferred to mere pedestrian action in a city like Ottawa, where the streets are bad and the sidewalks are not what they ought to be. My hon. friend understands what I mean. I suggest that we apply ordinary business principles to this situation. My remarks apply also to Calgary. In that city we should spend not less than $1,600,000 to erect a federal building, and all the services in that city would be cared for. In this city we could spend $8,000,000, and still, after amortizing the loan, have a substantial sum of money each year to pay for improvements and repairs. I commend this to the minister. We desire economy and efficiency. The Pennsylvania railway put their terminals in the city of New York for that very reason rather than continue the transfer of passengers across the harbour. Well conducted enterprises study the saving to be effected and make the capital expenditures necessary, after ascertaining that the result of the economies effected will enable them to retire the loan at maturity, which may be fifteen or twenty years. I realize that the $80,000 or $90,000 paid by way of rental in Calgary will meet the situation there with respect to public

buildings, and the $700,000 paid here will also meet the situation. There are other cities in Canada which stand on the same basis. I realize that unless you can show parliament and the people of the country that by the method I have indicated you may be able to effect a saving of public money, this is not the time to ask for public expenditure. Everybody knows that. I cannot ask the government to give me $1,000,000 for public buildings, unless it can be demonstrated beyond peradventure that the cost of constructing the new building will not involve the country in the expenditure of a single dollar more than is now spent. Everybody knows that is what a board of directors does. I am convinced that the loss in this city on account of the extra employees necessary on account of having these buildings scattered all over the city cannot be less than at least $100,000 per annum. I estimate it at much more than that. When I previously had a seat in this House I got a complete return of the employees in the public service and what was involved by reason of their being scattered all over the community. I would ask the minister to have prepared by his deputy a report showing: (a) the capital cost of a new building upon this property, (b) rentals now paid; (c) the saving that would be effected in lighting, heating, general efficiency and reduction of the staff. I believe we can put $10,000,000 in new buildings west of the Supreme court and have a profit to carry forward for repairs every year of not less than $100,000.

The people look for a business administration of their affairs. In England they are taking this course with respect to every branch of the public service. In the United States they have adopted the same course. It is the only way they can conduct their affairs; and in other communities the same system has been adopted. My observations are not limited to the city which I have the honour to represent. This is a proposition that applies east and west, north and south. If the minister lays down a principle and establishes a special form of security, and says, "I will apply that principle to every city in Canada just as soon as I find conditions warrant it, the amount saved will be sufficient to retire the expenditure." For the $90,000 rental that we now pay in Calgary we would be able to defray the cost of the necessary loan and, either by the operation of a sinking fund or by amortization, which is the application of the sinking fund idea in another form, to retire the securities at their maturity. I know the minister cannot do this to-day or to-morrow; but as he expects, contrary to my own expectation, to occupy his position for some length of time, I trust if he does that before he retires he may be able to give effect to some such principle as that, improved it is true by those in his department who have larger knowledge and who will be able to recommend what means should be taken to effect the economies I have suggested.



Mr. KING (Kootenay): I largely concur in the remarks made by my hon. friend (Mr. Bennett): It is true that many departments of government are not properly housed in Ottawa from a departmental standpoint or from the public point of view, and the government has seriously considered the advisability of constructing new departmental buildings on property it owns in the city. The same thing is true in Toronto, Montreal, Calgary and other centres throughout Canada. The same is also true in some of the smaller cities. The proposals made by my hon. friend would ordinarily be accepted in business circles as good business. It is the first note that I have heard in four years that would indicate that such a suggestion coming from the government would be acceptable to parliament.

Mr. BENNETT: I speak only for myself.

Mr. KING (Kootenay): I know that, and I appreciate the speech of my hon. friend, because I believe that very shortly we shall have to face that problem. Unless there is a discussion of this character it will be difficult for the government to proceed, because if the requirements and the means to meet those requirements are not understood, there is misunderstanding, misconception and trouble. In relation to the rental of space, I had an inquiry made a year ago and I found the ratios were somewhat as follows. In Great Britain at that time they were renting about 28 per cent of the space required for their civil service.

Mr. BENNETT: Is that because of after-war conditions?

Mr. KING (Kootenay): Yes, I would think so.

Mr. BENNETT: Perhaps my hon. friend knows that this year they are engaged in putting up a new structure at not great expense.

Mr. KING (Kootenay): In the United States it is about 34 per cent and in Canada

about 39 per cent. If one looks carefully into rentals in Ottawa, it will be found that they are not as a rule excessive.

Mr. BENNETT: I did not suggest that they were.

Mr. KING (Kootenay:) But the matter is one that should receive careful consideration and I shall be glad to go into it. In fact, in the Department of Public Works we have been going into it carefully. I hope the time is not far distant when we may present to the House a proposal that will be acceptable and that will mean an extension of our departmental buildings in Ottawa.

Mr. BENNETT: Has the minister any estimate of the probable cost of a departmental building such as I have mentioned, covering the property leased?

Mr. KING (Kootenay): Yes. There were three or four buildings proposed in the plan at a cost of about $3,000,000 each.

Mr. BENNETT: That would be $9,000,000 if three were erected and $12,000,000 if four were erected.

Mr. KING (Kootenay): Yes.

Mr. BENNETT: I am advised that the cost of construction is somewhat less than that now and that three units could be erected for $8,000,000. If so, it is perfectly clear that we would pay all those off in thirty years, paying interest and having a substantial sum to take care of repairs apart from the saving and convenience to the staff.

Mr. MANION: The minister says that during the past four years he has not understood that the proposition has been acceptable. I doubt if a year has gone by that some proposition has not been laid before the government, perhaps not so lucidly, ably and clearly as by the hon. member for West Calgary. The only attitude we have taken and still take is this, that if such a proposition is gone on with it should be carried through in a businesslike manner, forgetting everything but business and forgetting political friends.

Mr. MOTHERWELL: May I supplement the remarks of my colleague the Minister of Public Works, with whom I have had many conversations on this question? I wish to align myself with the views of the hon. member for West Calgary. It is so seldom that we can get on the same stamping ground that I do not wish to miss this opportunity.

Mr. BENNETT: I would like to think the hon. member is right in this case.

Mr. MOTHERWELL: When I first came to this House in the larger sphere I realized the greater responsibility of my work, but I was amazed at the various—I will not say buildings—rookeries in which my departments were housed. To-day nearly sixty years after confederation, the Department of Agriculture has not a roof under which to place its head. The thing is absolutely ridiculous, not only from that standpoint but from the standpoint of the comparatively inefficient service that has been referred to. I do not like to dwell too selfishly on my department, because the same remarks apply to other departments. May I refer to the court house in which the hon. member for West Calgary is particularly interested? I was there only once, when I had occasion to look on as a spectator this winter in the Exchequer court building. The court was held in a little rookery upstairs with the skylights above. If you had put a dozen spectators into the room it would have been overcrowded. It used to be a carpenter shop of some kind and now that is the whole Exchequer court. When I saw that I felt my indignation rise at a building of that description being located with such menial surroundings, services and conveniences. I recognized that it was not because my own department alone was neglected that I had been complaining in past years.

Outside of the experimental farm buildings my department is housed in twelve different buildings in this city. If a visitor comes to my office I have to place an escort at his disposal to take him to some of the branch heads throughout the city. If I had the eight different buildings in the experimental farm my department alone is housed in twenty different buildings throughout this city and the experimental farm. The thing is ridiculous. It would not be so bad if we had a decent telephone service between the different buildings, not to say anything about the chauffeur or motor car service. If you want to ring up any of the officials the telephones are semi-hello and semi-automatic and between the two of them you are kept guessing. I have given up all hope of calling any one up myself. I call in a secretary and say: Get Mr. So-and-So as quickly as possible, and after several attempts we finally get him. But in the meantime I have lost a great deal of time and done incalculable damage to my soul in endeavouring to get him.

Mr. BENNETT: The minister will be forgiven.

Mr. MOTHERWELL: Perhaps I may, because the provocation is great. What is the difficulty in starting on a business venture of this kind from the drop of the hat? One thing is that public sentiment is not ripe for it and I want to thank my hon. friend for starting to educate public sentiment. The former hon. member for Marquette made reference to it the first session I was here, but it did not receive any plaudits and it did not receive many pludits on this occasion. If the people, including members of this House, knew that we were gettng only about sxty-five per cent efficency out of our staff there would be much more popular clamour for proper accommodation. When neighbouring countries send representatives here, they hear about Canada being a wonderful country. They hear about our live stock and all about our natural resources and when these people come to visit us from little countries like Holland and Denmark, where these services are all excellent, the members of my staff have to smuggle them into the Chateau Laurier or some other place outside because they are ashamed to bring them into the offices of the department. The street on which some of these buildings are located has come to be known as Slum avenue. Many of these buildings on Wellington street are adjacent to shabby houses and they have been themselves occupied continuously by tenants who one after another have left them in a deplorable condition. One tenant has left a building in worse condition than he found it, with the result that the place is not fit to house human beings. Whenever any attempt is made to improve a condition such as this there is always a chain of propaganda drawn around you so that it is almost impossible to move. It is for the right-thinking men of the country to assert themselves and demand proper accommodation for the public services. This is so elemental a necessity that I am surprised someone has not long ago taken action. The difficulty, of course, is that in the last few years governments have been very short-lived institutions. Formerly a government would be in power for fifteen years, and although there were disadvantages to such a length of administration, yet things could be accomplished which are not possible when there is a frequent change of government. If hon. gentlemen opposite will give us a reasonable length of time in office the Minister of Public Works, I am sure, assisted by my own humble efforts will be able to do something so that there will be no cause of complaint

[Mr. Motherwell.]

Mr. McGIBBON: May I suggest to the minister that if he is allowed to remain in for fifteen years his soul will be eternally damned.

Mr. McCLENAGHAN: The people of Ottawa have long advocated the construction of proper public buildings on Wellington street. The report just published by the Civil Service Commission strongly recommends the acquisition of new buildings, pointing out, as the hon. member for West Calgary (Mr. Bennett) does, that the country would save money while there would be an improvement in clerical efficiency as well as a reduction in the maintenance of the buildings themselves. Everyone will endorse the businesslike suggestion of the hon. member in which he shows the government how they may finance the proposition without cost to the country, using for the purpose of paying the interest on the loan the moneys now paid out in the form of rentals. The citizens of Ottawa will be delighted to read the report of this afternoon's debate and to find that both the opposition and the government are agreed on the desirability of making this city what it should be, really the capital of Canada, and of concentrating its services in respectable buildings.

5 p.m.

Mr. BEAUBIEN: I agree to a considerable extent with the remarks of the hon. member for West Calgary, and if for no other reason than to save the soul of my hon. friend the Minister of Agriculture we should undertake at once to provide some of these buildings. No member of parliament can adequately serve the interests of his constituents, nor can any department of government function efficiently, under present conditions. Either the government will have to centralize their offices, or they should provide members of parliament with a guide and an automobile if the various departments are to be located with any degree of ease. When I first came into the House the party to which I have the honour to belong, which was led a few years ago by the Hon. Mr. Crerar, then the member for Marquette, strongly urged this matter upon the government. Even if we spent $10,000,000 or $15,000,000 there would be a saving in the long run as a result of increased efficiency and a reduction in expenditures in connection with messengers, telephones, and all the other paraphernalia now found indispensable. That saving would take care of the interest on the investment and the cost would be wiped out in twenty-five or thirty years. Thereafter there would be no rents to pay. I do not know whether the present buildings are rented from whips or ex-whips or other people of that description, and while it is true, as the

Minister of Agriculture says, that whenever any attempt is made to get away from settled conditions a chain of difficulties is always put in the way, I am sure that if the government made a determined effort to move in the direction suggested this afternoon that chain could be broken. No chain is unbreakable. Let us pull together and help the government in power, no matter what government it may be, to break that chain and to do something to provide an economical and efficient public service.

Mr. MacLEAN (Prince): The member for Marquette (Mr. Mullins) said the other day that in his opinion the seat of government in a few years would be Winnipeg. In view of that suggestion would it not be unwise to spend more money in Ottawa?

Item agreed to.

Public buildings generally, $263,000.

Mr. ROGERS: What is the vote of $40,000 under the head, "public buildings generally?"

Mr. KING (Kootenay): This is necessary to meet annual expenditures in connection with public buildings controlled by the Dominion government throughout the country, and it takes care of such special outlays as cannot be charged against any one particular item. It also includes travelling expenses of the Architectural branch, stationery, instruments, printing, telegrams and miscellaneous accounts. Of the amount voted last year $28,838 was spent.

Mr. ROGERS: There is an increase of $10,000 in this particular vote this year.

Mr. KING (Kootenay): The increase is to provide for the Canadian building in London, England, for which in previous years a special appropriation was voted. Taxes and rates amount to $8,662, insurance, $486, and repairs, $973.

Mr. ROGERS: That is the new building in London.

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: What does it cost to carry that building now? Two years ago we had an estimate and it would be interesting to compare it with the actual cost at present.

Mr. KING (Kootenay): I shall get that information later. In the meantime we can let the item stand.

Mr. ROGERS: In this item there is a vote of $93,0000 for experimental farms, including replacements, repairs, improvements, and so forth. Perhaps the Minister of Agriculture might give us some information with regard to that vote.

Mr. KING (Kootenay): This item is required for replacements, improvements, alterations and repairs at the several experimental farm stations throughout the Dominion. It is asked for by the Deputy Minister of Agriculture. The central experimental farm at Ottawa will require $28,590 and the other stations throughout the Dominion $64,100. There will be expenditures at Charlottetown, Fredericton, Nappan, Kentville, Farnham, LeFerme, St. Anne de la Pocatiere, Cap Rouge, St. Joachim, Lennoxville, Kapuskasing, Morden, Brandon, Indian Head, Rosthern, Scott, Swift Cuurent, Lethbridge, Lacombe, Summerland, Invermere, and Sidney, making the total of $64,100 spent outside of Ottawa.

Mr. FRASER: Does that vote include any new buildings?

Mr. KING (Kootenay): No.

Mr. FRASER: Under what vote do the new buildings come, or are any new buildings provided for?

Mr. KING (Kootenay): Not in the estimates now under consideration.

Sir HENRY DRAYTON: While it does not cover new buildings, it seems to cover improvements.

Mr. KING (Kootenay): And repairs.

Sir HENRY DRAYTON: Improvements are one thing and repairs another. Repairs are an annual charge, while improvements may be a new investment. Can the minister say how much is needed for repairs and how much for enlarging our investment?

Mr. KING (Kootenay): At the experimental farm it is proposed to spend on general repairs $20,000; then there is a list of other items.

Sir HENRY DRAYTON: The others are not repairs?

Mr. KING (Kootenay): Yes; animal husbandry division, $925.

Sir HENRY DRAYTON: For what, repairs or improvements?

Mr. KING (Kootenay): It will be for repairs; $500 for painting interior of dairy and piggery; for repairing doors, et cetera $100; whitewashing steer sheds, piggeries.

sheep barn, horse box stalls, et cetera $100; summer water supply, pipes to swine rotation pastures $125; emergency repairs $100, a total of $925. They are practically all repairs.

Sir HENRY DRAYTON: Then we are to understand this item is for repairs to farm buildings and so on.

Mr. KING (Kootenay): Yes.

Mr. ROGERS: There is an item of $5,000 for flags, and $5,000 last year. Was that amount spent last year?

Mr. KING (Kootenay): That is about the usual amount voted for flags throughout the whole Dominion.

Mr. ROGERS: Do we spend $5,000 a year on flags?

Mr. KING (Kootenay): Yes, very close to that.

Mr. ANDERSON (Halton): What military buildings are supposed to be repaired under this item?

Mr. KING (Kootenay): This item is required for the fitting up and effecting of major repairs, alterations and so forth costing $1,000 or over in various buildings used by the Militia department. This request is made by the Deputy Minister of National Defence. The items vary; we have repairs to buildings occupied by militia services $36,450; repairs to buildings rented by the militia $10,580; to buildings rented by the naval service $3,105, and to those rented by the air service $205, or a total of $50,000 odd.

Mr. ANDERSON (Halton): Are these all in Ottawa?

Mr. KING (Kootenay): No, all over the Dominion.

Mr. ANDERSON (Halton): Are any repairs to be made to the Christie street hospital in Toronto?

Mr. KING (Kootenay): There are always some repairs at Christie street and other hospitals.

Mr. ROGERS: I notice there is an increase of about $20,000 in this item. What is the reason for that?

Mr. KING (Kootenay): My hon. friend will remember that many of these buildings were of a temporary character; each year there is great depreciation and the expense of maintaining them is very considerable.



Sir HENRY DRAYTON: But that was up last year or the year before, and I understood the work was to be concentrated, that there was less work to be done and some of the hospitals could be closed. I should have thought that would pretty well answer what my hon. friend is now saying.

Mr. KING (Kootenay): Repairs on these buildings vary from year to year, of course. Possibly if we spend $75,000 this year to get these buildings in good shape they would go for a period of years with only minor repairs. The expenditure at Ste. Anne de Bellevue amounts to about $20,000; Camphill hospital is only a small item—

Mr. QUINN: What is that item for?

Mr. KING (Kootenay): Repairs to power house and mechanical service, and general repairs. At Shaughnessy hospital, Vancouver, there will be repairs to power house and mechanical service, together with exterior painting.

Mr. ANDERSON (Halton): What repairs are to be made to Christie street hospital?

Mr. KING (Kootenay): Repairs to power house and mechanical service, general repairs and painting.

Mr. FRASER: Would the minister tell us what was spent in Shaughnessy hospital last year?

Mr. KING (Kootenay): The amount was $4,034.20.

Mr. FRASER: And it will be $11,000 this year?

Mr. KING (Kootenay): Yes, it will be more this year.

Mr. ROGERS: Did I understand the minister correctly when he said $20,000 would be expended at Ste. Anne de Bellevue?

Mr. KING (Kootenay): Yes.

Mr. ROGERS: That is a large sum for repairs, although probably that is one of the most desirable places for a military hospital.

Mr. KING (Kootenay): There is a large item for painting the exterior, amounting to $11,705; repairs to power house and mechanical service $2,000, and general repairs $6,000. Then the interior is to be painted, which will cost $1,000. They are large buildings, and I understand no exterior painting has been done for years.

Mr. ROGERS: Has the minister any estimate of the number of patients in the hospitals?

Mr. KING (Kootenay): No, I have not. I think that would come from the Department of Health.

Mr. ANDERSON (Halton): Has the minister anything to do with the sale of old disused barracks?

Mr. KING (Kootenay): No.

Mr. ANDERSON (Halton): That is under National Defence?

Mr. KING (Kootenay): I think so.

Mr. CANTLEY: Why do not these military hospitals come under the Department of National Defence?

Sir EUGENE FISET: Because they are under the Department of Soldiers' Civil Re-establishment. The title of "military hospital" is a misnomer.

Mr. CANTLEY: When we try to find the total expenditure of any one department, we find estimates and expenditures scattered throughout the book under several different departments.

Sir EUGENE FISET: The National Defence department has nothing whatever to do with the administration of the military hospitals. They are under the Department of Soldiers' Civil Re-establishment.

Mr. CANTLEY: My query is why do they come under public works?

Sir EUGENE FISET: The Department of Public Works maintains all the public buildings.

Mr. CANTLEY: Surely a military hospital is not a public work.

Mr. KING (Kootenay): It would be a public work so far as maintenance and repairs are concerned.

Mr. BURY: The same is true in respect of buildings in connection with the experimental farms. You do not get that expenditure in the estimates under the Department of Agriculture. I take it that comes under public works.

Mr. KING (Kootenay): We have charge of their construction, care and maintenance.

Mr. BURY: Even capital expenditure on construction is under public works? So that the different estimates of the Agricultural department will not include the cost of buildings?

Mr. KING (Kootenay): No. The different departments submit their estimates to the Public Works department in respect of buildings, and they are voted by this department.

Mr. BURY: All I am saying is that when you look up the estimates of the Department of Agriculture you do not find there the items of expenditure on buildings.

Mr. KING (Kootenay): No.

Mr. ANDERSON (Halton): Would the minister give us the annual expenditure on buildings in connection with the experimental farm at Ottawa?

Mr. CANTLEY: I quite understand the explanation, but due to this system it is very difficult to find out what the cost of any particular service is. For instance, on page 26 I find item No. 102, "construction of magazine, Halifax, $50,000," and "reconditioning mine sweeper, $50,000," the latter is a marine job, and various other items for construction. Why should not all these items appear under the same head? Surely we could evolve a system of bookkeeping and administration that would show all the money expended on any particular service. The same is true with regard to the estimates of the Department of Agriculture. You will find twenty different items scattered through this book chargeable to Agriculture which do not appear under Agriculture estimates, and you have to hunt the whole book through from end to end to find how much money is being expended on any particular service. That does not seem to me like business.

Mr. KING (Kootenay): Answering my hon. friend from Halton, the expenditure on the experimental farm buildings at Ottawa for 1915-16 was $91,000; 1924-25, $222,000; 1925-26, $156,000.

Mr. ANDERSON (Halton): It averages about $100,000 a year.

Mr. KING (Kootenay): About that.

Mr. MacLEAN (Prince): I would draw the minister's attention to the public building at Tignish, Prince Edward Island. That building has been giving trouble, and some repairs were made to it a couple of years ago. This year they are having trouble with the basement being flooded with water, and there is no proper drainage. Complaints, I think, have been made to the department, and I hope that the officers in charge of the Maritime buildings will be instructed to look into the condition of this building. They claim that the water is backing up and filling the well in the building. I know these reports are true, because they come from the janitor and other responsible parties. I hope the minister will see that these complaints are looked into.

Mr. KING (Kooteney): I shall be very glad to see that the representations made by my hon. friend are brought before the proper officers for consideration.

Answering my hon. friend from West York regarding the London building, the estimated annual cost of maintenance is $35,300, made up of taxes, insurance and repairs amounting to $10,122.64; heating, $1,450; lighting, $2,500; power, $140; rents, $9,733.30; salaries for caretakers engineers, firemen and so forth, $7,617; water, $3,547.79, making a total of $35,110.

Sir HENRY DRAYTON: I think we paid for that building in cash. There is no interest charge?

Mr. KING (Kootenay): The capital charge was $1,540,781. There is no interest charge. We paid that in cash.

Mr. ROSS (Kingston): Were any additions made to military buildings last year?

Mr. KING (Kootenay): "Improvements and additions" is the wording that has always been used for this item, but there were no additions last year, just repairs.

Sir HENRY DRAYTON: I suppose our total overhead in connection with the London building would be about $100,000 a year.

Mr. KING (Kootenay): Including salaries?

Sir HENRY DRAYTON: Not salaries, but including interest and the other items the minister gave.

Mr. KING (Kootenay): About that.

Item agreed to.

| Rents, Repairs, Furniture, Heating, Etc. | |
|---|---|
| Ottawa public buildings and grounds— | |
| Dominion Observatory and Geodetic Survey Building—repairs, improvements, maintenance of grounds, etc.. .. .. .. | $ 5,000 |
| Water.. .. .. .. .. .. .. .. .. .. .. .. | 45,000 |
| Elevators attendants.. .. .. .. .. .. .. | 99,000 |
| Lighting, including roads and bridges.. | 82,000 |
| Heating, including salaries of engineers, firemen and watchmen.. .. .. .. .. .. | 390,000 |
| Departments generally—char service, including $100 to E. Snowdon for firing the noon gun.. .. .. .. .. .. .. .. | 385,000 |
| Repairs, improvements, additions and maintenance.. .. .. .. .. .. .. .. | 650,000 |
| Rideau Hall—including grounds—improvements, furniture, maintenance, etc.. .. | 60,000 |
| Rideau Hall—allowance for fuel and light | 19,000 |
| Telephone service.. .. .. .. .. .. .. .. | 95,000 |
| Dominion public buildings— | |
| Dominion immigration buildings—repairs, improvements, additions, furniture, etc. | 25,000 |
| Dominion quarantine stations—maintenance.. .. .. .. .. .. .. .. .. .. | 5,000 |
| Fittings, general supplies and furniture. | 125,000 |
| Heating.. .. .. .. .. .. .. .. .. .. .. | 430,000 |
| Lighting.. .. .. .. .. .. .. .. .. .. .. | 217,000 |
| Power for running elevators, stamp cancelling machines, etc.. .. .. .. .. .. .. | 80,000 |



| Rents, Repairs, Furniture, Heating, Etc.—*Con.* | |
|---|---|
| Rents.. .. .. .. .. .. .. .. .. .. .. .. | 1,440,000 |
| Salaries of caretakers, engineers, firemen, etc.. .. .. .. .. .. .. .. .. .. .. | 1,038,000 |
| Supplies for caretakers, etc.. .. .. .. .. | 40,000 |
| Water.. .. .. .. .. .. .. .. .. .. .. .. | 83,000 |
| Yukon public buildings—rents, repairs, fuel, light, water service and caretaker's salaries.. .. .. .. .. .. .. .. .. .. .. | 28,000 |
| Victoria, B.C., astrophysical observatory (Little Saanich Mountain)—maintenance, repairs and improvements.. .. .. .. .. | 3,000 |

Mr. WOODSWORTH: May I bring to the attention of the minister the representations of two or three groups of public employees? Right here in the city of Ottawa I am informed that the office cleaners, not in this building, but in the other offices, receive $1.25 daily for their morning's cleaning, or $32.50 a month. Not only is that a low item which they think should be increased, but more than that, I am informed that if these women are absent one or two days owing to illness, pay is deducted. It seems to me that is a very small way, to say the least, of dealing with these lower paid employees, and I hope the minister will see his way to remedy that state of affairs.

There is another group that has made representations to me, and that is the elevator operators in these various public buildings in the city of Ottawa. They state that there are now five classes of salaries for elevator operators under the new classification, and yet all the employees are performing the same kind of work. For example, right here in the House of Commons and in the Senate there are seven elevators operating during the session, and four operators get a maximum salary of $1,260, one a maximum of $1,200, two a maximum of $1,080, and one operator, who is single, a maximum of $960. All are performing the same class of work and all are permanent employees. I am sure these representations have been made to the minister, and I would ask if there is not a possibility of having the matter satisfactorily adjusted. Then there is this further fact: I am informed that those employed by the House of Commons and those employed by the Senate are receiving different wages for the same class of work. This, of course, leads to considerable heart-burning and creates a feeling that the lower paid employees are not receiving fair play.

An hon. MEMBER: Which class is the highest paid?

Mr. WOODSWORTH: The Senate employees. It would seem to me that as we are trying to consolidate our departments in one building, or a series of buildings, we might

very well undertake to consolidate the departments themselves and the different types of work. We have heard about the duplication in connection with our railway systems. We have absolutely unwarranted duplication right under our noses every day. I cannot for the life of me see why a staff under one management cannot manage the affairs of these buildings, whether it is in the eastern part of this structure or in the House of Commons portion. We have two sets of doormen, two sets of charwomen, two sets of cleaners, two post offices with separate staffs, and the same thing all down the line, and why this should be passes my comprehension. It seems to me that if these matters were managed in a businesslike way there would be a consolidation of these departments under one management. May I say in closing that I should like to get answers from the minister to the questions I put with regard to these various classes of lower paid employees.

Mr. KING (Kootenay): The char service is largely carried on by female help. The work is done early in the morning and occupies about two and a half hours, paid for at the rate of $1.25 per day. That is not a bad wage for the time occupied, which is not very great each day. The department, I think, have found that the char service is being done efficiently, and although those engaged in it would welcome a larger amount of remuneration, still it is considered that $1.25 for two and a half hours' work a day is probably as much as the government would be entitled to pay. Now in regard to the elevator and other services—

Mr. WOODSWORTH: Before the minister leaves that subject, may I suggest to him that provision should be made for fairer treatment of these employees in the matter of sick leave and questions of that kind?

Mr. KING (Kootenay): These employees are not regarded as part of the civil service. They are paid at what is known as "prevailing rates" and have not been considered in the light of civil servants. There is something in what my hon. friend has suggested with respect to sick leave. I may point out, however, that it is a pretty difficult service to control, and one that requires careful supervision. Representations have been made on this subject and they will be given consideration. The employees in the House of Commons, I believe, enjoy certain holidays and other privileges that are not enjoyed in other branches of the service.

With respect to the elevator operators there is a difference in the matter of annual increase of pay. There are also temporary employees who have not been made permanent. The latter class are not given an annual increase and probably have not been fairly treated in that regard. I am asking that these temporary employees, some of whom have been in the service for twenty years, should be made permanent. I think they should be brought in and placed on a footing of equality with other employees.

Sir HENRY DRAYTON: That is a matter for the government to do. It is a wonder they have not already done it.

Mr. ROGERS: The item of $385,000 for char service in the departments generally, including the payment of $100 for firing the noon gun, is a pretty large amount. There must be a lot of women employed if the rate of pay for the char service is only $1.25 a day.

Mr. TOBIN (Wetaskiwin): Would any hon. member suggest that the elevator men in the Senate enjoy a better rate of pay because they have to exercise greater care over those who use the elevators?

Mr. ANDERSON (Halton): What are the elevator men paid?

Mr. KING (Kootenay): Their pay ranges from $85 to $95 a month.

Mr. ANDERSON (Halton): Does that include those who are in attendance during the session of parliament?

Mr. KING (Kootenay): Yes, the regular employees.

Mr. ANDERSON (Halton): Are they employed for the whole year or just for the session?

Mr. KING (Kootenay): Some are permanent employees, and others are temporary employees.

Mr. ANDERSON (Halton): What is the total number of employees in the char service and the amount paid in salaries each year?

Mr. KING (Kootenay): The total staff numbers 879, and the amount paid for salaries each year is $355,393.

Mr. ROGERS: There is an item of $99,000 in vote No. 142 for elevator attendants. Last year the vote only amounted to $72,000. Why the increase of $27,000?

Mr. KING (Kootenay): Previous to this year these employees enjoyed a bonus which was paid from the bonus allowance. But there has been a reclassification or adjustment of salaries, and the increase is attributable to that adjustment.

Mr. ROGERS: The bonus is cut out altogether.

Mr. KING (Kootenay): Yes by reason of an adjustment in salary.

Mr. ANDERSON (Halton): How many elevator attendants are there including those in the Senate?

Mr. KING (Kootenay): There are 16 elevator attendants employed during the session.

Mr. ROSS (Kingston): There is an item here which requires explanation. It is that of $100 for firing the noon gun. I thought this government boasted of its economy. If so it should cut out all this noon gun firing. Is there any special necessity for having this gun fired at Ottawa? Perhaps it is the hour of the cabinet meeting, or it may have some other special significance. Is the man who fires the gun an artillery man, or what is the special reason for carrying on this practice when it has been cut out in all other parts of Canada?

Mr. KING (Kootenay): It is an old practice, it costs $100 a year, and I observe that when the gun goes off nearly every member of the House takes out his watch to see the time. I think it would be a mistake to dispense with it.

Mr. ROSS (Kingston): Why is this piece of antiquity continued in Ottawa when it has been abolished in all other cities?

An hon. MEMBER: Not all.

Mr. ROSS (Kingston): It is supposed to be. They do not employ a man to fire the gun any other place. Have the people in Ottawa a bad set of watches?

Mr. KING (Kootenay): I think they should be checked anyway, so that they could get the right time once a day.

Mr. McCLENAGHAN: If you cut out the noon gun in Ottawa you upset the whole timing system of the city. Every house is run on the noon gun. At every gathering in the city when the gun is fired, everyone pulls out his watch and sets it. It is historical. It goes back to the days of Colonel By when Parliament Hill was then Barracks Hill. When visitors and tourists are being shown around the beautiful Parliament grounds and buildings and the gun suddenly goes off the guide is able to tell them a wonderful story. He can draw on his imagination and suggest that the gun is now fired from a spot where the Indians camped in the early days. We could not do without our noon gun.



Mr. ROSS (Kingston): This is not the explanation. This practice has been discontinued in other cities for the sake of economy.

Mr. McCLENAGHAN: This is the capital of the Dominion.

Mr. ROSS (Kingston): Is it maintained because it is the capital. Is the whole city run by the noon day gun?

Mr. ANDERSON (Halton): I am interested in finding out about how much a session of parliament costs the country. How much are the charwomen who are employed during the session paid? How many engineers, firemen and watchmen are employed?

Mr. KING (Kootenay): The char service in the building is under the Speaker of the Senate and the Speaker of the Commons, and we have not that information.

Mr. ANDERSON (Halton): The charwomen are mentioned in this item.

Mr. KING (Kootenay): Not for this building. This item refers to other buildings.

Mr. ANDERSON (Halton): I understand the charwomen mentioned here are engaged in this building.

Mr. KING (Kootenay): No.

Mr. ROGERS: They are not included in this item?

Mr. KING (Kootenay): No.

Mr. ROGERS: Is the item of $650,000 the same as last year? Was that amount used last year?

Mr. KING (Kootenay): Last year there was an over-expenditure of $2,000. The total amount expended last year was $652,869.

Mr. ROGERS: It is a large amount.

Mr. FRASER: I notice there is a considerable increase in the item for heating.

Mr. KING (Kootenay): I give the same explanation as I gave with regard to the elevator men. Some of those connected with this work were drawing a bonus, but it was discontinued and the salaries have been adjusted.

Mr. FRASER: The same with the lighting?

Mr. KING (Kootenay): Yes. The item would be for increased current. I do not see any change in the lighting.

Mr. FRASER: An increase from $207,000 to $217,000.

An hon. MEMBER: You are looking at the wrong page.

Mr. KING (Kootenay): The amount for lighting Ottawa public buildings and grounds is $82,000. The explanation of the increase of $10,000 in the estimates for lighting Dominion public buildings is:

| | |
|---|---|
| 1. An increase of 38 in the number of buildings at a cost of.. .. .. .. .. .. .. .. | $ 7,260 |
| 2. An increase in consumption at various buildings.. .. .. .. .. .. .. .. .. .. .. | 740 |
| 3. The cost of lighting the Canadian building at London, England which was formerly paid out of the special appropriation provided for that building.. .. .. | 2,500 |
| | $10,500 |

Sir HENRY DRAYTON: That is included in the $35,000 you gave for that building?

Mr. KING (Kootenay): Yes.

Mr. ROGERS: Was the $60,000 expended on Rideau Hall last year?

Mr. KING (Kootenay): We spent $62,698, so that the appropriation was over-expended.

Mr. ROGERS: Is the minister going to keep it down a little this year?

Mr. KING (Kootenay): We hope to.

Mr. ROGERS: It does not require $19,000 for lighting at Rideau Hall?

Mr. KING (Kootenay): It is fuel and light.

Mr. ROGERS: Does it take that amount?

Mr. KING (Kootenay): Yes. The coal would be the large item.

Mr. ROGERS: Telephone service, $95,000.

Mr. KING (Kootenay): That is for the whole Ottawa service.

Mr. ROGERS: Reading the item one would think it was simply for Rideau Hall.

Sir GEORGE PERLEY: I understood the minister to say a moment ago that the increase of $10,000 in the item of lighting for Dominion public buildings was partly due to the fact that the Department of Public Works was now paying for the lighting of the Canadian building in London.

Mr. KING (Kootenay): Yes.



Sir GEORGE PERLEY: What responsibility has the Department of Public Works for the Canadian building in London?

Mr. KING (Kootenay): Under the Public Works Act it is under the Department of Public Works just as other buildings are. We are asking for supply in order that we may heat, light and take care of the building generally through the commissioner.

Sir GEORGE PERLEY: Does the Department of Public Works pay everything in connection with that building as it would with regard to a building in Ottawa, that is, the taxes, ground rent, lighting, heating, char service and everything of that kind?

Mr. KING (Kootenay): Yes, through the commissioner in London.

Sir GEORGE PERLEY: Is that not a new venture?

Mr. KING (Kootenay): Yes.

Sir GEORGE PERLEY: I do not think that was the policy when I was there. I quite admit we had not as good a building as the present one, but I think all the charges in connection with it were paid out of the High Commissioner's vote.

Mr. KING (Kootenay): Of course at that time the hon. member was in a rented building and the department had not any direct interest in the commissioner's office. But since the property now known as the Canadian building was taken over and reconstructed, the Department of Public Works came on the scene and we are now asking parliament to vote supply for maintenance of that building.

Sir GEORGE PERLEY: Is this the first year?

Mr. KING (Kootenay): The first regular year that has been in operation.

Sir HENRY DRAYTON: It is then rather a good time to suggest that the hon. gentleman is not responsible for one cent being spent there. He has not the slightest supervision of expenditure. He has nothing to do with the charwomen or anything else there. He neither hires nor fires the man that looks after the furnace or anything else. They are all employees of the local office.

Mr. KING (Kootenay): The Civil Service Commission hire and fire.

Sir HENRY DRAYTON: In England?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: It seems to me that the government sometimes strain at gnats and swallow camels. They are making a great deal out of a gnat in this case. I have a shrewd suspicion that the real reason they are doing that is that it is not convenient to show the annual carrying cost of that building in an item of $110,000 a year. There is so much trouble about this gnat. My hon. friend is put into this position that he is asking for a vote for something which he knows nothing about and which his officers know nothing about. If a man is to be hired to look after the furnace in the Canadian building in London, how is he appointed by the Civil Service Commission?

Mr. KING (Kootenay): Firemen are exempt under the Civil Service Act.

Sir HENRY DRAYTON: I knew they were. That was the reason I was taking my hon. friend at his word for the moment, because when I was asking how the man was hired or fired I was told that it was done by the Civil Service Commission. I knew that was nonsense. What appointments have been made by the Civil Service Commission to positions in connection with the London office?

Mr. KING (Kootenay): What I have said is right. We submit the list to the Civil Service Commission. Although they do not appoint the firemen, they indicate the position and the salary. Others on the staff are appointed by the commission. Of course our connection with the building is that merely of the Department of Public Works which is maintaining buildings say in Vancouver, and there is no reason why it should not maintain a building at London under the same conditions. We have our agent there, the High Commissioner, and the department is kept informed. There is nothing cumbersome, nothing unusual about this; indeed I think it is a proper procedure that the vote should come before parliament in this way.

Sir HENRY DRAYTON: The minister now says that the Civil Service Commission apparently makes out the classification of services there. I want to know what appointments it has made there.

Mr. KING (Kootenay): I have not a list at hand, but the salaries for caretakers, engineers and firemen which we provide for amount to $7,617.

Sir HENRY DRAYTON: That is exactly what I did not ask my hon. friend. He is fond of giving information that is not asked for. He gave information as to appointments being made by the Civil Service Commission. Now I ask him what appointments have been made to the London office by the Civil Service Commission.

Mr. KING (Kootenay): I am informed that the Civil Service Commission approved all the caretakers, engineers and firemen employed in the Canadian building, London.

Sir HENRY DRAYTON: The whole thing comes down to this, that the High Commissioner over there makes the appointments and they are approved by the Civil Service Commission.

Mr. KING (Kootenay): It comes down to that.

Sir HENRY DRAYTON: Who is my hon. friend's representative in England?

Mr. KING (Kootenay): The High Commissioner.

Sir HENRY DRAYTON: We are learning something all the time. We learn now that the Hon. P. C. Larkin, the High Commissioner, is the representative of the Minister of Public Works in London.

Mr. KING (Kootenay): My hon. friend is unfair; he knows he is not speaking according to the book. The Hon. P. C. Larkin is High Commissioner for Canada in London, and in that position in addition to his other duties he represents the government of Canada in the administration of the Canadian building in London.

Sir HENRY DRAYTON: My hon. friend said that he had a representative over there and could run that office just as well as he could run an office in Vancouver.

Mr. KING (Kootenay): Why exaggerate?

Sir HENRY DRAYTON: That is what my hon. friend said. He wants now to deny that. He did not say that he had his representative there and could run that office just as well as he could run a building in Vancouver?

Mr. KING (Kootenay): My hon. friend is exaggerating.

Sir HENRY DRAYTON: My hon. friend's memory is as weak as his logic. I asked him who his representative was and he said it was the Canadian High Commissioner. It seems that is a farce.

Sir GEORGE PERLEY: It seems to me it is a mistake for the Department of Public Works to take over this service. The High

Commissioner in London and his secretary are really the ones who administer the building, who pick out the men who are to do the work, and the charges for it should be through the High Commissioner's office. It is not reasonable to have the expenses over there divided into a number of departments so that it is impossible for anybody to find out the total cost of the building and the services in London. It is only camouflage to put it through the Department of Public Works when the High Commissioner and his office are responsible for the whole expenditure and are the people who really select the men. The minister has made a mistake in including this vote in his estimates. What is the total cost of the services in London?

Mr. KING (Kootenay): It is $35,110.73.

Sir GEORGE PERLEY: Does that include ground rent?

Mr. KING (Kootenay): It includes taxes, insurance, repairs, heating, lighting, power, rents, salaries of caretakers, engineers, and firemen. I do not think there is any option in the matter unless we amend the Public Works Act. There is no use creating any mystery about it. Mr. Larkin is in London and is surrounded by a capable staff, and as we approach the period of estimate-making we are advised as to how much their requirements will be. And that is entered in the Public Works estimates. One or two hon. gentlemen have made the same complaint about some items which in their opinion should properly come under the estimates of other departments to which they appertain. This has been pointed out in the case of Agriculture, for example. But the fact is that under the Public Works Act this department is responsible for the expenditures so included. There is no desire on my part to control expenditures that do not rightly come under my department, but this is the system which has been adopted.

Sir GEORGE PERLEY: How is it that from the time we have had a High Commissioner in London until to-day these services have not been administered by the Public Works department? It is true that we had a rented building, but we have throughout the country many such buildings which the Public Works department administers. If it is contrary to the act, how is it that until to-day the Public Works Department has not administered the services in London?

Mr. KING (Kootenay): The High Commissioner is free to rent any buildings, but the moment a building becomes the property of the crown it comes under the Public Works department.

Sir GEORGE PERLEY: But the Public Works department has already administered rented buildings.

Sir HENRY DRAYTON: We have a grant for $1,400,000 for rented buildings occupied by other departments. Will the minister give us a list of those buildings, including the offices in Ottawa, for which rents are paid.

At six o'clock the Speaker resumed the chair and the House took recess.

## After Recess

The House resumed at eight o'clock.

## PRIVATE BILLS

### JOLIETTE AND NORTHERN RAILWAY COMPANY

The House in committee on Bill No. 12, respecting Joliette and Northern Railway Company.—Mr. Denis (Joliette)—Mr. Duff in the chair.

Mr. MEIGHEN: May I ask if anyone here is familiar with this bill? I do not want to hold it up because the hon. member for Joliette (Mr. Denis) is not here.

Mr. SPEAKER: I saw the hon. member for Joliette at six o'clock, and he had to leave for his home. This bill was passed unanimously by the Private Bills committee. It is an old bill which has been before the House for three years, and merely asks for an extension of time.

Mr. MEIGHEN: There is no Rouyn railway circuitousness about it, is there?

Mr. LAPOINTE: No; no bill would be needed.

Mr. MEIGHEN: Has it any distant relationship to the Canadian National Railways?

Mr. LAPOINTE: I do not know; I have no information.

Mr. MEIGHEN: Perhaps the hon. member for Rimouski (Sir Eugene Fiset) can tell me.

Sir EUGENE FISET: The hon. member for Joliette told me it was a first cousin to the Canadian National Railways.

Bill reported, read the third time and passed.

DOMINION ELECTRIC PROTECTION COMPANY

The House in committee on Bill No. 155, respecting Dominion Electric Protection Company—Mr. Marcil—Mr. Duff in the chair.

On section 1—Capital increased, par value of shares decreased.

Mr. MEIGHEN: In the absence of the promoter, can the hon. member for Rimouski give us any information as to the pedigree of this company?

Sir EUGENE FISET: No.

Mr. LAPOINTE: As neither the member in charge of the bill nor the chairman of the Private Bills committee is here to give any explanation, I think this bill should stand.

Section stands.

Progress reported.

CONSIDERED IN COMMITTEE—THIRD READINGS

Bill No. 156, for the relief of Samuel Wexler.—Mr. McClenaghan.

Bill No. 157, for the relief of Samuel Lehman Stouffer.—Mr. McClenaghan.

Bill No. 158, for the relief of Robert Douglas Ian McLeod.—Sir Henry Drayton.

Bill No. 159, for the relief of Mary Margaret McColgan Vinnette Graydon.—Mr. Hocken.

Bill No. 160, for the relief of Alexander Charles Boyd.—Mr. Ladner.

Bill No. 161, for the relief of Charles Day.—Mr. Baker.

Bill No. 162, for the relief of Albert Wilson Denning.—Mr. Lennox.

Bill No. 163, for the relief of Margaret Lambert.—Mr. McClenaghan.

Bill No. 164, for the relief of Jessie Patterson.—Mr. Bell (Hamilton).

Bill No. 165, for the relief of Ernest Ashton.—Sir Henry Drayton.

Bill No. 166, for the relief of Evelyn Christine Stewart.—Mr. Maclean (York).

Bill No. 167, for the relief of Ernest Love.—Mr. Speakman.

Bill No. 168, for the relief of Charles Stanley Reed Riches.—Mr. McClenaghan.

Bill No. 169, for the relief of Mona Aileen Davies.—Mr. Ryckman.

Bill No. 170, for the relief of Elizabeth Wright.—Mr. McClenaghan.

SECOND READINGS

Bill No. 173, respecting The Quebec, Montreal and Southern Railway Company.—Mr. Morin (St. Hyacinthe).

[Sir Eugene Fiset.]

Bill No. 174, to incorporate The Detroit and Windsor Subway Company.—Sir Henry Drayton.

Bill No. 175, for the relief of Alice Victoria McGibbon.—Mr. McClenaghan.

Bill No. 176, for the relief of Samuel Paveling.—Mr. Geary.

Bill No. 177, for the relief of John Jones.—Mr. McClenaghan.

Bill No. 178, for the relief of Benjamin Rapp.—Mr. Anderson (Toronto).

Bill No. 179, for the relief of Bernard Thomas Graham.—Mr. Baker.

Bill No. 180, for the relief of Robert Edward Greig.—Mr. Baker.

Bill No. 181, for the relief of Daisie Hawkey.—Mr. Speakman.

Bill No. 182, for the relief of Annie Sophia Gordonsmith.—Mr. McClenaghan.

Bill No. 183, for the relief of Bertha Amelia Bertelet.—Mr. Mewburn.

Bill No. 184, for the relief of Olive Mary Mead.—Mr. Bell (Hamilton).

Bill No. 185, for the relief of Alice Elizabeth Blakely.—Mr. Geary.

Bill No. 186, for the relief of Ethel Maud Hargraft.—Mr. McClenaghan.

Bill No. 187, for the relief of Frédéric Vinet.—Mr. Geary.

SUPPLY

The House in committee of Supply, Mr. Duff in the chair.

The CHAIRMAN: When the House took recess at six o'clock we were discussing resolution 142 on page 34 of the estimates.

Mr. ROGERS: The minister was about to make some explanation in regard to the matter of rents. I notice there is an increase of rents of some $30,000. The amount originally was very high, $1,410,000; it is now $1,440,000, and I think it would be well for the minister to give some information as to the necessity of paying such an enormous amount for rent.

Hon. J. H. KING (Minister of Public Works): The increase is largely made up of the inclusion in the estimates of the Canadian building in London, $9,733, the rental of the Duford building and the McDougald building. Those buildingse are occupied by the Marine Department and the Mounted Police. The Blythe building is occupied by the Mines Department at a rental of $3,600, and the premises 31 Sparks street by the Post Office Department at an expenditure of $900. The total rental is $28,691.

Mr. ROGERS: Would it be convenient to give us a list of all the properties rented in Ottawa, with the names of the lessors?

Mr. KING (Kootenay): R. L. Blackburn appears to be one of the larger lessors; C. J. Booth, and the Imperial Realty Company—

Mr. HANSON: Who are they?

Mr. KING (Kootenay): I think they are residents of Ottawa. Mr. Blackburn and Mr. Booth are well known. I do not know who compose the Imperial Realty Company. The list will be placed on Hansard so that it will be available to hon. members. It is as follows:

RENTALS IN OTTAWA

| Building | Occupants | Lessor | Annual Rental |
|---|---|---|---|
| | | | $ cts. |
| Bate Building | Taxation | H. N. Bate & Sons | 16,000 00 |
| Birks Building | R. & C. & Agr | H. Birks & Sons | 7,516 19 |
| Plaza | Insurance | R. L. Blackburn | 7,600 00 |
| Union Bank | P. O. & Interior | " " | 65,675 38 |
| Motor Bldg | Interior | " " | 15,393 00 |
| Frank Street | Mines, storage | T. J. Blythe | 3,600 00 |
| Transportation | Auditor General & C | C. J. Booth | 42,474 84 |
| Booth Building | Indian Affairs | Booth & Holbrook | 17,319 75 |
| Trafalgar | Interior | J. C. Brennan | 16,880 60 |
| Jackson Building | Immigration | C. J. Booth | 32,145 75 |
| Duford Building | R.C.M.P. Stores | Duford | 7,225 00 |
| Elgin Building Annex & Cottage | Customs, Health | Elgin Realty Co | 31,829 62 |
| Storage | Indian Affairs | Earlscourt Realty | 3,500 00 |
| Projection | Langevin Block | C. J. Booth | 5 00 |
| " | " " | Hope & Sons | 5 00 |
| Regal Building | Labour Dept | Dr. Hanna | 16,500 00 |
| Canadian Woods & 66 Queen St. | Militia, etc | Imperial Realty | 97,527 46 |
| 31 Sparks Street | Post Office | W. J. Irvine | 900 00 |
| Queen Street | Agr. Patents | F. Jarman | 1,560 00 |
| Dalhousie & York | P.P. & Stationery | P. Labelle | 14,500 00 |
| Surv. Gen. George St | Interior | P. Labelle | 24,200 00 |
| Lamb Building | Health | J. B. & W. A. Lamb | 2,660 00 |
| Larocque Building | R. C. M. P. | Larocque | 12,832 00 |
| Slater St | Agriculture | Laurentian Building | 2,750 00 |
| Wellington St | Agr. Ex. Storage | Mrs. A. Martin | 5,500 00 |
| 105 Murray St | P. P. & Stationery | McDougald | 2,390 00 |
| McDougald Building, Sussex | Marine & Fisheries | McDougald | 7,233 45 |
| Queen St | Postal Stores | McKenzie Co | 16,000 00 |
| Norlite Building | Interior | Norlite Realty Co | 30,000 00 |
| Metcalfe & Slater | Int. Reclamation | Ottawa Building Co | 5,858 40 |
| 98-100 Wellington | Justice | " " | 2,560 00 |
| Queen St | Agr. Storage | Ottawa Investment | 1,000 00 |
| Central Station | Railway Comm | Ottawa Terminals | 21,356 00 |
| Old Free Press | Mines | Realty Co. of Ottawa | 7,600 00 |
| Robinson Building | Interior, T. & C | Robinson Estate | 15,600 00 |
| Royal Bank Building | Interior, etc | Royal Bank | 15,050 25 |
| Sovereign Building | Interior, Dom. Parks, Bank St | | 15,000 00 |
| Stephen Building | Interior | Stephen Estate | 7,500 00 |
| Central Reg | Interior | Vimy Realty Co | 16,000 00 |
| Plaza Building | S. C. R. | R. L. & R. Blackburn | 500 00 |
| O.A.A.C. Building | Militia Dept | | 8,227 33 |
| Lowe Martin Building | " | | 6,348 38 |
| Imperial Garage | " | | 6,116 76 |
| McAuliffe Building | " Medical Stores | | 3,400 00 |
| Castle Building | " Ordnance Stores | | 12,580 00 |
| York St. Garage | " | | 2,448 00 |
| Total, Ottawa | | | 648,868 56 |

Mr. ARMSTRONG (Lambton): Would the minister tell me whether it is true that officials and employees of the Interior department are distributed over twenty buildings in this city, or if not, how many?

Mr. KING (Kootenay): The Department of the Interior, which includes the Indian department and the various branches, are in twelve different buildings in this city.

Mr. ARMSTRONG (Lambton): I was informed by a man who ought to know that they had offices in twenty-six buildings. Even twelve buildings seem an enormous number for one department to be spread over. Is there any way whereby a more economical adjustment of that department could be brought about?

Mr. KING (Kootenay): I think the way to accomplish that is by consolidation in new buildings. We were discussing that question this afternoon. The Parks branch of the department is a distinct branch and it is in its own quarters. The Indian department have their own quarters and so on through the department. The main offices of the department are in the Langevin block.

Mr. McCLENAGHAN: I would like to ask the minister about the Carling building on Bank street between Sparks and Queen. When was the lease with Mr. Carling cancelled?

Mr. KING (Kootenay): There was no cancellation. The lease expired some months ago. I have not the exact date under my hand, but I shall be glad to supply my hon. friend with that information.

Mr. McCLENAGHAN: I understand Mr. Carling's lease expired and the building was left on the market empty. It was a very expensive building; I believe he had it on the market at $200,000 and he could not rent it to the government. I do not know why they left it. It had been occupied by the Department of the Interior from the time it was built. I understand that nothing Mr. Carling could do would induce the government to re-lease it. It was eventually sold to the President of the Eastern Ontario Liberal Association and I believe within twenty-four hours of the sale being effected a new lease was made out to that gentleman and his friends. That is the information I get. I do not know whether it was because Mr Carling was a son of his father, a former Conservative Minister of Agriculture, or not, but I know that building was lying idle for about a year. I understand the department have rented it and paid rent since last May although it was occupied only about a month or two months ago. The tenants who went into that building were removed from the Bryson building on Queen street, a building with light on four sides, to a building that has light just on Bank street. The building on Queen street was owned by the George Bryson Realty Company and it is now lying idle, while the building that the government could not use prior to the time that the President of the Eastern Ontario Liberal Association bought it is now occupied by the Parks branch that was formerly in the Bryson building on Queen street.

Mr. KING (Kootenay): My hon. friend is not correctly informed. The lease of the Carling building expired. There were changes and removals in the department. As my hon. friend living in Ottawa knows these things take place from time to time. It is true that a department has gone into that building, but it has been renovated and improved so that it is a satisfactory building to-day.

Mr. McCLENAGHAN: Is the Bryson building on Queen street not satisfactory? It had been occupied by the Parks branch ever since it was built fifteen years ago. It is right behind the Hunter building with light on four sides; it is an isolated fireproof building. I know the property on Bank street. Up to the two top storeys it has light only front and back. The rest looks on to an alleyway; if they need light they get it from the alleyway. This building was occupied for a number of years. Mr. Carling lost on that transaction probably $100,000. The building was put on the market with the brokers at $200,000; then the price was reduced to $175,000, and finally when the building was lying there idle without rental he had to take the best offer he could get, which was $110,000 or $115,000. Therefore through the fact of the building not being occupied, he lost the difference between $110,000 or $115,000 and the $175,000 or $200,000 at which the building was put on the market. This looks to me like a clear case of patronage. We people in Ottawa do not like patronage at all; we are very much surprised that the Minister of Public Works would think of such a thing when Mr. Carling, who was a very prominent citizen, put up this building, thus helping to make Bank street the wonderful street that it is, the building lay empty for about a year on account of its not being well lighted; yet as soon as it becomes the property of the president of the Eastern Ontario Liberal Association it has plenty of light around it and becomes rented.

Mr. BURY: When the lease of that building expired and the department felt that it required certain alterations, did the minister give the lessor an opportunity of making those alterations? Did he make any requirement or suggestion to the lessor that the building would be suitable if certain alterations were made?

Mr. KING (Kootenay): My hon. friend would understand the situation better if he would go over the numerous leases we have in Ottawa and if he realized the difficulty of accommodating various departments. A department is very much like the ordinary tenant who moves into a house and occupies it. After he is there a little while he finds the light not good or the premises dirty or cold, in the case of premises rented for departments the Department of Public Works hears of these things. We act as agents for the various departments and changes are made from time to time. When a man or a firm rents a building to the Department of Public Works or the government of Canada there is no assurance and no reason to have assurance of tenure any more than in the case of any other lessee. It is true that if departments are comfortably situated and complaints do not come in we try to continue the tenure, but changes will and do take place from time to time.

Mr. BURY: I quite appreciate the fact that the lessor of a building to the government has no right to expect from the government more than from any other lessee. But I think he has a right to expect that if his lessee, the government, has any fault to find with the premises, he might be informed and given an opportunity of making the necessary alterations. It strikes me as a new member of this House as rather strange, to say the least, that when the premises had been vacated by the government on the expiration of the lease the new Liberal owner is given an opportunity of putting the building into condition, meeting the requirements of the department and becoming himself a lessor. Any lessee who has occupied as a tenant premises for any considerable time usually, if he finds fault with the premises, gives his lessor an opportunity of putting them into proper condition.

Mr. KING (Kootenay): As the result of certain reorganization in the last two or three years a number of changes were necessitated in the Immigration department, and these changes are all justified. The reference to the president of the East Ottawa Liberal Association is without point.

Mr. McCLENAGHAN: The minister means the Eastern Ontario Liberal Association. Did the department make any extensive repairs to that building or was the work all done by the owners?

Mr. KING (Kootenay): Largely by the owners.

Mr. McCLENAGHAN: Ordinary men on the street inform me that they have seen Public Works men around the building during the past six months. What was wrong with the Bryson building? That building has been occupied by the Parks branch alone. It is an isolated building with light on four sides and it seems rather strange that it should be vacated and the Parks branch transferred to a building which has been condemned for want of light.

Mr. KING (Kootenay): The Parks branch complained that there was not sufficient accommodation and that the building was cold and dirty. They wanted to be transferred.

Mr. McCLENAGHAN: Was the Journal building vacated for the same reason? Was it, too, cold and dirty simply because it happened to be the Journal building?

Mr. KING (Kootenay): I suppose the hon. gentleman would wish the government to continue renting the Journal building. Our lease expired and we moved.

Mr. BURY: Reverting to the Carling building, did the department comunicate with the owner before he made the improvements? Did they submit to him certain specifications for improvements and request him to comply with them?

Mr. KING (Kootenay): We insisted upon the improvements being made before the building was leased.

Mr. BURY: Might not the department have done precisely the same thing with the previous owner?

Mr. KING (Kootenay): He was not given an opportunity.

Mr. BURY: Exactly; Mr. Carling was not given an opportunity. Aparently what the government could do for the one man they could not do for the other. They could not go to the old lessor, whose tenants they had been for years, and tell him that the building as it stood was not suitable and demand certain improvements and alterations. They could not do that in his case but they could with the next owner who happens to be a Liberal.

Mr. HANSON: It would be ridiculous to suggest that Mr. Gordon Edwards, a member of a family that has been a milch cow to the Liberal party for a quarter of a century, would not be given an opportunity in this matter.

Mr. KING (Kootenay): The hon. member for East Edmonton (Mr. Bury) evidently did not hear me say that there was a reorganization. We moved from the Norlite building to the Jackson building for consolidation pur-

poses in connection with the Immigration department. That was at the request of the minister. We then consolidated the Lands branch in the Norlite building, removing a part of that branch from the Carling building. That is how the Carling building was vacated in the first place. On the occasion of a further reorganization the Parks branch at their request were transferred from the Bryson building to the Carling building.

Mr. MacLAREN: What are the rentals respectively of the two buildings?

Mr. KING (Kootenay): I have not the information here; the transaction took place some months ago. But the rentals, I fancy, are about the same. I shall look into the question. In the Carling building we found increased accommodation for the Parks branch, and naturally as there was more space the rent would be higher.

Mr. BURY: The minister has not yet satisfactorily answered me. I am prepared to accept the statement that there had to be a reorganization of certain branches. After that reorganization the plans of the government evidently fit into the Carling building. My question is this: could not those plans have fitted into the Carling building while it was owned by the other gentlemen? Do they fit in now better than they did before. merely because the present owner is a Liberal and a friend and supporter of the government? Could not the same improvements and changes, the same structural alterations, have been effected under the old lessor as under the new?

9 p.m.

Mr. KING (Kootenay): During and after the consolidation the Carling building was vacant for a period of nearly one and a half years. We had left it and we went back to it at the request of the Parks branch, which needed better and larger quarters.

Mr. BURY: That does not answer my point.

Mr. HANSON: I presume we may discuss under this item the famous Union Club purchase. How much has been spent on this building for furnishings and so forth since the close of the fiscal year which is covered by the last report of the Auditor General, that is to say, since March 31, 1925?

Mr. KING (Kootenay): I have not the capital expenditure; I gave that to the House last year. The information I gave to-day has reference to the vote, now under consideration, for maintenance. I submitted the details this afternoon. The total is $35,110.73.

[Mr. J. H. King.]

Mr. HANSON: I am not interested in the maintenance. I want to know what we have spent on the structure in addition to the cost.

Mr. KING (Kootenay): There is a total expenditure of $1,540,781.

Mr. HANSON: We have spent a considerable sum in refurbishing and refurnishing the building since buying it.

Mr. KING (Kootenay): In addition to the purchase price a certain amount of reconstruction was necessary. That information was given last year, together with the amount for furnishings. I have not the information here as to those expenditures; I have the explanation of the expenditure for the coming year.

Mr. HANSON: That is for maintenance.

Mr. KING (Kootenay): Yes.

Mr. HANSON: Is there any expenditure contemplated for further furnishings in the coming year?

Mr. KING (Kootenay): No.

Mr. HANSON: So we may take it for granted that the building has cost the country as it now stands $1,500,000?

Mr. KING (Kootenay): Yes.

Mr. HANSON: Gentlemen who were in the last parliament may remember the subterranean methods used to secure this building in order to satisfy the pet whim of the Prime Minister and his friend Mr. Larkin, and I propose to put on Hansard some little information from the Auditor General's report in regard to this matter. The purchase price of the Union square building was £225,000, which with the extras figures out at $1,008,950.08. The ground rent adjustments which had to be made with the landlord amounted to $10,437.60; for the leasehold we paid $511, and the alterations and additions cost $233,600. The architect's fees were $26,742.33 and there is an item for a clerk of works, $1,946.67. Then come the gems I would like the House and the country to appreciate, and they will be found in the Auditor General's report, part V, at page 155. The following furniture was purchased in England: Spink & Co., two bookcases, $1,887.16. That certainly beats the mahogany paper basket purchased by a minister a few years ago at a cost of $90—or was it a coal scuttle, or was it a silver teaball for the Prime Minister, at $18? Five chandeliers $1,788.50; two chairs $171.67; an Agra carpet

from the Vigo Art Galleries $1,102.18. From Waring & Gillow were purchased 12 pairs of curtains costing $2,044; four chairs $584. I wonder where are our friends from Saskatchewan.

Some hon. MEMBERS: Right here.

Mr. HANSON: Do they approve of this?

An hon. MEMBER: We do not approve of twisting it.

Mr. HANSON: I am reading absolutely from the record.

An hon. MEMBER: Has the record been changed?

Mr. HANSON: No, the record has not been changed. I will continue with the items. A settee $279.84; a satinwood table $803; a walnut table $187.80; two chairs $184.93; a pair of corner cabinets $180.07; nineteen fenders $155,73; sundries $255.75. Then there was furniture purchased in Canada to the value of $9,800, including $2,200 to the Andrew Malcolm Company. That is a total of $19,424.63 for furniture up to that time, when the building had not been completed, and since that time over a quarter of a million dollars more has been spent, if I understood the figures correctly from the minister. That makes a total of $1,540,000, less $1,302,421.88 up to March 31, 1925. I would like to ask if there is any justification for this extravagance.

Mr. KING (Kootenay): I disagree entirely with my hon. friend; this has not been an extravagance. Canada to-day has a fine building in the seat of empire, and I believe we have the best location within the empire for a building of that character. We have furnished that building properly, to the credit of the Canadian people. It is true that there are many fine pieces of furniture in that building, but every Canadian who has been to London and who is interested in the welfare of Canada in relation to Great Britain, irrespective of his politics, will report to the individual members of this House, I am sure, that Canada has to-day the finest location in London of any of the dominions. The building is a credit to the Canadian people, and in relation to the expenditures of other dominions we have not overpaid. We know that the Union club building at the corner of Cockspur street and Trafalgar square is a wonderful location, and we have a lease on that building running until 1962, with the option of extending it for another thirty-three years then. We are paying an annual rental of £2,000, and we have a ground area of 9,254 square feet. The South African building, on the corner of Trafalgar square and the Strand, opposite our building, with to my mind not an equally good location—and I think those who are familiar with the square will agree—carries an annual rental of £2,000. The lease has eight years yet to run, and a renewal has been offered at a rental of £4,000. The ground space in that instance is only 5,000 square feet.

Mr. BURY: Will the minister give the comparison between what was paid in that case for the leasehold interest and what the amount was in the case of Canada?

Mr. KING (Kootenay): I am speaking of the ground lease.

Mr. BURY: I am aware of that, but you paid something for the lessee's interest in that lease.

Mr. KING (Kootenay): If my hon. friend will wait until I finish he will probably understand better. I am making a comparison between the amounts being paid by the respective governments for the lease. We have a lease running until 1962 with a ground space of 9,254 square feet, for which we pay an annual rental of £2,000.

Mr. BURY: Yes, but—

Mr. KING (Kootenay): Just wait. Then we have the South African government; they have a lease which has to run eight years, and the present rental is £2,000, with an opportunity of renewing that lease at a rental of £4,000. They have but 5,000 square feet. Then we have the P. & O. Steamship Company, Limited, 15 and 16 Cockspur street. The lease in that case is for thirty years; the annual rental is £5,000 and the ground space amounts to 5,500 square feet. Then there is the Barclay's bank building at the corner of Pall Mall east and Haymarket. The term of that lease is eighty years; the annual rental is £8,000 and the ground space amounts to 11,500 square feet. Then there is the Cox's bank building at the corner of Waterloo place and Pall Mall. The lease in that case is for eighty years, the annual rental £7,500 and the ground area 10,000 square feet. I give this information to the committee because I think it only fair that the Canadian people should know that this country has not failed to secure a good property at a reasonable ground rental. As for the reconstruction of the building, this was done under a capable architect, Mr. Warwick, who is well known in this country. He was formerly associated with architectural work in the city of Montreal, and is now resident in England. The actual work was

done by Messrs. Trollope & Colls, Limited, the foremost and most reliable contractors in London. They in competition with other contractors submitted prices as to what the work would be done for. Their price was accepted, and I am satisfied that if hon. gentlemen have an opportunity of visiting London and seeing this building they will not complain very much in regard to Canada's investment.

Mr. BURY: May I ask the hon. minister now to answer what was the most material question in that comparison? One government has a lease for a certain number of years at a certain rental of a certain area. It had to buy the lessee's interest in that lease, and the smaller the rent, the longer the term, and the better the terms of the renewal lease, the bigger the price it will pay. That is perfectly obvious. I want to know if the minister is going to give this House a proper comparison between the bargain made by this Dominion, and that made by South Africa, or by any other country for its leasehold interest. What was paid for the leasehold interest in each case?

Mr. KING (Kootenay): We have bought the building and we have bought the lease at the rate of £2,000 per annum until 1962, and we can extend that to 1999 for an additional £850 per annum.

Mr. STEVENS: The minister can give the committee, if he will just refer to his figures, what we paid for the lease. I know the property. I saw it when the front was all torn out of the building, and the new front was being built in. If the minister will give us the amount we paid for the lease—which for the moment I have forgotten, but it runs into a very large sum—and then tell us what it cost to remodel the face of the building—because they took out the old face of the building, leaving very little else—that will give us some idea. The minister speaks about the ground area. Unfortunately that building is a very shallow one. While its general location is excellent, I admit, as everybody must admit who is familiar with the Trafalgar Square district, although the side of the street the Union Club is on is not as much travelled, I think, as the side immediately opposite, yet the location is not so super-excellent as the minister would lead us to believe. But I am not going to quibble over that. It is a good location, but, as I say, the building is a very shallow one. It is a sort of triangular affair, on an obtuse corner, and the whole front of the building had to be torn out and rebuilt with a stone front, with the result that it looks very well.

[Mr. J. H. King.]

The minister mentioned a moment ago a building that undoubtedly ought to have been secured, Cox's Bank on Waterloo Place. It is a perfectly new building, modern in every respect, a magnificent building with 114,000 square feet of space. The minister gave the ground area as 10,000 square feet, as compared with 9,000 feet in the other building, but the Cox building is a magnificent one, a modern stone building ideally located, facing directly across to Whitehall. It is ideally located for the purpose of a Dominion government in London, a much better location than the site on Trafalgar Square. I admit that for retail business perhaps, the sale of tickets, for instance, the particular section where the present building stands is very good. It is largely occupied now by offices of various steamship companies; the Canadian Pacific is almost across the street, and there are the Grand Hotel and other buildings. As a location for business I admit it is better than Waterloo Place where Cox's Bank is, but for an office building for Dominion government purposes the Cox's Bank location, to my mind, would have been very much better. Furthermore, you would have had four or five times the floor space that this building supplies. The government could then have rented part of the building, but as we are situated at the present time in London, the building is more than fully occupied and does not house all the government services.

Mr. KING (Kootenay): Practically all.

Mr. STEVENS: Almost all, but not quite.

Mr. KING (Kootenay): There is space there to spare.

Mr. STEVENS: I think the minister will find that you cannot put the government services now in London in that building. I was fully advised of that a year or so ago when I was over there. But I am not complaining that the location is not a good one. That is not the question. The question is, are we getting for the expenditure we put into that building the best return? I submit that we are not. I think the government made a serious mistake when it did not secure Cox's building for this purpose, which in my opinion is the best location for the purpose in London. The Australian building, which is further down towards the city, is a much better place for the headquarters for the Agent General and for Dominion government purposes than is the Union Club building which we purchased. It is too late to quibble over the matter now, I suppose, but I want to recall to the attention of the minister and of the

committee that before this deal was consummated I brought the matter to the attention of the House in 1923, indeed in 1922, before the Prime Minister went to England, and he stood in his place in the House and promised us that the matter would not be consummated until it had been further discussed by parliament. But in the interim we were committed to this purchase by a certain Colonel Hyde, if I remember rightly. Again, in 1923 we warned the government that it was not making the best possible bargain. Now I think when we have all the expenditures before us it will be found that we have bought a very costly location which gives us not by any means the best possible accommodation for our Canadian services.

I would ask the minister to give us separately the cost of the purchase of the lease, the cost of renovating and rebuilding the structure, and the cost of the furnishings to date.

Mr. KING (Kootenay): I have not the items separately before me, but my hon. friend from York-Sunbury gave them a few moments ago from the Auditor General's report. The cost of the building and lease was £225,000. if I remember rightly, and the cost of reconstruction some £70,000.

Mr. STEVENS: Is that the complete cost of reconstruction?

Mr. KING (Kootenay): Yes, if I remember rightly. The hon. member for York-Sunbury gave the cost of the furnishings a moment ago.

Mr. HANSON: Only up to March 31st of last year.

Mr. STEVENS: As a matter of fact it would amount to about $1,500,000 for the lease and the rebuilding of the structure.

Mr. KING (Kootenay): The total capital expenditure to date is $1,540,000.

Mr. HANSON: We would like to get from the minister his defence of the purchase. I am not going to question the location for I am not able to speak as to that, and there is a difference of opinion. But we will concede that the location is a good one. We should know the purchase price of the lease before we can understand exactly the comparisons made by the minister with the locations of the buildings of other dominions.

Mr. KING (Kootenay): I think I gave that information very concisely this afternoon, but I will read it again: London, Canadian building: Paid for equipment of the Union Club, interest in site and building, including adjustment of taxes and costs of transfer and registration, $1,009,436.74. I think that is the information my hon. friend wants. Then the amount for the reconstruction and improvement of the building is $531,344.81. I deem it best to give the figures in dollars and cents rather than in pounds. The total capital expenditure is $1,541,781.

Mr. McGIBBON: If I understood the minister, this building cost approximately $1,000,000; $500,000 was expended upon reconstruction and improvement, and we have to give it up in thirty years?

Mr. KING (Kootenay): No, we do not. We have the option of continuing.

Mr. McGIBBON: What is the increase in the rental?

Mr. KING (Kootenay): An additional £850 per year will enable us to go to 1999.

Mr. McGIBBON: Who authorized the extravagant furnishings for this building?

Mr. KING (Kootenay): I do not think the furnishings are extravagant; I think they are in keeping with the building and the location. The money for this purpose was voted at the last session of parliament.

Mr. McGIBBON: Does the minister justify it?

Mr. KING (Kootenay): Yes, entirely.

Mr. McGIBBON: On what ground?

Mr. KING (Kootenay): As being necessary for a building so situated.

Mr. BURY: What did South Africa pay for its lease?

Mr. KING (Kootenay): I have not that information.

Mr. BURY: Then it is impossible to make a comparison. It is utterly futile to compare a lease with a rental of two thousand a year with another lease with a rental of two thousand a year unless one knows what was paid for the leasehold interest in each case.

Mr. ROSS (Kingston): What is the cost of furnishing the building up to the present time?

Mr. KING (Kootenay): I do not happen to have that information at hand at present. The hon. member for York-Sunbury gave from the Auditor General's report a few moments ago the expenditure for furnishings for the building. I have already given the total capital expenditure, and we are dealing

now with the item for maintenance for the coming year. I shall be glad to give to my hon. friend the information he asks for, but I regret that I do not happen to have it here just now.

Mr. HANSON: The amount as shown by the Auditor General's report was a little less than $25,000. Since the date of that expenditure the building has been completely furnished and the total amount must be greatly in excess of the sum mentioned. I should like to have that information if I could get it in some detail.

Mr. KING (Kootenay): I shall be very glad to bring down a return containing the information.

Mr. ROSS (Kingston): In addition to the offices mentioned by the minister, what other offices are accommodated in this building?

Mr. KING (Kootenay): I am advised that the government agencies and offices in London are now housed within the Canadian building. There may be one or two offices maintained down town for the convenience of the public, but the headquarters of the offices in London are now within the Canadian building. That was true when I was in London this year and it certainly was the intention of the High Commissioner to have that done.

Mr. ROSS (Kingston): What offices are maintained downtown?

Mr. KING (Kootenay): I do not know of any, with this exception: The Immigration department have offices scattered throughout England. They may find it necessary to maintain a sub-agency down town away from the main office in the Canadian building. The same is true of the Department of Trade and Commerce, the Soldiers Pension branch, and other departments.

Mr. STEVENS: And the National Railways.

Mr. KING (Kootenay): The National Railways are a separate corporation. They have their own office across the street from the Canadian building.

Mr. McGIBBON: Would the minister tell us something about these two book cases which cost $1,900?

Mr. KING (Kootenay): They are very beautiful bookcases and are good value for the money. If hon. members saw the furniture they would be well satisfied in regard to the outlay.

[Mr. J. H. King.]

Mr. McGIBBON: Tell us something about it.

Mr. KING (Kootenay): I would rather my hon. friend would get a magazine and read about it.

Mr. STEVENS: Go over there and see it for yourself.

Mr. McGIBBON: I was over there.

Mr. FRASER: The item for rents has increased from $1,410,000 to $1,440,000. What is the explanation of that increase?

Mr. KING (Kootenay): I gave that information to the committee a little while ago. Included in the increase are the following items: London, England, Canadian building, $9,733; Duford building and McDougald building, Ottawa, occupied by the Department of Marine and the Department of Mounted Police, $14,458; Blythe building, occupied by the Mines department, $3,600; premises at 31 Sparks street, occupied by the Post Office Department, $900, making a total of $28,691.

Mr. ROSS (Kingston): When the minister brings down a return of the expenditure incurred in furnishing this building, will he include a list of the offices in the building and a list of the offices maintained outside?

Mr. KING (Kootenay): In London? Yes.

Mr. FRASER: I notice a very substantial increase in the item for the salaries of caretakers, engineers, and so forth. How does the minister account for that increase?

Mr. KING (Kootenay): The explanation is the same as the one I gave this afternoon in regard to other items. Previous to last year these men received a bonus which was not voted in connection with the departmental estimates but was paid separately. Last year there was an adjustment of salaries, and as a result the bonus has been done away with. The increase here is largely accounted for by the adjustment in salaries.

Mr. FRASER: It is a pretty large amount.

Mr. KING (Kootenay): It really is not an addition. They received an augmentation before in the shape of a bonus, but it did not appear in this item. Now, by reason of the adjusted salaries, it does appear there.

Mr. MULLINS: I notice an item of $60,000 for the maintenance of Rideau Hall and grounds, improvements, furniture, and so

forth. Will the minister give an explanation of this item so that we may all understand it? What has been the total cost of Rideau Hall up to date?

Mr. KING (Kootenay): For the last ten years the cost of upkeep has varied from $60,000 to $65,000 annually. In 1914 and 1915 the vote was $65,000, and the amount spent was $65,176. The item varies from year to year, but it is always close to that figure. As to the total cost of Rideau Hall, the purchase of the property and additions and alterations amounted to $774,232, maintenance $1,535,792, making a total of $2,310,000.

Mr. MULLINS: I have received from a reliable statistician figures to show that Rideau Hall has cost $5,000,000. At 5 per cent that would mean an annual rental of $250,000. Are these figures correct?

Mr. KING (Kootenay): I think that is not putting it quite fairly. You do not charge interest on maintenance as a rule.

Mr. MULLINS: My figures show that Rideau Hall has cost the country $5,000,000. At 5 per cent interest it would mean a rental of $250,000 a year, and there is an item of $19,000 for fuel and light.

Mr. KING (Kootenay): The cost of the property and the additions and alterations to date amount to $774,232.

Mr. STEVENS: That is the capital cost?

Mr. KING (Kootenay): Yes. I have given the figure for maintenance. You would hardly charge interest on maintenance.

Mr. BURY: Can the minister give us the valuation put on that London Building by Knight, Frank and Rutley, to whom the government paid $511 for making the valuation?

Mr. KING (Kootenay): The hon. member will find that that information was placed on Hansard last year. I have not got it here, but I shall be glad to bring it down.

Mr. BURY: The rent and the interest, with the amortization on the million and a half paid for the building, would mean that we are virtually paying between $82,000 and $85,000 a year for the building.

Item agreed to.

Harbours and Rivers, Nova Scotia, $402,550.

Mr. ROGERS: There is an item in connection with Dingwall (Aspy Bay), Breakwater, $48,700, for which $25,000 was voted last year. Is there any explanation of that?

Mr. KING (Kootenay): This amount is required for the construction of a breakwater at Dingwall, Nova Scotia, now under contract. It is a cribwork breakwater, a thousand feet in length, ten feet wide, three hundred and fifty feet by fifteen feet. The work will be completed during the year.

Mr. STEVENS: What is the amount of the contract?

Mr. KING (Kootenay): To complete the contract $43,208; and inspection, contingencies and so forth, $5,492. The contract was for $54,708 to W. E. Landry, of Antigonish, who was the lowest tenderer. With regard to the district served by this construction, there are some 3,000 farmers and fishermen residing in the district. It is an important community being isolated and dependent largely on water transportation. It is to be stone cribwork.

Mr. BOYS: Would the minister give us the details of the item of $65,000, harbours and rivers generally, repairs and improvements?

Mr. KING (Kootenay): This is required to make provision for repairs and improvements to harbours and rivers in control of the Public Works Department in Nova Scotia which are estimated by the district engineer to involve an expenditure of less than $1,000. There is a long list of these works, the expenditures varying from $15 up to $1,000 or $2,000. As my hon. friend knows, this item is to take care of unexpected and unforeseen conditions which may develop in the harbour work, piers or public works in that vicinity.

Mr. ROGERS: Was the vote last year all expended?

Mr. KING (Kootenay): We spent $63,000 last year.

Mr. BOYS: I quite appreciate what the minister says about taking care of the unforeseen expenditures, but in the main, as I understand it, the vote is the result of items that are before the minister, and in coming to the House he asks for the total amount. Possibly in addition to that he may put in a miscellaneous item.

Mr. KING (Kootenay): Is it my hon. friend's desire to have a list of what it is now intended to expend from that vote?

Mr. BOYS: If it is not very long the minister might read it.

Mr. KING (Kootenay): It is for works varying in cost from $75 to $500.

Mr. BOYS: I would be satisfied with a list of the expenditures over $500.

Mr. KING (Kootenay): There are 37 proposed expenditures, repairs to wharfs, repairs to landing steps, repairs to approach, construction of sheds, construction of skidway and other items.

Mr. BOYS: That gives us no information at all. Is the particular wharf that is to be repaired not designated?

Mr. KING (Kootenay): Yes.

Mr. BOYS: That is the information we want.

Mr. KING (Kootenay): This is only a tentative list. Take Sable Island, repairs to wharf, $200—

Mr. BOYS: Am I not right when I say it is the result of reports made by officers of the department?

Mr. KING (Kootenay): Yes.

Mr. BOYS: Would you put it on Hansard?

Mr. KING (Kootenay): Yes The statement is as follows:

LIST OF WORKS AUTHORIZED 1926-27

| | |
|---|---|
| *Nova Scotia—* | |
| Centreville (Cape Sable Is.), repairs to wharf | $ 200.00 |
| Chester, landing steps | 100.00 |
| East Jordan, repairs, etc., to approach | 100.00 |
| Fisherman's Harbour, construction of shed | 300.00 |
| Livingstone's Cove, repairs to wharf | 100.00 |
| Meat Cove, construction of skidway | 500.00 |
| Pleasant Bay, slipway and hoist | 450.00 |
| Petite Riviére, repairs to breakwater | 350.00 |
| Shelburne, repairs to wharf | 274.00 |
| Wallace Bridge, repairs to wharf | 330.00 |
| Meteghan, repairs to wharf | 450.00 |
| Meteghan River, repairs to eastern breakwater | 752.00 |
| Lower West Pubnico, repairs to wharf | 400.00 |
| Sandy Cove, repairs to breakwater | 600.00 |
| Hampton, repairs to the retaining wall of shoreward end of breakwater | 500.00 |
| Bear Cove, repairs to breakwater | 350.00 |
| Church Point, repairs to wharf | 500.00 |
| West Head, repairs to public wharf | 200.00 |
| Sanford, repairs to breakwater-wharf | 200.00 |
| Black Rock, repairs to wharf | 225.00 |
| Middle West Pubnico, repairs to boat-landing | 400.00 |
| Western Shore, repairs to breakwater | 600.00 |
| Port Medway, repairs to wharf | 500.00 |
| East Berlin, repairs to breakwater | 500.00 |
| Young's Landing, repairs to wharf | 500.00 |
| Mill Cove, repairs to wharf | 400.00 |
| Brooklyn, repairs to breakwater | 600.00 |
| Riverport, repairs to revetment wall | 600.00 |
| Port Mouton, repairs to wharf | 600.00 |
| Neguac, repairs to wharf | 500.00 |
| Bay St. Lawrence, extension to breakwater | 394.76 |
| Great Village, improvements to road approach for the right-of-way to the public wharf | 300.00 |
| Long Point, repairs to the road to the public wharf | 625.00 |
| Malignant Bay, repairs made to northern pier | 100.00 |
| Amherst Point, repairs to wharf | 75.00 |
| Middle East Pubnico, repairs to wharf | 500.00 |
| Ostrea Lake, repairs to wharf | 100.00 |

Mr. MacDONALD (Cape Breton): May I ask for information regarding the wharf at Sydney?

[Mr. Boys.]

Mr. KING (Kootenay): This amount is for the purchase of the old pier or wharf site of the Sydney Foundry Company and the construction of a cribwork wharf at that point. In 1921-1922 the sum of $100,000 was voted towards the construction of a wharf 540 feet by 70 feet to be located at Battery point at an estimated cost of $444,545. There is no doubt that there is a necessity for a wharf or pier in Sydney harbour for commercial purposes, but we do not feel that we would be justified in spending half a million dollars for the construction of a new pier there. An opportunity has arisen whereby we can secure a property which we are advised will give the accommodation we require and which can be constructed at a total cost of about $150,000. That proposal is under consideration. The matter has been gone into by the Department of Public Works and also by the engineers of the Canadian National railway who have conferred and have recommended this site and this purchase to the government.

Mr. MacDONALD (Cape Breton): What was the purchase price of the site?

Mr. KING (Kootenay): The purchase has not yet been made. We have had two or three estimates of the value. The price it is proposed to pay if the property is bought is $68,000. The valuations have been checked not only by the departmental engineers but by individuals outside of the department.

Mr. MacDONALD (Cape Breton): Some time ago I directed the attention of the government to the fact that the terminal wharf of the old Intercolonial is situated less than 300 yards from this property. It has been partly destroyed by fire, but it can be put into a state of repair for a very much less amount than this, so I am informed. Is the minister prepared to say that the Railway department intend to extend their railway from the present terminus to the new site?

Mr. KING (Kootenay): I might just read to my hon. friend what the district engineer had to say in regard to the Battery point wharf. He said:

> We examined the site at Battery point where there is at present a portion of a wharf in existence, but this was not suitable because it is located in an exposed position. which would only enable us to utilize the inner side of the said wharf, and in order to get sufficient accommodation for the trade which was outlined to us, it would have to be extended to such a length that its cost would preclude its consideration.

The cost, as I said a few moments ago, being $444,545.

> It likewise possessed the disadvantage of being located too great a distance from the business section of the community, so that transference of goods to it from

mercantile establishments or from it to the said establishments would render the difference between rail haulage and water transit practically a negligible quantity.

In regard to the further question whether the railway company will utilize the proposed pier, the railway engineer and the Public Works engineer have drawn plans and it is their intention to use this pier once it is reconstructed. Instead of 300 yards it is some 3,600 feet from the present terminus of the Canadian National railway, and I understand the cost to the company will be not more than $15,000.

Mr. MacDONALD (Cape Breton): I may say, having personal knowledge of the location, that as regards the Intercolonial the two sites are identical.

Mr. KING (Kootenay): I have been in Sydney only once, but that is not my impression.

Mr. MacDONALD (Cape Breton): I have been there for many years. If the minister is satisfied and will assure us that the railway intend to extend their road to that wharf, there is no further objection; but so far as I can learn from the Railway department and from questions put to the railway officials yesterday in the committee, there is no such intention at the present time.

Mr. KING (Kootenay): The whole matter has been discussed with the Canadian National Railway officials. If the railway company will intimate to the Department of Public Works that it is not their intention to use this pier, it will not be built.

Mr. MacDONALD (Cape Breton): In the event of the wharf being built, according to the present estimate there will be only $7,000 left for the wharf. Is it the intention of the department to bring in a supplementary estimate to build the wharf this summer?

Mr. KING (Kootenay): My hon. friend has raised some doubt in my mind regarding this property, and I have suggested to the engineering branch that further inquiries be made and further information secured. As to whether the government will vote more money for the construction, my hon. friend will have to wait and see. The supplementary estimates will be down in a day or two. They are not yet complete; they are under consideration. It is not my privilege or right to indicate what will be in them, other than to say that if the government secures this property it is with the desire and intention of giving to the people of Sydney a terminal wharf at that point, and that will require some more money.

Mr. MacDONALD (Cape Breton): At the earliest possible moment?

Mr. KING (Kootenay): Yes.

Mr. QUINN: Will the minister give some information with regard to the item of $2,000 for Portuguese cove breakwater? I notice that in the previous year $11,700 was spent. Is this $2,000 to complete the work?

Mr. KING (Kootenay): To complete the contract.

Mr. QUINN: The minister no doubt is aware that when the breakwater was nearing completion last year, the cribwork was carried away owing to a very severe storm. I was wondering if this item of $2,000 would complete the work.

Mr. KING (Kootenay): That is all that the engineering branch have asked for. Our information is that this $2,000 is required to complete payments on the breakwater. Portuguese cove, under contract by W. S. Landry. We have a report from engineer Locke in which he says:

> The old work with the exception of the approach which was badly damaged by storm in December, 1919, was completely destroyed by the storm during the winter of 1923.

That was before we started this work. I am not advised of a recent storm.

Mr. QUINN: I am referring to a storm last fall, in the latter part of September or the beginning of October, when a great deal of the new work was carried away. I was there early in October and I am quite sure that $2,000 will not complete that breakwater.

Mr. KING (Kootenay): The work was reported as satisfactorily completed on December 17. Did the storm occur after that?

Mr. QUINN: The first week in October or the latter part of September.

Mr. KING (Kootenay): This report is subsequent to that.

Mr. CANTLEY: Under the head, "Harbours and rivers generally—repairs and improvements" there is an appropriation of $65,000, which is apparently an annual vote. How much of that has been spent in Pictou and on what sort of work?

Mr. KING (Kootenay): That vote is to meet contingencies that may arise from time to time. I am not sure that any of it is for Pictou county; I would say not. The money

is at the disposal of the Engineering department. The estimated requirements are so far comparatively slight. Last year we spent $63,000.

Mr. CANTLEY: As practically no expenditures in Pictou county are contemplated in any of these estimates, I hope the minister will bring down in the supplementary estimates a sum sufficient to provide wharf accommodation for Pictou Island.

Mr. JOHNSTONE (Cape Breton) : What is the actual cost of the breakwater?

Mr. KING (Kootenay): $54,708.

Mr. QUINN: Has any of the work at Hall's Harbour been begun yet?

Mr. KING (Kootenay): The vote is required to complete the work now under contract, which consists of 100 feet of breakwater, 26 feet by 29.

Mr. QUINN: That is Hall's Harbour?

Mr. KING (Kootenay): Yes.

Item agreed to.

Prince Edward Island—harbours and rivers, $69,000.

Mr. ROGERS: What does the item of $10,000 mean for harbours and rivers generally? Is that to be spent throughout the province?

Mr. KING (Kootenay): Yes.

Mr. ROGERS: There is a large vote for New London.

Mr. KING (Kootenay): That vote is required to complete the construction of the eastern breakwater at New London now under contract. Of the $30,000 asked for $17,000 is a re-vote.

Mr. ROGERS: That $17,000 will complete the work.

Mr. KING (Kootenay): Yes.

Item agreed to.

Mr. KING (Kootenay): I move that the committee rise, report progress and ask leave to sit again this day.

Mr. HANSON: Before that motion is carried, will the minister agree to the discussion, when the item for New Brunswick is taken up, of any points that may suggest themselves in relation to the Prince Edward Island vote?

Mr. KING (Kootenay): Yes.

Progress reported.

## MONTREAL HARBOUR COMMISSION

Loan of $12,000,000 for terminal facilities.

Hon. P. J. A. CARDIN (Minister of Marine and Fisheries) moved the second reading of Bill No. 189, to provide for a loan to the harbour commissioners of Montreal.

Motion agreed to and the House went into committee, Mr. Duff in the chair.

Mr. ROGERS: The minister might give us some information not only regarding the purpose of this proposed loan but as to what has been done with the loan, made a year or two ago, of $11,000,000 or $15,000,000, I forget which. What is the necessity for this loan?

10 p.m.

Mr. CARDIN: The total amount authorized during the past four years is $15,000,000, expended as follows:

| | $ cts. | $ cts. |
|---|---|---|
| Elevator System for Handling of Grain:— | | |
| Grain Elevator No. 3 with conveyers and jetty | 3,716,167 00 | |
| Grain elevator "B," Windmill Point | 2,967,266 26 | |
| Elevator No. 2, marine tower jetty | 372,320 35 | |
| Total for grain elevator system | | 7,055,753 61 |
| Wharves and Piers— | | |
| High level wharves, sections 30 to 42 | 1,204,636 27 | |
| Reconstruction of wharf, Windmill Point | 550,363 18 | |
| Extension of King Edward pier | 450,000 00 | |
| Extension of Alexandra pier | 400,000 00 | |
| Queen City industrial wharf, Sec. 100-101 | 214,165 95 | |
| Extension of Jacques Cartier pier | 48,914 28 | |
| New Victoria pier and market basin (completion) | 5,205 12 | |
| Total for wharves and piers | | 2,873,284 80 |
| Railways and Electrification:— | | |
| Electrification of railways and sidings | 876,647 32 | |
| Railway tracks and subways | 483,661 40 | |
| Railway sidings | 71,738 87 | |
| Total for railways and electrification | | 1,432,047 59 |

| | | |
|---|---|---|
| Dredging and Filling:— | | |
| Dredging Bickerdike basin and approach | 698,000 00 | |
| Dredging Windmill Point basin | 98,590 25 | |
| Dredging in general and filling | 56,153 72 | |
| Total for dredging and filling | | 852,743 97 |
| Permanent Sheds:— | | |
| Sawmill and sheds, Bickerdike pier | 163,504 66 | |
| Transit sheds, sections 26 to 30 | 258,396 94 | |
| Transit sheds, Victoria pier | 22,890 39 | |
| Transit sheds, Jacques Cartier pier | 20,925 77 | |
| Transit sheds, Alexandra pier | 19,685 50 | |
| Total for permanent sheds | | 485,403 26 |
| Storage Warehouse:— | | |
| Building, equipment and ⅓ cost power house | | 819,349 89 |
| General Improvement:— | | |
| Plant, land and extensions | | 1,276,329 46 |

This accounts for the $15,000,000 advanced to the harbour commission during the four preceding years. The amount paid out in wages is $2,865,000.

Mr. ROGERS: Do you include under bridges the large bridge which was built?

Mr. CARDIN: The south shore bridge is not included in this statement, which only accounts for the $15,000,000 already advanced. In connection with that bridge we have not advanced any money; we have merely guaranteed the debentures which are to be issued by the harbour commission.

Mr. ROGERS: You bought a lot of right of way and that sort of thing in connection with the bridge?

Mr. CARDIN: Yes.

Mr. ROGERS: Where did you get the money?

Mr. CARDIN: About $1,000,000 has already been applied to the construction of the bridge, and has been taken from this $15,000,000 already voted. This amount will be returned, however, when the harbour commission issues the debentures for the bridge, one-third of said debentures being taken care of by the federal government, one-third by the provincial government and one-third by the city of Montreal.

Mr. ROGERS: What was the estimate of the cost of the bridge?

Mr. CARDIN: About $15,000,000.

Mr. ROGERS: I think $11,000,000 was agreed upon between the three parties.

Mr. CARDIN: No, it is about $15,000,000.

Mr. ROGERS: I think the minister is mistaken.

Mr. MEIGHEN: It was $6,000,000 when the late member for Chambly-Vercheres first pressed upon the House the construction of the bridge and persuaded the government to agree; the House was advised that it would cost about that amount. It is quite true that we on this side of the House told him he was millions out, and that it would probably run up to $12,000,000. This is just another case where the government's information misled parliament, while the opposition was right.

Mr. ROGERS: My information is that the city of Montreal and the province of Quebec appear to have an understanding that the cost shall not be more than $11,000,000, and that they have refused to exceed that amount. They will not pay anything more than one-third of $11,000,000, according to my information, which comes on very good authority.

Mr. CARDIN: I think there is no restriction.

Mr. ROGERS: The province and the city claim to be restricted to one-third of $11,000,000.

Mr. CARDIN: I do not think so.

Mr. HANSON: Is there a definite contract with the city to pay a proportion or any stated sum towards the cost of a new bridge?

Mr. CARDIN: Yes. The city of Montreal was authorized to take one-third of the responsibility, through a law passed at the last session of the Quebec legislature.

Mr. HANSON: And have they agreed to pay one-third of the total cost?

Mr. CARDIN: Yes.

Mr. HANSON: Is there a contract to that effect?

Mr. CARDIN: There has been a by-law passed by the city of Montreal.

Mr. HANSON: Is that equivalent in law to a contract?

Mr. CARDIN: It has been so considered by the legal advisers of the harbour commission.

Mr. MacLAREN: Two or three weeks ago a question was put on the order paper asking for the amount of the salaries paid to officials of the harbour boards of Montreal and Quebec. I am referring now to other officials than the harbour commissioners. This information was refused. The minister is now asking for a further loan of $12,000,000 to the harbour commission of Montreal, and I wonder if he still refuses to give us that information. I can hardly believe that this information is to be withheld from the House, because we have the information in regard to the salaries of the commissioners. I wish to press this matter very strongly on the minister, because I submit that we are entitled to have this information. Perhaps in view of the criticism levied since, because of the refusal to supply information on at least one other occasion, the minister may have thought proper to change his opinion in this matter.

Mr. CARDIN: I explained the other day that, this information being of an administrative character, the harbour commissioners should not be requested to supply it. We have no desire to conceal anything, and in view of the representations made the other day by hon. members opposite I am quite willing to give the information now concerning the Montreal Harbour Commission.

Mr. MacLAREN: That will be satisfactory. When will the information be given regarding the city of Quebec?

Mr. CARDIN: At the next sitting of the House, on Monday.

Mr. ROGERS: Is the minister prepared to give us the information in regard to the purchase of the right of way for the bridge, and to explain as well the necessity for changing the bridge from the original plan?

Mr. CARDIN: I do not exactly see my hon. friend's point. The site of the bridge has been changed; is that what my hon. friend has in mind?

Mr. ROGERS: Yes.

Mr. CARDIN: It has been thought by the advisory committee, composed of engineers, and by representatives of the city of Montreal and of the provincial government that the best site, and the one which has in fact been chosen, is that which lands the bridge at the foot of Delorimier avenue. The other proposal was that it should land just in the middle of the harbour, in that part of the city where there is the greatest congestion, and it was thought that to bring all the traffic over this bridge into what is already the most congested part of the city would be a source of trouble. So it has been decided, after due consideration by all interested parties, that the proper place to land would be the foot of Delorimier avenue. This, indeed, is the site which was indicated as long ago as fifteen years, when the first proposal for the building of the bridge was made. It is thought to be the more advantageous site because it is going to land in the eastern part of Montreal, in the manufacturing centre of the city where there is no such congestion as there is at the other site. The present site has been agreed upon by the representatives of the provincial government, of the city of Montreal, and by the board of engineers which has been constituted to advise the commissioners in regard to the bridge.

Mr. ROGERS: Could the minister give us some idea in regard to the amount of right of way that was purchased for the first location that is no longer of any use?

Mr. CARDIN: No property has been purchased.

Mr. ROGERS: Oh yes, you purchased considerable property.

Mr. CARDIN: No property has been purchased for the present site according to my information.

Mr. ROGERS: You mean to tell me that you have not purchased any of the right of way for the bridge yet? Of course you have.

Mr. CARDIN: There are proceedings under way for acquiring the property which has been chosen.

Mr. ROGERS: And the right of way was purchased for the bridge as originally planned.

Mr. CARDIN: No property was bought for what my hon. friend calls the old site.

Mr. STEVENS: On the south side of the river? I was down there the other day, and I saw a mile or more of grading and huge cement abutments.

Mr. CARDIN: This is government property. It belongs to the Department of National Defence.

Mr. MEIGHEN: Through how many general elections does the government expect the building of this bridge to last?

Mr. CARDIN: I think the bridge will be built before the next election.

Mr. MEIGHEN: The minister's powers of prophecy will fail, as his other powers have

done. There is just as much chance of the heavens falling, and a lot less chance than of the government falling. The minister said that about $1,000,000 had already been spent.

Mr. CARDIN: Yes.

Mr. MEIGHEN: Does he think there is very much to show for that in the way of a bridge?

Mr. CARDIN: Certainly. A very large pier has already been completed on the south shore, and there are two piers completed on the south side of St. Helen's island. The foundation of the most important pier on the north shore, in Montreal, is already completed.

Mr. MANION: Would the minister give to the committee the amounts of money that have been advanced to the different harbour commissions, and state which of them are paying interest and which are not?

Mr. CARDIN: Unfortunately I have not the exact figures here. So far as Montreal is concerned, $44,000,000 is the amount of the debentures which the government has in its hands at present. I think the advances to Vancouver amount to about $15,000,000.

Mr. MANION. Is Vancouver paying interest?

Mr. CARDIN: Yes.

Mr. STEVENS: And sinking fund too. Don't forget that.

Mr. CARDIN: Montreal is also paying interest. We have advanced about $15,000,000 or $18,000,000 to Quebec, but no interest has been paid.

Mr. MEIGHEN: Is Toronto paying its interest?

Mr. CARDIN: Toronto is on a different footing. Practically all the expenditures made in Toronto have been made by the Toronto harbour board and guaranteed by the city, except an amount of $8,000,000, which has been expended there by the Department of Public Works. That is a capital charge, upon which we are not getting any return. We have also made certain disbursements in the Maritime provinces. In Halifax about $15,000,000 or $18,000,000 has been expended by the Department of Railways and Canals. Of course, we are not getting any interest on that; that was a capital expenditure. I think about the same amount, $15,000,000 or $18,000,000, was expended at St. John by the Public Works department. These expenditures by the Public Works department are not in the same category as the advances that we have been making to Montreal, Quebec and Vancouver. The expenditures at the other ports have been public works disbursements.

Mr. MEIGHEN: Where there is an obligation to pay interest, it is only being paid at Vancouver and Montreal?

Mr. CARDIN: Yes.

Mr. MEIGHEN: Is there any other place where the obligation exists?

Mr. CARDIN: Yes, Quebec.

Mr. MEIGHEN: On that point, I do not think the fact that a harbour pays interest is any reason for the government and parliament shutting their eyes to the expenditure and allowing the commissioners carte blanche to go ahead with the investment of more millions at their own sweet will. I think there has been a good deal of money wasted and perhaps worse than wasted by harbour commissioners. Of every million dollars and every dollar that we put into the harbour of Montreal it is certainly the duty of the government and of parliament to see that every cent is spent to advantage, that it is necessary expenditure and is not merely made for the purpose of serving some object of local pride, but that it is essential for the service of the traffic of the Canadian people. At Montreal the more millions we put into harbour expenditure, assuming that some of it is not wisely spent, the greater the cost of the grain on the original producer, who necessarily has to pay it. The fact that Montreal pays its interest is merely evidence of the fact that it is so located that our grain and other commodities go through there. It has that geographical advantage, but in the end it is merely a form of taxation, the support of the harbour for services rendered.

The point I want to make is this: We really should have as direct and as full supervision over the expenditure at the harbour of Montreal as we have over the expenditure at Belle river wharf or at Fort William or St. John or Halifax or any other place. We have not got it. We are allowed to go so far, and there we have got to stop. We are asked to believe that everything beyond that is sacrosanct, and we cannot set our unholy feet there at all. That should not be. Why should members of parliament be told, for example, in answer to questions on the order paper, that the people's representatives are not entitled to know what salaries the harbour commission in their benevolence may see fit to pay to employees, not only in Montreal but all over the world? I do not know where they have not got employees now. We should have as much

direct supervision over that as over anything else, because as I stated in opening, out of the pockets of the Canadian taxpayer, through one channel or the other, comes the money that supports the whole institution. The minister cannot get out of the responsibility merely by saying that this is a corporation and it is paying its interest to us; that we get the interest annually and are making an investment of this. In the present case, though we may be making an investment, the interest attached is really a charge against the grain of the west and a charge against the traffic of Canada in general, I think it would be time well spent to have a pretty thorough inquiry into some of the expenditures by our harbour commissions.

Mr. CANTLEY: May I point out that it is not only a charge against the grain of the west—

Mr. MEIGHEN: I said the traffic of Canada generally.

Mr. CANTLEY: —but also a heavy charge against the coal of the east. In the case of every ton of Nova Scotia coal sent up to Montreal we have to pay a wharfage rate of 7½ cents a ton. In addition to that we pay a very high annual rent for every foot of space that is occupied by that coal, which necessarily has to be stored there during the spring and summer months in order to carry on during the winter. The expenditure for that purpose runs into forty, fifty, sixty and even seventy thousand dollars, for cash storage space and constitutes a heavy tax on every ton of coal we send up from the lower provinces to Montreal. Therefore we are very particularly interested in all the expenditures made by the harbour authorities; and yet, as has been pointed out, we have no opportunity whatever of criticizing that outlay in any way. That is why we are so very much concerned.

Mr. MacLAREN: May I ask for a little further explanation in regard to the port of Montreal? Have there been repayments of any portion of loans made to the harbour commission, or have any previous loans matured? I notice that in this case the period mentioned is 25 years. I observe also there is a sinking fund amounting to something over a million dollars. Perhaps we can get some information as to what percentage is set aside to form a sinking fund. There is one further question, if the minister would be good enough to give the information: Is this a so-called free port or is there a tariff of charges? If so, what are the charges?

[Mr. Meighen.]

Mr. CARDIN: In the first place may I say that none of the debentures have yet matured. A sinking fund is provided for and it amounts to about $1,000,000 at the present time. I must confess that I am not in a position at the moment to state what dues are charged in the port of Montreal. Generally, however, I can say that the charges are about the same as those in Vancouver, and that they compare with advantage to similar charges in the port of New York. I quite realize the point made by the hon. member for Pictou that the people of the Maritimes are very much interested in the port of Montreal, as they are in fact in any other port. My hon. friend would like to see the charges made as low as possible and be afforded an opportunity to look into the administration of the harbour. That is a legitimate wish, and nobody objects to it. At the same time it must be realized that the wharves and other facilities at Montreal demand the expenditure of money. We cannot enjoy shipping facilities such as exist there without paying something for them. This money could be paid directly, through a vote of the Public Works department, without any return to the government. Nevertheless it would be an expenditure of public money and the Canadian taxpayers would still be bearing their share of the burden. On the whole I think I can state that the charges in the port of Montreal are quite reasonable in comparison with the charges paid in all the other ports of America.

Mr. CLARK: Has the minister given full details of the purposes for which this money will be expended?

Mr. CARDIN: I enumerated the main items last night. If my hon. friend desires I can state all the details, but there is nothing very interesting in a description of piers, dredging basins, and the like. The money is to be expended on dredging, wharves, piers, basins, plant, shops and buildings, permanent sheds, railways and electrification, and increasing the storage capacity of elevator No. 3.

Mr. ROGERS: What will be the increase in elevator capacity?

Mr. CARDIN: It will be 3,000,000 bushels.

Mr. CLARK: Has the minister put on Hansard the amounts that will be spent on each of these items?

Mr. CARDIN: Yes, I placed them on Hansard last night.

Mr. HANSON: Before the expenditures are actually made will they be approved by the government?

Mr. CARDIN: Yes. Before any expenditure is made a request is presented by the harbour commissioners, accompanied by detailed plans and specifications of the work, which has to be approved by the Governor in Council.

Mr. HANSON: After the money has been expended is any independent audit made, and if so by whom?

Mr. CARDIN: The firm of Riddell, Stead, Graham and Hutchison have been auditing the books of the harbour commission for the past fifteen years.

Mr. HANSON: Does the government take any steps to ascertain if the money actually goes into the work or do they simply rely upon the representations made to the harbour commissioners, and this audit, this post audit as I understand it?

Mr. CARDIN: The department has an employee who visits all these ports and reports upon the progress of the work.

Mr. ROGERS: I asked the minister a while ago what price had been paid for right of way. If I understood him correctly he said no right of way had been purchased yet.

Mr. CARDIN: There is no right of way to be purchased on the south shore of the St. Lawrence, because there the bridge is going to land on government property.

Mr. ROGERS: But as to the part of the bridge that is not on government property?

Mr. CARDIN: Not on the south shore.

Mr. ROGERS: It does not matter whether it is on the south shore or not.

Mr. CARDIN: In the city of Montreal the biggest pier is built on the property of the harbour commission. It is only the landing of the bridge which is going to go over certain private property. The harbour commission is negotiating at present in order to get these private properties.

Mr. ROGERS: I have a statement in regard to this matter; that is why I am putting these questions to the minister. Of course he knows more about the subject than I do. But the statement in question, which is signed by Charles Bernier, reads as follows:

In re: Expropriation for the Montreal Bridge Erected by the Harbour Commissioners

I, the undersigned, Charles Bernier, architect, of Montreal do solemnly declare:

1. I have taken cognizance of the sales made to the Montreal Harbour Commissioners and the government of Canada of certain properties situate in the city of Montreal and hereinafter described;

2. I have personally taken cognizance of the civic valuation of these properties and I have personally examined and I know the properties in question and their real and marketable value:

3. I give hereinafter, under my oath, my own personal valuation of these properties, and also the prices at which, I am informed. these properties were sold to the Harbour Commissioners of Montreal, for the purpose of the erection of the bridge.

| Cad. No. St. Mary Ward | Civic Valuation | My own Valuation | Price Paid |
|---|---|---|---|
| P. 31—P. 32—P. 33.. .. | $22,500 | $35,000 | $48,000 |
| P 491.. .. .. .. .. .. | 18,500 | 38,000 | 78,000 |
| P 492.. .. .. .. .. .. | 9,500 | 25,000 | 50,000 |
| P 493.. .. .. .. .. .. | 48,000 | 75,000 | 125,000 |
| P 494.. .. .. .. .. .. | 28,000 | 35,000 | 44,500 |
| | $126,500 | $208,000 | $345,500 |
| Excess paid over value.. | $137,500 | | |
| | | | $345,500 |

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Now they sent me as well another document. I am willing to give these to my hon. friend, because he will know more about them than I do. But I think it is only fair to him and to the House and to everybody to ascertain whether these facts are correct, because if they are they appear to be very much against the desirability of this parliament lending much more money to the harbour board of Montreal or to entrust them with much more expenditure of public money in any respect. I will only read one of these statements in respect of how this transfer is made. Here apparently is a certificate of title from the deputy registrar, Mr. LaRue. They are practically all the same.

Mr. STEVENS: Read them all. Put them on Hansard.

Mr. ROGERS: They are as follows:

At the instance of A. Julien against lots numbers 31, 32, 33, 491 and 494-1 and 502A, on the official plan and book of refence of Ste. Marie ward, including only the entries done at Bureau de Montreal under numbers 096787, 096935, 098002, 0101014, to wit:

Sale the 20th November 1925, E Gravel, N.P. by Antoine Chevert residing at number 536 of Outremont Avenue to Elizabeth Carmichael Monk of lot number 491 of Ste. Marie ward less the part sold to the terms of the sale in date of the 13th June 1902, D. Cushing N.P. for the sum of one dollar ($1) and other good and valuable considerations received. Registered 29th November 1925, No. 096787.

Sale the 20th November 1925, T. Bissonnette N.P. by Joseph Chartier contractor of the city of Montreal to Elizabeth Carmichael Monk of lot No. 494-1 of Ste. Marie ward with right in common in the lane therein described for the sum of one dollar ($1) paid cash and other good and valuable considerations received. Registered 21st November 1925, No. 096935.

Sale the 1st December 1925, T. Bissonnette N.P. by Eugenie Blanchard wife separate as to property of Merile Guertin of the city of Montreal, and Gustave Gilbert, gentleman, residing at Waterloo in Belgique, to Elizabeth Carmichael Monk of Lots Nos. 31 to 33 of Ste. Marie ward for the sum of one dollar ($1) and other good and valuable considerations received. The said Gustave Gilbert acknowledges to have received from the said Dame Guertin the sum of one thousand seven hundred and eighty-five dollars and sixty cents, ($1,785.60) and interest due according to deeds registered at Bureau de Montreal Est under Nos. 94960 and 95791 also the sum of nine hundred dollars ($900) due according to deed registered at Bureau de M. E. under No. 110076 whereof quit. Registered 3rd December 1925, No. 098002.

Sale the 12th January 1926, G. C. Marler, N.P. by Charles Strangman of the city of Victoria in the province of la Colombie Anglaise to Elizabeth Carmichcael Monk amongst others of a part of lot No. 502A of Ste. Marie ward, the whole for the sum of twenty-four thousand dollars ($24,000) paid cash. Registered 13th January 1926, No. 101014.

All which I hereby certify to all whom it may concern.

Witness my hand at Montreal this fourteenth day of May nineteen hundred and twenty-six at three o'clock in the afternoon.

All the titles seem to have passed from Elizabeth Carmichael Monk, therein described, for the sum of one dollar paid in cash, and "other good and valuable considerations received." I want to give these documents to my hon. friend the minister, so that he will have a chance to examine them and see how correct they are. If they are correct I think the minister should be very careful about spending further sums on the harbour at Montreal until he has made a more careful examination to ascertain the facts.

Mr. CARDIN: I shall be pleased to look into the documents read by my hon. friend.

Mr. MacLAREN: Can the minister inform us if any of the revenue derived by the commission is expended in construction work? Or is it done through the loans received from the Dominion government?

Mr. CARDIN: Two million dollars of revenue has been spent by the commissioners in construction and important work in the harbour of Montreal.

Mr. MacLAREN: Out of their own revenue?

Mr. CARDIN: Yes.

[Mr. Rogers.]

Mr. MANION: Has the government spent in the harbour of Montreal money outside of that loan to the harbour commissioners, and if so how much?

Mr. CARDIN: No, no other money.

Mr. MANION: Never?

Mr. CARDIN: Except a sum of $3,000,000 which was spent in the harbour before the incorporation of the present harbour commission.

Mr. MANION: What year was it incorporated?

Mr. CARDIN: I think it was twenty years ago.

Mr. MANION: And only $3,000,000 was spent before that?

Mr. CARDIN: Yes, only $3,000,000.

Mr. CANTLEY: Has the Montreal Harbour Commission been in existence for only twenty years?

Mr. CARDIN: Yes, in its present form.

Mr. CANTLEY: Certainly the Montreal Harbour Commission has been in existence much longer than that, the commission undertook and carried through the entire scheme of deepening the St. Lawrence—

Mr. CARDIN: It is a very old institution, but in its present form it has only been in existence twenty years.

Mr. CANTLEY: As a commission it has been in existence for over forty years. Did the minister state that the same firm of auditors had audited the books of the harbour commission for fifteen or twenty years?

Mr. CARDIN: That is my information.

Mr. CANTLEY: I do not know who they are and I am not making any reflection on them, but if one firm of auditors has been auditing the books for fifteen or twenty years, I would advise the minister to make a change and employ some other firm of auditors.

Mr. CARDIN: Personally I have no objection to that.

Mr. CANTLEY: I think it would be desirable to do so. A new broom sweeps clean.

Mr. GARLAND (Bow River): Has there been any congestion in handling the grain down there? Has the minister given the in-

formation asked for by the ex-Minister of Finance last night in regard to the storage of grain at that point? And what are the facilities?

Mr. CARDIN: I might as well give the information that I promised to give my hon. friend from Vancouver Centre and the ex-Minister of Finance, and make a short statement of the condition of affairs. In doing that I will reach the point referred to by my hon. friend in regard to the cold storage facilities at Montreal. The revenues of the harbour of Montreal for the last five years are as follows:

| Year | Operating receipts |
|---|---|
| 1921 | $2,891,274 |
| 1922 | 3,460,810 |
| 1923 | 3,721,159 |
| 1924 | 4,382,115 |
| 1925 | 4,749,100 |

The elevator capacity of Montreal at the present time is 12,162,000 bushels. The total shipments of grain in 1921 amounted to 100,282,536 bushels and in 1925 they had reached a total of 165,870,814 bushels.

It is true that the cold storage was estimated in 1919, when the contract was decided upon at $900,000, but later on the size of the proposed building was increased and a new estimate of $1,400,000 was made. Subsequently it was decided that it would be advantageous to put in additional equipment and appliances and this, in conjunction with the fact that construction was carried on at a time when costs of labour and materials were considerably in advance of those prevailing at the time the first estimates were prepared, made the final completed cost of the structure $2,952,154. That is the explanation which is given to me of the discrepancy between the first estimate and the real cost of the cold storage. The gross revenue from the operation of the cold storage was $270,933 in 1924, and it increased to $276,261 in 1925. The following figures are very interesting in regard to the business of the cold storage plant at Montreal:

| Commodity | 1922 Pounds | 1925 Pounds |
|---|---|---|
| Butter | 1,672,000 | 15,928,224 |
| Cheese | 13,000,000 | 15,000,000 |
| Fish | 850,000 | 2,652,177 |
| Meat | 1,500,000 | 12,607,512 |
| Poultry | 500,000 | 2,841,741 |

This gives a pretty good indication of the development and progress at the port of Montreal. If I might give another figure which is not without interest, the total tonnage of imports and exports at the port of Montreal in 1921 was in round figures 6,000,000 tons, and in 1925 it was more than 9,000,000 tons. In 1922 there were exported through the port of Montreal 21,854 head of cattle, and in 1925 54,867 head, or much more than double.

Mr. GARLAND (Bow River): We should be sending 100,000 head. May I suggest that while all this is very gratifying, it has not answered my question? Was there any congestion in the port of Montreal in the grain handling facilities last year?

Mr. CARDIN: The information we have in the department from the harbour commissioners is that there really was congestion, and not very long ago we received a delegation from the Dominion Marine Association. In their representations they asked the government to grant a request that was going to be made by the Harbour Commission of Montreal to increase the elevator facilities there and particularly to increase the storage capacity of elevator No. 3. In fact it is well known in Montreal that there was congestion there last year.

Mr. FRASER: The minister has given us the gross quantity of goods that went through the cold storage plant. Can he give us the gross operating cost of the plant?

Mr. CARDIN: Unfortunately, no.

Mr. FRASER: Can the minister get it?

Mr. CARDIN: Yes.

Mr. ROGERS: If the minister proposes to increase the grain capacity of the elevator, it would be well for the government, if they want to get business to assist that elevator, to change their statutory freight rates in respect to the manner in which they handicap that harbour as against the habour at Portland. A very serious discrimination exists under the statutory rate made a short time ago at the request of the Prime Minister to the railway commission, and this discrimination very seriously interferes with the development of the port of Montreal. For example, on our western grain coming down to the bay ports, when shipped from the bay ports, say to Montreal harbour a distance of 383 miles, the rate is 8.6 cents per 100 pounds. If the shipper of that grain wants to take it on to the port of Portland, a distance of 300 miles further, according to this new rate he is privileged to take it on for $\frac{5}{8}$ of a cent per 100 pounds. In other words, you can take grain 300 miles to Portland for five-eighths of a cent while you have to pay 8.6 cents to carry it 383 miles from any of the bay ports to Montreal. You are therefore

encouraging to that extent the development of the port of Portland to the detriment of Montreal harbour. That is a matter that should engage the serious consideration of the government. The discrimination is severe, and as these are official rates they cannot be denied. I might quote other rates but I will not do so. The fact is, however, that the discrimination exists all the way from Vancouver to Montreal, Quebec, St. John and Halifax in respect of these statutory rates fixed a short time ago by the present government. The discrimination bears more heavily against Montreal than any other harbour, and if the minister has at heart the development of Montreal harbour and wishes to increase its capacity to handle grain his first duty is to correct that rate which militates so seriously against it.

Mr. ARMSTRONG (Lambton): Will the minister not give some explanation in answer to the statements made by the hon. member for South Winnipeg (Mr. Rogers) in regard to the purchase of land by the harbour commissioners of Montreal?

Mr. CARDIN: I am not in a position to discuss that statement. The hon. member has given certain figures which have come to him from someone in the city of Montreal, and I shall look into the matter.

Mr. ARMSTRONG (Lambton): When may the House expect an answer from the minister?

Mr. CARDIN: My information is that most of the expropriation remains to be made. I know personally, for example, that certain property which is required has not been bought, and there is still some disagreement with the proprietors.

Mr. STEVENS: Will you expropriate it?

Mr. CARDIN: We shall have to.

Mr. ROGERS: We have no desire to delay the bill, but in all fairness the minister should allow the matter to stand until Monday and in the meantime look into the point raised. I can assure him that when he comes back with a statement we shall be glad to facilitate the passing of the bill.

Mr. CARDIN: I suggest that we get through with the bill and discuss the point on the third reading.

Mr. ROGERS: We shall not be able to debate the subject then.

[Mr. Rogers.]

Mr. CARDIN: We will raise no objection.

Mr. ROGERS: We will not delay the minister at all, and if he will bring down the information on Monday we will help him to get the bill through.

Mr. CARDIN: We might pass the clauses of the bill.

Mr. MEIGHEN: Can the minister tell me —I know the facts and circumstances will be in his mind—whether the government has paid the judgment of the Exchequer court in connection with certain property in the harbour of Quebec? Judgment was recovered and the case was carried through all the courts of Quebec and finally to the Supreme court. The judgment was not paid by the late government. I cannot at present recall the name of the owners of the property, but some $40,000 was involved.

Mr. CARDIN: I should not care to make any definite statement, but I think the money has been paid.

Mr. MEIGHEN: So do I, but I should like to have a definite statement as to what was paid, to whom, and when. Will the minister have that information ready when the bill comes up again?

Mr. CARDIN: Certainly.

Mr. CLARK: Does the $44,000,000 outstanding include the sum voted for the bridge?

Mr. CARDIN: Nothing was voted for the bridge. We merely guaranteed such debentures as might be issued by the commission, but we made no advances in respect to the bridge.

Mr. CLARK: Is the whole $44,000,000 in the same position?

Mr. CARDIN: No, the $44,000,000 represents money actually advanced. The debentures for the bridge have not yet been issued.

Mr. CLARK: This $12,000,000, then, would make the total advance $56,000,000?

Mr. CARDIN: Yes.

Mr. CLARK: The minister has said that the rates compare favourably with those in New York. Does he mean that the two are more or less equal?

Mr. CARDIN: The rates in Montreal and Vancouver are on the whole more favourable than those in New York.

Mr. CLARK: In ports that are so much smaller the rates might well compare favourably with those charged in New
11 p.m. York; in fact, they should be considerably less. The value of real estate on the water front in either Montreal or Vancouver would be very much less than in New York, and consequently the rates should be a great deal lower in both Canadian harbours.

Mr. CARDIN: As a matter of fact they are.

Mr. CLARK. You have no figures?

Mr. CARDIN: No.

Mr. ROGERS: It is understood, I take it, that we may discuss on Monday the point I raised.

Mr. CARDIN: Yes.

Section agreed to.

Sections 2 to 5 inclusive agreed to.

Progress reported.

On motion of Mr. Mackenzie King the House adjourned at 11.03 p.m.

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## Monday, June 14, 1926.

The House met at two o'clock.

### ALLIED INDIAN TRIBES OF BRITISH COLUMBIA

On the Order for Motions:

Mr. W. G. McQUARRIE (New Westminster): Mr. Speaker, a few days ago I presented a petition from the allied Indian tribes of British Columbia. I think a report has been laid on the table in connection with that petition, and if it is in order I now move that that petition be printed in Hansard.

Mr. SPEAKER: Mr. McQuarrie moves that the petition from the allied Indian tribes of British Columbia be taken as read, so that it may appear in the debates.

Hon. CHARLES STEWART (Minister of the Interior): Is my hon. friend referring to the petition filed by Mr. Kelly?

Mr. McQUARRIE: I presented it last week.

Mr. STEWART (Edmonton): Is it the one that has reference to supplying funds in connection with making representations before the Privy Council?

Mr. McQUARRIE: It was the petition of the allied Indian tribes of British Columbia. I presented it last week, and I believe it has been reported to be in order.

Mr. STEWART (Edmonton): There is no objection.

Motion agreed to.

(The petition is as follows):

To the Honourable the House of Commons of Canada in Parliament Assembled

The Petition of the allied Indian Tribes of British Columbia humbly showeth as follows:—

1. This Petition is presented on behalf of the allied Indian Tribes of British Columbia by Peter R. Kelly Chairman duly authorized by resolution unanimously adopted by the Executive Committee of allied Tribes on 19th December, 1925.

2. When British Columbia entered Confederation Section 109 of the British North America Act was made applicable to all public lands with certain specific exceptions. By virtue of the application of this Section it was enacted that public lands belonging to the Colony of British Columbia should belong to the new Province. By virtue of the application of the same Section as explained by the Minister of Justice in January 1875 all territorial land rights claimed by the Indian Tribes of the Province were preserved and it was enacted that such rights should be an "interest" in the public lands of the Province. The Indian Tribes of British Columbia claim actual beneficial ownership of their territories, but do not claim absolute ownership in the sense of ownership excluding any title of the Crown. It is recognized by the allied Tribes that there is in respect of all the public lands of the Province an underlying title of the Crown, which title at least for present purposes it is not thought necessary to define.

3. In order to make clear what is meant by an "interest" the Petitioners quote the following words of Lord Watson to be found in the Indian Claims Case—L. R. 1897 A. C. at page 210:—"An interest other than that of the Province in the same appears to them to denote some right or interest in a third party independent of and capable of being vindicated in competition with the beneficial interest of the old Province."

4. The position taken by the allied Tribes was placed before Parliament by means of Petition presented to the House of Commons on 23rd March 1920 and read in the House of Commons and recorded on 26th March 1920 (Hansard p. 825) and Petition presented to the Senate on 9th June 1920, to all contents of which two Petitions the Petitioners beg leave to refer.

5. In the month of August 1910 Sir Wilfrid Laurier, having been advised by the Department of Justice that the Indian land controversy should be judicially decided, met the Indian Tribes of Northern British Columbia at Prince Rupert and speaking on behalf of Canada said—"I think the only way to settle this question that you have agitated for years is by a decision of the Judicial Committee, and I will take steps to help you."

6. By Agreement which was entered into by the late Mr. J. A. J. McKenna Special Commissioner on behalf of the Dominion of Canada and the late Premier Sir Richard McBride on behalf of the Province of British Columbia in the month of September 1912 and before the end of that year was adopted by both Governments it was stipulated that by means of a Joint Commission to be appointed lands should be added to Indian Reserves and lands should be cut off from Indian Reserves. By that Agreement it was provided that the carrying out of its stipulations should be a "final adjustment of all matters relating to Indian affairs in the Province of British Columbia."

7. On the 30th day of June 1916 the Royal Commission on Indian Affairs for the Province of British Columbia appointed in pursuance of the Agreement above mentioned issued Report which was placed in the hands of both Governments.

8. In the month of September 1916 the Duke of Connaught, acting as His Majesty's Representative in Canada and in response to letter which had been addressed to him on behalf of the Nishga Tribe and the Interior Tribes gave assurances communicated by His Secretary to the General Counsel of allied Tribes in the following words:

"His Royal Highness has interviewed the Honourable Dr. Roche with reference to your letter of the 29th May and your interview with me and I am commanded by His Royal Highness to state that he considers it is the duty of the Nishga Tribe of Indians to await the decision of the Commission, after which if they do not agree to the conditions set forth by that Commission, they can appeal to the Privy Council in England, when their case will have every consideration. As their contentions will be duly considered by the Privy Council in the event of the Indians being dissatisfied with the decision of the Commission, His Royal Highness is not prepared to interfere in the matter at present and he hopes that you will advise the Indians to await the decision of this Commission."

9. The allied Tribes have always been and still are unwilling to be bound by the Agreement above mentioned and have always been and still are unwilling to accept as final settlement the findings contained in the Report of the Royal Commission.

10. In the year 1920 the Parliament of Canada enacted the law known as Bill 13 being Chapter 51 of the Statutes of that year authorizing the Governor General in Council to carry out the Agreement above mentioned by adopting the Report of the Royal Commission. From the preamble and the enacting words the professed purpose of the Bill appeared to be that of effecting settlement by actually adjusting all matters.

11. In course of debate regarding Bill 13 had in the Senate on 2nd June, 1920, Sir James Lougheed, leader of the then Government in the Senate, answering remarks of Senator Bostock by which was expressed the fear that if the Bill should become law the Indians might "be entirely put out of Court and be unable to proceed on any question of title," gave the following assurance (Debates of Senate—1920 p. 475 col. 2):

"I might say further, honourable gentlemen, that we do not propose to exclude the claims of the Indians. It will be manifest to every honourable gentleman that if the Indians have claims anterior to Confederation or anterior to the creation of the two Crown Colonies in the Province of British Columbia they could be adjusted or settled by the Imperial Authorities. Those claims are still valid. If the claim be a valid one which is being advanced by this gentleman and those associated with him as to the Indian Tribes of British Columbia being entitled to the whole of the lands in British Columbia this Government cannot disturb that claim. That claim can still be asserted in the future."

12. Upon occasion of interview had with the Executive Committee and the General Council of allied Tribes at Vancouver on 27th July, 1923, the Minister of Interior speaking on behalf of the Government of Canada conceded that the allied Tribes are entitled to secure judicial decision of the Indian land controversy and gave assurance that the Dominion of Canada would help them in securing such decision.

13. By Order in Council passed in the month of August, 1923, the Government of the Province of British Columbia adopted the Report of the Royal Commission.



14. By Memorandum which was presented to the Government of Canada on 29th February, 1924, the allied Tribes opposed the passing of Order in Council of the Government of Canada adopting the Report of the Royal Commission upon the ground, among other grounds, that, no matter whatever relating to Indian affairs in British Columbia having been fully adjusted and important matters such as foreshore rights fishing rights and water rights not having been to any extent adjusted, the professed purpose of the Agreement and the Act had not been accomplished.

15. By order in council passed on the 19th July, 1924, the government of Canada, acting under chapter 51 of the statutes of the year 1920 and upon recommendation of the Minister of Interior adopted the report of the royal commission.

16. From the memorandum issued by the Deputy Minister of Justice on 29th February, 1924, answering questions which had been submitted by the allied tribes to the government of Canada, the order in council passed on 19th July, 1924, and the memorandum issued by the Deputy Minister of Indian Affairs on 9th August, 1924, it clearly appears as is submitted that both the Department of Justice and the Department of Indian Affairs regard the statute chapter 51 of the year 1920 as intended, not for bringing about an actual adjustment of all matters relating to Indian affairs, but for the purpose of bringing about a legislative adjustment of all such matters and thus effecting final settlement under the laws of Canada without the concurrence or consent of the Indian tribes of British Columbia.

17. The allied tribes submit that, so far as section 2 being the main enactment of chapter 51 may be interpreted as being intended for accomplishing the purpose above mentioned and thus bringing to an end all the aboriginal rights claimed by the Indian tribes of British Columbia that enactment is in conflict with the provisions of the British North America Act.

18. On the 15th January, 1925, the executive committee of the allied tribes unanimously adopted the following resolution:—

"In view of the fact that the two governments have passed orders in council confirming the report of the royal commission on Indian affairs, we the executive committee of the allied Indian tribes of British Columbia are more than ever determined to take such action as may be necessary in order that the Indian tribes of British Columbia may receive justice and are furthermore determined to establish the rights claimed by them by a judicial decision of His Majesty's Privy Council."

19. In the course of debate held in the House of Commons on the 26th June, 1925, the Minister of Interior speaking on behalf of the government of Canada in answer to the representations which had been made on behalf of the allied tribes recognized that the allied tribes are entitled to obtain from His Majesty's Privy Council decision of the Indian land controversy and agreed that the government would give authoritative sanction for doing so.

20 With regard to the remark then made by the minister that the government would not be justified in providing funds unless "something very concrete" should be presented, the allied tribes submit that they have already presented "something very concrete," namely their own conditions proposed for equitable settlement by their statement presented to the government of British Columbia in response to request of that government in the month of December 1919, and subsequently presented to the government of Canada.

21. With regard to the general subject of the funds which as the allied tribes claim the Dominion of Canada is under the obligation of providing, the allied tribes have placed in the hands of the Superintendent-

General of Indian Affairs the following Memorial:—

The Allied Indian Tribes of British Columbia to the Superintendent General of Indian Affairs

By this memorial of the allied tribes of British Columbia it is respectfully submitted as follows:—

The allied tribes submit that the Dominion of Canada is under obligation for providing all funds already expended and all funds requiring hereafter to be expended by the allied tribes in dealing with the Indian land controversy, in establishing the rights of the allied tribes, and in bringing about final adjustment of all matters relating to Indian affairs in British Columbia.

The allied tribes so submit upon grounds briefly stated as follows:—

1. Well established precedent relating to judicial proceedings intended for establishing the rights of Indian Tribes and in particular that of the Oka case, which was carried independently to the Judicial Committee of His Majesty's Privy Council by the Indians interested and of which the total cost was provided by the Parliament of Canada.

2. The fact that the Dominion of Canada being by virtue of the British North America Act and the "Terms of Union" Trustee for the Indian Tribes of British Columbia and under all obligations arising from such trusteeship has by entering into the compact with British Columbia above mentioned rendered itself incompetent for taking effective action establishing the rights of the Indian Tribes of British Columbia, as is clearly shown by the opinion of the Minister of Justice issued in the month of December 1913, and moreover has put itself in the position of a party in the case upholding the contentions of the Province of British Columbia, and by the acts so stated has placed upon the Indian Tribes the absolute necessity of proceeding independently for establishing their rights.

3. The principle of compensation in respect of all aboriginal land and other rights of the Indian Tribes of British Columbia, responsibility for which has already been conceded by the Dominion of Canada, and of which as the allied Tribes submit the first item consists of the full expenditure required for establishing such rights of the Indian Tribes and bringing about adjustment of all matters now requiring to be adjusted.

4. The assurances which on behalf of the Dominion of Canada have from time to time been given to the Indian Tribes of British Columbia and in particular that of Sir Wilfrid Laurier and those of the present Minister of Interior.

5. The lands and funds held by the Dominion of Canada in trust for the allied Tribes and being the full beneficial property of the allied Tribes.

Therefore the allied Tribes now formally demand from the Dominion of Canada payment of the sum of one hundred thousand dollars, being the total amount of such expenditure already incurred, and further demand from the Dominion of Canada that full provision be made for paying all additional funds which hereafter shall be required for such expenditure, as shall be agreed upon between the allied Tribes and the Dominion of Canada or if necessary shall be determined by the Judicial Committee of His Majesty's Privy Council.

Dated at the City of Ottawa the 10th June, 1926.

PETER R. KELLY,
Chairman of Executive Committee
of Allied Tribes.

To Honourable CHARLES STEWART,
Superintendent-General of Indian Affairs,
Ottawa.

22. The Government of Canada having definitely agreed as is above shown that the Dominion of Canada will facilitate securing from the Judicial Committee of His Majesty's Privy Council decision of the Indian land controversy, the General Counsel of allied Tribes entered upon discussion with the Minister of Justice regarding the particular method by which the securing of such decision will be facilitated, and offered to suggest for consideration of the Minister of Justice common ground which might be reached by the Government of Canada and the allied Tribes in connection with the carrying forward of the independent judicial proceedings of the allied Tribes.

23. In presenting this Petition to the Parliament of Canada as the Supreme Body representing the Dominion of Canada the allied Tribes declare that, while it is necessary for them to demand what they consider to be their rights from both the Province of British Columbia and the Dominion of Canada and even to contest the validity of an Act of the Parliament of Canada, they desire and intend to act towards all Ministers of the Crown, all Members of both Houses of Parliament and all others concerned in a thoroughly reasonable and conciliatory way and that their one central objective is by securing judicial decision of all issues involved to open the way for bringing about an equitable and moderate settlement satisfactory to the Governments as well as to themselves.

Therefore the petitioners humbly pray:—

1. That by amendment of Chapter 51 of the Statutes of the year 1920 or otherwise the assurance set out in paragraph 11 of this Petition be made effective and the aboriginal rights of the Indian Tribes of British Columbia be safeguarded.

2. That steps be taken for defining and settling between the allied Indian Tribes and the Dominion of Canada all issues requiring to be decided between the Indian Tribes of British Columbia on the one hand and the Government of British Columbia and the Government of Canada on the other hand.

3. That immediate steps be taken for facilitating the independent proceedings of the allied Tribes and enabling them by securing reference of the Petition now in His Majesty's Privy Council and such other independent judicial action as shall be found necessary to secure judgment of the Judicial Committee of His Majesty's Privy Council deciding all issues involved.

4. That this Petition and all related matters be referred to a Special Committee for full consideration.

Dated at the City of Ottawa the 10th day of June, 1926.

PETER R. KELLY,
Chairman of Executive Committee
of Allied Tribes.

## NATIONAL RAILWAYS AND SHIPPING

Mr. W. D. EULER (North Waterloo): Mr. Speaker, I beg to move that the third report of the standing committee on National Railways and Shipping be referred to the committee of Supply.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Mr. Speaker, I do not rise to oppose the intent of the motion, but it runs in my mind that I have never heard of a report of a committee being referred to the committee of Supply, and that the right procedure is to have the report come before the House and be by the House referred to the committee of Supply. I speak, though, without having had time to look the point up.

Mr. EULER: I am making the motion entirely at the suggestion of the Clerk. I presumed this was the right procedure to follow in connection with interim supply with regard to shipping.

Mr. MEIGHEN: What is the rule?

Mr. SPEAKER: From the information I can gather, this motion refers to a certain appropriation for the merchant marine which has been dealt with by the standing committee on Railways and Shipping. I understand that this item has been passed upon by the committeee, but that it has never been referred to the committee of Supply. I understand that there will be an Interim Supply bill, and in order to put things in shape, this report should be referred to the committee on Supply, in order that the amount may be included in the Interim Supply bill.

Mr. MEIGHEN: That is to say the submission to the committee of Supply would come in the usual way?

Mr. SPEAKER: Certainly.

Mr. MEIGHEN: That is all right.

Motion agreed to.

## OLD AGE PENSIONS

### MOTION BY MR. NEILL TO ASCERTAIN ACTION TAKEN BY THE SENATE

On the Order for Motions:

Mr. A. W. NEILL (Comox-Alberni) moved:

That this House take the necessary steps under rule 86, to search the journals of the Senate in order to ascertain if any action has been taken by the upper house with regard to Bill No. 21, an act respecting Old Age Pensions.

He said: For the benefit of members who would prefer, perhaps, to see the motion in print I may say that they will find it under "Notices of Motion and Questions" in Friday's Votes and Proceedings. I think this motion is thoroughly in order under rule 86, to which I would refer the House. I admit that of late years it has not been much taken advantage of, it has somewhat fallen into disuse. Nevertheless it still remains there to be available for our protection if we require it, and I think this is one of the occasions on which it should be properly invoked. There are two purposes that will be served by this motion. One, of course, is the very obvious purpose stated in the motion. I think it would be better if the motion had read "what action, if any, has been taken", but nevertheless I suppose the wording will cover the purpose aimed at. It seems a remarkable thing that at present we have no channel whatever whereby this House can receive official information of the rejection of any of its bills by the Senate, or perhaps I had better adopt the conventional words that have come to be regarded as proper in speaking of the Senate and that is "another place". I had better use these words hereafter. But if any of us were to ask the Clerk to-day what has become of this bill—or any other rejected bill for that matter but decidedly so as far as the present bill is concerned—his answer would have to be officially "I do not know." If a bill is accepted by the other House and is returned here we know when that happens because we receive a message to that effect and the same if it is amended. But if a bill is not accepted no message returns and the Clerk of this House is forced to conclude, by some Sherlock Holmes method, that something has happened to it, and that it has been thrown out. That is the exact procedure to-day. If a bill does not come back from the Senate there are several reasons that might account for it. It might have been lost in transit, or one of the papers, when a clerk was collecting a number to send here from the other place, might have slipped out of the folder, have been picked up by the char-woman and by her, in ignorance of its value thrown into the waste basket. The present bill, to all intents and purposes, is in the same position as if it had been in that category. Human nature is liable to make mistakes and something might have happened to the measure on the journey between the two Houses.

Some hon. MEMBERS: Oh, oh.

Mr. NEILL: Some hon. gentlemen seem to think the matter is one for laughter but it is within my recollection at any rate, as it must be within the recollection of several other members, that in the last parliament covering only four sessions such a thing as that happened practically twice. I do not say that the whole bill was lost in its transit from the other chamber but in one case an important section was lost between the two Houses. In the other case some provision was either left out or put in; I think it was put in on the way back. It is not desirable, it is wholly undesirable, that this haphazard method of communication should prevail. I therefore desire that this House should be informed when any bill so important as this has been rejected or whenever any action whatever with respect to it has been taken by the Senate.

The second purpose that I seek by this motion is somewhat along the same line. I wish to correct, or perhaps correct is not the right word; it can only be corrected by

changing the procedure as it at present exists —perhaps overcome would be the better term, an anomaly in the present procedure. The procedure to-day is that when a bill has been sent from this House to the other chamber and it has been accepted, a message to that effect is sent back. Supposing it has been amended in a slight degree, it is returned to this House with a message indicating what the amendments are and the report is placed on the orders of the day and can then be debated. Three courses are then open to this House: We can accept the amendments proposed in the other place or we can reject them, or we can call for a conference which, as the House knows is practically a joint committee of members of the two houses to see if an agreement can be reached. Now all this procedure, this careful and thorough procedure exists to take care of an amendment even of the most petty character. It may be only the dotting of an "i" or the crossing of a "t" but that procedure is gone through in order to maintain our right, at least of making representations, in case of any difference of opinion between the two legislative bodies. But here is the anomaly, here is the peculiar situation. If it is a case of the total rejection, not of some comparatively unimportant feature but of the whole principle of a bill then none of these safeguards exist at all! Now, if a careful procedure be necessary when a comparatively unimportant amendment is in question, how much more necessary is it when the whole principle of a bill is at stake. I believe that rule 86, which I have invoked in this case, allows us, within certain limits, to which I propose strictly to adhere to debate this subject. In the present case such official as we would send to do what is required would come back and make his report. On receipt of that report we might, if necessary, stretch the rules a little, and base upon it an expression of opinion of our right to make further representations and ask for a conference. If that conference were not successful in determining the issue raised in the other chamber it would at least have the effect of impressing upon its members that we are determined to proceed with the legislation.

There are some further remarks I want to make on this subject. I may be sailing rather close to the wind in connection with the matter of being out of order. But I very carefully framed my remarks so as to keep just within the line, and as long as I am within the line it matters not how small the margin may be. I will anticipate any criticism which may be made on that score by referring the House to rule 16, page 50, paragraph 203:

> Allusions to debates in the other House are out o order—

and so on. I propose to adhere strictly to that. I do not propose to make any allusion to debates or anything else that has transpired in the other House at all. I may also call the attention of the House to rule No. 19, page 62 of Beauchesne's Parliamentary Rules, paragraph 234 (b) which says that a member of the House cannot:

> refer to any debate in the Senate—

And mark this:

> but he may refer to the official printed records of the upper house, though they have not been formally communicated to the lower house.

So I am thoroughly in order in referring to the alleged printed records of the other House. I use the word "alleged" advisedly, because I have in my hands what purports to be minutes of the other House but there is nothing in it to certify to its correctness or to its authenticity at all. It is not signed by any clerk or certified to by anyone. There is a small note at the very end of it to say that it is printed by the King's Printer, but there is a lot of stuff printed by the King's Printer that I would hesitate to endorse as authentic. There are also speeches delivered in this House for the accuracy of which I hope the King's Printer is not responsible. I use that word rightly when I say that it is alleged to be the printed minutes and I therefore assume that I am correct in referring to that printed record. The record, page 279, shows that the bill was defeated, or supposed to be defeated, by a vote of 45 to 21 a majority of 24. There are 96 members in the other chamber. At present there are three vacancies. The presiding officer reduces that number by one; so that there are ninety-two members competent to vote, and when I say, competent to vote, Mr. Speaker, I mean able to stand up. That is the only requisite required there; so long as they can stand up they can vote. Out of 92 members competent to vote 66 actually voted, about two-thirds. The same record discloses the fact that this was the 24th day this session that a meeting had been held in that chamber. That means 24 working days in five months, an average of less than five days each month.

Mr. McQUARRIE: Whose fault was that? It was the government's fault.

Mr. NEILL: And let us consider how short a lot of these sessions were—

Mr. McQUARRIE: No business for them.

Mr. NEILL: —and during a great part of the session some of these members were pawing over the nauseous details of divorce bills which should never have been introduced into parliament at all. If there had been any party advantage to gain I can visualize the kind of vote that would have been taken. In this House with our 245 members, at times we have seen practically a complete vote recorded in matters of far less importance than the question under discussion. Although only 66 votes were recorded on that occasion, the same record I have referred to shows that 77 members were present in that chamber at some time that day; so that 11 were present who did not vote. Now I may be prejudiced in discussing this matter, but I will try not to be.

The first reaction to my mind when I read the news in the paper was that this was the result of an arrangement by the Conservative party in this House with their friends elsewhere to defeat the measure. That was my first suspicion, and I must say that that suspicion was somewhat strengthened by the proceedings the last time this bill was before this House. When the bill came before us in its early stage I cannot say that it was welcomed with acclaim by the Conservative party, but many hon. members announced openly their approval of it and stated that they intended to support it, but when it was before the House on the last occasion, it was remarkable to see how hon. members on the other side of the chamber who spoke united to condemn it. I took down some of the language used. One hon. member stated it was utterly disappointing. Another hon. member alluded to it as absurd. Another one called it a wash-out, and another hon. member characterized it as abortive. I remember saying to the hon. member sitting beside me at the moment that I could see the finish of the bill in another place, owing to the attitude of hon. members opposite. Further strength is lent to that suspicion—and it may be an unwarranted suspicion—by the fact that in the other place all the Conservatives present save one solidly voted against the measure, which would point to such a unity of action as would almost presuppose some pre-arranged plan. At any rate, be that as it may, the Conservatives have the largest body in that other place; certainly they could have put the bill through, and certainly they did not, and they must share to a large extent the responsibility for its defeat.

But there were other people in that august body besides the Conservative party. Without reducing the responsibility of the Conservative party, let us consider the action of the Liberals in that connection. The Conservative majority, as I gather it, in a full House would have been 12. I am told it is less than that, but certainly not more. Why then was there a majority of 24 when only 66 voted? That calls for investigation and analysis. There are supposed to be 40 Liberals in that place; 20 of them voted for the bill, 3 against it and 17 were absent. Of that 17 it is noteworthy that 7 were in the House that day and did not vote. Some of the absentees may have been sick, but it is not reasonable to suppose that all of those 17 members were sick, and besides that we know that the 7 were present. Have they forgotten the Liberal platform and convention called in Winnipeg in 1919, where a policy was adopted to guide the party in years to come, not to be put into force in a day or a week or a year, but as circumstances warranted? The government of the day thought the time and the circumstances were ripe and introduced the measure. Was it not the duty of the Liberal senators as henchmen or supporters of that policy, to adhere to the principles of that policy? If they had stood by their principles and by their platform the vote would have been, 42 Conservatives against 40 Liberals for.

Mr. GUTHRIE: Although my hon. friend may be technically within the rule, I submit he is establishing a very dangerous precedent in referring in terms lacking in respect to members of the other chamber. Certainly he does not show great respect in using the language he has used. I have no objection to the motion, but I do think there should be some limitation of the language which an hon. member may use in speaking of members of the other House. I think the expression he has used is against the spirit of the rule.

Mr. SPEAKER: I would ask the hon. member to withdraw the expression "henchmen." Although it is a proper expression under certain circumstances, yet as the hon. member for South Wellington says, it is not very appropriate when referring to members of the upper house. There are certain amenities in parliament which are not to be ignored. I would call the attention of the hon. member to rule 19 which reads:

> No member shall speak disrespectfully of His Majesty, nor of any of the Royal Family; nor of the Governor or person administering the government of Canada; nor use offensive words against either House, or against any member thereof.

The subject is a very delicate one, and I would ask the hon. member to kindly live up to the letter of the rule. I do not think

that the use of the word "henchman" is an insulting expression, but I would not like to be called a henchman under circumstances such as the present. He could say that a member was a supporter of a certain party but "henchman" is too strong an expression in my opinion.

Mr. NEILL: I have not the slightest hesitation in withdrawing that word, I had never thought it could be regarded as offensive.

Mr. SPEAKER: I never thought the hon. member intended to be offensive.

Mr. NEILL: If I had intended to be offensive I would have used much stronger and more appropriate words. I suppose I adopted the word after reading some of Sir Walter Scott's novels, where it is used and where it was considered to be a compliment for a baron or knight to be called a stout henchman of the king. I think probably that is the way it came into my mind, but I certainly will avoid calling any member a henchman hereafter. I was analyzing the vote, and without adding any adjectives I will say; had the vote gone as I suggest it should have done, it would have read like this: Forty-two Conservatives against, forty Liberals and one Conservative in its favour, or forty-one against forty-two. It would have lost by a majority of one, and a loss by a majority of one would have been satisfactory in this respect that it would surely predicate the passing of the bill at a session in the immediate future. We know there are three vacancies and they possibly would have been filled up before next session by men who would be inclined to support the measure. If that body had rejected it by a majority of only one there would not have been very much complaint, because educative forces would have been brought into play and no doubt they would have been prepared to pass it in the near future.

It has been suggested in the press—and I suppose I can allude to it—that possibly the government were animated by improper motives in introducing this measure in this House, the suggestion being that they had been held up—that language was used from time to time—by certain Labour members in this House as the price of their support. May I in parenthesis make the remark that in this House there are other members sympathetic to labour besides the two Labour members from Winnipeg who represent labour? On both sides of the House there are many members who owe a large measure of their support to labour and who are not found wanting in connection with anything that can be done to advance the views of labour. In any event I do not know that it would be a very great crime if the government had yielded to wishes presented by a considerable section of this House in reference to legislation. That is a method adopted by most governments. If we hold views of that kind we are apt to get into a discussion as to whether the dozen members of the cabinet constitute a body of super-human beings and the ordinary members are here only for the purpose of recording the wishes of the government, or whether, as some people hold, the 245 members of parliament are to regard the cabinet merely as an executive body to carry out the people's wishes as expressed by them.

Mr. CAHAN: I rise to a point of order. The resolution reads:

> That this House take the necessary steps under rule 86, to search the journals of the Senate in order to ascertain if any action has been taken by the upper house with regard to Bill No. 21, an act respecting Old Age Pensions.

I think such a discussion as has been proceeding for the last five minutes is entirely out of order as being irrelevant and not pertinent to the resolution, and I ask for a ruling.

Mr. SPEAKER: Does any other hon. gentleman desire to speak on the point of order?

Mr. NEILL: On the point of order I would say that there is not any. This motion refers to the old age pension bill, and within limitations, without making reflections or especially without referring to the debate elsewhere, I consider I am perfectly in order. At the particular moment when the hon. member interrupted me I was dealing with newspaper rumours as regards the motive for the introduction of this bill which motive the newspapers said might have influenced members elsewhere. I think that is a legitimate subject of comment in dealing with the subject generally. I was analyzing this vote which I took from the printed record alluded to before. I submit I am in order within the judgment of this House in dealing with that phase of the matter.

Mr. SPEAKER. Bourinot at page 357 says:

> It is also a part of the unwritten law of parliament that no allusion should be made in one House to the debates in the other chamber, a rule always enforced by the Speaker with the utmost strictness. Members sometimes attempt to evade this rule by resorting to ambiguous terms of expression—by referring, for instance, to what happened "in another place"; but all

such evasions of a wholesome practice should be stopped by the Speaker, when it is evident to whom the allusions are made.

Bourinot adds:

It is perfectly regular however, to refer to the official printed records of the other branch of the legislature, even though the document may not have been formally asked for and communicated to the House.

So far I think the hon. member is referring to those printed records and speaking of the printed record of the occasion referred to.

Mr. CAHAN: I was referring to the fact that having dealt with the action of the Senate, the hon. member seemed to me to be reflecting upon the motives of members of this House and members of the government with regard to the introduction of the bill in question, the manner in which it was introduced and the action taken. This seemed to me to be irrelevant as regards the resolution submitted.

Mr. SPEAKER: The hon. gentleman who is now addressing the House knows the rule I have laid down and I am following him pretty closely to see that he does not go beyond that rule.

Mr. NEILL: The hon. member (Mr. Cahan) is certainly beside the point when he says that I reflected on the government. I was not reflecting on the government at all. I will leave that phase of the matter seeing that it seems to be a source of irritation to my hon. friend although I do not know why it should be. I will summarize the situation in this way. This bill was passed unanimously by this House; therefore there can be no suggestion of coercion of the government, and this same House passed unanimously a resolution three years ago in favour of the same principle. One hon. member who recorded his vote against this measure sat in this House last session and voted for the very principle and methods which he now condemns. How true it is that in a different environment we forget the convictions and principles with which we start out. There must be something enervating, in the atmosphere of the place, which to amplify the name of a popular or unpopular novel, I might call "The Land of Twilight."

The situation as summarized from the official record is this: The Conservative party could have passed the measure and did not; the Liberals might have tried to pass it and they did not. So this was not a partisan decision in any way, and we can only suppose it was in some way connected with the environment, with some kind of a sobering, might I say stupefying, influence that seems to dominate in certain places, that seems to paralyze any desire for enterprise or progress. Possibly it is also due to the fact that possession of great wealth or connection with the big interests necessarily gives one a different point of view, and above all to that freedom from responsibility to anyone or everyone.

An hon. MEMBER: Does the hon. member want to go there?

Mr. NEILL: Some hon. gentleman suggests I may be there. Perhaps if I were there I too would have a selfish point of view. Perhaps I would remember that as long as I lived I had a remuneration just forty times as great as that suggested that this government should be called upon to bear in the case of a poor old industrial worker, that for each day of the average session I would be drawing nearly double the amount proposed to be contributed by this government for a whole year to that industrial worker. Above all there is the lack of accountability. That I think has a great deal to do with the matter.

There is an old saying—I do not know the author of it and it does not greatly matter—"Whom the gods seek to destroy they first make mad." I was at church yesterday or at least recently and I heard a portion read from the Old Testament. The biblical historian recorded the doings of one of the Kings of Israel in this language:

And Ahab the son of Omri did evil in the sight of the Lord above all that were before him.

I could not help thinking what a terrible epitaph that was to put on a man's life career, what a poor letter of credit for a man to carry into another life. Glancing over the pages of history since confederation and looking forward as far as one's limited vision can go, I have not read and I cannot conceive of any step more calculated absolutely to alienate the sympathy of the ordinary people of Canada, sometimes called sneeringly "the common people"—I will adopt the term as it is a good phrase—than the rejection of a measure of such popular importance as this is. The average point of view of the man in the street towards the Senate is one of mild derision, rising in some cases to rather hostile dimensions, and I am afraid that when the people in general find that a body which costs them three-quarters of a million a year has rejected not the details of this measure, but —and this is the vital point in respect of which the common man will be most embittered—the very principle of the measure itself, the feeling against that body will be greatly aggravated. The details of the bill could have been adjusted, but the vital prin-

ciple of the whole thing has been rejected, and rejected by such a large majority. It means that for a long time to come, until time has got its work in, there will be no hope of this or any other government bringing forward a measure of old age pensions in the face of such a complete and final rejection of the principal at stake by such a considerable majority. If I were, what the hon. gentleman hopes I shall be some day, a member of that body; if I had no conscience whatever, no regard for the welfare of anyone but myself; and if I were animated only by a selfish desire to remain in the promised land as long as I could until death might us part, my one last and only advice to my fellow members would be, "Pass this measure, and pass it quickly, for if you don't the people will turn on us and rend us and we shall be torn apart from the emoluments we receive." That would be my advice, purely from a mercenary point of view.

There was an English king many years ago who opposed, as so many kings do, certain measures of reform sought by his subjects. Ultimately the aggrieved subjects took up arms, with the result that there was a long and bloody war that lasted six years. Finally they cornered the king, driving him into a position where defeat and humiliation with the possibility of death stared him in the face. In the space of one short hour he conceded the reforms for which his subjects had been contending for six years, and was astounded to receive the advice of his subordinates that the people would not accept these belated concessions. His advisers told him, "A month ago the people would have been satisfied with half the reforms you now grant them, but to-day they demand more". What they demanded was in addition, the unconditional abdication of his majesty. There may be a moral there for our political Ahabs, the privileged sons of Omri.

Now I have almost done. I do not apologize, even at this late date of the session, although I have spoken at considerably greater length than I should otherwise have done. But the matter is of far greater importance than many others that have engaged, or will likely engage, the attention of parliament this year, and the time I have spent discussing it this afternoon is fully justified. I want to quote from the pen of an abler man than myself, a few observations on the defeat of this measure. But I cannot quote his own words precisely; I must venture to paraphrase them.

The Old Age Pension Act, he says, has been blocked by reactionaries. It is nearly twenty years since Great Britain enacted an old age pension measure, and fear and want is no longer seen in the eyes of old British workers as it is in too many instances witnessed among the old people of Canada. Australia has old age pensions, and so have most of the progressive nations of Europe. No body must be allowed to deny Canadian workers this moderate measure of social reform, which after all is only a palliative. There would be no need for old age pensions under a complete system of social justice. No body must stand as an obstruction against social justice or against any of the temporary expedients which other civilized nations have adopted as insurance against revolution. The reactionary sits securely on the backs of the Canadian toilers.

I may digress here for a moment to observe that we are spending large sums of money on immigration to secure from the Old Country men who when they are out of work are in the receipt of doles, and who are insured against subsequent privation and suffering by a system of old age pensions. Is it any wonder that such people do not come in the numbers we anticipate?

The writer then goes on to remark that in the British Isles a condition prevailed somewhat similar to the one we have in this country, but that the House of Lords of their own volition curtailed their powers to a reasonable extent. The suggestion about safeguarding provincial rights is so much humbug. Such rights have been outraged session after session for the benefit of bootleg liquor vendors in the province of British Columbia. So says the writer, and I know this to be the case inasmuch as I come from that province. I should like to have the words of this writer written in letters of gold, as the saying is, but the paraphrase I have given must suffice. Here is the gem of the whole article: The withered hand of reaction will emerge at the end of every session and throw back legislation which the elected members of parliament have approved, so long as the majority of the Canadian people are satisfied to have it so. One Nova Scotia fisherman at the age of seventy, one Quebec lumberman, one city street sweeper, if you will, one farmer has contributed more to the upbuilding of Canada and has done more to earn a pension than any one of these political reactionaries.

Long years ago when I was a boy my father, I remember, warned me against any attempt to bolster up a good case by means of exaggeration. I notice how true this is all

through life. When you have a good case you should not seek to spoil it by overdrawing or exaggerating it. It is always better to be moderate, temperate, indeed almost kindly, in the language you use, for such language will appeal to reasonable people where stronger and more passionate words will fail. Therefore I will not indulge in the language with which I should like to characterize the rejection of this very moderate measure of social reform. We know that it is only a bad case whose arguments must be reinforced with declamation and abuse, and I have carefully refrained from anything of the sort. I endorse, however, every word of the editorial from which I have paraphrased some sentences, and I trust that it will be read throughout the country and will result in the formation of a determined public opinion. A strong and determined opinion among the masses of the people is the greatest force for good in a democratic country or one governed under democratic conditions. I hope therefore that public sentiment will develop and crystallize into such an insistent and vigorous demand as will render it impossible ever again for a measure like this, passed unanimously by 245 newly elected members representative of the common people of Canada, to be blocked or rejected as this one has been.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): The motion which the hon. member for Comox-Alberni (Mr. Neill) has introduced proposes that some officer of this House shall search the records of the Senate to ascertain what has been the fate there of a certain measure with relation to old age pensions. It is a motion which I have never seen made in this House until to-day, and which I fancy is a relic of antiquity having as much place in our modern practice as would some procedure adopted at the Norman conquest. The hon. member purported to give two reasons for bringing in the motion: one, that he wanted to be sure of what the Senate had done, the second reason being based upon the assumption that he was sure already, and consequently itself stamping as insincere the reason he first advanced. As he proceeded to state the real object of moving the motion he did, in my humble judgment,—and I say this with all respect—come into conflict with the rules of the House, both in letter and in spirit, as violently and as persistently as I have ever witnessed in this assembly.

I cannot conceive what is going to become of our parliamentary institutions if an hon. member is to be permitted to rise here, and under cover of a motion of another character altogether, or under any cover whatever, enter into an elaborate criticism of the conduct of the other branch of parliament, a criticism which in this case reeked with insult and offence from the first word to the last. I will not, however, imitate his example, even on the other side of the shield, by offering anything in the way of defence. My reason in rising is chiefly to give the most explicit denial to the suggestion which the hon. member was apparently anxious to convey, namely, that the action of the other house was in some measure due to influence brought to bear by members of the Conservative party here. I want to state—and I am sure the House has never heard anything more complete in the way of denial—that not only was no such influence brought to bear, but that I never spoke either with the leader of the Conservative party in the upper house or with any member of it, nor did any of them speak to me on the subject, nor was there any communication, direct, indirect, oblique or in any other way, with reference to the bill at any time whatever during the whole course of this session and until after the bill met defeat in the Senate.

I go further, and make a statement which I do not think I have ever taken the responsibility of making before. I would have much preferred if the Senate had taken the other course. I say so, not that I have very much respect for the merits of the measure as it passed this House, because I think it was largely a sham; I do not believe indeed it would ever have gone into effect, for the reason that it would not have been accepted by the provinces. My preference is further founded on the belief that it is just about time this government ceased to make the Senate an object of its hostility, for purely political advantage and the conduct of the Senate its last and only excuse for remaining in office.

Motion agreed to.

## PRIVATE BILLS

### FIRST READINGS

Bill No. 190, from the Senate, respecting certain patents of James McCutcheon Coleman—Mr. Jacobs.

Bill No. 191, from the Senate, to incorporate Gatineau Transmission Company—Mr. Fontaine.

## QUESTIONS

(Questions answered orally are indicated by an asterisk.)

### SOLDIER SETTLEMENT BOARD—WINNIPEG OFFICE

Mr. BROWN:

1. Was there a legal department functioning in the Winnipeg office of the Soldier Settlement Board at the time Colonel F. J. Murray sold the W½ of 2-16-1 East of the 1st in Manitoba to the board and was the purchase approved by the head of the department or any member of his staff?

2. Who signed the requisition for the purchase price and who forwarded the cheque for the purchase price to the vendor?

3. Was any member of the legal department negligent in the performance of his duties in approving of the purchase of the said land and in paying the purchase price to the vendor? If so, who was the party?

4. Did any official of the board investigate the aforesaid purchase and report at any time to the head office of the board or any other government official whether any member of the staff of the legal department had failed to perform his duties properly in connection with the purchase of said land and recommend that the services of the negligent party be terminated? If so, who made the investigation and report and who was named in the said report as the negligent party?

5. Was any member of the staff of the legal department in Winnipeg dismissed or otherwise punished for negligence in connection with the said purchase? If so, who was so punished?

Hon. Mr. STEWART (Edmonton):

1. Yes, the purchase was not approved by any member of the legal staff.

2. W. K. Chandler signed the requisition. No cheque was forwarded to the vendor. Two warrants were forwarded to the vendor's solicitors—one by C. M. Boswell and the final warrant by A. M. Graham.

3. No member of the legal staff was found negligent by the board.

4. While a general investigation of purchases of land made in Manitoba was being held in 1920, this purchase came to attention and was investigated by the commissioner holding the inquiry, John Barnett. No recommendation was made that the services of any member of the legal staff should be terminated because he had failed to perform his services properly in connection with the purchase of said land.

5. No.

### SOLDIER SETTLEMENT BOARD—LAND PURCHASES

Mr. DONNELLY:

1. What prices were paid by the Soldier Settlement Board for each of the following parcels of land,—South ½ 25-2-21 W. 1st, East ½ 30-2-20 W. 1st, West ½ 2-4-20 W. 1st, all of section 9-4-20 W. 1st, and North ½ 3-4-20 W. 1st?

2. Who in each case was the vendor, and when and at what price did the vendor acquire the land?

Hon. Mr. STEWART (Edmonton):

1. Of the twelve quarter-sections described the board purchased only two quarter sections, namely,—the S. E. 25-2-21-W. 1 for $6,200; and the N. E. 30-2-20-W. 1 for $6,000.

2. The vendor of both quarters so purchased was R. G Willis. According to the vendor's affidavit on Form E, he purchased the S. E. 25-2-21-W. 1 in November, 1914, for $4,000, and subsequently erected a frame barn (36 x 42) on a cement foundation with cement floors, completed a well with windmill, fenced the whole quarter and improved the house; and he purchased the N. E. 30-2-20-W. 1 in 1915 for $4,800.

### PRINCE RUPERT ELEVATOR

Hon. Mr. MANION:

Has any guarantee or pledge been given to the lessees of the Prince Rupert elevator, either by the government or the officials of the Canadian National Railway, that sufficient ocean tonnage will be brought to Prince Rupert to take care of all the grain cargoes offering?

Hon. Mr. LAPOINTE: No guarantee or pledge by Canadian National Railways.

### F. J. SOLOMON

Mr. MACDONALD (Kings):

1. Is the government aware that prohibition or inland revenue officers searched the premises of F. J. Solomon at Georgetown, Prince Edward Island, on or about the 12th March last, finding therein a still which was seized and placed in the custody of the local customs officer, and reporting same to the inland revenue authorities?

2. If so, what disposition has been made of said still?

3. What action has been taken with regard to a prosecution in this case?

4. Was a fine imposed, and if so, was it collected?

5. If not, why not?

Hon. Mr. BOIVIN:

1. Yes.

2. The still has been destroyed by order of the department and certificate to that effect furnished by T. Morrissey, sub-collector of customs and excise at Georgetown.

3. F. J. Solomon was prosecuted under Section 180 (e) of the Excise Act; pleaded guilty and was sentenced to a penalty of $200 or six months' imprisonment. The case was tried by Judge A. L. Fraser of Georgetown.

4. Yes.

5. Answered by No. 4.

### AMHERSTBURG—DREDGING

Mr. GOTT:

1. Was any dredging done by the Canadian government at the port of Amherstburg, Ontario, during the years 1922, 1923, 1924, and 1925?

2. If so, under whose supervision was the work carried on?
3. When was the work completed?
4. What dredges or tugs were used in connection with the work?
5. Were any reports made that the work was not properly completed?

Hon. Mr. KING (Kootenay):

1. Yes, in 1924 at Mullen's coal dock.
2. District Engineer H. B. R. Craig.
3. June 30, 1924.
4. Dredge "Q & R No. 1" and tug "Peel".
5. No.

IMMIGRATION SERVICE—WINDSOR

Mr. GOTT:

1. How many officials are engaged at the port of Windsor, Ontario, in the immigration service who are non-residents of Essex county?
2. What additional expense does it cost the government (average per man) to employ outside men in the immigration service at the port of Windsor, Ontario?

Hon. Mr. STEWART (Edmonton):

1. One.
2. Sixty dollars per month living allowance, pending completion of transfer.

CANADIAN NATIONAL RAILWAYS—O.C.S. FREIGHT

Mr. WHITE (Mount Royal):

1. In the Canadian National Railway annual report for the year ending 1925, a comparative statement of revenue tonnage is shown on pages 33 and 34. Is O.C.S. freight included in this statement?
2. If so, what were the tonnages of the various groups handled O.C.S.?
3. What amount of revenue, by groups, was credited to the Canadian National Railway earnings on account of this freight?

Hon. Mr. DUNNING:

1. No.
2. Answered by No. 1.
3. Answered by No. 1.

THE NATIONAL DEBT

Mr. SPENCER:

1. What is the total liability of the Dominion of Canada in respect to short term notes?
2. What are the maturing obligations of Canada during each of the next ten years?
3. What is the amount of Canada's national debt as on the first of June, 1926?
4. Of this amount how much is tax exempt?

Hon. Mr. ROBB:

1. $51,000,000 (detailed in answer to No. 2.)

2.

| Loan | Date of Maturity | Amount | Total |
|---|---|---|---|
| | | $ cts. | $ cts. |
| 1926–27— | | | |
| 4% Two year notes, 1924 | Oct. 1, 1926 | 35,000,000 00 | |
| 4% Two year treasury notes, 1924 | Nov. 15, 1926 | 8,000,000 00 | |
| | | | 43,000,000 00 |
| 1927–28— | | | |
| 5½% Renewal loan, 1922 | Nov. 1, 1927 | 29,068,400 00 | |
| 4% Three year treasury notes, 1924 | Nov. 15, 1927 | 8,000,000 00 | |
| 5½% Victory loan, 1917 | Dec. 1, 1927 | 63,437,250 00 | |
| | | | 100,505,650 00 |
| 1928–29— | | | |
| 5% Refunding loan, 1923 | Oct. 15, 1928 | | 53,000,000 00 |
| 1929–30— | | | |
| 5½% New York loan, 1919 | Aug. 1, 1929 | | 60,000,000 00 |
| 1930–31— | | | |
| 4½% Refunding loan, 1926 | Feb. 1, 1930 | | 20,000,000 00 |
| 1931–32— | | | |
| 5% Public Service loan, 1916 | April 1, 1931 | 25,000,000 00 | |
| 5% War Loan, 1916 | Oct. 1, 1931 | 52,931,600 00 | |
| | | | 77,931,600 00 |
| 1932–33— | | | |
| 5½% Renewal loan, 1922 | Nov. 1, 1932 | | 85,395,750 00 |
| 1933–34— | | | |
| 5½% Victory loan, 1918 | Nov. 1, 1933 | | 446,658,800 00 |
| 1934–35— | | | |
| 3½% London loan, 1884 | June 1, 1934 | 23,467,206 27 | |
| 5½% Victory loan, 1919 | Nov. 1, 1934 | 511,910,650 00 | |
| | | | 535,377,856 27 |
| 1935–36— | | | |
| 5% New York loan, 1915 | Aug. 1, 1935 | | 874,000 00 |

3. Funded debt outstanding, $2,524,971.-632.38.

4. Unmatured tax exempt bonds outstanding: Issued in Canada, $889,493,400; issued in New York, $25,874,000.

## QUESTIONS PASSED AS ORDERS FOR RETURNS

### CANADIAN MILITIA

Mr. WOODSWORTH:

1. What is the name of the Deputy Minister of National Defence and his salary?

2. What is the number of officers in the Canadian militia on the staff or in the permanent force who receive an annual salary (including pay and allowances) of:

(a) $9,000;
(b) $7,500 and over but less than $9,000;
(c) $6,000 and over but less than $7,500;
(d) $5,000 and over but less than $6,000;
(e) $4,000 and over but less than $5,000;
(f) $3,000 and over but less than $4,000;
(g) $2,000 and over but less than $3,000?

3. Is it the intention of the minister; (a) to maintain any longer officers receiving a higher salary than the deputy minister of the department; (b) to reduce the salary of officers on the staff as was done with the privates in 1924?

### COLONIZATION SUB-AGENTS

Mr. BARBER:

1. Were the following in the employ of the government, during the years 1925 and 1926, as special colonization sub-agents: Rev. J. M. Boucher; Rev. A. S. Deschenes; Rev. J. M. Doucet; Rev. Nap. Eavreau; Rev. F. X. Goyette; Rev. L. P. Gravel; Rev. G. P. Jubianville; Rev. S. Lajoie; Rev. L. A. Lebel; Rev. A. Lepage; Rev. E. Martin; Rev. Chas. Minette; Rev. J. A. Normandeau; Rev. P. M. Roussel; Rev. B. Schaffler, all of Montreal?

2. If so; (a) what salary was paid in each case, during 1925 and 1926; (b) what expenses were paid in each case during 1925 and 1926?

3. What were their duties?

4. Was Rev. J. A. Ouelette employed as colonization agent at Montreal during the years 1925 and 1926?

5. If so, what salary and expenses were paid him during each of the above years?

## UNOPPOSED MOTIONS FOR PAPERS

### ST. LAWRENCE PULP AND LUMBER CORPORATION

Mr. DOUCET:

For a copy of all correspondence, reports, telegrams, and other documents, exchanged between the St. Lawrence Pulp and Lumber Corporation, of Chandler, Quebec; Mr. Pierre-S. Lafontaine, wharfinger of the public wharf at Sandy Beach, Quebec, and the Department of Public Works, regarding payment of wharfage tolls by the said St. Lawrence Pulp and Lumber Corporation at Sandy Beach, Quebec.

### No. 3 HARBOUR BOARD ELEVATOR—VANCOUVER

Mr. ROWE:

For a copy of all correspondence, letters, telegrams and other documents, exchanged between the Vancouver Harbour Commissioners, their solicitors, and the Grain Growers Grain Company; F. E. Buckerfield, J. R. Murray, manager of the Grain Growers Grain Company, Honourable T. A. Crerar, and any other officer of the Grain Growers Grain Company or their solicitors. Also a copy of lease and agreement entered into between the harbour board and the lessees, in reference to No. 3 harbour board elevator, Vancouver.

### CAPTAIN CHARLES GREFFARD

Hon. Mr. STEVENS:

For a copy of all correspondence in connection with certain charges made against Captain Charles Greffard, camp supervisor at Valcartier, together with a copy of the evidence taken by Sergeant Zanneth, of the R.C.M.P., in November last, together with his report. Also a copy of the evidence taken by Colonel J. Roy, of Ottawa, in March, 1926, together with a copy of his report.

## CALGARY STOCK YARDS INVESTIGATION

Mr. DAVIS moved:

For a copy of all correspondence, letters, reports and other documents relative to the investigation of certain alleged irregularities in connection with the handling of live stock and other matters at Calgary stock yards.

Hon. W. R. MOTHERWELL (Minister of Agriculture): Mr. Speaker, in so far as this motion refers to correspondence, letters and other documents relative to this investigation, there can be no exception whatever taken to their production. However, as the report referred to deals with an inquiry which is still under way, I do not think it would be in the public interest that at the present state this report should be tabled. With this reservation, I shall be glad to get the other documents before the House as early as possible.

3 p.m.

Mr. MEIGHEN: Does the minister mean there has been an interim report?

Mr. MOTHERWELL: It is an interim report of a departmental nature, dealing with an inquiry that is still under way.

Mr. MEIGHEN: It will be brought down later?

Mr. MOTHERWELL: I would think so.

Mr. DAVIS: Mr. Speaker, I understand that representatives of the department were sent to Calgary to investigate local conditions, and that they have made a report. That is the report which I asked for.

Mr. MOTHERWELL: That is the report to which I referred, but inasmuch as I am advised that a further inquiry will be necessary before a solution of the various problems involved can be arrived at, I do not think it is in the public interest to make that report public at the present time.

Hon. R. B. BENNETT (West Calgary): Mr. Speaker, this is a much more important matter than the minister's casual observations seem to indicate. There has been litigation. The matter has been heard in the courts, and at the moment there is intense dissatisfaction on the part of the people connected with the stock yards as to the character of the investigation that was carried on by the representatives of the minister. They went there, they made an investigation, and they made a report; it was not an interim report. The minister then directed that they should make a further report, as I understand, and those who have been connected with the stock yard industry in Calgary for many years are under the impression that a very great injustice is being done to them, and that the government is endeavouring to assist in that injustice. I do not for one moment associate myself with that contention, not being sufficiently informed to form a proper opinion, but they feel that very strongly, and they have telegraphed and written to me, and when I was west the other day a delegation called to see me. They sent a telegram to the minister, to which he replied indicating that a further investigation would be held. In the meantime a certain license has been extended for another thirty days. The case is being tried in the press, and the general impression on the part of the stock yard industry is that they are being badly treated by the minister, because time is passing, and they fear that their case is not being properly presented to the country at any rate, and that they are being prejudiced and their interests sacrificed because of an alleged desire to carry on what is called co-operative marketing, which they submit is nothing more than an effort to destroy this legitimate business built up after the expenditure of vast sums of money. I think the investment in the Calgary stock yards by the Canadian Pacific Railway is something like $700,000, if my memory serves me; I have not seen the last annual report, but that investment is listed among their securities. Under these circumstances, I submit that the matter is of very great importance.

Mr. SPEAKER: No debate is allowed on such motions.

Mr. BENNETT: Not on motions for papers?

Mr. SPEAKER: No. I thought the hon. member was just making an explanation, but it turns out to be an address. Shall the motion carry? Carried.

Mr. Motherwell.]

Mr. MOTHERWELL: With the reservation I made.

Mr. BENNETT: Carried on division.

Motion agreed to, on division.

## INTERIM SUPPLY

On the Orders of the Day:

Hon. H. H. STEVENS (Vancouver Centre): I would like to ask if provision is being made for the passing of the necessary supply for the payment of the civil service to-morrow? To-morrow is a pay day, and I understand that the interim supply has been exhausted. I thought I would bring it to the attention of the Minister of Finance, and ask if provision will be made to pay the service to-morrow.

Hon. J. A. ROBB (Minister of Finance): When my hon. friend rose in his place, I was just about to ask the unanimous consent of the House to present interim supply bills, which I do now. I move that the House go into committee of Supply.

Motion agreed to and the House went into committee, Mr. Duff in the chair.

### COMMITTEE OF SUPPLY

Mr. ROBB moved:

Resolved, that a sum not exceeding $15,934,291.06 being one-twelfth of the amount of each of the several items to be voted as set forth in the Main Estimates for the fiscal year ending March 31, 1927, laid before the House of Commons at the present session of parliament, be granted to His Majesty, on account for the fiscal year ending March 31, 1927.

Sir HENRY DRAYTON: I assume, Mr. Chairman, that the proportion, one-twelfth, has been correctly worked out.

Mr. ROBB: Yes.

Sir HENRY DRAYTON: There is just one mistake that I want to bring to the attention of my hon. friend, a mistake made by one of his colleagues in connection with the previous interim supply votes. I know there is no misunderstanding between my hon. friend and myself; that is, the fact of these supply votes being allowed to go through in this way does not commit the House in any way as to the principle in connection with any item in the estimates, and further, that the voting of this interim supply is never taken as authority to make any new commitments. I think my hon. friend entirely agrees with me.

Mr. ROBB: That was our understanding, and it is so set forth in Hansard.

Mr. ROBB moved:

Resolved, that a sum not exceeding $10,200,000, being ten million dollars on account of the total amount to be voted by vote No. 372 for loans to Canadian National Railway Company, and two hundred thousand dollars on account of the total amount to be voted by vote No. 373, for a loan to the Canadian Government Merchant Marine, Limited, as set forth in the estimates for the fiscal year ending 31st March, 1927, laid before the House of Commons at the present session of parliament, be granted to His Majesty, on account, for the fiscal year ending 31st March, 1927.

Resolutions reported, read the second time and concurred in.

COMMITTEE OF WAYS AND MEANS

Mr. ROBB moved that the House go into committee of Ways and Means.

Motion agreed to and the House went into committee, Mr. Duff in the chair.

Mr. ROBB moved:

Resolved, that towards making good the supply granted to His Majesty on account of certain expenses of the public service for the fiscal year ending 31st March, 1927, the sum of $10,200,000 be granted out of the consolidated revenue fund of Canada.

Sir HENRY DRAYTON: In this case, Mr. Chairman, the resolution is in a different form. It has to be in a different form because this year, following the practice of last year the railway estimates were separated from the general estimates, but in doing so it was overlooked by the government—I do not know who overlooked it, but at any rate it was overlooked—that nothing was included in their interim supplies for the National Railways. It developed before the committee that the National Railways urgently required this $10,000,000, and that the merchant marine urgently required this $200,000, and as we certainly do not want to see these things held up, the committee unanimously consented that this matter should come forward.

Mr. ROBB moved:

Resolved, that towards making good the Supply granted to His Majesty on account of certain expenses of the public service for the fiscal year ending 31st March, 1927, the sum of $15,934,291.06 be granted out of the consolidated revenue fund of Canada.

Resolutions reported, read the second time and concurred in. Mr. Robb thereupon moved for leave to introduce Bill No. 192 for granting to His Majesty a certain sum of money for the public service for the financial year ending March 31, 1927.

Motion agreed to and bill read the first and second time.

Mr. ROBB thereupon moved for leave to introduce Bill No. 193 for granting to His Majesty a certain sum of money for the public service for the financial year ending March 31, 1927.

Motion agreed to and bill read the first and second time.

Mr. SPEAKER: I presume the two bills will be considered together in committee.

The House then went into committee on the bills, Mr. Duff in the chair.

Sir HENRY DRAYTON: So that it may be clear that we understand each other, both these bills will be subject to the stipulations already made in connection with the resolution?

Mr. ROBB: That is quite understood.

Bills reported, read the third time and passed.

## MARITIME RIGHTS COMMISSION

On the Orders of the Day.

Mr. MURRAY MacLAREN (St. John-Albert): May I ask the Prime Minister to inform the House when the royal commission in connection with the Maritimes will proceed with its work?

Mr. MACKENZIE KING: I have received word that Sir Andrew Rae Duncan, chairman of the commission, expects to sail for Canada before the end of the present month. Arrangements are being made to have the commission begin its sittings immediately after his arrival in this country.

## SALE OF EMPIRE PRODUCTS IN GREAT BRITAIN

On the Orders of the Day:

Mr. A. De WITT FOSTER (Hants-Kings): I draw the attention of the government to an article appearing in the Mail and Empire of June 12th, and if I may be permitted to read just a few sentences from it I should like to found a question thereon. It is in reference to a matter which I have brought before this House a couple of times, dealing with the sale of Canadian products in Great Britain. The article referred to sets forth, in corroboration of the statement I made in this House, that the British government has taken the lead by allocating one million pounds yearly to encourage the sale of empire products in that country, part of which will

be spent on advertising. It purports to say further that an important scheme for co-operation between Canadian producers, exporters and transport agencies and the Canadian government, to promote the sale of Canadian food products in Great Britain, has been submitted to the British authorities by the High Commissioner. In view of the importance of the matter I ask the government if they are participating in this scheme by the allocation of a certain sum of money or otherwise, and whether they are assisting in this very laudable purpose of advertising Canadian products in the British Empire?

Right Hon W. L. MACKENZIE KING (Prime Minister): The position the government is taking with respect to the money that has been provided for the purpose indicated by my hon. friend is, that the money having been voted by the parliament of Great Britain, the allocation of it comes under the responsibility of the minister in London primarily concerned. However, an intimation has been given us that the British government would welcome the co-operation of our government by way of suggestion, and we have undertaken to co-operate in that way. But we have sought to make one point clear and that is that our co-operation is to interfere in no way with the responsibility of the British government for the expenditure of its own money in its own way. To the extent that our advice is asked and we are invited to make suggestions, we are only too happy to comply with the invitation.

Mr. FOSTER: Will the Prime Minister go a step further and tell us if this government is contributing, and if so will we have an opportunity to discuss in this House the subjects which are to be covered by the contribution?

Mr. MACKENZIE KING: That is the point I wish to make clear. Our government is not contributing. This is a sum of money voted by the British parliament to advertise products of different parts of the empire, but it is voted in its entirety by the British parliament itself.

## NATURAL RESOURCES

On the Orders of the Day:

Mr. FRED DAVIS (East Calgary): Will the Prime Minister tell me if it is the intention of this government to transfer the natural resources of the province of Alberta to that province during the present session?

[Mr. Foster.]

Right Hon. W. L. MACKENZIE KING (Prime Minister): It is not the intention of the government to proceed with the resolution which now appears on the order paper with respect to the transfer of the natural resources of Alberta.

Mr. MEIGHEN: Or on any other resolution?

Mr. MACKENZIE KING: No, unless of course there should be some material change in the situation existing at the present moment.

## RULES OF THE HOUSE

### SPECIAL COMMITTEE TO CONSIDER REVISION

On the Orders of the Day:

Mr. W. D. EULER (North Waterloo): Before proceeding with the orders of the day, I desire to call the attention of the government to a matter of some importance and to address an inquiry to the Prime Minister in connection therewith. Last session a committee was appointed to deal with the revision of the rules. That committee met and did a good deal of work. I think it sat four or five weeks, and finally a report was made to the House. Unfortunately, for one reason or another, the report was never dealt with, nor discussed and no action was taken. It would be very regrettable if the work of that committee were entirely lost. I would ask if it is not possible to take action on that report this session, so that next year we may have the benefit of the recommendations of that committee?

Right Hon. W. L. MACKENZIE KING (Prime Minister): I do not know whether my hon. friend was in the House when this matter was brought up before. At the time I mentioned that the Minister of Customs, a former Deputy Speaker, had been asked to confer with the leader of the opposition and the leader of the Progressive party in respect to the rules and to ascertain if it might not be possible to secure agreement in reference to the adoption of certain parts of the report, if not the whole report. I asked my colleague to-day if he had a final conference in this matter, and he mentioned that he had been more or less busily engaged with some other pressing matters, but he hoped to be in a position to have a further conference very shortly. It is the expectation and wish of the government that this matter shall be taken up this session.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): I think the report of the committee of last session might well be used by the government and by this House as if it were a report of a committee this session. It is not a subject that has any special relation to time or to any parliament; consequently I think the government should act as if the circumstances were that the report had been brought down this session. I would not like to undertake to act on a committee representing this side of the House with a view to seeking to come to an agreement on that report. The report gives certain special advantages to leaders of parties, and I think the matter is now in a position where the government might well take the report, or such portions of it as it approves, and move in the House for their adoption. I have stated to the Prime Minister that, so far as my personal opinion goes, I would be glad to give it, if it is worth anything, in relation to such portions of the report as the government wishes to move to adopt, but I do not think I can act for the party on any committee with a view to unanimity, in view of certain special features of the report.

Mr. MACKENZIE KING: The wish of the government in the matter was to avoid discussion, if possible, when the report was brought down. I think I stated, in the absence of my right hon. friend, that he had mentioned to me that he hoped the government would bring forward such parts of the report as they were prepared to move in this House. As a result of that suggestion, before bringing forward any part of the report, the government thought it advisable to ascertain if there were any serious objection to any portion of it by any hon. member opposite or from any group in the House. In the event of finding out that there was objection to any part liable to create long debate, the government thought it would be inadvisable to introduce that part. The only wish the government has in the matter in conferring with my right hon. friend or any other member is, if possible, to bring in only such parts of the report as are likely to be generally acceptable to the House, and thus avoid a protracted debate, but not to bring portions of the report likely to occasion protracted discussion. Perhaps my right hon. friend will give us the benefit of his opinion as to the part he thinks will meet with opposition of hon. members opposite, and if he will go that far, we will take his opinion into consideration in deciding what part of the report should be submitted to the House.

## PERMANENT FORCE

On the Orders of the Day:

Mr. A. J. DOUCET (Kent, N.B.): Will the Minister of National Defence tell me when I may expect the return to a motion adopted by the House on March 22, last with reference to officers and men of the permanent force of Canada?

Hon. E. M. MACDONALD (Minister of National Defence): My hon. friend will recall that the form of that resolution was in question for some time and he wrote me stating that a certain portion of the information would be satisfactory. That portion is now being prepared, and will be brought down in a few days.

## GRADING OF EGGS

On the Orders of the Day:

Mr. A. W. NEILL (Comox-Alberni): I wish to draw the attention of the Minister of Agriculture to a telegram that I received which I will read and send to him, and ask him to send it with other data to the committee on Agriculture. The telegram reads:

Courtney, B. C.

A. W. NEILL, M.P.,
Ottawa, Ont.

View with alarm attempt to discontinue grading of eggs. The district association here sure that increased consumption result of consumer being better able rely upon freshness of eggs offered for sale. Considerable improvement in quality of eggs here since grading enforced. Believe same in interest of both producer and consumer.

Comox Creamery Association.

## DOMINION IRON AND STEEL CORPORATION

Mr. FINLAY MacDONALD (South Cape Breton) asked leave under rule 39 to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the industrial crisis arising out of the announced intention of the directors of the Dominion Iron and Steel Company, Limited, to default in payment of interest on bonds maturing July 1, 1926, with consequent unemployment on a large scale, and distress particularly in the province of Nova Scotia.

Mr. SPEAKER: I am not quite sure that it is a matter of urgent public importance but of course according to rule 39 if twenty members rise the hon. gentleman may proceed.

The Clerk assistant having stated that more than twenty members had risen:

Mr. MacDONALD (South Cape Breton): I appreciate the responsibility of any hon. member moving the adjournment of the House and in order to do so he must be able to justify himself by calling the attention of the House to a matter of urgent public importance. The subject that I am going to bring to the attention of hon. members this afternoon is one not only of grave, but of vital importance to the people of eastern Canada. For the past few days the financial press of Canada has carried the news that the directors of the Dominion Iron and Steel Company, Limited, intend to default in the payment of interest and sinking fund on their bonds, the first issue of which matures on July 1, and the second on September 1. The importance of such a move as this cannot be exaggerated. It is widespread and it is going to have a most disastrous effect as regards not only the island of Cape Breton, but the whole of eastern Canada.

The Dominion Iron and Steel Company, Limited, is one of the constituent companies of the British Empire Steel Corporation. It has been in existence for about a quarter of a century. It was organized about 1899 and began operations two or three years later. It is situated in the city of Sydney which at the time of its inception was a town of 3,500 inhabitants. Owing to the establishment of that company there, the town has grown into a city of about 25,000 inhabitants. The little town at the inception of the company obligated itself very heavily to the extent of $100,000 odd for the purchase of a site on which to establish this organization. At the time of the inception of that company we were led to believe that it had an exceptionally bright future. It was situated at tidewater within easy access of coal deposits and iron ore and in a particularly good situation to manufacture iron and steel cheaply. As a result of that the stock of the company was very largely marketed. The Liberal governments of that day both of Nova Scotia and of the Dominion at Ottawa assisted the corporation very generously. The federal government afforded them a certain measure of tariff protection and also gave them bonuses which had the effect of stimulating industry in its early days.

The city of Sydney in order to meet the growing demand of the population also went heavily into debt to the extent of some millions of dollars in order to provide the necessary civic services for this great corporation. The population grew from 3,500 to 25,000. At the present time there are some 3,000 employees in that corporation, not all on full time, but all depending for their livelihood on it. There are several allied industries which depend upon it. For instance the Tar and Chemical Company, the Cross Fertilizer Company and some smaller industries depend for their existence upon the Dominion Iron and Steel Company, Limited. The Dominion Coal Company alone gets a market for about 1,250,000 tons of its coal there. In addition to those millions that the city has spent on services, trust and loan companies have spent other millions of dollars in mortgages and other securities in the city of Sydney. If this industry goes, all those industries go, all this money invested in stock, city bonds, stocks of other allied industries and mortgages in the city, go. So that when I contemplate the threatened failure of this industry as it is now threatened by the action of the directors who say that they can no longer carry on and pay the interest on their bonds, I shudder to think of the widespread disaster that must follow.

I think this government can save the situation and I am imploring them to do it. I am pointing out to them that this corporation is a child of Liberal administrations in the past. Its birth and growth were due to them and in years gone by they pointed with pride to the result of Liberal administration in Canada in the establishment, organization and carrying on of those great companies. To me the thing absolutely transcends all political interests. It is so important that I approach it entirely from a national standpoint. It is not my purpose to indicate how I think the government should act; that I leave entirely to them. It is not my purpose to insinuate even in the most indirect way that the situation is due to the action or inaction of any government in the past. I intend simply to point out the present situation, the disaster that threatens that company, and to ask the government if they will give us any assurance that this great disaster may be averted.

Mr. MACKENZIE KING: What would my hon. friend recommend should be done?

Mr. MacDONALD (South Cape Breton): As I pointed out I leave that entirely in the hands of the Prime Minister and his government. It would be presumptuous of me to indicate in any way what they should do. They are advised of the situation and they

probably know as much about it as I do. I feel sure also that they are as much concerned about it as I am and that they will do whatever they deem fit. I leave it to their wisdom, because on their shoulders will rest the responsibility.

Mr. L. W. JOHNSTONE (Cape Breton North-Victoria): I rise to second the motion of the hon. member, and in doing so I heartily endorse every statement he has made. The only excuse, if excuse is necessary, for bringing up the matter is that it is one of vast importance to the Maritime provinces. I do not think the government and the members of this House generally realize quite fully what it means to those provinces to have either of our two basic industries closed down. It would throw out of employment some 3,000 men who are entirely dependent upon the operations of the industry, and, in addition to this, the market for local produce which supplies the needs of these miners would be affected. Small business firms, various minor industries, and citizens of all classes living in the surrounding districts are vitally interested in the coal and steel industries of Nova Scotia. The people of the province as well as others in eastern Canada have also invested their money in the bonds, debentures and stocks of the company. I have personal knowledge of some who have sunk their savings in the industry, and the closing down of operations would mean ruin to them. Our steel works have passed through a very trying time during the past number of years. By reason of the situation on the seaboard the industry has suffered more than any other steel industry on this continent from the competition of European producers, which competition has been stimulated by depreciated currency abroad. This disability cannot last forever, but it may continue long enough to kill the industry in Nova Scotia. We therefore come to the government to-day and ask them to do something to solve this great problem. Definite action is needed right away to give the people of the province, and especially those engaged in these industries, some assurance of stability. I cannot do better than quote in this connection the words of an editorial which I have taken from one of the principal newspapers of Nova Scotia and which I think covers the ground completely:

> The greatest industrial interests of the province are in jeopardy; an untoward result means for the worker poverty, for the owners of these properties ruin, and for the enterprising communities which have grown up around them desolation and decay. Such results are not local in their consequences. They affect the whole business life of the Dominion. May they do more, they affect the prestige of Canada.

We are asking the government to take hold of this matter in earnest, to investigate the facts, and to adopt such means as will render impossible such a condition as is predicted in this editorial. The situation in which the industry finds itself to-day is so serious that in a very short time unless relief is forthcoming the province of Nova Scotia will be injuriously affected, with the possibility of the city of Sydney being wiped off the map.

Mr. ROBERT K. SMITH (Cumberland): As a Nova Scotian I cannot sit idly by and allow this discussion to pass without offering some comment. The point raised by the hon. member who moved the resolution is well taken: this matter should be approached in a non-partisan spirit. The situation is so grave that, as he observes, it transcends all political affiliations and I have no doubt that we are capable of considering it from the national standpoint and from that standpoint alone.

The coal and steel industries of Nova Scotia have been very closely associated for the past number of years, so that what affects one industry naturally reacts upon the other. A blow to the steel industry of Nova Scotia is a blow to the coal industry of the same province, and vice versa. When we realize that these are the staple enterprises of that province, employing over 25,000 workmen, and that upon them over one-fifth of the entire population of the province is directly dependent, not to mention the other people in the province who are indirectly affected, we can understand how important it is to the province that nothing shall be done to impair their activity. I do not think there is any need just now to elaborate the circumstances which have hastened the present situation, but it can fairly be said that the steel industry of Nova Scotia, while it can compete with legitimate English or American industry, cannot meet the competition of European countries where cheapened labour, a depreciated currency and non-union conditions, and in a good many instances, child labour, make for a low cost of production.

Mr. CAMPBELL: What has the depreciated currency to do with foreign competition?

Mr. SMITH: It has been stated by those who are in a position to know that the wages of the steel workers in Europe have increased to six times the value of the franc which is not on gold coin basis while in Canada the wages of steel workers have gone up 80 per cent on the basis of the gold standard. This

means that whereas the wages of European workers have increased six times on the basis of the franc, the increase is but 2 per cent on the basis of the gold coin. On the same standard the wages of the steel workers of Canada have increased to the enormous extent I have mentioned.

Mr. CAMPBELL: To the extent to which currency in foreign countries has depreciated, the cost of living has increased. Therefore the workman would have to secure a proportionately larger amount of money. I am not arguing on the general question that the hon. gentleman is discussing at all, but I fail to see his point, that the European manufacturer is in a favoured position because of the depreciated currency of his country.

Mr. SMITH: I think my friend will admit, taking that one point alone, that since 1913 we have increased the wages of our employees 80 per cent to meet the situation on a certain gold coin basis, which is the only basis we appear to be able to work on in Canada to-day, but with only a two per cent increase on the same gold basis in Belgium and France we are up against a disadvantage that we cannot very well overcome without some change.

Mr. WOODSWORTH: Would the hon. gentleman state what the importation of steel from Europe has been for the last year or two?

Mr. SMITH: I have the information, but I cannot put my hand on it at the moment. Our total importations of iron products for the year ending February, 1926, amount to $171,000,000 odd, of which we imported from the United States $151,000,000 odd, and from the United Kingdom $17,000,000 odd. I cannot give my hon. friend exact figures of the importations from European countries.

Mr. WOODSWORTH: The depreciated currency, then, does not enter very largely into the matter when you consider the imports.

Mr. SMITH: It is a well-recognized fact, and I think my hon. friend will admit it, that large steel importations have come from Belgium and France.

Mr. WOODSWORTH: Not according to the figures the hon. gentleman presented to the House.

Mr. SMITH: What figures does my hon. friend refer to?

[Mr. Smith.]

Mr. WOODSWORTH: Of the total importations from the different countries, $171,000,000 odd, the gentleman stated that $151,000,000 odd came from the United States.

Mr. SMITH: I hope my hon. friend is not trying to take an advantage because I do not happen to have before me the figures of importations from the European countries. I have given the total importations.

Mr. WOODSWORTH: It is merely a matter of mathematics as to how much is left.

Mr. SMITH: I do not think so. I did not give my hon. friend complete figures.

Mr. WOODSWORTH: Would the hon. member say whether the importations in recent years have been more or less than they were before 1913?

Mr. SMITH: Since 1913 the steel industry in Canada has suffered considerably, and whether the importations have been more or less I do not think is pertinent to the question that affects us to-day, because it is recognized that we are in a position which we cannot overcome under the existing circumstances.

Mr. WOODSWORTH: It has a direct bearing on the hon. gentleman's statement with regard to the effect of depreciated currency.

Mr. SMITH: Does my hon. friend want to convey the impression to the House that there are no importations from the European countries?

Mr. WOODSWORTH: No; on the contrary, I am trying to get from the hon. gentleman whether the importations have not been a great deal less.

Mr. SMITH: Whether they have been less or not is not material if the situation is very seriously affected, as it is.

Mr. WOODSWORTH: It is material to the hon. member's argument.

Mr. SMITH: I do not think so. I am arguing that importations of iron products are coming from European countries with depreciated currency, and those importations are putting our manufacturers out of business. Now that situation may have existed in 1913, as my hon. friend says, more of the iron and steel products of European countries may have been imported then, but other elements may have entered into the matter then which would not affect it so adversely as to-day.

Some figures have been handed me of importations from European countries. For the fiscal year ending March 31, 1924, the importations of steel billets from France and Belgium were 3,498 tons; for the same period in 1925, 5,628 tons; and for the ten months of 1925-26, 10,559 tons. These figures indicate a very marked increase.

Mr. WOODSWORTH: Would the hon. gentleman give the proportion of steel billets to the total steel imported?

Mr. SMITH: I am not an expert on this question and cannot supply the information requested.

Mr. WOODSWORTH: The figures do not mean anything unless we have that information, Mr. Speaker.

Mr. SMITH: The figures I have quoted surely mean something. They show a very marked increase of importations in that particular line, and it is a line that seriously affects us in Nova Scotia. With respect to the importations of steel from Belgium, in my home town of Amherst, Nova Scotia, we have been endeavouring for some time to carry on a rolling mill for the manufacture of reinforcing rods, using scrap steel in the process. Usually there is a ready market for this product. I wish to quote from a letter that I have received from one of the officials of the company to show what this industry is up against by way of foreign competition. He says:

4 p.m.

I went down to Halifax on Tuesday and found the city full of Belgian bars. A certain company have received 725 tons, and all the jobbers of course are going there for supplies.

He mentions the name of the firm, but I do not wish to publish it. He states further:

Apparently the company, and possibly a number of other concerns, have bought Belgian bars, and as far as I know we have never been asked to name a price. However, it is impossible for us to compete with the continental product to-day, and if this kind of thing is allowed to continue, it simply means that as far as the Maritimes is concerned our rolling mill is out of business. In fact it is a serious condition in Montreal as well.

Now, Mr. Speaker, I do not think I need stress the very serious and unsettled situation existing to-day in the Maritimes on account of the announcement of far-reaching consequence which the big iron and steel company has been forced to make. Unless something is done by the government we will be very seriously affected in the province of Nova Scotia, and indirectly the whole Dominion will be adversely affected. Therefore I wish to appeal, as did the hon. gentlemen who have preceded me, to the government to adopt whatever ways and means they deem to be most effective to avoid the very critical situation that is now impending in Nova Scotia.

Mr. WOODSWORTH: May I ask the hon. gentleman one question. He spoke of the unfair competition of Belgian workers. The steel workers of Nova Scotia have been working twelve hours a day. Would he suggest that the Belgian workers are working longer hours?

Mr. SMITH: From the information I have they do not appear to have any regular hours of work over there. To a great extent it appears to be non-union labour and, as mentioned before, starvation-driven labour. That is the sort of competition we are up against to-day. I am not in a position to say what hours they work in Belgium, but I think it is a pretty safe guess that they work longer hours there than they do in Nova Scotia.

Mr. WOODSWORTH: I fancy the hon. gentleman is chiefly guessing.

Mr. YOUNG (Weyburn): Could the hon. gentleman tell us whether or not it is true that Besco has discontinued buying Canadian-made nail kegs because they can buy to better advantage in the United States?

Mr. MEIGHEN: Why shouldn't they?

Mr. SMITH: I cannot answer my hon. friend's question.

Mr. ROBERT FORKE (Brandon): Mr. Speaker, I do not know that I have very much to add to the discussion. I did make some remarks outside the House, in the city of Toronto, in connection with the situation in Nova Scotia for which I was afterwards very strongly criticized in this House by one of the members from Nova Scotia. I made the statement at that time that something was wrong with the coal and steel industry in Nova Scotia, that apparently there was something economically wrong with the industry, that it was not on a sound basis. I wonder just what is the matter. We are having a discussion this afternoon and we are told that something has got to be done to save the coal and steel industry in the province of Nova Scotia. But if they are carrying on under proper conditions, if economically they are on a sound basis, just what is the trouble? Hon. gentlemen who have spoken want the government to do something. That is pretty nebulous. I do not know what "something" means. I think

the members from Nova Scotia who are asking the government to do something should tell us what they want done.

In regard to what has been said about depreciated currency, that is a favourite argument in the House. I am willing to admit that there may be something in it, but not nearly as much, I think, as some hon. gentlemen would have us believe. If the workers in Great Britain work longer hours, work faster, and do not live as well, then probably they can compete at an advantage, but I question very much if they would under those circumstances. What does experience show? It shows that well-paid workers, living and working under proper conditions, can and do compete successfully with those who are not working under proper conditions. We are continually hearing one side of the argument, about depreciated currency and a low standard of living in Europe, and then hon. gentlemen immediately turn to the other side and speak of the high wages paid in the United States, and say that we cannot compete with the United States under the conditions they have there. Those two arguments do not harmonize.

I am forced to the conclusion that there is something wrong with the industries in the province of Nova Scotia, and I am quite willing to hear a statement of the conditions as they exist in that province. Let hon. gentlemen tell us plainly what is the matter with these industries. Not one hon. member has yet told us what is the matter with them. Let them tell us that plainly, and not get behind some other thing that perhaps is not the reason why these industries are not able to compete. Nova Scotia is the oldest province of the Dominion, and it has done a lot for Canada. I sympathize with the people there.

Mr. MEIGHEN: Before the hon. gentleman proceeds, he says that there is something wrong with the industry. Will he not tell us what it is, and not be so nebulous?

Mr. FORKE: Perhaps they are working under wrong economic conditions; perhaps they are over-capitalized.

An hon. MEMBER: Perhaps not.

Mr. CANTLEY: Perhaps is not good enough.

Mr. FORKE: I want hon. gentlemen from Nova Scotia to tell me what is the matter. They tell us that these industries cannot exist, and I do not know that I am called upon to make clear what the trouble is.

[Mr. Forke.]

Mr. CANTLEY: The hon. gentleman makes insinuations that are not fair. He ought to say what he means by those insinuations, and be frank and straightforward about it.

Mr. FORKE: I do not know what I am insinuating. Hon. gentlemen from Nova Scotia tell us that these industries cannot exist, and I want them to tell us why they cannot exist. Some explanations have been given, but they do not sufficiently explain to me why the failure of the British Empire Steel Company is in the immediate offing. There is something more to explain. There must be some reason for this condition at the present time.

Mr. FOSTER: Will the hon. gentleman tell us whether he, as leader of his party, has seen the clear and distinct representations made by the Steel Company themselves as to what was wrong with that industry?

Mr. FORKE: I do not know that I can begin to answer questions in that way, but I think that people who really love their native province and understand some of the difficulties down there in Nova Scotia should explain to the House what the difficulty is. I do not think the House has ever been told. I do not think it is my province to tell the House exactly what is wrong with these industries. We have a large population depending upon these industries, and it will be very serious for them if they are thrown out of employment, and I am prepared to go a long way to help those people. I have sympathy for them. I might even be prepared to sacrifice some of my principles to help them. I do not wish to be held up here as antagonistic to the workers down in Nova Scotia. I simply would like to know what is the trouble. We know that these two industries are linked together, but no one has told the House whether the coal industry is leaning on the steel, or whether the steel industry is leaning on the coal. I have never had that made clear yet. We want to know something of the economic conditions under which these industries are being carried on, and I repeat, there is something economically wrong, because these industries have received tremendous bounties in the past, a vast amount of money that I cannot name, and yet we find ourselves in the position to-day of being called upon to do something to rescue the industry from approaching bankruptcy; in fact, they are bankrupt. Would a little assistance really remedy the situation? Would the company not in a year or two find itself again in its present condition? Let us get

down to the basic facts and find out what is wrong. I repeat again, I am not antagonistic to these industries nor to the people dependent upon them. I am very friendly to the people of Nova Scotia, but I would like to know what are the basic facts underlying their difficulties. Can we possibly remedy them by paltry assistance in the meantime to get over a difficult situation? I hope some member from Nova Scotia will get down to basic facts, and tell us what is really the matter with the coal and steel industry in his province.

Mr. JOHN EVANS (Rosetown): We are face to face with a situation that might have been expected by anyone who had in any way learned even the ABC of economics many years ago. It is a case where an industry built up on a false basis has come practically to the point where it has got to reorganize and be built upon a sure foundation, on its own merits and standing, or it can go no further. The steel industry in Canada has from its inception been favoured as perhaps no other industry has; in fact, I do not think that in any country in the world has the steel industry been favoured as it has in Canada, and I am not excepting the United States. I remember that when the Dominion Iron and Steel Company was first inaugurated it secured from this government pretty nearly everything that we could give it. In the first place, we gave it a protection of some 17½ per cent on steel rails. Then the government of the province, or the municipalities, gave it thirty years' exemption from taxation. It got $7 a ton bounty on steel rails, and also got favoured railway rates throughout the Dominion, and any royalties supposed to have been collected on coal were repaid to the company. At that time there was a great steel trade going on in Canada owing to the tremendous amount of railway construction work in progress. The two great companies in Canada were then furnishing steel rails for the government sections of the Transcontinental railway. The government paid as high as $32 per ton for these rails. They also paid a bounty on production making altogether $39 a ton for the steel rails used on the government sections of the Transcontinental. At that very time one of these companies was cutting prices against the whole world, and delivering rails in India at a price of $24 a ton. Did they need protection to carry on in this country, or did they use the protective privileges we were giving them to enable them to deliver rails at $24 a ton in that distant land? Either the companies cannot compete abroad or they do not need protection at home. The charge has been levelled at us in this corner of the House during the last five years that we would destroy every industry in the country. We have no such intention, in fact I would not be averse to a little protection if it were simply the home market they needed.

Sir HENRY DRAYTON: Hear, hear.

Mr. HANSON: Well done.

Mr. EVANS: That statement pleases hon. gentlemen.

Mr. HANSON: Hear, hear.

Mr. MEIGHEN: The lost sheep.

Mr. EVANS: But this is what I have to say: If they needed protection to get the home market only nobody would have much objection to it, but the government for many years sought to give them a blanket protection to fleece the rest of the community. That being the case I say it is time to quit. When that stage is reached it becomes class privilege, and the granting of any privilege of this kind to one industry is done at the expense of other industries. I say that we have come to the point in this country where no industry must be privileged to tax other industries in order to keep itself going. If there is an industry in Canada which is essential to the national welfare it ought to be maintained but it should establish in the first place that its maintenance is a necessity to the country at large and that it needs protection. The hon. member for South Cape Breton (Mr. MacDonald) admits that the British Empire Steel Corporation enjoys all the advantages of coal, ore, and of convenient transportation facilities; in fact if you look at the map of the world to-day you would think the industry was most advantageously situated for delivering its products to the markets of the world.

What then is wrong at the present time? Another hon. gentleman says the government can prevent a catastrophe from occurring but does not say how the government can do it. Can this industry ever stand on its own feet? After the lapse of thirty years it has shown that under present methods of manufacturing it cannot do so. We should consider now what is wrong. If hon. members in favour of protection cannot answer this question why do they not support a reference of the case to the Tariff Advisory Board in order to get at the root of the matter? It has been shown how important all the subsidiary industries are to this particular industry. Well, practically all industries in this country are sub-

sidiary to agriculture, because the latter is a basic industry. Actually agriculture is being destroyed to-day because of having to carry the other industries on its back. It has had to pay artificial prices, enhanced prices, for everything it has needed whereas for the things it produces it is compelled to face the competition of the world. The steel industry says it cannot compete with the cheap labour and the depreciated currencies of Europe. But we farmers with our own products have to compete against the cheap labour of the whole world, even the labour of Europe, Asia, India and the Argentine. In no other country in the world are such high prices being paid for articles needed on the farm as in Canada. When an hon. gentleman urges the importance of this matter on the House, and expresses a fear that the country does not appreciate its urgency, does he not see the importance of having every industry stand on its own feet, and should he not refrain from insisting upon protection which will be ruinous to other industries? Industries should pay their way, but according to the tales of woe we have heard in this House for the last four or five months no industry engaged in manufacturing is able to stand on its own feet. What is wrong? Let us ask this question and try to answer it. The fact is that because of our fiscal policy, which has been a false one from the beginning, we keep the cost of production at too high a figure for successful competition in the markets of the world. To-day the industry of agriculture is being carried on at a loss. Somebody may ask how it has been possible for it to remain in this condition for so long a period. Agriculture has been mining the soil in this country for the last thirty years. The farmers have been mining the soil in order to satisfy the demand of the rest of the country and have been obliged to pay enhanced prices for everything they needed under the protective tariff.

Mr. MEIGHEN: If agriculture is carried on at a loss why did the hon. member vote for a Speech from the Throne which stated it was very prosperous?

Mr. EVANS: The right hon. gentleman is evading the issue. He knows very well that what I am stating is the case.

Mr. MEIGHEN: Does the hon. member say that the Speech from the Throne does not declare that agriculture is prosperous?

Mr. EVANS: I was not speaking of the Speech from the Throne and do not intend to allude to it. The right hon. gentleman knows as well as any man in this House that even the agricultural industry cannot be carried on under present conditions. Because we had a good crop last year and conditions are a little better in the country, it is not to be inferred that agriculture is on a permanent basis of prosperity. Our manufacturing industries have had prosperous years in the past but they did not seek to put themselves on a sound footing; they relied on the price-fixing power given them by the tariff to fleece the consumers. Then when they have destroyed their own market and lessened the purchasing power of those who are engaged in the primary industries they raise the cry that they are face to face with a catastrophe. Another hon. gentleman has declared that depreciated currency has killed the iron and steel industry. I ask this question: Does not the agricultural indutsry have to face depreciated currency as well as other industries?

The same hon. gentleman argues that the industry has been hurt by low wages. At the same time we are told that the country which pays the highest wages in the world and has no depreciated currency is one of our chief competitors, and there is a general unanimity of statement that we cannot compete with the United States in the matter of industrial production. If depreciated currency is a detriment and prevents us from competing in the markets of the world, surely a country where the currency is not deflated can be more easily competed with, but such is not the case. I think the iron and steel company have come to a point where they might consider retrenching. Either the output is too great or something is wrong with the fiscal policy if they are unable to pay wages and employ labour. The threat is so often made in this House that unless protection is maintained or increased capital will seek investment in other parts of the country, and our workmen will go to the United States. The fact of the matter is that they will not do anything of the kind, and a great many threats have been made even this year regarding the steel and automobile industries. In fact some of them shut down for a little while for no object except to create public opinion.

What is this catastrophe which is facing us now? is it anything more than to create public opinion, to obtain more protection and to gouge more money out of the pockets of the people? I do not know, but one thing is certain. The tariff in this country has destroyed the enterprise of our manufacturers, and to-day they are carrying on

with obsolete methods, and they prefer to follow any means whatsoever to create the impression that protection is needed and must be provided before they will look to their own house, change their methods and find their own market. It is a serious thing. Hon. members in this House point to the dole system in England, declaring that the workmen in England do not want to work as long as they get a dole. The whole of the manufacturing industry of Canada has depended on the dole for the last thirty-five years and now if it destroys the desire to work on the part of the British workman on the one hand it must on the other destroy enterprise on the part of employers and manufacturers.

I took a little trip down into Quebec the other day and I saw a product being mined and shipped to Rochester. I refer to feldspar. We have all that feldspar in that district, easily mined, with the power in the river close by, the cheapest power that can be got any place in the world, yet not one industry using that product in this country is established, and it finds its market in Rochester. I came down to Buckingham Junction Saturday night and found thirteen cars all loaded for a foreign market. We have no enterprise in this country. What is wrong with it? Why will people rely on the tariff and not on their own enterprise? Why will they continually pursue a false fiscal policy which puts the cost of doing everything entirely out of line with world prices and then come back and seek more protection?

Mr. THOMAS CANTLEY (Pictou): My only excuse for asking the House to bear with me now is the gravity of the situation referred to by the hon. member for South Cape Breton (Mr. MacDonald) who introduced the motion. I have no intention of referring in any way at this time to the fiscal policy either of this government or of any past government in relation to the condition of affairs that now exists in Nova Scotia, though greatly tempted, in view of the remarks of some speakers to my left, to deal with that matter. I prefer however not to do so because I really do not want to make this a controversial question at this time. The gravity of the situation in Nova Scotia is certainly great. I may attribute it to one source and other hon. members may attribute it to another source. I am not going into that at this time. The fact is that the affairs of the British Empire Steel Corporation to-day are in a critical condition. Practically one-half the population of Nova Scotia is in doubt and almost despair as to what the outcome is to be.

There is I think an idea in the House that the iron and steel industry of this country dates back to the inauguration of the Dominion Steel Corporation about the beginning of the present century, but I would like to point out that it goes back very considerably further. Open hearth steel was first made in this country at New Glasgow, Nova Scotia, in 1882 and the Nova Scotia Steel and Coal Company continued to produce steel in yearly increasing quantities until the absorption of that company in 1921 by the British Empire Steel Corporation. In the year 1900 the Scotia company acquired the property of the General Mining Association of London, England, who began operations at Sydney Mines, Cape Breton and at Albion Mines near New Glasgow, Pictou county in 1826 just a hundred years ago. In passing I may say coal has been exported from Nova Scotia for 254 years; at first in small quantities. Some thing has been said as regards the inter-dependency of the coal and the steel. I can tell the House that so far as the Dominion Steel Corporation is concerned, that corporation was founded entirely with the object of providing a home market for the slack coal which was then produced in quantities much beyond what it was then possible to find any market for on this continent. It is an entirely mistaken idea to suppose, as many do suppose, some inside this House and a very great many outside the House, that the steel corporation was and is being operated at the expense of the coal property. There is a figure which the steel companies ought to pay the coal companies for all the slack coal used quite irrespective of whether they are independent or inter-locking companies. But my point is that if you close down the steel plants in Nova Scotia there will soon accumulate a large quantity of slack or small coal for which no market is available.

Consider the position in Cape Breton prior to the establishment of the iron and steel industry. The situation was this: not over 15 or at the most 25 per cent of the slack coal produced could find a market. A large quantity was stowed in the goof under ground; dumps containing hundreds of thousands of tons were to be seen in close proximity to the coal mines, not only in Cape Breton but in Pictou and Cumberland counties—hundreds of thousands of tons in all for which there was then no market. I myself have bought slack coal in thousands of tons, tens of thousands of tons in the late eighties and nineties at ten and twelve cents

a ton. The price later went up to twenty-five cents, to fifty cents; it has gone up a great deal since that time; but the fact is that the coal industry of Nova Scotia cannot be carried on to-day without a steel industry supporting it. They are inter-dependent.

Mr. FORKE: That is part of the information we have been seeking.

Mr. CANTLEY: I am trying to give it to the House.

Mr. BROWN: Does the statement that there is such a large quantity of slack coal mean that there is more slack coal in the Nova Scotia mines than in other mines throughout the world?

Mr. CANTLEY: It does not necessarily mean anything of the kind. The quantity of slack coal produced in any particular field depends on the character of the coal and the method of mining.

Mr. BROWN: Does it mean that Nova Scotia coal is not of equal value to other coal?

Mr. CANTLEY: It does not mean anything of the kind.

Mr. BROWN: Then I cannot understand the point.

Mr. CANTLEY: There are I fear many things the hon. gentleman cannot understand. I am sorry I cannot enlighten him in reference to everything.

Mr. BROWN: Since the hon. gentleman has made that remark, might I ask how it is that when representations are made to us to aid certain industries, it is definitely stated that Nova Scotia coal is not of equal value to other coal?

Mr. CANTLEY: That statement is made by people who have very little knowledge of the facts.

Mr. BROWN: That statement is made by people who say they know.

Mr. CANTLEY: It does not make any difference whether they say they know or not if they really do not. An hon. member recently made certain assertions regarding the character of Nova Scotia coal. I say that they are not true. When you mine 5,000,000 tons of coal you must of necessity have a considerable quantity of slack, I do not care in what country or under what conditions the coal is mined. There is a difference between the quantity of slack produced in certain fields and from certain kinds of coal, but all coal mined produces a considerable quantity of slack, some of which is used and some wasted unless there be nearby some coke consuming enterprise.

As regards the Belgium situation I am not going to deal at length with the question of depreciated currency, although it has a very important bearing on the facts notwithstanding what representations may be made in this House. The hon. member for Rosetown (Mr. Evans), when he referred to the effect of depreciated currency in regard to farming, put his finger exactly on one of the factors bearing on the case. The franc to-day is worth less than four cents or about one-fifth of the nominal value. Labour is getting more in francs than it did before the war; but food in proportion to the gold value of the franc is very much lower in price than it was prior to the war, with the result that owing to the depreciation of the franc in their country Belgic work people are able to live more cheaply than they were before the war. We are not handicapped by the whole difference in the value of the franc, but we are to a considerable extent. Let us get down to concrete facts. Two steamer loads of Beligum wire rods have been landed in Cape Breton within the past year. Why? Because they could be and were landed there at a figure representing nine dollars a ton less than the cost of producing them in Sydney. Thousands of tons of Belgian billets, some French billets and some German billets and a large tonnage of skelp bars for pipe have been landed at Montreal for further manufacture. Why? Because the steel can be landed there under present conditions of labour, exchange and freight for less than we can produce them in Canada. I am not going to say who is to blame. I state only what are patent facts that cannot be disputed. That is one of the causes of the present difficulty.

One hon. gentleman says that agriculture is the most important industry in Canada. Undoubtedly it is; it is so in most countries. But next to agriculture the most vital industry in any country is the iron and steel industry. Reference has been made to the tax which the iron and steel industry imposes on agriculture. In view of the fact that the steel used in the manufacture of practically all implements used in agriculture is admitted into Canada free, what burden is the steel and iron industry on agriculture in this country?

I would like to make some little reference to the importance of the iron and steel industry in Canada looking back over the history of the last ten years. What happened

immediately after war was declared? We were asked whether we could supply certain munitions of war. How did we meet the demands upon us and what was the effect of our so meeting them? We were able to demonstrate that we could make in Canada basic steel which would meet all the requirements of the British War Office, though of a class of steel which they claimed and indeed was different from what they had always used and which they were getting elsewhere; in short, they wanted acid steel of which none was made in Canada. They had certain specifications, certain tests. We met those specifications and tests both chemically and physically and we did it with basic steel, with the result that we were able in this country to embark on the production of munitions.

It is in the mind of all the leaders on both sides as to what that meant for Canada. It meant that hundreds of thousands of people were employed over a period of years. It doubled and quardrupled our exports within eighteen months. It enabled us to earn money with which to prosecute the war. It gave employment to thousands of women and girls also to men who were incapacitated for service and who otherwise would have been idle. Not only did it create a great demand for iron steel and coal, but it extended its ramifications to almost every industry in this country, notably to the lumber industry, millions upon millions of feet of lumber being used in the production of boxes and cases for the export packing of munitions of various kinds. The outcome of the whole situation was that Canada was put in an industrial and exporting position that it never before occupied. The war profits taxes that came afterwards contributed very largely to meeting the expenses of the war. The steel and iron industry is fundamental, and essential to the national existence.

What is the situation in the United States? They are to-day making more than two-thirds of all the steel made in the world. Year after year for the past half dozen years on the average we have brought into this country nearly 700,000 tons of steel, or enough to provide work for every blast furnace, every open hearth furnace and every steel mill in Canada. I do not want to get into the discussion of a national policy or any other policy; I want to get back to the fact confronting the industry to-day. The towns of New Glasgow and Trenton are dependent entirely upon that industry. One has a population of say 12,000 and the other has a population of about 8,000; they both have all modern conveniences, tramways, paved streets and so on. In the town of Sydney Mines, which has a population of about 12,000, not a wheel has turned, not a furnace has been lighted since 1921 when the Nova Scotia Steel Company came under the control of the British Empire Steel Corporation. I know there will be a difference of opinion as to what is to blame for the present situation, whether it is due to management or tariff. I am not going to discuss that now. What I want to discuss is this. We are up against not a matter of opinion, but concrete facts. Tens of thousands of people in the eastern part of Nova Scotia to-day are in doubt whether they are to continue to get a living where they now live and have their homes. Hundreds are absolutely ruined. The government has a duty in the present situation. I am asking them to take at once what steps they can to give some measure of relief to a section of the country which is looking to them for help. Some hon. gentlemen may say it is incumbent upon me to suggest to the government what they should do in the circumstances. I am advised that proposals have been submitted to the government as to what they are or how far they go I am not fully informed and if I were so informed I would prefer not to discuss them here; indeed I fancy the government would perhaps not care to have them discussed. What I here and now ask is that the government take adequate, effective and immediate action to meet the critical condition which now faces one-half of the population of my native province.

Hon. J. A. ROBB (Minister of Finance): Every hon. member will I am sure appreciate the position taken by the representatives of Nova Scotia who to-day are alarmed over the situation which is developing in that province in connection with those great enterprises, the coal and steel industries controlled by the British Empire Steel Corporation. When the British Empire Steel Corporation was organized all Canada thought that the location of the works justified the expectation of a great future for the company. It is true that many people looked with alarm upon its over-capitalization, and I have reason to believe that while that over-capitalization was considerable it was not all that the promotors at that time attempted. We are told in reports that have been made on the coal situation in Nova Scotia that in the coal properties owned or controlled by the British Empire Steel Corporation there are latent reserves for more than 1,000 years on the basis of the present consumption, and we know that the company is well and favourably

located for obtaining iron ore. It has splendid iron ore properties in Newfoundland and the works are surrounded by coal fields. All that is needed is to cross the water to get at the iron ore in Newfoundland. The ore obtained in that island is good and the company ships some of it to other parts of the world. I understand that it gets the bulk of its ore from Newfoundland but also a small quantity from Africa and some from Spain.

Now in Canada there are three large primary steel industries—the Steel Company of Canada located at Hamilton, the works at Algoma, and Besco in Nova Scotia. And Besco, so well and favourably situated, is apparently not able to pay its dividends, while the Steel Company of Canada has paid its interest and shown a profit each year. The Besco merger was formed in 1921.

Mr. MEIGHEN: Can the minister give us a statement, equally accurate, as to the Algoma company?

Mr. ROBB: I have not been looking into that company recently, but I will deal in a moment with the situation at Algoma. The Besco merger, as I say, was formed in 1921 and we have been told by an hon. member who is well posted in the industry and who himself, I believe, was associated with it—possibly he is still—that during the war the company was so well equipped and competent that is was able to meet the competition of the world and was of great advantage to Canada. The profits it made in the period of the war led the organizers of the merger in 1921 to inflate the capital to a considerable extent, although they did not go so far as they would have gone if my hon. friends opposite, who were then in power, had not refused their application for a charter.

It is true that this company, as my hon. friend from Pictou (Mr. Cantley), who ought to know, has said, from the day it was organized in 1921 until the present time, has not turned a wheel in many of the larger branches of the industry. And the hon. gentleman wonders why it has not paid profits. Well, surely it was due to no fault either of this government or of the previous one that the company has not turned a wheel since 1921, because the protection which it has enjoyed in the meantime has been practically the same as it got during the war. The company has not paid dividends either on the second preference or on the common; and, I repeat, while this industry in Nova Scotia so well and favourably located, surrounded by coal fields and in proximity to its ore, has not paid any dividends on second preference or on common—it is said the company is going to default on some of its bonds—the other great steel industry of Canada located at Hamilton has at the same time been making money, paying all interest and putting aside substantial sums for reserves.

I am sure we all regret the labour divisions that have taken place in Nova Scotia. It is a matter of public knowledge that these labour troubles have been occurring intermittently for some years. Much has been said to-day about the competition the company have encountered from importations from countries in which there is a depreciated currency. But the sworn statements of the customs officials of Canada do not go to show that there have been such great importations from depreciated currency countries. Most of our importations of steel products have come from the United States, where the tariff has not been changed, in my recollection, for some years.

Mr. CANTLEY: Has not the duty on agricultural implements been interfered with in the last few years?

Mr. ROBB: That affected only to a small extent the operations of the British Empire Steel Corporation. I admit that it may have affected the Steel Company of Canada to a certain degree, but I do not think it affected the other company.

Mr. CANTLEY: I may inform the minister that we scrapped at New Glasgow plant to the value of over a quarter of a million dollars, plant that had been installed for, and which was devoted entirely to, the making of steel for agricultural purposes.

Mr. MACDONALD (Antigonish): When?

Mr. CANTLEY: At different periods within a short time.

Mr. ROBB: I do not know what quantities the company in the Maritime provinces have sold to the manufacturers of agricultural implements, but I shall deal with that in a moment. In view of the statements made this afternoon, with regard to importations from countries where there is a depreciated currency, I wish to put on record certain figures which will throw some light on this question. It has been represented that thousands of tons of steel billets have recently come in from Belgium. I have here a statement of importations from Belgium of iron and steel during the months of April and May in the years 1925 and 1926 respectively. In 1925 we imported in April some $14,000 worth of these products, and in May, $105,000;

in 1926, our importations were $52,500 in April and $215,000 in May. France is another country with depreciated currency. From that country we imported:

| | April Value | May Value |
|---|---|---|
| Year 1925.. .. .. .. .. .. .. | $ 562 | $60,820 |
| Year 1926.. .. .. .. .. .. .. | 10,205 | 34,970 |

Mr. MANION: Does that include iron pipe?

Mr. ROBB: This is the record given me. I can hand it over to my hon. friend if he wishes. It is taken from the importations of iron and steel during that period.

Mr. CAHAN: Is it not perfectly obvious that that covers only one item and does not include the items with respect to which the company in Nova Scotia makes its most serious complaint?

Mr. ROBB: I am not going to enter into a controversy with my hon. friend, because I do not wish to prolong the debate, but I will say this: the representatives of Belgium have visited me recently and protested that under our legislation we are keeping out their products and they cannot compete in this country. My hon. friend will understand the difficult position of a finance minister when the representatives of a country with whom the balance of trade is largely in favour of Canada say: We cannot sell any of our products in your country.

Mr. CAHAN: Does the hon. gentleman represent in this House the interests of Belgium or the interests of this country?

Mr. ROBB: I do not, of course, represent any but the interests of the Dominion. But when the representatives of a great nation come to Canada, does my hon. friend say that I should not receive them and listen to their protests that they cannot do business here although the balance of trade is against Belgium?

Mr. MACDONALD (Richmond): Mr. Speaker—

Mr. SPEAKER: Order.

Mr. ROBB: Now, what are the conditions in Canada? Let us see what business these gentlemen are doing. In 1925 Canada produced 752,695 tons of steel ingots and castings, or an increase of 16 per cent over the 650,000 tons produced in 1924. These are the per capita productions:

| | Tons |
|---|---|
| 1921.. .. .. .. .. .. .. .. .. .. .. .. .. | 170 |
| 1922.. .. .. .. .. .. .. .. .. .. .. .. .. | 121 |
| 1923.. .. .. .. .. .. .. .. .. .. .. .. .. | 217 |
| 1924.. .. .. .. .. .. .. .. .. .. .. .. .. | 158 |
| 1925.. .. .. .. .. .. .. .. .. .. .. .. .. | 180 |

I direct particularly to the attention of the right hon. leader of the opposition the comparative per capita production in 1925 and 1921.

Mr. MEIGHEN: Has the hon. minister got comparative figures of the United States production in 1925 and 1921?

Mr. ROBB: I am not dealing with the United States, I am dealing with Canada.

Mr. MEIGHEN: I would recommend him not to.

Mr. CANTLEY: Would the hon. gentleman give the production in 1913?

Mr. ROBB: I have not the figures.

Mr. CANTLEY: I can tell him the production is less than it was ten years ago.

Mr. ROBB: But my hon. friend gave the reason: He said that since the merger in 1921 one of the industries had not been operated.

Mr. CANTLEY: Will the hon. minister allow me a word?

Mr. SPEAKER: Order.

Mr. CANTLEY: I think that is rather unfair.

Mr. SPEAKER: Order.

Mr. ROBB: For the first three months of 1926, Canada's steel production amounted to 180,458 tons—

Mr. CANTLEY: Mr. Speaker, I rise to a question of privilege.

Mr. SPEAKER: Order.

Mr. ROBB: —or about 9,500 tons over the—

Mr. CANTLEY: Mr. Speaker—

Mr. SPEAKER: Order.

Mr. MANION: Mr. Speaker, the hon. gentleman has risen to a point of privilege.

Mr. CANTLEY: I am not making any noise. There is no objection to my standing until the time comes.

Mr. SPEAKER: What is the point of order?

Mr. CANTLEY: It is a question of privilege, if you please. I claim that I am misrepresented by the hon. gentleman with regard to the statement—

Mr. ROBB: In what way?

Mr. CANTLEY: I did not say anything to give the impression that the shutting down of the one plant meant that the other plant

was or was not working full time. As a matter of fact, five blast furnaces are on one side of the harbour and two on the other. I referred to the 5 p.m. two blast furnaces and the five open hearth furnaces at Sydney Mines, which I said had not been in operation at all. As a matter of fact, today only two furnaces out of five are in operation on the south side of the harbour and none at Sydney Mines, on the north side.

Mr. ROBB: I thank my hon. friend for again telling us that this industry has not been running for some time. He said a moment ago that some of the plants had not been running since 1921.

Mr. CANTLEY: That is true, but not wholly so.

Mr. SPEAKER: Order.

Mr. ROBB: For the first three months of 1926 Canadian steel production amounted to 180,458 tons, or about 9,500 tons over the output of 171,952 in the first quarter of 1925. Production in the month of March was 58,765 long tons, an advance of 10 per cent over the figures of February.

Now, Mr. Speaker, while the great steel industry in Nova Scotia is of importance to Canada—and we all appreciate the value of that industry to Nova Scotia in particular—and while the government has every desire to do all that is possible to make that great industry what it should be, an industry so well located right at ocean navigation, surrounded by coal fields and close to the iron ore of Newfoundland—while, I say, the government desires that that industry should be as prosperous as the other steel industry of Canada located at Hamilton—and, I submit, not quite so favourably located as the sister industry in Nova Scotia—yet the government has a duty to the other industries throughout the Dominion that use iron and steel, because that is the raw material for many of our industries. I have not before me the figures of the number of men employed by the Besco corporation, but I have a statement respecting the number employed by the other industries throughout the Dominion that use iron and steel. There were 1,004 concerns in Canada in 1924 engaged in the manufacture of iron and steel and their products, in which a total of $535,539,833 is invested, and which gave employment to 78,240 persons, who were paid $99,600,000 in wages and salaries. The combined production value of these industries was $368,476,650 during that year.

[Mr. Cantley.]

Now, Mr. Speaker, the automobile industry is of considerable value to Canada, and hon. gentlemen will be glad to know from recent announcements in the press that that industry proposes to go along stronger than ever. A moment ago we had considerable criticism respecting the importation of iron and steel. I have since placed my hands on the records of the imports of iron and steel and their products. For the calendar year 1924 these were valued at $137,979,471 as compared with $173,720,299 in 1923. Imports for the first ten months of the last fiscal year amounted in value to $144,029,695, being practically the same as for the ten-month period ending January 1924. So much for the trade—

Mr. CANTLEY: Will the hon. gentleman allow me a question now? Will he tell me how many items of iron and steel are on the free list?

Mr. ROBB: My hon. friend will find that on reference to the Customs Act.

Mr. CANTLEY: I am quite familiar with the number as shown by the Customs Act; I was wondering if the hon. minister was?

Mr. ROBB: We have debated that question all winter, and parliament has decided that the proposition submitted by hon. gentlemen opposite of higher and higher tariff was not in the general interests of this country. Now let us come to present-day conditions. My hon. friend who has just spoken knows, as he said, that the government has been approached to do something for the Besco corporation. It is a hardy annual. Every year about this time, towards the last days of the session, somebody comes along and asks that something be done for the Besco corporation. Last year when we presented the budget we did do something for that corporation and the great coal areas of Nova Scotia; we imposed a uniform tax on bituminous coal of 50 cents a ton. Hon gentlemen might as well know they have been urging us in season and out of season during the winter to so provide that ships coming into our ports cannot coal unless they use Besco coal or pay an extra 50 cents a ton. I have answered that all that will do is to drive the ships to Portland or Boston, where they will coal free. So we have not consented to that. They have made certain other propositions to us and I propose, in order that this question may be clearly and well understood by all Canada, and particularly by our friends from Nova Scotia, to place on record the position of the government in that regard.

We know that a certain report has been made on this industry in the Maritime provinces. We have asked for that report, and the reply has been made to us that the report was not intended for publication, that it was not intended for the government or parliament who were being asked to give them greater relief, that it was intended for the directors. We said to them: Until we can have that report, we are not in a position to decide intelligently whether or not we should recommend to parliament what you are asking.

Mr. MEIGHEN: Does the minister refer to the Duncan report to the provincial government?

Mr. ROBB: No—and by the way, it would be interesting for the right hon. gentleman to read that report.

Mr. MEIGHEN: I have read it.

Mr. ROBB: But just now I was not speaking of the Duncan report.

Mr. MEIGHEN: What report is it?

Mr. ROBB: The Coverdale report.

Mr. MEIGHEN: At whose request was it made, and to whom?

Mr. ROBB: What does it matter?

Mr. MEIGHEN: I would think it had something to do with our right to it. At whose request was the investigation and report made, and to whom?

Mr. ROBB: They are basing their demands upon the conditions presented in this report, and we say that if that is so, we should have that report, which has been prepared, I understand, by engineers. I propose to place the correspondence on the records:

Ottawa, June 5, 1926.

Dear Mr. WOLVIN:

In view of representations made regarding the financial position of certain companies in Nova Scotia, and the request for immediate consideration of the question of payment on account of enemy war claims for losses, my colleagues suggest that before taking up the consideration of the various matters said to have affected the Nova Scotia coal and steel situation the government should have before it a copy of the Coverdale report recently made to your officers and directors. If you agree, please mail a copy to either the Prime Minister or myself.

Yours faithfully,

JAMES A. ROBB.

ROY M. WOLVIN, Esq.,
General Manager,
British Empire Steel Corporation,
Montreal.

Then on the 8th of June I received the following:

Montreal, Que., June 8th, 1926.

Hon. J. A. ROBB,
Minister of Finance,
Ottawa, Ontario.

Your letter fifth received. This is a very serious request and I will come to Ottawa this afternoon if you can arrange for me to discuss same with you and Prime Minister this evening.

R. M. WOLVIN.

Following that I received this letter:

ROY M. WOLVIN,
President.
British Empire Steel Corporation Limited.
Office of the President,
Montreal, Canada, 8th June, 1926.

Cable Address "Bremsteel."

Hon. J. A. ROBB,
Minister of Finance,
Ottawa, Ontario.

Dear Mr. ROBB:

I received your letter of June 5th with reference to making available to your colleagues the report of Coverdale and Colpitts upon our various industries in Nova Scotia. I telegraphed you and also telephoned your secretary that there were conditions governing the publicity of this report that might make more difficult any reorganization that might be undertaken by the bondholders of the Dominion Iron and Steel Company. The report has been made for consideration by the directors, who understand the details of the business, and it occurred to me that this request of yours should be fully discussed between the Prime Minister, you and me before acting on it. Your secretary has just called me to say that the press of legislation, for which you are personally responsible just now, makes it impossible for you to see me today or to-morrow. This will necessitate delaying the matter which I wish to discuss until a later time.

In the meantime, I trust that you will be able to give me the advice I requested prior to Friday, on which date I am planning to hold a meeting of the Nova Scotia Steel and Coal Company.

Yours very truly,

(Sgd.) R. M. WOLVIN,
President.

On the 9th of June I wired Mr. Wolvin as follows:

Ottawa, June 9, 1926.

ROY WOLVIN,
President.
British Empire Steel Corporation,
Montreal.

In conference with premier of Nova Scotia. We must have copy of Coverdale report to enable us to fairly consider requests on behalf of your companies.

JAMES A. ROBB.

To which Mr. Wolvin replied:

Toronto, June 10, 1926.

Honourable J. A. ROBB,
Minister of Finance,
Ottawa, Ont.

Your telegram received. I offered to go Ottawa to discuss recent report on Nova Scotia properties Tuesday evening or Wednesday with Prime Minister and yourself but pressing legislation made this impossible.

Report referred to is confidential and not intended for publication. If you will telegraph me here King Edward hotel an appointment with yourself Premier King and Premier Rhodes to-morrow I will bring report and confidentially will furnish such information therefrom as may be required.

R. M. WOLVIN.

Then on June 10th I received this telegram, from Toronto:

Hon. J. A. ROBB,
Minister of Finance,
House of Commons,
Ottawa, Ont.

Not having heard from you leaving for Ottawa to-night. Will be available for conference at any time you may suggest.

R. M. WOLVIN.

It is fair to Mr. Wolvin to say that he was prepared to give to myself and to the Prime Minister a copy of that report, but I pointed out, and I think correctly, that governmental responsibility required that any such report given to me in that capacity must be available to the whole government. We parted with that, and I have not heard from Mr. Wolvin since.

There is just one more matter in connection with the steel industry in Canada that I desire to place on record. It is a letter addressed to Right Hon. Mr. Graham, the chairman of the tariff board, under date of April 30, 1926, which reads as follows:

Dear Mr. GRAHAM:

I am referring to the advisory board on tariff and taxation, for full investigation, the matter of tariff adjustment on iron and steel products requested by the Algoma Steel Corporation in a communication dated April 3, copy of which is enclosed, in triplicate.

As the request of this corporation involves the whole industry, I would suggest that you investigate fully the whole iron and steel industry in respect to its claims for tariff consideration. In the course of such investigation, may I suggest that you look carefully into sales to and purchases from subsidiary, affiliated or other companies and organizations in which any officer, director or shareholder of the iron and steel companies is financially interested. This applies to goods sold outside of Canada as well as to those sold in Canada, and you may widen the scope of inquiry if it appears to you in the public interest.

Yours faithfully,

JAMES A. ROBB.

Mr. MEIGHEN: Before the hon. gentleman proceeds, would he say whether it is his contention that this Coverdale report, made under those circumstances, should be given out for publication?

Mr. ROBB: Oh no, and I am glad my right hon. friend directed my attention to that. I replied to Mr. Wolvin that the government have entrusted to them many confidential reports which would be regarded as confidential. My right hon. friend knows that many times the government have confidential information given to them, and I appeal to my right hon. friend, does he think we were wrong? This company comes before us and asks for certain considerations involving expenditures in which the public are interested. The government are responsible to the public, and was it not fair that we should have this information before us, which I am certain their bankers will have to get—indeed, I understand their bankers have seen it.

Mr. MEIGHEN: The hon. minister asked me a question. I understood by his recital that the company had offered the information to the Prime Minister and the Minister of Finance, and the minister's contention was that it should be spread to the other members of the government. Am I to understand that the British Empire Steel Corporation does not trust the other members of the government?

Mr. ROBB: I would not like my hon. friend to draw that conclusion.

Mr. MEIGHEN: What other is there?

Mr. STEVENS: It sounds reasonable.

Mr. ROBB: The British Empire Steel Corporation will have to trust the other members of the government before they get any concessions from this government. Mr. Speaker, I have stated frankly and freely our position. We have every desire to see this great industry go on; we have every desire to help them. But in helping the British Empire Steel industry, we do not wish to injure any of the other industries in Canada.

Sir HENRY DRAYTON: Will my hon. friend kindly tell the House what the company is asking? I have heard what he has done in connection with their request, but I do not know what their request was.

Mr. ROBB: I have a memorandum here. First they wanted a bonus of 50 cents a ton to steel plants using Canadian coal for metallurgical purposes, and an agreement that we would pay this for ten years. The reason they gave for this request was that the steel industry of Hamilton, in importing coal from the United States, gets a remission of this duty. They said that if we would make that concession to them they were hopeful of getting similar concessions from the province of Nova Scotia. Then there was another matter, and I may as well—

Sir HENRY DRAYTON: Can my hon. friend say what that would amount to?

Mr. ROBB: They were prepared to place a maximum. They suggested first five hun-

dred thousand a year, and if we would not agree to that they said that three hundred thousand would help them in the matter of reorganization.

There was another question Mr. Wolvin submitted to me. He said: We have certain claims against the revenues that you are receiving from Germany under the Dawes plan. Some of our companies have met with certain losses during the war and we want you to pay us on this account. My reply to Mr. Wolvin was that those moneys had been paid in to the Receiver General and they would have to be voted out by parliament. Then he represented we had other moneys, and my reply to that was that before the government could pay out on these claims we should know what all the claims were so that each would share alike on a percentage basis.

Sir HENRY DRAYTON: Were there any further requests?

Mr. ROBB: Yes, Mr. Wolvin represented that our depreciated currency legislation did not quite cover certain importations because the duties were specific instead of ad valorem duties. That matter is under consideration.

Sir HENRY DRAYTON: Would that be everything that was asked?

Mr. ROBB: I would say yes, speaking from memory.

Sir HENRY DRAYTON: Perhaps my hon. friend has a letter here making these requests.

Mr. ROBB: I hope, after the explanation I have given, my hon. friend will withdraw his motion.

Mr. SPEAKER: Is it the pleasure of the House that the hon. gentleman withdraw his motion?

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): There were some other speakers who desired to express their views. However, I wish to make a few observations on the situation as it stands. It was quite evident from the address of the hon. gentleman who introduced the subject (Mr. MacDonald) that he was most anxious to avoid any post mortem into the causes, various though they may be, which have led to the present unfortunate pass in relation to the steel industry in the province of Nova Scotia. Very carefully he assigned no responsibility, and he did so not because he did not feel that responsibility rested with well-known parties and well-known governments, but because he was desirous of finding a remedy for the present and not of censuring in respect to the past.

I do not think the seriousness of the position could be better stated than in the terms of the hon. member himself. When a city of 25,000 people, as well as other towns of less dimensions, depend wholly for their existence upon this industry and upon this company, and when, as well, communities further distant are dependent upon allied industries, it becomes only too evident that if Nova Scotia is to have a chance at all in the years that are before us, we cannot sit silently by and disinterestedly allow this industry to fall. Sometimes commercial collapses are of such dimensions that whatever may have been the original causes, however various may have been the foundation causes of the malady, it becomes a national question whether or not we should stand by and allow a crash. The late government found itself in that position in relation to more than one enterprise; in relation to the Canadian Northern enterprise in the first place. We could have stood by and permitted the collapse of that great business entity. Had we done so and the result been merely local or individual we could have been justified. Had we been able to do so and left the nation as a whole better off than by any other course we might have taken, it would have been our duty to stand aside and let matters take their course. The same situation presented itself in relation to the Grand Trunk Pacific, and again in relation to the Grand Trunk. In much less forceful degree but nevertheless with considerable menace, it presented itself also in relation to the Quebec and Saguenay railway along the north shore of the St Lawrence. In each of these cases we felt that we were not in any way responsible for the situation as it had developed. We might very well have washed our hands of the whole affair and said others were responsible for the agreements that had generated the enterprises, and that therefore we had nothing to do with the consequences. But we felt it was not well to take that rather complacent attitude, and we addressed ourselves to trying to solve the problem that presented itself, and to seeing that the least possible disaster ensued to the people of Canada. The present situation seems to be of much the same kind.

Mr. MACKENZIE KING: The industries my right hon. friend referred to were railways.

Mr. MEIGHEN: Yes, those which I have mentioned.

Mr. MACKENZIE KING: With respect to which there is more or less of a federal obligation—I mean primarily?

Mr. MEIGHEN: In the case of the Quebec and Saguenay railway I do not think there was any federal obligation. At all events it was not the fact of a federal obligation that influenced our action; it was the immensity and far-reaching character of the disaster that would ensue; it was the extent of the repercussion which would permeate almost every branch of Canadian activity. We asked ourselves would there be greater injury caused by this than would result from the imposition of the burden which we called upon the country to sustain. Here the situation relates to an industry which appears to be localized to the province of Nova Scotia. It is not wholly so localized; Canadians everywhere are interested in the Dominion Iron and Steel Company, in the foundations of that industry in the eastern province. But even if it were localized to Nova Scotia it is of so immense a character and its results are going to be so crucial that it behooves this House to examine the situation and see if there is anything we can do. I do not want to traverse the inquiry which is again insisted upon by the leader of the Progressive party (Mr. Forke) as to what the causes are of the present situation. I will make a few references to what has been said in that regard but they will be very brief.

I do not think the causes can be named in any single sentence. The causes are more than one, I would say, fundamentally though they allot themselves into two catalogues: first, tariff; second, transportation. But I do not seek to give the House the impression that in these two fields alone are to be found the whole of the original reasons for the present position. I do not know but what, perhaps, some may be looked for in the field of management. At the same time I am of the view that you might concede a very great deal in the way of better management and still you would has this position at the present time, or very little later, on account of the other two causes themselves. Hon. members of course have argued, particularly the Minister of Finance (Mr. Robb) that the condition cannot be attributed to anything in the way of government policy, because he is able to look at one steel company in Canada and say that that company has succeeded. Well, if this is to be taken as an answer and as a vindication of government policy, then government policy never can be wrong. I do not care what government policy you have in this Dominion in relation to any commercial matter whatever. I do not care what fiscal policy you have, you cannot have any fiscal policy under which there will not be some company in some industry succeed. With the advantages this country possesses, with the type of its citizenship, with the enterprise we have, there will always be some company which will succeed under any conditions. But he who is satisfied with the condition of the steel industry as an industry in Canada to-day, especially when he compares it with the progress made by our great competitor, is either a very small Canadian or else he is so blinded by politics that he is satisfied with anything under his own party.

The steel industry of Canada to-day is struggling and almost staggering. I know the Steel Company of Canada has had a measure of prosperity. I do not know that I can very fully, as a business man could, assign the special reasons which apply to that company, but I know that it is engaged in successful production, which production has a limited market in this Dominion; others cannot engage in it for the reason that the market is not here—classes of production which in a considerable degree are protected by the tariff even as it stands now, lines of production that are not comparable in very many important respects with those that are followed by the Algoma Steel Company and the great industry of Nova Scotia, the other two elements of steel production in our country. The minister was happily ignorant of the condition of affairs in the Algoma company. He is never prepared with any statistics that cast the least reflection upon the specially well selected figures he produces himself. He does not know anything about them, and he led the House to believe that if the British Empire Steel Corporation had had a management which would have produced the Coverdale report, or if it had less capitalization, all would have been well with them. The fact of the matter is that this Dominion of Canada now, in the great articles of steel production, is only producing 68 per cent—that was the figure in the very latest report I was able to get—of what it produced I think in the year 1913, at all events in the year which has already been mentioned in Hansard in the speech of the hon. member for West Calgary (Mr. Bennett). That is the production of the steel industry of our country, a production which compares only as two-thirds of what we produced years ago. The United States, our great competitor, in the same time are producing 60 per cent more than they produced previously.

Mr. YOUNG (Weyburn): What about our importations?

Mr. MEIGHEN: Our importations per capita are immense. They are not governed by the same consideration which affect the hon. member for Weyburn (Mr. Young).

Mr. YOUNG (Weyburn): How do our importations to-day compare with those before the war?

Mr. MEIGHEN: Our importations to-day are 600,000 odd tons of steel.

Mr. YOUNG (Weyburn): How do they compare with importations before the war?

Mr. MEIGHEN: They are immense compared with previous importations.

Mr. YOUNG (Weyburn): What were they in 1914?

Mr. MEIGHEN: I have not the figures before me, but if the hon. member contends they were more in 1914, the reason would be that we have less use for the product in manufacturing to-day than we had then.

Mr. STEWART (Edmonton): My right hon. friend knows that a large portion of it went into the manufacture of steel rails.

Mr. MEIGHEN: Yes, the Minister of Finance smiled when referring to the progress of the Steel Company of Canada. I have before me the report of the president of that company, the only company which can be said to have had any measure of success at all, and that measure for reasons akin to if not exactly those I have stated to the House. Here is what the president of the Steel Company of Canada says about the progress of his own company under the policy to-day:

The progress, or perhaps I should say lack of progress, of the steel industry in Canada during recent years is not generally appreciated. The competitive conditions I have referred to have been accentuated by the narrowing of the market as a consequence of the various tariff changes made from time to time. These embrace preferential trade agreements, drawback items and exemptions from duty which apply to steel for particular purposes,—also free list items which have been added and which, supported by lower wages and depreciated currencies in other countries, have facilitated the entry of foreign sellers into this market. Statistics show the production of steel ingots in Canada has been as follows:

| Calendar Year | Gross Tons | Calendar Year | Gross Tons |
|---|---|---|---|
| 1912.. .. .. | 821,800 | 1923.. .. .. | 840,000 |
| 1913.. .. .. | 1,006,000 | 1924.. .. .. | 625,000 |
| 1914.. .. .. | 725,000 | 1925.. .. .. | 734,000 |

That is really a brilliant record.

It will be observed that, during the past two years, in spite of the general increase in the consumption of steel per capita—

And this is what counts.

—shown in most other markets, the production in Canada has been less than that shown during 1912 and 1913. In fifteen years Canadian production shows an increase of less than 1½ per cent, 1925 over 1910, while in the United States the increase has been 75 per cent.

This is quite satisfactory to the hon. member for Weyburn.

Mr. CAHILL: Is that not the time my right hon. friend and his friends were in power?

Mr. MEIGHEN: No, that is the period we should have been in power, and if the hon. member's party had appealed on this policy in 1921 we would have been in power until 1925.

Mr. CAHILL: A pity for the country.

Mr. MEIGHEN: Our steel production in 1921, the year of depression over the whole continent and over the whole world, was 64 per cent of what it was in 1913.

Mr. CAHILL: Shovels for Roumania largely.

Mr. MEIGHEN: Those were long before, and they would not amount to one-tenth of one per cent. That is about the size of the mind of the hon. member for Pontiac.

Mr. CAHILL: About $25,000,000.

Mr. MEIGHEN: They would not amount to that. In 1921 our production was 64 per cent of what it was in 1913. The United States production the same year was exactly 64 per cent, showing that they shared in that world depression with ourselves, but they sprung out of it immediately, and from that day to this their production has gone steadily ahead until to-day they are 60 odd per cent over what they were before, while we are just 68 per cent of what we were before. We are still struggling—

Mr. EVANS: Will my right hon. friend not admit that in 1913 we were over-producing a great deal?

Mr. MEIGHEN: I would not admit it, I do not think it is true. I cannot say I have given special study to that matter. We were importing at that time, and we had a hint from the hon. member for Weyburn that we were importing more then than now, but I think he is wrong. It seems to me we were not producing enough then, and are not now either. Those are the general conditions. Under our tariff to-day 15 per cent of all that is produced by the three great steel companies of our country, the British Empire, the

Steel Company of Canada and the Algoma Steel Company, is either imported free or given the benefit of a 99 per cent rebate on the importation. Under this situation we find our largest company shivering right on the brink of the precipice while the great companies of the United States are enjoying a prosperity never before known in their history. Whatever the causes may be, hon. members cannot complacently sit down and say: Oh, that is because we have not good enough men here, or because there is too much capital in this company.

Mr. ROBB: My right hon. friend is not insinuating that I said the men were not good enough.

Mr. MEIGHEN: No, but my hon. friend did intimate that the management was not good enough, and management usually consists of men.

Mr. ROBB: I challenge my right hon. friend to find where I said anything of the kind.

Mr. MEIGHEN: I accept my hon. friend's explanation, but I ask him to chide the rest of his followers when they give that as the cause, because that is all the 'cause I have heard given this afternoon.

Mr. FORKE: I think the right hon. member himself admitted that something might be due to management.

Mr. MEIGHEN: It may be, but that is not the fundamental cause. The great fundamental causes are different, and they are to be found in the field of tariff and transportation. The hon. member for Rosetown (Mr. Evans) asked: What is the matter with the Canadian people? Or rather he would not put it so widely as that because he never included the farmers of the west in his query. He asked: "What is the matter with the Canadian manufacturers? They have no enterprise. I saw thirteen cars of feldspar somewhere in the province of Quebec going down to the United States to be manufactured." I ask the hon. member for Rosetown, as well as other hon. members: Does he think there has been some special virus or poison or disease that has affected one selected portion of our population and rendered them inferior to their competitors, while the rest of us are all right?

Mr. EVANS: Yes.

Mr. MEIGHEN: He does. I do not think that does credit to the hon. member's intelligence, so whenever he asks me I will relieve him of the sentence he uttered this afternoon. Our manufacturing population is recruited chiefly from our agriculturists. If the hon. member looks to-day at those men upon whose shoulders rests the burden of our great manufacturing enterprises, within whose brains develop those great enterprises, he will find them the sons of agriculturists. He will find right in the offices, right on the directorates of the greatest manufacturing industries of our country, men who were very recently farmers or the sons of farmers.

Mr. EVANS: I would like to ask the right hon. gentleman if they have not brains to stand on their own feet now.

Mr. MEIGHEN: If they had not brains they would not be where they are, so the reason cannot be lack of brains. Some of them are not where they are, if I may use the Irish expression. They are over there and when you find them over there, they are right at the top. Indeed many sons of Canadian farmers are to-day at the top of great enterprises in the United States. If you put the Canadian enterprise on a footing where it has a chance to compete with the United States enterprise, they will be here and not in the United States. You may preach enterprise all you like; you cannot found an enterprise and force it ahead if the fundamental conditions surrounding your competitor are better than those surrounding yourself.

Mr. FORKE: The right hon. member has struck the nail on the head right there.

Mr. MEIGHEN: I certainly have, and I hope the hon. member for Brandon will strike the same nail on the same head. That is exactly the head he has been missing for many a year.

Mr. FORKE: Will the hon. member let me put myself right? He referred to the fundamentals in connection with industry. If the coal is as good and the materials are as good and there is some protection, what is the matter?

Mr. MEIGHEN: It is all a matter of what is "some," but I congratulate the hon. member for Brandon on his progress. I have no difficulty in remembering the time when he would not even countenance some protection.

Mr. FORKE: I do not think so.

Mr. MEIGHEN: I remember when he would never sound the word except by way of anathema, when he used to make the welkin of the school houses ring against protection in any form. Think of the progress the hon. member for Rosetown has made! We would

not hear it suggested that protection was necessary for the home market. My heart took a leap of joy when I heard from the hon. member for Rosetown. When I get him that distance there is not much left in the way of conversion of the entire House of Commons.

Mr. EVANS: I would like to ask the right hon. gentleman again: What are the fundamentals of industry?

Mr. MEIGHEN: I would say: Common sense, conditions comparable with those of one's competitors, and hard work. The hon. member has the hard work. I will not deny him common sense. Just come along with the third requisite.

Mr. EVANS: Is that all the right hon. gentleman is asking for to put industry on a safe basis just now, or is he asking for more tariff protection?

Mr. MEIGHEN: I think that is all. Make conditions comparable with those of one's competitors and I shall be satisfied. I say to this government: if that can be done without tariff protection, they will find me at their back even if I am in company with the hon. member for Rosetown. But what is so foolish is all this talk about lack of enterprise of Canadians. I do not say it in self-flattery or in flattery of the Canadian people; but if every hon. member this afternoon would search his heart, there is not one of them that does not know that there is as much or more enterprise in the individual Canadian on the average than in any other people in the world. In this northern climate, from the stocks from which we spring, we cannot be charged with want of intelligence or ability.

What to-day is responsible for a large share of the progress of the United States? Look over there and tell me what country outside of the United States has the biggest proportion of big men in charge of the big enterprises of the nation. That country is Canada. Ours sons are there; our college graduates are there, men who have gone through the fiery furnace of Canadian industry. Some of them who failed in this country have gone to the United States and become great successes there. The fault is not that of the Canadians.

Mr. EVANS: Why are they not in this country?

Mr. MEIGHEN: I have been trying to explain to the hon. member that it is because we have had a population filled by false doctrine who have turned policy in the wrong direction, or, where not turned in the wrong direction, have failed to follow courageously through a true policy.

Mr. CAHILL: How long is it since we have been under a protectionist policy in this country?

Mr. MEIGHEN: It is only five years since hon. gentlemen opposite came into power, but it seems fifty to the country.

Mr. CAHILL: It seems so to my right hon. friend because he is out of office, but not to anyone else.

Mr. MEIGHEN: It was the country I was feeling for, not myself.

Mr. CAHILL: I think the right hon. member comes first in his feelings.

Mr. MEIGHEN: I want to make a reference to a statement which came from the Minister of Finance, who said that this House has decided that higher and higher and still higher protection was not to be the policy of Canada. For myself, although I have listened carefully to the voices of Canadian parties and people, I have never heard anyone suggest that that should be the policy of Canada. I have heard it suggested that a definite, sound policy of protection applicable to all Canadian production should be our policy; that it should be frankly carried through; that it should be pursued rigorously and thoroughly; that it should be adhered to definitely and consistently year after year, and that all these thunderings and lightnings against it should cease, so that confidence among our business men might be restored. I have never heard anyone talk about higher and higher and still higher protection save those who, afraid of a true statement of the Conservative doctrine, always seek to misrepresent it in order to have something to attack. It does not follow that, even after repeated reductions in many important lines, merely because we want protection restored in those lines we therefore want a high tariff, because if a high tariff follows from a raising of the tariff in any particular, then it must follow that free trade must be the logical policy of those who are preaching freer trade. If those who want higher protection on certain lines of Canadian products are to be denominated high protectionists by hon. gentlemen opposite, then those who preach freer trade must be denominated free traders. The Prime Minister of this country (Mr. Mackenzie King) has preached "freer trade" in that very language, and he has preached it frequently in this Dominion. But if I were to call him free trader there is no language

which would be vicious enough for him to apply to me. I ask to be treated in the same way as we treat hon. gentlemen opposite. They are in favour of a continuous lowering of the tariff; we are in favour of no such thing. We are in favour of necessary protection for Canadian industry, whatever that protection may be. But because we are in favour of that measure of protection we do not want to be called higher and higher and still higher protectionists every hour of the day.

Mr. FORKE: The right hon. gentleman says that the Conservative party stands for adequate protection, but I have yet to hear any hon. member say what adequate protection actually is. Does it mean such protection as will absolutely prevent foreign products from coming into Canada?

Mr. MEIGHEN: Nothing of the sort. It is protection at a level which shall put the Canadian industry on a parity with its competitor.

Mr. FORKE: Brick for brick.

Mr. MEIGHEN: That does not follow at all. The United States might have a high duty on something on which we did not need a duty at all, and they might have no tariff whatever on something upon which it would be necessary for us to impose a duty. They have to-day no tariff whatever on some things on which we must necessarily have a tariff if we are to have any Canadian production.

I cannot recall who it was, but I rather think it was the hon. member for Lisgar (Mr. Brown) who sought to give the House the impression that we had not so good a quality of coal in Nova Scotia, and that this probably accounted for the trouble. If I were asked any question in regard to the respective qualities of Canadian and American coal I could not answer it, but the hon. member for Pictou (Mr. Cantley) has said that while there is a large proportion of what is called slack coal in the Canadian mines, such coal is to be found in mines elsewhere. It is of course obvious that some mines are better than others, and I should be obliged to concede that great areas of American coal are better in quality than the Canadian product. But I do want this to sink into the mind of the hon. member for Lisgar, as well as others, that even if that is true it is not good business, it is not common sense on the part of this country to buy the better article from another country if we can use the inferior product ourselves.

Mr. BROWN: I was trying to find out if it was true, that is all.

[Mr. Meighen.]

Mr. MEIGHEN: I do not think the hon. member went further than that, but still I believe the lesson is necessary even though he did not give immediate evidence of its need. I ask hon. gentlemen this question: Even though we have not quite as good coal as is to be found in the great anthracite fields of the United States, is it not better economics, is it not more thrifty, is it not wiser for Canada so to direct its policy as to consume its own coal rather than buy the superior article from a foreign land? Let me illustrate. Suppose the hon. member had a farm and on that farm he had a supply of coal which was not as good as Pennsylvania anthracite but which nevertheless was of fair quality and quite fit for use. Would it be thrifty of him and his family to purchase American coal of high quality and ignore his own because he was not enterprising enough to dig it from the ground and use it for the purposes of his farm? The illustration is a simple and homely one, but it applies to countries as much as to families. And unless we have common sense and business acumen enough so to direct our policy that our own coal fields will be exploited, thus saving scores of millions of dollars which heretofore have gone to other lands, we shall continue in that difficult situation portrayed by the hon. member for South Cape Breton and other gentlemen who have spoken this afternoon.

All through these years, in 1922, 1923, 1924 and 1925, we have been gradually lowering the tariff, and now we find ourselves face to face with a crash in what is perhaps the greatest single enterprise in Canada outside the railways. What is the remedy? I am not going to say that an immediate remedy can be found wholly along one line. Sometimes you get to a pass where you are bound to explore other possibilities than the one which seems obvious. I know certain appeals have been made by the industry—appeals recited, perhaps not quite completely, by the Minister of Finance (Mr. Robb) this afternoon. I know, too, that objection can be offered to many, if not all, of them. But sometimes we have to overcome such objections, and by whatever means we have at our disposal we must avoid a great calamity, knowing that though the objections be considerable it is far wiser to surmount them than to encounter disaster itself. I promise the government that any suggestions they may put forward we shall approach in a sympathetic mood. We want this industry saved. I implore the government to exert its best ability, in the light of the best inform-

ation it has, to meet the situation. I assure them that though we cannot promise to endorse their proposals, if they are the worst we shall at least review them in a sympathetic frame of mind; and certainly it is our earnest hope that we shall find ourselves able to support them.

Mr. J. S. WOODSWORTH (Winnipeg North Centre): Hon. members will recall that time and again this industry has come to the attention of the country. Only last year its workers came here asking for a small amount to tide them over their period of unemployment, and we were told then that this was entirely a provincial matter. Now Besco itself waits upon the government with a request for a handout of $500,000 or $300,000. There have been many investigations into the coal and steel industry of Nova Scotia, at least in certain aspects, but we have never yet had an investigation into the finances of the company, and until the financial affairs of this concern are disclosed to the country the government in my opinion is quite right in refusing any assistance. The Minister of Finance (Mr. Robb) takes the view that the company must trust the members of the government. He should go further, and declare that before one red cent more is given to Besco the financial situation of the company shall be made public.

The leader of the opposition (Mr. Meighen) has referred to the tariff and transportation. I submit there are other matters to which reference should be made and which have been lightly touched upon to-day. Again and again we have had the most extraordinary representations from Besco. Those who spoke for the company last year assured us then that within a few weeks everything would be lovely. Mr. Kyte, later followed by Mr. Carroll, had something to say with regard to the situation. On February 24, 1925, as reported in Hansard at page 488, Mr. Kyte said:

> The question of unemployment, therefore, is about settled so far as Sydney and Glace Bay are concerned. If this despatch is true, and I believe it is; if the steel plant will soon be working on a basis of 100 per cent production, then there will be employment for every steel worker in the city of Sydney, and for every coal miner in the county of Cape Breton. That is the happiest solution of our difficulty, and I think the hon. member for Centre Winnipeg might very well allow the matter to drop with the assurance given in this despatch that unemployment will cease entirely and that the plant will be working full time by the sixteenth of March.

These are the representations we have had from time to time. We have had only a mere reference to-day to the over-capitalization of this company. Anyone might have gone further and said that the whole company has been a splendid example of frenzied finance. We have had very little said of the mismanagement that has characterized the operations of this corporation. Charges have been made before on the floor of the House in other connections in regard to this matter. The very fact that we have had such industrial trouble in the steel and coal industry during the last few years is of itself indicative that the men in charge of this big corporation are not fitted for such responsibility. I have spoken again and again in this House on behalf of the steel and coal workers of Nova Scotia. I may say that it has been more than a surprise to me to receive letters from the shareholders of this concern thanking me for having done something to expose the situation that prevails in Nova Scotia, because they realize that if the existing conditions continue they are sure to lose their investment in the company, that even the bondholders will lose their capital.

I need not go into the exploitation which the company has practised against the workers. It is only a few days ago that in this House we had to protest against more coal miners being imported from the Old Country. Surely those in control of the company must know its affairs, and yet they were proposing to bring in many more miners because they say the mining industry is growing at such a rate that they must have a larger number of miners to carry on the work, and then in regard to the steel workers, again and again we have stated in this House that they have been worked eleven and thirteen hours shifts, and every other week twenty-four hours on end. Yet we were told to-day by one hon. gentleman who was speaking on behalf of the company that this industry could not stand competition with the product of the low-paid workers of Europe. I think the hon. Minister of Finance has answered the main part of that contention, that there is comparatively little importation of steel products from Belgium. There is the other side of the question. Statements were made that in Belgium men were working very long hours, that there was child labour and that very low standards of living prevailed. I would point out that since June 1921 Belgium has had a very stringent eight-hour day in force.

Mr. CANTLEY: Does the hon. gentleman wish the House to understand that the workers in Belgium during the last three or four years, or since the war, have been confined to an eight-hour day?

Mr. WOODSWORTH: Yes. I should like to read a protest—

Mr. CANTLEY: Will he let me make a statement?

Some hon. MEMBERS: Order.

Mr. WOODSWORTH: I am making the statement just now. I have only a minute or two more at my disposal. I hold in my hand one of the publications of the International Labour office of the League of Nations, to which we are a contributing member. This is dated May 31, 1926, and the hon. gentleman will find in it a strong protest on behalf of some of the employers of Belgium to the effect that they are in a very awkward position in regard to the eight-hour day because they are forced to compete with nations whose labourers are working longer than eight hours a day.

Mr. MANION: What about the wages paid those workmen?

Mr. WOODSWORTH: The wages are low, but on the other hand those wages bring in more in the shape of substantial comforts to the workers of Belgium than they do to the workers in Nova Scotia.

Furthermore, in regard to other conditions of work, I should like the hon. member to study certain tables which have been published by the International Labour Office showing the progress of ratifications of the treaty. He will find that Belgium stands high with respect to hours, unemployment, childbirth, night work (women), minimum age (industry), night work (young persons), and so on. When we come to Canada's part in regard to these matters, we find there is an absolute blank, so that the impression given by the hon. member opposite is far from being correct.

I am not going to say anything about reparations, to which reference has been made, except to state that one of the difficulties is that the countries paying reparations have had to lower their standards of living, and we are being adversely affected because of that. I would urge—

Mr. FORKE: It is six o'clock.

Mr. WOODSWORTH: I will close in a word or two. I would say that undoubtedly any failure of a large industry of this kind will undoubtedly seriously affect the workers of Nova Scotia; indeed it will seriously affect the whole of Canada; but before assistance in any form whatever is given to this industry I would urge that certain conditions be laid down. The industry must be thoroughly reorganized and the interests of the workers in every respect thoroughly safeguarded.

[Mr. Cantley.]

Mr. SPEAKER: Is it the pleasure of the House that the hon. gentleman shall have leave to withdraw his motion? Carried.

Mr. FOSTER: Mr. Speaker, I should like to address a few remarks on the question.

Mr. SPEAKER: It being six o'clock I leave the chair.

At six o'clock the House took recess.

## After Recess

The House resumed at eight o'clock.

Mr. A. de WITT FOSTER (Hants-Kings): Mr. Speaker, at six o'clock I had succeeded in catching your eye and arresting the attention of the House for a brief moment, and I assure you it is not my intention to detain the House at any length in discussing this very important matter. It is a matter exceedingly important to the province of Nova Scotia, to the Maritime provinces, and I venture to suggest to the whole Dominion of Canada. It is important to the constituency which I represent, and that in the main is the first consideration which induces me to detain the House for a few moments in discussing some of the points that have been raised in the discussion this afternoon.

It is true that the steel industry is not located in either of the counties which I have the honour to represent in this House, but like so many of the industries of Canada the ramifications of which extend to the various portions of the Dominion, it is not surprising that this company and its success should have a marked influence upon conditions arising in my own constituency.

I said it was important to all the Maritimes. When one remembers that 25,000 people are employed in this industry in the province of Nova Scotia, and that one-fifth of the entire population are practically dependent upon it for their living, one sees at once the market for the products grown in the rest of the province which is here contained in the cities which are the very centres of the steel and coal industry. The apples that are raised in the Annapolis valley, many of them, find a market in New Glasgow and Sydney and various portions of Glace Bay, and in other coal, steel and iron centres. The products of the farm, butter and eggs, while they come into competition with other similar products, nevertheless have to find a portion of their market in these cities. In the winter time some of our men are engaged in the woods getting out pit props in the eastern part of Nova Scotia, and ties are obtained for laying in the various tracks of Besco's mileage. In

that way the ramifications of the industry can be seen to extend into the various sections and centres of our province, in fact, throughout the whole Maritime provinces.

It is on behalf of these people that those who have spoken from this side of the House have approached the consideration of this question. It is not from the point of view of defending a corporation. The corporation of Besco is personally, save in the by and large, unknown to me. By that I mean I have not had the pleasure of meeting either the president or the officers of the company. I have not had the opportunity to enter into an examination of their financial standing or status or of any of the intricate problems with which the company's officials alone would be familiar. I presume in that respect I am somewhat in the same position as the hon. member for Brandon (Mr. Forke), who inquired this afternoon why it was that we had not specifically placed before the House the exact conditions that mitigated against the success of this company. He alone of members on this side of the House, assuming for the moment the geographcial position rather than that of political distinctions, would have an opportunity of knowing what the problems of this company were and what requests they were making from the government. In general policy at any rate we are led to believe that the hon. member for Brandon has access to the demands which have been made upon the government, and it was with that idea in mind that I asked him the question I did this afternoon, and which he evaded answering. However, I find no fault with him for that, and I take this opportunity of thanking him for the interest he manifested, and for the promise he gave that in the consideration of this and other eastern difficulties we would have his consideration, and, I rather think I might say from his remarks, his support along certain lines, if not wholeheartedly, at least some support. I appreciate and gratefully acknowledge the proffered suggestion and support of the hon. member. I wish, however, that he might make a definite pronouncement that in matters affecting the east, as in those affecting the west, he would be willing to go as far with us as we have shown our willingness to go with him and those whom he leads in this House, in regard to legislation which has been brought forward for that particular section of the country.

The hon. member for Winnipeg North Centre (Mr. Woodsworth) rather led the House to think that we on this side were speaking in defence of the company, but as I pointed out a moment ago there is no hon. gentleman in this party who has reason to defend the particular policy of the officials of Besco. I have not heard that suggested, and I am sure it is not so; but we do have in mind the very serious condition which will result to the workers in those mines and to the people of the Maritime provinces in particular if a remedy is not provided. It does seem to me that if we had come here with the identical case which has been submitted to the government by the Besco officials and presented it to the House, we might then have been accused, and with some show of reason, of presenting a case in favour of the company itself. But we have not done so. In fact we have approached this question in an entirely non-partisan way, because we believe that when one of the major industries of this country is shaken to its very foundation and when a crisis is approaching it, the situation should not be made a political question to the extent of at least effecting no remedy and allowing such industry to come to grief.

Mention was made of the capitalization of Besco. I fail to see what that has to do with the matter, for the reason that we have been told by the Minister of Finance that up to the present time Besco had not paid any dividends on its second preferred nor yet on its common stock. Surely it cannot be claimed that in the bonds issued there was over-capitalization and that the property is not worth the value of the bonds. I fear it is default upon the bonds that will take place in the early summer rather than default upon any stock.

Mention was made by the Minister of Finance (Mr. Robb) in discussing this question that the government had gone into the matter to a very considerable extent. According to the conversations which he repeated and the letters and telegrams which he read, they had had various conferences with the officials of Besco, and it seemed to me, if I gathered the proper deductions, that the reason why action had not been taken turned upon the non-receipt of a report called the Coverdale report, the officials of Besco claiming that the report in question was a private document for their own particular use, and the government maintaining that they could not act without having this report in their possession. I venture to assume that there may be material in this report which it would not be wise for the public to know in view of the present serious situation. I feel certain, however, that the officials of Besco would be perfectly willing to produce this report for the examination of the members of the cabinet, on their assurance that the matter would be treated as confidential. In view of

the difficulties connected with the situation and the calamitous results that are likely to ensue, as has been pointed out and as is believed at least by the people of eastern Canada, the government should not hesitate, because of a technicality of that nature, to provide at least some of the suggested remedies which have occurred to them in the discussion of this problem, if not all that have been claimed by the management itself.

We were told that there were three phases of this question upon which a solution depended. One of these is the tariff. With that I do not propose to deal, because I am sure my views on that subject would not coincide with those of the government, and inasmuch as the tariff commission is already investigating the matter it seems to me that an interim report might very well be made by that commission to the government to aid them in arriving at proper conclusions. I have my own ideas as to what those conclusions ought to be; but I cannot speak for the commission, and the results I have in mind may be arrived at in a manner different from that which we on this side have been led to believe is the right and proper way. And so I say that so far as the tariff is concerned, if the government could secure such information as has been laid before the tariff commission, that in itself might help them to come to a conclusion upon the point.

The Minister of Finance dealt with the question of the claims urged by the company for certain moneys, and I am bound to say that his position in that regard seemed to me to be eminently fair, inasmuch as the moneys have been paid into the public treasury and, as the minister pointed out, only parliament itself could vote those moneys back again. With respect to other claims, they should be on a parity with the rest. As regards the government's position on these two matters I venture to say that very little fault can be found; but the fact remains that having taken that position and adhered to it, no relief can come so far as the ministry is concerned without bringing those matters to the attention of this House and laying before it some concrete proposition upon which it could act. It is that thought I had in mind with the desire of suggesting it to the minister.

The other point I had in mind was that relief might come to some of these industries through the medium of a bounty. Being a protectionist, as I announced on a previous occasion, I have no fault to find with the system of bounties, but they must be sparingly used and applied for proper purposes.

[Mr. Foster.]

I remember reading a speech on the subject of bounties delivered in this House by the Hon. W. S. Fielding on December 14, 1909, in which the hon. gentleman made, as I believe, one of the most successful cases, if not the most successful, in favour of bounties that has ever been made in this House. In the course of that speech he pointed out that while the government had paid out some $13,000,000 in ten years to the steel industry in this country, yet in the various places where steel and iron were manufactured—such as Sault Ste. Marie, Sydney, North Sydney, Sydney Mines, Glace Bay, New Glasgow and Hamilton—the increase in the customs duties alone at these points had been over $9,700,000, or less than $4,000,000 short of the entire amount which has been paid out in bounties. And from that he argued that in thus giving a stimulus to this industry, the producing power of the country had been increased, more wealth had been created, and as a consequence the people of the country were able to pay into the treasury almost as much as had been voted from it to this particular industry. Whether the subject of bounties is one which the government should consider is not for me to say; I merely point out that there is an argument to be advanced in favour of bounties, the most extreme kind of protection.

The main point of the whole matter, it seems to me, is that we ought not to allow this House to prorogue, we ought not to allow this debate to finish, until we have at least some indication that the government will take this matter into consideration and that if it is not done before the House closes they will do by order in council, if they can do it, what they have in mind for the benefit of this industry. We should be told that the government are willing to submit for the consideration of the House certain conclusions at which they have arrived for the benefit, indeed for the saving, of this industry. If we can judge from the remarks of hon. members to my left, I believe this House will be willing to give earnest and non-partisan consideration to this problem. I regard it one of the greatest Maritime problems, and with that statement I believe the ministry agrees.

Mr. J. L. BROWN (Lisgar): It was not my intention to take part in this debate, and I would not have assumed the responsibility of continuing the debate past six o'clock, but since the hon. member who has just spoken assumed that responsibility, it may not be out of place for me to continue the discussion. I do not propose to say anything about the

British Empire Steel Company itself—at least not that portion of the company's business which relates to steel—but by general consent it would seem that the coal interests are linked up with the steel business, and on that question I propose to make some very brief remarks.

When the hon. member for Pictou (Mr. Cantley) was speaking I interjected a few remarks which the right hon. leader of the opposition (Mr. Meighen) interpreted later as throwing some doubt upon the quality and availability of Nova Scotia coal. He quite correctly interpreted my remarks, and, speaking honestly, Mr. Speaker, there does seem to be some question as to the quality of Nova Scotia coal and its availability. By that I mean the cost at which that coal can be laid at the pit's mouth. The right hon. leader of the opposition suggested to me that if I had a coal mine on my farm it would be better to dig that coal, and set my family digging it, than get it elsewhere. I should not like to give an unqualified consent to a proposition of that kind. It would depend altogether upon circumstances, and upon the spread between what it would cost me to dig that coal and what it would cost me to get it elsewhere. I was reminded of the story of a farmer who was travelling along the road with a tank of water. A stranger met him and asked him how far he was drawing the water. He said, " three miles." The stranger said, "Would it not be better for you to dig a well"? The farmer replied to him, "Well, it is just about as far that way as the other way" , and I presume it would be sound protectionist doctrine to dig a well three miles deep instead of to draw water for the same distance. That is an extreme illustration, but after all does it not elucidate the point I wish to make, namely that we must give some attention to the question of cost when we are considering whether we will develop our own resources, whether we will dig our own coal or buy it elsewhere?

There seems to be some question in the minds of many with reference to Nova Scotia coal. I made the statement this afternoon that there were some things I could not understand, and the hon. member for Pictou sarcastically remarked that there were many things I did not understand. That I am quite prepared to admit, and among them are the reasons advanced as to why a certain policy should be followed. Now the reason for not developing Nova Scotia coal is that Nova Scotia coal is not of equal quality to other coal used for the same purpose. On the other hand, when provincial rights are touched the Maritime men stand up and declare that their coal is equal to any other, and they resent very keenly any statement to the contrary, as the hon. member for Pictou said in referring to the remarks made by the leader of the Progressive party (Mr. Forke).

Mr. MACDOUGALL: The hon. member asserted two or three times this afternoon that Nova Scotia coal was of an inferior quality, and he attributed the statement to some particular individual or authority. I should like him to name that authority.

Mr. BROWN: If the hon. member will call upon me privately I will tell him all I have in mind and the sources from which I have gained my information.

Mr. MACDOUGALL: There is nothing private about it.

Mr. BROWN: Very well. We have had it brought before us that Nova Scotia coal is very much inclined to slack When the proposal is made that it be shipped up the St. Lawrence, they tell us it does not stand handling, and again that it does not stand banking.

Mr. MACDOUGALL: Who says that?

Mr. BROWN: That seems to be very generally conceded.

Mr. MACDOUGALL: Give me one authority who makes that statement.

Mr. BROWN: I might go further and state the exact propositions that have been made to us. One of the reasons given for the adoption of certain policies was that Nova Scotia coal for certain purposes was not worth within $2 a ton of American coal. I shall be very glad to give the hon. member the information.

Mr. MACDOUGALL: Now is the time.

Mr. BROWN: The matter has been brought before some of the members here in such a way that I do not feel at liberty to give to the House all that was said to us on the question. Personally I have no objection to doing it, but there are other considerations which, at the present time, I feel under obligation to observe. So that it is a subject to which we endeavour to give consideration, and I am perfectly willing myself to give consideration to these questions. But when we are asked to endorse a certain policy we must know the facts. From my own observation there seems to be reason to believe that doubt can be thrown upon the quality of Nova Scotia coal, and not only upon the quality, but upon the cost of laying it at

the pit's mouth. A party of Progressive members visited Nova Scotia some years ago. We went down one of the coal mines in New Glasgow. We were told that that was the driest mine in Nova Scotia, and we were also informed that it was necessary to take out one ton of water for every ton of coal. Whether that is economical or not I do not know, but we are informed also that in some of the mines in Nova Scotia they had to elevate five tons of water for every ton of coal they took out. Then it would seem to be a fact that some of these mines are now extending out miles under the sea. Surely hon. members will admit the possibility that some of these mines—I will say only some of them—cannot be economically operated. If that is a fact, why not let us face it? It seems to be an admitted fact in regard to the mines in the Old Country. The newspapers tell us that some of the mines over there are in distress because they cannot be economically operated.

I understand the difficulties that confront us in a situation of that kind. It is not easy to move a population which has been built up around a certain industry, even when that industry can no longer be carried on economically. I appreciate that point and am prepared to give consideration to it. But at least we want to know the facts, because it is only when we are face to face with the facts that we can hope to find a proper solution. The hon. member for Pictou did not do his case any good, but rather harm, when he took the leader of the Pregressive party to task for the statement he had made in reference to the quality of Nova Scotia coal and its availability. We were told, for instance, that some of the coal with which Nova Scotia has to compete, the Virginia coal, is loaded at the pit's mouth for about 90 cents a ton. One thing is certain, and that is that they are bringing large quantities of Virginia coal into the Maritime provinces. We saw that when we were down there a year ago, and if the coal is of the quality they say it is, and if the mines can be operated as economically as they say they can be, then why the importation of Virginia coal into Prince Edward Island and Nova Scotia itself? Let us know all the facts. If provincial pride conflicts with economic necessity they will have to put their provincial pride into their pockets and give the House and us from the west the fects so that we shall know how to face this question.

For my part, as I have already said, I am ready to give full consideration to policies that may seem to be necessary to meet the situation that has developed in the Maritime provinces. If it is true that their coal is more given to slacking than some other coals, and that the cost both of laying the coal at the pit mouth and of transportation is unduly high, we will give consideration to those policies that are necessary to relieve that situation. Let us not have on the one hand evidence offered to us that would seem to throw doubt upon the quality of the coal, and on the other hand have men stand up in the House and find fault with those members who, trying only to arrive at the facts, make statements that meet with their disapproval. I may say again that the hon. member for Pictou did not do his cause any good but rather did it harm when he took the attitude he did in the House the other night.



Mr. C. H. CAHAN (St. Lawrence-St. George): Mr. Speaker, no one has less reason to love the Dominion Coal Company or the Dominion Iron and Steel Company than I. I fought them at their formation for years and they followed me every time I contested a constituency. They had more money than I had and I went down. There is no doubt that the defeats I suffered in Nova Scotia were due to the expenditure of funds on the part of those associated with either the Dominion Coal Company or the Dominion Iron and Steel Company. But that is no reason why one should not approach the question with a fair and open mind.

The matter which is now up for consideration arises out of the fact that, on July 1 next, $5,159,000 of first mortgage bonds of the Dominion Iron and Steel Company will not pay their interest coupons, and that if the interest coupons are not paid on that date it is an absolute certainty that the interest will not be paid on $7,035,000 of consolidated mortgage bonds, interest on which is payable on September 1. Therefore it is perfectly clear that the Dominion Iron and Steel Company is unable to operate with an operating profit sufficient to pay interest upon some twelve million dollars of its mortgage bonds. I understand the Minister of Finance (Mr. Robb) to say that the government at the present time has no suggestion of relief to make, but I would earnestly suggest to the Prime Minister (Mr. Mackenzie King) that this is a great industrial concern, and that the fact that it cannot pay interest upon its first and consolidated mortgage bonds for the coming year should not be clouded by the undoubted fact that in some of the stock, particularly the common stock, of that com-

pany, there may be water. With respect to the bonds one dollar of cash went in for every dollar of bonds outstanding. I think that is absolutely clear.

Mr. CAHILL: Was there value there for the bonds?

Mr. CAHAN: Value for the bonds and much more. I am going to deal with that in a moment.

Mr. CAHILL: They are safe enough.

Mr. CAHAN: I do not know whether they are safe or not now; I am going to argue that point with the Prime Minister. If the announcement made by the Dominion Iron and Steel Company may be relied upon, this concern will be in the hands of a receiver during the summer months, and in the hands of a receiver they cannot operate unless the Prime Minister on behalf of this government will make some announcement which will induce the investment of sufficient funds to reconstruct that company on a sound and stable basis. If a receiver is appointed and no new announcement is made from the government, there is a fair possibility of that whole concern going down to wrack and ruin. If the Dominion Iron and Steel Company goes down during the summer months, if it is unable to induce capital to come in and assist in reconstructing the company on a sound financial basis, the Dominion Coal Company will go down with it, because the Dominion Coal Company cannot operate successfully unless it has a market for the coal which is now consumed by the Dominion Iron and Steel Company. I think that is a fair statement. I am trying to keep within the limits.

What has brought this about? It is brought about by circumstances and conditions arising out of the war. I am not going to talk tariff for the moment; I am trying to place the facts as I see them before the Prime Minister and the members of his government. In 1913 we produced in Canada on an average every month 84,000 tons of pig iron. Last year we produced 48,000 tons. In 1913, we produced 87,000 tons of steel ingots and castings. Last year we produced 63,000 tons There has been a great diminution of production. To what is that due? It is due I think to lower costs of producing similar products in France and Belgium. The Minister of Finance said that there had been no large imporations from either France or Belgium, but I think I can say without fear of contradiction that during the past two or three years the price in Belgium and the price in France have governed the price in Canada. Therefore to produce at all in Canada the Canadian companies have had to reduce their selling price to conform to the selling price in France and Belgium.

A great part of that iron which enters into production both in France and Belgium came out of the Ruhr during the Ruhr occupation. A very considerable part of it comes out of Germany by way of reparations, and although France and Belgium have it at a certain price, in order to realize they have been selling their products and obtaining less return for the iron than they have actually credited Germany with in the matter of reparations. Two years ago this summer I was in France and England examining into some contracts in which a client of mine was interested for the sale of iron products coming out of the Ruhr to England. As a matter of fact the prices offered under those contracts were so low that producers of similar products in England would have been driven entirely out of employment at that time. The British government intervened and prevented those contracts from being carried out, because they held that it was a great injustice to producers in England to allow those cheaper goods to come in under the circumstances so as to destroy, for the time being, British industries. We can in this country secure those products temporarily from Belgium and France at less cost than that at which we can produce them profitably in this country. It is stated, and I have no doubt it is true, that reckoned in terms of the gold exchange the cost of production of iron and steel in both France and Belgium is half what it is anywhere in Canada. I do not think there is any doubt about that. Indeed, in a review by experts of the United States which I saw some time ago it was so stated. This is due partly to depreciated currency. Anyone who has examined into conditions in France and Belgium knows that reckoned in gold—because the prices at which these countries sell here are based upon that standard—wages have not increased proportionately to the depreciation of the franc in either country.

Mr. HEAPS: Is the hon. member sure of that fact?

Mr. CAHAN: I have it on the most reliable authority and I believe it to be true. Two years ago this summer I spent considerable time looking into the question with some of the best experts in England in connection with some contracts with which I was concerned. And I have seen large quantities of Belgian iron products coming into Canada. If I mistake not, last autumn I saw some iron for structural purposes being

landed in Montreal, and upon inquiry I ascertained that it was to be used in one of the government contracts. I cannot speak with personal knowledge of that, but I do know that a considerable quantity of this material is imported. The Canadian company to-day is obliged to meet the French and Belgian prices, and the cost of production has been so reduced in both these countries that their manufacturers can ship the product, pay the freight and the tariff as well, and sell cheaper than the Canadian producer can sell at a profit.

There is one other point to be considered. The duty on iron and steel has always been specific, and in 1913 it averaged, I think, pretty nearly 15 per cent; but with the prices now prevailing that specific duty reduced to ad valorem is only about 7 per cent. And that is without reference to any interposition on the part of the government: it is due simply to changing conditions of trade. The tariff against the French and the Belgian product is reduced one-half, and I suggest therefore that it is a fair matter for the consideration of the Prime Minister (Mr. Mackenzie King) and his government, apart altogether from any question of protection or free trade. There is invested in this industry some $500,000,000 in round figures—I have the specific figures somewhere if they are called for. It is for the government to consider whether that industry should not have at least the same protection as it enjoyed in 1913 under the conditions which then prevailed, and, if we are to have a specific duty, whether that duty should not be raised so as to give the same ad valorem protection as was afforded at that time.

Another important question arises, a question which must meet the Prime Minister and his advisers at every turn in dealing with a matter of this kind. We have in Canada a population of 9,000,000, stretching across the continent, with a population of 112 or 114 millions to the south, producing the same things that we produce. The United States, with 5 per cent of the population of the world, produces 50 per cent of the entire output of the world's manufactures. This is according to the latest statistics I have seen. They can produce, owing to what is commonly called mass production, much cheaper than we can produce the same standard articles in Canada for a market of 9,000,000. The government must therefore decide, parliament must decide, whether in face of that competition we shall endeavour as best we can to safeguard Canadian industries in which there are large investments. We may be compelled to pay somewhat higher prices in Canada than those that obtain in the United States in respect of many of these products. Personally I think it is wise for the country to do so, and it is for the Prime Minister to decide that question. I understand there is a broad line of division, but we must face it if we are to preserve the financial, the industrial and the commercial integrity of the country.



One word more. I can quite understand that the Dominion Iron and Steel Company might not be prepared to submit the whole of the Coverdale report to the country, but I understand that they offered to produce it for the consideration of the Prime Minister and the Minister of Finance (Mr. Robb). The Prime Minister and his colleague could have considered the report and decided whether there were certain matters which should be presented to the House and to the public and upon which they might base future action with regard to the company. There were, I know, certain other matters which might well be regarded as private and confidential and which it would not be fair to submit to their competitors. If I thought that the Dominion Iron and Steel Company was not willing to have the government take from that report all matters really of public interest and which the government might reasonably require the House and the country to learn, and base upon these matters such action as they saw fit, I for one should feel reluctant to support the company. But I fancy there may have been some misunderstanding. I cannot understand that the representatives of the Dominion Iron and Steel would refuse to allow the government to take from the report all matters relevant and material to any decision which it might be called upon to make.

Mr. MACKENZIE KING: Would it be unreasonable to ask that the minister of the crown representing the province concerned should have the same right as his colleagues to see that report?

Mr. CAHAN: I should think so. At one time under an order of the court I spent six months with twenty or thirty accountants in going through the books of the Dominion Iron and Steel Company from A to Z, and I think I knew them at that time as well as any person could after such an exhaustive investigation. I know they contain matters which should not be brought before the public and before their competitors; but there were other matters disclosed by those books which I think are very relevant, and in my view the

government has the right to have those facts in order that it may be in a position to render an intelligent judgment in regard to future action with respect to this company. That far I am with the Prime Minister.

Mr. MACKENZIE KING: I do not like to interrupt my hon. friend, but may I ask him this question: Having gone through the books of the company, I think he referred a moment ago to its capitalization of $500,000,000; am I correct?

Mr. CAHAN: I was talking of all the companies engaged in the production of iron and steel products in Canada. I may have made a slip, but that is what I meant. Now I make this suggestion. It would be a most serious matter for Nova Scotia in particular, and possibly for Canada as a whole, if this undertaking in Cape Breton, Pictou and Cumberland, which may be termed a national undertaking, should go completely to the wall. I think it would be impossible to obtain the fresh capital necessary to place it on a basis where it could operate to a moderate extent, let alone to the full capacity of the plant, unless the government of the country announces some stable policy with regard to the iron and steel production of Canada. I do not want to put this offensively, but I say that company will go into the hands of a receiver unless there is some assurance that the industry will be safeguarded in a manner in which it is not now safeguarded against this foreign competition, and in that event, as a practical man, I think it would be impossible to obtain the new capital necessary to carry it on, on even the most conservative basis.

Mr. MACKENZIE KING: My hon. friend seeks to place responsibility on the government of this country. Does he recognize no responsibility on the part of the government of the province directly concerned?

Mr. CAHAN: Quite so, but so far as I can see, there is no announcement that the government of the province of Nova Scotia could make under present conditions which would create the confidence necessary in the public mind to secure the requisite fresh capital for the reconstruction of that company and the re-establishing of that industry. That was my point. I do not wish any unpleasant inference to be drawn from what I am saying; I simply want to state the facts because I recognize the government must take the lead. The responsibility ultimately will depend of course on the action of the parliament of Canada, but under present conditions it seems to me the government must take the lead. Here is a great industry being disrupted and going to ruin, and unless the government acts very speedily I am afraid there will be no possibility of the redemption of that industry within the next few years. That is my sincere view. I am putting my own point of view before the Prime Minister, I am not endeavouring to throw any partisan prejudice into it at all, but I am simply trying to state the case to him with perfect frankness, because upon him really as the leader of the government there rests a very grave responsibility. Although I represent a constituency in Quebec and as a Conservative am opposed to him politically, personally I would go a long, long way to support any reasonably effective action that he and his government might take to save this industry from ruin.

Mr. W. F. MACLEAN (South York): Mr. Speaker, as a protectionist I have been very much impressed by the statement made by the right hon. leader of the opposition (Mr. Meighen) this afternoon that he and his friends would do what they could to support the government in applying a remedy to this situation. Let me suggest to the House what may prove to be a practical solution. Public ownership as applied in the province of Ontario to the distribution of power and light is of its kind one of the most marvellous enterprises I know of on the American continent. It is a great financial success, and to-day I am glad to say it has excited the envy of private enterprises competing against it.

Now, to my mind what Nova Scotia ought to do as a way out of this trouble is to handle the problem by way of public ownership—pool the leading mines, devote them to the production of electric energy near the pitheads and distribute that energy all over
9 p.m. the province for power and light, and ship the balance of the product of those mines to Quebec and Ontario for fuel. In this way the coal industry of Nova Scotia would be put on its feet, it would supply power and light for the province, and it would also supply fuel for Ontario and Quebec.

Now then, if the steel industry of Nova Scotia had the assurance of coal at cost, or very nearly at cost, produced from the pick of the mines that had been pooled, that of itself would be an encouragement to that industry. Then if the company had to be reorganized, capital would be forthcoming for the reconstruction of the steel industry. That is what we want to see. If they can have, as they have, a great steel industry in the United States, I say we can have a great steel

industry in this country. Evidence came out this afternoon that to-day the Americans are the greatest producers of steel at the cheapest price, and they sell it all over the world. They are the most protectionist country on the face of the globe.

Now, Mr. Speaker, by adopting this western principle of pooling the best of the coal mines in Nova Scotia we would get coal almost at cost; the coal industry would flourish, and it would enable us to insist that the men who work the mines get decent pay and decent houses to live in. That is another progressive idea, but it is worth while considering. This summer if we are to have a commission investigate the industries of the Maritime provinces, I should like to see it take up the coal and steel industries on the lines I have suggested. I am, of course, only stating it crudely to-night, but I am confident that in my suggestion there is contained the key to the solution of some of these Maritime grievances, for it will enable the miners to be paid good wages, and by the establishment of coking plants in Ontario and Quebec we can handle the coal of Nova Scotia, supply the fuel wants of the central provinces and get the advantage of all the by-products incident to the coking process. That will open a new vista for the people in the Maritime provinces. I am not going to take up any more time, but I just throw that out as a supplementary proposal. I think the government have been impressed by the debate this afternoon and will listen to the various suggestions that have been made, and I believe they will see that it is their duty to do something in the way of coming to the relief of Nova Scotia if this crisis of which we are told to-day really does impend, because it would mean a great injury to a great industry that we have in this country. If we want to go into the steel business, we must go into it in much the same way as the United States have done. We must encourage it, and perhaps the best way to encourage it was suggested here to-night, and as the Prime Minister says, probably the provinces ought to do something too. But probably the best relief would be by the bounty system. I know nothing that is better calculated to encourage an industry in a country than the bounty system, backed by the province and the Dominion. But some duty is on the government, so far as I can see, after hearing the debate here this afternoon, and is incumbent also, I think, on the province and on this House and the people of Canada, and especially the people of Quebec and Ontario, to take their coal from the Maritime provinces instead of sending their money to the coal mines of the United States.



Hon. E. M. MACDONALD (Minister of National Defence): Naturally, Mr. Speaker, I am very deeply interested in this question and in the discussion which has taken place to-day. I want to commend my colleagues from Nova Scotia on the very fair and reasonable manner in which they have presented for the consideration of the House the problems that face us in Nova Scotia in regard to the steel industry. The discussion, however, has gone very far afield. We have drifted off into the consideration of whether Nova Scotia coal was good or bad, and into coal questions generally. All these matters have no relation at all to the vital issue before us. There is only one issue before us—small only having regard to all the other questions that have been referred to this afternoon and this evening, but in itself very vast and important.

Intimation was made to the government by representatives of the British Empire Steel Corporation that the Dominion Iron and Steel Company, one of their subsidiaries, was in such a position that they feared a receiver would have to be appointed. The reason they thought that course would have to be taken was on account of the information contained in the report of special accountants, known as Coverdale and Colpitts, who had made full and complete inquiries into the workings of the company and of all its subsidiaries. I happened to be present with my two colleagues, the Prime Minister (Mr. Mackenzie King) and the Minister of Finance (Mr. Robb), when the president of the company conveyed that information to us, and I asked him what did he propose as a remedy. There were only two proposals that he made: first, that there should be a rearrangement of the law in regard to goods coming from countries where there was a depreciated currency; and secondly, he made an argument in favour of a bounty being granted upon coal that was used in the production of steel. He pointed out, by way of illustration, that the Steel Company of Canada and the Steel Company at the Soo, when they imported coal into Canada and used that coal in the manufacture of steel were entitled to receive and did receive a rebate from the government of 99 per cent of the duty that they had paid on the coal when it entered. Therefore, he argued that Nova Scotia should get a bounty of 50 cents upon

every ton of coal that entered into the production of steel. That would mean a bounty of $2 a ton on every ton of steel. I stated to the president of the British Empire Steel Corporation that I could hardly see the logic of his proposition. In the one case you were rebating duties to companies importing coal, and you were not giving any subsidy at all, but in the other case you proposed to go into the treasury and give a subsidy of $2 a ton on every ton of steel manufactured out of Canadian coal, and that the proposal was one that we would have to consider very carefully. In view of the conditions which he said existed in the Dominion Iron and Steel Company, as disclosed of this report of Coverdale and Colpitts, the government came to the conclusion that in order to have the full and proper information before us, in order to ascertain first, what was the cause of existing conditions, and secondly, what we ought to do, we could not move intelligently unless we had that report. I think the House will agree with me that that was a reasonable and proper proposal, and so my hon. friend and colleague the Minister of Finance (Mr. Robb) conveyed that information to the president of the company.

Hon. gentlemen who were here this afternoon have followed the correspondence which took place, in which Mr. Wolvin took the position that he would not produce the report. Finally, at a conference on Friday last he intimated to the Prime Minister and my colleague the Minister of Finance that he would produce the report for their private consumption only, and that they should not be permitted to communicate even to their colleagues in the government what was in the report. Now that is naturaly a very unreasonable position. Every hon. gentleman who has parliamentary or governmental experience knows that under the oath of office that every privy councillor takes, there are at all times important matters of confidential character which all members of the government have to keep secret in the public interest. We never thought of suggesting that the report should be given to us for the purpose of being thrown open to the public or anything of that kind, but simply and solely for the purpose of enabling us to know the cause of the present conditions, and what was the best remedy—because enough was said, and enough has been said in addresses to the shareholders of this company, to indicate that this firm of accountants did make certain findings and also certain recommendations as to the future.

The position of the government is this: We feel we are entitled, before we come to any policy in regard to the matter, to a perusal of that report. It might be found necessary that certain portions of the report should be given to the House and the country in justification of any action we might propose to take or of any policy we propounded. I am sure that no hon. gentleman with any sense of responsibility would say that this government could act until we have before us the facts contained in that report. We are not insensible to the present position of the company; we appreciate the grave consequences that would follow to the province by the sea if this steel industry should fail, or as my hon. friend from St. Lawrence-St. George (Mr. Cahan) said, be ruined. The consequences would be serious not only to the section where this industry is located, but to all the other industries throughout the province. We are prepared to give the fullest and most sympathetic consideration to any proposition that can be made, and will endeavour to devise proposals in order that what is said to be impending may be averted. But we do think, and we submit to the House, that the president of the British Empire Steel Corporation should allow us to examine that report in order that, being acquainted with the facts, we might know what to do.

Hon. R. J. MANION (Fort William): I shall take but a bare three or four minutes, to reply to a remark made by the hon. member for Winnipeg North Centre (Mr. Woodsworth) as to the wages paid in the steel industries in Europe as compared with the wages paid in the same industries on this side. During his remarks, after he had mentioned that there were laws in Belgium forcing workmen to work eight hours per day, I asked him what about wages, and while he admitted that the cash wages were higher on this side of the water, at the same time he said that the wages they received in Belgium purchased as much goods as the amount of wages received over here. Now in 1924 I discussed this wage question in the House with the then Minister of Labour, Mr. Murdock; the then member for Red Deer, who is also the sitting member for that constituency (Mr. Speakman) backed me up, and we asked the Minister of Labour to put on record the wages paid over there as compared with the wages paid here. He said that he had these figures after a very thorough investigation had been made by the British Ministry of Labour. These figures are not figures obtained by the Canadian Ministry of Labour, by the Conservative party, by the Liberal party, the Progressive party, or the Labour

party, but figures obtained by the British Ministry of Labour after full investigation. And they are not cash wages, they are what are called "real" wages, that is the cash turned into food, clothing, rent and so forth. I have here the report issued by the Canadian Minister of Labour, Mr. Murdock, on May 20, 1924, and recorded in Volume III, page 2339 and subsequent pages, of Hansard of that year. Mr. Murdock points out that these are figures of the British Ministry of Labour. I mention that because he himself points that out. He mentions various lines of work in Europe and the real wages obtained by the workers in those occupations. The statement shows the wages paid in Belgium, France, Germany, England, in any of the European countries from Austria on the east right west to the British islands. It is pointed out that in no one of these countries does the rate of wages come within one-half to one-fifth of the rate of wages paid in Canada. I am going to give a couple of instances which bear out the statement, and I shall take the engineering trades, which are more or less related to the industry we have been discussing to-day—that is the iron and steel industry. I will only mention a few of the cities but I desire to draw special attention to Brussels, Paris, New York and Ottawa. I imagine most hon. members will realize it is important to understand what real wages are. That point arises because of an argument made on a former occasion by the hon. member for Brandon (Mr. Forke). I repeat that real wages are wages converted into food, clothing, and shelter, the necessaries of life.

Mr. BROWN: What is the index number?

Mr. MANION: In London the index number is taken as 100. The figures for the engineering trades are as follows:

| | |
|---|---|
| London | 100 |
| Amsterdam | 108 |
| Berlin | 57 |
| Brussels | 73 |

And it was of Belgium that my hon. friend was speaking.

| | |
|---|---|
| Christiania | 104 |
| Madrid | 83 |
| New York | 162 |
| Ottawa | 196 |
| Paris | 58 |
| Prague | 54 |
| Stockholm | 79 |
| Vienna | 62 |
| Warsaw | 61 |

I will repeat just here these four: Brussels, 73; Paris, 58; New York, 162; and Ottawa, 196. It will be seen that the figure for Ottawa was four times what the Paris figure was, and almost three times the Brussels figure. These are figures dealing particularly with the engineering trades that are most closely related to the industry we have been discussing to-day.

Mr. DUNNING: Oh, no.

Mr. MANION: These trades are just as closely related as any trades that are contained in the same report. They deal with fitters, iron moulders, pattern makers, and turners—occupations, I think, closely related to the iron and steel industry.

Mr. DUNNING: No.

Mr. MANION: These trades have a great deal to do with the iron and steel industry; they are the closest to it that I could find for the purposes of illustration. What does my hon. friend say the closest occupation would be, that of men engaged in foundries?

Mr. DUNNING: I think my hon. friend will find that none of the trades he mentions have to do with the British Empire Steel Corporation's problem.

Mr. MANION: I quite appreciate the fact that the industry concerned is the iron and steel industry. But figures relating to iron and steel workers are not given here, and I endeavoured to give the trades as nearly related to that industry as I could get. The figures for unskilled labour are also given here and I will enumerate them. They are as follows:

| | |
|---|---|
| London | 100 |
| Amsterdam | 111 |
| Berlin | 71 |
| Brussels | 78 |
| Christiania | 136 |
| Madrid | 63 |
| New York | 150 |
| Ottawa | 173 |
| Paris | 64 |
| Prague | 65 |
| Stockholm | 95 |
| Warsaw | 62 |

You will see that in all these cases the amounts are from two to three or four times less than the amount paid in Ottawa. Now I will give the combined figures for all occupations, but simply taking Brussels, Ottawa and Paris. The index figure as given is of August 1st, 1923, and this information was given in 1924. Naturally it could not be given for a very much later period. The figures for the three cities named are as follows:

| | |
|---|---|
| Brussels | 57 |
| Paris | 86 |
| Ottawa | 183 |

The difference between Brussels and Ottawa in all branches of labour was nearly four times, it was certainly three times, being the difference between 57 and 183. I shall not go through the list of all the occupations. I only give this information to show that the rate of wages in those countries in Europe where currency is depressed, where standards of living are low, where wages are low, where labour laws are low—that in those countries the real wages are very much lower than the real wages in Canada, and that is one of the reasons why such companies as the British Empire Steel Corporation find it difficult to compete with countries such as I have named.

I may add in closing that my hon. friend from Winnipeg North Centre is a man whom I consider sincere. But he pretends to represent labour in the House and I do not understand why he would take the attitude that the real wages are as high in Belgium as they are in Canada. Because according to these figures obtained by the British Ministry of Labour the real wages are very much lower in Brussels, and all these other countries named, than they are in Canada.

Mr. HEAPS: What he said was that they were as high as they were in Sydney, Nova Scotia.

Mr. MANION: My hon. friend is right, the member for Winnipeg North Centre did say that. But in this record the wages are not given for Sydney, Nova Scotia. However, I have no reason for thinking that the wage rate is materially lower in Nova Scotia than it is in Ottawa. I presume the Ottawa figure is a composite figure for the whole of Canada, although I do not know whether that is actually the case. But the fact remains, as shown from figures compiled after careful investigation by the British Ministry of Labour, that the real wages—whether in the British islands or any other of the continental countries—are materially lower than the wages paid in Canada.

Motion withdrawn.

## MONTREAL HARBOUR COMMISSION

### LOAN OF $12,000,000 FOR TERMINAL FACILITIES

The House resumed from June 11 consideration in committee of Bill No. 189, to provide for a loan to the Harbour Commisisoners of Montreal—Mr. Cardin—Mr. Duff in the chair.

Mr. CARDIN: The other night the committee passed the different clauses of the bill with the understanding that I should give further explanations in regard to the report supplied to the hon. member for South Winnipeg (Mr. Rogers) with respect to the purchase of certain properties needed for the landing of the Montreal bridge on the island of Montreal. I must state that the harbour commissioners primarily considered it would be more advantageous to effect the purchase of these various properties by private sale, if at all possible, rather than by expropriation proceedings or any other method. The engineers, when preparing the estimates of the cost of the bridge, went into the valuations of the properties which it might be necessary to acquire for the approaches. These figures prepared by the engineers have been checked by the representative of the city of Montreal, Mr. Terrault—who, as a matter of fact, represents the city of Montreal on the advisory board which has been formed by the harbour commission, for the special purpose of advising the commission in all matters concerning the bridge. On this advisory board is also found the name of Mr. Vallée. He is an engineer of the provincial government, who supervises the construction of all bridges built by that government. Mr. Vallée is a member of the advisory board with Mr. Terrault. All these figures were also checked by Mr. Beique, real estate man in Montreal, a man of experience in his trade. They were carefully gone over by Mr. Browne, a man having a thorough knowledge of real estate in Montreal, in fact I think he has been in the real estate business in that city for thirty-five years. The engineers' estimates regarding the cost of the acquisition of the property necesary for the approaches of the bridge in Montreal at first placed it at $1,400,000. Later on, after further examination, it was found by Mr. Beique, that the amount necessary to purchase said property would probably be $1,645,000. The valuation as given out by Mr. Browne, was $1,560,000. On account of certain difficulties encountered with the proprietors of very large real estate properties the course of the landing was somewhat changed. A suggestion was made that there should be a change because the original plan involved the expropriation of property of very large value. It was in fact discovered that it would cost too much to expropriate this property at the price asked by the proprietors, therefore a change was made in the course to be followed by the approaches and the estimates were accordingly reduced to $1,184,800. Judging by the progress made up to the present in the buying of the property, the commissioner and those working for him in this connection are under the impression that the whole expropriation will not cost more than $1,000,000. Obligations have been undertaken

for about $750,000, and this represents much over one-half of the value of the property which will be required for the approaches; in fact, it is nearly three-quarters of all the real estate which it will be necessary to secure for that purpose.

In the sworn declaration which was read by the hon. member for South Winnipeg (Mr. Rogers) the other night, the civic valuation of five properties is given, probably based on the valuation of these properties to determine the price at which they should be bought. According to my information, the civic valuation is never taken as a basis for the valuation of property. In fact the city of Montreal has made numerous expropriations and particularly, in one instance for what is known as the boulevard Saint-Joseph. Expropriation proceedings were carried on, and it can be fully established to-day that the price that was paid in these expropriations was nearly five times the amount of the civic valuation in that locality. The same thing has happened in other instances. For example, in the expropriation of land needed for the Windsor Street station, the Canadian Pacific Railway paid as high as $22 a foot for property which was never assessed at such a high price. The same thing occurred in many cases in the expropriations carried on by the same company on Notre-Dame street. On the occasion of the sale by auction of the old fire station on St. Catherine street, near Bleury, which was sold for $61.75 a square foot, the assessment was one-third of this amount. The old High School was sold at auction for $1,385,000, and the assessment was about one-third of that amount. The property at the corner of Laurier avenue and St. Lawrence boulevard was sold at $12.50 a foot, five times the city assessment. In fact the city valuation has never been taken as a basis for determining the price which is to be paid for properties to be expropriated.

I will now give the committee the information given me by those who are negotiating for the harbour commission in trying to acquire property by private sale. Take the first case mentioned in the sworn declaration, P-31, P-32, P-33, this property has a frontage of 127 feet on Notre Dame street, 124 feet on Craig street and 31 feet on Delorimier avenue and is entirely built upon. It has a frontage on three streets, it is shallow in depth and contains an area of about 5,000 feet. The first price asked for the property was $75,000. According to my information, this property had been valued by Mr. Julian and Mr. Chaussé at a price of $100,000. There had been numerous interviews with the proprietor and the first option which had been obtained was for $60,000. It was afterwards discovered that half of the property belonged to a man named Gilbert residing in Belgium. After negotiations the property was bought for the sum of $45,000, which was a very favourable price indeed, because in the same locality Molson's, the brewers, had paid the sum of $10 a foot for a similar piece of land, and on top of this, there is the question of the buildings. Therefore, according to my information and the representations which have been made, the price which has been paid for this property is quite correct. To show that we did not rely too much upon the civic valuation, I may say that Mr. Bernier, who made the sworn declaration, gives the civic valuation of this property as $22,500 and he says: My own valuation would be $35,000." That shows that he does not himself place very much reliance upon the civic valuation of the property. Has he more experience than others? Is he entitled to more credit for his valuation? Nobody can say, but according to information given already and prices paid for properties situated in the same locality, I think we are right in concluding that the price of $45,000, paid for a property covered by buildings and situated iu practically the centre of the eastern part of the city of Montreal, is not very high.

As regards property P-491, it has a frontage of 80 feet on Delorimier avenue by 120 feet deep. It is only 42 feet from St. Catherine street, and it is practically St. Catherine street frontage. If the owners of the property fronting on St. Catherine street had acquired this property, we would have had to pay $12 a foot for it. According to the ratio of values, this property is worth $9 a foot. The owner has been asking $8, and the price paid by a representative of the harbour commission is $6.50 a foot. The civic valuation of the property is $18,500, and Mr. Bernier says: "My own valuation would be $38,000." According to the sale of similar properties in the vicinity, the price which has been paid, namely $78,000, is fair and reasonable, and even a low price. We are told by men of experience that if we had gone through the ordinary expropriation procedure we would have paid a higher price for this property, in addition to the cost of expropriation, and we would have incurred all the delays of such a procedure.

As regards property P-492, it has a frontage of 36 feet on St. Catherine street and is within 40 feet of Delorimier avenue on the

transfer corner. It has only a depth of 42 feet, all built upon with a meat and sausage business fully equipped, doing a trade amounting to $120,000 a year. The owner asked at first $65,000 for the property, good-will, loss of business, removal of fixtures, and an ice plant installed which would thus be rendered useless and which had cost $12,000. The commission has paid $22,500 for the property itself, and they have allowed the sum of $18,500 for the loss of his business, removal of fixtures, Loss of trade, and so on, which amount certainly could have been obtained by the proprietor in any expropriation proceedings. Mr. Bernier gives the civic valuation of this property as $9,500 and says that his own valuation would be $25,000. This shows once more that the civic valuation can not be of any help in determining the value of properties.

As regards property P-493, Mr. Bernier gives the civic valuation as $48,000 and he says that his own valuation would be $75,000 and that he is informed that the said property has been bought privately by the harbour commission for the sum of $125,000. This is not correct, because the said property is being expropriated; it has not yet been bought, and the price will be determined under expropriation proceedings.

As regards property P-294, it has a frontage of 46 feet on St. Catherine street, and it contains an area of over 3,000 square feet. It is fully built on with a brick building. The price originally asked by the proprietor was $75,000, which was entirely out of the question. By gradually negotiating with the owner, the commission got the price down to $47,500, and the deal was finally put through at $44,500. The building cannot be erected for $30,000, not to speak of the cost of the ground. This building is valued at $35,000 by the same party who valued P-492 at $25,000, although the land is double the size and the building is a brick building, three storeys and basement. Even basing the value on the same valuation, the area being double, the man should have valued this property at not less than $50,000, plus a certain amount on account of the difference in value between the north and the south side of St. Catherine street and the difference in value between a brick building and a wooden building.

I am afraid that some people may have been disappointed because they have been deprived of an opportunity to make some money out of the purchase of certain properties which were needed for the building of the approaches to the bridge. My information goes so far as to permit me to state that the man, whose name is mentioned on the certificate of research which was produced or read by the hon. member for South Winnipeg (Mr. Rogers) the other day, has been trying to get in touch with the proprietors of a certain number of properties in order to act as their agent and has even promised certain proprietors a large profit in the case of the property being expropriated by the harbour commission. To show that the purchases which have been made are really advantageous, I may say that one of the proprietors agreed to give a Mr. Julien, probably the man whose name is mentioned on the certificate of research, authority to sell his property or to act as his agent. He signed a document setting forth the conditions upon which he was prepared to part with the property. He fixes the price at $12,000, and he says to the agent in effect, "If you cannot get $12,000 you will receive no fee for your services in this transaction." I am informed that said agent asked the harbour commission the sum of $14,000 for the same property which has been acquired by the commission, through its own agent, for $9,500. This is one illustration of the good work which the commission is doing.

Attention has been called to the fact that, according to the certificate of research, no mention has been made of the prices at which these properties have been acquired. In the matter of price, the only indication that appears is the phrase, "One dollar and other considerations". May I observe that a general statement of this kind is nothing new. Wherever properties are purchased on an extensive scale, it is the practice to omit from the deeds any reference in direct terms to the price paid, inasmuch as it would be to the disadvantage of the company or the person making the purchase or, in the case of the crown, the expropriation to have it made public just what was paid in any instance. The price is kept secret between the buyer and the seller, and this avoids any possibility of exorbitant demands being made subsequently for other properties. This is the procedure which, as a general rule, has been followed in connection with expropriations.

It has been pointed out further that apparently all these properties have been purchased in the name of one particular individual. There is nothing extraordinary about this. We are trying to secure these properties privately, and when they have all been acquired it will be easier to transfer them to the harbour commission if they have been

purchased through one and the same person. It will mean only one deed of transfer to the commission.

This is the situation according to the information which has been submitted to me, and before concluding I feel bound to convey to the hon. member for South Winnipeg (Mr. Rogers) my appreciation for the fairness he showed the other evening in stating the case which he presented to the committee.

Mr. ROGERS: I appreciate the compliment, and of course I want to be fair. I want the minister to understand that I am not in any way opposing the construction of the bridge nor the work that is going on. At the same time, when the minister comes to parliament asking for a vote of $12,000,000, it is naturally the duty of someone to ascertain how the money is being spent. When I asked the other night how much of the right of way had been purchased, the minister said none, and he repeated that statement twice or three times. Now he says it is all purchased, to the extent of $700,000. Surely it is time to ask questions in view of such conflicting statements. My hon. friend has not mentioned how much property situated on the site originally planned has been bought and paid for and which is not now required. Perhaps he could give us some information on that point; it would be very valuable just now.

Mr. CARDIN: It is just possible that I was not altogether wrong in the statement I made the other evening, for the purchases have not been completed by the commission. All the work is being done at present by its agents. I admit frankly, however, that when the matter was last before the committee, I was not familiar with all the details of the transaction. I am not quite clear now on the question the hon. gentleman asks, as to how much property has been bought on the old site.

Mr. ROGERS: The minister is aware that the bridge is not being built on the site originally planned. I have here the plan originally made and I can submit it to him. The bridge follows the old survey up to a certain point and then branches off, and considerable property has been bought along the original site up to that point. I expected that the minister would be able to give us some information in that regard to-night.

Mr. CARDIN: I have no information in that respect. I am under the impression that no property has been bought along the line of what is supposed to be the original site. I am informed that when it was discovered that it would be necessary to acquire certain properties which were of relatively high value, and that expropriation proceedings would have to be taken, the engineers of the commission looked over the plans and made some changes in connection with the approaches to the bridge. There has been no change so far as the bridge itself is concerned. The line of approach has been curved, so to speak, and I have no information as to any property purchased along the original site. What property we have bought lies along the line decided upon lately by the engineers.

Mr. ROGERS: My information is that a considerable amount of property was purchased along the old line.

Mr. CARDIN: No. According to the first estimate the expropriation would involve about $1,500,000, or $1,600,000, and when the harbour commissioners were faced with the high prices which they would probably have to pay for five or six properties, they made the change to which I have referred, and which reduces the estimate by some $400,000. So the estimated value of the properties, which was at first put at $1,600,000, has, by the change, of course then approved, been reduced to $1,182,000, and now judging by what we have purchased already we expect that the total expropriations will not cost more than $1,000,000. But I repeat, I am under the impression that no other property has been bought than those which will be absolutely necessary for the building of the approach, according to the line which has been established lately.

Mr. ROGERS: I should like to give my hon. friend some information as to the properties which were purchased covering the old site before the change was made. They are the following:

| Cadastre | Sub-Div. | Civic No. | Street | Price paid |
|---|---|---|---|---|
| 171 | | 1069 | Craig St. E.. .. .. .. .. .. .. .. | $20,000 |
| 194 | 1 | 942-944 | Delorimier Ave.. .. .. .. .. .. .. .. | 18,000 |
| P. 195 | | 946-956 | Delorimier Ave.. .. .. .. .. .. .. .. | 15,000 |
| P 196 | | 5 to 7 | Erie St.. .. .. .. .. .. .. .. .. .. | 6,000 |
| 196-197-198 | | 978-994 | Delorimier Ave.. .. .. .. .. .. .. .. | 27,000 |
| 199 | | 992-998 | Delorimier Ave.. .. .. .. .. .. .. .. | .... |
| 470 | | 1194-1198 | Delorimier Ave.. .. .. .. .. .. .. .. | .... |
| and | | 10-16 | Kent St.. .. .. .. .. .. .. .. .. .. | 29,380 |
| P 497 | 8 | 7-11 | Kent St.. .. .. .. .. .. .. .. .. .. | 9,200 |
| 471 | | 13-17 | Kent St.. .. .. .. .. .. .. .. .. .. | 7,000 |
| 472 | | 1190-1192 | Delorimier Ave.. .. .. .. .. .. .. .. | 18,500 |
| 471 | | 1150-1176 | Delorimier Ave.. .. .. .. .. .. .. .. | .... |
| P. 489 | | 1200 | Delorimier Ave.. .. .. .. .. .. .. .. | .... |
| and | | 1B to 11 | Tansley St.. .. .. .. .. .. .. .. .. .. | 35,000 |
| | | South of St. Catherine St. | | |
| P. 495 | | 46-48 | Campion St... .. .. .. .. .. .. .. .. | 45,000 |
| 496 | 3 | 50-56 | Campion St.. .. .. .. .. .. .. .. .. | 11,000 |
| 498 | | 1106 | Demontigny St.. .. .. .. .. .. .. .. | 12,000 |
| | | Two last properties not required on old course of bridge | | |
| 499-499 | 1 & 2 | 1125-1129 | Demontigny St.. .. .. .. .. .. .. .. | 11,500 |
| P. 500 | | 1582 | Delorimier Ave.. .. .. .. .. .. .. .. | 64,000 |
| P. 502 | 5-10 | 1-23 | Patterson Ave.. .. .. .. .. .. .. .. | 19,500 |
| 503 | 27-31 | | Burnet and Dorion St.. .. .. .. .. .. | 28,000 |

Those are not required at all in connection with the bridge as now laid out. I have received this list from a reliable quarter, and I cannot understand why my hon. friend has not with him more information in verification of what is necessary for this work. He talks of expropriating this land, but according to his own statement it was acquired by private sale.

Mr. CARDIN: There are a few other expropriations under way at the present time.

Mr. ROGERS: There may be, but it has all been done by private treaty. Then you have the properties deeded by a lady who acknowledges that she has received one dollar and "other valuable consideration". Is it fair to come to this House for $12,000,000 without a clearer and more definite statement to support the application? If there is the slightest doubt that this is not being carried on in the best interests of the harbour and in accordance with honest dealing with the people's money, we shall be in a very serious position. My hon. friend should realize that and make sure that he has been furnished with accurate information, because from what he has been able to place before the committee to-night it will be very hard for me, as I am sure it will be for other hon. members on both sides of the House, to consent to the passing of a bill to place in the hands of a body of men the expenditure of millions of dollars when those men apparently have not used good judgment in the administration of the money that has already been entrusted to them. I think my hon. friend will himself agree with me that he should have a great deal more information and that considerably more care should be taken in order that all the facts may be placed before parliament, because this is the only opportunity we will have in this House of getting any knowledge of how the money is to be spent. We have discovered that the price of the right of way apparently is very exorbitant. It goes without saying that civic assessments are no criterion of property values, especially in the city of Montreal. We are anxious to get the facts. The other night my hon. friend told us that no property had been bought at all; to-night he admits that $750,000 worth has been acquired for the right of way. Now he tells us that no property has been purchased for the original site that will not be required as a result of the change of plans beyond $250,000 worth; but I have just given a list of properties purchased on the old, original site that will not now be required. I for one have not the slightest desire to delay the passing of the bill, but, as I say, this is the only chance for parliament to get reasonable information as to the expenditure of the money asked for.

Last week my hon. friend told us that the city of Montreal was paying one-third and the province of Quebec another third. I think he must be mistaken, for as I understand it the legislature of the province has passed legislation on behalf of the city of Montreal and on its own behalf that each will be responsible to the extent of $150,000. The other night the minister told us that this

10 p.m.

bridge will cost $15,000,000. I do not suppose he will get the money at less than 5 per cent, or an annual charge of $750,000, and if the city of Montreal and the province of Quebec are to be called upon to pay only $300,000, the Dominion will be responsible to the extent of $450,000 annually. So if we allow this bill to go through we will be called upon to pay a great deal more than we originally agreed to be responsible for, the first arrangement having been for a contribution of a third by the city of Montreal, another third by the province of Quebec, and the remaining third by the harbour board through the Dominion.

The minister is good enough to acknowledge that the evidence I produced the other night was quite correct. I think he will find that the further evidence I have placed on Hansard to-night is equally reliable. Therefore before he asks us to proceed with this bill I hope he will get some definite information on the points I have referred to, and if he does, I can assure him there will be no delay in passing this measure so far as I am concerned.

Mr. CAHAN: Mr. Chairman, I think it is my duty, in view of the question that has been raised with regard to the price of lots, and that has been dealt with by the Minister of Marine and Fisheries, to say some words in his support. My own position is this, and I took this position in the campaign, that I was reluctant to see the bridge added on as a part of the harbour works of Montreal. We in Montreal regard the harbour works as a great national undertaking, and if they cannot be justified as a great national undertaking they cannot, in my opinion, be justified at all. As a national undertaking they must be kept clear of any shade or shadow of wrongdoing, any shade and shadow of graft or fraud. When it was represented to me, therefore, as a member from one of the Montreal constituencies, that a higher price had been paid with regard to those lots which have been dealt with specifically to-night by the hon. Minister of Marine and Fisheries, I made the most careful examination that I could to ascertain the facts, and I am in duty bound to say that I think that the purchases of those lots are free from any wrongdoing, and that the facts which I obtained after a careful inquiry are in entire accord with the explanation made here tonight by the Minister of Marine and Fisheries. I am dealing now specifically with lots P-31, 32, 33, 491, 492, 493 and 494. In the exercise of their discretion they may have paid a higher price than they possibly should have paid. It may have been that by closer bargaining they could have taken a few thousand dollars off the price, but I will say that, having done everything I could in the way of inquiring and investigating whether there was any shade or shadow of fraud or wrongdoing in connection with those lots, I became convinced as an independent member of this House that there was nothing of the sort.

Mr. McGIBBON: What about the old lots?

Mr. CAHAN: They were not reported to me, and I do not know what lots were bought.

Mr. McGIBBON: There were a quarter of a million dollars' worth.

Mr. CAHAN: In the reports that were made to me, it was these lots I have mentioned that were specifically referred to as matters that were open to debate. With regard to the others, I do not know. But I will say this, that in connection with the Montreal harbour works I think the accounts of that body should be audited from year to year by the Dominion government auditor. I do not think that is a matter that should be open solely and exclusively to a private auditing by the auditor who is engaged and is under the sole direction and control of the harbour commissioners. I think that change should be made.

There is no doubt that if one were to tell the truth—and I dislike to say it for fear of casting suspicion where no suspicion might lie—in connection with the contracts for the construction of the bridge in all its ramifications there has been a very great deal of gossip in the city of Montreal and a great deal of suspicion aroused as to the way in which those contracts were placed. Yet I am bound to say this: I have been as persistent in trying to ascertain the facts as a member could be, and I have not yet been able to find any fact that would warrant me making any charge against that commission. But I would be satisfied, and I am sure the citizens of Montreal would be better satisfied, if the accounts of that board were audited by the Auditor General or one of his representatives.

There is one other matter, and then I am done. In order that the commission may carry out its work as a great national work, I do not think the board of commissioners should be entirely changed with every change of government. The very fact that each succeeding government accepts the resignations of all the commissioners then in office and appoints an entirely new body of commissioners from those of its own political

faith—from, if I might use a word that was allowed this afternoon by Mr. Speaker, its own henchmen—tends to discredit the work of the commission in the eyes of many of the people of Canada. If another government does ever come into office, or if a vacancy should occur in the present board of commissioners, I trust that the government will see that one member of that commission is nominally of the political faith of the opponents of the government. There is no reason why the government, being responsible for the work, should not have a majority on the commission, but it would give just a bit more confidence in the commission if there was a minority on it representing the old regime. The board would then carry on always with a majority representing the government, who have the responsibility, but with at least one member of the old regime who knows what has been done and who would act as a binding link between the two successive boards.

Mr. BENNETT: The west is vitally interested in this harbour. It supplies primarily the products from which the tolls are exacted that ensure the payment of the interest upon the securities that are emitted by the board and guaranteed by the government of Canada. It is not conducted, or should not be conducted, as a money-making enterprise. The harbour board is the creature of statute, a statute of this parliament. It issues securities; we pay them the money, and we have not yet any control over that expenditure. The Public Accounts committee of this House may not examine those accounts. We may not appoint a firm of auditors to audit them. That is the law at the moment. During the last session of parliament a large sum of money was voted for the construction of a bridge at Montreal. We are now being asked to vote the large sum of $12,000,000 for harbour purposes. It is true that we get for that $12,000,000, securities which are issued by the harbour board, and those securities doubtless will have the interest paid upon them regularly. But I can say this to the Minister of Marine and to the Prime Minister, there is abroad in western Canada the idea that this harbour board's affairs are not conducted as they should be, that this country should have the right to audit those accounts in order that the rates charged might, if possible, be reduced and thereby render the charges on the shipment of grain from western Canada to the markets of the world cheaper than they are now. That is the impression that prevails. There was, for instance, in one of the newspapers—it was carried as a despatch in many of the newspapers— last fall during the time of the election a very disconcerting paragraph. It indicated that the expenses of the election were being paid out of the funds that were derived out of these transactions. Now that is calculated to have a very injurious effect.

Mr. MACKENZIE KING: Will my hon. friend make a charge to that effect?

Mr. BENNETT: No, but I will tell you what I am coming to. It is too late this session, but if I am here next session I am going to ask for a commission or parliamentary committee to investigate the operations of the harbour board for reasons that I am going to state. Those reports, I say, were circulated throughout western Canada and they found credence in many minds. There is one way in which this impression can be removed, and that is by a full, free and thorough audit by competent men of the accounts of the board, or by the submission of its accounts to the Public Accounts committee of Canada.

Let us look at this question of acquiring land. Land acquired by a public body is, of course, capable of being acquired by expropriation or by private treaty. I do not know what the law of Quebec may be, but in the other provinces, of whose laws I have some knowledge, it is customary to file a plan, and to vest the property, under the Public Works Act of Canada, or under the Railway Act, either in the railway or in the crown, as the case may be. Then there is a procedure whereby the price can be settled before a judicial tribunal or before a board of arbitration. But if private negotiations are carried on without the plan being filed, in ninety-nine cases out of one hundred the price paid would be and is excessive. In this instance the minister has been speaking to-night of expropriations, yet I find, after listening to his remarks, that in many instances there was no such thing as expropriation. What happened was that in a number of cases they proceeded to negotiate by private treaty for the acquisition of lands that were used for the rights of way to this bridge on either side. Now, had a plan been filed and, to use a term in vogue in United States very largely, the land been condemned by the filing of the plan, then the price to be paid would be settled in one of the manners I have indicated. In this instance the proceedings have apparently been carried on by private negotiation or treaty, with the result, the minister asserts, that substantial sums of money had been saved. May I point out to him that the filing of the plan and the condemnation of the land, and expropria-

tion proceedings are what should be done under the law in all cases where the people of Canada are finding the money and a body over which they have no direct jurisdiction is spending it. I submit this axiom with respect to a matter of this kind: No public body that derives its moneys from this parliament should be permitted to carry on its operations except by strict regard to the law, which means that when property has to be acquired it should be acquired by condemnation and by expropriation in the manner provided by law. I submit that to the minister for his consideration.

I said a moment ago that grave suspicions were aroused because of articles that were circulated in the public press, not in one paper but in the public press generally, with respect to the relationship of the construction of these harbour works to the elections. If it were not at this time of the session I would make this motion:

That the accounts of the harbour board be referred to the Public Accounts committee for the purpose of enabling them to be investigated.

One should not make rash promises, for life is uncertain, but I do think that if I were privileged to be in this House another session I should make such a motion in the interest of western Canada. As a matter of fact there should be no necessity for such a motion; such a provision should be made by statute. It should be part of the law that where this country finds the capital sum for great public ports amounting to forty and fifty millions of dollars, as in the case of the city of Montreal, the expenditure of that money should be subject to the scrutiny of the representatives in parliament of the people most affected. I know of no part of this Dominion that is more interested in the harbour of Montreal than western Canada; and if these moneys are not expended with the most scrupulous care, with the most exacting care, with respect to every dollar that is obtained, it follows that the tolls that are imposed for the use of the harbour facilities will not be as low as they otherwise would be, and as a result of that western Canada will suffer. I admire greatly the harbour facilities in Montreal but I find great difficulty in understanding why we are now asked for $12,000,000 while at the same time we are talking of providing further accommodation at Hudson bay that will limit the use of those facilities. In addition to limiting the use of the facilities at Montreal there is this also to be borne in mind: We have created a harbour board at Vancouver. Notwithstanding the harbour facilities that are being created on the Pacific we are now being asked for $12,000,000 additional for Montreal when much of the grain traffic that used to flow to Montreal is now going to Vancouver. I can recollect the first shipment of grain that ever went from Vancouver through the Panama canal; I happened by accident to be associated with the enterprise conducting it. That is not so very long ago, but I have seen that traffic steadily develop and increase until there are now many million bushels of grain going from Vancouver to Europe through that canal. To the extent to which those facilities are used, to that extent there is a less demand made upon the facilities of Montreal. The Minister of Railways (Mr. Dunning) may shake his head, but that carries no conviction. I know whereof I speak; I happen to know the facts with respect to this matter and it is not a matter of imagination. I had to do with the first cargo that went by the route in question.

There is one further question to be considered in relation to this matter. American grain is being sent through our ports. That is not an unmixed blessing. Some people say, "Expand your facilities in order that you may get more American traffic". But we have had our grain in western Canada held up because our facilities were being used by American grain. That is not hearsay either, that is a matter of record. Now if we are going to increase these facilities for the purpose of offering them to American grain and American commodities, thereby prejudicing the right to move our own commodities, then the less we do of it the better. However, the important point is the passing of the grant of $12,000,000.

I have given a little more than ordinary business consideration to the harbour of Montreal and its accounts. I have given some little attention to its cold storage facilities, to the charters of railway companies and others with respect to that harbour. I have studied with some little degree of care the various transactions that have taken place by which the present condition has been arrived at. I have seen the votes of this parlaiment last year. I am now called upon as a member of this House to express my approval or disapproval of this vote and I wholly disapprove of it at this moment. I wholly disapprove of it, first because I have no adequate and proper information vouched for by the auditors of this country, the shareholders or owners of these facilities in the ultimate analysis, that will enable me to say that the tolls charged are just and reasonable tolls having regard to the just and reasonable charges that should be made against that harbour. Secondly, I have not had presented to me any evidence that would warrant me in agreeing to a vote of

twelve millions at this moment, having regard to the condition of this country. If the movement of grain and other products westward, and the movement of products from Europe through the Panama canal to Vancouver for distribution on the prairie—that is the return cargoes—are to increase as they have, and if the Prince Rupert monument—I call it the monument—is to bear the inscription which was originally intended, obviously these facilities would not be so greatly required. But if indeed it is to be, as it now is, a monument to political necessity and business incapacity, then these facilities may be required. But when you think of that great property being rented for $100 per annum, one can readily understand the circumstances which should bring a blush of shame to the cheek of every Canadian, one can understand why parliament is asked to vote money for this purpose. But I go further and say that if I have the opportunity, I shall certainly demand, in the interests of western Canada, that the accounts of that harbour board are no longer left in the hands of a political body which changes, as the hon. member for St. Lawrence-St. George says, with each government. The audit of accounts should not be left in the hands of auditors appointed by such a board. These accounts should be subject to the scrutiny in every detail, either of the Public Accounts committee of this House or of auditors independently appointed by parliament for the purpose of safeguarding the expenditures made by the people of this country on Montreal harbour, whose money it is and who are merely advancing it on the strength of securities the interest upon which is defrayed and the sinking fund provided out of tolls exacted to a very substantial extent in the final analysis against the products of western Canada that is in the case of the outgoing traffic—and on the manufactured goods and other commodities that come into the harbour of Montreal for shipment to every part of the country. Every pound of freight that goes to the prairies, every bushel of grain that leaves the prairies and goes to the harbour at Montreal, is making a contribution to those facilities and therefore helping to pay the interest on the $12,000,000 we are asked to advance to-night.

For those reasons, considering the paucity of information at the command of the minister, the lack of information, and the necessity of obtaining this information, I am compelled to accord my disinclination to approve of this expenditure this session. I do think that in the interest of the country as a whole and this parliament in particular, these expenses should be and must be audited or referred to the Public Accounts committee before we conclude to vote money by millions, as we are doing, for this harbour.

Mr. STEVENS: I want to associate myself with the suggestion made by the hon. member for West Calgary (Mr. Bennett), to this degree at least, that the accounts of the Montreal harbour board—and I rise for the purpose of adding to that the accounts of the Vancouver harbour board also—should be placed under the control of parliament. I will illustrate the necessity of that, or I will add to the illustrations already given, by pointing out that in the case of my own city, Vancouver, I am confident that there has been some very grave and gross extravagance in the construction of the works there during the last few years. I do not wish at this time to attack the department or the harbour commission of Vancouver, but I say, with equal emphasis to that of my hon. friend who has just spoken, that these accounts should be subject to the scrutiny of parliament, and I certainly will welcome the motion he mentions for next session. I suggest to him now that he should add to that, "other harbour boards organized similarly to that of Montreal."

I may say, to show to the minister and the hon. members representing the Montreal district that there is no malice in my mind toward that city, that when the Vancouver harbour commission was organized I had to do with it almost entirely; in fact I introduced the bill, or got the government to introduce the bill, and at my own expense had the original bill drafted. I modelled it after the Montreal harbour board scheme, so that I approve of it. I have great respect of the record of the Montreal harbour board and its accomplishments, but that does not, I think, bar us from offering constructive criticism of its actual administration and suggesting a change in that one respect which I think would bring a great deal more confidence to the mind of the public generally. These great public bodies, spending millions of public money—I speak now particularly of the Vancouver and Montreal harbour boards, whose organization is practically identical—should subject themselves to the scrutiny of parliament through the Public Accounts committee, and I believe also through the Auditor General's department. Perhaps it is too late in the session to deal with a matter of this kind.

but I would suggest to the government that between now and next year the department having to do with these two commissions should prepare a careful presentation for the Public Accounts committee of the major capital expenditure in both harbours during the last four or five years. I know that in the case of the Vancouver harbour it will be difficult to explain some of the extravagant expenditures, and I may also add this: once there is extravagance in connection with a capital expenditure, that saddles for all time, or for a great many years, on that port the necessity for raising an unnecessary amount of money to pay the annual charges in the way of interest and sinking fund. This in turn is raised by the tolls upon the shipping, and thus the rates are increased beyond what they ought to be, if there is extravagance. Consequently it is very necessary to keep those expenditures down to the lowest possible point.

Mr. BENNETT: Would the minister consider this amendment to the bill, which it might be possible to introduce on the third reading:

That the expenditure of the money hereby or heretofore granted shall be subject to audit by an auditor to be appointed by the parliament of Canada and to investigation by the Public Accounts committee of the House of Commons.

I mention that for consideration by the minister, and between now and the third reading of the bill he might be able to agree to it. I am not sure of the exact language which should be used, but that is the sense of what I have in mind.

Mr. CARDIN: I am pleased to agree to the recommendation which has been made by the hon. member for St. Lawrence-St. George (Mr. Cahan), the hon. member for West Calgary (Mr. Bennett) and the hon. member for Centre Vancouver (Mr. Stevens): I am sure the harbour commission of Montreal, of Vancouver or elsewhere will have no objection at all to submitting themselves to a more direct control by parliament. We are following the practice that has been established since the corporation was formed, and, so far as they are concerned, I do not see any objection at all to an audit of their books; in fact they have been audited. In the course of last year the Auditor General went to Vancouver and made an audit of the books of the harbour commission. He went to Montreal and made an audit of the books there. I think at the present time these harbour commissions come under the Audit Act.

[Mr. Stevens.]

Mr. BENNETT: Their accounts do not come before the Public Accounts committee. Many things are audited, but they never come before the Public Accounts committee of Canada. Things disclosed before the auditor would not come before the House for acceptance by that body.

Mr. CHURCH: I think it is a matter of congratulation that the port of Montreal is receiving such a large increase in business, tonnage and receipts. The government have spent $44,000,000 on the harbour and now propose to give them $12,000,000 more, making a total of $56,000,000. The Montreal harbour board had jurisdiction over the channel of the river between Montreal and Quebec from 1854 to 1890, when it was transferred to the Department of Public Works. In 1894 the control of the river channel between Montreal and Quebec was transferred to the Department of Marine and Fisheries where it remains to-day. I think it is the desire of every Canadian that the harbour board shall have money to carry on their work. Any remarks I have to make will not be in criticism of the work because every Canadian desires to see this national port grow and progress. On the deep channel from Quebec to Montreal there was spent in all $44,000,000, which added to the $56,000,000 will make $100,000,000 spent on the Montreal harbour and approaches; add to that the million spent on railway terminals and railway facilities, expenditures amounting to perhaps $50,000,000 or $60,000,000 for railway approaches. I think this port should be taken out of politics and managed from the commercial aspect, and the same should apply to Quebec and Vancouver. The minister should consider whether there should not be a non-political board established to manage the affairs of all the federal and national ports, so that there would not be a change of board every time there was a change of government, thus making for continuity. If the Canadian National Railway board should be a non-political organization, so should our national ports. It is an economic and business question, not a political one. In my opinion, a general act should be passed applying to all these harbour commissions and it should be brought up to date, providing for capital charges, sinking fund, interest and everything else. This board have spent $56,000,000 and they have a sinking fund of one per cent of the loan or only $1,000,000, or one fifty-sixth of the total amount of their capital. This is far too low and it is not proper financing. I do not wish to offer any criticism because I

believe the port of Montreal is going to go ahead by leaps and bounds in the volume of business brought to Canada. I believe every assistance should be given the board to function in a businesslike manner. The present commissioners under the party system of control are no better or worse than those under the Conservative administration, and I believe they have the interest of the port at heart. I know some of the commissioners and I believe they give a great deal of their time and attention to this work as did their predecessors. In my opinion this great national port should be conducted from the commercial aspect and taken out of politics altogether.

Another feature of the matter that should be dealt with is this. This question was discussed at a convention of port authorities when they were here from all over the world from England and other places. Some arrangement should be made for a civic boulevard, park and recreation scheme along this magnificent stretch of river and the island of Montreal in unison with the harbour. I hope they will not make the same mistake that was made in regard to the port of New York, where conditions are somewhat similar to those at Montreal. Recently three commissioners were appointed by the state of New York and three by the state of New Jersey to look after the port of New York. They have jurisdiction over 800 miles of territory around the island on the ocean and rivers. They have found that it is too late to reclaim the water front; that they should have started fifty years ago, and I hope this board will not make the mistake that has been made in other places but will redeem forever the whole water front. They should construct a proper boulevard and harbour driveways and parks to provide breathing spaces for the working people of the great city of Montreal. Some time ago at the convention I discussed this matter with the president and members of the commission and suggested that a harbour survey be made on these lines, not only from the business standpoint but from the standpoint of beautifying the waterfront and affording a breathing space in the near future for the masses of the people of Montreal.

The minister should bring down some better capital financing of this particular project. Certainly a million dollars is not enough for a sinking fund for $56,000,000 of debt, and as regards the interest charges and capital there should be some refunding scheme for this debt. The various loans should have a refunding basis. This money is not a guarantee of bonds; it is a direct advance of cost up to $56,000,000 to the board. We should not depend upon the harbour board audit or a departmental audit of the accounts of this board. We should have a professional auditor appointed by parliament to audit the work of this and other boards and report to parliament direct, in order to see that the Canadian people have received value for their money. The Toronto commission do not get one cent from this government; all the money they spend is money guaranteed by the city. All the money spent in that port by the Dominion government since confederation amounts to $8,000,000 although the revenues are from $90,000,000 to $96,000,000 a year. As regards the three ports, Montreal, Quebec, and Vancouver, a general act should be passed and brought up-to-date to provide for a uniform system of audit, a uniform sinking fund, and a uniform method of financing the work, and of refunding and repayment of the loan.

The hon. member for South Winnipeg (Mr. Rogers) referred the other night to some sales of land, and he read an affidavit. I believe the port on the whole has done very good work under all governments, but we must not forget that it is operating a public trust. I have confidence in the minister and the department but I believe we should have an independent audit made once a year by someone responsible, not to the board, not to the department, but to the high court of parliament.

I notice the operating receipts of the port are increasing very rapidly. Something should be done to prevent the discrimination which has been brought out in this particular debate against the port of Montreal for the benefit of Portland and other ports in the United States. I do not believe the port of Quebec has ever had a chance. It was a seaport before Montreal. In 1854 Montreal was no more a seaport than Hamilton, Belleville, or Port Colborne on lake Ontario. It was made a seaport by deepening the channel between Quebec and Montreal at an expenditure of nearly $50,000,000. We in Ontario claim that this deep waterway system should be extended to the head of the lakes.

In my opinion Montreal is not what might be called a free port; it cannot be a free port because they have to pay interest and sinking fund but they should try to work up to the time when the port may become a free port. Although Canada receives $4,000,000 in revenue, that is only a small drop in the bucket of what would accrue to Canada if Montreal could be a free port and attract not a thousand but two thousand ships. The largest ports

in the world have been turned into free ports; they came to the point where they had to become free ports in order to draw trade and commerce to them. These ships go out to the seven seas and if they draw trade to Canada in the way in which they should draw it, a mere $4,000,000 or $5,000,000 would not amount to very much in comparison with the increase in trade which would help the city people and the farmers of the country as well. I hope the day will come when we shall have a non-political commission in charge of this and other ports. As regards the port of New York where politics had been rampant, a new act was passed whereby the Governor of New York appointed three commissioners and the Governor of New Jersey appointed three, but they control little or nothing. They have had a survey made of the port and they are working up to the time when they hope that great port will be taken out of politics, the same as all the United States ports on the great lakes.

The people of Canada want value for their money and I hope the time is not far distant when the authorities will get together and see if something can not be done to take these great national ports of Montreal, Quebec and Vancouver, which are doing splendid work for the country, out of politics and administer them from a commercial standpoint.

Mr. MacLAREN: What percentage is paid into the sinking fund annually?

Mr. CARDIN: One per cent of the loan.

Sir HENRY DRAYTON: I drew to the minister's attention the other evening the fact that as things are now we do not know what is being done with our money. The matter came up in connection with some man in Quebec drawing a salary of $12,000 a year, and my hon. friend agreed entirely with the simple proposition that we have a right to know what disposition is made of the money which we either vote directly or grant by way of endorsation. All that he has to do is to provide that the accounts in connection with the moneys which we place in the hands of the commissioners from time to time may be submitted to the Public Accounts committee. There can be no objection whatever to such a provision. If the present practice is not right I am sure the minister wants to make it so.

Mr. CARDIN: I have no very serious objection to that.

Mr. ROGERS: Then let us agree to that and pass the bill.

[Mr. Church.]

Mr. BELL (St. John): Can the minister give us any information as to salaries paid to officials other than harbour commissioners in Montreal and Quebec?

Mr. CARDIN: Unfortunately I cannot give that information to-night, but I will submit it to-morrow.

Sir HENRY DRAYTON: How shall we best carry our agreement into effect? Would it not be better to insert the amendment now rather than leave it to the Senate?

Mr. MacLAREN: It is desirable to have on Hansard the particulars regarding the salaries. How are we to get those particulars if the minister has not the information here to-night?

Mr. CARDIN: I will make a statement to-morrow.

Sir HENRY DRAYTON: That is satisfactory.

Preamble agreed to.

Title agreed to.

The CHAIRMAN: Shall I report the bill?

Sir HENRY DRAYTON: We cannot report the bill if the minister is to make a statement to-morrow.

Mr. CARDIN: Is it wise to delay the passing of the bill merely pending the submission of information regarding salaries paid to officials in Montreal?

Sir HENRY DRAYTON: That is not what I have in mind. I am thinking of an amendment which would enable the Public Accounts committee to look into the expenditures of the commission. I am sure the minister wants to incorporate such a provision in the bill, and the sole question is, at what stage it would be most suitable to submit the amendment. I suggest that we leave the bill where it is.

Mr. CARDIN: If I understood the hon. member (Mr. Bennett) rightly, he offered two suggestions. One was that the accounts of the commission should be submitted to the Public Accounts committee and the other was that an absolutely non-partisan audit should be made, an independent auditor being appointed. This latter proposal is already embodied in the law.

Mr. BENNETT: When I made that suggestion I did not have an opportunity to qualify it, having been interrupted. What I was going to point out is this: an audit may or may not mean any-

thing; it may mean merely the production of pieces of paper as receipts for certain moneys expended. What we desire is an opportunity to investigate the accounts represented by those vouchers or pieces of paper, and that can be done only by the Public Accounts committee. When I mentioned the audit I was not clear whether or not the country exercised any control in that regard. I had not read the statute at the moment, but I know now that the government may, if it desires, audit the accounts. But that is not sufficient. What is wanted is an investigation into the accounts themselves, and whatever may be necessary for that purpose should be added as section 6 of the bill. It would save time if the amendment were made now, because if the bill is reported there will have to be a motion on the third reading to refer it back to the committee. I suggest that we leave the bill in committee and in the meantime have the minister draft a suitable amendment. I could draft one myself, but probably it would be better for him to have it done by his law officers, as it would then be satisfactory to himself.

Sir HENRY DRAYTON: Report progress and ask leave to sit again.

Mr. CARDIN: When the bill was in committee the other evening, it was agreed that all clauses should go through and progress be reported, on the understanding that an opportunity would be given later to discuss the question of expropriation. It was understood between the hon. member for South Winnipeg and myself that the matter should be left in abeyance in order to have that question considered subsequently. Personally I have no serious objection to the suggestion of my hon. friend from West Calgary, but I hardly think it would be well to adopt now an amendment which would have the effect of changing the present system.

Mr. BENNETT: It would not change the system.

Mr. CARDIN: If hon. gentlemen insist, I should prefer to get out of the committee stage and have the matter taken up on the third reading to-morrow. As I have said, it had been understood that we should go into committee again only for the purpose of considering the question of expropriation.

Sir HENRY DRAYTON: I do not know anything about that understanding, but what has come up to-night turns surely upon that very question; it follows logically from what it is understood we were to consider. There seem to be differences between the hon. member for South Winnipeg and the minister, and we want to have some machinery by means of which those differences can be adjusted. The minister agrees that there should be a remedy, and if an amendment is to be made we may as well make it now. The usual thing is to move such amendments while the bill is in committee.

Mr. CARDIN: Does my hon. friend think it would be fair to insert such an amendment in this bill?

Sir HENRY DRAYTON: Yes.

Mr. CARDIN: Then the port of Montreal will be an exception inasmuch as such an amendment would not affect Vancouver. We cannot touch other ports with this bill, and if we adopt the proposed amendment it will leave open to the Public Accounts committee the accounts of the Montreal Harbour Commission, and of that commission alone.

Mr. STEVENS: Let us amend the Montreal bill in this respect and the minister can do the same thing in the case of Vancouver. For my own part, the sooner he amends the Vancouver act, the better.

Mr. MACKENZIE KING: The committee has overlooked an act introduced by Mr. Fielding, who was then Minister of Finance, and passed in 1923, for the express purpose of supervising just such expenditures as those which are incurred by harbour commissions. The statute in question was assented to on June 30 of that year and I quote from it the following actions:

> The board may inquire into the financial affairs of any commission or other public body the operations of which are carried on by appropriations from the treasury of Canada or which are aided by grants or loans from the said treasury, and shall make any recommendations which in their judgment will tend to a more effective control of the expenditure.
>
> The Minister of Finance may extend the powers of the board to include inquiry into any other undertaking or service belonging to or receiving aid from the government of Canada as he may deem to be in the public interest.
>
> Each member of the board shall for the purposes of inquiry under this act have all the power and authority given to the Auditor General of Canada as respects the various departments of the Dominion government.

These are the most important clauses, and—

Sir HENRY DRAYTON: My hon. friend, though, I think will agree with me that that was merely a temporary bill.

Mr. MACKENZIE KING: No.

Sir HENRY DRAYTON: I think he will find that that is the case. My recollection is we extended the term of the Board of Audit.

Mr. MACKENZIE KING: This is still part of the statutes of Canada.

Mr. GUTHRIE: It was repealed last year.

Mr. MACKENZIE KING: I think the essential parts are there.

Mr. GUTHRIE: There was a new act last year.

Sir HENRY DRAYTON: Yes, I happen to know how it was brought up again and why. I had been urging on my hon. friend the former Minister of Finance the necessity of a pre-audit, and out of that idea came this audit board. Apparently we are not at one yet, therefore it seems to me all the more necessary that we should rise and report progress.

Mr. MACKENZIE KING: My hon. friend from South Wellington (Mr. Guthrie) has been kind enough to draw my attention to the statute of last year repealing the previous statute, and to tell me that it contains the essential features of the latter. For instance:

> The treasury board may from time to time extend the powers of the board to include inquiry into any other undertaking or service which has received or is seeking aid from the treasury of Canada as may be deemed to be in the public interest.

That covers it.

Mr. STEVENS: No, my right hon friend will notice it does not meet the case at all. It merely says that the Treasury board, a section of the government, may ask the Board of Audit to look over certain acccounts that they themselves are interested in. We are asking that there shall be preserved to parliament the right to examine those accounts, which is obviously different. The Minister of Marine and Fisheries has agreed that the suggestion is a sound one. It only remains to draft a clause and incorporate it in the bill. We suggest that in order to save time the committee now rise to give the minister an opportunity to prepare the necessary clause, which can be placed in the bill when it is again in committee, and we can then give it third reading.

Mr. CARDIN: Mr. Chairman, in view of the representations that have been made, I have no objection to move that the committee rise and report progress.

Progress reported.

[Mr. Mackenzie King.]

## SUPPLY

### DEPARTMENT OF LABOUR

The House in committee of Supply, Mr. Duff in the chair.

Labour—Combines Investigation Act, $30,000.

Mr. HANSON: Will the minister inform the House if any prosecutions have been ordered as a result of the investigation under this act into the New Brunswick Potato Dealers' Association?

Hon. J. C. ELLIOTT (Minister of Labour): On June 9 a report was made that a combine existed in regard to the marketing of potatoes in New Brunswick. This report 11 p.m. was remitted to the Attorney General of New Brunswick on June 11, 1925, and on September 15, 1925, it was again remitted to the Attorney General of New Brunswick in the new administration.

Mr. HANSON: Has any action been taken by the Attorney General of New Brunswick?

Mr. ELLIOTT: Not so far as we are aware.

Mr. HANSON: Has any action been taken by the government? The time limited by the statute has long since elapsed.

Mr. ELLIOTT: No further action has been taken.

Mr. HANSON: Does the department intend to take any further action in the premises?

Mr. ELLIOTT: It is left with the Attorney General of New Brunswick to act.

Mr. HANSON: Supposing he refuses to act, is it the intention of the department to act? It has power to do so.

Mr. ELLIOTT: That has not been considered.

Mr. FLEMMING: What was the cost of the investigation?

Mr. ELLIOTT: $7,216.69.

Mr. HANSON: How was the amount distributed?

Mr. ELLIOTT: In this manner:

| | | |
|---|---|---|
| McLellan and Hughes: | | |
| Legal services | $2,197 50 | |
| Expenses | 232 08 | |
| | | $2,429 58 |
| Services and expenses of investigator— | | |
| E. R. Jackson, $434.63 | | $ 434 63 |
| Travelling Expenses— | | |
| H. Hereford (Registrar) | $209 36 | |
| H. S. Dagg | 210 85 | |
| | | 420 21 |

| | | |
|---|---|---|
| Stenographic services and expenses— | | |
| S. D. Simmons.. .. .. .. .. .. .. | $1,768 10 | |
| W. Staples.. .. .. .. .. .. .. .. | 17 17 | |
| | | 1,785 27 |
| Witness fee and expenses— | | |
| W. W. Boyce, $2.15.. .. .. .. .. .. .. .. | | 2 15 |
| Printing— | | |
| 6,502 copies of report, "Investigation into alleged combine limiting competition in the marketing of New Brunswick potatoes".. .. .. .. .. .. .. .. .. .. .. .. .. | | 1,015 69 |
| 1924-25 expenditure .. .. .. .. .. .. .. .. | | $1,129.16 |

Mr. HANSON: Who is Mr. Jackson?

Mr. ELLIOTT: He was a special investigator engaged.

Mr. HANSON: Is he an official of the department?

Mr. ELLIOTT: I do not think so.

Mr. BENNETT: He is a lawyer, is he not?

Mr. ELLIOTT: I understand not.

Mr. FLEMMING: I would like to ask the minister in regard to the method of conducting investigations under this act. I have no disposition to go into the merits of this particular case, but my understanding is that when charges were made that certain firms had violated the Combines Act, an investigation was ordered and the parties who were complained against had no opportunity of meeting their accusers and no opportunity of being present when evidence was being taken, no opportunity of questioning or cross-questioning witnesses, and no opportunity of presenting any evidence in their own defence. Is that the policy of the department in conducting investigations under this act? It would seem to be most extraordinary. I remember very well at the time the Hon. Mr. Jones of Woodstock was acting for the accused, and he complained most bitterly that they were not allowed the opportunity to cross-question any witnesses, or to submit any evidence in their own behalf, or to do the things which ordinarily an accused person is allowed to do. I would like to know what is the policy of the department in conducting investigations of this kind. It seems so wholly and absolutely contrary to the principles of law and right and justice. A man accused ought surely to have the chance to see who his accusers are. He surely ought to have the opportunity of cross-questioning witnesses who give evidence, and the opportunity of giving evidence in his own behalf. Then you can have a fair investigation as a result of which you may reach a reasonably proper conclusion. Without that the investigation would be utterly devoid of the merit which an investigation conducted in accordance with the principles of law would have. No one knows at what time some other firm of reputable dealers might be accused of violating the principles of the act, and it seems highly important to know that at least they would be accorded what we would call fair play, an opportunity of cross-questioning witnesses, and of giving evidence in their own behalf. One cannot imagine that the commissioner investigating would not want that very thing done if he wanted all the information, and wanted to go to the very root and bottom of the case and get the facts. Surely that is what he would require to be done. But I understand that in that case it was absolutely not done.

Mr. ELLIOTT: Of course a good deal had to be left to the initiative of the investigator in each particular case. I wonder if my hon. friend is not overlooking the fact that this matter has not yet been brought to trial. Of course at the trial both sides will be represented. I take it that the inquiry up to the present in the case to which my hon. friend refers is merely an investigation by officers of the department, or by investigators on behalf of the department, to ascertain whether or not a combine exists, and whether or not there is such a set of circumstances as justifies a prosecution being instituted. Once the trial takes place the defendant will be represented and will have the right to cross-examine witnesses and to produce evidence on his own behalf, but up to the present no trial of that kind has taken place. It is merely an investigation to find whether or not in the opinion of the department officials and investigators a combine really exists.

Mr. HANSON: I think that the hon. member for Victoria-Carleton has understated, rather than overstated, the circumstances surrounding this case. These gentlemen were charged under the act, and an investigator was appointed. The performance can be characterized, I think, as a star chamber performance. This produce association, or the members of it who were charged, employed counsel, but he was not admitted to the hearing. Witnesses were taken in one by one. The department was represented, I may say, by able counsel, but only one side of the case was heard. It was not even a preliminary examination such as you might anticipate before an indictment is laid. Counsel for the defendant and his witnesses were excluded, and an ex parte investigation was held. I want to ask the minister if that is the policy of the department, so that the public may know in the future what they may expect. By reason of the action of the investigator,

the case I think has been robbed of any semblance of fairness. There certainly was not an opportunity on the part of the accused to make out even a semblance of a defence. They were not allowed to be represented, and there was no cross-examination by counsel for the defence of the witnesses produced for the affirmative. The whole proceedings we considered were very unfair. I would like to know if that is the way in which this act is to be administered in the future.

Mr. ELLIOTT: So far as I am aware, no complaint has reached the department that this or any other investigation under this act has not been conducted in accordance with the act.

Mr. BENNETT: Complaints have been made.

Mr. ELLIOTT: My hon. friend's complaint is the first that I have heard in connection with it. The act practically prescribes the manner in which the inquiry shall be conducted. Section 19 says:

> The proceedings of the registrar and every commissioner shall be conducted in private, but the minister may order that any portion of the proceedings before the registrar or any commissioner shall be conducted in public.

Section 20 says:

> Whenever in the opinion of the minister, the public interest so requires, the minister may apply to the Minister of Justice to instruct counsel to conduct the investigation before the registrar or any commissioner and upon such application the Minister of Justice may instruct counsel accordingly.

I would point out—and I am saying this without having, as I say, considered that question at all before, because I have heard no complaints—that the practice that was adopted in this case was the same, I am told, as that which was adopted some years ago in Ontario when a certain prosecution took place there. I think it was the plumber's case.

Sir HENRY DRAYTON: No. I was in the plumber's case. Take another one.

Mr. ELLIOTT: I am referring to the case where they seized all the documents. Was not that the plumber's case?

Sir HENRY DRAYTON: That was done in that case. In the plumber's case the documents were seized but those accused were given the right of being present. I think my hon. friend's predecessor held that, although the proceedings were to be private, a man under suspicion should have the right of being represented by counsel.

[Mr. Hanson.]

Mr. HANSON: Especially when the crown is represented by counsel. I am not concerned with the merits or demerits of these controversies but I do submit that to carry on these investigations without giving the right of representation to the accused is not in consonance with the principles of British justice. As to whether complaints have been made or not, the deputy minister can say if the political head of the department at the time in question received many complaints. Because many of the gentlemen connected with these cases were political friends of the government. The government counsel in New Brunswick is one of their most important supporters there, and I will venture to say that he brought this matter to the attention of the then administration in no uncertain manner. I should like to know if there were not complaints brought to the attention of the then minister against the manner of this investigation. The deputy is there and he can inform my hon. friend.

Mr. ELLIOTT: The deputy says he does not recall complaints being made specifically. He says there was a feeling expressed in certain quarters of the nature the hon. gentleman has just stated, but it is the first I have heard of any criticism of that kind. By that I do not mean that there may not have been many complaints, but they were not brought to my notice before.

Mr. HANSON: The hon. gentleman was not here then.

Mr. ELLIOTT: I may say without any hesitation that I cannot see how any injustice would be done, under the Inquiries Act or any other act, by letting everybody concerned, particularly the man who is accused, have the fullest possible opportunity of conducting his defence, just as a man at a preliminary trial has the right of being present and of cross-examining witnesses if he wishes. The man who is accused has a right to a fair trial under any circumstances. I am very glad that hon. gentlemen have brought this matter to my attention and I will see that in future investigations everybody concerned shall have a fair deal.

Mr. HANSON: I am very glad to hear the minister say he will take that course. I assume that the public can take it for granted in the future that in these investigations there will be a full right of defence. That is all we ask for.

Mr. ARMSTRONG (Lambton): How many investigations were held last year and how many convictions resulted?

Mr. ELLIOTT: In the fiscal year 1925-26 the number of formal applications received was seven. In three cases it was reported that no combine existed. Investigations are still in progress in three cases, and in one case the application has been withdrawn. One was referred to the commissioner and five inquiries were conducted by the registrar, and the application was withdrawn in one case. The number of investigations conducted by the department without formal application was ten. The only convictions that I am aware of are those that took place in connection with the prosecutions of the Nash concern. I think my hon. friend is familiar with them.

Mr. ARMSTRONG (Lambton): In western Canada.

Mr. ELLIOTT: My hon. friend knows the results in the Nash case so I need not refer to them again. They were very satisfactory, I think, from the standpoint of the people who complained at any rate, and I hope from the standpoint of the public generally.

Mr. CHURCH: Has the minister read a decision of the Privy Council on the Industrial Disputes Act which would indicate that legislation with respect to combines is ultra vires of this parliament? I raise the question that the money being voted for this purpose is going to lead nowhere. There is no country in the world where trusts are flourishing like they are in Canada to-day. When the British North America Act was passed there were no such things in Canada as combines, gentlemen's agreements, or interlocking directorates, and under that act matters relating to property and civil rights were confided to the provinces. I venture to say that if an appeal is taken on the Combines Act to the Privy Council a judgment similar to that given in the industrial disputes case will be rendered. on the ground that it conflicts with property and civil rights and employer and employee. The Industrial Disputes Act from cover to cover was ultra vires of this parliament, and the same is true of the act we are now considering. The Privy Council held that the Industrial Disputes Act conflicted with property and civil rights in the provinces, interfered with contracts between employers and employees, and dealt with properties wholly in the provinces. I believe the eight-hour day legislation, except as to day labour on Dominion works, is beyond our competence for the same reasons.

In 1921 we were told that the Conservative party were the creatures of the big interests, and that if the Liberal party were returned to power they would turn down the combines. "Death to the trusts" was the slogan of the Liberals at that time. But what action did they take when they came into power? They introduced legislation to put an end to the Atlantic combine and an investigation was made into the question which lasted for weeks. But the ocean combine is still doing business and carrying on a land office business at that. In the United States they have the anti-Sherman trust law and they have been carrying it out most effectively. The coal, bread, and sugar combines were dealt with and the Standard Oil Company was brought to book. Judge Landis fined the Standard Oil Company fifty million for breach of the anti-Sherman act. They secured results over there, and they got some measure of control in the regulation of rates. But what control have we got in this country.? In Canada where we had seventeen banks we have now twelve; various banks have been amalgamated, and we have the manufacturers' trust, the transportation trust, the ocean combine, the bread combine and many other combines. The Liberals said, "We will bring these combines to time if we are continued in power." Did they do so? No. Did they put proper provisions in their charters? No. There is a clause in the Criminal Code with reference to these matters providing for prosecutions of restraints of trade, but how many prosecutions have taken place under that provision in the code? None. How many investigations have they held under the Combines Act? There has been one prosecution out at the coast, the fruit case, but if this case was taken over to the Privy Council I believe the Combines Act would be declared ultra vires. I hope it will be a long Defferred Day in Canada when we will abolish appeals to that greatest of courts, the Privy Council. I am not satisfied with the details of this vote this year or last year. There has been a prosecution of some fruit men, and results of the prosecution went into the lawyers' pockets. That is all the result. More mergers have been consummated under the present government than were ever formed in Canada before. A prosecution of the milk combine was started in Toronto and the judge would not accept the bill of indictment. The milk dealers sat down at a table and arranged it among themselves. They said, "You sell here" and to another man, "You sell there", and so on, and in effect they agreed to enhance prices. One would ask, "What are you selling for", and the other man would tell him, and they all agreed and said, "We will all sell at the same price". They sat down around the

table and fixed the prices, and of course in that way those prices were enhanced. A prosecution was attempted; an application was made. I think before Mr. Justice Kelly, and he would not accept the bill of indictment on the crown's advice in 1921.

A little while later, in 1923, the Minister of Labour in 1923, brought down a measure which was passed in this House. Of all the machinery that was ever coined or invented by a government that was the most wonderful. It was a dream; it should have been placed in the Victoria Museum, to show to future generations the activity of the present government in prosecuting combines. What do they require to do? If they believe a combine exists under the act they send a man up to see some of the officials of the Labour department. I would not wish to criticize the young Minister of Labour; my criticism does not relate to him but to the act. You have to get at headquarters to destroy the combine. This act is due to the manner in which our charter, the British North America Act, has been framed. Those who drafted the act had not in mind special agreements, interlocking directors, gentlemen's agreements and lawyers' agreements. I do not believe it is possible that the act will come within the four corners of section 92 of the British North America Act. they have a different constitution in the United States. I fail to see that any useful purpose will be served by spending $30,000 and I venture to say that if the minister got the opinion of the Justice department on this particular act he would find that it is ultra vires for the same reason that the Industrial Disputes Act was declared ultra vires.

Item agreed to.

Conciliation and Labour Act, $35,000.

Mr. NICHOLSON: Would the minister explain the Conciliation and Labour Act?

Mr. ELLIOTT: The amount of $35,000 is the same as voted last year. The appropriation is intended very largely to meet the cost of printing, binding and distributing the Labour Gazette. That is the greater part of the expenditure. From this appropriation also is paid the salary of some sixty to seventy persons employed as correspondents. The salaries are not very large, running from $125 to $300 per annum, and these correspondents are scattered all over the country. Their duties are to report to the department matters they think of interest relating to the industrial situation in their particular community and matters of general interest to the department. Small payments also are occasionally made for special work in connection with surveys, statistics, or conciliation in labour disputes. Travelling expenses for that purpose are met from this vote. It is the same as last year. I could give my hon. friend further details if he wishes. Last year for correspondents the salaries ran to $9,663. Hon. members will see that between sixty and seventy persons are employed. The details of expenditures were as follows:

| | |
|---|---|
| Correspondents' salaries | $ 9,663 14 |
| Services, fees, etc. | 3,343 99 |
| Printing and Stationery | 16,713 14 |
| Sundries | 2,336 35 |
| Total | $32,056 62 |

That was up to March 17, 1926.

Mr. NICHOLSON: The item has no reference to conciliation work at all. The item specifies conciliation and labour. I took it for granted it had something to do with conciliation and labour disputes, but apparently it is a miscellaneous item covering printing.

The CHAIRMAN: Carried.

Mr. WOODSWORTH: I do not think we can pass that item so quickly. I thought a question was being asked of the minister, and when the answer is given I should like to make a few remarks.

Mr. ELLIOTT: I was going to say that, in attempting to effect conciliation between the different parties who seem to be getting at variance in labour matters, it is necessary to know about the cost of the various articles in that particular community, what the industrial conditions are, and those are the services for which those correspondents are paid. Then there are four or five fair-wage officers employed. Their salaries are in the civil government estimates, and I think this only covers the expenses in connection with them. In any of these disputes they inquire as to what wages are being paid and what relation those wages bear to the cost of living in the particular community, with a view to enabling them to arrive at a conclusion as to whether or not the wages under all the circumstances are as nearly as possible what are fair.

Mr. MacLAREN: Do I understand the fair wage officers are paid out of this vote?

Mr. ELLIOTT: No. Part of their disbursements are paid I understand.

Mr. MacLAREN: Out of this vote?

Mr. ELLIOTT: No, I believe it is out of the fair wage vote.

Mr. NICHOLSON: Is there in reality anything being carried on by the Labour department in the character of practical conciliation as between employers and employees where disputes arise? I know that I would be out of order if I undertook to discuss item No. 258, Industrial Disputes Investigation Act, but I would like to get from the minister a statement that would indicate exactly the position the Labour department is in as regards matters of dispute arising between employers and employees. It must come under one of these two items; if this means what it says, it means conciliation and it must mean as between employer and employee.

Mr. ELLIOTT: Very valuable work is being done by these fair wage officers who are selected on account of the experience they have and their peculiar fitness for this particular work. Their services have contributed much to the prevention and settlement of disputes between employers and employees in a number of cases. They are doing valuable work for the department and for the cause of conciliation.

Mr. NICHOLSON: Will the minister cite for the benefit of the committee something of the character of the work that these men are doing, or a special instance that would give some idea of the work to bring about a better understanding between employers and employees where disputes may have arisen?

Mr. ELLIOTT: In connection with disputes in the coal fields of British Columbia, Alberta and eastern Canada, these men made investigations and gave to that matter close attention with very beneficial results. Perhaps I could give some cases with which my hon. friend would be familiar. I find on reference to the Annual Report of the Department that Mr. Harrison in the Vancouver office was successful in securing an adjustment of wages and rates affecting workmen employed on the construction of the subway at Edmonton which was being built under agreement between the municipality and the Canadian National Railways. The dispute had previously led to a strike of several weeks' duration in mid-winter and had been the subject of protracted discussion between the authorities concerned and the workmen's representatives. Mr. Compton, resident fair wage officer in Toronto, spent a great deal of his time during the winter in connection with labour questions arising on contracts for the Welland ship canal, which are dealt with in the report of the Department of Labour. Thomas Bertrand, resident fair wage officer in Montreal, investigated eleven industrial disputes in the year, involving 258 employers and 3,640 employees. Assistance was rendered wherever possible in securing working agreements between the parties affected. In several instances mediation through the departmental officer was instrumental in preventing threatened interruption of work.

Mr. NICHOLSON: Under what authority are those men working? Is it purely a voluntary effort on their part, or have they any statutory authority behind the work they are doing?

Mr. ELLIOTT: As regards conciliation they work under the Conciliation and Labour Act.

Mr. WOODSWORTH: Perhaps it is hardly fair to criticize a new minister, but I should like to say a few words in regard to the department and the way in which it has been conducted in the last few years. It seems to me that the previous minister had as his object very largely to cut down wherever he could, to make all sorts of small economies involving the curtailment of the real work which ought to be done by a department of this character. Anyone who has had anything to do with the publications of the Department of Labour in the United States will know how much more extensive the work carried on by that department is than has ever been attempted by our department in Canada. Years ago when I had to make some investigations in connection with the interprovincial bureau of which I had charge in the west, I found that I could go to the United States bureaux and obtain very full information with regard to almost any phase of labour conditions, but with regard to Canada the situation was almost hopeless. There were very few investigations; we had contented ourselves with reports of studies which had been made in other places. If this Department of Labour is going to take any real part in the solution of the industrial problems of this country, we ought to have a staff of well-equipped investigators continually making researches and studies of various kinds. I can not but contrast this department, we will say, with the Department of Agriculture, where various experiments with regard to diseases and the welfare of animal and plant life are carried on on a most extensive scale. We have in connection with our industries themselves an industrial research council which is doing very fine work in making researches and experimentations along various lines. If it is of so great importance for us to experiment with regard to industries or to investigate the whole situation

with regard to plant or animal life, I cannot see why we should not pay a little more attention to the various conditions which affect the labouring population of this country. We have for example our casual labourers drifting about from one part of this country to another. Who knows anything about them? Who knows the reason for their movement? Who is making any attempt whatever to stabilize the labour market. It is all very well, as we note in the next item, to have a department devoted to co-ordinating the employment bureaux, but we shall have to go a great deal further than that. Why should not someone make an examination, for example, into the question of seasonal labour? Undoubtedly in this northern country we must always face the problem of seasonal work. We cannot change our climate. We require a very much larger force of labour in the summer than we do in the winter months and we are content smiply to turn these labouring people out when the fall and the freeze-up come, and allow them to shift for themselves. As individuals they cannot do very much, but if there was a department which was alive to the situation there would be all sorts of studies going on as to how we could dovetail certain types of summer work into certain types of winter work which ought to be developed in this country. According to recent magazine articles, even our friend Henry Ford, who is so versatile, is turning his attention to the employment of some of the factory workers on the farms. At times when factories are slack, the workers can pass to the farms where their services are required. I give that just in passing as a possibility that might be developed by an alert and capable labour department.

There are one or two specific matters that I should like to mention. In the publication to which the minister has made reference we have tables given us as to the cost of living. In connection with our investigations on the minimum wage question before the committee this year we found that the officers of the department had investigated only part of the cost of living; that is, a certain minimum for food, clothing and shelter is recorded, but nothing whatever is said as to the other items which must enter into the matter if a family is to maintain a reasonable standard of living as we understand it. It seems to me that the present way of stating the living costs gives us a very false impression. Frequently this family budget is taken as a basis for estimating certain wage schedules; yet on the face of it, and according to the testimony of officers of the department, it does not really represent the cost that is necessary in order to maintain a family. I would suggest to the minister that those statements be changed and that provision be made for other items that are necessary if a workman is to maintain anything like a decent standard of living.

We have the Labour Gazette, and if I am rightly informed as supplemental to the gazette, there is a publication called Labour Organization of Canada, of which the fifteenth annual report contains a great deal of valuable information. I should like to call the attention of the minister to the very large space given to the discussion of certain aspects of labour that really are not very prominent. Among the regular labour organizations, for example, I find one whole section devoted to revolutionary labour societies, such as the Red International of labour unions, the Communist Party of Canada, and so forth. Some pages of this, I notice, were reproduced in Toronto Saturday Night practically in toto, and already they have been quoted extensively in this House. I submit that we have a right to expect the department to give us a somewhat more balanced account of labour as it really exists. I know there are some people who are very much afraid of the "red menace." I remember two or three years ago the students of Toronto University invented a new yell. Some of the graduates of universities will understand what a college yell is, and this one ran something like this:

> Revolution! Riot! Blood and gore!!
> Down with the capitalist evermore!
> One! Two! Three!
> Who are we?
> B-O-L-S-H-E-V-I-K-I!!

That song was actually reported to the police of Toronto, and I cannot see how it possibly escaped being recorded in this document as one indication of red tendencies prevailing among the students of our universities.

Mr. McGIBBON: Will the hon. member tell us when that was adopted as the college yell of Toronto university?

Mr. WOODSWORTH: I heard it sung by some of the students of that university.

Mr. McGIBBON: That is not what the hon. member said.

Mr. WOODSWORTH: I said they discovered or invented that yell.

Mr. McGIBBON: You said they adopted it.

Mr. WOODSWORTH: There were some hundreds of students singing it.

Mr. McGIBBON: That is not the university yell.

Mr. WOODSWORTH: I am sorry if I said anything that would imply that it was. Certainly I did not intend to suggest that it was the official yell of the university of Toronto. But I did hear some of the students shouting it and it goes to emphasize the point I am making.

In this document, which covers the whole country and which is used as a basis for the investigation of labour affairs in Canada, we have one section devoted to labour in politics, and again great prominence is given to a communist organization. I am rather jealous of this because I belong to another organization which at election time is more or less opposed by the communists. Yet I find that our organization, which actually has two representatives in this House, is honoured with two lines out of twenty or thirty pages. I do not think it is fair.

Mr. DUNNING: It is outrageous.

An hon. MEMBER: Out-page-us.

Mr. WOODSWORTH: Out-page-us, if you will. I do submit that we should be given more than two lines out of twenty or thirty pages, especially in view of the fact that we have two representatives in the House. It seems to me there is a little bias evident in some other respects in this document. I do not know what officer is responsible for it. A list is given of the labour papers in Canada, among which I notice the Weekly News of Winnipeg, a small publication in which, as it happens, I am interested, inasmuch as it prints most of what I write. But there is another paper much older and with a very much wider circulation, the One Big Union Bulletin, which is not even mentioned in this official list of labour organs in this country. The minister just now calls my attention to the fact that the information that the official paper of the One Big Union is the O.B.U. Bulletin and is published in Winnipeg is given on another page. It is not included in the list of labour papers. This may be an oversight, but I suggest that where a little paper, such as the one in which I am personally interested, is included—and I am glad of that fact—this other and more extensively circulated publication should certainly not be omitted, and this omission would seem to indicate either ignorance of the actual labour situation or a prejudice against particular labour unions. I call attention to these facts not with the idea of denouncing the department, but rather with a view to encouraging a little more accuracy and a somewhat more extensive investigation in dealing with the labour situation in Canada. I am convinced that there would be much less apprehension of and a great deal less prejudice towards certain sections of the labour movement if that movement were better understood by the large majority of the people.

Mr. McGIBBON: I am rather sorry for the Minister of Labour (Mr. Elliott) when the hon. member for Winnipeg North Centre (Mr. Woodsworth) has to come to his defence. I want to ask that hon. member, who prides himself upon being a representative of labour in this House, what he has ever done or advocated in parliament to help any man get a job. I have followed the hon. gentleman's course in this House for four or five years and—

Mr. WOODSWORTH: I do not know whether I am on the witness stand or not. I thought we were discussing an item in the estimates, and I have been trying to point out certain matters in relation to labour which I think ought to be considered. If, however, I am to be questioned and criticized, under cover of this item, because of what I have said either in this House or elsewhere, I shall expect to be given an opportunity of replying to the hon. member.

Mr. McGIBBON: The hon. member will have all the time he wishes to make his reply. As I say, he prides himself upon being a representative of labour in this House and on every occasion that offers he informs us that his one object in life is to help the labouring man. Now, the hon. gentleman has been in this House for four or five sessions, and I ask him, through you, Mr. Chairman, what he has ever done or advocated during that time to help the cause of the labouring men of Canada. As a matter of fact, he has supported policies that have driven tens of thousands of our workingmen from their jobs and many of us to-day are representing constituencies that have been so affected. It is time, Sir, that those who advocate the rights of our labouring men put forward something constructive to help those men earn their daily bread and maintain their families. I have watched the members of this House—

Mr. BROWN: Mr. Chairman, what item are we discussing?

The CHAIRMAN: Conciliation.

Mr. McGIBBON: I am glad, Mr. Chairman, that I am able to stir up something in this House at this late hour. Hundreds of thousands of our workingmen have had to leave Canada to get jobs in the United States.

I represent a constituency where four or five years ago we had industries employing hundreds of men, but to-day those industries are practically at a standstill. All this has been due largely to the policies of this government, supported on every occasion by the hon. member for Winnipeg North Centre. I for one get tired of hearing advocated those policies that take the bread away from the wives and families of our workingmen. I hope before this session closes those hon. gentlemen who claim to speak for labour will do something towards insuring our workingmen a living in this country so that they may be able to maintain their wives and families.

Mr. ROSS (Kingston): Mr. Chairman, while the matter I am about to mention perhaps does not come under this item, yet when we were discussing it last year the Minister of Justice promised to give it his attention. In 1924 the employees of our penitentiaries were brought under the Civil Service Act, and were told that in order to secure the benefits of superannuation they would have to contribute to the fund 5 per cent of all their former pay. The hon. minister's predecessor promised to take this matter up because in several parts of the Dominion he had received complaints of a similar kind. I do not think it is a fair position to require these old employees to pay anywhere from $1,200 to $1,800 to become co-partners in the civil service superannuation scheme, when they may, perhaps, without a minute's warning, lose the gratuity which they have already earned. It was proposed that only a portion of that gratuity should be contributed to the superannuation fund. Has the department done anything in this respect? I may add that I shall discuss the matter again when the estimates of the Department of Justice are under consideration.

Mr. ELLIOTT: The matter is new to me. I understand it relates to the Justice department. I shall be very glad to take it up with the Minister of Justice and see if anything has been done.

Mr. ROSS (Kingston): Will the minister promise before the estimates of the Justice department are brought forward to consult with the Minister of Justice? The Deputy Minister of Justice knows all about the matter.

Mr. ELLIOTT: I shall be very glad to do so.

Mr. NICHOLSON: Mr. Chairman, to revert for a moment to the question I asked the minister before, is there any statutory authority for these investigators or conciliators to act in adjusting disputes between employers and employees?

[Mr. McGibbon.]

Mr. ELLIOTT: Section 12 provides for the disseminating of accurate statistical and other information relating to conditions of labour, the collecting and digesting of all information possible and putting it into suitable form so as to show the conditions of labour, and the conducting of inquiries into important industrial questions upon which adequate information may not be available, and so on. There is no doubt that under this section and sections 6, 7 and 9, there is ample power to prevent disputes by conciliation.

Mr. NICHOLSON: The minister misunderstands my question entirely. I was not referring to the collection of information with regard to the conditions of employment generally; that is purely a statistical matter. His answer leads me to the conclusion that in regard to this item it is not a question of conciliation between employers and employees, but that it deals merely with the collecting of information as to existing conditions. There was a time when the department did real valuable service in effecting conciliation between employers and employees in genuine disputes, but through precipitate action taken a few years ago the department has been placed in a position that to my mind now renders it impotent in cases of that character. My own view is that unless the Department of Labour or the government responsible for the department undertakes to re-establish the Conciliation Act, which would more properly come under item 258—Industrial Disputes Investigation Act—the Department of Labour might just as well go out of existence, because all we are getting from it now is merely a matter of statistics. In that connection may I say that this is one of the departments that creates the multiplicity of statistics that have to be furnished where two or three sets of the same statistics are furnished to different departments of the government. If this whole work were turned over to the chief statistician, I am confident that it would be done much better, and all the information we now get would be available.

So far as the work for which the Department of Labour was really designed, is concerned, namely, to be the medium through which and by which disputes between employers and employees could be conciliated, the situation now is that the department is doing nothing of that character whatever. If there is anything to which a Minister of

Labour might direct his attention, it is I think to bring about a common understanding between the federal and provincial authorities by which there could be a federal measure of genuine conciliation, something of the nature of the Industrial Disputes Act, which has been declared ultra vires of this parliament, because the number of disputes that will arise between employers and employees that cannot be dealt with by provincial authority is very great. As a matter of fact having had some little experience on both sides of the question, I would say that the Industrial Disputes Investigation Act as it previously existed, and as it was previously carried out, was one of the best acts this country ever had. Surely there should be some way by which the federal and provincial governments could get together and reach the point where the federal department could be given authority to carry on as they did before. As it is now, when you talk about conciliation or about the Industrial Disputes Investigation Act you are talking about something that in reality does not exist, because the so-called investigators have no legal authority whatsoever to intervene in a dispute between an employer and his employees.

Mr. CANTLEY: The minister referred to a man by the name of Mr. Quirk. Would he state what are his duties, where he has been employed, and with what result?

Mr. ELLIOTT: Mr. E. McG. Quirk lives in Montreal. He is not on full time, but is an investigator engaged for special work as the necessity arises, and where there is danger of a dispute or of a strike his services are called into requisition with a view to seeing the parties, doing exactly what is covered by the sections to which I have just referred. If they do not accept his suggestions and his good offices, he cannot force them upon them, but he is the kind of man, and I think the others are of the same kind, who has had a lot of experience in that sort of thing, and I think his offices have been valuable.

Mr. CANTLEY: If I am not mistaken, he was down in Cape Breton a year ago or less, prior to the last strike. Did we have any results following his visit?

Mr. ELLIOTT: No, but I suppose he is not the only man who failed to bring about conciliation there.

Mr. NICHOLSON: Will the minister say whether he, as head of the Labour department, has any intention to make a real effort to bring back into existence a general conciliation measure, or is he just going to allow the thing to drift on as it is now, leaving the department utterly impotent in the fact of any dispute that may arise—because that is the situation in reality. If I am wrong I would like the minister to point out where I am wrong, but nothing that has been read so far gives the conciliator or investigator or anyone representing the federal Department of Labour any authority whatsoever to intervene in a dispute as between an employer and his employees, and I submit that if there is anything to which the department should give its attention it is to re-creating the condition that prevailed before the Industrial Disputes Act was declared ultra vires of this parliament.

Mr. ELLIOTT: Does not my hon. friend think that that is covered, and I think very fully covered, by the various clauses, among others, to which I have just referred:

> Where a dispute exists or is apprehended between an employer or any class of employers and workmen, or between different classes of workmen, the minister may, if he thinks fit, exercise all or any of the following powers, namely:—
>
> (a) Inquire into the causes and circumstances of the dispute;
>
> (b) Take such steps as to him seem expedient, for the purpose of enabling the parties to the dispute to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon or nominated by him, or by some other person or body, with a view to the amicable settlement of the dispute;
>
> (c) On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint a conciliator; and,
>
> (d) On the application of both parties to the dispute, appoint an arbitrator or arbitrators.
>
> 2. The conciliator shall inquire into the causes and circumstances of the dispute, by communication with the parties, and otherwise shall endeavour to bring about a settlement of the dispute, and shall report the proceedings to the minister.
>
> 3. If a settlement of the dispute is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives.

I quite agree with my hon. friend that it is highly advisable, in every case where it can be done, to try to get the parties together by every possible means, and by means of the best conciliators who can be obtained to endeavour to come to an agreement without a strike.

Mr. NICHOLSON: The minister has confirmed exactly the view I expressed, namely, that in relation to disputes the department is

in exactly the same position as any private individual, if both parties to the dispute agree. If disputes arise, conciliators may be appointed, and these conciliators will do all they can to bring the two parties together, but in relation to the character of the work that was previously done by the department, they are helpless. That is the situation, as the minister has put it.

Item agreed to.

Fair Wages and Inspection, $5,000.

Mr. MacLAREN: Would the minister give us some particulars? Does this vote include payment for a fair wage officer for the Maritime provinces? I think the minister is aware that there is considerable dissatisfaction in the Maritimes over the absence of a fair wage officer, and many organizations have made representations on this point. They say there are numerous instances of labourers not receiving the pay which they should receive, and that there is no proper supervision of checking up infractions of the regulations by employers. I would ask the minister therefore if this vote will include the employment of a fair wage officer for the three Maritime provinces.

Mr. ELLIOTT: My understanding is that at the present time there is no fair wage officer who has been resident in the Maritime provinces. I think an officer from Montreal has made several of the investigations that took place down there. I quite agree with what has been suggested, that the fair wage officer should be as representative as possible, and I would take into consideration my hon. friend's recommendation. If it is thought that matters relating to these provinces cannot be covered with the present number of officers or that some distinct representation should be given, my hon. friend's statement will be considered. No complaints, I am told, have reached the department on the subject from the Maritime provinces.

Mr. MacLAREN: May I point out that the officers now employed do not meet the situation satisfactorily at the present time. The labour organizations have given me assurances to that effect and I think that what they say is true. There are two or three fair wage officers in the Dominion at the present time, are there not? One or two in Montreal, one in Ontario and one in the west?

Mr. ELLIOTT: There is one in Vancouver.

[Mr. Nicholson.]

Mr. MacLAREN: I think there is a good deal to be said in favour of appointing another officer to carry out the general policy of the department, and also to guard the interests of the workingmen in the Maritime provinces.

Mr. CANTLEY: I would ask the hon. gentleman who has last spoken if he thinks it is really necessary that the government pay attention to anything in the Maritime provinces.

Item agreed to.

International Labour Conference, $10,000.

Mr. WOODSWORTH: Would the minister give us an outline as to what this conference has done?

Mr. ELLIOTT: This conference is just going on and no report has yet come to me of what has taken place there so far. The expenditure under this head arises out of section 13 of the Peace treaty. It is probable that the 1926 conference will deal with various matters.

Mr. WOODSWORTH: Who are Canada's representatives?

Mr. ELLIOTT: Doctor Riddell and Mr. Lucien Pacaud are the two representatives of the Department of Labour.

Sir HENRY DRAYTON: Is that Mr. Pacaud of the High Commissioner's office?

Mr. ELLIOTT: Yes.

Sir HENRY DRAYTON: What was the amount spent last year?

Mr. ELLIOTT: The amount spent last year was $9,571.

Mr. WOODSWORTH: May I ask what action the Labour department proposes to take this year in order to give effect to the Peace treaty and to the various conventions that have been adopted since that time? We all recognize that in a federal country this is a very complicated problem, but still we are under obligations to carry out the provisions of the Peace treaty. Is there any definite action being taken to-day or is it contemplated in the near future?

Mr. ELLIOTT: Conferences have taken place, and are contemplated in some other cases, with the various provinces in regard to carrying out the terms of the convention, but nothing of a very concrete character has yet been arrived at.

Sir HENRY DRAYTON: Or will be.

Mr. WOODSWORTH: This matter has come up again and again, for example with regard to the eight-hour day, and matters of that kind. We entered into a solemn obligation and this treaty is as binding on Canada as it is upon any of the other countries involved. We are under a solemn obligation to carry the treaty out and yet the minister stands here to-night and says there is nothing very definite to announce. It seems to me that is not a very satisfactory attitude for him to take. I would ask him if some definite action could not be taken this year that will enable us to carry out fully our international obligations in this regard.

Mr. ROGERS: Give him a chance. He is new to the job.

Item agreed to.

Joint industrial councils, $3,000.

Mr. WOODSWORTH: Several years ago immediately after the war, a great deal was said with regard to industrial councils, and a number of publications were issued by the department dealing with the Whitley plan. I should like to know what this $3,000 is used for—what has been done and what is proposed to be done?

Mr. ELLIOTT: Part of this allowance covers the payments that have been made to the gentleman to whom I referred a moment ago, Mr. E. McG. Quirk, who at various times has conducted special investigations for the department. He is not paid a salary and the amount asked is to cover living allowance and transportation expenses. The expenditure for the last fiscal year was $2,175.94.

Mr. WOODSWORTH: These amounts then are not being spent for the purpose of setting up industrial councils, they are being spent on general conciliation work? Am I correct?

Mr. ELLIOTT: They are councils as between employers and employees.

Mr. WOODSWORTH: Surely the minister does not intend to give the committee to understand that when a man goes out to try to conciliate two parties he is setting up a permanent institution that should be generally recognized as a joint council? I ask the minister whether it is his intention to set up anything like a Whitley council or to attempt to do so in the civil service itself? There at least since we are an employer of labour we might become a model employer.

Mr. ELLIOTT: No decision to that effect has been reached up to the present time, but it is just possible that the work of this particular branch will be enlarged in the future. I am hoping that such will be the case.

Mr. WOODSWORTH: It seems to me that we might expect the minister to go further than that. A year or so ago we had a strike by certain postal employees in a number of eastern cities. We were then told that it was a dreadful thing for civil servants to strike. But there seems to be no means by which the civil servants can bring their grievances before any tribunal and thus effect a settlement. A great many private industries have already set up joint councils on which there are representatives of both the employer and the employees, and these joint councils have, we are told, done something to settle minor disputes. They have done a great deal to allay friction. If we take the position that the civil servants are in a somewhat different position from other employees and ought not to resort to a strike or anything of that kind, then there should be the most adequate provision for councils by which they could bring their grievances to the proper authorities. I should like to see this plan carried out, especially in such an institution as the postal department. I would ask if the minister could not use his departmental machinery to make inquiries and investigations with regard to that matter, and to induce the department and the cabinet generally to adopt this arrangement as a means by which we could more effectively carry on the public service.

Item agreed to.

Technical Education Act, $3,000.

Mr. HEAPS: I see lower down on this page of the estimates a sum of $1,100,000 for technical education in Canada. Will the minister be good enough to give us a brief outline of what that is?

Mr. ELLIOTT: This is an expenditure of money that is apportioned among the provinces under an agreement. The act is the Technical Education Act, and it provides as follows:

(1) For the purpose of promoting and assisting technical education in Canada, the following sums, aggregating ten million dollars, shall be appropriated, and paid out of the consolidated revenue fund of Canada during each fiscal year for the period of ten years beginning with the year ending the thirty-first day of March, one thousand nine hundred and twenty, namely,—

(a) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty, the sum of seven hundred thousand dollars;

(b) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-one, the sum of eight hundred thousand dollars;

(c) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-two, the sum of nine hundred thousand dollars;

(d) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-three, the sum of one million dollars;

(e) During the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-four, the sum of one million one hundred thousand dollars;

and the like sum of one million one hundred thousand dollars during each of the succeeding fiscal years until the expiration of the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-nine.

(2) Such sums, subject to the conditions of this Act, shall be allotted and shall be paid quarterly as grants to the Governments of the several provinces as follows:—

(a) The sum of ten thousand dollars shall be paid in each year to the government of each province;

(b) The remainder of the appropriation for each year shall be allotted and paid to the governments of the respective provinces in proportion to the population of the said provinces respectively as determined by the last federal decennial census.

Item agreed to.

Public Printing and Stationery—printing, binding, etc., the annual statutes, $10,000.

Sir HENRY DRAYTON: Does the minister not think we have done well enough? We have finished Labour and we are going into a new department. It is half past twelve.

Mr. MACKENZIE KING: We will take one item of soldiers' service re-establishment.

Soldiers' civil re-establishment—capital, $10,000.

Item agreed to.

Mr. MACKENZIE KING: Then one item of the Health Department.

Sir HENRY DRAYTON: Oh, no.

Progress reported.

On motion of Mr. Mackenzie King the House adjourned at 12.28 a.m. (Tuesday).

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## Tuesday, June 15, 1926.

The House met at two o'clock.

### ROYAL ASSENT

Mr. SPEAKER: I have the honour to inform the House that I have received the following letter:

Ottawa, June 15, 1926.

Sir,—I have the honour to inform you that the Right Hon. F. A. Anglin, acting as deputy of His Excellency the Governor General, will proceed to the Senate Chamber to-day at 5.45 p.m., for the purpose of giving the royal assent to certain bills.

I have the honour to be, Sir,

Your obedient servant,

F. C. L. PEREIRA,
(for the Governor General's Secretary)

### RAILWAY COMMITTEE

Mr. FRANK S. CAHILL (Pontiac) presented the fourth report of the select standing committee on Railways, Canals and Telegraph Lines.

### STANDING ORDERS

Mr. RENE MORIN (St. Hyacinthe-Rouville) presented the second report of the select standing committee on Standing Orders.

He said: I beg to move that the second report of the select standing committee on Standing Orders be concurred in.

Mr. SPEAKER: By leave of the House.

Mr. CAHILL: I ask that this report be allowed to stand, as I wish to present a letter to the House before the report is dealt with.

Mr. SPEAKER: Stands.

Motion stands.

### TARIFFF ADVISORY BOARD

#### RECORD OF EVIDENCE FOR INFORMATION OF MEMBERS OF HOUSE

On the Orders of the Day.

Mr. JOHN EVANS (Rosetown): Is it the intention of the government to have the evidence given before the Tariff Advisory Board made available for the members of this House?

Right Hon. W. L. MACKENZIE KING (Prime Minister): My colleague the Minister of Finance is taking up that matter at the moment with the chairman of the board, and he will have something to state in reply to my hon. friend a little later.

### CIVIL SERVICE SALARIES

On the Orders of the Day.

Mr. G. R. GEARY (South Toronto): I wish to ask a question in reference to the report on the salaries of the civil servants. I understand that action has been deferred pending the appointment of the two other commissioners, there being only the chairman at

the moment. There being no Civil Service Commission fully appointed, will the question of salaries have to remain in abeyance until the next session of parliament?

Mr. MACKENZIE KING: The matter need not necessarily remain in abeyance until the next session of parliament; I hope the commissioners will be appointed long before that time. I think I can say to my hon. friend that any delay that may be occasioned will not cause any loss to the civil servants in any particular.

## PRIVILEGE—MR. MULLINS

On the Orders of the Day:

Mr. H. A. MULLINS (Marquette): Before the orders of the day are called I wish to bring up a personal matter. The correspondent of the Free Press sent out from the press gallery a statement that I was not in my seat with certain other members of the House last Friday night when the Hudson Bay railway was under discussion. That statement is untrue and unfair, and I have been subjected to a good deal of criticism in western Canada for being absent on that occasion. I am in receipt of letters from numerous parties in the west asking why I was not there as champion of the cause. I appeal to the Minister of Railways (Mr. Dunning), to my hon. friend from Springfield (Mr. Hay) and to my hon. friend from Neepawa (Mr. Murphy), who will certainly state that I was present in my seat all day Friday, and it is most unfair that a statement of that kind should be hurled against a member of the House.

## REPORT

National Research Council, report of the president and financial statement for the year 1924-25.—Mr. Robb.

## SUPPLY—MOTION OF WANT OF CONFIDENCE

Hon. J. A. ROBB (Minister of Finance) moved that the House go into committee of Supply.

Mr. FRED DAVIS (East Calgary) moved:

That the Speaker do not now leave the chair, but that it be resolved that this House, because of the failure of the government to implement promises contained in the Speech from the Throne, and for other causes, has no longer any confidence in the present government.

He said: At the opening of parliament we were presented with a Speech from the Throne forecasting certain legislation which was to be introduced in this House. The Speech from the Throne states that legislation will be enacted under which the natural resources of the province of Alberta will be restored to that province, and in an answer to a question I addressed to the Prime Minister yesterday we were assured that the government has no intention during this session of carrying out the promises it made in that Speech from the Throne. Following the Speech from the Throne an agreement was entered into between the government of Alberta and the government of the Dominion of Canada, which agreement was signed by ministers representing both governments. I submit that that agreement should be lived up to. If we flout the will of parliament and deceive the people we sacrifice that prestige parliament should enjoy in the estimation of the country. That is my reason for this motion. Having been a member of the legislature of Alberta, I in common with the present Minister of the Interior (Mr. Stewart) and other members on the government side of the House, placed myself on record as favouring the restoration of the natural resources of Alberta to that province and with them supported a memorial to that effect addressed to this parliament. Now that that question is before the House I hope each member will give consideration, not merely to the question of the restoration of the resources to the province, but also to that of the fulfilment of the promise this government made to the government of Alberta. Upon that one question I desire through the medium of this motion to place every member of the House on record.

Mr. F. P. QUINN (Halifax): I offer no apology to the House for having my name coupled with that of the hon. member for East Calgary in introducing this motion. We have been in session since the 7th of January, and up to the present time, looking over the record of this government, what do we find? I submit that we can find very little, practically nothing, in the way of legislation. There is only one thing I desire to say in seconding the motion, and that is in connection with the matter of the appointment of the royal commission to investigate Maritime rights or the wrongs of the Maritimes? I will not say anything whatever about the personnel of

that commission, but I wish to criticize the appointment which we have seen announced in the papers during the past few days of the two joint secretaries of that commission. The government has appointed as secretaries of that commission two gentlemen in the province of Nova Scotia, who are worthy, estimable and good citizens in every way, but who took such a stand against the Maritimes and what we call Maritime rights during the last campaign that I submit, Sir, their minds are too prejudiced in the matter and that they should not be appointed or permitted to take part in the deliberations of that commission. I submit if one secretary is to be selected from amongst those who were outstanding in criticism or opposition to Maritime rights the other appointee should be one who is sympathetic towards the matter. I claim it is unfair to have two gentlemen of the same political stripe on that commission.

Mr. T L. CHURCH (Toronto Northwest): In referring to the return of the natural resources of the province of Alberta, I wish to say that the Minister of the Interior, on the 18th March last, placed on the order paper a resolution approving the agreement made between the Dominion of Canada and the government of Alberta respecting the transfer of public lands in the province of Alberta.

The government made this announcement in the Speech from the Throne:

> Your attention will be invited, among other measures, to a bill to provide for the transfer to the province of Alberta of its natural resources.

On the 18th March a resolution was placed on the order paper by the Minister of the Interior to bring about this legislation. It practically has been dropped as the Prime Minister, the Minister of Justice and the Minister of the Interior announced in the House. The Prime Minister only yesterday repeated the statement.

Mr. J. J. DENIS (Joliette): I rise to a point of order. My point is that the subject matter of the resolution standing on the order paper in regard to the agreement made between the Dominion government and the Alberta government cannot be debated now under this resolution.

Mr. CHURCH: I wish to point out, Mr. Speaker, that the Prime Minister announced some time ago that the government were not going to go on with this resolution to which the hon. gentleman now refers. The Minister of the Interior (Mr. Stewart) said the same thing a month ago. The point is not well taken for May at page 249 says with regard to anticipation:

> In determining however, whether a discussion is out of order on the ground of anticipation, the Speaker must have regard to the probability of the matter anticipated being brought before the House within a reasonable time.

I am not discussing the motion on the order paper. I am supporting the amendment now before the House and not touching the text of the resolution referred to.

Sir HENRY DRAYTON (West York): I submit that the point of order is not well taken. We are not discussing one way or the other the merits of the resolution now standing on the order paper; we are discussing the failure of the government to implement its pledges, its promises. It would be a most extraordinary thing if a vote of lack of confidence on such grounds could not be moved simply because the government keeps on the order paper an order which it has no intention of going on with and the merits of which are not challenged in the present discussion.

Hon. ERNEST LAPOINTE (Minister of Justice): Perhaps I would not have raised the point of order personally, but as regards the discussion of the matter I think the point is well taken. I would refer Your Honour to Beauchesne at page 38, section 146, under rule 13 relating to discussions taking place before going into supply or on motions that are moved before going into supply. This section concludes:

> Provided that the discussion and the amendment—

The discussion as well as the amendment.

> —if one is moved, shall not relate to any decision of the House during the current session, nor to any item of the estimates, nor to any resolution to be proposed to the committee of Ways and Means, nor to any matter placed on or whereof notice has been given in the order paper.

Therefore no discussion can be allowed before going into supply when it relates—that is the language—to a matter placed on or whereof notice has been given in the order paper. The discussion which the hon. member for Toronto Northwest (Mr. Church) has started relates to a matter which is on the order paper.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): I have very few words to say on the point of order. The point of order must go merely to the matter of the discussion and not to the matter of the

amendment itself. It is too manifest for debate that the amendment itself is in order. As to the discussion, it may be under the portion quoted by the Minister of Justice that the merits or demerits of a motion now on the order paper cannot be reviewed. I do not think the speaker though has got so far as to discuss the merits or demerits of the motion and consequently he would be in order. But is it not most extraordinary that the government, having abandoned a motion by official and specific renunciation in this House, can by retention of that motion obstinately and worthlessly on the order paper effectively shut out from the discussion of this assembly any matter related to it? I am indeed surprised that the government would suggest that they could be justified in taking such a course. If they are sincerely of the view that while they retain this on the order paper after having renounced it in this House as any portion of government policy it does interfere with discussion, clearly it would be their duty immediately to ask for its removal from the order paper.

Mr. SPEAKER: Does any other hon. member desire to speak on the point of order? I will now give my ruling. I read in Beauchesne page 38, No. 146:

Whenever an order of the day has been read for the House to resolve itself into the committee of Supply or the committee of Ways and Means, the motion "That the Speaker do now leave the chair" must be proposed, except in cases provided by rule 17c. When such motion is proposed, it shall be permissible to discuss any public matter within the powers of the federal parliament or to ask for the redress of any grievance, and it is not necessary to move an amendment for that purpose; provided that the discussion and the amendment, if one is moved, shall not relate to any decision of the House during the current session, nor to any item of the estimates, nor to any resolution to be proposed to the committee of Ways and Means, nor to any matter placed on or whereof notice has been given in the order paper.

This is based upon Bourinot, May, Redlich and Bourke. In the present instance a motion has been moved that I do now leave the chair for the House to resolve itself into committee of Supply. To that motion an amendment is moved expressing the view that the government, not having implemented its promises, has lost the confidence of the House. I give the amendment in general terms. The amendment itself is drafted according to the rules and it is in order. But the discussion as stated in Beauchesne, according to Bourinot, May, Redlich and Bourke, must not bear on questions which are still standing on the order paper. The hon. member for Joliette has mentioned that there stands on the order paper in the name of the government a resolution dealing with the return to Alberta of its natural resources. That is the point at issue. Can any hon. member, upon an amendment or a motion which is itself in order, discuss a question standing on the order paper? On that point I may quote from May at page 248:

A motion must not anticipate a matter already appointed for consideration by the House, whether it be a bill or an adjourned debate upon a motion. A motion is equally out of order, if it anticipates a notice of motion for leave to bring in a bill that includes a subject proposed to be dealt with by the motion. A matter already appointed for consideration by the House cannot be anticipated by an amendment, while a notice of motion as long as it remains upon the paper, whether for a specified day or not, prevents its subject-matter being discussed by means of an amendment to a motion or of a motion for the adjournment of the House, including a motion under standing order No. 10.

The same view is held by Bourinot, at page 320:

An amendment cannot anticipate a notice of motion on the order paper.

It is true, as I have ruled, that the motion in amendment presented by the hon. member for East Calgary (Mr. Davis) is properly drafted and in order; it is broad in its terms. But discussion upon that amendment must bear on the subject and must not impinge upon nor anticipate a question already appointed for consideration by the House.

I find in Denison's and Brand's Decisions on this point several instances confirming the view I have advanced. For example, at page 118, under the caption "Anticipating Discussion," the following decision is given:

Mr. Speaker said it was out of order to discuss amendments to a bill which would come before the House at a subsequent period of the evening. . . . In a debate on the arrangement of public business, it is not in order to discuss a bill which is to come on at a later period.

At page 119 this decision is given by Brand:

It is irregular to discuss a motion on the paper for a future day.

The question in this instance had reference to the treaty of Washington, and it bears an analogy to the present one. According to Brand:

An hon. member having placed a notice on the paper cannot, while another subject is before the House, refer to the subject of that motion, even under the plea of illustration.

Brand again, at page 119:

When a bill is before the House it is not competent, by a motion on the same subject, to anticipate discussion.

Denison goes still further:

When the further consideration of a bill is postponed it is not in order, by moving a resolution in the interval, to raise the whole question.

I rule, therefore, that while the proposed amendment is perfectly in order the discussion thereupon must be confined entirely to the subject of that amendment and must not embrace any question which is already on the order paper.

Mr. CHURCH: I accept your ruling on the point of order, Mr. Speaker, and I have no wish in view thereof to discuss the amendment further, as I hope to have an opportunity later on of dealing with the whole Alberta resources question. However, I wish to point out that Sir Erskine May at page 249, twelfth edition, qualifies the rule respecting anticipation as follows:

In determining, however, whether the discussion is out of order on the ground of anticipation, the speaker must have regard to the probability of the matter anticipated being brought before the House within a reasonable time.

The Speech from the Throne contains this definite statement of government policy:

Your attention will be invited, among other measures, to a bill to provide for the transfer to the province of Alberta of its natural resources, and to a bill amending the Dominion Elections Act.

This promise, although not carried out, was followed on March 18 by a resolution, still on the order paper, to turn the resources over to the province. The Minister of the Interior (Mr. Stewart, Edmonton) and the Prime Minister (Mr. Mackenzie King) both intimated that this resolution would not be gone on with, and so did the Minister of Justice (Mr. Lapointe) in making his statement of policy on the orders of the day to refer the validity of the Alberta Act, 1905, and of section 17 particularly, to the Supreme Court, notwithstanding that its validity has never been questioned. The Prime Minister yesterday on the orders of the day, in answer to the hon. member for East Calgary (Mr. Davis), stated that it was not the intention of the government to make this transfer at the present session. There can therefore be no question of anticipation under these circumstances. Alberta should get her resources free of all conditions whatever.

Right Hon. W. L. MACKENZIE KING (Prime Minister): Before I discuss the amendment, may I direct the attention of the House to the circumstance that this is the first notification which the government has had of any intention on the part of hon. gentlemen opposite to move a motion of this kind. It is a courtesy of long established usage and precedent that when a motion, in the nature of a want of confidence motion, is to be directed against the government, the leader of the opposition or some of his party notifies the ministry in advance of such intention. Hon. gentlemen opposite have not seen fit to follow this practice on the present occasion, and inasmuch as they must undoubtedly be aware of the custom, I can conceive of only one reason for the course they have adopted, that is the hope that by springing a motion of this kind suddenly, when all their members are present while some on the opposite side are possibly absent, they may be able to score against the administration. If that is the motive of my hon. friends, the sooner they score the better. If this administration does not enjoy the confidence of the House of Commons, the sooner we know it the better, and we will carry our appeal from parliament to the country.

This motion in its language is as general as any motion can possibly be made. It specifies nothing in particular, it simply alleges that the government because of failure to implement promises contained in the Speech from the Throne, and for other reasons which are not specified, has no longer the confidence of the House. I submit, Mr. Speaker, that we have not yet reached the conclusion of this session and that it is therefore impossible for the members of the House to say whether or not the government will implement the various promises contained in the Speech from the Throne. No one can make such an assertion until the last word has been heard in this House with respect to the several measures which have been mentioned in the Speech. If hon. members will read the Speech from the Throne they will, I think, be agreeably surprised to discover to what extent the government has carried out the promises therein made. I will make this statement without fear of contradiction, that never since this parliament has been in existence has it been possible, owing to one circumstance or another, for governments to fulfil all the undertakings they have set forth in speeches from the throne. The session is entered upon with every intention on the part of a government to carry out its entire programme as outlined in the Speech, but

until the government, as the session proceeds, discovers what may be possible, it is not in a position to make any final statement with respect to every item in the forecast.

One item has been mentioned, and only one, in regard to which the government apparently, according to hon. gentlemen opposite, is not about to make good its undertaking. That is the item which appears as follows in the Speech from the Throne:

> Your attention will be invited, among other measures, to a bill to provide for the transfer to the province of Alberta of its natural resources.

If I wished to take that language literally I could submit to this House that it has been fulfilled—the attention of the House has been invited to the measure.

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: I am not saying that I wish to take it literally; I do not intend to, but if I did I could point to the fact that the attention of the House has been invited to that measure. However, when that language was put in the Speech from the Throne—

Mr. SPEAKER: Order. I would remind the right hon. gentleman I have just ruled that it is out of order to discuss the merits or demerits of the resolution he is referring to.

Mr. MACKENZIE KING: Mr. Speaker, I have no desire to discuss the question of the transfer of its natural resources to Alberta. But I would ask your ruling as to whether or not I would be justified in informing the House why that particular measure is not being proceeded with at the present time.

Some hon. MEMBERS: Order.

Mr. MACKENZIE KING: That is the only point I should like to know whether I am free to speak on.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Mr. Speaker, if I may be permitted, I would support the Prime Minister's contention in every particular. I surely feel he has an absolute right to speak on that restricted point.

Mr. SPEAKER: According to all the authorities I have quoted, it is not permissible to discuss the merits or demerits of a question which is already on the order paper. Of course, if both sides agree that the right hon. gentleman may discuss the particular feature of the question mentioned by him, it is permissible.

Mr. MACKENZIE KING: Mr. Speaker, if there is any objection, as there appears to be to my making any mention of that particular point I shall refrain from so doing. I have no desire to go beyond the rules in the slightest degree. However, hon. gentlemen will be able to conclude for themselves the reasons that have caused the government to indicate the course with respect to this particular measure that has seemed advisable to it.

Now, if one looks at the Speech from the Throne, the outstanding undertaking is that the government hoped in the course of this session as a result of its past policies and its present measures to be able to afford substantial relief to the taxpayers of this country, that it hoped to be able to lower the customs tariff on commodities that are in general use by the people and that it hoped to reduce taxation in other ways. The House knows that after very considerable discussion in this chamber the government has succeeded in reducing the duty on automobiles by 15 per cent.

Some hon. MEMBERS: No.

Mr. MACKENZIE KING: But we have.

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: I do not wonder that hon. gentlemen opposite groan; that is where the shoe pinches. What the people of this country are interested in at the present time is a reduction of taxation, and that has been the great objective of this government. Session after session we have made reductions, and this session we have made possibly the greatest measure of reduction in taxation that has ever been made in any session of parliament. On automobiles of $1,200 value and under we have reduced the customs duties by 15 per cent. In addition to that, with respect to automobiles of that value manufactured in this country, we have removed the war tax of 5 per cent, giving consumers the corresponding benefit. We have removed the taxation which was put on receipts, a form of taxation which had come to present many difficulties to retailers throughout Canada, and which meant an additional burden to the people themselves. There has been a reduction in the income tax all along the line. Besides that we have removed taxation in other forms; for instance we have undertaken to say that on July 1

this year we will return to penny postage in the Dominion, and we intend to see that that promise is implemented. I might mention other things in the same category, in all of which the people are most vitally interested; but I will not take up the time of the House in going over the record of the administration in that regard.

I should like to draw the attention of the House to one remark made in the course of this debate, namely, that a great deal of time has been spent this session and very little accomplished. May I ask, who was responsible for the time that has been consumed? Hon. gentlemen opposite spent nearly a month at the beginning of the session discussing whether or not the present administration was to be permitted to carry on.

Mr. MANION: Your party did just as much discussing as ours.

Some hon. MEMBERS: Order.

Mr. MACKENZIE KING: In the course of the discussion on the tariff, another debate lasting a month, more or less, took place, for which hon. gentlemen opposite, I think, ought to share the main measure of responsibility.

I submit, Mr. Speaker, that to carry on government this session has not been an easy matter for the administration,—

An hon. MEMBER: Hear, hear.

Mr. MACKENZIE KING: —but I do say that no other party or group in this parliament could have carried on at all. I think the administration deserves the greater credit in that, under circumstances such as we have been confronted with, we have been able to carry on so successfully, and to give to the country the benefit of so much useful legislation.

May I repeat in conclusion, Mr. Speaker, that this motion prefers no specific charge against the government in any way; it is a general want of confidence motion. It means, of course, that if this motion carries the government will have to consider the next step to be taken.

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: Let me tell hon. gentlemen opposite at once the step that will be taken. If this government does not enjoy the confidence of the House it will lose no time in asking for a dissolution of parliament and making its appeal from the House to the country.

[Mr. Mackenzie King.]

Mr. W. T. LUCAS (Camrose): Mr. Speaker, it had been my intention not to let parliament close without making a protest against certain promises contained in the Speech from the Throne not having been carried out, and it was only due to the fact that I was endeavouring with some of my colleagues to draft a resolution to-day that would not be challenged on the ground that it dealt with a resolution now on the order paper that I was not in my seat this afternoon to raise this question myself.

Now, every hon. member is well acquainted with the situation we faced at the beginning of the session. At that time I did not see eye to eye with the majority of my colleagues as to the party that should be called upon to form the government. However, I was overruled. I then stated to them that I was down here to get certain legislation, and so long as the government would implement the pledges contained in the Speech from the Throne I was prepared to stand behind and assist it to carry on. Had the government done so, I would still consider it my duty to stand behind it. However, one of the questions that vitally affects the people of Alberta, a question in which they are all keenly interested, whether they be Liberal, Conservative or Progressive, is the return of the natural resources to their province. We have discussed this matter with the government, and some few days ago, I think it was on June 2, the hon. Minister of Justice (Mr. Lapointe) made a statement to the House. On the day following I asked the government if they would not reconsider their position and bring in a measure to transfer the natural resources to the province of Alberta. The answer is on Hansard.

We have not taken the government by surprise in this matter. We have discussed it with them very freely. We did so yesterday, and we were told that nothing was going to be done this session, and therefore, Mr. Speaker, so far as I am concerned, while I have felt that I was in duty bound to support the government so long as they were willing to do their part, now that they have failed so far as Alberta is concerned in that one question that is vital to us, I feel that I am relieved from that responsibility, and I shall have to take my own course. I would point out, Mr. Speaker, that if it had not been for a signed agreement, an agreement which was signed on January 9, this government would never have been in power to start with.

Mr. MACKENZIE KING: My hon. friend has referred to some signed agreement. I do not know to what he is referring.

Mr. LUCAS: I will tell you. I hold in my hand, Mr. Speaker, an agreement made on the 9th day of January, 1926, between the government of Canada and the government of the province of Alberta. It is signed by the Hon. Ernest Lapointe and the Hon. Charles Stewart, for the Dominion of Canada, and by the Hon. J. E. Brownlee and the Hon. Vernon W. Smith, for the province of Alberta. It is a signed agreement to deliver the natural resources to the province of Alberta.

Mr. MACKENZIE KING: I do not know whether my hon. friend is in order in alluding to the natural resources, but if he is permitted to do so, and is going to read one agreement, I would ask him to read also the supplementary agreement which sets forth the exact terms of the bills which were to be brought into both Houses.

Mr. SPEAKER: In view of the authorities cited and having regard to parliamentary jurisprudence, I cannot allow the agreement to be read. I assume it refers to the natural resources.

Mr. LUCAS: It was not my intention to read this agreement, Mr. Speaker, but the Prime Minister asked me to what agreement I referred and naturally I had to state what it was.

I do not know that there is any need of going into a long discussion of this matter, but the hon. members from Alberta feel that they cannot go home to their people without having found a satisfactory solution for it. While I would prefer to have brought in a resolution which would have dealt specifically with this question, seeing that it is already on the order paper and cannot be discussed, a vote of want of confidence is the only way in which the matter can be dealt with, and I am therefore prepared to support the resolution.

Hon. J. A. ROBB (Minister of Finance): Mr. Speaker, no matter what colour my hon. friends opposite may place on their resolution introduced to-day to show that they at least have no confidence in the government, the government realize full well what is behind the resolution. From the day parliament met until this very hour, even up until yesterday, the question discussed most in this House was not a question of any particular item mentioned in the Speech from the Throne, but a question as between high tariff and low tariff. That was the question that was brought forcibly before the country by hon. gentlemen who lead the opposition, and it was upon the question of high tariff or low tariff that they challenged our right as a government to carry on. We gave them our answer on the 15th of April when we brought down the budget, when we reduced the duty on automobiles, when we made reductions all along the line in the income tax, when we removed altogether the receipt tax, when we removed the sales tax from certain items in which the people of this country were most interested, and when we announced that on the 1st of July we would restore penny postage. Hon. gentlemen opposite may challenge the government's right to carry on, but I submit that the country is not going to be fooled by this resolution presented to-day. We are prepared as a government to have this question settled once and for all, and the sooner we have the vote and the sooner we know whether the policy of high and higher and still higher tariffs is going to prevail in this country, or the policy of the government, which is a policy that has led to the encouragement of our trade all over the world, the better it will be for Canada.

3 p.m.

Hon. E. M. MACDONALD (Minister of National Defence): Mr. Speaker, a very peculiar situation is before the House. My hon. friend from East Calgary (Mr. Davis) has moved a resolution of a very general character and in the course of his address he stated that the ground of his moving it was one subject, and one subject only. Your Honour has ruled that that subject cannot be a matter of discussion in this debate, so that so far as this resolution is concerned, according to your ruling, Mr. Speaker, the matter referred to by the hon. member for East Calgary is eliminated from consideration by this House in this debate.

Some hon. MEMBERS: Oh.

Mr. MACDONALD (Antigonish): My hon. friends intimate that I am not correct. Let me say this: If the Speaker's ruling is right, then the one, and only one, question that my hon. friend from East Calgary said he wanted to submit is not before the House at this time.

The only other matter that has been suggested as a reason why this government has lost the confidence of the country was supplied by the junior member for Halifax (Mr Quinn), who, while admitting that the government had carried out the promise contained

in the Speech from the Throne, to appoint a commission to investigate the situation in the Maritime provinces, said that two very worthy gentlemen, Professor Rogers and Mr. A. F. McDonald, should not have been appointed secretaries of the commission. Is that a very serious question? Is that a reason, supposing that there were any basis for consideration at all, why the House should declare that the government had lost the confidence of the House? Let me say in that connection that my hon. friend from Halifax based his claim on that one point, and on no other. So, as far as the opposition is concerned, they are in a most ridiculous position in regard to their claims for moving this resolution.

What is the situation in regard to these two gentlemen who have been appointed secretaries to the commission? Both of them are very able men. Their position in regard to the commission will simply be that of carrying out the duties and instructions given to them by the commission, presided over by Sir Andrew Duncan; that is their position, and those are their duties, and those alone. Let me remind the House that this government carried into effect and implemented the promise contained in the Speech from the Throne that such a commission would be appointed. The appointment of that commission has been hailed with satisfaction all over the Maritime provinces. Everybody has recognized that that is the proper way to deal with the question, but because these two gentlemen, according to my hon. friend from Halifax, have spoken against what he conceives to be Maritime rights, then forsooth this government should be turned out! Those gentlemen who came here as Maritime righters were nothing less than Tories pure and simple—high tariff men, that is what they were. And at this late hour notwithstanding the splendid character of the budget, notwithstanding the overwhelming approval with which that budget has been received all over this country, the government is to be censured. Hon. gentlemen opposite, no matter what their views may be, must agree with me that the budget pronouncement of the Minister of Finance was received with greater acclaim throughout the country than any budget which has been presented for many years. And yet notwithstanding our record, we are to be turned out of office because two men that do not agree with the extreme views of our Maritime rights friends have been appointed as secretaries to the commission. That is where the issue stands at this moment.

[Mr. E. M. Macdonald.]

Mr. THOMAS CANTLEY (Pictou): May I ask the Minister of National Defence if, in view of the gravity of the situation which confronts the steel industry in Nova Scotia, he is now prepared to vote for an increase in the duty on steel?

Mr. ROBB: That confirms what I told my hon. friend a moment ago.

Mr. CANTLEY: Mr. Speaker,—

Mr. SPEAKER: The hon. gentleman has already spoken.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): It is not entirely surprising that the amendment before the chair does not meet with the enthusiastic approval of members of the government. Nor is it surprising to be confronted with the method of self protection which the Minister of Finance (Mr. Robb) set on foot and in which he is supported now by the Minister of National Defence (Mr. Macdonald).

Mr. ROBB: And supported now by the member for Pictou (Mr. Cantley).

Mr. MEIGHEN: No. The member for Pictou will be found where he is always found. The Minister of Finance will be found on both sides of every concrete question, first, on what he thinks is the popular side, and next on the other side under cover, in ambush. But it is strange, Mr. Speaker, that in almost all debates which have taken place the members of the government have found bitter fault with hon. members on this side because they persist in importing the tariff question. We have now learned that there are some subjects which they prefer to leave alone even at the expense of introducing the tariff question themselves. There is one thing they would rather not have discussed even than the tariff question and that is their own competence under the circumstances of to-day to govern this Dominion.

The amendment declares that because of failure to carry through or to implement the promises contained in the Speech from the Throne, and as well for other causes, this government no longer enjoys the confidence of parliament. The Speech from the Throne is a most solemn method of embalming in the records of parliament the policy of an administration. That sentence applies to all speeches from the throne at all meetings of any parliament. But the circumstances which surround the present situation, including the insertion of the long list of governmental pledges in the Speech from the Throne of

this session, are so peculiar, so unprecedented, that a special importance attaches to the inclusion of these pledges and their implementing at the hands of this parliament. It is well known that this government after the election found itself with a following of only 101, and that others who were elected to this House, exceeded their own numbers by some forty, nearly all of them elected in direct antagonism to government candidates and to government policies, and in very direct antagonism to governmental record. The House was called—as declared by the Prime Minister in an official pronouncement—solely for the purpose of deciding which party had the confidence of the newly elected parliament. But in order to prejudice the decision, the free decision, of the House on this question, this government came before parliament with a new list of pledges addressed to certain specific members of this House, and declared that if hon. members elected against government candidates would come in and support the government this new list of pledges would be made law. As to the constitutionality of that procedure, history would be ransacked in vain to find a precedent; and as to its immorality the records of all parliaments and of all legislatures would be ransacked in vain to find its equal. To describe it within parliamentary terms you, Mr. Speaker, have declared the task impossible because the mildest possible language has been pronounced against the rules of parliament. Because of these circumstances a special responsibility rested upon the government of the day to implement the pledges thus solemnly made to this House in the Speech from the Throne.

The government now is confronted with a motion which recites that this has not been done. I wonder would any member even among the followers of the government look his fellow in the face and say that those promises in the Speech from the Throne have been kept. I know there is not one; I know when they search their consciences they can not do so. Read the Speech from the Throne and tell us what is pledged therein. Read the outstanding pronouncements; not one of them is through parliament yet. It is true that one measure is through the House of Commons—in that respect the government has done its duty—but take all the others. Has the government fulfilled its pledge, for example, to bring in "provisions" to complete the Hudson Bay railway forthwith? Does anyone suggest that it has? Is that policy of "completion forthwith" consistent with the statement of the Minister of Railways, or of any member of the government, when the vote merely for the improvement of the section already built was under way? "Provisions—for the plural was used in the Speech from the Throne—'provisions' to build the road forthwith!" Hon. members will say "You are complaining because we have not voted twenty-six millions or fifty millions to complete the road." I am doing nothing of the sort. Because I do not agree with every section of government policy it does not follow that I must forgive the government for abnegating its own programme; it does not say that I must become a party to the prostitution of government pledges within the confines of the House of Commons. In respect of the Hudson Bay railway the government is undoubtedly in plain and defiant default. In that respect it has played fast and loose with the confidence of hon. members of this House, the confidence of those who supported it on the faith of a definite article of policy.

Let me refer for a moment to a subject which seems to be just now very precious to the Minister of Finance, the subject of the tariff. Looking across at his erstwhile Progressive allies he tells them: If you dare to vote for this amendment you vote for higher, and higher and higher tariff. Was there ever a more childish appeal addressed to members of this House? Does the Minister of Finance expect anybody to be quite so simple as not to see the trap into which he seeks to allure full grown members of parliament? And then he says that because the member for Pictou is in favour of a readjustment and a higher duty on steel, that means the Conservative party is in favour of higher, and higher and higher tariff. But let us come to the relation of the tariff question to the amendment. Will the Minister of Finance look at the Speech from the Throne? Will he suggest to me that the government has kept its promise made there? "Oh," he says, "we reduced the duties on automobiles; reduced the duty and the sales tax on automobiles." Will he tell us where he promised to do that in the Speech from the Throne? Will he? Will he even tell us that he has done it? I know he did so for a few weeks with a flourish of trumpets and fanfare, and got his press going, thundering through the country about the taxes the government was lifting from the shoulders of the masses. But did he really do so? In the silence of the night, after he had got all the applause, when the echoes are dying away, he comes under ambush into this House and moves a resolution to restore the greater part of these duties and he has them restored to-day. He and his Prime Minister think, because they call

these restored duties "excise," that they are deceiving the House and the country. That they are trying to deceive both there is no doubt. The restored duties are called "excise" though they apply only to imports. Then he extends other help all at the expense of the treasury of Canada. With the two together he has placed the automobile people back virtually where they were before, so far as protection is concerned.

Mr. ROBB: Is that why the automobile people are now advertising lower prices for their machines?

Mr. MEIGHEN: Every dollar of lower price they are advertising is at the expense of the treasury of this country—and that means at the expense of the taxpayer—and if the Minister of Finance will look upon his sales tax revision of two years ago he can reflect that the Liberal party to-day, under his guidance, has succeeded in making it easier to buy cars and harder to buy clothes. This is the last phase of Liberalism in Canada—more taxes on the clothes on the workman's back, and less taxes for the buyers of automobiles. But what does the Speech from the Throne say in this respect? This government went through a campaign in which they found they had disturbed the whole business community of the Dominion. Confidence in them was seriously shattered. The country knew they had no fixed principle of fiscal policy, and because the country so knew, there was stagnation of business enterprise and fear to invest money in any productive concern. What did ministers do? They went through the country and upon platform after platform proclaimed that if they were kept in power the day of repentance would come; that the day of repentance indeed had already come, and they would never repeat this performance. They declared that the day of tariff tinkering was over, and if they were restored to office the tariff would be altered only after investigation by an independent body, a tariff advisory board. Incidentally they assured one-half of the voting population of our Dominion that a representative, a woman representing that half, would be a member of that advisory board. That solemn assurance passed to half the voters of the country, from the mouth of the Prime Minister himself, in virtually every speech he delivered in the campaign. That he did not intend such a thing to happen I am quite ready to concede; that the empty promise served its purpose I am quite ready to concede. The only purpose was to entice into the Liberal ranks as many women voters as he could entice. Then it was ruthlessly cast overboard, the minute it served its purpose. But this other and more extensive assurance stood and remained to be embalmed in the Speech from the Throne itself, the assurance that a "Tariff Board" hereafter would by its investigation precede any alteration of tariff. More specific language never was used. The Speech from the Throne said:

> My ministers are of the opinion that a general increase in the customs tariff would prove detrimental to the country's continued prosperity and prejudicial to national unity. In their view the incidence of this form of taxation should bear as lightly as possible upon the necessaries of life—

Such as automobiles.

> —and on agriculture and other primary industries. They believe that in the interest of industrial development every effort should be made to eliminate the element of uncertainty with respect to tariff changes; that changes in the tariff should be made only after the fullest examination of their bearing upon both primary and manufacturing industries and that representations requesting increase or decrease of duties should be made the subject of the most careful investigation and report by a body possessing the necessary qualifications to advise the Ministry with respect thereto. A Tariff Advisory Board will accordingly be appointed forthwith.

Members of the government wilfully, recklessly, without the slightest regard for their obligations, without taking into account in the least the position in which they put His Excellency, without taking into account in the least degree the betrayal of the interests of this country which they had so solemnly pledged themselves to guard, came along and broke that pledge in their first budget in this House. I ask the Minister of Finance, if he can look across the floor to-day and say the pledge he there gave that tariff changes would be preceded by an investigation by a tariff board has been kept? He will not even shake his head, to say nothing of speaking a word to go into Hansard. He knows the pledge was broken, but he does not worry about the breaking of such pledge as this. The only pledge he worries about breaking is one which might affect hon. members to my left by whose vote he hangs to power to-day. If he has broken a pledge which affects them he is worried very much, and anxious to shift the discussion to some other subject.

At the conclusion of the Speech from the Throne the government declares:

> Your attention will be invited, among other measures, to a bill to provide for the transfer to the province of Alberta of its natural resources, and to a bill amending the Dominion Elections Act.

I refer first to the last point. I cannot be very well impeded in my remarks, because in this respect the government has not taken the

precaution to put a notice on the order paper, in order that the violation of their pledges, however flagrant, could not, under the rules, be brought home to them, within the life of this session. They did not take the precaution even to bring down a bill or resolution to amend the Dominion Elections Act. This pledge stands violated. The Prime Minister says: "You cannot tell what we may do between now and prorogation; wait. We still have a few days." It is only two weeks or approximately that time since the Prime Minister recited in this House all that they intended to do between that date and prorogation, subject only to such matters as arose out of the work of committees. No measure referring to the Elections Act was promised. Does anybody imagine or suggest that legislation on this subject may arise out of the finding of any committee?

Mr. MACKENZIE KING: I think my hon. friend will bear me out when I say that at the time I made that announcement I referred specifically to the Elections Act. I said the government was not contemplating a general election, but if hon. members were concerned about it we would bring in amendments to the elections act, and we will do it if hon. members want it.

Mr. MEIGHEN: Then we are in this position, that a promise in a Speech from the Throne to produce legislation and submit it to parliament all depends upon how members of the House feel towards the end of the session. By that slender thread the government holds itself in office and defends its ebbing life. Well if that is the kind of government that hon. members feel is worthy of this country and of their confidence their duty is to vote against this amendment.

But let me refer to the first portion of the statement that I have just quoted. Hon. members know—and I cannot be swerved by any rule of parliament from saying this—that a great factor, if not the chief factor in determining the votes on the crucial division in this House which decided what party was to be in power, was the promise contained in the clause I have read with respect to the natural resources of Alberta. That was the greatest and most relied upon factor of all. The government say that they have not broken it. The Prime Minister says: "Well, we put something on the order paper. We did not allow you to discuss it. We never got to that point. We never called it. But you saw it there in print and that ought to satisfy you. Not only have we not called it nor given any person a chance to say a word about it, but we do not intend to call it; we have abandoned it." "Surely," he suggests, "that does not constitute a breach of our pledge." Hon. members who follow that reasoning with approval should vote with the Prime Minister.

It may be that the government encountered difficulties. Very well. The government should have had its difficulties surmounted before it made a pledge upon the faith of which it sits in office. The government should not bind and had no moral right at all to bind itself to a course of conduct until it knew that that course of conduct could be carried through. The government to-day stands in possession of the votes by which it stays in power, having obtained those votes on a pretence which was false, namely the pretence that it was in a position to carry through the pledge contained in the clause which I have read.

Has the government a right to those same votes this afternon? Will any hon. member suggest to me that that pledge was not a factor in securing in the division the majority by virtue of which this government is in office now? No member of the House will suggest such a thing. All hon. members, especially hon. members diagonally opposite who come from Alberta, know it. Hon. members from Saskatchewan also know that the great impelling factor was the promise of the return of the natural resources, a promise supplemented by a signed agreement, already quietly distributed, the contents of which were known to members of this House. That promise was the determining, the most determining factor of all the long list of pledges which this government was permitted to lay before hon. members of this House in order to entice their votes. They stand to-day with that promise unfulfilled and with a declaration that they do not intend to fulfil it, with a declaration that an amended agreement which they brought into this House has also been abandoned so far as this session in concerned. In the face of that the government pretends it still deserves the confidence of parliament. What right had this government, until it knew that its difficulties were surmounted, that its mountains were passed, that it had an agreement by which it could and would abide, to get the votes of hon. members upon the basis of that agreement?

Mr. MACKENZIE KING: If I am in order, seeing that my right hon. friend has been speaking at some length on this ques-

tion of natural resources, I may say that if the government of Alberta will allow us to bring in a measure—

Some hon. MEMBERS: Order.

Mr. MEIGHEN: It is all right.

Mr. MACKENZIE KING: If the government of Alberta will agree with this government to bring in a measure which both have agreed upon and will stand by that, the government will go ahead with the legislation it has.

Mr. MEIGHEN: Will hon. gentlemen contemplate where the government is now following this last statement of the Prime Minister? He says: We have abandoned the agreement by which we got the votes of hon. members of this House.

Mr. MACKENZIE KING: I did not say that. I said: We will stand by it.

Mr. MEIGHEN: The agreement of January 9 referred to in the statement of the Minister of Justice?

Mr. MACKENZIE KING: The agreement come to between this government and the government of Alberta.

Mr. MEIGHEN: That second agreement was not come to at the time this government got the votes of members of this House. This fatality of dates is very unfortunate for the Prime Minister. The agreement to which he is referring now was not in existence at that time. It had not the slightest influence in affecting any hon. members because it was not in being. But there was an agreement in being; that agreement the government laid before hon. members of this House. That agreement is the agreement referred to in the Speech from the Throne, for there was no other. The government declared that that agreement they would pass. Now they say that they made that declaration before they knew whether they would be able to pass it or not—and indeed they refuse to pass it.

Mr. STEWART (Edmonton): Was the agreement in evidence before the Speech from the Throne was brought down, or was it not a general statement that an endeavour would be made to transfer the natural resources?

Mr. MEIGHEN: I know there was an agreement in existence signed on the 9th January.

Mr. STEWART (Edmonton): It was not in evidence in parliament.

[Mr. Mackenzie King.]

Mr. MEIGHEN: But its terms were known and I leave it to hon. members of this House whether they were affected by it or not. I know its terms were made known to them.

Mr. STEWART (Edmonton): That may be, but the right hon. gentleman says that the vote in this House was on the specific terms of that agreement which were afterwards amended. I say to my right hon. friend that that agreement was not tabled at that time but a general statement in regard to the return of the natural resources was tabled.

Mr. MEIGHEN: I do not say it was tabled before the vote was taken, but I say that many things were known to members of this House before being tabled and the terms of that agreement were known.

Mr. STEWART (Edmonton): My hon. friend is very adept at getting around sharp corners. He has been arguing—

Some hon. MEMBERS: Order.

Mr. STEWART (Edmonton): Is there no chance to ask the right hon. gentleman a question? I want to make it perfectly clear; my right hon. friend has argued that that agreement was in evidence and upon that agreement the vote was taken.

Mr. MEIGHEN: Certainly.

Mr. STEWART (Edmonton): That agreement was not tabled at the time.

Mr. MEIGHEN: The hon. gentleman attaches an almost sacred importance to the word "tabled."

Mr. STEWART (Edmonton): I do not. It is my right hon. friend who attaches importance to it.

Mr. MEIGHEN: Does the hon. member suggest for a moment that hon. members who saw that agreement were not influenced by its terms?

Mr. STEWART (Edmonton): I cannot say that they were.

Mr. MEIGHEN: I leave it to hon. members of this House who had to do with it whether they were influenced or not.

Mr. STEWART (Edmonton): I would say this that a number of members from Alberta were very well aware, but that is not the point.

Mr. MEIGHEN: If they were well aware, that is all that is necessary for my argument.

Mr. STEWART (Edmonton): May I say this to my right hon. friend, that everyone knew that the Premier of Alberta discussed the agreement with members of this House?

Mr. MEIGHEN: And members of the government too.

Mr. STEWART (Edmonton): Undoubtedly. He made the agreement with the government.

Mr. MEIGHEN: And members of the government discussed the terms with other members of the House. I put this question to the minister: Before the vote was taken which decided which party was to be in power in this House, is he quite so sure that that agreement was not indeed tabled?

Mr. STEWART (Edmonton): That is my recollection. I may be wrong.

Mr. MEIGHEN: I will not give my recollection until I am certain, but I am inclined to the view that it was. I do not however care a whit whether it was or not. I know as well as I know I am standing in this chamber that the terms of that agreement were known and on the faith of those terms the government secured the votes in this House. We cannot discuss the question whether the terms were right or not; it is not necessary to discuss such a question; the discussion would not have the slightest thing to do with the matter now before the House. Whether they were right and true and just or not, is not the question at all. The point is that the government got the votes of members of this House on the faith of that agreement. The government sits in power because of that confidence so obtained. The government therefore is in default on the solemn pledge by which it sits in office. This is what we allege in the amendment before parliament. But there is something else.

Mr. CANNON: Before my hon. friend takes another point, may I ask him a question? Is it not a fact that this agreement passed between the federal government and the Alberta government and the resolution placed on the order paper were amended by the Alberta government and not by this government?

Mr. MEIGHEN: I know the government has said so, but I cannot see what in the world it has to do with this matter.

Mr. CANNON: My right hon. friend knows it.

Mr. MEIGHEN: I am not on that point—for it does not matter.



Mr. CANNON: Be fair in debate. My right hon. friend knows that an amendment was brought in by the Alberta government.

Mr. MEIGHEN: I do not know that any amendment was brought in by the Alberta government.

Mr. CANNON: Then you should know.

Mr. MEIGHEN: If the hon. gentleman has a speech to make he will have his opportunity.

Mr. CANNON: It is gross ignorance on your part.

Mr. MEIGHEN: Hon. gentlemen are very much excited, and no one can understand the reason more clearly than I do. I have not disputed any word or line of the explanation of this situation as given by the Minister of Justice (Mr. Lapointe), but not a word nor a line of it has anything whatever to do with this question, namely, whether this government made a definite pledge on the faith of a definite agreement, and then failed to keep that pledge by means of which it sits in office at this hour.

Mr. CANNON: Will the right hon. gentleman allow me a further question? Can he declare before this House and the country that he is willing to accept the amendment brought in by the Alberta government?

Mr. MEIGHEN: I am afraid the usual discretion of the Solicitor General has for this moment been abandoned. Now the government has revealed the cloven foot; hon. gentlemen now see what the government wants to make a subject of discussion in this House. The Speaker has ruled that that subject may not be discussed, and I shall not either evade or conflict with that ruling.

Some hon. MEMBERS: Oh, oh.

Mr. MEIGHEN: Hon. gentlemen would like to discuss the merits of the last agreement as compared with the former. But who was the first to rise in his place to make sure that Mr. Speaker would rule that we could not discuss the subject? Was it not the Minister of Justice?

An hon. MEMBER: No.

Mr. MEIGHEN: The Solicitor General is really the subordinate of the Minister of Justice and now he disputes the tactics of his chief.

Mr. CANNON: I apologize to my right hon. friend; I was not present at the opening of the sitting. I am sorry.

Mr. MEIGHEN: I accept the apology in the spirit in which it is intended. Now, Mr. Speaker, the amendment declares further that there are other causes why this House should vote want of confidence in the government, but the time taken would be too considerable if I were to undertake to review that phase of the motion. Those other causes are so numerous that little can be gained by discussing them at this time. I will, however, emphasize one of them, and about two sentences will end what I have to say. This government cannot enjoy the confidence of the country while it fails to present to parliament any definite policy upon any subject whatever. It is a government by compromise, a government by intrigue. This government sits in office because of intrigue. The government sits in office because of pretences, of promises made which it never intended to carry through. It sits in office because of solemn pledges made and repeated and embalmed in the most sacred form, which today it ruthlessly repudiates.

The Prime Minister says, "If this vote goes against us you men are going to have to go back to your constituencies and fight an election". There is the sword held over hon. members of this House. May I remind the Prime Minister that the question of dissolution is not one within his prerogative to decide. There is no region in the whole realm of autocracy into which the right hon. gentleman is not prepared to soar, if by so doing he can hold office for another week or another day. But there are regions into which he cannot enter, into which he is forbidden. This government conducted the last election campaign under its own auspices; it appointed its own officials. And, hon. gentlemen, I have heard one of them especially, his eye glancing in the direction of Peace River—declare that "Liberalism" is now more alive than ever. The result of the government's control of the election machinery is now public and open before the electors of Canada, and these Ministers should hesitate ever to ask to be placed in charge of election machinery again. But even if they do, this parliament was elected on the government's appeal; this parliament was elected under the auspices of this government, and if the government is not able to carry through its policy, is not able to retain the confidence of a parliament so elected, then its duty is to resign. That is the only right this government has. The Prime Minister knows this full well, but he believes that the threat of dissolution may be effective in turning one or two votes in a division. The threat of dissolution is launched only for the purpose of frightening those whom the Prime Minister believes to be timid and susceptible to such a threat. But, I repeat, neither the prerogative nor the right of dissolution is his. There are however open to him both a right and a duty, and these he can embrace only by the act of resignation, for he must know that he has not the confidence either of this parliament or of the people of Canada.



Mr. HENRI BOURASSA (Labelle): I have only now had an opportunity of looking at the amendment which has been proposed, for when I asked for it a little while ago it was in circulation right and left. Evidently it is of much interest. I have heard the comment of the leader of the opposition (Mr. Meighen), and there is a good deal of truth in what the right hon. gentleman has said. As a matter of fact, if one were to take the history of parliament, session after session, ever since confederation, pretty much the same comment might be made upon the course of governments. I have sat in this House for eleven years, and have read to a considerable extent the records of parliament both before and since that period, and I cannot recall one single session in which the entire programme as announced in the Speech from the Throne has been fulfilled either by Conservative or by Liberal administrations. In that respect I make bold to say, at the risk of scandalizing some of the virginal minds opposite, that I do not feel quite so exercised over the failure of the government to implement every paragraph of the Speech from the Throne by a specific piece of legislation. It is, I think, a mistake to put too much into speeches from the throne; it would be preferable to announce less and to accomplish more. This however has been the habit of governments; and I do not fancy that any member of this House who decided to support the present administration in preference to one formed from the Conservative party—because that was the only alternative—would be justified in voting for this resolution for the reasons that have been advanced this afternoon and those that are contained in the resolution itself. Of course there is the qualifying phrase "and for other causes", which is very broad. There may be many causes or reasons for voting confidence or want of confidence in a government. I therefore put to hon. gentlemen the question I ask myself: Has anything occurred during this session which would warrant those of us who have elected to support this government rather than a Conservative government, led and inspired by the right hon. gentleman opposite (Mr. Meighen), and holding the principles which the party opposite holds, has

anything occurred to justify us in changing our attitude, in departing from the course we have followed for five months, and throwing down the government in office in order to give their opponents an opportunity to take their place? Because that after all is the question.

Now, many situations connected with parliamentary government are illogical. Very often one is forced to choose between supporting a government in which he is not over-confident and putting into its place an opposition in which he has no confidence at all, or decidedly less confidence. To my mind this is the situation that presents itself to those of us who, not having been elected as members of the Liberal party and blind supporters of the Liberal government, have now to take their stand courageously and make their choice between the policies presented by the Liberal government and the policies presented by the Conservative party. There is no other choice. By supporting a resolution of this kind we cannot create a new party that will satisfy all we ask for. Members of the Progressive party can no more do it than can my two neighbours who represent the labour element; neither can I nor my neighbour to my left (Mr. Neill). There are features in the government policy which I do not like, or that I would rather see improved; but would I achieve my object by throwing this government down, and putting in its place a party which, on these very questions, would be further away from me and the people I represent than the party and the administration now in office?

This is the position, and the only position, which presents itself to the conscience and sense of public duty of those who have been elected neither as Liberals nor as Conservatives, but who have put before their respective electors certain issues upon which they gave certain pledges, supplementing those pledges, as far as I am concerned, with the only declaration that I think an independent candidate could make, that, if elected, as between the two parties who possess enough votes to form a government he would choose that party which corresponds more faithfully with or comes more closely to his own policies, his own views and his own principles. It is one of the inevitable situations in which independent members of parliament, or even members of the respective parties with an independent turn of mind, find themselves placed on many occasions, not only in this parliament but in all the parliaments of the world. Hon. gentlemen opposite are apt to quote very frequently the precedents established by the British House of Commons. I have respect for a good many of those precedents, provided they apply to us; but in the very words of a past leader of the Conservative party, in the words used by Sir Robert Borden in the conference of 1917 and the correspondence which followed prior to the signature of the Versailles Treaty, when Lord Milner appealed to him to abide by certain precedents: The situation being new, it calls for new precedents.

Now, up to a few years ago, the House was divided as between two parties. A few members once in a while changed their party, but most of the time, during the life of parliament, it was a battle of words between the government and the opposition, and finally when the election came the people decided in favour of one party or the other. But in the last parliament and in this the situation has changed; we have three main groups. One of them, the Progressive group, holds the balance of power to-day. True, it gives them great strength, but it also imposes on them great responsibility. I have no title whatever to appeal to them on any grounds. They know the needs of their country. I simply leave with them this general question for reflection: Whether the people they represent, whether the interests they have at heart, whether the worthy enterprise they have taken up, for the last five or ten years, to convince the people in the east that more sympathy should be shown towards the needs of the west, that those needs should be better understood in the east,—I repeat, is it in the interests of the west, is it for the better future of those interests that the members of the Progressive party should make it possible to let power, influence and legislation pass from the hands of the present government into the hands of the opposition? That is the question that presents itself for our consideration to-day. I will go further, because I must say that the sympathy I have borne for years towards the population of those western provinces and their needs is subordinated to the sympathy I bear towards the needs and interests of Canada generally. During this session we have heard much of the necessity of bringing closer together east and west, French and English, Catholic and Protestant. We have spoken of it, and it has been intimated in another sphere of this parliament, that confederation should be celebrated next year in the spirit and according to the principles of the men who made confederation possible. Well, here again, supposing the question were presented to us in this form: Is the spirit of confederation, the spirit of union between east and west, the spirit of co-operation be-

tween French and English in the ranks of the Conservative party or of the Liberal party? Both parties, during the last twenty-five years, have committed many sins against the spirit and the principles of confederation. Whether it relates to the rights of various ethical and religious minorities in the several provinces, or whether it has to do with the relations between Canada and Great Britain, both parties have sinned against the spirit of confederation, both parties have prejudiced the rights of minorities, which was one of the most important principles upon which the men of upper and lower Canada and the Maritime provinces united to make confederation possible. The other cardinal principle was the maintenance and the development of the spirit of Canadian nationality against the encroachments of Tory imperialism, which had already shown itself in England in those days, but which was as strenuously combatted by Sir John A. Macdonald, the then leader of the Conservative party, as it was by the Liberal party, headed then by Mackenzie and by Blake.

Since those days and at the present time where lies the best guarantee that something at least of that spirit of confederation will be revived and maintained? I repeat, is it in the hands of the Liberal party or of the Conservative party? I am free to speak on this question. I have fought strenuously the Liberal party every time I thought they were abandoning some of those principles. I have denounced some of their actions which I considered detrimental to the general interests of Canada as well as to those two great basic principles of confederation—respect for minorities and the maintenance of Canadian autonomy against British Tory imperialistic encroachments. But also I found this out, that after every crisis, the spirit of repentance showed itself more quickly within the Liberal ranks than within the Conservative. At the present time, in the province of Quebec, a new group—the third or fifth reincarnation of the so-called Conservative spirit—is endeavouring to show that the present leader of the Conservative party is more nationalist than we are ourselves, that during the war it was the present leader of the Conservative party who prevented the application of the law of conscription in the province of Quebec. It endeavours also to show that because the present leader of the opposition, after a great deal of ingenuity and much industry, has acquired a certain knowledge of the French language, he is therefore the best upholder of all French Canadian traditions. This is the campaign at present conducted in the province of Quebec, and undoubtedly the Conservative party would gladly try to reap that advantage as soon as possible before it is found out whether or not there is a basis for this new propaganda, for this new revival of the so-called Conservative Nationalism, or whether it is not simply of use at election time. It may be that there is some necessity imposing itself upon the present leadership of the Conservative party to have an election as soon as possible, so as to reap in the province of Quebec the benefits of this new campaign, while at the same time preserving in Ontario and some of the western provinces the great advantage of having as their guiding star, as the vanguard, the rearguard and the flank forces of the Conservative party, the Orange lodges and all that their political influence means. I do not see why, for my part, I should make myself an instrument of those calculations. I do not see why, for my part, as a Canadain, I should play into the hands of a policy inspired apparently by such motives, and carried on with this kind of propaganda.

I may say at once, Mr. Speaker, that I regret two things: first, that your ruling, which I think is quite according to the letter of the rules, does not enable us to discuss here and at once the whole question of the Alberta resources on its merits, and to find out where the responsibilities lie, right and left, to find out whether there is a real desire to abide by a word given, or whether there is a desire to try once more to take advantage of this situation to unbridle the devils of racial and religious animosity. I regret that we are prevented from discussing the whole question on its real merits, to find out where are the upholders of the principle of confederation, of minority rights as well as of the sanctity of contracts entered into between two governments. I shall not go further into that. I hope some other occasion will be given to the leaders of the Conservative party to show in Ontario, as well as in the west, as well as in the east, in the same language and standing on the same principle, whether or not it is true, as we are told in the province of Quebec, that what the Conservative party want is to re-establish the minorities in the west in their rights.

4 p.m.

There is another thing I regret, individually speaking, and therefore it makes me quite free in the vote I am giving. I would far rather have a solution right at once and a general election right now than go on at the pace at which we have been going this year. I would far rather have the situation cleared, and if I had any influence with the government, I

would say: Take up the challenge; endeavour to get a dissolution, if you can get it, and we will find out what is the people's opinion. Let us have a clear-cut situation. For my part I am not afraid of an election. I would rather have a clear-cut solution than such an uncertain situation as we have had for some time.

Is there need to say more? I fail to see that I need any more reason for voting against this motion, for the same reasons, and standing on the same principles which in my mind made me clear at the beginning of this session, and all along during the session, that when it came to a matter of choice as between the Liberal party and the Conservative party as at present constituted, inspired, and led on both sides, I would rather vote for maintaining the Liberal party than putting the Conservative party in power. In fact, what has happened during the session, and the press campaign that has been conducted from one end of the country to the other, precisely with the object of making this Alberta issue a burning question, would be, if I had no other, a sufficient reason for me to support this government and to vote against the opposition. With regard to other questions as they come up, I repeat, all independent members of this House will remain as free as they were to oppose this legislation or that.

Hon. gentlemen opposite appear very scandalized because on certain questions the influence of the Progressive party, the influence of the Labour representatives, and perhaps my own influence, had something to do with government measures. Here again this is childish play; I do not want to qualify it in harsher language. If I did, I would say it is coming near to hypocrisy. There has never been a government, in any parliament of the world, that, in framing their legislation, have not taken into account the opinions, the feelings, and the influence of the members who support that government. If I were as expert as my hon. friend from West Calgary (Mr. Bennett) in quoting British precedents, I could find a bushel of them without even going to the library to find my authors. I could remind him of the change of attitude of Sir Robert Peel on the Corn laws. I could remind him of the famous declaration of Mr. Disraeli, who, after having secured the defeat of the Liberal government on electoral reform, came back with a more radical measure of reform, and had to encounter the same kind of accusations that we have heard here during all this session, and again this afternoon. What did he reply? "We have always acknowledged that the people were our masters, but since the last parliament we have educated our masters, and therefore we have more confidence in them than had the previous parliament." I could quote him the example of Mr. Gladstone, who, after having applied to Ireland more drastic laws and measures of political oppression than any Tory government ever resorted to, turned around in favour of Home Rule, and quite sincerely, but also a little because of the influence of Parnell and his party.

The whole story of British parliamentary government is one of opportunism, is one of compromise, is one of give and take. It is at once what I would call its contemptible and its most precious part. Of course, if you view it from a very high-minded point of vantage, if you enter into your 'tour d'ivoire' and philosophize upon the logic of politics, you may be entitled to view with some contempt and derision the efforts of all governments, especially governments weak in their support, to get votes from people who are not exactly of their own political allegiance. There are only two ways of getting those votes: one means is by corrupting individuals, and the other is by giving satisfaction to principle. I would rather have a government making compromises with members or groups that are neither their supporters nor their opponents, by adopting some of their principles, than a government trying to purchase votes by promising emoluments or personal advantages to a few individuals in order to round up a majority. The high-minded philosopher may condemn both ways, but where is the political man in Canada to-day, or where is the party, that can boast of such purity of motives and such virginity that he or it has never resorted to either of these means in order to secure or maintain a majority? No Conservative in this House nor in this country entertains a greater admiration for Sir John A. Macdonald than I do. To show how rabid a Liberal I was in my young days I do not think I have ceased for thirty years to repent my refusal to assist in an official capacity at the funeral of that great statesman. But later on I found out that I was a very foolish greenhorn. I studied Sir John A. Macdonald's political life and leadership, and if there ever was a man who has given an example of both means of making up or conserving majorities—I mean offers that appeal to principles or policies, and offers to individuals or groups having different principles or policies from his order to secure their support,—or even the practice of political

corruption for the purpose of reinstating himself or remaining in power,—it was Sir John A. Macdonald. But nevertheless he will stand high in the annals of Canada and in the annals of the British Empire, because after all, the means he took to maintain or to gain power were always with a view to carrying out a policy beneficial to the whole of Canada. So that as far as corruption goes, or compromise, or government by conference, and all that, the argument which has been advanced is, to any man who has studied the politics of this or any other country, purely childish. It is not convincing, especially on the lips of hon. gentlemen opposite. During the war, when the preceding government wanted to accomplish a certain object, contrary to the solemn pledge they had given to all classes of people in this country, the most solemn pledge that could have been given by a government to any people, namely that they would never resort to conscription in order to carry on the war—I am not discussing now whether they did right or wrong —what did they do? They approached members of the opposing party, not to offer them compromise on principles but to offer them offices of emolument; and they secured their majority and they passed their legislation in the teeth of the will of the people of this country, or at least a large portion of them, because they had secured such a support from individuals who were pledged like themselves to vote against the legislation which they enacted, not to speak of other pieces of legislation, making their action good later on at elections won as we know the elections were won in 1917.

Now, Sir, when it is found out that in the history of all political parties, in this country or in other countries, there have been such exchanges of view, such acts of compromise, so as to secure legislation and secure government, let us place ourselves in the position in which this parliament is now. Of course the thing has been threshed out throughout this session. The whole of this debate, the whole object of this amendment, is nothing but a repetition of what happened at the opening of the session during the debate on the Address, and later on during the debate on the budget. The situation is not a new one, it is the same, so that we have to repeat what was said on previous occasions. What was and what is the position? Is there a group or party in this House capable of carrying on the government of its own action? No. The present leader of the opposition, especially with that very tender and scrupulous conscience which has developed in him since he has found out that he is not master of the administration of the country, could not carry on the government without having recourse to the same means of compromise; and his speech to-day has been an appeal to Progressive members to help him in doing now what they did not consent to do at the beginning of the session,—nothing else. I repeat that it is the business of the hon. members in question and they know their business. They know their political situation; it is for them to decide whether or not the bait offered to-day is more acceptable than it was at the beginning of the session. I simply say that the situation is exactly what it was at the beginning of the session. The Conservative party could no more assume and exercise power at the present time than it could at the beginning of the session; it could do so only with the support of some members of this House who were elected against that party to as great if not a greater degree than against this government. Is the leader of the Conservative party prepared to-day to offer the Progressives terms of agreement which he was not prepared to offer at the beginning of the session? If so what becomes of his political conscience, what becomes of those great principles of political honour to which he has given expression? My own choice would be that we should have an election right after this session and perhaps the good of the country would be better served by following that course. For my part I am not afraid of it; whether I come back or not is immaterial. As to that I am wholly indifferent; in fact in many respects I would rather stay at home than come and lose six months of my time here. But we have to take the position in the light of circumstances as they have been created—I will not say by the will of the people, although there are some who set up that contention. I do not believe the people of Canada want the actual situation to be as we have it now; I do not believe they desire matters should remain as they are at present. But a growing number of people in this country are losing faith in politics, in politicians and party shibboleths, a growing number of people are prepared to vote for any party, for any group of men or for any individuals, in whom they think, rightly or wrongly, they will find a little more satisfaction from their point of view, from whom they expect a little more legislative and administrative action, inspired by the will of doing the right thing by Canada, rather than by the thought of maintaining in office a certain number of individuals calling themselves Liberals or calling themselves Conservatives, who fill up the judgeships or senatorships by appointing sometimes old,

worn politicians and at other times young politicians who have rendered them service, but most of the time nominating their own political servants and friends.

The need for a broader national spirit and for politics inspired by broader minds is growing fast in Canada and that sentiment is a good one. How will it resolve itself? I do not know; that is something the future will settle. But no doubt the existence of that feeling is the main cause of the development of the group system, whether we like it or not. So long as important groups of the electorate in this country desire to send to parliament men of such a type to represent them rather than men elected by the funds of political parties, so long as the people of this country chose to send men with different types of mind and various programmes of policy, there will be no government possible, unless it is a government of compromise between two or more of the groups. It will be such on the surface at all events; and what ought to appeal to gentlemen opposite, is the fact that that will become the standard of politics in this country as it has got to be in England. I refer them to English precedents of which they are so fond. There have been such governments formed in England during the last forty years. Since the time of the break of the Liberal party on the Irish question, every government in England, with a few slight exceptions, has been a government of compromise. No policy of economics, no policy of social import, no policy of internal government or external affairs has been possible in England, during the last forty years, without the party in power, sometimes the strongest, but not always, having to resort to the same means of action that this government has resorted to. Gladstone, Lord Salisbury, Lord Rosebury, Mr. Asquith, in fact every one of the great leaders of British politics in the last few years, had to go to some of their opponents and ask their support on this ground or that ground of policy, for which they had to pay by making concessions to the men whose support they were seeking. Otherwise, the government of the day could not have been carried on. Are we going to be told that all politics in Great Britain has been dishonest? I should like to hear the great upholders of British loyalty, the sturdy unfurlers of the British flag, tell us that England is on the way to political decay, and that all English politicians are dishonourable, and that every leader of government in that country has dishonoured his conscience and has done the most horrible thing that could be imagined under responsible government. I stand half way between those who will have nothing of English precedents, who will have nothing to do with English principles, or practice or policy, and those who are blind admirers of them. I am neither one nor the other. I am a Canadian; but Canada, having inherited and adopted the basic principles of British government, it is a good object lesson for us to follow the trend of events in England, and to study the practices and policies introduced in English public affairs for the last twenty-five years. I do not say that they should be copied entirely, but they might be studied and adapted to our own situation.

The British constitution is much more elastic than the American or the French or our own constitution; not only much more elastic in the definition of political power, not only much more elastic legally speaking; but precisely because of that indefiniteness of the British constitution in pure matters of law and in matters of practice also, there, has developed in the mind of the English statesmen a facility, or rather an aptitude, to adapt themselves to new circumstances which I am always surprised to find is much less developed in our own country, even in spite of all our boastfulness of British loyalty. Why do we not try to adapt ourselves in the same manner as they do in England? I would not go the length of saying that we should copy the government instituted by Queen Anne, when half of the members—the whole of them being sworn to her—were in correspondence with the Pretender and trying to prepare for the downfall of the queen. They were friendly with the queen in England, but conspiring against her on the continent. I do not think the hon. member for West Calgary would ask us to be admirers and copiers of such British precedents; but without going that far, are we going to lay down a rule to-day that whenever a house of parliament is divided between various groups, none of which is strong enough to form a government which will receive the constant support of the House during the parliamentary term, there shall be no government; or that the one group having a number of seats will hand over the government to that group which has the largest number of followers, incapable in itself of ruling the country, not having received, as it has not received, the confidence of a clear majority of the people of this country? No sir. What is sauce for the goose to-day will be sauce for the gander to-morrow. If that condition develops in the next parliament as in this one, most likely there will be no clear majority, because really I do not think the new tactics of the great board of strategy will be successful. I do not think the people of Quebec will be convinced that the whole future

of the Catholic faith and the French race is in the hands of the Conservative party, and especially of that wing of the Conservative party headed by the member for Toronto West Centre (Mr. Hocken). I do not think it will carry, but suppose it carried in Quebec, how will it adapt itself to the line of argument used by the powerful wing of the Conservative party which goes everywhere in the province of Ontario and the western provinces, with its organs, proclaiming that the country is abandoned to French domination, that the member for Labelle is imposing legislation upon the government as against the rights of the provinces of the west? How will that carry? Is that in full accord with the high sense of honour, with the high spirit of straightforwardness of which we have heard so much this whole session and again this afternoon from the right hon. member? Is he going to be the John the Baptist of Quebec and the William of Orange of Ontario? No, he cannot be, and as far as we in Quebec are concerned we would rather have—I was going to say an unchristian, but I will simply say, a Canadian pure and simple, whether Catholic, Protestant or English speaking, or French speaking; we would rather have a Canadian standing by certain basic principles which we consider essential to the welfare of this country west and east. Any government that offers us a guarantee that we can accept, that in their hands the interests of the minority will be better preserved than in other hands, and that in our dealings with Great Britain and foreign countries the interests of Canada will be upheld against the interests of Great Britain or any other country, is worthy of support and will have our support. Any government which will be the true inheritor of the spirit of the Conservative party of Macdonald and Cartier, will have our confidence even if we think it is weak or deficient in some respects, and even if it does not do all it can do. We are reasonable enough and British enough to understand that the absolute good, such as everyone, every individual, every group of men and every party in the country conceives it to be, is impossible of realization unless it be accepted by some other man, or some other group, or some other province to carry on. We would rather have a relative measure of good for the better welfare of the country, for a better feeling between consumers and producers, farmers and manufacturers, French and English, west and east; we would rather have a fair, level policy of justice to all than a policy based upon the narrowest appeal to French feelings in Quebec and to anti-French feelings outside of Quebec. I know that Liberals have resorted to that kind of appeal. Of course, some have resorted to it; all parties have. It would be another piece of hypocrisy to claim that appeals to racial feeling are the fault of only one party.



First of all, racial feelings are noble and natural in themselves. The men or the nation that would not have feelings connected with their blood, their traditions, their aspirations, would be worthy of all the contempt which the leader of the opposition has expressed towards a political group standing in his way. Right appeal to racial feeling is essential to the maintenance of the ideals of a nation. I would have nothing but contempt for the Canadian of English origin who would not be proud to be a scion of that great nation, nothing but contempt for the Scottish-Canadian who would not take pride in the history of that marvellous race that has filled up the British Empire with the works of its genius, nothing but contempt for the Irish-Canadian who would not sympathise with the twelve centuries of effort of that heroic nation to maintain itself in spite of British domination.

Likewise the French-Canadian would be contemptible if he were not attached to everything that is dear to him, to his language, his religion, his family traditions and the school system which enables those great inheritances to be perpetuated. By so attaching himself, the French-Canadian is not only doing his duty to himself but rendering the best service he can to confederation. Thanks to his religion, his language, his separate schools, his traditions, he is the only moral and social obstacle to the penetration of Yankeeism which has been justly denounced by an hon. member on the other side, but which is so powerfully helped by the same school of politics to which that member belongs and which finds an enemy everywhere there is a French word pronounced, everywhere there is a school conducted according to our conscientious beliefs, everywhere there is an effort on the part of a French-Canadian group to maintain those traditions, not by the oppression of any other group, but by the free growth of our ideals alongside of those of British birth and of Canadians of English, Scottish or Irish origin.

It may be said that this is out of place. I do not think so. If this motion is, in its short and curt form, a challenge to the conscience of parliament and of the people to choose between the two parties who have governed Canada alternately for the last twenty-five years; if it is a challenge to the public to make a choice between those two parties as at present led, inspired and influenced, as a

French-Canadian and as a Canadian I say that I take up the challenge. As a true lover of Canada from one end of the country to the other I take up the challenge. It is not that I have any prejudice against the Conservative party. I have worked with many Conservatives in public affairs. Strange to say I found this out: Every time I attacked the Liberal party for what I considered lack of duty, every time I reproached them for making concessions to the enemies of French-Canadians or to imperialism, those Conservatives who worked with me were more rabid in their denunciation of imperialism, of everything tending to enhance the interest of Great Britain in this country than myself, my true Nationalist allies and the Liberals who detached themselves from their party to help us. They were always ready to go to one extreme or the other. Some men connected with the present board of strategy of the Tory party in Quebec went so far, in 1911 and 1917, as to reproach me for being half a traitor because I was not prepared to raise rebellion on the streets of Montreal and Quebec to shoot down the leader of the then government of which the present leader of the opposition was a member. They are now trying to make the people of Quebec believe that the Conservative party is the anti-imperialistic party; that it was thanks to the Conservative party that conscription was so mildly applied in Quebec; that it was thanks to the present leader of the opposition that so many young Canadians escaped going to the war. Is that going to be the gospel preached in western Canada? Is that the great policy of national unity upon which the next Conservative government is going to rule this country? So long as the true spirit of Macdonald and Cartier is not revived in the Conservative party, right and left, west and east, among French and English, hon. gentlemen opposite, I am sorry to say, must quit the hope—I will not say of gaining power: that is a very small matter in my opinion—but of regaining the true confidence of the people. They retained power in 1917 by the means of which we are all aware, but they lost it in 1921 though a reaction which was the punishment of the means resorted to in order to retain power in 1917.

Likewise the Liberals lost power and would have been out of power for many long years, because of the mistake they made from 1896 to 1911 in courting imperialism, Toryism and protectionism. One straight Liberal of Toronto, a man who has remained a Liberal all his life, English-born and a Protestant, told me at the time of the South African war: "The greatest mistake our leaders can make, both in Toronto and Ottawa, is to try to cover themselves with a thin coat of Toryism and imperialism; they are simply educating the people to the doctrines of their opponents; and the time will come when no Liberals will be able to stand up in Ontario because they have not at the present time the courage to stand by their principles and traditions." Let the present day Liberals think of that. In justice, it must be acknowledged that some effort has been made by this government to come back in the right direction.

I also want to do the leader of the opposition this justice. I never, either with his Liberal opponents or with some of his most ardent apostles in Quebec to-day, denounced him as being anti-French or anti-Catholic. Never a word of mine yet spoken or written has sent forth that kind of propaganda. But what I have stated and what I state is that neither he nor any leader of the Conservative party as at present constituted is capable of presenting a true national policy to the whole of Canada. He might do it if left alone, but he is impotent in face of the split which occurred in the Conservative party thirty years ago and which was so aptly described by an old Conservative leader, a staunch Orangeman of true spirit, Sir Mackenzie Bowell, when he said, 'You have turned this government into a nest of traitors." I shall never forget meeting the old gentleman, because he was a perfect gentleman, at one session when he spoke some words which have remained with me ever since. He had taken a fancy to me, I do not know why; but at any rate we were quite friendly, and he said, "Bourassa, remember what I say. I'm an old man and you will no doubt survive me. But of two things I am absolutely convinced: There is no safety for Canada until a Conservative government, inspired by Conservative principles and putting into effect a true Conservative policy, is in power in Canada. But—he added—that day is far distant, because the spirit of the nest of traitors is still active." That was indelibly impressed on my mind, and I have had many proofs of the truth of it. The right hon. leader of the opposition has also had many proofs of it, for he has seen the eggs in that nest of traitors hatching right and left.

An hon. MEMBER: St. Lawrence-St. George.

Mr. BOURASSA: No; St. Lawrence-St. George as at present represented has always been straight and fair both to friends and to

foes. There has never been any baseness of mind nor any resort to low tactics either for or against others so far as that hon. gentleman (Mr. Cahan) is concerned. But the leader of the opposition knows quite well how true is the remark of Sir Mackenzie Bowell which I have repeated. Now where is that nest of traitors? Rather, I should use the plural: Where are the traitors of that nest? The right hon. gentleman is to-day in an unfortunate position. He is a man of talents, his personal integrity is unquestionable, and he has a sincere desire—he knows that I speak what I think—to do the right thing by his country as well as by his party. But he is incapable of putting those qualities to use because of that dual spirit which was created after the death of Sir John A. Macdonald. There is no longer that united desire to give to Catholicism and to Protestantism alike the same equal consideration, to give equal satisfaction to Quebec and to Ontario, uniting both sections of the country under one dominating principle of true Canadianism before everything else—Canadianism against Britain if need be, as well as against the United States. The Conservative party has been split into two wings, one parading in Quebec as more French and more friendly to the Catholics than the Liberal party—because of the attitude of the Greenway government and of the old traditions of George Brown—the other appealing to the province of Ontario. Formerly the Conservative policy was that England might be at war any time she chose, but that Canada was at war only when she was threatened. That was the Conservative policy; but now the policy of the party is pro-British in one section of the country and anti-British in another. And more than that, attacks are made in the name of the Conservative party upon this government because it does not give positions of emolument to French Canadians. Appeals are made to all the smaller and narrower prejudices of the French against this government in relation to all sorts of petty questions of patronage. It is, I say, unfortunate for the right hon. the leader of the opposition to be at the head of such a party, because after all it is to the detriment of the country that his talents should be lost. But they are lost and they are lost irretrievably. Even if he assumed power as the result of a snap vote or of an election waged under the same conditions as obtained in 1917, when ballot boxes were stuffed in the pretence of saving the empire, although damning the morals of the country, the right hon. gentleman's usefulness would be impaired so long as he and some men of broad mind and strong hand in his party failed to crush the eggs that are being hatched in the nest of traitors season after season.

Now I have gone beyond the letter of the motion, but I think it was just as well. If this amendment is to be the preface to an appeal to the people of Canada it is well that a few men, who are absolutely free to say what they think of one party or the other, should stand up here and speak in the name of those numerous Canadians in Quebec and in Ontario, in the east and in the west, who are thinking less from day to day from the narrow point of view of party and more and more from the standpoint of a true national policy for this country. Whether one party or the other does the right thing is utterly immaterial to me. Suppose we had an election and came back to the House, as is likely, and found ourselves in a situation similar to that which faced us at the opening of this session. Suppose hon. gentlemen opposite had the advantage of numbers to start with; suppose they formed a government. I think I voice the feeling of those men and women who have given me their confidence not only in the small portion of Quebec which I represent but throughout the province, the men and women who rightly or wrongly have chosen me as their mouthpiece for some years past, as well as the feeling of a growing number of English-speaking Protestants in Ontario, in eastern and in western Canada, when I say that the government which under such circumstances would command the respect of the people would be not one which would attempt to secure a victory by means of a snap vote, but one which would consult the interests of the country at large. Let us who speak independently for the people admit that we are a very small body of men; but I venture to say that the party which will win and retain the enduring confidence of the people of Canada will be that party which will espouse a policy the most Canadian and the most national in military matters, in foreign affairs, in economics and in relations between race and race whether within or outside of Canada. It will be the party which will do the most to re-establish, as the basis of government, equal rights as between the various sections of the country and mutual respect as between east and west and as between French and English. This end will not be attained by any attempt to take advantage of the first opportunity to rouse the Orange lodges against the hierarchy or to enrage Quebec at the expense of Alberta. It will not be done that way. It will be done

by a constant effort upon the best minds in all the provinces and in all parties to look for the broader, for the bigger, for the most solid and enduring policy. If we do that we will find that we have turned a long circle and come back to what was once the standard policy of the Conservative party, the policy which enabled the alliance of Macdonald and Cartier—not upon any small calculation as to the misdoing of their Liberal opponents in this little matter or that little matter, not upon the advantage that could be gained by getting the support of the bishops in the province of Quebec and of George Brown and his clear Grits in his appeals against Romanism in the province of Ontario. No, it did better than that. Macdonald and Cartier took the leader of those men, George Brown, in their government; —I admit they did not keep him long, but they kept him long enough to muzzle him while confederation was consummated, to prevent him from introducing in the new-born nations the poison which he had been distilling for so many years in Upper Canada. The result endured for some time; but unfortunately, the venom had not disappeared. It started again in Ontario, it extended to the west, and it was taken up by some Liberals and by some Conservatives.

What did it achieve? What has been the result to Canada as a whole, morally, socially or politically, of every encroachment made by any government, Conservative or Liberal, upon the principle of minority rights? What has been gained to Canada by any abandonment of the sound national policy with regard to participation in imperial affairs? What has been gained, I ask? More prejudice to-day as between French and English than there was fifty years ago; more cleavage as between Catholic and Protestant than there was fifty years ago—less violent, I admit, but perhaps more subtle. That is in regard to inter-racial matters in Canada. With regard to outside affairs there is to-day less unity in matters of national import. Why? Because we have appealed alternately to the British to think of Britain first and of Canada second; and to French Canadians to enlist and fight for France instead of remaining here and working for Canada. Thereby we have revived the old colonial, racial spirit in every group in Canada.

But the reaction is on, and I am happy to say it is perhaps to-day stronger in English Canada than in French Canada. I venture to predict that the party that will win the heart even of British Canada within the next ten years will be the party that will unfurl, not the Union Jack—the Union Jack will be respected so long as the present system continues, so long as we remain in a free alliance with Great Britain—but the flag of Canada, the party that will put itself courageously, frankly and intelligently at the head of the nationalistic instincts of the people of Canada east and west, English and French. I know this looks venturesome, I know this may be considered as the back thought of an old eccentric; but that old eccentric has kept some of the youth of heart and mind in him, has remained in contact with both old and young Canadians in all parts of Canada, and he receives daily communications from people in Canada born in the Old Country. Let me take this only as an example. One English-born Canadian told me, not long ago: You express our feelings, but we are yet too much under the domination of racial pride and the prejudice of tradition to admit it; but go on speak your mind—which is ours—and the time is coming when our sons, who will be one degree more Canadian than we are, will go in advance of you because you will be too British for them. I am beginning to find that out.

Now, Mr. Speaker, in this long—I will not call it oration—rambling, if you like, I have given time to gentlemen on all sides of the House to make due reflection. I noticed when I began to speak there was some excitement; now some hon. gentlemen are on the point of sleeping, which is a good cure for nervousness. At any rate, they have had time for reflection, which is a good thing for the mind, and therefore I hope when we come to vote on this amendment it will be in one of two ways. If judged within the narrow circle of its wording, well, it will be treated as all similar motions have been treated this session; it is the same thing in different words. If, on the contrary, it is taken in a broad way, I for one am prepared to thank the right hon. gentleman for having enlarged the scope of the motion, for having talked outside it and made perhaps what he expects to be his first electoral speech, in which event I think we should follow him on that ground. But then, this motion is not worded in such terms as to inspire those thoughts or reflections that will enable any member of this House or any ordinary elector to see that it leads to anything. It is no declaration of principle on the part of the Conservative party. It is such a vague denunciation of the attitude of the Liberal government that really no Conservative can find much solace in it; and I do not think Liberals can be much exercised over it, except perhaps if they are short of a sufficient

number of votes to give them a majority, which from a certain point of view is absolutely immaterial to me. But surely it is not upon a motion of this nature that a great party, boasting its historic traditions, lays all its future hopes of success. But perhaps that should raise my hopes, for it shows there is more conscience in the Conservative party than I gave them credit for; they feel they are so far away from their great traditions that they must not express them, they must minimize their policy in as few words as possible, and in words that carry as little significance as possible. I think that is a form of sincerity which is to be commended. It proves that they are in the process of evolution. Perhaps within a session or two, or after a couple of elections, they will have found their way to Damascus, they will have seen some of the true light. It may blind them at first, but after the cure has operated—of course if they have grace enough to be worthy of cure—they will see things through the new medium and will change their tactics. I do not mean their board of strategy. I do not know the gentlemen composing that board, but I am quite sure there must be in it men who do not see things exactly as some others do, there must be some few differences in aspirations, in ideals and even in politics. I am quite sure of it. I should not like to calumniate the gentlemen opposite with such stupidity as to imagine that nine or ten of them could always agree upon everything. There must be a tendency upwards and downwards. I think unfortunately I am expressing the view of a large number of people outside the House when I say that the tendency downwards has manifested itself quite often during the session. We have heard heroics about the great principles of economics all connected, as I have said before, with the four wheels of a motor car. We have heard tremendous denunciations, but, after all, what has it come to? To a few motions of non-confidence, very unhappily worded. In fact, it looked at times, and I said so at the beginning of the session, as if the government had to thank the Conservative board of strategy, for it has certainly saved this government on more than one occasion, and it ought to be as successful this time as it has been on previous occasions. Therefore, Mr. Speaker, I need not say that I would not think for one moment of supporting this motion. I am sorry the session should end with such a poor, meagre, expression of opinion on the part of the great Conservative party, previous to what they expect to be an appeal to the people either this year or next. I think it behooves them and would be to the advantage of the country if the Conservative party would decide at last to frame a great policy in clear-cut words that would really express something to the minds of the people who are thirsting for ideas and principles, much less for words and for tactics.



Mr. A. M. BOUTILLIER (Vegreville): Mr. Speaker, coming from the province of Alberta and being deeply interested in this question, I feel that in my feeble way I should like to say a few words. Being but a child in parliamentary life and experience I feel that it is a high honour to be permitted to follow one so experienced and so eloquent as the hon. member for Labelle (Mr. Bourassa), who has just sat down. While I am compelled to admire his power in debate and the many admirable qualities which he possesses, I regret to say, Mr. Speaker, that I cannot see eye to eye with him on the matter that is now before the House.

He has mentioned the word "party" a number of times in his address, I think perhaps with a degree of nervousness. We have been told time and again in this House that principles are greater than party, and I claim, Mr. Speaker, that a principle is involved here which is greater than any party. The hon. member for Labelle has also shown a great desire for Canadian unity. With that I am in full accord, because I claim there is no member of this House who has a greater desire for Canadian unity than myself. Like the hon. member for Labelle I can also claim to be a Canadian. The blood of four or five generations of forebears runs through my veins. When my ancestors came to Nova Scotia in the year 1753 that province was wooded right down to the shore line, and those men had to go into the forests and hew out a place in order to provide themselves with humble homesteads. I have lived in the province of Nova Scotia half of my lifetime. The other half I have lived in the province of Alberta, that great province which in a few years will hold its millions of people, and in which I am proud to represent the important district of Vegreville at the present time in this House. I say I am very anxious for Canadian unity. I hold up my hands, while living in that province, to the province of British Columbia on the west, to the prairie provinces, to the central provinces, and to the Martime provinces down by the sea. I want to see them all bound together in one spirit of national unity that will be conducive to the prosperity of this great Dominion of ours.

5 p.m.

Reference has been made to a certain agreement. When the executive of this group called upon the Prime Minister in the early days of this session, I was given to understand that that agreement was signed, and the signing of that agreement, as stated by the hon. member for Camrose (Mr. Lucas), had considerable influence in directing the minds of the members from the province of Alberta. Not only did I understand that that agreement was signed, but I was shown the pen which was used at the time the agreement was signed. When the announcement was made on January 22 or 23—I forget the exact date—at a large farmers' convention at Calgary, that Alberta was going to get her natural resources, it evoked a great deal of enthusiasm and deep satisfaction, and when later the Prime Minister rose in his place and made the distinct announcement that a certain measure by which Alberta would get her natural resources would not be proceeded with at this session, I was greatly disappointed, and I felt that any agreement or any responsibility that I had in regard to supporting the government ceased from that moment. The pledge given, as I considered it to be at that time, was deliberately broken. That is the way I felt about it. I do not intend to detain the House any longer, because hon gentlemen know my mind. I rose merely to place myself in full accord with all those sentiments that have been so ably expressed by my hon. friend from Camrose. In regard to the action of the Prime Minister, let me say that if I voted against this amendment I should be saying to the people of Alberta that I approved of his action. That Mr Speaker, I cannot do.

Hon. CHARLES STEWART (Edmonton, Minister of the Interior): Mr. Speaker, with the subject matter of the amendment I have no quarrel and could have none. One who is aligned with or supporting any political party is bound to meet with opposition from the opposing party. It has always been so, and I presume always will be so. But notwithstanding the fact that we may divide into groups, there will always be but two sides to any question, and we will find ourselves aligned on the one side or the other. I have no exception to take to the motion of my hon. friend from East Calgary (Mr. Davis). He may at any time test the feeling of this House with respect to the confidence that may be reposed in the government. The mover of this amendment did not embody in it its real purpose. That is evident because immediately after moving the amendment he took the opportunity of stating the grounds upon which is was based. The amendment simply alleges that the government has not implemented its pledges as announced in the Speech from the Throne. Well, Mr. Speaker, we have listened to the leader of the opposition, who spoke for the party responsible for the amendment, and save in one particular he has not been able to find any particular fault with the actions of the government in regard to the legislation introduced at the present session. The one shortcoming of which he complained is that we have not introduced, up to the present, legislation for the amendment of the Election Act. Stripping all verbiage from the speech of my right hon. friend, that is the sole particular as to which he makes complaint, with one exception, and I will deal it in a moment. That is the only respect in which he finds fault with the government and charges it with being recreant to its pledges. The hon. member for Labelle (Mr. Bourassa) has made some sensible comments with respect to the procedure adopted by governments in the past —and this does not apply to any particular party, it affects both the two old parties—in the matter of announcing legislation in the Speech from the Throne and introducing it subsequently into the House. So that the criticism of the right hon. leader of the opposition falls to the ground in that particular respect. If the present government had been the only sinner in the matter complained of, my right hon. friend's criticism might have had some weight and effect. In view of the actual facts it has no weight whatever. The right hon. gentleman has failed to recognize the fact that in almost every particular the promises contained in the Speech from the Throne have been implemented by legislation. Some of that legislation has met the fate that legislation of a similar character encountered in former days in the other chamber. As to that I have nothing to say.

Mr. MEIGHEN: To what legislation does my hon. friend refer?

Mr. STEWART (Edmonton): The legislation on old age pensions.

Mr. MEIGHEN: That is not named in the Speech from the Throne at all.

Mr. STEWART (Edmonton): That does not make any difference, it was part of the sessional programme of this government. My right hon. friend was criticizing the Speech from the Throne, but he took good care to refrain from alluding to legislation of a very vital character to the people of Canada that was introduced by the government and passed by the House at the present session.

Mr. MEIGHEN: What particular bill is my hon. friend alluding to now?

Mr. STEWART (Edmonton): There have been a half dozen measures at least, I am not going to take time in enumerating them this afternoon. The government has reduced the taxation, and it was mentioned in the Speech from the Throne. Nevertheless my right hon. friend had nothing to say about it.

Mr. MEIGHEN: It is a sham.

Mr. STEWART (Edmonton): My right hon. friend has made the same statement about the tariff amendments. He is not fair in that regard, neither is he fair in what he has to say about the reduction in the duty on automobiles.

Some hon. MEMBERS: Oh, oh.

Mr. STEWART (Edmonton): Most assuredly there has been a reduction in the duty. I say that without fear of contradiction. My right hon. friend himself knows that.

Mr. MEIGHEN: You do not know it.

Mr. STEWART (Edmonton): Oh yes I do. I quite apprehend the right hon. gentleman's purpose. Has not the statement been deliberately made that there has not been a 15 per cent reduction in the duty on automobiles of $1,200 in value and under?

Mr. MEIGHEN: Hear, hear.

Mr. STEWART (Edmonton): Has that not been repeatedly said? My right hon. friend still maintains that statement.

Mr. MEIGHEN: Hear, hear.

Mr. STEWART (Edmonton): My right hon. friend argues that because we eliminated the luxury tax it does not mean a reduction in the tariff.

Mr. MEIGHEN: On Canadian made goods.

Mr. STEWART (Edmonton): It is most unfair for my right hon. friend to take any position of the kind.

Mr. MEIGHEN: Are we children?

Mr. STEWART (Edmonton): Let me say this to my right hon. friend: I agree with him that the elimination in question will not reduce taxes, but to argue that it does not reduce the tariff is—perhaps I had better not say it—an unadulterated fabrication, or a statement that will not hold water. Nobody knows that better than my right hon. friend.

Mr. MEIGHEN: I know what the facts are all right.

[Mr. C. A. Stewart.]

Mr. STEWART (Edmonton): I accept my right hon. friend's statement that the elimination of the luxury tax means that the treasury of this country will suffer to that extent; but to argue that the removal of the duty means an increase of protection is so far from the truth that I am surprised my right hon. friend should attempt to argue it. The fact is that we have implemented our promises.

My right hon. friend goes to the one question that we are not permitted to discuss, the one matter I have laboured harder to bring to a successful issue—I say it with all sincerity—than any other with which I have had to deal. If I am permitted to discuss it, I will say that having laboured zealously for at least ten years to bring about its settlement in the interests of the province which I represent, I see a shadow arising that will prevent that accomplishment perhaps for years to come. This government has not said that it has abandoned the hope of securing for the province of Alberta, its natural resources, not by any means. I, perhaps more than any other member of the administration, am desirous of bringing that question to a happy issue. The hon. member for Vegreville (Mr. Boutillier), who has just resumed his seat, says that he is anxious that national unity should prevail in Canada. May I say that even beyond my desire to secure for Alberta its natural resources I am anxious that we should have national unity in this Dominion. I am more desirous that nothing should happen to disturb national unity than I am of anything else. We who know something of the difficulties encountered in the past in connection with the question of provincial autonomy are not desirous of questions arising at any time that will tend to unfavourably influence and retard that national unity which should prevail in this country from one end to the other. Personally I rather welcome the fact that some of us are restrained from discussing this matter frankly and freely at the present time. Because I do feel that if opportunity is provided difficulties that are now looming up can be got out of the way, and what I have zealously and earnestly laboured for so long—namely the return of its natural resources to the province of Alberta—will become an accomplished fact.

Mr. EDWARDS (Frontenac): Who is responsible for the restraint?

Mr. STEWART (Edmonton): My hon. friend knows perfectly well that I am not permitted to discuss this question.

Mr. EDWARDS (Frontenac): The question I asked was who is responsible for the restraint?

Mr. STEWART (Edmonton): It requires two to make a bargain, and that has been the difficulty all along.

An hon. MEMBER: Yes, and it requires two to keep it.

Mr. STEWART (Edmonton): No one is going to deny that difficulties have arisen in connection with this matter, but I have not the slightest doubt that those difficulties can be overcome. Still if this issue is plunged into the maelstrom of politics I fear that the fond hopes of the representatives from Alberta will be dashed to the ground and we may have to wait another hundred years before we in that province obtain the natural resources that rightfully belong to us. That is my feeling with respect to the matter. Apart from that I welcome the amendment as a test of the confidence of hon. members in this government, as to whether it has or has not carried out its promises in the Speech from the Throne as far as possible and given to this country good and economical administration. If the vote should go against the government, I for one am perfectly willing to go to the country on the record of this government, even during the last session of parliament, and take my chances.

An hon. MEMBER: We welcome that.

Mr. STEWART (Edmonton): My hon. friends say they will welcome it. May I be permitted to doubt their sincerity? Notwithstanding the attempt that has been made by hon. members opposite to place the representatives of the province of Alberta in a position which they think will embarrass them, I am going to vote on the amendment in full confidence that the people of Canada and my constituents will understand that the avowed policy of the Conservative party is one of protection and that that is the issue we are facing at the present moment, because that is all hon. members opposite have to offer. They are asking this House to put this government out of office and vote them into office. The Minister of Finance put it in the most emphatic and clear-cut language. That policy of protection, according to hon. members opposite, is the one panacea for every ill, and the only one in their view. If anyone ever heard of any other policy put forward by them I shall be glad to know it. They wish to put this government out and place in office a government that will give them increased protection.

Hon. W. R. MOTHERWELL (Minister of Agriculture): The last time this government was challenged in this House it was on the question of the grading of eggs, and the motion was moved by the hon. member for South Wellington (Mr. Guthrie). I do not know exactly what happened, but something seemed to backfire on that occasion, and my hon. friend from South Wellington did not seem to secure the support from his own side that he wanted. Now my hon. friends are taking up another problem, which is more momentous but entirely different. The amendment today is a challenge to the government on the ground that they have not carried out their sesssional programme as set out in the Speech from the Throne. That should be very easy of verification or refutation. We have the record and it is very easy to ascertain the facts. I have gone over it very hurriedly during the last hour. First, I refer to rural credits. In the Speech from the Throne the statement is made:

> To this end a measure will be introduced offering wide facilities for rural credits.

The whole House was tumbling over itself to see who would be the first to propose a resolution relating to rural credits. One of my hon. friends opposite had a resolution on the order paper but withdrew it, and the government resolution was put through. That promise was carried out 100 per cent. That is tally number one.

Then the next matter to which I refer is the statement in the Speech from the Throne with respect to the tariff, which reads:

> A tariff advisory board will accordingly be appointed forthwith.

Was that done? We hear a great deal about our not doing it quickly enough, but we did it as quickly as it could be done. Is the personnel of that board objected to by hon. members opposite? Is even the secretary objected to, as has been done this afternoon in the case of the secretary appointed to the Maritime Rights Commission? But in this case not even the secretary is objected to. That is 100 per cent again. Tally number two.

Then further:

> Every effort will be made to further reduce expenditures. To aid in the reduction of expenditures in administration certain of the departments of the public service will be consolidated with others and government services more effectively co-ordinated.

The Minister of Labour (Mr. Elliott) took over the department of Soldiers' Civil Re-Establishment. Is that an accomplishment?

That has been carried out. Tally number three. Further on:

In this connection a trade agreement entered into with the British West Indies, Bermuda, British Guiana and British Honduras will be submitted for your approval.

Has that been carried out? That has been done, no thanks to the Tories opposite from whom we heard nothing but yapping from start to finish. Hon. members talk of loyalty, patriotism and all the rest of it, but when it comes to doing anything practical there is nothing but talk. But there was not sufficient talk to stop the progress of this piece of legislation. I think that is score number four.

An hon. MEMBER: Number five.

Mr. MOTHERWELL: Will somebody keep the tally? Then the next:

My government propose to submit provisions for the completion forthwith of the Hudson Bay railway.

Is that satisfactory to those who are most concerned in this enterprise? Do you hear one objection from any friend of the government in the west? The amount is $3,000,000. Is that not the exact sum my right hon. friend promised on one condition, namely, that that sum would be sufficient to complete the road to the bay, which he knew was impossible? We have placed it in the estimates, it has gone through and it has not been challenged. And what has my right hon. friend to say, about it. Had we not talked so long in this House we might have got this put through earlier. I do not know of one single fair critic particularly friendly to the government who is not satisfied that we have done everything he anticipated with regard to that great enterprise. How much more could be spent? Would you want the whole estimated cost of $26,000,000 put in the estimates? On one occasion we voted $350,000 and a great deal of dispute ensued, because we had not time to spend that amount, as it was late in the session. My right hon. friend cannot make any capital about the Hudson Bay vote up to the amount mentioned by him. There is no reservation by us that this will do the trick.

The next matter to which I refer is the statement in the Speech from the Throne that a royal commission will be appointed to inquire into the claims and the rights of the Maritime provinces. Has that been done?

An hon. MEMBER: Not yet.

Mr. MOTHERWELL: Has any exception been taken to the personnel of the commission?

An hon. MEMBER: When will they start?

[Mr. Motherwell.]

Mr. MOTHERWELL: Some objection was taken to the secretary. One hon. member said he was a fine estimable gentleman, quite qualified in every respect but he had taken sides in the recent election, apparently against my hon. friend. Are you going to disqualify him because of that? Surely not. There we have another 100 per cent, and that is tally number six. I come now to the forbidden one.

Mr. MEIGHEN: Why did the hon. member leave out certain very important ones on the way?

Mr. MOTHERWELL: I am taking them as they come.

Mr. MEIGHEN: The hon. member left out two or three.

Mr. MOTHERWELL: The right hon. member will not have another opportunity to speak, but he can give the tip to some of his admirers to bring up what I miss. I have not finished yet. The next is a bill to provide for the transfer to the province of Alberta of its natural resources. Mr. Speaker, you have forbidden a discussion of that subject; but a good many hon. gentlemen have been eating the forbidden fruit if I know anything about the matter, and I wonder if you will let me get as near to it as they have. As the Minister of the Interior (Mr. Stewart) indicated, it takes two to make a bargain. There was a bargain put down in black and white, that this government concurred in, that the Alberta government concurred in. A resolution in regard to it was placed on the order paper. There it remained as was indicated by the recital of the Minister of Justice (Mr. Lapointe) in this House a few weeks ago. We cannot force that on the Alberta government.

There must be two parties to a contract before it can be consummated. If one backs out the other cannot make the bargain with himself, unless there is concurrence and agreement in these matters. We could not have any June weddings without two parties to the contract. If one party defaults, the other cannot marry himself or herself. All they can do is to wait for a more favourable day, present their admonitions, and continue negotiations towards the desired end. Is that not what will be done? A more fortunate, a more acceptable time will no doubt come to the Alberta government, a time when it will be more opportune for them to accept the agreement than now. We do not know the minds of the members of that legislature. We know what was said to be the reason, but we do not want to repeat or to

elaborate it. The fact stands out that we can "resolute" from now to doomsday, but we cannot alone make a bargain. We are prepared to carry out the bargain on the terms mutually agreed upon by both sides. What more do hon. gentlemen want? This resolution is more absurd than the egg resolution of the other day. There was something to that resolution. It seems to be assumed by hon. gentlemen opposite that we can carry out this agreement ourselves, or in other words that one party can make a contract.

If my right hon. friend has anything to suggest as to what has been omitted from what the Minister of the Interior has indicated, it may be the amendment to the Elections Act. Was there any uproarious demand throughout the country for an amendment to the Elections Act? At the time that paragraph was inserted in the Speech from the Throne it was generally assumed by nine out of ten that we would need an election this summer. Was there the same apparent evidence of that during the last month? Was there the same necessity for it? Have we not had a long session? Is it not the natural thing, when you reach the June days, the hot days and the dog-days of summer, to eliminate anything that is least pressing that has been referred to in the House? Will there be any great alarm or anxiety or indignation throughout the country if this one item is not carried out? We can carry it out yet if that is required, but I do not see any evidence of any pressing need for it.

Let us consider some of the things that do not appear in the Speech from the Throne, but that nevertheless were forthcoming. Let us suppose that there is a balance on the wrong side with regard to the return of the natural resources. Something happened through no fault of ours. What about the introduction of the penny postage, mentioned for the first time by the Minister of Finance (Mr. Robb) in his excellent budget speech? This is an old Liberal policy introduced in Sir Wilfrid Laurier's time by a former Postmaster General, Hon. Mr. Mulock. I know when the Tories came into power they raised it to three cents, a war tax if you like; but along with many other taxes we have removed this one cent war tax on letters and restored penny postage. If that had come from the party of ultra-loyalists you would have heard some hurrahing about it. That was not promised in the Speech from the Throne, and that is so much superabundance over and above what was pledged in that Speech

What about old age pensions? I think it has been slain above or below, I do not know which. Was that promised in the Speech from the Throne? It is a comparatively new question outside of this House, but an old one in it.

Mr. SUTHERLAND (South Oxford): A supplementary address.

Mr. MOTHERWELL: The legislation? That is what I am saying; it is supplementary to the Speech from the Throne. It far more than outbalances the omission of an amendment to the Elections Act which, after all in my estimation, was not required this session. It has met a sad fate, it is true, but is that our fault? Exactly the same arguments were used in the upper house that were used in this House against the bill. It was said that there should be a contributory clause in it. They objected to it because it was a non-contributory plan of old age pensions and the same argument was recited in the other house. There may have been no connection between the two. I am inclined to take the word of my right hon. friend that he would rather it had passed; I believe that is his view.

After the experience of so many Liberal candidates in this province being flayed and slain in the manufacturing centres of Ontario and elsewhere, not many low or moderate tariff men expected to see much reduction in the tariff this session. We came here on the 7th January feeling that it would be a case of marking time in the matter of tariff; that there would not be very much doing. But even under adverse conditions this government has dared to carry out its general policy of removing or remitting taxation wherever it was bearing heavily upon the people and it has done so. We are ahead on that count No hon. gentleman can stand up and say that we fell short of our expectations as regards lowering taxation through the tariff and in other ways. The income tax reduction was a prize package to hundreds of thousands of people in Canada who never expected to get any remission, and the delight was greater when it was found that the remission applied to the year which we had gone through. That was very much in excess of what was promised.

My hon. friends are quite quiet now. I am going to refer to this 5 per cent luxury tax that the leader of the opposition spoke about the other night in high dudgeon. He had first rehearsed his speech in the breezy west—Winnipeg—to see how it would go there. He did not need to go there to find out how it would

go; I could have told him. I wish I could indicate his manner of speaking, but I do not think I could, with his hands going around like those of a man flailing peas. Why was the hon. gentleman angry with us for undoing something that he said put us in wrong? If we had put our foot in so badly, should he not have been glad, should we not have seen his face all smiles—though we do not see that very often? He should have taken our action in that way, but instead he was in high dudgeon because of our remitting that luxury tax. The fact remains that the 15 per cent reduction on the smaller cars stands, 7½ on the more expensive ones, and in addition to that there is a remission of the 5 per cent luxury tax on the smaller cars. That really means a reduction of 20 per cent. Now let us analyse it, and perhaps in the process we may be able to drive some Liberal ideas through the cranium of a thick-headed Tory. Formerly this 5 per cent was paid by the manufacturers to the government. Is not that right? Will anyone object to that statement? I repeat, formerly the 5 per cent luxury tax was paid by the manufacturers to the government.

An hon. MEMBER: You are absolutely wrong.

Mr. MOTHERWELL: There is a voice under the gallery. What is the hon. gentleman saying? I did not get it. I say, this five per cent used to be paid by the manufacturers to the government.

An hon. MEMBER: You are wrong.

Mr. KAISER: It was collected by the manufacturer from the consumer and handed to the government.

Mr. MOTHERWELL: And now the remission of the tax will be passed on by the manufacturers to the consumer in the form of lower prices. The consumer will get the benefit of it instead of the government. Is that not right? I call the leader of the opposition (Mr. Meighen) to witness, for he himself has said that it will be passed on. He said so the other night when he stated his belief that the motor car manufacturers would keep their signed word and pass on this advantage to the purchasers. I am not quoting the precise words of the right hon. gentleman, but that is the substance of what he said. And the leader of the government (Mr. Mackenzie King) intimated that if the purchasers were not given this benefit the tax would be taken off corresponding cars of other makes than Canadian. The thing is as plain as noonday. It is obvious that this is one more remission of taxation; it is so much money going from the treasury of the country into the pockets of the consumers. It is as much a remission of taxes as the reduction in income tax or the reduction in postage. Yet my hon. friends will cut up didoes and go through all sorts of verbal gymnastics in their endeavour to conceal the truth. But they will not succeed. The people are not fools, and when they get the new price list they will find out what has been done. When they compare the new prices with those that formerly obtained they will discover that the government has made not only one but two reductions in respect of motor cars.

You will observe, Mr. Speaker, that hon. gentlemen opposite have quieted down. They are fading away. Why? Because they cannot reason against the facts. There has been one more remission of taxation and they know it, and the trouble with them is that they are mad because we have made this remission. They would rather have seen Oshawa close its shops so that they might have a real justification for howling; but instead, the order will be given for full steam ahead. Yes, these hon. gentlemen are staunch loyalists and very great friends of the manufacturers. But we know exactly what is aimed at.

The leader of the opposition declares that the government has no right to dissolution; according to him we have only a right to hand in our resignation.

Some hon. MEMBERS: Hear, hear!

Mr. MOTHERWELL: Well, let us look into that, too. What is the usual evidence by which one is led to conclude that a government is either losing or gaining in the confidence of the people? I submit, Mr. Speaker, that by-elections constitute one infallible barometer. And have we been losing any by-elections which might tend to suggest that we were going down in the estimation of the country? Let us see. The first by-election was held in Prince Albert, where the Prime Minister was returned with a majority which we reckoned in thousands.

Some hon. MEMBERS: Oh, oh!

Mr. MOTHERWELL: That is all the contribution some hon. members can make to the debate—a guffaw. Another by-election was held in Regina a reasonably safe fighting proposition from the standpoint of the opposition. A year ago this month one of two provincial cabinet ministers was defeated in Regina, and there is always a strong Tory contingency to be found in that capital city. Well, the Minister of Railways (Mr. Dunning) presented himself for election in that riding, and

it was impossible to get a Tory or anybody else to toe the scratch at all. Is there any evidence there of a decline of the government in the affections of the people? Then we come to Ontario, where it was predicted that the government would not dare open a seat. It was thought that from one end of the province to the other it would be impossible for the government to find anywhere a safe constituency. We went to West Middlesex where the Minister of Labour (Mr. Elliott) ran and was elected. Some hon. gentlemen opposite, genial, affable good fellows, went into West Middlesex to try their hands at throwing out the minister who stood for election. The hon. member for Fort William (Mr. Manion) went up there. and you know the result. He was ably flanked by the hon. member for Marquette (Mr. Mullins), and you know his usual theme. Well, by the time we got there we found that the fight had been already won for us; the Liberal contingent that went into the constituency on the last Saturday need not take any credit. Those two hon. gentlemen alone could have won the election for the Minister of Labour, and as a matter of fact they did contribute largely to that end, if I am to believe one-half of the unsolicited testimony of many electors. I assure you, Mr. Speaker, that if ever I get into a tight place again—it has happened once or twice—I shall issue a special invitation to my two hon. friends to come and help my opponent.

In view of all these evidences of the confidence which the country has in this government, why should we not be entitled to dissolve parliament? It is our right and we will get it too—

An hon. MEMBER: How?

Mr. MOTHERWELL: —if it is required. Now, for a few brief minutes I will review the events in parliament during the past few months. It has been a most interesting time and I would not have missed it for anything. A number of precedents were established; a number of others were dug up; some of the old ones died and were buried; and some brand new ones were born. And we all know how nice it is to be at the birth of some new institution. The principle of government by a majority of parliament was recognized and we have carried on, under difficulties, it is true, upon that principle. But we have carried on. You will recall, Mr. Speaker, that it was not by resolutions alone that hon. gentlemen opposite endeavoured to shake us out of these seats. They resorted to every invective which waspish tongues could utter: we were a rum government, a remnant government, and a ramshackle government. When I was at school they used to teach the three R's but these gentlemen have introduced a new trio—rum, remnant and ramshackle. The hon. member for Fort William is, I think, responsible for the last mentioned. The hon. member for St. Lawrence-St. George (Mr. Cahan), after all hopes had been disappointed, would turn around upon the Progressives and you could see the bristles on the back of his neck fairly rising; and we all remember how the hon. member for South Wellington (Mr. Guthrie) did his coquetting on that occasion. But he was not quite happy in this unaccustomed role; it is so long since his courting days that he has forgotten how to play the part. But the Progressives did not respond and, when persuasion failed, hon. gentlemen's affection turned to wrath and bitterness; it was ashes in their mouths. They were ready to devour every Progressive or anybody else, for that matter, who was not a Tory. They would eat a Progressive any morning before breakfast without salt. Why, they hated them with the most venomous hatred.

Some hon. MEMBERS: Oh, oh!

Mr. MOTHERWELL: Don't look so amazed. If my hon. friends knew how they looked after that first vote they would not care to see a photograph of themselves. They would not recognize themselves in moments of reflection. The hon. member for Lincoln (Mr. Chaplin) particularly distinguished himself by shouting; "Why don't you get out? Resign!" Those were the cries that came to us from across the floor. Well, we did not resign, we are not out yet. Those tactics simply rebounded upon my hon. friends opposite; they did not work. Now here is a resolution that they hope will work—a resolution that we are forbidden to speak about; only the first speaker had that opportunity. The rest of the programme has been carried out in its entirety with the one possible exception referred to. In fact we have given full measure, running over, for we have introduced half a dozen supplementary pieces of very important legislation that were never referred to at all in the Speech from the Throne.

I find this query among my notes: In the event of a general election how will Saskatchewan go? I will not speak for any other province. I think we on this side of the House can view with the utmost equanimity the prospect of a general election. Why? Right on our record this very session that my hon. friends opposite are criticizing. If all other provinces go the same as Saskatche-

wan, there will not be a Tory left in this House. True, there is not one from that province here now, and they cannot have less than a duck egg, but the result will be repeated at the next general election.

I remember, Mr. Speaker, when things were at their worst, and they were pretty bad the night of that first vote, we were all pretty tense and anxious—we might as well admit that now—for we knew there was going to be a close shave. The galleries, I think, were even more concerned than we were. About that time the officials of my department had to put in force quarantine regulations with respect to dogs because rabies had attacked our canine heroes throughout the country. Well, Mr. Speaker, I was beginning to think that some of our political opponents were suffering from political rabies, for they were snapping and biting at everybody within reach, and I was wondering if my officials would have to prescribe muzzles or leashes for my hon. friends opposite. It seemed we would have to put the mouth clamp on them. —I guess that was done, too, when the closure was applied. But, I repeat, it was nothing short of a species of political rabies that ran right through the opposition both in the House and outside during the first two or three months of the session. But just as the canine disease has run its course, so have these manifestations died out in our friends opposite. At that time they were scarcely human beings, they were scarcely fit to live with. That day is past and they are now pretty good fellows. We used to wonder how in the world anybody wanted to elect such representatives. Now we understand they are pretty much like ourselves, human beings, asserting the right to challenge the existence of the government. They have that right, I accord it to them, and so far as I am concerned I am quite willing to abide by the result of the vote on this motion.

One other incidental conclusion I might arrive at in connection with this challenge. Up till to-day the trump card that it was hoped would pull the trick was the customs inquiry.

Mr. SPEAKER: Order.

Mr. MOTHERWELL: I am out of order, Mr. Speaker?

Mr. SPEAKER: The hon. gentleman is straying in that direction.

Mr. MOTHERWELL: Well, I think I have gone far enough to indicate it. I think, Mr. Speaker, you will admit that all the other speakers went much further in connection with the natural resources matter, so if I strayed a little bit I suppose you will forgive me. Anyhow, in addition to the other demonstrations, the House has not forgotten that famous snap verdict. After all the grimaces that were made against us, after all the denunciations of this government—



## THE ROYAL ASSENT

### SUSPENSION OF SITTING

A message was delivered by Major A. R. Thompson, Gentleman Usher of the Black Rod, as follows:

Mr. Speaker, His Honour, the Deputy of His Excellency the Governor General, desires the immediate attendance of this honourable House in the chamber of the honourable the Senate.

Accordingly the House went up to the Senate, and having returned.

Mr. SPEAKER informed the House that the Deputy of His Excellency the Governor General had been pleased to give in His Majesty's name the royal assent to the following bills:

An Act to provide for changing the names of certain Pension Fund Societies.
An Act for the relief of Joseph Robert Crow.
An Act for the relief of Stanley Bennett.
An Act for the relief of Katherine Landon Foley.
An Act for the relief of Edith Annie Say.
An Act for the relief of Ysabella Stewart Carmichael Wilson.
An Act for the relief of May Maud Mary Johnson.
An Act for the relief of Roland George Wickens.
An Act for the relief of Marjorie Durham Morgan.
An Act for the relief of Amber May Wolfenden.
An Act for the relief of Enda Beatrice Burley.
An Act for the relief of Bessie Hyde Lanyon Calhoun.
An Act for the relief of Bleecker Foy Maidens.
An Act for the relief of George Almon Wickett.
An Act for the relief of Mabel Ellen Barrett.
An Act for the relief of Mabel Victoria Westerby.
An Act for the relief of Morgan Hart.
An Act for the relief of James Arthur Breadon.
An Act for the relief of Marjorie Esther Splan.
An Act for the relief of Gladys Orme.
An Act for the relief of John Andrew Reid.
An Act for the relief of William Thomas Charlton Spence.
An Act for the relief of Gladys Lucie White.
An Act for the relief of Robert Stewart McIntyre.
An Act for the relief of Goldie Luella Russell.
An Act for the relief of Arthur Atkinson.
An Act for the relief of Lillian Edith Hudgin.
An Act for the relief of Mary Booth.
An Act for the relief of Bernard Ernest Sleeth.
An Act for the relief of Elsie Fray.
An Act for the relief of Cecilia Marrie Peters Kendall.
An Act for the relief of Elias Malky.
An Act for the relief of Ethel Beatrice Walker.
An Act for the relief of George Elgie Dulyea.
An Act for the relief of John Wilson.
An Act for the relief of John Sydney Wright.
An Act for the relief of Lillie Torrance Cascadden.
An Act for the relief of James Thomas Young.
An Act for the relief of Copland William Evans.
An Act for the relief of Arthur John Harman.

An Act for the relief of Annie Rebecca Herbert.
An Act for the relief of David Joseph Potter.
An Act for the relief of Walter Harold Bingley.
An Act for the relief of Ethel Harriet Little.
An Act respecting The Canadian Pacific Railway Company.
An Act respecting The Interprovincial and James Bay Railway Company.
An Act to incorporate The Pioneer Insurance Company.
An Act respecting The Pacific Coast Fire Insurance Company.
An Act respecting the Grand Orange Lodge of British America.
An Act to amend The Dominion Forest Reserves and Parks Act.
An Act to amend The Customs Tariff, 1907.
An Act to amend The Railway Act, 1919.
An Act to amend The Canadian Red Cross Society Act.
An Act to amend The Yukon Quartz Mining Act.
An Act respecting the Chicoutimi Harbour Commissioners.
An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.
An Act respecting trade relations with British West Indies, Bermuda, British Guiana, and British Honduras.
An Act to amend The Opium and Narcotic Drug Act, 1923.
An Act to incorporate The Canadian Dexter P. Cooper Company.
An Act to amend The Railway Belt Water Act.
An Act for the relief of Samuel Wexler.
An Act for the relief of Samuel Lehman Stouffer.
An Act for the relief of Robert Douglas Ian McLeod.
An Act for the relief of Mary Margaret McColgan Vinnette Graydon.
An Act for the relief of Alexander Charles Boyd.
An Act for the relief of Charles Day.
An Act for the relief of Albert Wilson Denning.
An Act for the relief of Margaret Lambert.
An Act for the relief of Jessie Patterson.
An Act for the relief of Ernest Ashton.
An Act for the relief of Evelyn Christine Stewart.
An Act for the relief of Ernest Love.
An Act for the relief of Charles Stanley Reed Riches.
An Act for the relief of Mona Aileen Davies.
An Act for the relief of Elizabeth Wright.
An Act to amend the Excise Act.
An Act to amend The Income War Tax Act, 1917.
An Act for granting to His Majesty a certain sum of money for the public service of the Financial year ending the 31st March, 1927.
An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending the 31st March, 1927.

At six o'clock the House took recess.

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## After Recess

The House resumed at eight o'clock.

### COMMITTEE ON STANDING ORDERS

Mr. W. F. KAY (Brome-Missisquoi): With the unanimous consent of the House I beg leave to move that the House return to the order for motions.

Mr. SPEAKER: I understand the hon. gentleman wishes this motion to pass in order that a private bill, which has not yet been before the Private Bills committee, may be given a chance to be considered by the House.

Mr. MEIGHEN: What is the bill in question?

Mr. CAHILL: The Gatineau Transmission Company bill.

Mr. KAY: This bill was introduced in the Senate, but owing to the time prescribed having expired it had to come before the Standing Orders committee in order to get their approval. I now move that the second report of the select standing committee on Standing Orders, which was presented this afternoon, be concurred in.

Mr. SPEAKER: Is it the pleasure of the House that the second report of the select standing committee on Standing Orders be concurred in?

Mr. MEIGHEN: I do not know what the report of the Standing Orders committee is, but at the present moment we are in the midst of a debate, and I never heard of any motion to return to the order for motions at such a time.

Mr. SPEAKER: The report was presented at two o'clock, and when the motion to concur in it was made, the hon. member for Pontiac raised objection. I understand he has now withdrawn his objection.

Mr. MEIGHEN: That is true, but would not the proper time for this motion be at the end of the debate?

Mr. SPEAKER: This is the hour for private bills. I understand the House gives unanimous consent to the motion.

Motion agreed to.

### DOMINION ELECTRIC PROTECTION COMPANY

Hon. CHARLES MARCIL (Bonaventure) moved that the House go into committee on Bill No. 155, respecting the Dominion Electric Protection Company.

Mr. PETER HEENAN (Kenora-Rainy River): I was wondering, Mr. Speaker, if by leave of the House I could move—

Mr. SPEAKER: The hon. member is too late; he can move his motion later. Is it the pleasure of the House to adopt the motion?

Motion agreed to and the House went into committee on the bill, Mr. Duff in the chair.

Mr. MARCIL: This bill was allowed to stand in committee for the purpose of allowing an explanation of its purpose. I may say that it seeks to amend chapter 102 of the statutes of 1924, and merely authorizes the company to increase its capital stock to $1,000,000, divided into shares of $25. The measure has already been passed in the Senate. The company was formed in 1924 for the purpose of carrying on a system of electric protection. It is doing business in Montreal, Toronto, Ottawa and other cities.

Sections 1 and 2 agreed to.

Bill reported, read the third time and passed.

## PRESIDENT OF THE LETHBRIDGE STAKE

### CONCURRENCE IN SENATE AMENDMENT

Mr. L. H. JELLIFF (Lethbridge) moved the second reading of and concurrence in an amendment made by the Senate to Bill No. 11, to incorporate the President of the Lethbridge stake.

Motion agreed to; amendment read the second time and concurred in.

## THE JOHN E. RUSSELL COMPANY

### CONCURRENCE IN SENATE AMENDMENT

Mr. DAVID SPENCE (Parkdale) moved the second reading of and concurrence in an amendment made by the Senate to Bill No. 13, respecting a patent owned by The John E. Russell Company, Limited.

Motion agreed to; amendment read the second time and concurred in.

## PRIVATE BILLS

### SECOND READINGS

Bill No. 190 respecting certain patents of James McCutcheon Coleman.—Mr. Jacobs.

Bill No. 191, to incorporate Gatineau Transmission Company.—Mr. Fontaine.

## RED LAKE AND NORTHWESTERN RAILWAY COMPANY

Mr. PETER HEENAN (Kenora-Rainy River): I beg to move that, owing to the late period in the session, Bill No. 95, to incorporate the Red Lake and Northwestern Railway Company, be placed on the order paper among private bills for consideration in committee of the Whole this day.

Mr. MEIGHEN: Has the bill been considered before any special or standing committee of the House?

Mr. HEENAN: The bill passed the committee to-day.

Motion agreed to and the House went into committee, Mr. Duff in the chair.

[Mr. Speaker.]

On section 1—Incorporation.

Mr. EVANS: This bill has been before the committee for some days, and to-day it was passed by just one-quarter of the members of the committee. It is a bill to incorporate a company to construct a railway from a point on the Canadian National railway into the Red Lake district. That territory is naturally Canadian National territory. If a railway were needed into that part of the country, the Canadian National naturally would be the company to construct it. In the past we have made many mistakes in railway construction in Canada. On account of the haphazard granting of charters for railways such as this, we find ourselves in the railway debacle which we are facing at the present time. This is a foreign company. The railway is not called for by anybody living in the district. A mining camp has just been started there, and no requisition has come to us for a railway. We have landed ourselves in a railway debt which we shall not be able to pay for generations. Before the committee grant this charter we should seriously consider whether we desire to incorporate a foreign company to go into the centre of this country to construct a railway where it is not wanted or called for at the present time. I am an advocate of government ownership, and I believe that this proposition cannot fail to have a detrimental effect on our Canadian National Railways. The idea of the promoter is that this railway will extend up through northern Manitoba and into the Hudson bay district, and I am wondering whether hon. members who so strenuously opposed the Hudson bay grant this year will now be willing to incorporate a company with powers to go into that district, exploit our natural resources, and intensify our railway problem. I oppose the bill for these reasons, and hope the committee will reject it.

Mr. MACLEAN (York): I was in the committee room when this bill came up to-day, and to my mind this is an exploitation company to get a charter which may hereafter become valuable. Not only does the bill ask for power to construct 100 miles of railway into Red Lake, but it asks for further power to go as far as The Pas, many miles northwest, and eventually become a new transcontinental line paralleling our two transcontinental lines across this continent. The Deputy Minister of Railways was present at the committee to-day and in reply to me he said that the department had no objection to it; but on behalf of the National Railways, although only a humble member of this House, I object to this free chartering of companies that are mainly for the purpose

of exploitation, especially when, as was stated to-day, those who are asking for the charter are residents of the United States.

I think the time has arrived when the Minister of Railways should say whether he is willing to assume the responsibility of creating companies that are practically schemes for exploitation. It develops to-day that this is really in opposition to a parallel railway into which we are putting $3,000,000 now and into which we shall have to put $16,000,000 or $20,000,000 later on. Not only does it parallel that road to The Pas, but eventually if it means anything its object is to be another transcontinental railway in this country. The trouble in Canada is this over-duplication in regard to railways, and we are continuing in the same course. What we want to do is to get rid of these duplications. If a mining territory must be served with railways we ought to keep that for the National Railway system in preference to encouraging the construction of new railways. I have put in and I will continue to put in my protest hereafter against any schemes for railway construction for which good reasons cannot be given.

There may be a gold field there—I hope there is—but if there is, it is contiguous to the Canadian National Railways and the best way to get to it is by the Canadian National. If the people there want to get a road they ought to go to the Canadian National and ask them to serve them by a line from their main line to this new gold field. Again I protest against this continuation of indiscriminately chartering new railroads that are to be subjects hereafter of trouble and expense to the Canadian National or the Canadian Pacific, and that are mainly promoted by those who are called dealers in charters or schemes that will eventually be a tax upon the people of this country.

Mr. HEAPS: I would like to hear a little more in respect to this bill from those who are supporting it. If I understand the matter correctly, the province of Manitoba has agreed to guarantee certain bonds for a railway to be built from somewhere near Winnipeg into this very same area. If that is correct, the city of Winnipeg and the province of Manitoba are vitally interested in a measure of this character, and consequently before I could support this bill I should like the promoters to give the committee a little more information than is at present before us. I do not know whether there is any time limit within which the proposed company must begin construction or complete the railway.

Mr. HEENAN: In the territory that I have the honour to represent we have a new mining area known as the Red lake mining area. This application for a new railroad company came before the committee, where is was turned down without very much consideration. The hon. member for Fort William (Mr. Manion) very kindly brought it up again in this House and had it resurrected and sent back to the committee. At the next sitting of the committee sufficient information in connection with the railway was not forthcoming from the promoters, and it was sent back again until they could give us some further information and until the Canadian National and the government of Ontario could be heard from. The Premier of Ontario has written a letter to one of the northern Ontario members of this House who is interested in that territory and he states that with certain modifications he has no objections to the bill. The Deputy Minister of Railways came before the committee and the department has no objection to the bill.

In reply to the hon. member for North Winnipeg (Mr. Heaps), I may say that we have to-day included in the bill a special clause providing that construction must be under way and $100,000 spent within the first year. If that is not done at the end of next session then all rights become null and void. We have taken out of the bill as it appears before the committee to-day certain clauses which the province of Ontario objected to in regard to water powers. Therefore I think the bill meets every objection, with the exception of the objections of those who are against all private enterprise in this country.

As regards the statement of an hon. member opposite that this is a foreign corporation, I do not know where he gets his information. While I do not know any of these gentlemen I see that clause one reads:

> John H. Cassidy, Charles B. Hibbard and Frederick R. Brown all of the city of Montreal, and D'Arcy Scott, of the city of Ottawa, together with such other persons as may become shareholders of the company are incorporated under the name of the Red Lake and Northwestern Railway Company.

It is true that the gentlemen when asking for incorporation told the committee that they had Boston bankers behind them, but I do not think it is a crime for anyone starting a new enterprise in this country to have it backed by foreign capital. At least, if that is the case, I have not yet heard it so stated.

The hon. gentleman said there was no request from the people of that district to have this railway built. As the member represent-

ing that part of the country I am in a position to refute that statement. The district lies principally in unorganized territory and there are not very many councils or boards of trade, but such town councils as there are, like Dryden, for instance, are certainly demanding this railway. That particular council passed a resolution favouring the granting of the charter and as the representative of the people in the district I stand here to-night and say that they do want to have the railway built into that country.

Mr. MACLEAN (York): How many miles will it run?

Mr. HEENAN: It is 125 miles from the Canadian National railway, directly north into Red lake.

Mr. MACLEAN (York): What is the total distance north and west?

Mr. HEENAN: It does not run parallel with the Canadian National railway, but at right angles to that line. That is all the information I can give at the moment, unless hon. gentlemen want to ask any questions.

Mr. HANNESSON: Does the hon. gentleman say that the Canadian National Railways have no objection?

Mr. HEENAN: That is what the deputy minister told the committee.

Mr. HANNESSON: Was Manitoba consulted?

Mr. HEENAN: I do not know.

Mr. HEAPS: In view of the fact that this railway will run through Manitoba territory, perhaps representatives from that province may be able to say something about the bill.

Mr. HEENAN: The hon. member is mistaken; the railway does not run through Manitoba. It merely touches that province, lying entirely within Ontario.

Mr. EVANS: Notwithstanding all that the hon. member has said, I still require further information before I can give my sanction to this matter. This railway will run across a corner of Ontario and into northern Manitoba, and according to the promoters of the bill it is intended to go into the mining area in proximity to Hudson bay. I am surprised to see how little interest parliament takes in this proposition, which in my opinion is a most unreasonable one. Our decision on this bill to-night will be a decision between public and private ownership, and whether we consider the National railways worth saving or not, the fact remains that we are dividing the country up into small sections under private corporations to an extent which has been unknown in the past. We know to what pass the country has been brought through enterprises of this sort, and I fear it will not be long before the government will have to take over an unprofitable concern if we pass this bill. In spite of everything the hon. member has said as to the personnel of this corporation, I would remind the committee that the evidence came out before the Railway committee that a company of Boston bankers was behind the scheme, and I do not think that we in Canada have any occasion yet to invite any foreign company to come and tell us what we need in the way of new railways.

Mr. JACOBS: If the foreign company is prepared to put up its own money I do not see why we should object to taking it.

Mr. EVANS: No deposit has been made, nor has any guarantee been given that the work will be proceeded with. I do not think that we should lightly grant a charter to a company which apparently is merely charter-mongering. I should like to know from the Minister of Railways (Mr. Dunning) what is the policy the government intends to pursue in relation to the government ownership of railways. It has been said that the Canadian National Railways are not interested in the matter. I would point out that those railways now belong to the people of Canada and it is for parliament to say whether or not the Canadian National system is interested. We cannot help being interested when we know that this new railway is going to run into territory which will be served by the Hudson Bay line. We are immensely interested in this matter and before the bill passes the House will no doubt demand further information.

Mr. CHURCH: I oppose very strongly this grab bill. I attended three sessions of the Railway committee when this bill was being considered. The committee saw fit to turn down the preamble, rejecting the bill for many reasons, among which was the contention that it was not in the public interest to pass this bill, that it was not a work for the general advantage of Canada, and that a territory containing such immense wealth should not be handed over to a few self-seekers and private corporations to be exploited for their own purposes and benefit. The entire railway policy of this country is all wrong and always has been. Parliament appointed a railway commission in 1917 for the express purpose of recommending what

course should be followed in regard to just such matters as we are considering this evening. That commission made, among others, this recommendation, that before any bill was adopted by parliament it should first of all be passed upon by the railway commission itself. In the service of the commission there are experts who, from the information to which they have access and from the knowledge they possess, are able to decide whether such a bill as this is in the public interest or not, or is a work for the general advantage of Canada.

The proposed railway passes through a district in New Ontario which contains untold wealth, of which neither the provincial nor the Dominion government know the full extent. I do not think that anyone could possibly consider this project one for the general advantage of Canada. The road lies almost entirely in the province of Ontario, but it has been made by this bit of paper an interprovincial undertaking in order to bring it within the jurisdiction of this parliament. On three occasions the Minister of Railways has been asked by the Railway committee to outline the policy of the government in connection with this bill, and the House has a right to know. The other night the minister himself introduced a vote for the Hudson Bay railway. If this bill passes and the proposed line is constructed it will run parallel to the Hudson Bay railway, and will take business away from that road.

I submit that this matter should be allowed to stand over for another year. There is no particular reason why we should rush it as not one yard of railway will be built this year. The company will not build, I say, a mile of railway this year, for an examination of the facts shows that the concern behind this application is nothing but a paper company. If we examined the records we should be surprised to find how many paper companies have been given charters for thirty years by this legislature. We should go over the books and wipe such companies out. I know of one company which was given a charter in 1905 and which came to parliament year after year with request for an extension of time and got fourteen extensions. This sort of thing should be put an end to. The time has come when the people will rebel against the taxation which they are called upon to bear in connection with railways in this country. We have spent millions of dollars on the National railways, and whenever there is any rich territory which might be developed for the benefit of the country at large, Sir Henry Thornton is prepared to hand it over to private concerns. On the other hand, there is apparently too great a readiness to build branch lines which lead nowhere and will never yield a cent of revenue to the country. If these branch lines were built on the free trade law of supply and demand there would be fewer lines and fewer deficits and millions less cost to the country. The whole railway policy, I repeat, is unsound, and the time has come for a show-down. Are we going to repeat the fatal mistake made in this country from 1890 to 1911 when everyone could get a charter for the mere asking here in this legislature? One of the reasons why New Ontario has been economically annexed to the United States is the fact that American capitalists have secured control of the water-powers in that part of the country. These water-powers are the key to industrial development, and if Sir Adam Beck had been given his way and the Temiskaming and Northern Ontario Railway had been electrified there would be in that district to-day, not 60,000 but half a million of people, and there would be such a development as has never been witnessed anywhere in the world, as the result of publicly owned development of water-powers and transportation.

This is a purely provincial railway. If the promoters of this bill are anxious to put it through they ought to go to Queen's Park, Toronto. It is not and never was a work for the general advantage of Canada. I would ask the hon. gentleman who has spoken in support of the measure, who are the Americans back of it? What has Mr. Backus to do with this bill? He wrote to the Railway committee a letter in which he made the statement that he was prepared to build the road himself. Well, we all know that he is an American millionaire who waited upon the Ontario legislature in the days of the Drury-Raney farmer regime and was given a principality, a kingdom, an empire in itself of timber within New Ontario, all at the expense of the province. It is men of that type who are behind this undertaking. Mr. Backus is the silent partner who is ready to take the road over when we pass it, for he knows this parliament will never stand, or the public, for what he got away with in Ontario.

I am very much surprised at the action of the Ontario government under the premiership of Mr. Howard Ferguson. When Sir Adam Beck wanted the Whitney government to electrify the Temiskaming railway, private interests at that time opposed that policy, and the water-powers were handed over to private capital. I want to see the policy of protection adopted for this new part of Ontario. Are we going to repeat the mistakes we made in old Ontario; are we going to see the great corporations of

New York, Boston, Toledo and Buffalo in control of the vast natural resources of that region? No I say the time has come to call a halt here and now and lay this bill over until we have the results of the survey parties which are now going over this new district. No one knows the wealth of the country to be served by this railway. There is no demand for this legislation. The territory should belong to the so-called public ownership Canadian National Railways who support private grabs all the time. I am not surprised at the stand taken by the Premier of Ontario. He has always been on that side, and therefore it is quite natural that he should support this bill, but in doing so I believe he is making the same mistake in New Ontario that has been made in the older parts of the province. He fails to realize the possibilities of this newer New Ontario, as he failed to protect the 1914 New Ontario.

I am prepared, Mr. Chairman, to move by way of amendment that it is not in the public interest that this bill should be passed. Nobody knows who or what is behind this proposed charter. If you give to the promoters the powers they ask for under section 7 you will be giving them the individual key to that great district for ever, which is a kingdom in itself. It is purely a provincial railway, and instead of seeking a charter here the promoters should have taken a leaf out of the book of their great American millionaire leader Backus. He went to Queen's Park for his millionaire fake charters, and when he could get nothing more there, of course, he decided to invade the federal arena here. Not by the wildest stretch of the imagination can this bill be said to be a work for the general advantage of Canada. We are in effect being asked to grant a charter over the head of the Ontario legislature, over the head of the Canadian National and the railway commission. Who are the promoters of this bill? I know only one gentleman, Mr. D'Arcy Scott, whose address is the city of Ottawa. Before any more charters of this character are granted they should be reported on by the railway commission to the House. What is the railway commission for but to check up bills of this kind? I was glad to see the member for South York (Mr. Maclean) in the Railway committee this morning take a strong stand against the passing of this bill. I was there three days and missed him and his support. I am sorry a better hearing could not be had before the committee this morning, but no doubt the other members having already considered the bill two or three times had made up their minds with respect to it.

[Mr. Church.]

I am utterly opposed to the principle of this bill, Mr. Chairman. We should preserve this rich territory for the people of Ontario and the people of Canada, not deliver it over to these American millionaires whose names appear in clause 2 of the bill, Mr. Backus and his friends, who already have a kingdom up there in New Ontario. New Ontario to-day is owned very largely by American capitalists. The mining development of that country has been retarded owing to the lack of protection, which apparently some Conservatives would put on the scrap heap to-day for a few friends. The Conservative party in this honourable House is supposed to be a protectionist party. The most shining example we have to-day of the benefits of that policy is the hydro-electric movement in Ontario. The Hydro fought the battle of the masses against the classes, and saved and redeemed the water powers of Ontario without any help from Hon. Howard Ferguson, for the people of the province forever. Sir Adam Beck and myself, head and president of the hydro municipalities and as his first lieutenant respectively, often had to fight against the whole Ontario government and cabinet. We stood by our principles through thick and thin, in fair weather and bad.

This bill was considered a month ago in the Railway committee, and the application was refused. The committee then reported to the House, and the chairman of the committee moved concurrence in the report, which which was adopted by the House. But about two weeks later, a motion was made in the House to recommit the bill to the committee for further consideration. What happened between the first consideration and the second consideration of this bill by the committee I do not know, but the American interests got busy and in the first place I would say that I think it was a breach of the rules of the House to recommit the bill, and an abuse of the privileges of the House to send the bill back again. Secondly, I would point out that I have had three bills in the public interest on the order paper since January 12 on railway matters, one placed there on the 8th of January and one on the 12th, and they have never been called in this House except on one occasion at eleven-thirty at night, when I was not present and no one had any notice that the bill would be called. I contend, Mr. Speaker, that those bills have just as much right to be heard before the standing committee on Railways as this favourite grab bill of private interests. This bill was recommitted to the committee, and the committee held two sittings, one last

Wednesday and another on Thursday, but the members did not get the notices in time and I moved that the bill be laid over for consideration until this morning. There was no letter written by the Premier of Ontario addressed to the committee, but there was a letter addressed to the gentleman who introduced the bill.

But what we have to consider, Mr. Chairman, is the public interest. That must be paramount in this House. Section 12 of this bill shows what this company is seeking. It provides:

> The company may acquire (but not by expropriation) or lease and operate water-powers along the line of its railway or in the vicinity thereof and construct, maintain and improve dykes, piers, and flumes and all other works required for the development of such water-powers as well as for producing electricity or other power.

This bill is 95 per cent a power proposition. If you will read section 7 in conjunction with section 12, you will see what is behind this bill. Section 7 provides:

> The company may lay out, construct and operate by means of steam, electricity, or other motive power a railway or tramway, from a point at, or near the village of Quibell in the township of Wabigoon, in the province of Ontario, thence in a northerly direction by the most feasible and advantageous route to a point at or near Red Lake a distance of about one hundred miles, then in a generally northerly and westerly direction to a point on the Hudson Bay division of the Canadian National railway at or east of Le Pas, in the province of Manitoba.

I contend, Mr. Chairman, that these sections are ultra vires of this parliament. Why? Because the government of the province of Ontario has seen fit to appoint a hydro-electric power commission having jurisdiction over all the water-powers of the province, including this territory, and I contend that it is outside of the power of this parliament to pass these provisions. Under the decision of the Privy Council the province has jurisdiction over all the water-powers that are entirely within the province for regulation and control purposes.

Not by any stretch of the imagination can this tramway of a few miles be said to be a work for the general advantage of Canada. The Hydro-Electric Power Commission of Ontario was never consulted, and I say should never stand for any more of this kind of thing, and the people are going to protest, not only in the law courts, but through the ballot boxes. The older sections of New Ontario were so badly treated by the National railways that the province of Ontario had to build its own Temiskaming and Ontario railway without any federal subsidies, while similar provincial railways built in Manitoba got millions in subsidies. I wish to protest, on behalf of the people of
9 p.m. Ontario, against the shabby treatment they have received. If necessary, this bill will be taken into the law courts to prevent the abuses it proposes. I protest against the bill passing, as I believe it is not in the public interest.

The CHAIRMAN: Nine o'clock.

Mr. CHURCH: I am glad I talked this grab bill out anyway, on behalf of the people of Ontario, and we will have a reckoning with the Ferguson government a little later and with the National railways, who together are playing the game of the private interests.

## SUPPLY—MOTION OF WANT OF CONFIDENCE

The House resumed consideration of the proposed motion of Hon. Mr. Robb for committee of Supply, and the proposed amendment thereto of Mr. Davis.

Mr. MOTHERWELL: When you left the chair, Mr. Speaker, at six o'clock, I was on the point of drawing attention to a certain snap verdict that our Conservative friends scored on the government in committee of the Whole about two or three months ago when the estimates of the Minister of Customs (Mr. Boivin) were before the committee. It was thought at that time by our Conservative friends that it would go abroad that the government was defeated by a majority of thirty odd, and that there would be a great sensation throughout the land, that a crisis would be precipitated, and that probably the government would be shaken out of the treasury benches. Well, Mr. Speaker, it did not work, you may have noticed. It fell on the public mind as flat as the proverbial pancake. They knew it was just a stunt, or, as described by my colleague the Minister of Justice (Mr. Lapointe), it was just a matter of playing hide and seek. That is all it was—hide and seek politics. I must compliment them to-night on the more businesslike and manly way in which they are challenging the right of this government to govern. The hon. member for East Calgary (Mr. Davis) has brought down an amendment. True, he forgot to notify us in the usual way, but that is a trifle in these days, I presume. It is the custom of two boxers when they first meet in the ring to shake hands, no matter how much they may want to kill each other. My hon. friends across the way forgot to shake hands by not giving

us the usual notice that they were going to strike, but we will forgive them that trifle. I cannot help contrasting their attitude today, however, with the manly deportment and behaviour of the hon. member for South Wellington (Mr. Guthrie) who gave me notice several days before that he was bringing down his famous egg amendment and challenging the government. Possibly one was only meant for the yolk, while this was meant for real blood.

I would like to inquire for a few moments what this amendment really does mean. If the contention of the right hon. leader of the opposition holds good, that is, that if we are defeated on this vote and ask for a dissolution and it is refused, we resign, then it will mean that the government of the country will go over into the hands of the Conservative party led by the leader of the opposition.

Some hon. MEMBERS: Hear, hear.

Mr. MOTHERWELL: I am glad my hon. friends see it that way, because that is the way I see it. Furthermore, it might dispel some of the illusions that some people have that some other leader might come to the front on the opposition side, for it is said that others have aspirations in that direction. In my opinion, Mr. Speaker, there is no danger of the supremacy of the right hon. leader of the opposition being challenged in this respect by anyone. He will have a lot of good material over there out of which to make a cabinet, so let us be as cheerful as possible under the circumstances. There is no one he will choose quicker than his colleague who sits to his right, the hon. member for South Winnipeg (Mr. Rogers), a gentleman of well known cabinet material. Like myself and others, he has been in provincial political life for many years before coming to Ottawa, and is recognized as having left his mark on the political life of Manitoba. I hope in my humble way that I too have left my mark on the provincial life of Saskatchewan. So I do not think the right hon. leader of the opposition will have any lack of material out of which to form a cabinet. It is therefore a fair fight and no favours, and may the best man and the best cause win.

There are far worse prospects than an election, Mr. Speaker. I could ask nothing better than to have a round out of our old traditional Tory friends, but I do not care much for the thought of spending a few thousand dollars in an election campaign in two successive years. I remember back in 1917, again in 1919, and again in 1921, I fought three successive elections, each two years apart. There is not much money in that, Mr. Speaker, and from that angle I do not think much of the prospect of an election, but from the point of view of results I fear it not.

What would the carrying of this amendment mean in addition to turning the government of this country over into the hands of the Conservatives, led by the right hon. leader of the opposition? It is far better to look this issue straight in the face and take plenty of time to consider it, than to vote upon it in haste and repent at leisure. Consequently I am not going to be in a hurry. Now I want what this step will mean to percolate into the minds of hon. gentlemen, especially those from the smaller provinces. There are two or three questions which have an important bearing upon it. There is no question but that the tariff is one of the questions. Nearly all our time during this session has been spent in discussing the tariff, and the election campaign to a large extent was fought on that issue. The government have followed up their election promises by making substantial reductions in the tariff not only on automobiles but pasteurizing plants in connection with our dairy industry, milking machines identified with the same industry, and many other articles that I could mention. There is no doubt that the right hon. leader of the opposition—and I say he did it manfully, openly and avowedly—challenged the issue of protection as against our policy of lower tariffs and wider markets. Consequently every hon. gentleman who deliberately throws the government of this country into Conservative hands and into the hands of the right hon. leader of the opposition is voting for a higher tariff and more taxation. There is no doubt about that. If it does not mean that then it does not mean anything at all. What is more, those who placed my right hon. friend in his present position and gave him a large number of seats in Ontario will have won their point. My hon. friends can rest assured of that. And so I say that every man who casts his vote for this amendment will be voting for a higher tariff. Had the Conservative party been in power do you think we should have got the present reduction in duties on motor cars? No, Sir, not at all. We may as well look the issue squarely in the face. We are going to have it settled and nobody will be allowed to wriggle out.

There is another very important question that has been before the House. It is one that has been before the country for twenty-five years, and that is the right of the farmers, particularly those in the west, to mar-

ket their own grain, in their own way, and through their own channels. I was identified with the fight for that long before I became known in any other capacity. We were forced into the contest by the exigencies of the situation. We had to do it, it was a fight for our lives, and this fight has been going on ever since. Every time the matter came before parliament, and there happened to be a Liberal government in power, we always got some redress in the direction desired; we always made progress. I impress that upon hon. gentlemen.

Mr. KENNEDY (Winnipeg:) Will the hon. member permit a question?

Mr. MOTHERWELL: Yes.

Mr. KENNEDY (Winnipeg): Are you the member of this House whose name appears in Hansard of last year as voting against the amendment to the Canada Grain Act which is known this session as Bill No. 8?

Mr. MOTHERWELL: It was the motion for the third reading of the bill and I voted for it. Had the wishes of my hon. friend and those associated with him prevailed the whole bill would have been defeated. I know the exact circumstances and I know what happened. The hon. member has not been long enough in this House to know what was under consideration at that time. I say I voted for the third reading.

Mr. KENNEDY (Winnipeg): Will the hon. gentleman permit me another question?

Some hon. MEMBERS: Sit down.

Mr. KENNEDY (Winnipeg): Have I the hon. member's permission?

Some hon. MEMBERS: No, no.

Mr. MOTHERWELL: Oh, well, there is no use putting your feet in it all the time.

Mr. KENNEDY (Winnipeg): The minister, apparently, did not understand the purport of my remarks. I drew his attention to the record in the Votes and Proceedings of last session when amendments to the Canada Grain Act were under consideration. It was moved by Mr. Coote, that the bill be not then reported but be referred back to the committee in order that an amendment exactly in the phraseology of Bill No. 8 might be inserted. The yeas and nays being taken, there appears on record in Hansard the name of Mr. Motherwell as voting against it. I ask if you are that member.

Mr. MOTHERWELL: The question was should the bill be read a third time or not.

Mr. STEVENS: No.

Mr. MOTHERWELL: That was the question, and if the bill had not been read a third time its entire purpose would have been defeated. Had the bill gone to committee that would have been the time to vote upon the amendment of Mr. Coote.

Some hon. MEMBERS: Oh, oh.

Mr. MOTHERWELL: Oh yes, you cannot put me into a false position of that kind; I am not half as green as I look. Let my hon. friend just sit quiet for a little while and take up something else. I advise him to try something harder next time. Evidently my hon. friend suspected a sore spot was coming. This question was before the committee on Agriculture this year and finally a vote was taken of 54 to 12. Where did those 12 come from? How many Progressives or Independents voted against the Campbell amendment? How many Liberals voted against it? How many Conservatives voted against it? Twelve Conservatives did so. Had there been no Conservative votes the amendment would have passed unanimously. Do you mean to say the bill would not have had a better chance of getting through the upper house if there had not been that Conservative vote against it? There were 54 votes for it and 12 against it. That makes 66 votes. Had the 12 Conservatives voted for the bill that would have been 66 in its favour and none against. Do hon. members think any upper house would have vetoed that bill? Well I hope they will not, but everybody knows they are just tetering on it up there. Nobody can conjecture what the fate of the bill will be. It would have been sure to go through, but true to the traditions of Toryism there were enough of them there in the committee to do the trick.

My hon. friend from Winnipeg South Centre (Mr. Kennedy) took up another matter. I may say that he was in the cradle when I was working for the farmers' cause. That seemed to take all right. My hon. friends are smiling and we are all smiling and we will give them more along that line. My hon. friend, who was good enough to move this amendment this afternoon—

Mr. TOLMIE: Will the hon. minister permit a question?

Mr. MOTHERWELL: Always too pleased to make way for the hon. member.

Mr. TOLMIE: Will the minister tell me how many Tories, as he calls them, voted in favour of that bill in committee?

Mr. MOTHERWELL: Quite a number, but there would have been none at all if no Tories voted against it. My good friend voted for the bill and quite a number of others, and we quite appreciate it. But the fact remains that if it had not been for the Tories there would have been no vote against it.

Mr. KENNEDY (Winnipeg): Will the minister permit another question?

Mr. SPEAKER: Order.

Mr. MOTHERWELL: I think if my hon. friend is good to himself he will sit down. My hon. friend from East Calgary (Mr. Davis) yesterday asked that certain papers, documents and reports be tabled here. I intimated that they would all be tabled, except a departmental recital of certain conditions that were found to prevail on the Calgary stock yard. This recital was sufficient to warrant my coming to the conclusion that a thorough investigation was justified, not only into the conditions in the Calgary stockyard, but in reference to every stockyard in the west. The hon. member insists that we table that departmental recital and report that were our guidance for action. In whose interests? Was it the cattle pool? Was it the co-operative marketing? Was it the United Live Stock Growers that were interested, or was the hon. member trying to embarrass all these activities? It was a partial report; not even one side was heard, and we had not an opportunity to investigate the other side. Imagine wanting a judge to give a decision before half of the evidence was in—hardly any evidence. That is the attitude, whether my hon. friend knows it or not, and that is the hon. member who is challenging us tonight.

Mr. DAVIS: I submit that the hon. gentleman has no reason whatever for intimating what my idea was in asking for answers to my questions. In asking for the report of that investigation, my idea was to see that the officials of his department should do justice in the investigation that was taking place.

Mr. MOTHERWELL: We will do justice. My hon. friend need not perspire about it. When the House understand that the leader of the Conservative party in Alberta is counsel for one who was making the inquiry, he will understand more about it. Mr. McGillivray is counsel for the Live Stock Exchange in Calgary, and that is the interest my hon. friend is serving, rather than the United Livestock Growers, whether he knows it or not.

Mr. DAVIS: The hon. minister looks at me and refers to me as though I were a substitute for the solicitor for that organization. Not until the present moment did I know who was the solicitor. I have never heard from him in connection with this matter. My interest was more along other lines than those suggested by the minister.

Mr. MOTHERWELL: We will take it for granted that it is merely a coincidence. Mr. McGillivray, the Conservative leader in Alberta, is counsel for the Livestock Exchange, and my hon. friend is making an inquiry regarding a complaint they made against the United Livestock Growers. The farmers of Alberta know which side he is on. We find that the policy of the Conservative party is in the direction of the bigger interests and not in favour of the farmers' rights, you cannot get away from that. I do not mean to say that I am going to give more than justice to the United Livestock Growers: but I am going to see they all get justice, and no report will be made until both sides are heard.

I am sorry the right hon. leader of the opposition (Mr. Meighen) is not in his seat, because I am going to pay a little attention to him. I think I take more fun out of this than anyone else on the other side. It always makes the right hon. gentleman look tired and feel tired when he is jollied a little bit. What will it be when the right hon. leader of the opposition becomes Prime Minister?

Some hon. MEMBERS: Hear, hear.

Mr. MOTHERWELL: What about the "ready, aye, ready"? What about his Hamilton speech? The hon. member for St. Lawrence-St. George, (Mr. Cahan) knows what he said in Toronto criticizing the speech of the right hon. leader of the opposition. What did he say at Hamilton? He said he thought it would be best in future, before Canada sent troops abroad, to engage in other wars outside of Canada—

Some hon. MEMBERS: Oh, oh.

Mr. MOTHERWELL: Oh, oh.

Mr. MULLINS: May I ask a question? Is that a Saskatchewan call?

Mr. MOTHERWELL: The report of that speech, which went through the whole of western Canada, reads:

> Mr. Meighen stated that in the future it will be best for all that before the government takes a step in the direction of sending troops the will of the people should be known.

What does that mean? In the past we have taken the attitude that the will of parliament should be known, but this speech says distinctly that the people would be bound only by a submission of the question to them in a general election. Do not try to crawfish away from that. You might as well know what you will have to face if you are going to have an election. We may as well rehearse to-night—

Some hon. MEMBERS: Go on.

Mr. MOTHERWELL: A short time before, I think in 1923, at the time of the trouble in the Dardanelles, my right hon. friend was ready to sally forth on the seven seas to fight anything in sight, without knowing what it was about or who was going to be fighting on our side. It was at that time that the right hon. gentleman made his "ready, aye, ready" speech without knowing whether there was going to be war with France or Italy or any other country. He was ready to go out and fight anything on the seven seas without knowing a thing about the matter. That was one extreme. The other extreme was just before the Bagot election—of course that was a coincidence—when he got down on his marrow-bones and was ready to do anything—to go to the people and have an election on the question. In other words he was going to turn this country into almost a civil war in order to determine whether it was to go into a foreign war or not. That is what will be meant, if words mean anything, by this parliament taking the desperate step of putting the affairs of this country into the hands of the leader of the opposition.

It means more than that. If we are to judge from our respective attitudes on the tariff, it means if the Conservatives are returned to power this time they will consolidate the financial and political influence in central Canada, a thing which has been such a bane of the outlying parts of Canada for the last many years. There is no question about that. I have no word to say against the older provinces in many respects. Ontario is my birthplace and I have a great respect for that province. But that is not the point. The Maritime provinces have been given some raw deals and the western provinces right out to the Pacific have been neglected under Tory rule. That is what will happen again if this consolidation of wealth and political power becomes once more centralized in older Canada.

Look at the first step that was taken to consolidate the National railways. Everyone knows how dear to the hearts of the Maritime people was the old Intercolonial railway with its low freight rates. Who took it from them? The leader of the opposition and his party merged it with the Canadian National railway system, making no provision whatever for recognizing the tacit understanding of confederation that there would be such rates on the Intercolonial as would make it possible for them to deal with older Canada. If you take that out of their grievances there is not much left. But that is a very valid grievance. How do I feel so strongly upon that point?

Mr. PRICE: Will the hon. member allow a question?

Mr. MOTHERWELL: Let me finish. Because the same Tory party did their level best to take the Crowsnest pass agreement from the west and I know how we felt about that. Very little heed was paid to the Maritime provinces in connection with the consolidation of the Canadian National railways. What shall we do?—was that the murmur of my hon. friend across the floor? If my hon. friend has not been asleep all session he must know that we shall be starting in the course of a few weeks to look in a constitutional way into the whole problem of Maritime rights.

Mr. MACDONALD (Richmond): You are slow in starting.

Mr. MOTHERWELL: Do not imitate the chirp of a canary when you are going to say anything. As I say, the result will be the consolidation of financial and political power in older Canada to the detriment of the outlying parts of Canada at this particular stage when we are endeavouring not to hand out anything to the outlying parts, but rather to do mere justice to them in place of the neglect which they have suffered during past years. There is no dream about that; we are doing that to such an extent that we are being charged with being too partial to them. That is not so; we are doing only what should have been done long ago.

I have a great deal of sympathy for the people of the Maritime provinces. I was never more interested than in my short sojourn down there, where I at once sensed their chief trouble. Indeed one did not require to

be very acute to do so, because it was evident everywhere. It is one of the most interesting parts of Canada and the people of the Maritime provinces are going to defeat any government until they get some of those wrongs righted. No matter how Liberal they may be, they will strike at a Liberal government or a Tory government until somebody comes forward and recognizes that they have a grievance and makes at least an attempt to rectify or remedy it. I do not think anyone will gainsay that. What has brought this about? It is due to neglect by Tory governments dominated by central Canada, and unless the government of the day pays particular attention to the outlying provinces, that centralization is bound to result. Wherever you have wealth and numbers there is bound to be power unless the government of the day recognizes that it must make a special effort to reach out to the younger and smaller provinces. That has not been done in the past, but that is what we are endeavouring to do now. Every man who votes for this amendment is going to stop the progress of our programme in this respect and revert to the old order of things that led to those grievances.

I think I have covered the four of five points that I wanted to deal with. The Conservatives, I observe, are now getting tamer. Two of my Progressive friends, so far as I could hear, announced their intention to vote for the amendment. I have nothing to say about that; in fact I want to thank all our allies, because it took all our allies and the Liberal party to carry on the affairs of state during the last five or six months. They have supported not so much the government as the government's programme. Are they going to vote against that programme now because the party of the other part will not play? Are they going to expect us to do the impossible? As I pointed out this afternoon, in order to have a marriage you must have two contracting parties. Are you going to ask us to marry ourselves? If a woman is going to get married and she breaks the contract or for some good reason defaults, is the man going to marry himself? If he is he is going to make a very poor match. Such a match is impossible. I would ask all who contemplate voting for this amendment because they think we should do so-and-so regarding these natural resources, to see how impossible it is for the government, one contracting party, to consummate this contract. If you want to defeat the government, do it on something that at least we can discuss in this parliament. As regards a possible election I am going to shake hands with my Tory brethren.

[Mr. Motherwell.]

Some hon. MEMBERS: Good-bye.

Mr. MOTHERWELL: I will reach out my hand to all and sundry and say to you in the words of Macbeth:

> Lay on, Macduff,
> And damn'd be him that first cries "Hold, enough!"

Mr. A. W. NEILL: Mr. Speaker, I trust in the few remarks I may make to-night I shall be more successful in keeping in order than I was yesterday. It seems to me there is favouritism shown in this matter. I heard the Minister of Agriculture (Mr. Motherwell) allude to his friends opposite this afternoon as "thick-headed Tories" and I submit to the judgment of the House whether that is not more offensive than calling people "henchmen". The Minister of Agriculture should in my opinion have been reprimanded. There ought to be the same law for the rich as for the poor.

The resolution before us declares, in the language of the mover, that we should resolve, that this House because of failure to implement promises contained in the Speech from the Throne and for other causes has no longer confidence in the present government.

The question which immediately suggests itself is, what are these promises that have not been fulfilled? The hon. member who moved the resolution was kind enough to indicate one at least, namely, the failure of the government to carry out an agreement to restore to the province of Alberta its natural resources. So far as I know this was certainly not an issue at the general election. It undoubtedly was not an issue in the province of British Columbia, for I cannot recall having heard it mentioned once, either on the platform or in the press at that time. At all events, I received no mandate from my constituents in reference to the matter, and I imagine that most hon. members from that province are in the same position.

This strikes me as a somewhat narrow issue upon which to seek to defeat the government of the day. It has not been featured in the debates of this session. We have hardly heard of it except possibly from one or two men from the province concerned. It reminds me of a woman playing bridge, who persistently bid up hearts at every round until she got up to four hearts and then suddenly switched to five clubs. Why the switch? We have been fed the tariff for five years and especially during the last four months. That was the piece de resistance of hon. gentlemen opposite. They fed it to us at every political meal ad libitum, not to say ad nauseam, and now suddenly they switch to clubs without notice, and apparently without design.

The government claim, with what force I am not entirely in a position to decide, that this is not a matter of refusing to grant the rights demanded; it is merely one of disagreement. It is only a question of delay. In that case it would seem to be an extraordinary step to defeat the government for not being able to carry out an arrangement to which necessarily there are two parties. It is as though we should bring forward a want of confidence motion to turn out the government for having failed to negotiate a reciprocity treaty with the United States at a time when we knew that such a treaty could not be negotiated. I presume the latent motive of the party opposite is the hope of being able to capitalize some dissatisfaction that may exist among the representatives of Alberta and to hang upon that dissatisfaction a resolution by means of which the government may be defeated. Now I would be the last to condemn the attitude taken by some hon. gentlemen from Alberta who spoke this afternoon. It would come with particularly bad taste from me, and in any case in similar circumstances I might be tempted to act in the same way. But without desiring in any way whatever to dictate to hon. gentlemen, I would suggest that they consider the seriousness of their action. Their decision will not be confined to a mere expression of dissatisfaction on their part as regards the natural resources of Alberta; it will mean, if they support the motion, the complete overthrow of the government. And for this they will be responsible and will have to answer to their constituents. However, it is entirely a matter for themselves and, as I say, I would be the last to criticise their point of view.

The motion as it reads, even with the explanation of the mover, is practically a straight vote of want of confidence in the government, and as such it must be met by every hon. member. This is the first time there has been brought up this session a want of confidence motion in respect of which my consideration at least can be confined entirely to the merits of the motion itself. Similar motions on previous occasions have had hitched on to them other questions of such of character as utterly to preclude the consideration of the want of confidence aspect. For instance, there was a want of confidence vote in connection with the Australian treaty, and the importance of that treaty to the province from which I come altogether outweighed, in my opinion, any consideration of want of confidence.

I was elected as an Independent four years ago and again last year, although with the bitter opposition of what I may call the Conservative machine. They were wont to declaim at great length, and with an almost total disregard of accuracy or of veracity, that my independent attitude in the previous four years had been entirely a camouflage and that I was decidedly and absolutely a supporter of the Mackenzie King government. Among some of the other things by which they sought to prove this charge, thinking it would hurt me in the election, was the statement that I had always in this House been opposed to any anti-Japanese legislation. When I first heard that charge it amused me, because I knew very well that to anyone who had sat in the last House my attitude was so well known as to be notorious. Anti-Japanese propaganda was as much associated with my name as is Canadian railway consolidation with the name of the hon. member for South York (Mr. Maclean) or the hydro question with the hon. member for Toronto Northwest (Mr. Church). As time went on, however, I found that attention was actually being paid to this charge and in some cases I had to meet it quite distinctly. It was pointed out, for example, that a resolution was brought up in the House on May 8, 1922, asking the government to introduce legislation to exclude further Asiatic immigration into Canada. Hon. gentlemen who were in the House at that time and who were sufficiently interested in the matter will recall that the government of the day put up one of their ministers to move an amendment to strike out the word "exclude" and substitute therefor the words "effectively restrict". There was a long discussion over the amendment and the members from British Columbia held out for the word "exclusion". The government, however, gave diplomatic reasons why in their opinion it was not wise to use a word said to be offensive and one which would hinder materially rather than assist negotiations with the Japanese government by which they hoped to achieve the same end. There was a full dress debate, and members from British British Columbia had a consultation among themselves as to whether they would accept the amendment of the government or not. The government said, "If you will accept this amendment we will put your resolution through unanimously", which was a considerable bait to us from that province who had never been able to put through a resolution so drastic. We had also to face this angle of the situation, that if we did not accept the government's amendment, they might reject the whole resolution. It was a matter for the critical consideration of those who had the interest of the subject at heart. Some

members from the province of British Columbia met in caucus irrespective of party, and the Conservatives declared that they would fight for the word "exclude" if for no other reason than that it would embarrass the government. That was no concern of theirs. But it was up to us to decide what we should do. Some of us were entirely supporting the government of the day, others, partially so. Well, we met together by ourselves after that, and we had a very serious consideration of this matter which was so vital to us in British Columbia. After a great deal of debate we decided it was of such supreme importance to British Columbia that even at the risk of losing the whole resolution it became us to oppose the government in the amendment and to vote for the principle of exclusion. I do not know whether we were using the very best judgment when we did that, because it might have imperilled the whole situation. Perhaps the government thought we were playing politics. I recall one of its members saying: Surely the representatives of British Columbia are not going to antagonize the Japanese at the very time when delicate negotiations are going on between the two governments with regard to restricting immigration from that country. The Conservative members also decided to vote against the government, with the result that backed up by the Progressives and by their own party the government were able to muster a majority of about 110 in favour of the amendment. That was in 1922, and is all recorded in Hansard. Members who were here at that time were as fully aware of the situation as any of those who now hear me, yet in the last general election the allegation was yelled from a hundred platforms that in order to be subservient to the Prime Minister of the day I had voted for the government's amendment and against the resolution in its original form. Of course, anyone familiar with the conditions knew they were speaking absolutely contrary to the truth when they put forward a statement like that. It was absurd on the face of it, and, moreover, there was the record of Hansard to show that I had voted against the amendment. But, Mr. Speaker, a great many people in the country districts and even in the towns, are not familiar with Hansard. They do not know what Hansard is. In this connection I recall an occasion when a friend of mine was trying to persuade a voter against his expressed determination to vote against me because he was being told that I had voted with the government and against this resolution, and he believed it. My friend said, "Neill voted against the government and for the word exclusion", but the man would not be convinced. He said, "They tell me he voted against the resolution." You know how people often use the indefinite term "they". "Well", my friend said, "I can prove it to you by Hansard." But the man would not be convinced and did not want to be convinced, and he retorted, "I don't care if you bring a dozen Hansards, they are probably all Grits anyhow."

Another instance of the kind of propaganda that was developed in that campaign along the line of my record for independence was a statement regarding not what I had done but what I was supposed to have done. A gentleman got up on the platform and said, "Ladies and gentlemen, I want to reveal to you the real character of this man who poses before you as a would-be exclusionist of orientals. I have here Hansard," and he produced it and explained what it was. "Now," he said, "one of the worst features"—and in that at least he spoke the truth—"of Japanese immigration is the fact"—it is still the fact—"that provided Japanese women can prove by methods of their own that they are the wives of Japanese now in Canada, they can come in and raise families." Of course, that was a far graver danger of Japanese imigration than the comparatively small number of males whose entry is restricted by the gentleman's agreement. He explained all that. Then he said, "You realize the importance of restricting the immigration of Japanese women and children, because children also can come in free. Now, let me quote what this man said in Hansard," and he read out words to this effect that I had used when speaking on the subject: "As regards the question of Japanese women and children coming in, I wil not waste the time of the House discussing it, but will go on to another phase of the subject." I did say this. Then this would-be orator declared, "There you are. I have explained to you the vital importance of keeping out these women and children, and yet Neill said in the House of Commons he would not waste the time of the House discussing a matter of that importance." But had my honourable friend—I shudder to call him "honourable"; it goes against my respect for veracity—but had he finished the sentence it would have been to this effect: "I will not detain the House discussing that phase because I discussed it fully two days ago." Then he would have been doing justice to the situation, but he omitted those qualifying words. He used that subtle kind of suggestion to convery the impression that I was recreant to every promise I had

made to my constituents in that regard. Those hon. members who know the attitude I have taken on oriental immigration throughout the last five sessions will be able to appreciate that form of propaganda.

Now, a very large number of orators were scattered through my district during the campaign. I counted at one time twenty-six, all outsiders. They came from far and near, they were of every kind, colour and description—cabinet ministers, members of parliament, members of the legislature, party leaders, lawyers, shysters, bootleggers, parsons, senators—and curiously enough, Mr. Speaker—"Tell it not in Gath, publish it not in the streets of Askelon"—when you got those senators out on the platform they proved to be a very ordinary and very decent sort of fellows. Divested of the glamour and atmosphere of their golden chamber, which smells like a cross between a cathedral and a tomb, the average senator is just an ordinary man of very fair appearance and character. We had them there, some of them brought as far as from Winnipeg, whence they were taken back again. Others, I am told, had to be brought from jail—I do not mean senators, I mean some of the other speakers. One slogan was: "A vote for Neill is a vote for the Pope." I trust I may enlist the sympathy of my hon. friends from Quebec should I need a vote on some future occasion, by the record given me in that regard, by explaining to them the somewhat subtle connection between the Pope and myself. I happen to be a Presbyterian, but that does not matter. This is the way it was worked: "Neill is going to be a willing tool of Premier Mackenzie King; he in turn will be dominated by his Quebec supporters; and they in turn by their religious advisers, and so on, back to the Pope; therefore a vote for Neill is a vote for the Pope." That was solemnly advanced on a number of occasions.

Then again we had our bootlegging friends; they also did their share in their attempt to defeat me. On one occasion I recall going up to a logging camp. I may say that the boys there always treat me very well, and I got wonderful support from them that I will never forget. On this occasion I met with what I thought was a very friendly reception. Later on I heard it stated on the platform: "Neill need not think that the men at such and such a camp are going to vote for him; we have been up there and turned the whole bunch around." There were about forty-five votes. It transpired afterwards how they had expected to do it. These parties had gone up there, and some of my friends of a jovial and genial disposition took a few of them aside and said: "We are not compelled to vote for this old hayseed from Alberni, send us up a couple of cases and it will be all right." The bootlegging department attended to it and the couple of cases were duly despatched, but one of them fell by the wayside, and my health was drunk at some point down the line. The other case did reach the camp with the result that every single vote recorded there was recorded for myself. So I benefited by proxy, at any rate by their efforts. I do not want to be misunderstood at all; I may say that these activities were all exercised by outsiders, people brought in to tell the people of Comox-Alberni not only how they ought to vote, but how they had got to vote. But it did not work worth a cent. I have many warm friends among the Conservatives in the district I represent who voted for me, more who did not, but that has not prevented me being on friendly terms with them, and I still have correspondence with them. I have no complaint to make of the Conservatives, but only of the Conservative machine, operating for the greater part from outside.

I might also suggest, in connection with this question of independence, that perhaps the cabinet of the day and even the Liberal whip would be in a better position to certify to my independence than hon. gentlemen who are only attacking it for political purposes. I have no doubt that on this occasion I have a chance, in the eyes of my hon. friends opposite, of redeeming my character of independence, proving myself in their eyes a true patriot, I am sure, and getting a little applause for the moment by announcing my intention of voting against the government and for this amendment. But unfortunately, or fortunately perchance, I am not responsible to hon. members opposite; I am responsible to my own people at home, many of them Conservatives I admit, and that responsibility I propose to meet at the proper time and place, but I do not propose to stultify myself for a moment's cheap applause upon an occasion of this kind.

My deskmate, the hon. member for Labelle (Mr. Bourassa), when he was speaking this afternoon, said that this was an occasion on which men like himself, and it applies to me also, could not hold aloof and say: "Well, I am not going to vote Conservative, and I am not going to vote Liberal," because the situation is such that we must make a decision for the moment in favour of one party or the other. My deskmate described himself at one stage of his remarks as being in some halfway situation. I have forgotten the exact metaphor he employed, and he

described his situation with his usual wealth of beautiful imagery, which I cannot hope to imitate, but translated into the common vernacular of the man of the street, which is also that of myself, his idea was that he, and I myself, were situated between the devil and the deep sea. Not being a good sailor he thought he would prefer the dangers of water rather than those of fire, and I heartily agree with him in that regard. Further he said, and I wish again to record my endorsation of it, that this was not so much a question of deciding whether he had confidence in this government to my left as it was of showing that he had even less confidence in the party opposite. That is exactly my situation and my point of view in that regard. It is not from any deep-founded confidence in the government—far from it—but rather that I cannot see what object is to be attained by the interests I represent by placing the opposite party in power.

Then, if I should strive to be non-partisan in my attitude—and of course incur the ill will of both parties, the common fate of a man trying to keep the middle of the road or to be a peacemaker—I would ask myself what advantage is to be gained by the country, by the province, or by the district I represent by making a change of government? I think I suggested that idea in a debate earlier in the session, and I was directly informed by hon. members opposite that the advantage would be that they would be in power. That, no doubt, would be a result, but whether it would be a good result remains to be seen. It certainly is not the goal of my ambitions to achieve that, unless there is some specific object to be gained or some benefit that would inure to the country at large.

As regards the country at large, everything points to-day to a revival of business of an enormous and unprecedented character. The trade returns and bank reports are very favourable and very hopeful indeed, and those who are not interested in politics do not hesitate to say frankly that we appear to be on the eve of a revival of business that bids fair to last for a considerable period and be of the very greatest advantage to the country. In that regard, then, it would be somewhat doubtful, at least, it would be open to considerable criticism, whether it would be wise for us to swap horses, to use a common expression, in midstream. If the country is prospering—we will not say because of this government; that would be too much for hon. gentlemen opposite to swallow—but if the country is prospering, let us say, in spite of this government, or partly both ways, perhaps it would be a good thing to continue the government in power so long as that prosperity appears to be at our door.

As regards the province, and I am speaking now of British Columbia, we have there certain interests which have been vitally affected for the better by some of the legislation of this government. I refer more particularly to the Australian treaty, concerning which we had a vote of want of confidence some few months ago. The Australian treaty, I think it can hardly be denied, has been a very material benefit—and its affects are only beginning to be felt—to the province of British Columbia. It has opened up the Australian market to our fish. I believe that we shall probably control in a very short time the whole Australian market, which is a big and an increasing market, and one of great value to the province of British Columbia. I was reading only yesterday that the fishing industry has gone up very much in the last year. The records are distinctly better than the previous year, and better than ever before in the history of the industry, and getting into the Australian market practically without competition is a matter of great and vital importance to us.

The same is true of the paper industry. That is opening up a tremendous scope in Australia for our business interests in British Columbia, and it will influence and improve business in other lines of activity in the province, such as the pulp industry and the lumber industry, which afford an ever-increasing source of employment to our workers. There are quite a number of paper mills in British Columbia, roughly about a dozen, and one or two of them have been in deep water, some of them practically in the hands of a receiver, but their affairs are being straightened out again, and they are beginning to operate. Two of them in my own district are going to be manufacturing on an increased scale in the immediate future. Then, again, we have the importation of motor cars into Australia, which will be of benefit to the manufacturers in eastern Canada, rather than to us in British Columbia.

There is another source of business to which we look forward hopefully in the near future under the influence of the Australian treaty. When that treaty was being negotiated an attempt was made, I believe, by the representatives of Canada to secure us a preference on lumber, which would have been of great importance indeed. But the Australians have got one or two ideas very sharply defined, and one of them is that they

stand absolutely and entirely for a white population—a white policy—and some organization in Vancouver I believe wired them at the critical moment to say that a great deal of the lumber cut in our saw-
10 p.m. mills in British Columbia was manufactured with the aid of orientals, and that when they were giving a preference to our lumber they were giving a preference to orientally manufactured goods. In consequence of that advice, the negotiators on the Australian side broke off the agreement as regards lumber. An attempt was made to deny that, and the negotiators in Australia then said that when we could show that that was no longer the case, they would be perpared to give us a substantial advantage in the lumber trade, which would be a concession of great importance to us in British Columbia.

Now the local legislature has recently passed an act, called the Minimum Male Wage Act, under which it is proposed to standardize the minimum wage for 90 per cent of the industries of the province. They based that act upon their experience gained under the Minimum Wage Act for women. It has been found the latter act worked out fairly well, with a very small amount of friction and it is now proposed—it is the law and has been for eight months—to make the same provision applicable to men. One of the first industries to be attended to was that of lumbering, and commissioners on behalf of the board that will deal with the situation have been travelling the province accumulating evidence and reports to ascertain what should be the minimum wage for workers in saw mills and logging camps. It is anticipated, of course, that it will be fixed at what would be considered a minimum existence wage, with the minimum amount of comfort, for a white workman. If and when that is done, and they expect it will be in less than a month, I think the result will be to discourage the employment of orientals, because an oriental, while he is willing to work for low wages, is incapable in most occupations of doing the amount of manual work in eight hours that a white man can do, and our mills, are running on an eight-hour day now as a result of having passed an eight-hour day law some years ago. So it is hoped and believed by the people of the province that the lumber industry will be regained for our white workers in that way, and when that is done then we will be able to re-open our negotiations with Australia with a view to securing that market also. Of course it is obvious it would be hopeless of our doing so if there were any interference with the Australian treaty. That is a strong argument why we should not defeat the present government. We have entered into the Australian treaty and we do not want an election at the moment; we want to dig in and make some money now while the making is good. Times have been bad in British Columbia in years gone by and now that prospects are good we want to take advantage of them. That applies as much to the logger as it does to the manufacturer, the canner or the fisherman. We want a chance to be let alone under this treaty to trade with Australia and make some money while the opportunity is good. Of course we cannot anticipate the treaty would be left in existence if there were a change of government; it would be either destroyed entirely or materially alterated. I can gather no other expectation from reading the speeches in Hansard of hon. gentlemen opposite, and the fact that there was a vote of want of confidence moved by them framed practically and entirely on the existence of the Australian treaty made by this government. So much for the aspect of Canada as a whole and that of our province.

Let me come now to the district that I represent, the district of Comox-Alberni. By the way, in order to explain the requirements of that constituency I might briefly refer to the platform on which I was elected, and I may say that this is not something personal to myself. It was formulated at a large and very well attended convention called to nominate a candidate on the independent ticket. Most of it was formulated before I was actually nominated, especially the first clause which reads as follows:

1. In the event of the return to power of either a Liberal or a Conservative government the nominated candidate will be pledged to support any constructive legislation brought in by either party if it is in the best interests of Comox-Alberni and British Columbia generally.

Then follows the platform which I will read. The idea, of course, was that I would support a Conservative or a Liberal government if it was formed, provided they would accept the salient points of the platform that we were interested in, and which that representative meeting agreed were our most important requirements. I have in consequence not only pressed the items of this platform on the government of the day, but have also kept close watch on the utterances of hon. gentlemen opposite to see how much of that programme I could reasonably expect to see carried out had they, or did they,

or should they get into power. Here follows the remainder of the programme:

2. Fisheries (a) That there be no close season for salmon trolling and cod line fishing on the west coast of Vancouver island.

That has been adopted.

(b) No increase of trap licenses.

That also, I think, is clearly settled.

(c) Continuance of the policy of gradually restricting fishing licenses to White British subjects and Indians, native of British Columbia.

That has also been going on gradually for four years now, and I am glad to say that we recently adopted a resolution in the committee on Marine and Fisheries recommending to the government that it should be finally carried out under an agreement extending over the next ten or practically eleven years. Theoretically it would take eleven years, but the representatives of the cannery men who are most concerned have agreed in a very fine spirit indeed to accept the situation and to make no further protests. They were opposed to the way in which it was done at the initial stage fearing they might be handicapped by the lack of white operators. They have now accepted it. They say the time allowance is ample, and they propose to co-operate by making efforts to get a supply of white fishermen. They expressed the view, or at least their representative did, that restricting the fishing to whites and native Indians will be carried out in the short period of four or five years, because once the provision was in working order there would be little trouble in getting the few additional white men. That, of course, is a very gratifying thing to us in the west, knowing as we do the importance of restricting the oriental invasion and also because we want—some of us at least do so—to see the growth of a white native population of fishermen from which in case of war the navy, such as we have, could be recruited. The third item is:

3. Immigration. Absolute exclusion of Asiatics.

That, of course, is the object we seek to achieve, and it has already been met, practically in its entirety, as against the Chinese element. Negotiations are still going on to arrive at an amicable settlement, because we would like it to be amicable, with Japan. She has great trade interests in us and we have in her, and if we can avoid it, we do not want to adopt any drastic or harsh measures against Japan. The negotiations are proceeding, I think in a satisfactory way. In fact I would have been this afternoon at a meeting where I expected to hear some further information on the subject had this debate not come up. Now the next item is:



4. Labour.—An Act or resolution establishing the right of his industrial freedom to every citizen of Canada to bargain for his services.

Hon. members may, perhaps, recall that I introduced a resolution, which passed the House some months ago, carrying out the spirit and the purport of that clause in the platform. The next item is:

Dominion assistance to the provinces to pass an old age pension act.

As we know, that has been carried out to the very fullest extent, I think, that could have been expected by this government. I think those who were interested in the success of an act of that character—who were generally interested in it and worked for it during the last parliament—will admit that the bill brought down this session was a very genuine attempt to meet the situation. Some of us thought it did not go far enough, but it was founded on a belief that the best way to start was to start slowly, in a moderate way, and if necessary increase the pace later. We know the lamentable fate that worthy act has met in another place. A consideration of what should be done in the premises will not be out of place, perhaps, for a moment or two. If I had any influence with the government of the day, or with those who are disposed to assist in the passing of an act of that kind, I would suggest and urge the government not to remain satisfied with the present position. I am aware—we are all aware—that a bill which has once passed this House and been rejected in another place cannot be introduced again at the same session, but my first thought, and the thought of some of our friends, was: Well, let us stay here and re-enact it as a protest against the fate it has received. But we found, as I have said, that it could not be passed in the same session. Well there is a solution of that problem which might be easy of achievement. This session will end up possibly in a couple of weeks. There is nothing to prevent the government of the day winding up this session and calling another session the day after. An arrangement could be made under which we could not draw our sessional indemnity for the second session, and if somebody insisted on drawing it he would only draw the proportion of the indemnity for the few days we would be sitting. I might even extend that point of view further and point out to hon. members that if there were a further curtailment of our rights and privileges in this House—not merely the old age pension bill,

but any other legislation that falls by the wayside in the Senate—the legislation might be re-enacted, in order to show that we were sincere in this matter, and that we were protesting against the action taken in regard to this measure and others which were in a similar position.

The next item reads:

Revaluation where required of lands held under the Dominion Soldier Settlement Act.

When that was put in it seemed to me almost a forlorn hope. The government had turned it down in the last parliament, and appeared to have the support of a large number of members behind them in their action. I recall that when the matter was going through, the Minister of Finance (Mr. Robb) announced that he would grant an abatement of a certain proportion of the value of the stock purchased in certain years, but he expressed his determination, and that of the government, that he would not contemplate any proposal to revalue the land, which a number of us held was an absolute essential to the settlement of the question. Representations were made in reference to the value of land by three members on that side—I was one; the then member for Selkirk, Mr. Bancroft, was another and the member for Dauphin (Mr. Ward) was the third—that injustice would result, and we made out such a strong case in reference to our particular districts that the Minister of Finance promised at least to have a valuation made by his own employees in the department before another session, to ascertain how bad the situation was in that regard. I may say that so far as my district is concerned the government implemented their promise. A very able and skilful man came out, with no local affiliations at all; he handled the situation very carefully, and I believe his report was and will be of great value to the government in dealing with this matter. We heard a great deal here and in another house with reference to the expense of these boards created to handle the revaluation of the land. I do not think there will be any great trouble so far as the district of Comox-Alberni is concerned, because the report of this gentleman, Mr. White, is of a character that will commend itself to the government, to the board, and to the men themselves. It is a source of great satisfaction to us in the district that the government have passed an act almost exactly as we required it to meet the situation in our districts. There was some divergence of opinion as to the minor details, but I think the great bulk of the soldiers in that district and in British Columbia generally will be satisfied with the act as it is framed, if it goes through and is not badly handled in another place. A resolution was sought to be passed by some organization, not a soldier settler board but a veteran organization in Vancouver, by which they suggested that the method of revaluation adopted by the government was unsatisfactory and that the proper way was to grant a remission of interest. There was an outstanding and fatal objection to that. Of course it would save the expense of boards, but probably it would not do so in the end because the reduction of the interest to everybody would mean a greater expense than that proposed in the bill. But the rank injustice would be this: that everybody would get a comparatively small sum of money, so small that it would not be of much use, or it could not be done at all. It would mean a little pocket money for a day or perhaps a week, but there would be the other side of it, that everybody would get a small remission—and everybody would take it of course; but it would be a present for many people who do not really want it and would not think of asking for revaluation, because they happen to be in fortunate circumstances, having got a good farm perhaps, or having bought right, as they say; or local conditions may have increased the value of their lands. These people know they would get nothing under the revaluation. A convention was held in Vancouver. You know that when you hold a convention in a town there are always more delegates and representatives in the convention from the neighbourhood than from districts where people have to travel a very considerable distance to attend. And it has been suggested that the reason of that attempt to upset the proposition of the government was that that convention held in Vancouver would be more largely attended by farmers from the Fraser valley, which is the garden of British Columbia and perhaps the garden of Canada. They have rich land there and good farms; if a man could not make a success out there he could not do it anywhere. The men in that district would know that they had nothing to hope for from a revaluation. Perhaps I am wrong in suggesting this, but it seems to me the motive that actuated them was, "We will try and switch in a new system under which we can get some benefit". That was very human and natural, but not fair, because the result would be they would get a remission of interest amounting to a considerable sum in the course of time, while the men who are up against it, the men

who, on account of wrong buying or of accident, or of the high prices at the time, got struck on land not worth half the amount they paid for it would get practically nothing at all. Those are the very men that the government and that this House wanted to keep on the land, because if you tell a man who has paid $2,000 or 50 per cent too much for his land, that he will not have to pay any interest on that extra 50 per cent, it is not going to aid him or encourage him to stay on the land. I hope if there are any changes in this bill in another place that the main principle will not be altered.

I observe with great satisfaction the fact that the government of the day undertook the revaluation of the land, not only in my district, but throughout Canada, and I believe it will form a satisfactory solution of the question that only got worse the longer it was delayed.

Another plank in the platform, which is number seven is:

A business administration of public expenditures resulting in reduced taxation.

I am pleased to be able to say that we foresaw the budget of this session when we put that plank in the platform—a business administration resulting in reduced taxation. It might have been better administered and result in greater reduction of taxation, I admit, but it has gone along lines we wished and desired when we drew up the platform.

Then the next plank is number eight:

Consolidation of Dominion and provincial income tax and abolition of all unnecessary government returns.

I believe that matter was debated at the conference of the premiers the other day. As regards unnecessary returns, some of them have been cut off, but it is very hard to divorce an official from his return. If he is supposed to get out or send out that return, he will fight to the last ditch before he will allow us to strike from it even one foolish or unnecessary question.

The ninth plank is:

A federal inheritance tax on large estates.

That is popular perhaps in some places, but it does not seem to be popular in this House and still less would it be popular in the other house. I think the hon. member for Winnipeg North Centre (Mr. Woodsworth) has championed it before now. Some people take exception to it on the ground that it would tend to keep people from coming to live in this country, and to make them go to some place where their estates would not pay duty. But I do not think there is a very great danger in that. People will generally go where conditions please them or very commonly where they have relations and friends. As a rule a man in his declining years wants to secure some comfort or enjoyment for himself. He is not going to an inhospitable place and to live in uncomfortable conditions even if by so doing he is going to save some estate taxes for those who come after him. I do not think the average man of large estate is so self-sacrificing on behalf of his successors as that.

The same argument was brought forward, I recall, when the British death duties, which is the name they give to the succession duties there, was first introduced many years ago in Great Britain. It was said that it would lead to all kinds of evasions; that men would give away their estates in their lifetime to their children and friends and thereby evade the act. That was carried out to some extent but to a much less extent than was anticipated, and finally it practically almost disappeared. For one thing the government inserted in the bill a clause making it retroactive to the extent of, I think, three years. That is, if a man gave away his money to his children and died within three years his estate still had to pay the tax. The element of human nature also entered into the situation. It was found that even old men sometimes changed their minds; they gave away their estates to their children and afterwards conditions sometimes arose under which they wanted to get their estates back again. They did not always get them back and a few dreadful examples of that kind discouraged the practice.

I recall one wealthy man, a widower, who gave away his estate amongst his children A few years afterwards he chose to get married again; but his childen did not think it was necessary for him to get married, and they declined to give him back any money except a bare subsistence for himself. A few examples of that kind discourage others from doing the same thing. There is nothing wrong in the principle involved in this plank and I believe this country could very well adopt a federal inheritance tax. There may be inheritance taxes in some provinces, but they are on a small scale. I think I figured it out on one occasion that if we adopted in Canada a similar federal tax to that prevailing in New Zealand, we would have from that source alone an income of about $3,000,000 a year.

Sir HENRY DRAYTON: I rise to a point of order. Coming into the House I thought we were discussing the amendment to the motion for committee of Supply. My hon.

friend is discussing the laws of inheritance tax, and it seems to me the discussion should have something to do with the question before the House.

Mr. NEILL: I am speaking to the point of order. My hon. friend deprived himself of the opportunity or pleasure of hearing my opening remarks. Perhaps I had better begin again so that he may get the correct thread, because, if he had been present all the time, he would not have raised that point of order. I was proceeding along a logical and well thought-out line of thought until he butted in. I will explain what it was. I was dealing with my anticipated attitude as an Independent on this vote of want of confidence. I was going into my record as an Independent. I was dealing, and I think rightfully, with the ambitions and aspirations which the people who sent me here entertained when they elected me. They drew up a simple platform in which there were only twelve items. I have reached the tenth now, and the hon. gentleman is a little late in the day in interrupting me. I consider I am logically carrying out my line of thought by explaining to the House the purposes for which I came here. There is plenty of time, and if the hon. member will give me time I will explain at some length what success I have met with in connection with those particular and individual items. In fact that is what I am doing now. I conceive that I am thoroughly in order and that the hon. gentleman ought to apologize.

Sir HENRY DRAYTON: I do not rise in the first instance for the purpose of apologizing, but again addressing myself to the point of order. I thought we were discussing a resolution to call in question the breach of promises by this government. I did not know that we were discussing a resolution which had to do with a platform on which the hon. gentleman got himself elected in the last election. I am perfectly aware that the whole idea of the discussion is to kill time.

Mr. NEILL: I protest.

Sir HENRY DRAYTON: I am merely raising a point of order to be disposed of by the Chair.

Mr. DENIS (Joliette): I submit that the amendment is so indefinite and broad that any hon. member can discuss the policies of the government generally. It reads:

> That Mr. Speaker do not now leave the chair, but that it be resolved that this House, because of failure to implement promises contained in the Speech from the Throne—

That is one thing that is definite.

> —and for other causes.

I should like to know what is the idea in the mind of the hon. member who used those last four words. They might take us back to the deluge.

Sir HENRY DRAYTON: That would be a matter of government policy.

Mr. DENIS (Joliette): The hon. gentleman says: For other causes I have reason to say this or that. The amendment was drafted not from this side of the House, but from the other, and it leaves the door wide open for any hon. member to discuss policies generally.

Mr. SPEAKER: I think the hon. gentleman is in order. This amendment is very wide in its range. It reads:

> That Mr. Speaker do not now leave the chair but that it be resolved that this House, because of failure to implement promises contained in the Speech from the Throne and for other causes has no longer confidence in the present government.

Any hon. member speaking on this amendment can very well say that the government has or has not implemented the promises made in the Speech from the Throne. As regards the other causes, any member who has been elected to the House on certain pledges he took before his electors might very well say: The government has not seen fit to implement the promises that I as its supporter made or that I as its opponent made. Therefore that opens a very wide vista. Of course as much as possible hon. members must keep within the bounds. This is a motion of want of confidence, and if it is carried the hon. gentleman who is speaking will be sent back to his electors. Before he is sent back he wants to show cause why he should not be sent back. On the whole I think the hon. gentleman is in order.

Mr. NEILL: I thank the hon. gentleman for the opportunity of rest he gave me, and I will accept the apology I see in his eye, even if he does not express it. He knows I was perfectly in order anyway, but out of his goodness of heart he wanted to give me a moment's respite. I did feel somewhat aggrieved when he made the suggestion—I am sure he could not have been referring to me—about killing time. I am quite sure the hon. gentleman would not suggest that I was killing time, for there are many methods by which that may be done which would be far more exhaustive than any discussion of the subject I am now considering. I could for example, give him, if I wanted to kill time, a short resume of the character of Moses, or I might

touch upon the record of Jeremiah. I assure the hon. gentleman I have no desire to kill time, and with that assurance I shall proceed with my remarks, if he will keep quiet.

Sir HENRY DRAYTON: I submit, Mr. Speaker, that the very fact that the hon. gentleman suggests a character sketch of Moses and an excursion into the record of Jeremiah is evidence of a desire to kill time. Now, in connection with the point of order—

Some hon. MEMBERS: Order.

Sir HENRY DRAYTON: I am speaking to the point of order.

Mr. POWER: I rise to a point of order. The hon. member for West York (Sir Henry Drayton) has no right to impute to the hon. gentleman who has the floor any improper motives whatever, and to suggest that that hon. gentleman is merely killing time is to impute such a motive.

Sir HENRY DRAYTON: Mr. Speaker—

Mr. POWER: I insist upon my point of order.

Sir HENRY DRAYTON: It would be improper to accuse the hon. gentleman of killing time if it were not for the fact that the train comes in at one forty-five. However, I take it, in view of the ruling of the Chair that the hon. gentleman would be perfectly in order if he undertook to discuss Moses and Jeremiah.

Mr. SPEAKER: It is not permissible to charge any hon. member with obstructing the business of the House. It will, I think, be assumed that the suggestion that a member is "killing time" is tantamount to a charge of obstruction. The expression is, of course, a mild one, but inasmuch as it is open to a more serious construction I must rule it out of order.

Mr. NEILL: I certainly had no desire whatever to kill time, Mr. Speaker. I have a simple message which I wish to convey to the House, but owing to the interruptions of my hon. friend I am afraid it will be some time before I get on to the thread of my argument again. I come now to section 10—there are only three more—justice to British Columbia—If any man may not on this occasion express the urgent importance of justice to his own district, I do not know when he can. This is the section in question:

> Justice to British Columbia in the matter of railway rates, particularly on wheat from the prairies for domestic use.

[Mr. Neill.]

May I dwell for a brief, fleeting moment on that aspect of the subject in view of hon. gentlemen's ignorance of the situation? You have heard a good deal about railway rates, but I do not propose to go into that subject which is really a side issue. In any case it is of such vast extent that it would be beyond the scope either of my ability or of the time at my disposal to-night. We in British Columbia are large consumers of wheat particularly for chickens. We have large poultry farms on some of which there are from 5,000 to 10,000 birds, and we use considerable quantities of chicken feed. The principal source of supply, apart from a limited quantity obtained in the fall from the Okanagan valley, is the prairie country and transportation is high. By the time therefore that the wheat reaches us, the price is so prohibitive as to make profitable egg production hard. Representations have been made from time to time by the province of British Columbia, and on one occasion we spent $50,000 in an effort to bring the matter to a successful conclusion before the Board of Railway Commissioners and the government of that day. It has been under consideration on various occasions and we have been given some measure of relief, but not enough. As a result of our representations a reduction in freight rates was ordered but unfortunately they were only of a partial character That is to say, they were reduced on export wheat only, so that wheat shipped to China, Japan or Liverpool from the prairies went at the lower rate, while the same wheat destined for use in British Columbia was refused the concession. On two occasions there was a reduction in the rates, but in neither case was it made applicable to wheat for domestic use. If I mistake not the difference is $4.10 a ton on domestic wheat.

There is another feature which accentuates our grievance in this regard. The reduced rate on export wheat applies to numbers one, two, and three wheat exported for manufacture into flour in these foreign countries. The wheat we use for chicken feed would grade at the highest four, sometimes five and six. You can export number one, worth perhaps $2 a bushel to Vancouver from Medicine Hat at a certain rate, whereas if you want to ship a grade four degrees below that, worth only 50 or 30 per cent of the higher article, you are bound to pay $4 a ton more for carrying it to British Columbia. It may be suggested that the cost of handling the car for British Columbia is greater. Nothing of the kind. A train that takes twenty or thirty carloads of wheat of

one grade for export can take the same quantity of the other, and there are ample facilities for switching to the various private elevators in the case of wheat destined for use in the province. There is therefore no reason why we should suffer this gross discrimination. It puts us in most invidious and unfair competition with the people of China, Japan and other foreign countries. Why, you can actually deliver wheat in China from Moose Jaw at a cheaper rate than you can deliver it in Vancouver. If that is a defensible situation I should like to hear it defended. It might be argued that it is a matter of terminal or competitive rates; it might be said that water competition enters into the question. This is true where both rail and water transportation are involved, it may sometimes be necessary to fix a competing price on the railways to meet the price at which the article can be transported by water. Under those conditions you sometimes find the apparent anomaly of a freight rate higher from the point of origin to an intermediate point than it would be for the full journey to the terminal where it would meet water competition. But no condition like that arises here. There is no water competition from Medicine Hat or from Moose Jaw to Vancouver; in both cases it is purely a rail haul. The discrimination cannot be defended; we should not have to pay a freight rate that makes our wheat dearer to us than to the egg producer in China, who is thus encouraged to send his eggs over here to compete with our eggs in British Columbia and eastern Canada. That is why that plank was put in the platform. My protest may be falling on deaf ears at the moment, because it is perhaps more a matter for the Board of Railway Commissioners to deal with, but it will be brought up by the province of British Columbia, and if it is decided adversely to our interests, I have no doubt it will be laid before the executive body of this government by way of appeal. Then I hope the hon. premier and the other members of his government will remember this explanation of the subject.

The next item reads as follows:

> The continuance of the legislation against the importation and sale in Canada of oleomargarine.

That is an old and a sore subject with us in the west. Most members of the old parliament will recollect the fight that was made in the sessions of 1922 and 1923 to forbid the further introduction of oleomargarine and its sale and manufacture in Canada. That fight was led by the hon. Minister of Agriculture (Mr. Motherwell), and well he justified his place in the government in that respect. His strong sympathy, his active support and the attitude he took on more than one occasion saved the day ultimately for the Canadian dairy farmer, and we in British Columbia generally and in our district particularly are very much opposed to anything that would favour the introduction of oleomargarine once again. Perhaps in that will be found some explanation of the fact that the dairymen of British Columbia as a whole, and of the Comox-Alberni district in particular, have not made the violent protest that has been made in some other sections of the country against the provisions of the Australian Treaty. They realize they were treated fairly when the manufacture and sale of oleomargarine was suspended, and they thought the consumer perhaps should be given an opportunity in certain months of the year to get his butter at a price that would keep it within the limits of his purse. I do not say that our dairy farmers approve of the provisions of the Australian Treaty in that particular, but that point was considered in connection with it; and further, we have the advantage of the growing markets in our immediate vicinity, promoted by the conditions of the Australian Treaty in the way of lumber camps, pulp mills, and so on.

The last item in the programme is simple and easily understood:

> In tariff matters to be guided by the necessities of the industries located in the district.

That, Mr. Speaker, is a simple plank, and yet one capable of a wonderful expansion of thought. Perhaps it explains why I have been criticized at certain times in this House as being willing to vote one day for protection and another day for free trade. I have been told I was inconsistent in that regard. Possibly I was from a tariff point of view, but I was consistent to the ideals and interests of the people that I represent, who are not nearly so much concerned as to which party shall be in power, or whether this party advocates high tariff and some other party low tariff, as they are concerned with the immediate results of the tariff today on the industries in which they are engaged. Therefore the provisions of that plank enable me, as I say, to advocate protection where I see it is necessary for any of our struggling industries, and also under other conditions to advocate free trade.

The other day in connection with the committee dealing with the coal supply of Canada, on behalf of the coal miners and owners of our district I put forward a plea for an increase of the duty on fuel oil, explaining

that the competition of this commodity had nearly driven our mines on Vancouver island out of business, and that unless some relief was provided I was afraid of what the ultimate results might be. They are deep mines, somewhat costly to work, and in some cases being under the sea hon. members from the Maritime provinces will know what that means in added expense. We have sufferred very severely from the competition of fuel oil. It galls us to see millions of money going into the States to bring back this product, which is of no use when it is brought here, except for the actual purpose of fuel for locomotives and steamboats. It is not as if we were sending those large sums of money out in order to bring in some raw material that we could manufacture. Yet when I was making that plea before the committee, this platform enabled me also to say that if the opposition of the Canadian Manufacturers' Association and allied interests, both railways probably, steamboat companies, and so on, made it impossible for the committee and this government to entertain the idea of an increased duty on fuel oil, then we were quite willing and able to take the reverse position and say: If you cannot give us protection, give us free trade. We were quite willing to accept that horn of the dilemma. It would work out in this way. The duties on coal are the only ones in the American tariff which are entirely on what is known as a reciprocal basis—not a basis by which they can be changed by representations to the President of the United States; it is embodied in the tariff act itself. The wording of it is like this:

> That the duty on Canadian coal entering the States will be at all times the same as the duty which Canada imposes on the same class of American coal entering Canada.

A distinction is made not only between coal but between classes of coal. So we find Canada has no duty on anthracite coal because we want it to come in, and therefore there is no duty on our anthracite coal, if we had any, going into the States. As we know, the duty on bituminous coal is now 50 cents a ton, and therefore of course the United States have a corresponding duty of 50 cents a ton against our coal. At one time we had quite a large market for our domestic coal in the cities on the Pacific seaboard of the United States, but we lost that partly on account of the competition of fuel oil, no doubt, but also on account of this duty. If it was taken off and we had free trade in coal, that would mean our coal would be priced in San Francisco 50 cents a ton less than it is to-day, and we would be able to regain part of the large market that we lost in years gone by. That of course would be a very desirable thing for us. I think an increased duty on fuel oil probably would be a greater advantage. But if we could not get the one we were willing to accept the other. I am afraid that might meet with opposition from my Nova Scotia friends, but I am only advocating the views and the distressed condition of the coal miners in my own district.

That completes the brief resumé of the platform which was formulated at the convention and to which I was expected to devote my best energies and my constant attention to get carried into legislation. I was not particularly hampered by being instructed to observe that there was any particular tag on the party that put such legislation into effect. The first plank in the platform says that it is up to me to support that legislation by whatever party or interest it is introduced.

Now, briefly expressed, these are some of the advantages that have accrued to the district I represent by the present government being in power: Soldiers' revaluation—a great boon; old age pensions; the negotiations which are going on steadily and the promise made as regards further restrictions of Japanese immigration. The rural credits bill is also one to which we look forward with a great deal of hope. These were all good bills and conceived in a spirit that we think will make them applicable and serviceable to the district I represent.

Mr. Speaker, it has been alleged that political gratitude is an almost unknown quantity and is best characterized as a lively sense of favours yet to come. From that point of view, dismissing the past, I might say: We have got these things out of this government, and we can now afford to be indifferent to their political fate; what they have given they cannot take away; let us look then rather to the future and see what we can hope to attain by perpetuating the lease of power of this government, or on the other hand, by putting some other party into power. Some of the things that we wish for and want badly I will just briefly mention.

I did not refer to it before, because I was dealing along the lines of our platform, and it was not a part of our platform, but we appreciate the reduction that has been made in the duty on motor cars. That is a thing that I find by letters and correspondence has been very and peculiarly acceptable to the people I represent. Because of our conditons there, and for various reasons that I need not

go into, we are large users of motor cars—more particularly of the cheaper variety. The motor car has gone almost beyond the stage of being a luxury; it has become almost an essential to many our residents. Everybody in business, every farmer, and many other people, are almost compelled to have a motor car, even though it is of the cheaper variety, and the reductions in duty that have been enacted by the present government appeal to us very strongly. For that reason we are interested in the fate of the government inasmuch as we do not want to see these reductions destroyed or taken away. But what could we expect, if there is a change of government and our friends opposite are put into power, but that the old duties will be re-enacted. I think we can be fully justified in anticipating that, because we have listened to over a month now to philippics and fulminations dealing with the improper action of the government in taking those duties off, and it is almost impossible to conceive that our friends opposite would be so lost to their past pledges and statements, and so stultify their actions and their words in this House, as not immediately to re-enact those duties of the removal of which they have complained so bitterly in the past several months.

Then again, we in the Comox-Alberni district, in fact, all over but particularly in that section where we are engaged in dairying, but it applies to the consumer in the small town as well, particularly do not want to see the re-introduction of the manufacture and sale of oleo; and what can we believe but that if our friends opposite get into power a measure of that kind would be immediately introduced, because we know that the chief protagonist of that industry being allowed into Canada was the ex-Minster of Agriculture; in fact, I think at one time when he was sitting on this side of the House he introduced a bill making its continued sale lawful for all time to come, and his vote and the strong, forcible, logical speeches that he made in support of allowing oleo to be manufactured and sold in Canada have convinced us in our district that if his friends get into power, in which event, of course, he will be Minster of Agriculture, one of his earliest actions would be to permit the manufacture and sale of oleo once more. For that reason a large section of us at least would be sorry to see this government go out of power.

Again, we are unwilling to see this government go out of power because we believe, if we can take the statements of hon. gentlemen opposite at their face value—and I would not pretend to do anything less—that if they got into power the Australian treaty would be mutilated, if not entirely destroyed, and that treaty, as I have already said, is one of the most vital things British Columbia can have. It may be said: They will not monkey with the Australian treaty; British Columbia need not be afraid. In that case they will be false to the statements they have made in this House and to the spirit which animated them when they moved a motion of want of confidence in the government on the Australian treaty. It is true that that particular vote of confidence, as I pointed out at the time, was rather subtly worded. It only condemned the government for their actions in connection with certain treaties, but did not specifically mention the Australian treaty. I pointed that out at the time. But I also remember noticing and pointing out that the hon. member who introduced the resolution—just as did my hon. friend in introducing his resolution here to-day, when he immediately proceeded to explain that the spirit of it was the natural resources of Alberta—the hon. member who introduced this other motion of want of confidence in connection with the treaties, while he only spoke of trade treaties in his motion, in his opening sentence and in every sentence thereafter expressed his abhorrence and objection to the Australian treaty as such, and the determination of himself and his friends to do away with it at the earliest possible moment. We cannot conceal these facts from ourselves; we must look forward and anticipate them, and realize that the day that this government goes out of power will be the death knell of the Australian treaty so far as British Columbia is concerned.

There are many other things that we want to obtain in the future. There is, for instance, and this is something that is very strongly favoured by my Progressive friends opposite, and also by the Labour representatives to my right—I think we are all a unit in asking for the introduction of the transferable vote; and there is nothing more certain, if the party opposite gets into power, than that we shall never get it, because we have that position set forth over the signature of the right hon. leader of the opposition. He and his party have a perfect right to entertain such views in that regard, if they see fit, but we cannot escape, and they cannot escape, the knowledge and the responsibility that they hold such views, and therefore if they get into power we at the lower end of this House might as well give up all hope of seeing the transferable vote introduced, which is a matter that is very dear to a large number especially of the labour element in Canada, because they feel

they have not got justice in the past in their representation, and that if we had the transferable vote in the single member seats some step would be taken towards remedying that evil. At least, Mr. Speaker, with the transferable vote we would not have the spectacle of hon. members sitting in this House representing sometimes only 25 per cent of their electors. It is for that, and other reasons that I need not go into, that we think it is highly desirable that we should have the transferable vote, and we know that our only hope of getting that—and I am not sure that it is a very strong hope at that—

11 p.m. is to keep the present government in power.

Our aspirations are also strongly along the line of old age pensions, and we hope and believe that the government will take further steps in that regard. I commend to the government the remarks I have already made about holding a short session at the close of this one, and passing that act again, if it is only as a protest against the action of the other House, to show that we are determined that that legislation sooner or later shall be carried into effect. When we recall the language used by hon. gentlemen opposite in speaking of this old age pension measure—on the very last occasion it was up in the House it was described in the classical language of hon. gentlemen as a washout, abortive, disappointing, and so on—we can hardly expect to find those hon. members eating their words and stultifying themselves in passing an old age pension measure. That is another reason why we believe it would be better to maintain the present government in power.

Now, not so much for failure in the line of government policy, or government legislation, but having regard to certain departmental failures and neglects, there has been more than one occasion during this session when I could and would have lent a very willing ear to a proposition to replace the government by my hon. friends opposite. I kept a very close watch on the discussions that went on to see how much we could expect of the policies to which I was pledged if hon. gentlemen opposite succeeded in reaching the treasury benches. But I must say that the experience has been one of disappointment. Keeping in mind the platform to which I have given expression to-night I could not find that I was going to get a great deal of sympathy from hon. gentlemen opposite if they were placed in power. I have kept in close touch with my constituents, it being a country seat; I believe it to be not only my interest but my duty to do so. I have kept in close touch with every section of my constituency. Letters reach me sometimes containing the declaration, "I did not vote for you and I will never vote for you" but the writers always get a courteous reply. In that way I am at least in touch with the spirit of the people I represent, and having kept my ear well to the ground this session as in previous sessions I cannot find any warrant from any body or any element in those people, more particularly from those who supported me in the campaign, entitling me to throw out the government of to-day for the sake of the party opposite, more especially on an issue of this kind which professes to be wholly in regard to the resources of the province of Alberta, and particularly when we consider that the attitude of the government is not one of refusal, such as was the attitude of the other House in the case of the old age pensions bill, but merely one of delay. Whatever weight there may be in the government's argument it is a matter of disagreement, and you can hardly vote want of confidence in a government because the other party to the contract has not agreed with it.

Now, Mr. Speaker, I have finished my few brief remarks. I am sorry I could not have condensed them, but this is a matter of moment, a matter of great moment. Possibly some of us members sitting here will never again have an opportunity of addressing this House, and I feel at least that I have endeavoured to express in such poor language as I could and to the best of my ability, the wishes, aspirations and desires of the people I represent.

Mr. J. J. DENIS (Joliette): I find that this amendment reads as follows:

> Moved by Mr. Davis, seconded by Mr. Quinn:
> That Mr. Speaker do not now leave the chair but that it be resolved that this House, because of failure to implement promises contained in the Speech from the Throne, and for other causes, has no longer confidence in the present government.

In this amendment are to be found two very different propositions. One is that the government has failed to implement promises contained in the Speech from the Throne; the other is that for other reasons the government should be turned out of power. These two propositions need a definite and distinct answer, and I will try, in the few moments I propose to address the House, to show, first, that there has been no failure to implement the promises contained in the Speech from the Throne, and secondly, that the confidence of the House should not be withdrawn from the government for any other causes.

As to the first proposition, I suppose the mover of the amendment holds that when a government presents a speech from the throne it is bound to adhere to that speech and not deviate from it. I wish to submit to you that if that principle is a correct one, and I doubt it, it has never been followed in the application. Furthermore I affirm that the present administration has adhered to its promises more closely than any previous administration has done. I was present in the House this afternoon when the right hon. leader of the opposition (Mr. Meighen) charged the government with not having fulfilled its promises as set forth in the Speech from the Throne. May I remind the right hon. gentleman that he was a member of a government which not only did not fulfil its promises contained in the Speech from the Throne but introduced into the House matters that were absolutely foreign to that speech. It will be recalled that there were two sessions of parliament in 1919. The second session, which met two months after the close of the first session, was called, according to the Speech from the Throne, in order to ratify the Peace treaty. It was thought that ratification was a necessary proceeding in connection with bringing the war to a conclusion. Was that not a definite condition under which parliament was summoned? There was no reason, outside of that, for convening parliament, because the previous session had been brought to a close only two months before. What happened when the second session opened? The Peace treaty was ratified because it was not a contentious matter, and everybody was in accord with the idea. But after the ratification of the Peace treaty the right hon. gentleman who now leads the opposition brought in a bill for the acquisition of the Grand Trunk railway, which had not been mentioned in the Speech from the Throne, a piece of legislation of a most momentous character in which the people were concerned not to the extent of one or two millions but to the extent of hundred of millions. Now was there anyone at that time who would say that the treaty of peace should not be ratified by parliament? Surely not. After many months of discussion in Europe, and after England had accepted the treaty, it was brought to Canada, and the parliament of Canada was asked to agree to it. I say, therefore, that the reason that session was convened was a very slight one indeed, but the real reason for calling parliament was to consider a bill to acquire the Grand Trunk Railway of Canada at a price of approximately $400,000,000 of the money of the people of Canada. And yet that measure was never mentioned in the Speech from the Throne.

Hon. gentlemen opposite say, "You have not implemented your promises made in the Speech from the Throne". My answer is that the Speech from the Throne is only a tentative programme of proposed legislation. The government is not bound by the terms of the Speech from the Throne. If it is, then I would like the right hon. leader of the opposition to tell me why in 1919, when he himself was the sponsor of the bill for the acquisition of the Grand Trunk Railway of Canada, he did not mention it in the Speech from the Throne.

We are faced with this situation: that the government have prepared a programme for the consideration of parliament. This programme might be good or it might be bad. When the session opened we had a very long debate; a vote was taken and parliament sustained the government. Parliament is master of the situation and might change its judgment from day to day. It is the duty of parliament to follow events and to judge as it thinks fit, but is there any change in the situation now? I cannot see it. Some of my hon. friends in the Progressive group express the view that if they wish to vote against the government on this motion they are perfectly free to do so, but it seems to me that it would not be good policy. This afternoon I listened to the hon. member for Vegreville (Mr. Boutillier). First of all he voted against the government. Why? Because he would not have this government in power. After that what does he do? Well, he supports the government and votes for it day in and day out, and expresses his confidence in the government. But he says: "When the government withdraw their assent to this bill with reference to the natural resources of Alberta, I withdraw my allegiance to the government." If that is the reason it would be a logical one. The government advertised in the Speech from the Throne, almost as loudly as the Germans advertised their victory in the first period of the war, that the natural resources of Alberta were going to be returned to the province. What is the situation? When the government put in the Speech from the Throne this paragraph with reference to the natural resources of Alberta, I assume they knew what they were doing. But hon. gentlemen will understand that they meant that an agreement had been arrived at between representatives of the federal and the provincial governments in relation to the matter. They came to a direct understanding, and not only

did they draft the bill themselves, but every word, every clause of it was accepted by both governments. Does any blame attach to this government for doing that? If the bill was bad, so much the worse for this government. If the bill was good, so much the better for this government.

After that bill had been drafted it was the duty of the federal government in Ottawa and of the government of Alberta to have the bill passed as drafted. What happened? The federal government are ready to have the bill passed and to implement their promises on it, but unfortunately the government of Alberta did not have the bill passed as originally drafted. In the Alberta legislature the bill passed its first and second readings and was put through committee, but when it came to the third reading there was an afterthought and the third reading of the bill as originally drafted did not carry. Where does the blame rest? Does the fault lie with this government or with the government of Alberta? We are not, however, so much interested in this matter; we are interested in knowing whether this government has implemented its promises or not. It has implemented its promises. What this government promised the government of Alberta it gave to the very last inch or cent; it gave everything it had promised. When the session is coming to a close, when communications between the two governments are difficult, when an election is pending in Alberta, is it possible for this government to come to a settlement that would satisfy the country? They did everything in their power; they said: We stand by our guns; what we have promised we will give now, but if you change your opinion we are not responsible for that. That is the position exactly. If there is any strength in the amendment it rests on that, and the hon. gentlemen who moved and seconded the amendment rested their arguments on that. They said that the government did not implement the promises which they made in the Speech from the Throne. Can the government of Canada do anything more than carry out their promises?

As the Minister of Agriculture (Mr. Motherwell) said so rightly to-day, to make a contract you must have two parties. When two parties have agreed to a contract and when the terms of the agreement are clear beyond peradventure, if the contract is broken by default of one of the parties to carry out the agreement, who is responsible? I do not want to cast any slur on the Alberta government, but whose is the responsibility? The Alberta government agreed to the bill. The federal government agreed to the bill. Who changed their minds? The Alberta government. This is public knowledge. Therefore I do not see why this government in the last lap of the session should be condemned because they did not agree to changes which the Alberta government had seen fit in their discretion to make. That is the main point in the amendment, which reads:

> Because of failure to implement promises contained in the Speech from the Throne.

Those who have spoken on the subject have raised the question: Wherein did the government fail? They failed because they did not give Alberta its natural resources. Is that a reasonable or a fair argument? When the Alberta government failed to implement its promises, should this government be blamed because they did not meet the conditions imposed on them by the Alberta government? The matter is so simple and clear that we should not discuss it any longer.

Of course there is something behind this amendment. The second part of the amendment means everything and anything. The hon. member who moved it must be a very poor judge of politics if he could not do better than to say, "and for other causes." What are the "other causes?" I do not know. The government does not know. The opposition does not know. No one knows. The hon. gentleman who moved this amendment should tell the House what these other causes are.

The seconder of the amendment spoke for about three minutes, just the length of time that the mover spoke. I am not reproaching him for that, because I am not in favour of long speeches, but this goes to show that the matter was all framed up in advance. The seconder mentioned as one of the other causes that Maritime rights had been ignored. I am one who wants to give the Maritime provinces their rights. Quebec and Ontario, the two main provinces in this Dominion, are big, prosperous and generous enough to give the Maritime provinces all their needs and rights. But those rights must be defined. What is their definition? The Maritime provinces say, as I understand the matter, that they are in a tight corner; that industries in the Maritimes have vanished. The Martime provinces were not obliged to enter confederation, but they did so on the understanding that the rest of Canada would come to their assistance, and it is the duty of parliament to look into their claim and give whatever relief they are entitled to. We must remember that the tariff that was in force in the United States at the time of the

Canadian confederation has undergone many changes, just as our own tariff has done, and this is something that must be taken into consideration.

Now from what quarter can the Maritime provinces expect relief? I do not want to make a political speech just now, but I modestly suggest it is the Liberal party. That is the party that has helped the Maritime provinces in the past. In the last parliament the Maritime provinces returned sixteen Liberal members from a total of sixteen constituencies, and if they have decided to return a large number of Conservatives on this occasion they have a perfect right to do so. But this does not dispose of Maritime grievances. Last summer I travelled throughout the Maritime provinces, and I must confess that I was struck with the fact that they have not developed either as rapidly or to the same extent as the other provinces have done. Whenever anyone is suffering any hardship he is more than apt to attribute the responsibility to somebody else. The Maritime provinces in 1917 returned a practically unanimous representation against the Liberal party; in 1921 they sent to parliament a practically unanimous representation against the Conservative party; and in 1925 their representation again was almost wholly against the party now in power. I repeat the question I asked a moment ago; Who will give relief to the Maritime provinces? And I submit again that this relief must come from the Liberal party. It must come from the provinces of Quebec and Ontario and, if I may say so, primarily from Quebec, because the same feelings, sentiments and aspirations that animate the people of Quebec animate the people of the Maritime provinces. Yet those provinces in the last election saw fit to sever their cause from that of the Liberal party, which was so strongly supported by Quebec. As I say, they had a perfect right to do so and no one can question their right to do the same thing at any subsequent election. But surely it must be obvious to any student of Canadian history that throughout the last fifty years the sympathies of Quebec have been with the Maritime provinces. It is no secret that the Maritime problem to-day is quite grave, but it is due to a very considerable extent to the geographical situation of the Maritimes.

Now, with reference to the question as to where help for the Maritime provinces will come from, will anyone suggest that the Conservative government between 1911 and 1921 did anything to further the interests of the Maritime provinces? I do not think the suggestion will be made. Yet that government had ten years in which to provide some remedy. They made the Intercolonial railway a part of the national system and they left the Maritime provinces in more straitened circumstances than before. The result was that those provinces in 1921 overwhelmingly defeated that government. They knew that the Conservatives had done nothing for them in ten years. This was perhaps to some extent an injustice to the Conservatives, inasmuch as they could not have found a remedy. But when the Liberal government in four years, from 1921 to 1925, found it equally difficult to provide any specific remedy for the evils of the Maritimes, they turned that government out also. From 1896 to 1911 we had in power in this country what I might call, if I were inclined to boast, the greatest administration this country has ever seen, the government led by Sir Wilfrid Laurier; and if the Maritime provinces did not make any very appreciable progress the reason is, as I have said, to be found in their geographical situation. But let us go back still further. What did the government of Sir John A. Macdonald do for the Maritime provinces? Were they any better off then than they were under Sir Robert Borden or Sir Wilfrid Laurier?

Now, why should it be said that the government has broken faith with the Maritime provinces, that those provinces are dying because of the policies of this government? Mr. Speaker, this is an old tale that has been told for fifty years, in fact ever since confederation. Climate and geography count enormously in the development of states. We have an example in the relative development of Canada and the United States. Geographically they are on a parity for the most part, but the United States enjoys an enormous advantage in point of climate. Hence, although this country has been settled for over three centuries, we have a population of only nine million people as compared with the one hundred and thirty million population of the United States. But we would never think of blaming our ancestors for this disparity. Unfortunately the development of the Maritime provinces has not kept pace with the development of the other provinces of this Dominion, but this is not the fault of the present government or of its predecessors. I have a strong affection for the Maritime provinces, and I say to them that the old province of Quebec will always be willing to extend a helping hand to her sister provinces by the sea.

Now, what is the object of the amendment? First of all, to demonstrate to parliament and the country that the government has not

implemented its promises. There is not the slightest basis for this allegation: the government has implemented its promises to the fullest extent. With the exception of one or two measures, the government has introduced all the legislation promised in the Speech from the Throne, and in addition it has introduced several other measures which were never promised. But is it reasonable to say that the government should follow exactly what is stated in the Speech from the Throne? During the few sessions I have been a member of this House, whether in opposition or as a supporter of the administration, I have never seen any Speech from the Throne implemented to the last line,—100 per cent. After all, the Speech from the Throne is merely a tentative programme of what the government intend to lay before parliament. When was it laid down that such a declaration must be followed to the letter? It has never been done in this country, it has never been done in England. The Speech from the Throne is simply a declaration on the part of the administration that they will bring down certain measures as circumstances may warrant; in other words, certain measures mentioned in the Speech from the Throne might not be introduced, and on the other hand other measures not mentioned at all might under certain circumstances be necessary and accordingly would be sponsored by the government.

At the beginning of my speech I quoted an instance in 1919 when the government of the day brought in a bill for the acquisition of the Grand Trunk railway, a measure which was far and away the most important introduced in the course of that session, and yet it was never mentioned in the Speech from the Throne at all. Summarizing the Speech from the Throne on that occasion—because it is illuminating—it said that it was in the interests of this country that the treaty of peace with the enemy nations should be ratified, and a special session of parliament was convened for that purpose. There was no other reason for convening it and everyone thought that it had been called for the purpose of dealing with the treaty, and nothing else. But it was not that at all. Suppose we had not signed that treaty of peace; what difference would it have made? None at all. The warring nations were already at peace, and no one believed that if we had not had that special session of parliament our soldiers would have been sent back to Europe to fight again. Ratifying the treaty of peace was simply a formality which could have easily been postponed until the next session.



Ostensibly that session was called to ratify the treaty of peace, but in reality it was called to acquire the Grand Trunk railway, and that important measure was never mentioned in the Speech from the Throne.

This afternoon the hon. member for Vegreville said that he had given his allegiance to this government until the government had decided that the natural resources of Alberta should not be returned to that province, but since that time he had been profoundly disappointed, and he could no longer support the government. Let me say, in reply to the hon. member, and to those who sit around him, that from the outset he has been against this government, and he is still. When the first test vote was taken in the House and the government secured a majority of three, the hon. member for Vegreville voted against the government. What was his reason then? Did he know at that time that the Speech from the Throne would not be implemented in regard to Alberta's natural resources? The Speech from the Throne indicated to him that the natural resources of Alberta would be returned to the province. Yet the hon. member voted to turn this government out of power, in order that the natural resources of Alberta should not be returned to the province. He voted to prevent the government from doing what they had promised to do in the Speech from the Throne. That is very plain. Now, where is the sincerity of the hon. member? He voted against this government then, and he is voting against it now. It is plain that he is here to defeat this government whenever he can. There can be no doubt as to his sentiments, and where he stands.

I have no grudge against any member of this House who wants to defeat the government; that is his privilege. As I said on a previous occasion, it is the privilege of parliament to dethrone the government. As my leader has said many times, the government is only a committee of parliament, and therefore when parliament decides at any time to put out a government, that is their privilege. But one should be sincere, and not act under false pretences. To say that the government is not giving justice to the province of Alberta, and that it does not intend to give back its natural resources, is an act of insincerity on the part of the hon. member, but we should not be surprised, because he voted to oust this government at the very first opportunity, this government which had pledged itself to return the natural resources to Alberta.

This question of the return of the natural resources to Alberta, in my opinion, should not be brought into politcs at all. Canada is a fine country, large and prosperous, but for good or for bad Canada has not a homogeneous people. We have in this country different races, peoples with different religons and different aspirations; in fact, Canada is not one country but four countries. Those four countries are, first, the Maritime provinces, which are a country by themselves dating back into history; Quebec and Ontario, another country by themselves; the praire provinces, a third country, different from all the rest; and finally British Columbia, another country. Anyone who considers the situation carefully will understand the difficulties of governing a country like ours. Our natural resources are immense, our wealth is very great indeed. But we have French and English living together, Catholics and Protestants living together, the east and the west joined together, and different interests fighting each other. Under these circumstances it is very easy to arouse racial or religious prejudices. Unfortunately the motive in the present case is to arouse prejudices. I am afraid hon. gentlemen opposite are trying to make a political football of the Alberta question; they are trying to arouse racial and religious prejudices. I hope they will not succeed in that baneful purpose. If I had any advice to give the right hon. leader of the opposition it would be not to seek to make political capital out of such a controversy. Let us look at the problems that confront this country in a broad light. If we do that it will be better for all of us.

12 m.

I have one last word to say and it is that the amendment is purely and simply a political amendment. Its purpose is to try to corner the government. Hon. gentlemen opposite thought that by quietly hatching their plans and bringing in the amendment suddenly they could surprise the government and bring about its defeat. Let me say to them that even if they succeeded there would be no glory for them in a snap vote because they have not acted as they should have done. In olden times when armies were to meet on the field of battle notice was given when the attack would commence. A similar procedure has generally been observed in parliament. Whenever an oppositon desired to challenge the authority of a government it has been the custom, and has been regarded as a duty, to give notice of the action intended. The opposition thought to surprise the government and to what extent they have succeeded I do not know. However, I say this to them: If it is to be a contest for supremacy in this House let it be a real contest, and if my hon. friends can defeat this government without taking it by surprise it will redound to their glory. But they have no right to try to take the government by surprise.

Mr. FERNAND RINFRET (St. James): Mr. Speaker, before the question is put I would crave the indulgence of the House for a few moments while I point out the very peculiar nature of the amendment that has been moved this afternoon. That amendment declares that the government has failed to implement the promises which it placed in the Speech from the Throne. It is rather a strange situation to find the opposition so eager for the government to fulfil promises which they themselves claim are not in the interests of the country. They say that the Speech from the Throne contains certain promises, which they at first criticized, and yet after the House has been in session for over five months, the only fault they find with the government is that it has not carried on those promises. Hon. gentlemen opposite thought the Speech was so bad that they kept on obstructing it for nearly two months. Indeed it was deemed by them to be so bad that it was not possible to get a vote on it until the closure was invoked. Yet now, at the end of a session in which so many things have transpired, the only criticism hon. gentlemen opposite have to bring against the government is that it has not fully implemented the Speech, which they considered to be so objectionable that they constantly obstructed it.

If the government wanted praise from its opponents it could not obtain higher praise than the present debate has yielded. The Speech was submitted to parliament early in January last and for weeks and weeks it was denounced by hon. gentlemen opposite. Every feature of it was regarded by them as nothing but a shameful bargain with certain members of parliament. We have been in session for five months and just when we are about to sum up what has been accomplished, and when the time was appropriate for the leader of the opposition and his party to place their programme before the country, the only taunt they can level at us is, that in their estimation, we have not carried out every promise which the Speech contained. Listening to what we have heard to-day one would think that the Conservative policy in this House is merely to see that the Liberal programme is well and properly

carried out. It was all wrong when it was outlined five months ago, but to-day the government is blamed for not having carried out what the opposition criticised so strongly and at such great length. As a matter of fact the government has carried out its programme. That was amply demonstrated this afternoon and this evening, but hon. gentlemen opposite should be the last people to complain that the government has not fulfilled it promises. And when we go before our electors, whether it be this year or another year, shall we not receive their full endorsation when we can tell them that the programme laid before the House was such a good one that, after five months of session. the only thing the Conservatives could charge against us was that we had forgotten perhaps or left over a very small particle of that programme?

I am not surprised at the tenor of that amendment, but is it not the same kind of amendment that was moved against the budget? We would have thought when the budget was brought down that either the leader of the opposition or one of his main lieutenants would avail himself of the occasion to place before the public that part of the Tory programme that they thought would appeal to the electors, but they did not do so. The only amendment they had to bring before the House, and the only complaint against the budget, was that it was not strictly in accordance, in their estimation, with one of the paragraphs in the Speech from the Throne. Now that we have progressed further in the session they bring down the same kind of amendment. The Liberal programme is so good that if we leave out the least item they rise in their places at once and insist that we put through that item right away. The leader of the opposition goes further and complains that the Senate, where he has a majority of his friends, is killing some of our measures. It is a strange want of confidence, Mr. Speaker,—in fact they have an overconfidence in our programme. They are going to see that we put through the programme, if they think we are not doing it.

That is the effect of the motion before the House to-night. It is the same kind of motion that was introduced against the budget. Oh that budget! Of course in their speeches they said that under the provisions of the budget, industry was going to suffer, automobile people were going to close their factories; and a huge delegation came here. It was never in the mind of the government for a moment to injure that industry. Their only intention was to cheapen the price of automobiles in this country in order that the consumer might be able to buy an automobile at a low price, and when it was discovered that the government was able to lower that price and at the same time take measures to put the manufacturers in a better position, I would have thought my hon. friends on the other side would have risen in their places and congratulated the government on being able to accomplish such an achievement. But they did not do so. They found fault because we were going to ruin the industry, and a few weeks later they found fault because we had discovered a method of helping the industry and at the same time giving a low price to the consumer. Not only are we not going to ruin the automobile industry, but the other day Mr. McLaughlin, who engineered that huge delegation to Ottawa, made a declaration that his factory was going full speed ahead, and not only were they not going to close, but he was going to make an addition to the factory. What is the result of the budget? It lowers the prices to consumers and puts the manufacturers in better shape. Will my hon. friends say we have been wrong twice, in the first instance when we lowered the price, and in the next instance when we helped the manufacturer?

I do not intend to go through the whole Speech from the Throne and show that practically every paragraph of it has been fully covered, because that was done so well this afternoon by the Minister of Agriculture (Mr. Motherwell). But as the right hon. leader of the opposition said, some of those matters are not through parliament; some of them are before parliament yet. Well, we are not responsible for the action of the Senate. I would not go so far as to say my right hon. friend is responsible, but he is closer to the majority in the Senate than we are, and it seems a very strange thing that while some of the matters which have come before us have been discussed at great length, yet they have been passed without difficulty and with the support in many cases of Conservative members. They have been sent to the Senate, and in that body they are having a more perilous journey. Are we going to be held responsible for the actions of a Conservative majority in the Senate? Certainly we are not. I do not think that, after a moment's reflection, the leader of the Tory party will try to sustain such a view.

Then we have the question of the Hudson Bay railway, the hon. member for South Winnipeg (Mr. Rogers) had only one fault to find with the action of the government in that matter. He said we were not going fast enough, we were not spending enough money. Another instance of a Tory member

complaining that we were not proceeding fast enough with the programme of the Liberal party. That is very comforting, and I welcome the motion we have before us to-day, as I welcomed the unexpected support we received from the other side in favour of the Hudson Bay railway. I will admit that in the east quite a number of us entertained some doubts as to the feasibility of the Hudson Bay railway or Hudson bay navigation, yet we support the item in the estimates in that connection. Why? Because we know that public opinion in the west is solidly behind it. In a confederation such as ours we must have regard for the aspirations of the people of every part of this country. We must do something for this province and something for the other province. We are quite willing to spend millions for the completion of the Welland canal. Hon. members on the other side are agreeable to support such items, even without discussion, when it is proposed to spend money either in the west or on the Welland canal, yet become very inquisitive when it is proposed to lend money, which will pay interest, to the harbour of Montreal. Even if we encounter difficulties in securing money for the harbour of Montreal, I am willing to support the Hudson bay vote or the Welland canal vote, because I realize that in all these projects there is more than the spending of a sum of money, the laying of a few miles of railway track, or the deepening of a canal. There is the matter of meeting the wishes of an important portion of the population of Canada, and that is why we vote the money. On this as on other grounds, not only can we say that the government of this country has implemented the promises in the Speech from the Throne, but it has done so with the support from hon. members which in certain cases was given not so much on account of the merits of the measure, as it appeared to our own eyes, as on account of our great desire to meet the wishes of the people of other provinces. The motive which is behind this amendment is of such a character that we should also approach it in the same spirit as we have approached other questions.

According to your ruling, Mr. Speaker, which I very much respect, we are not permitted to discuss to-day the Alberta question. But I think we can go so far as to say that the government, after promising to return to Alberta its natural resources, has fulfilled its promise by bringing down the measure which was fully approved by the Alberta government. If a difficulty has now arisen that can become very grave if we do not deal with it with great delicacy, that is not our fault. The government is going on with that measure. The government has submitted the constitutional difficulties involved to the Supreme Court of Canada. Surely after the government has done that, as a new phase in its effort to restore to Alberta its natural resources, but to do it in such a way that by doing justice on one side it will not create an injustice on the other, the government cannot be blamed now, when the question is before the Supreme Court of Canada, for not dealing with it at this stage.

So there alone remains the question of the amendment to the electoral law. I understand the amendment proposed at the time was the alternative vote, and I am surprised at members on the other side trying to blame us for not going on with that now, because I am sure if we did bring down that measure there is nothing they would fight with more vigour. For one the hon. member for West York would be the first to rise in his place to protest against it.

Sir HENRY DRAYTON: My hon. friend would be with me.

Mr. RINFRET: As every Liberal always does, I will listen to my hon. friend's arguments.

Mr. LAPOINTE: Perhaps he will convince the hon. member.

Mr. RINFRET: Yes. I am always very careful about Tory arguments, and I would also listen to replies from this side of the House. I know the hon. member for West York will find no fault with us if we want to wind up this session without bringing down that amendment to the electoral law.

There is a Liberal programme as contained in the Speech from the Throne, and there is also supposed to be a Conservative programme to be moved in the form of resolutions or amendments from the other side. Where is that programme? Every time my hon. friends opposite find opportunities to move amendments they never move their programme; they move that we do not carry out our programme. That is a most extraordinary stand to take, especially for a party which claims that according to their numbers they should govern this country. What would they do if they should be in the place of this government? They claim that they are great protectionists, but no mention was made of protection during the whole course of the debate on the address. The leader of the opposition (Mr. Meighen) often claims that there are some protectionists on this side of the House. Why does he not try to fish for

them occasionally? Why does he not move an amendment to find out?

Perhaps he thought that on the Address, although they moved everything under the sun, it was not the proper time; that the time would be more proper when we came to discuss the budget. But on that occasion there was no amendment forthcoming on protection. The only time the leader of the opposition made a move in that respect was one Monday evening when the House was practically empty and when we were discussing a motion by private members. He was suddenly taken with a wonderful fit of eagerness to vote for protection that night. There was no one in the House except those who he thought would vote for protection. Why did they not move to-day that they have no confidence in the government because of its tariff policy or something of that kind? I know why. It is because he is not any surer that some members elected in western Canada would be eager to vote for protection than he would have been sure that members from the west in his own party would have voted for a motion to do away with the item for the Hudson Bay railway. In fact the hon. member for South Winnipeg (Mr. Rogers) gave him no opportunity. As soon as that item was before us he rose and said that he wanted more money for that project. There was then no chance for the leader of the opposition to rise next and say that we should not carry that item.

We have heard a great deal from the Maritime provinces, and I congratulate them on the persistence of their claims on behalf of their provinces. They also very carefully avoid discussing the tariff. Perhaps they would vote for protection, but they would rather not. That is why it is not moved, and that is why the leader of the opposition and some of his friends, wishing to express their want of confidence in the government, always take the circuitous way and blame us because we do not do something which, if we do it, they claim is going to be awful for the country.

The House of Commons is not the only tribunal in which the Tory party can proclaim their policy. Perhaps they would rather do it elsewhere. They are a great democratic party, and perhaps they think they would spoil their efforts in not speaking directly to the people if they were to proclaim their policy in this House; but when they meet the masses of the people they are then going to lay down all their Tory policies. The leader of the opposition was in the Forum in Montreal the other day. Did he tell us what was the policy of the Tory party? No; he was too busy explaining by what extraordinary change in his sentiment he now considered that Mr. Patenaude and himself were on the same platform. Mr. Patenaude had been very clear in his declaration during the campaign that he was as independent of Mr. Meighen as he was of Mr. King. If we take that declaration literally it would have been just as proper for the Prime Minister to go to Montreal and appear on the same platform with Mr. Patenaude as for the leader of the Tory party to do so.

Did the leader of the opposition tell us the meaning of his Hamilton speech? That speech, by a mere coincidence, was launched a few days before the Bagot election. Not only do I find fault with my right hon. friend for not making his position in the matter clear at that time, but I am surprised that after five months of this session, when he is so eager to see the government implement its promises, he has not seen fit himself to say anything about what he promised in the Hamilton speech, what he repeated in the county of Bagot, and probably what he forgot the night he found out that the speech had been useless and that Bagot had voted as it did before.

The leader of the opposition was extraordinarily cautious in regard to the Alberta question this afternoon. He would not question the ruling of the Chair for one moment. When he was put a very pertinent question by the Solicitor General (Mr. Cannon) he said that he could not even whisper on the matter because Mr. Speaker had ruled that he would not be in order. That was a different stand from the one he took a week or so ago when he went so far as to dispute a decision given in the House by the Deputy Speaker and to uphold the hon. member for South Oxford (Mr. Sutherland) who was very clearly challenging the dignity and authority of the chair. On that afternoon he would have been ready to go on; but to-day when he was asked what he thought himself on that question, he said he was so respectful of the chair that he would not whisper one word about the matter. There was no speaker in the chair at the Forum, nor was there any decision there that would preclude him from stating his opinion, and if he intended only a few days later to launch this assault upon the government in respect of one single promise which the government is not in a position to implement, how is it that he did not then give his reasons for the course he contemplated? He was too busy explaining why he was then willing to open his arms to Mr. Patenaude, the gentle-

man who was so very much independent of him four or five months ago, but who now is prepared to go hand in hand with him in any further electoral campaigning.

I do not wish to drag out this debate any longer, but I would remind the House, as the hon. member for Labelle (Mr. Bourassa) observed this afternoon, that group government in the present juncture is a necessity and it is equally necessary, so long as that form of government is unavoidable, that legislation should reflect the desires and the aspirations of the different groups constituting the government. Right here I appeal to the sense of honour of the Progressive party. If I were a Progressive I would strongly resent the language which is periodically directed by members of the Conservative party towards hon. gentlemen of that group. Those hon. gentlemen are charged with having bargained with the government, with having sold their votes for legislation. I say, if I were a Progressive I would resent that imputation. The Progressive party has supported the government because the government programme as a whole appeals to that party. It certainly cannot be said that Progressive members have bargained for any particular consideration, and it ill becomes Conservatives to suggest anything of the sort, especially when this House has seen hon. gentlemen opposite week after week offering to the Progressives the same measures which this government put forward in the Speech from the Throne. The Conservatives were ready to do anything at all to secure the support of the Progressive party; in fact, the hon. member for South Wellington (Mr. Guthrie) went so far as to promise that if they would support the motion which at that time his party had submitted, there would be no election. There would be no change of any kind of which the Progressives could complain. He was clear on that point: there would be no election. Now, if I were to hold hon. gentlemen opposite to their own argument, I should say that they have committed themselves to the undertaking that there shall be no election for four years, and therefore they should not press the present motion.

But suppose the motion now under consideration does carry. The Prime Minister (Mr. Mackenzie King) properly remarked this afternoon—and we stand behind him—that in such an event there will be an election. We are ready for it. The country does not want an election, but it will have it if this amendment carries. I regret that the leader of the opposition (Mr. Meighen) is not in his place, because I should like to put a question to him. If we have an election this summer or this fall in the event of this amendment carrying what sort of candidates will he have in the province of Quebec? It is all very well for hon. gentlemen opposite to charge the government with failure to fulfil its promises and, by such charges and hair-splitting, create confusion; but what has the Tory party done in the province of Quebec? If you go back to the year 1911 you will find that they did not have any Conservative candidates in the field to face us. Who therefore will come forward in that province in behalf of the Conservative party to give effect to the promises of hon. gentlemen opposite if this motion of want of confidence carries and an election is brought on? I should like to know that. I know very well what will happen unless there is a great change in the party. In 1911, as the hon. member for Labelle knows better than anyone else, all the Conservatives in Quebec were Nationalists, and in 1917 there was not one Meighen candidate in that province apart from some special seats. In 1921 we had candidates of every shade, the only shade that was missing being the straight Conservative, and in 1925 we had candidates standing for a man who declared that he was as independent of Mr. King as he was of Mr. Meighen. The excuse given in the Forum for this independence on the part of that gentleman was the suggestion that, due to a mistake on the part of the Tory organization, Mr. Patenaude and the right hon. gentleman opposite (Mr. Meighen) did not make it plain that they were working together while apparently pretending to be going in opposite directions. I regret, as I say, that in making these remarks I do so in the absence of the leader of the opposition, but some of his lieutenants are present, and they can answer this question. If this House has no longer any confidence in the government, and if we appeal to the country, can we depend upon meeting straight Conservative candidates who will recognize their leader, who will not be ashamed either of him or of his programme, and who will fight unequivocally for the policy of the Tory party? Can we depend upon meeting Conservative candidates who will stand by the promises of the party—if they can disinter them from oblivion? If we do meet such candidates our task will be so much easier, and after the stand they have taken to-day I do not see how they can escape responsibility.

Hon. R. B. BENNETT (West Calgary): The hon. member who has just taken his seat states that in the event of the amendment

carrying there will be an election. This is the first time I have ever known a private member of the House declare the will of His Excellency under such circumstances as the present.

Mr. RINFRET: That was the declaration of the Prime Minister (Mr. Mackenzie King) this afternoon.

Mr. BENNETT: The declaration of the Prime Minister was that he would advise His Excellency to grant a dissolution; the observation of the hon. gentleman who has just concluded is that there would be an election. It well may be that a government which entirely disregards constitutional practice and procedure may find some consolation in its Prime Minister threatening the House with dissolution, but I venture to say that constitutional practice and procedure would not warrant any governor general in granting a second dissolution to the present Prime Minister. I go further and submit that it is a matter for very careful consideration, to what extent any prime minister is justified in threatening the members of the House with an election.

Mr. MACKENZIE KING: I was not using a threat; I was making a statement as to what would take place.

Mr. BENNETT: The Prime Minister said he would advise His Excellency—

Mr. MACKENZIE KING: So he will.

Mr. BENNETT: —to dissolve parliament.

Mr. MACKENZIE KING: So he will.

Mr. BENNETT: But that is a far cry from a dissolution being granted. It is not customary to grant a second dissolution to the same prime minister under these circumstances. I leave the matter there.

Mr. MACDONALD (Antigonish): You have no authority for that.

Mr. BENNETT: There are numberless authorities.

Mr. MACDONALD (Antigonish): What about Sir John A. Macdonald and Sir Wilfrid Laurier?

Mr. BENNETT: When did Sir Wilfrid Laurier ever obtain a second dissolution after less than a year of office and leading the second group in the House?

Mr. MACDONALD (Antigonish): You are quibbling now.

Mr. BENNETT: No. When did Sir Wilfrid Laurier get a second dissolution?

Some hon. MEMBERS: Never.

Mr. MACDONALD (Antigonish): In 1900, in 1904, in 1908—

Some hon. MEMBERS: Oh, oh.

Mr. MACDONALD (Antigonish): —and, my hon. friend will remember, in 1911, after having served three years of his term.

Mr. BENNETT: I hope the hon. gentleman from Wetaskiwin (Mr. Tobin) will now thump his desk when he realizes that there is no instance of Sir Wilfrid Laurier obtaining a dissolution six, nine or ten months after the first, or even within a year.

Mr. MACKENZIE KING: My hon. friend said that I had cited a precedent. Would he like me to cite him another?

Mr. BENNETT: Surely.

Mr. MACKENZIE KING: Mr. Ramsay MacDonald, after having held office for one session, was granted a dissolution by His Majesty the King.

Mr. BENNETT: I was about to mention that as the conclusive precedent against the Prime Minister, because Mr. Ramsay MacDonald was not a prime minister who had secured office on his own dissolution. He was granted a dissolution when he was beaten in the House of Commons on a motion to go into Supply, the Campbell motion, in which it was charged that the executive authority had been abused by a minister of the crown.

Mr. MACDONALD (Antigonish): Not at all. I may tell my hon. friend that I was in the British House of Commons on the night that the Campbell motion was debated.

Some hon. MEMBERS: Order.

Mr. MACDONALD (Antigonish): My hon. friend has no right to try to draw a red herring across the trail with that as a precedent.

Mr. BENNETT: Now, my hon. friend from Guysborough—formerly from Pictou—must realize that his presence in the galleries of the House of Commons does not necessarily create a precedent. I doubt not there was great appreciation of the honour thus done to the British House of Commons.

Mr. MACDONALD (Antigonish): You are back to your old form.

Mr. BENNETT: But let him recognize the fact that the Campbell resolution condemned the government for what was done by the attorney general in respect of the Campbell prosecution. There was a motion to refer it to a special committee, which was

asked for by Sir John Simon in a very vigorous speech; and Mr. Asquith, who was then in the House, asked the same thing. Mr. Baldwin rose late in the debate, saw exactly what was happening, and said: We are going to end this administration once for all. Then joining with the Liberals, their combined vote defeated the government. Mr. Ramsay MacDonald, as was his right, obtained a dissolution because he held office only at the mercy of the Liberal or the Conservative party. That was the position. But in this instance we have a prime minister who sought a dissolution and a general election in October, 1925, after which he decided to continue in office. Now, under our constitutional practice he would not be granted a second dissolution, but his opponent would be sent for to form a government.

Mr. MACKENZIE KING: Mr. Speaker. may I ask my hon. friend a question?

Mr. BENNETT: Certainly.

Mr. MACKENZIE KING: My hon. friend says, "His opponent would be called upon to form a government." I ask him, how can his opponent form a government, when the minute he assumes office he loses his seat in this House, as does any member of his party whom he may ask to join his government? There is no government to carry on except the government that is in office at the present time.

Mr. BENNETT: I hardly thought it was necessary that we should have any discussion with respect to so simple a matter of constitutional practice and procedure as that. When the Clynes amendment was carried in the British House of Commons, according to that argument there was no government; and yet Mr. Ramsay MacDonald made an arrangement by which Mr. Baldwin moved the adjournment of the House in order to enable him to form his government and carry on—just as will be done in this case—just as was done as far back as 1858 when Mr. Gladstone had to ask his friend to move that the House should be adjourned to enable him to form his government.

Mr. MACDONALD (Antigonish): Will my hon. friend kindly give us any precedent for his peculiar theory that because a prime minister has once held office, and has had a dissolution in the ordinary course, he cannot obtain another dissolution on account of a situation that arises in the House of Commons? There is no such precedent in British constitutional history.

Mr. BENNETT: On the contrary, Mr. Ramsay MacDonald received his dissolution because he had not sought a dissolution previously and obtained the will of the people; that is why. And what is more, the precedents have been reviewed at length with respect to that matter, and the rule laid down by constitutional authorities without end is that the sovereign will not within a reasonable time grant a second dissolution to one who has had a dissolution and sought the will of the electorate without obtaining a majority.

Mr. MACDONALD (Antigonish): Does my hon. friend undertake to say that he can find any precedent in British constitutional history that where a prime minister has held office for the full parliamentary term, and has obtained a dissolution in the ordinary way, thereafter he cannot obtain another dissolution on account of a situation that arises in the House of Commons?

Mr. BENNETT: Certainly. It arose in the province of New Brunswick, it arose in the province of Ontario before confederation, it arose in England—and it will arise in Canada. Why, Mr. Speaker, this endeavour to bluff the mind of the Canadian people into the thought that this threat of an election over a few members in this House will have any effect upon them is unworthy of the institutions of this parliament.

Now, let us for a moment proceed. The amendment invites this House to declare that it has lost confidence in the government because it has failed to implement its promises contained in the Speech from the Throne.

Mr. MEIGHEN: And for other causes.

Mr. BENNETT: And for other causes.

Some hon. MEMBERS: Oh, oh.

Mr. MEIGHEN: Lots of others, too.

Mr. BENNETT: One of the other causes, I think, was apparent to most of the members of this House to-day in the speech of the hon. Minister of Agriculture (Mr. Motherwell).

Mr. MOTHERWELL: Its delivery?

Mr. BENNETT: Perhaps not its delivery, but its subject matter. If there was a further cause, it was the speech of the member for Comox-Alberni (Mr. Neill). Now, Mr. Speaker, twenty years or more have passed away since Alberta became a province. By the rules of this House I am precluded from discussing the terms of a measure which was to be introduced to do tardy justice to that province. In 1905 the journals of this

House will indicate that the Conservative opposition at that time proposed an amendment when the province of Alberta was obtaining its constitution, by which the crown in right of the province would hold our natural resources. At that time the crown in right of the Dominion held our natural resources The Conservative opposition of that day divided the then parliament upon that issue, and they were outvoted. From that day until now the Conservative party have never ceased to demand our natural resources, never for a single day have they ceased to insist on what they conceive to be a just request, that the province of Alberta should stand upon an equality with the older provinces of this confederation with respect to the public domain. That being the position—

Mr. CAHILL: What happened to the Conservative party here in the meantime when they were in power?

Mr. BENNETT: I will come to that if my hon. friend will only possess himself in patience. But for that circumstance I would not have risen to-night. In 1911 the Conservative party came into power. In 1912 they made their first effort to deal with this matter, and before the war broke out the then Minister of Public Works (Mr. Rogers)—he sits here to-night—had proposed to the western provinces that they should receive their natural resources, and, if my memory serves me right, three years of the grant that was then paid. Mr. Scott, the Premier of Saskatchewan, together with Mr. Roblin, the Premier of Manitoba, and Mr. Rutherford, the Premier of Alberta, signed a memorandum by which they indicated that such a proposal was not acceptable to them. But the then government in the province of Alberta began to press for the resources. and you will find upon the records of this parliament declarations made by the members of parliament from Alberta, including myself—I was then a member—both in the House and outside, that we must have justice done to Alberta in that regard. I was blamed because it was said that the provincial government was a Liberal government, and that a Liberal government should not be given these resources. My answer was that it was not a question whether you had a Liberal government or a Conservative government in the province, that we had a right to those resources—

Mr. MACKENZIE KING: Mr. Speaker, I rise to a point of order. I think Your Honour ruled this afternoon that it was not in order for me to refer to the question of the transfer of the natural resources, and I paid respect to Your Honour's ruling.

Mr. SPEAKER: I was about to rise to ask the hon. member if he wanted to discuss the merits of the question or if he was only giving an historical view of it.

Mr. BENNETT: Purely historical.

Mr. SPEAKER: The hon. member is too old a parliamentarian to attempt to evade the ruling I gave this afternoon, and I know he will not do so. I have ruled that according to all the precedents, customs and usages this question must not be discussed on its merits, and I hope the hon. member will live up to those precedents.

Mr. BENNETT: I was merely reciting the historical facts, Mr. Speaker, and that is all I propose to do, because I am precluded by the rules of the House from discussing the merits of the agreement signed on the 9th of January, 1926, and which this House has not considered. I venture to direct attention to the fact that before the war broke out, negotiations had proceeded looking towards the transfer of our resources, or, at least, we will put it this way,—the placing of the resources for administrative purposes in the crown in the right of the province, instead of in the crown in the right of the Dominion. Perhaps that is a fair way to put it. I have pointed out that there was a section of our party that believed that we should not thus proceed because there was an unfriendly government in power at Edmonton. That did not detract from what I believed to be the merits of our case; and speaking for myself and others who thought similarly we continued to press the matter on the attention of the administration.

When the Union government came in, the matter proceeded further and conferences were held between the governments of the western provinces and that administration. Nothing resulted. A new government came into power in Alberta. The government then led by the hon. Minister of the Interior (Mr. Stewart), was defeated by the Farmers' government headed by Mr. Greenfield. They opened negotiations with the federal government, and notwithstanding the fact that the provinces of Saskatchewan and Manitoba did not share the views of the then government of Alberta, an agreement was signed on the 9th day of January, 1926.

Mr. MACKENZIE KING: I rise again, Mr. Speaker, to know whether or not your ruling is to be respected. The very point I sought to touch upon this afternoon was the agreement with the Saskatchewan government and the reason why certain measures were not proceded with, I was told that I was not to touch that phase of the question, which is precisely the phase that my hon. friend is leading up to at the moment.

Mr. SPEAKER: When the right hon. gentleman was speaking this afternoon I suspected that he was going to discuss the merits of the question, but when he explained that he was simply referring to the features of the situation arising out of that so-called agreement, I allowed him to continue. In other words, the ruling is that an hon. member may not, in anticipation, discuss the merits or the demerits of a question which is inscribed on the orders of the day. As regards the history of the case, I cannot object to that.

Mr. BENNETT: On the 9th of January of this year, an agreement was signed between the crown represented by the Minister of Justice (Mr. Lapointe) and the Minister of the Interior (Mr. Stewart) in this House, and the government of the province of Alberta represented by its premier. That agreement was tabled; it was presented to this House. There is a resolution standing upon the order paper, and I cannot under the rules of the House discuss it further than to refer to it in that sense. But this I can say, that I promised the Premier of the province of Alberta that if that agreement were submitted to this House, I would give it my earnest support. By that I stand. I gave that promise to the Premier of Alberta, because that was a considered agreement arrived at after long negociations between the Dominion government and the province, and they had settled all the intricacies and difficulties in connection with it, and they were seeking to have it embodied in legislation by this House.

It is true that Mr. O. M. Biggar went to the province of Alberta, to the city of Edmonton, for the purpose of endeavouring to secure changes in that agreement, and it is equally true that changes were agreed upon, but as the Premier of Alberta has stated, under circumstances that did not permit him to understand properly what those changes were. So at the present moment—

Mr. MACKENZIE KING: I rise to a point of order.

Mr. SPEAKER: The hon. gentleman is going too far now.

Mr. BENNETT: I shall limit myself to saying this: The Premier of Alberta, standing in his place—

Some hon. MEMBERS: Order, order.

Mr. BENNETT: That is not out of order. I am not discussing the agreement. I am discussing merely a political fact. In that statement the Premier of Alberta made it clear that the reason why the province of Alberta did not accept the amended agreement—

Some hon. MEMBERS: Order, order.

Mr. BENNETT: This has been discussed by the Minister of the Interior. I heard him say that this agreement was signed, and that the trouble was that Alberta was not living up to this agreement. I say that Alberta has always been ready and willing to live up to the agreement made on the 9th of January.

Mr. CANNON: Has my hon. friend any authority for saying so?

Mr. BENNETT: I have the authority of the premier of that province, declared in open session of the legislature, by which that legislature unanimously agreed that that agreement should be carried into effect.

Some hon. MEMBERS: Order, order.

Mr. SPEAKER: I would ask the hon. gentleman to bow to the ruling I gave. Surely he is going beyond it.

Mr. MEIGHEN: May I call attention to the fact that the chief part, if there was any part, of the address of the Minister of Agriculture was a complaint against the government of Alberta for having renegged on the agreement?

Mr. BENNETT: Surely as one who has lived in Alberta and for twenty-one years has been associated with this demand for the return of our resources, as one who has never wavered in any sense, I have the right to meet the attack made in this House by the Minister of Agriculture, from Saskatchewan, against the good faith of the province of Alberta in endeavouring to deal with this problem. Surely I have the right to make declaration on behalf of those who are not here to make it, and I am violating no rule with respect to that. I pointed out that the Premier of the province of Alberta made clear in terms that commanded the support of that legislature, unanimously, unquestionably, what had brought about the condition and the impasse that now confronts us—

1 a.m.

Some hon. MEMBERS: Order.

Mr. BENNETT: While it well may be that the question of the return of the resources may not be dealt with here because of the rules of order, I desire on behalf of the province in which I live, and in view of its struggle for twenty years to obtain control of its resources—

Some hon. MEMBERS: Order.

Mr. SPEAKER: If the hon. gentleman will not live up to the ruling I gave this afternoon, who can? He is one of the ablest parliamentarians, and I speak simply from a sense of my duty to the House and to the public when I ask him to abide by that ruling.

Mr. BENNETT: Mr. Speaker, I desire to say at once that I am most anxious to obey the ruling of the Chair, but as I apprehend it, the ruling in May which Your Honour read this afternoon was that regard must be had to the probability of the matter anticipated being brought before the House within a reasonable time. This would enable me at least to recount the historical incidents to which I have alluded. Then there is this further fact that the government—

Mr. SPEAKER: The hon. member is not in order in discussing a ruling given by the Chair. I have read that passage from May to which he refers, and if the hon. member will refer to a few lines preceding, he will find that May says that a matter which is inscribed on the orders of the day must not be discussed in anticipation. Contemporary with the opinion of May, I have read in Brand and Denison at least twenty-five rulings on the same point. This ruling is no invention of mine. It is not invoked for the purpose of preventing discussion. I belong to the minority, and I am for free discussion in a free parliament. I would not like to be suspected of being a czar in the chair; I am endeavouring to live up to the best precedents of the British parliament.

Mr. BENNETT: Mr. Speaker, you misapprehend my observation. The gist of the matter is all contained in one paragraph. What Your Honour has just read was part of the paragraph. What I read was the end of it, that the speaker must have regard to the possibility of the matter anticipated being brought before the House within a reasonable time; and my argument at the moment is not against the ruling of the Chair but against the government, against the Prime Minister, who said yesterday that the return to Alberta of its natural resources was not to be considered this session, and who now seeks to prevent a discussion of the matter. That is what I was endeavouring to argue; I was not seeking to criticize the ruling of the Chair.

Mr. MACKENZIE KING: That is splitting hairs.

Mr. BENNETT: There are not many to split. But let us get to the point for a moment. Yesterday a question was asked about this matter by the hon. member for East Calgary (Mr. Davis) and the Prime Minister stated that the legislation would not be proceeded with this session. I thought the government by dropping the resolution from the order paper at once would afford the necessary facilities so that we who come from the province of Alberta might know why it is that we are refused a measure that was contemplated under the agreement of the 9th of January. That is the only reason I directed attention to the paragraph in May which I have just read. What I have recounted are the historic facts. If next session on the opening day of parliament the government should place this same motion upon the order paper that means we cannot discuss the question of the failure of Alberta to get its natural resources during the next parliament. Surely parliament is not so absolutely precluded from dealing with matters of this kind as to have its rules interposed for that purpose against the free will of the people and the desire expressed in the agreement of the 9th January last. That cannot be so. My purpose in rising to-night was merely to recite the historic facts and to say to my friends from Alberta—whether they be Liberal, or Conservative, or Progressive—that upon those who vote to-night against this amendment will rest the responsibility for the delay in our getting our natural resources. The years may pass, the month may drag into years, and these years may become two, three, four, or five; but the twenty years of effort that resulted in the framing of the agreement of the 9th of January, 1926, will be lost and gone. We who have been struggling through all these years to obtain our natural resources and were willing to support the Farmers' government of Alberta in the fight it made to obtain them are now told that this matter may not be discussed and we have no remedy. That is the position. I may not discuss the reasons, at this time, I may only indicate the facts. I make an appeal to my friends from the province of Alberta. I remind them of the long and painful struggle that took place during the course of many years and which resulted in a change of public opinion; I

remind them of the crusades that were carried on in the elections of 1905 and 1909; I remind them of the change in the opinions of the leaders of the Liberal party, how they went out and told the people that they were mistaken and wrong in 1905 and 1909; how they admitted that they thought differently now and that we should have our resources; I remind them how we rejoiced in that change of heart rather than blame the Liberals for their cupidity and hypocrisy. These things have happened, and now when we are in sight of the promised land we are told that we must be like Moses, die and not see it. I ask my friends from Alberta who belong to the Progressive party how they can go back to their constituents and tell them they were precluded by the rules of the House of Commons from discussing this matter, and yet they must vote confidence in a government that has betrayed them most shamefully with respect to this transaction.

I did not intend to participate in this debate, but when I heard the observations of the Minister of Agriculture, when I heard the apologies of the Minister of the Interior, when I heard the blame that was heaped upon the government of the province of Alberta, and when I saw the attempt that was made to have it said that the government at Edmonton were responsible for the present situation I felt that although I did not belong to the party that had negotiated the terms of this agreement I must range myself on the side of the province. And having regard to the promise which I gave publicly and openly that I would support the agreement of January 9, 1926, I would be recreant to my own past history with respect to this matter, recreant to the trust reposed in me by the constituents that sent me here, if I did not rise in my place and voice a protest against the miserable subterfuge that prevents discussion of this matter and prevents the province of Alberta, perhaps for the next five or six years, from enjoying the right of administering its own natural resources as older provinces of this confederation do. That is the reason I have spoken, and I offer no apology for my action. If I have inadvertently disregarded in the slightest the ruling of the Chair this afternoon, I offer my most humble regrets, because I had no intention of doing so. My only object was to recite the facts I have mentioned, and say to my friends from Alberta that if to-night they vote confidence in this administration they must accept the responsibility of going back to their constituents and telling them that the reason Alberta has not its resources is that they trusted the government of the day and were betrayed.

Hon. LUCIEN CANNON (Solicitor General): My answer to the speech delivered by the hon. member for West Calgary (Mr. Bennett) will be very short. The hon. member in the course of his remarks proclaimed that he respected the decision which the Chair gave this afternoon, that we should not discuss the question of the return of its natural resources to the province of Alberta. But every hon. member has no doubt remarked that most of the hon. gentleman's speech was directed to that question. I will bow to your decision, Mr. Speaker. I shall not follow the hon. member on the ground which he has chosen, but I will simply say, so far as the question of the natural resources of the province of Alberta are concerned, that this government will stand by the agreement entered into in 1905 and will see that the rights of both the majority and the minority in that province are respected. If the hon. member who has just spoken is willing to have an election fought on the question whether the agreement of 1905 is to be nothing but a scrap of paper, and if he wishes to abandon the engagements which have been signed, engagements which have been consecrated by the governments which carried them out for the last twenty years, he is welcome to do so. But, on the other hand, we on the other side of the House are willing to meet him any time. We do not wish, Mr. Speaker, to have in Canada any religious struggles. We do not wish to revive in this country the dissensions which existed thirty and forty years ago; belonging as we do to the Liberal party, we are in favour of respecting the rights of minorities as well as the rights of majorities.

The right hon. leader of the opposition (Mr. Meighen) spoke in the city of Montreal ten days ago. He addressed thousands of the citizens of my province who came to listen to him. Speaking in their own language, what did he say? He said he had become more of a Nationalist than the hon. member for Labelle (Mr. Bourassa).

Mr. MEIGHEN: Mr. Speaker, I do not need to say for the benefit of the hon. member, but for the benefit of other members of the House, I say it as a matter of privilege, that what the hon. member says is untrue.

Mr. CANNON: We have had enough interruptions of that kind from the right hon. leader of the opposition during this session.

Every member of this House can judge for himself the meaning of the speeches delivered by the right hon. gentleman. I have read his speech carefully; I have weighed his remarks pronounced in French and I can pass judgment on them with more accuracy than most of the hon. gentlemen who sit on the other side—more of a Nationalist than the hon. member for Labelle.

Some hon. MEMBERS: Order, order.

Mr. SPEAKER: The hon. member has heard the denial given by the right hon. gentleman, and is bound to accept it.

Mr. CANNON: I bow to your decision, Mr. Speaker, but if the denial of the right hon. gentleman is true, the member for Labelle must have changed considerably.

Some hon. MEMBERS: Order.

Mr. CANNON: Moreover, that speech delivered in Montreal was followed by a declaration from the lips of Mr. Patenaude, who kissed with great bliss the forehead which he had denounced during the election of 1925. The spectacle we witnessed in the city of Montreal was nothing but a prelude to the comedy which we have been invited to witness in the House of Commons to-day. Reconciled with Mr. Patenaude, on a par with the hon. member for Labelle and every Nationalist in our province, the right hon. member has to make his peace with the Orangemen of his party, and how is he going to do it? His usual way, his usual method, the Meighenite in parliamentary affairs, indirectly, adroitly, throwing the religious question into the political battlefield of Canada. He has done it. Unable courageously to fight before the House of Commons the question as it should be fought, unable to come like a man—

Some hon. MEMBERS: Order.

Mr. CANNON: If hon. gentlemen are waking up they will be wider awake in a minute. Unable directly like a man to present his programme, the right hon. member has adopted this means, and I say, Mr. Speaker, that the motion should be voted down. I will explain my reasons very briefly. They are threefold. First, this amendment is not a straightforward way of placing the question before the House. If we are to divide, if we are to show differences of opinion, if we are to show divergence of thought, let the right hon. gentleman have some of his members bring the question up as it should be brought.

Mr. MEIGHEN: Can the hon. gentleman tell us how that can be done so long as the government keeps a blocking motion on the order paper?

[Mr. Cannon.]

Mr. CANNON: So far as the right hon. gentleman is concerned, he had no lessons to receive from me.

Mr. MEIGHEN: Hear, hear.

Mr. CANNON: Secondly, the motion should be voted down because it is not straightforward, it is not fair.

An hon. MEMBER: Answer the question.

Mr. CANNON: If the hon. member who interrupts wants to make a speech, let him make it; I am making one now. The amendment says that this government has not implemented its promises contained in the Speech from the Throne.

An hon. MEMBER: That is right—none of them.

Mr. CANNON: When parliament met on the 7th of January what were the speeches delivered by members on the other side? They said that this government, in order to keep power, was delivering the whole of the country to the Progressives.

Some hon. MEMBERS: No; promising.

Mr. CANNON: That is what they said. I remember in those days the board of strategy was wavering. It had not been established on as solid a basis as it is established now. Some of our friends, the ex-Minister of Finance (Sir Henry Drayton) for instance, would get up and say: We have nothing to do with the western element, the Progressives in this House. But the ex-Solicitor General (Mr. Guthrie) was not so hard to please. He said: If the Speech from the Throne does not please the Progressive members, we will bring in one that may please them better.

We have worked for six months. We have brought in legislation, and mark my words Mr. Speaker, every piece of legislation brought in by this government has been adopted by the House of Commons. Not one of the government bills has been defeated; very few have been challenged, and to-day shall we, those who formed the majority while that legislation was being studied, turn round and say we have been wrong? Shall we, the Liberals on this side and the Progressives at the other end of the chamber, say that our labours for the last six months have been useless and should not be considered?

The right hon. gentleman, through the member who moved this amendment, says that we did not implement the Speech from the Throne. We have passed more progressive,

more liberal, more radical measures during this session than have been passed for many a year. The evidence of that is to be gathered from the Tory press of this country. If we wish to judge whether the legislation which was introduced was Liberal legislation, let us peruse for a minute the reports of the Canadian press directed, influenced and controlled in a large measure by hon. gentlemen who sit opposite to me. Let us think for one moment of what the press said when the budget was being discussed. We stood for radical changes in many ways. We carried them through.

Mr. MEIGHEN: And then changed them back again.

Mr. CANNON: My right hon. friend interrupts. I have great respect for a leader of a party provided that he respects himself. I have always shown great respect for the right hon. gentleman; but if he wishes to interrupt me like a back-bencher does, I will answer him in the same way. I say that this amendment should not be carried because not only is it not straightforward, not only is it not fair, but, thirdly, it would not carry out its object.

What is the object of this amendment? It is censure of the government because the government did not implement the Speech from the Throne. Does anybody in this House outside of the dyed-in-the-wool Tories who surround the leader of the opposition believe for one moment that, were there a change in the government, the Speech from the Throne would be implemented? What measure would the right hon. gentleman if he was Prime Minister to-morrow introduce into parliament to implement the Speech from the Throne? The amendment asks that this House should vote non-confidence in the government because it did not do enough to implement the Speech from the Throne. Can we expect the right hon. gentleman, or his neighbour the ex-Minister of Finance, or his other neighbour the ex-Minister of Public Works (Mr. Rogers) to do anything further?

Suppose when the vote is taken the amendment carries. What will happen? Two alternatives are possible. The first is that this government would resign and that the leader of the opposition would be called upon to form a government. Let us consider this alternative as regards legislation implementing the Speech from the Throne. If to-morrow the right hon. gentleman became Prime Minster, this House would prorogue. Not another piece of legislation would pass. Any legislation which had been initiated and not completely adopted would be dropped. This parliament would cease to exist. Why so? The moment the right hon. gentleman accepted the position of Prime Minster he would cease to become a member of this House and would not be able to sit in this House. The moment he would choose his colleagues—and I hope he would choose our good friend the hon. member for West York—I am sorry to say he would disappear also. There would be in this House fifteen or sixteen empty seats. Does anybody think for one moment that we could carry on?

I hear that many appeals have been made to the Progressives by supposedly constitutional advocates carrying on one arm precedents dating back to Queen Anne and on the other memoirs telling us what Lord Beaconsfield might have said on certain occasions. Our friends who are not learned in the law were told, I understand, that should the right hon. gentleman become Prime Minister we would have no election for two years. Has anybody with a sense of humour the gall to repeat that in this House. If the right hon. gentleman became Prime Minister to-morrow he would be forced, on account of himself and his colleagues not being able to sit in this House, to bring on an election. That is common sense. I do not know what Queen Anne said about the matter. Let us take the other alternative, which is that the Prime Minister—

Mr. RYCKMAN: Which one?

Mr. CANNON: Our Prime Minister (Mr. Mackenzie King), and I am proud of him The Prime Minister would ask for a dissolution. Now I heard a whole lot of constitutional law this afternoon; I have heard a lot more this evening, and I am not going to go into any details. As I said many months ago, common law is ordinary common sense, and constitutional law is common sense applied to public business. This government in January was told by a majority of the House to carry on the business of Canada, and we have done so. We have brought down legislation which has met with the approval of the majority of the House of Commons, and frequently these gallant knights who have spoken to-day did not have the courage to challenge a vote. If we were defeated on this amendment we should have the right to ask for a dissolution—and we shall have it. I heard the hon. member for West Calgary (Mr. Bennett) put the question, "Who ever heard of a prime minister asking twice in succession for a dissolution?"

Mr. BENNETT: Not asking but getting it.

Mr. CANNON: What about Sir Wilfrid Laurier, who was in power fifteen years and carried a number of elections? Was he not granted dissolution? Let us go further, Ramsay MacDonald formed a minority government, and when he was defeated in the House after having introduced his programme he asked His Majesty for a dissolution and he got it. And the crown in England is no different from the crown in Canada, notwithstanding what the hon. member for West Calgary may say to the contrary. I am not going to quote Gladstone; I am not going to quote Disraeli; I am not going to read any books—

Mr. BENNETT: It would be better for you if you did.

Mr. CANNON: The hon. gentleman would like me to read books.

Some hon. MEMBERS: Hear, hear.

Mr. CANNON: Well, I will not follow the hon. gentleman's example and drown my thoughts in a flood of words. This government has submitted to parliament a budget which has produced in the soul of the poor, of the weak and of the downtrodden a ray of hope, and we will not allow hon. gentlemen opposite who represent nothing but the great interests, nothing but selfish ends, to form a government before the electorate of Canada is called upon to decide who shall govern the country. Let us have a vote, and if this government is sustained so much the better.

Some hon. MEMBERS: Oh, oh.

Mr. CANNON: If the government is defeated, then we will go to the country. I fancy I hear someone opposite saying, so much the better if we are defeated.

Some hon. MEMBERS: Hear, hear.

Mr. CANNON: I have no doubt a good many hon. gentlemen would be pleased to take our places, but that is a minor consideration. We are here to represent Canadian interests as a whole, and this is no time for a change of government.

Some hon. MEMBERS: Oh, oh.

Mr. CANNON: Why do I say so? In a few months there is going to be an imperial conference and the League of Nations will meet; in a few months Canada will be called upon to express her views on international problems and on imperial relations.

An hon. MEMBER: War with Turkey?

[Mr. Bennett.]

Mr. CANNON: Hon. gentlemen opposite have shown to-day an extraordinary sympathy for their leader (Mr. Meighen), and if they desire to have that sympathy maintained I would advise them not to talk Turkey. It will hurt the right hon. gentleman. He has taken such a stand, he has spoken on the same question in so many ways, that the less we speak about that subject the better for him. We are the representatives of the Canadian people, and we want as our spokesman, as our mouthpiece, a man whose ideals are Canadian and whose aspirations are the aspirations of the majority of the House.

The House divided on the amendment (Mr. Davis) which was negatived on the following division:

YEAS

Messrs:

Anderson (Toronto High Park),
Anderson (Halton),
Armstrong (Timiskaming South),
Armstrong (Lambton East),
Arthurs,
Baker,
Barber,
Bell (Hamilton West),
Bell (St. Antoine),
Bell (St. John-Albert),
Bennett,
Black (Yukon),
Black (Halifax),
Boutillier,
Bowen,
Boys,
Bury,
Cantley,
Casselman,
Chaplin (Lincoln),
Charters,
Church,
Clark,
Cotnam,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Edwards (Waterloo South),
Edwards (Frontenac-Addington),
Esling,
Fish,
Flemming,
Foster,
Fraser,
Garland (Carleton),
Geary,
Gott,
Grimmer,
Guthrie,
Hamilton,
Hannesson,
Hanson,
Harris,
Hay,
Hocken,
Hodgins,
Hubbs,
Johnstone (Cape Breton North-Victoria),
Kaiser,
Kennedy (Winnipeg South Centre),
Ladner,
Lennox,
Lucas,
MacDona'd (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
Maclean (York South),
McClenaghan,
McGibbon,
McKillop,
McQuarrie,
Maloney,
Manion,
Maybee,
Meighen,
Messervy,
Mewburn,
Morand,
Mullins,
Murphy,
Nicholson,
O'Neill,
Peck,
Pettit,
Preston,
Price,
Quinn,
Robinson,
Rogers,
Ross (Kingston City),
Rowe,
Ryckman,
Ryerson,
Senn,
Short,
Simpson,
Sinclair,
Smith,
Smoke,

Spence (Parkdale),
Stansell,
Stevens,
Stewart (Leeds),
Stinson,
Stirling,
Sutherland (Oxford South),
Sutherland (Oxford North),
Thompson,
Tolmie,
Tummon,
White (Mount Royal),
Wilson (Wentworth),
Wright.—107.

NAYS

Messrs:

Baldwin,
Beaubien,
Benoit,
Bettez,
Bird,
Boivin,
Bothwell,
Bouchard,
Boucher,
Bourassa,
Brown,
Cahill,
Campbell,
Cannon,
Cardin,
Carmichael,
Casgrain,
Coote,
Delisle,
Denis (St. Denis),
Denis (Joliette),
Desaulniers,
Descouteaux,
Dionne,
Donaghy,
Donnelly,
Duff,
Dunning,
Dussault,
Elliott,
Euler,
Evans,
Evanturel,
Fafard,
Fansher,
Fiset (Sir Eugene),
Forke,
Fournier,
Gardiner,
Garland (Bow River),
Gervais,
Girouard,
Goodison,
Goulet,
Guérin,
Hall,
Hatfield,
Heaps,
Heenan,
Howard,
Howden,
Jelliff,
Jenkins,
Johnston (Long Lake),
Kay,
Kennedy (Peace River),
King (Huron North),
King (Kootenay East),
King, Mackenzie (Prince Albert),
Lacombe,
Laflamme,
Lanctot,
Langlois,
Lapierre,
Lapointe,
Lavigueur,
Letellier,
Lovie,
Macdonald (Glengarry),
Macdonald (Antigonish-Guysborough),
MacLean (Prince),
McLean (Melfort),
Macphail (Miss),
McIntosh,
McKenzie,
McMillan,
McPhee,
Malcolm,
Mercier (Laurier-Outremont),
Mercier (St. Henri),
Millar,
Morin (Bagot),
Morin (St. Hyacinthe-Rouville),
Motherwell,
Neill,
Perras,
Pouliot,
Power,
Raymond,
Rinfret,
Robb,
Roberge,
Robichaud,
Robitaille,
Ross (Moose Jaw),
St-Père,
Sanderson,
Séguin,
Spence (Maple Creek),
Spencer,
Steedsman,
Stewart (Edmonton West),
Stork,
Tobin (Richmond-Wolfe),
Tobin (Wetaskiwin),
Totzke,
Vallance,
Verville,
Ward,
Wilson (Vaudreuil-Soulanges),
Woodsworth,
Young (Saskatoon),
Young (Weyburn).—113.

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

Jacobs — Bristol,
Deslauriers — Langworthy,
Parent — Chaplin (Kent),
Fontaine — Chabot,
Marcil — Perley,
Dubuc — White (London),
Cross — Embury,
Gershaw — Culligan,
Rhéaume — MacNutt,
Prévost — Cahan.

Mr. CAHAN: Mr. Speaker, I was paired with the hon. member for Terrebonne (Mr. Prevost).

Mr. JACOBS: Mr. Speaker, I was paired with the hon. member for Toronto East Centre (Mr. Bristol).

Mr. RHEAUME (Translation): Mr. Speaker, I was paired with the hon. member for Colchester (Mr. MacNutt. Had I voted I would have voted against the amendment.

Mr. DESLAURIERS (Translation): Mr. Speaker, I was paired with the hon. member for Port Arthur-Thunder Bay (Mr. Langworthy). Had I voted I would have voted against the amendment.

Mr. CHAPLIN (Kent): Mr. Speaker, I was paired with the member for Quebec West (Mr. Parent).

Main motion (Mr. Robb) agreed to on same division reversed, and the House went into committee of Supply, Mr. Duff in the chair.

IMMIGRATION AND COLONIZATION

Immigration and Colonization—Immigration outside service—salaries, $800,000.

Mr. ROGERS: Are we going on now?

Mr. STEWART (Edmonton): No, I simply desired to get into the committee stage with these estimates, because they have not been taken up.

Progress reported.

Mr. MEIGHEN: What will be the business for to-morrow, please, and in what order will it be taken?

Mr. MACKENZIE KING: I am not in a position to say as to the order. I think we had better take the same busines as announced for to-day, or for yesterday as it is now. I purpose taking up the resolution that appears in the order paper standing in my name with respect to the signature and ratification of treaties. I would like to be able to say that

that will be the first order of business. I hope it may, but I do not wish to say so definitely.

On motion of Mr. Mackenzie King the House adjourned at 2.15 a.m. (Wednesday).

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## Wednesday, June 16, 1926.

The House met at two o'clock.

## INDUSTRIAL AND INTERNATIONAL RELATIONS

Mr. C. R. McINTOSH (North Battleford) presented the second and final report of the select standing committee on Industrial and International Relations, as follows:

Wednesday, June 16, 1926.

The select standing committee on Industrial and International Relations beg leave to present the following as their second and final report.

In the House of Commons on March 17th, the resolution, "That in the opinion of this House a wage sufficient to provide for a reasonable standard of living should constitute a legal minimum wage" was referred to the select standing committee on Industrial and International Relations for examination and report.

Your committee has held several meetings and made a careful examination of the said resolution, having regard to the labour provisions of the Treaties of Peace and the jurisdiction of the Dominion parliament, and the provincial legislatures. Six witnesses in all were examined. The witnesses who appeared before your committee and the subjects respectively dealt with were:—Assistant Deputy Minister of Labour, Gerald H. Brown, who traced the history of minimum wage legislation in Canada and the contribution the federal Department of Labour was trying to make to the effective solution of the many problems arising in the realm of labour in the Dominion; W. Stuart Edwards, Deputy Minister of Justice, who gave a legal opinion on the question of jurisdiction involved in the resolution under examination; C. W. Bolton, statistician, Labour department, who took up the question of family budgets considered from the point of view of living wages; Margaret S. Gould, Research department of the Canadian Brotherhood of Railway Employees, who further continued the discussion in a specific and detailed manner on family budgets; Albert Hewitson, departmental superintendent, Canadian Colored Cottons Limited, Cornwall, Ontario, who made a statement of the wages and conditions existing in a typical Ontario factory town; and Dr. J. W. MacMillan, Chairman of the Minimum Wage board, who explained minimum wage administration.

The labour principles embodied in the Treaty of Versailles and the other Treaties of Peace recognized the well-being physically, morally and intellectually of industrial wage earners. They are nine in number, the third of which is "The payment to the employees of a wage adequate to maintain a reasonable standard of living as this is understood in their time and country". The latter clause of the Peace Treaty was explained by Gerald H. Brown, Assistant Deputy Minister of Labour, when he gave evidence to the effect that "The labour part of the Peace Treaties opens with the declaration that if we are going to have peace in the world it must be based on social justice, and there must be a world-wide acceptance of reasonable living and working conditions, and that the principle which is enunciated in the Peace Treaties, and the principle which has already been endorsed by Canada through its acceptance of the Peace Treaties and its approval by Parliament and ratification by proper diplomatic authorities on our behalf constitute acceptance of the idea of minimum wages".

The evidence presented by Dr. MacMillan showed that the principle of the minimum wage as applied to women was working out most satisfactorily. His words, "The very convincing appeal which the Minimum Wage principle makes to the world, is of this nature; it is an assertion of the preciousness, or if you prefer sacredness; the supreme sacredness of human life—the right of the worker to live from his work". Dr. MacMillan further states that if the principle has been applied to women workers and found satisfactory there is no reason why its scope should not be extended to men. He says, "There seems to be no reason why if this principle is good for women's wages, it should not be applied at least to some classes of men's wages, as a provision that the proper type of law should first be passed and then that the proper type of administration of this law should be applied. It is to be noted in this connection that the British Columbia Legislature at its last session passed a minimum wage act for men applicable to most phases of industrial activities, and that the board appointed to carry out the act is now engaged obtaining data and evidence to enable it to fix the minimum wage for the lumbering industry, the first industry to be dealt with.

The evidence of family budgets given by Mr. Bolton and Miss Gould showed the items of family expenditures and the cost in Canada of such budgets. The evidence also showed that some workers in Canada are receiving less than will enable them to adequately maintain this standard. Such an injustice is manifestly unfair and unbusinesslike inasmuch as it costs the country much, involving, as it does, an excess of unrest, ill-health and crime.

It was stated by the Deputy Minister of Justice that according to the British North America Act legislative jurisdiction in regard to minimum wages is vested primarily in the provincial legislatures. He also quoted section 132 as follows: "The Parliament of Canada shall have all powers necessary or proper for performing the obligations of Canada or any provinces thereof as part of the British Empire, towards foreign countries, arising out of any treaty between the empire and such foreign countries". Commenting on this he said "There can be no doubt that where Canada has entered into an obligation by treaty—and in that connection I mean an association with the empire of course—within the meaning of section 132, which I have just read—I do not think there is any doubt but that parliament has power to legislate for the purpose of carrying into effect the provision of the treaty". This opinion goes to show that the British North America Act by no means contemplated industrial problems of the kind and scope to which Canadians to-day must adjust themselves.

Your committee accordingly recommend (a) That a conference of provincial and Dominion representatives intimately in touch with labour conditions throughout Canada be held in the near future to consult as to the

best means to be employed of giving effect to the labour provisions of the Treaties of Peace; (b) That 10,000 copies of the present report and the evidence upon which it is based be printed, these to be distributed by the Department of Labour, and that Rule 74 be suspended in connection therewith.

All of which is respectfully submitted,

CAMERON R. McINTOSH,
Chairman.

## PEACE RIVER ELECTION

### MOTION THAT PETITION OF J. A. COLLINS BE READ AND RECEIVED

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Mr. Speaker, I desire to move to-day the motion which has stood in my name for some days:

That notwithstanding the report of the Clerk of Petitions the petition of James Arthur Collins presented to the House on the 27th day of May, 1926, be read and received.

Right Hon. W. L. MACKENZIE KING (Prime Minister): Before my right hon. friend rises to speak on this motion I would like to get the ruling of Your Honour as to whether the motion can properly be entertained by the House. As I understand the matter the prayer of the petition is identical with the one which was held to be of a character which could not be received by the House. If that be the case, this petition is in the same category.

Mr. MEIGHEN: All I need contend is that there is certainly no rule which prevents the House from deciding itself whether a petition be read and received or not, and that is what this motion says.

Hon. ERNEST LAPOINTE (Minister of Justice): So far as I can ascertain from instances in which similar petitions have been presented to this House, in each of those instances of which there are two, only one of them being in the records of this House, His Honour the Speaker has ruled that the petition should not be accepted for reasons given by him in his ruling. Therefore it is for Your Honour to decide whether or not this petition should be received, subject of course to an appeal from your ruling as was done in regard to a similar petition a couple of weeks ago while I was not here.

Hon. GEORGE H. BOIVIN (Minister of Customs and Excise): If I understand the matter correctly it has already been decided by the Examiner of Petitions and, I think, ruled by Your Honour that the essential part of the prayer of the petition presently before the House and about to be considered in the debate on this motion is identical with the one refused by Your Honour a few weeks previously. If that be the case the present motion is nothing but a renewal of the appeal taken by the right hon. gentleman himself against your ruling when it was first made. I ask myself if this second appeal from a ruling of the Speaker in the form of a motion is in order. I beg to remind Your Honour of the well known passage in both Bourinot and May which says that a matter which has once been debated and discussed, which has once been decided by the House of Commons, cannot be revived for debate or discussion during the same session. In my humble opinion the motion which is now before the House is merely a request that the House itself decide that your ruling was wrong; in other words, that the House vote again upon a matter upon which it has already voted. I claim that that is not in order.

Mr. MEIGHEN: The ground I stated first is the ground upon which I stand, namely, that there is no rule which prevents the House from deciding whether a petition be read and received or not. Moreover this petition differs from the other petition in two very important respects. It sets out a ground which was not set out in the other petition, a ground which goes to the very root of the judgment given by Your Honour in respect of the other petition, namely, which discloses, if it can be supported, that this parliament has not relegated to the courts, but on the contrary has forbidden the courts to try such a question as is raised in this petition, has disarmed and disempowered the courts so that we cannot go there and present the evidence essential to establish our case.

That ground is recited in this petition; it was not in the other petition. I cannot emphasize too strongly the fact that not only does it go to the heart, but it is the heart of the whole problem for the reason that we have nowhere else we can go. Further the petition asks that this House review the conduct of its officers and that the House apply such remedy as it sees fit, the remedy not being specified in the petition. Surely such a petition could be received; but beyond all that my contention is that a motion to read and receive a petition is in order. Any motion is in order in this House; I do not know of any motion that is not in order. An hon. member can move as he desires. The Speaker certainly can rule on the form or matter of the petition, but a member has the right to move anything he desires whether it is before the House or not. If it is not, he can put it before the House by a motion.

Mr. SPEAKER: I have carefully studied this question since the motion appeared on the order paper and I will now give the decision which I have reached. In this case the Right Hon. Mr. Meighen has the right to make a motion that the petition be received, which is the common form of motion in regard to public petitions, and it could also be made as a matter of privilege. The right of petitioning the House is an old and established principle to be jealously preserved.

A distinction, however, must be drawn between petitions relating to matters of public interest and those relating to controverted elections. In the former case, the right of petition is unimpaired. In the latter, it is clear that a petition complaining of the undue election of a member and questioning the right of an hon. member to his seat, cannot be received by the House, as such a petition is in conflict with the letter and spirit of the statutes respecting the trial of controverted elections. The House in this case has no jurisdiction to interfere.

The amended petition in this case has two distinct requests. The first relates to the conduct of certain electoral officers, and is unquestionably within the jurisdiction of the House. The House retains its power over its own officers, and will receive a petition that prays that the House of Commons will investigate the conduct of the Chief Electoral Officer, the deputy returning officers, or other officers, in any particular.

The second request is essentially a different matter, and a very serious proposition, that such officers shall be authorized to take such action as may be requisite to secure the return to the House of any one of the candidates at an election. There is here involved, in another form, the same controversial question as to an election which is now pending before the tribunal established by law for the decision of such questions. Parliament has never entrusted such duties to its officers. By statute the judges are to decide such matters.

Part of this prayer is within the jurisdiction of the House, and part beyond that jurisdiction. It seems to be a case where the House cannot afford any practical relief, or investigate the complaint except in a limited degree as respects its own officers. Such a petition may be ordered to lie on the table on the ground that the relief prayed for is partly within the power of the House, though not likely to be afforded.

It is for the House to judge and determine whether this petition should lie on the table and thus become one of the permanent records of the House. The House has always maintained the undoubted constitutional rights of the people to complain of grievances, and to pray for their redress, but while that is so, the House itself must take into serious consideration the question of devolving upon its officers such large responsibilities as are involved in the prayer of this petition.

I have asked the House to take this responsibility, notwithstanding that I have already ruled that the petition as first presented though differently drafted was not receivable, not because I believe that ruling to have been wrong, but for the reason that I find in Blackmore's Speakers' Decisions, 1857-1884, a case somewhat similar to that now in question. At page 238 there appears a ruling by Mr. Speaker Brand from which I quote:

> In the event of a special report from the Public Petitions committee,—

I may observe here that in the British parliament there is no officer corresponding to our Examiner of Petitions, but there is a Public Petitions committee.

> —in reference to a petition, the House, not the Speaker, decides whether it should lie upon the table.

I need not enter into details, but after a lengthy debate Mr. Speaker Brand said:

> It is for the House, and not for me, to judge and determine whether the petition now under the consideration of the House should lie upon the table, and thus become one of the permanent records of the House. The House has always maintained the undoubted constitutional rights of the people to complain of grievances, and to pray for their redress; but that right may be abused, and the question for the consideration of the House now is, whether the petitioners in the present case have not abused the right of petitioning, which they undoubtedly possess.

This is the only point on which the House is called upon to declare, and for that reason I leave the responsibility to the House.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): I regret very much that owing to the action of the administration the culmination of the present question has been so long delayed, and I add to that a regret that because of my own absence—

Mr. SPEAKER: May I interrupt the right hon. member? As the debate proceeds it is possible that frequent reference will be made to the contents of the petition. The ordinary usage under the rules in the British House of Commons—there are precedents on the point—is for the petition first to be read by the Clerk of the House. See Blackmore's Speaker's Decisions, page 235, a ruling by Speaker Brand in the Tichborne case. Perhaps the hon. member for West Calgary (Mr. Bennett) would move that the petition be read by the Clerk.

On motion of Mr. Bennett the Clerk Assistant read the petition as follows:

To the Honourable the members of the House of Commons in parliament assembled.

The petition of the undersigned, James Arthur Collins, of Chisholm, in the province of Alberta, lumberman,

Humbly sheweth:

1. That an election was held on the 29th day of October, A.D. 1925, for the electoral district of Peace River, to elect a member to represent the said electoral district in the House of Commons of Canada.

2. That the candidates at the election were: Donald Macbeth Kennedy, William Archibald Rae, and your petitioner, James Arthur Collins.

3. That Edward Henry Sheppard was the returning officer at said election, and on the 26th day of November, A.D. 1925, declared the said Donald Macbeth Kennedy duly elected to represent the said electoral district in the fifteenth parliament of Canada.

4. That pursuant to the provisions of the Dominion Elections Act, in that behalf, a recount of the votes cast at the said election was held from the first until the eighteenth days of December, 1925, at the city of Edmonton, by His Honour Judge Mahaffy, and at the conclusion of said recount the said judge certified that 3,986 votes had been cast in favour of Donald Macbeth Kennedy; 3,944 votes had been cast in favour of William Archibald Rae; and 3,969 votes had been cast in favour of your petitioner, James Arthur Collins, and directed that the said Donald Macbeth Kennedy be declared elected to represent the said electoral district in the fifteeth parliament of Canada by a majority of seventeen votes over your petitioner.

5. That on the second day of January the said Donald Macbeth Kennedy was gazetted as the member returned for the electoral district of Peace River to serve in the House of Commons of Canada, and he has taken his seat in such House of Commons.

6. That on or about the 26th day of February, A.D. 1926, proceedings under the Controverted Elections Act were taken by one John B. Page against the said Donald Macbeth Kennedy, but no such proceedings have been taken by your petitioner, or by anyone on his behalf.

7. That at the said election, the said electoral district of Peace River was subdivided into 298 polling divisions, number four of such divisions being known as Brule Mines poll.

8. At the final recount by His Honour Judge Mahaffy, as aforesaid, showed that at Brule Mines poll, being poll number four as aforesaid, twelve votes were cast in favour of Donald Macbeth Kennedy and 127 votes in favour of William Archibald Rae, and twenty-one votes in favour of your petitioner.

9. That at least 111 electors voted for your petitioner at Brule Mines poll, No. 4, aforesaid, but through the action of the deputy returning officer, one Peter A. Robb, and other persons, to your petitioner unknown, ballots were fraudulently manipulated to produce the result mentioned in the next preceding paragraph of this petition.

10. That on or about the 18th day of January, 1926, the said Peter A. Robb, deputy returning officer, aforesaid, was charged before the Honourable Chief Justice Simmons of the trial division of the Supreme Court of Alberta.

"For that he, the said Peter A. Robb on or about the 29th day of October, A.D. 1925, at polling division No. 4 at Brule Mines in the province of Alberta, at an election held under and by virtue of the Dominion Elections Act for the election of a person to serve in the House of Commons of Canada in and for the electoral district of Peace River, in the province aforesaid, did fraudulently destroy a number of ballot papers used by voters at the time and place aforesaid.

And also for that he, the said Peter A. Robb, on or about the 29th day of October, A.D. 1925, at polling division No. 4, at Brule Mines, aforesaid, at an election held under and by virtue of the Dominion Elections Act for the election of a person to serve in the House of Commons of Canada in and for the electoral district of Peace River, did fraudulently put into the ballot box, used in connection with the said poll, papers other than the ballot papers which he, the said Peter A. Robb, was authorized by law to put in the said ballot box.

And also for that he, the said Peter A. Robb, on or about the 29th day of October, A.D. 1925, at polling division No. 4 at Brule Mines in the province of Alberta at an election under and by virtue of the Dominion Elections Act for the election of a person to serve in the House of Commons of Canada in and for the electoral district of Peace River in the province of Alberta and being a deputy returning officer at said polling division No. 4 did fraudulently put otherwise than as authorized by the said Dominion Elections Act, his initials on the back of papers purporting to be, or capable of being used as ballot papers for the said election," to which said charges the said Peter A. Robb pleaded, "Not guilty."

11. That the trial of the said Peter A. Robb commenced at Edmonton, Alberta, on Monday, the 29th day of March, 1926, before the Honourable Mr. Justice Walsh of the trial division of the Supreme Court of Alberta and a jury, and at the conclusion of the said trial on the first day of April, 1926, the said Peter A. Robb was found guilty by the said jury on all the three charges aforesaid (as amended at the said trial) and was sentenced by the Honourable Mr. Justice Walsh to imprisonment for five years in the penitentiary at Prince Albert with hard labour, for each of the said offences, such sentences to run concurrently. A certified copy of the proceedings at the said trial accompanies this petition.

12. That the evidence of a number of electors who voted at Brule Mines poll No. 4 aforesaid was given at the said trial referred to in paragraph 11 hereof: that in giving their evidence the said electors stated for whom they had voted and thereby established that the said Peter A. Robb did fraudulently destroy a number of ballot papers used by the said electors, that he, the said Peter A. Robb, did fraudulently put into a ballot box used at the said poll, papers other than the ballot papers, which he was authorized by law to put in the said ballot box, and also that he the said Peter A. Robb did fraudulently put otherwise than as authorized by the said Dominion Elections Act his initials on the back of papers purporting to be or capable of being used as ballot papers for the said election.

13. That absolutely essential evidence available to your petitioner to establish the fraudulent manipulation of ballot papers at Brule Mines poll No. 4 aforesaid is necessarily that of the said electors who voted at such poll and gave their testimony at the trial of the said Peter A. Robb.

14. That said electors who voted at Brule Mines poll No. 4 aforesaid cannot under the law be permitted to give evidence as to how they voted at the said election in proceedings under the Controverted Elections Act or in any legal proceedings other than in criminal cases.

15. That consequently there is no tribunal in the Dominion of Canada with power to make the inquiries necessary to establish the facts alleged in this petition or with jurisdiction to provide the remedy for the wrong which has been done your petitioner other than the House of Commons of Canada.

16. That the fraud and irregularities complained of herein were the fraud and irregularities of an officer or officers of the House of Commons of Canada committed prior to, at and subsequent to the taking of the vote of the electors and the closing of the said Brule Mines poll No. 4.

17. That the fraud and irregularities of the said officer or officers deprived your petitioner of his seat in the House of Commons for said electoral district of Peace River, your petitioner having at the said election held on the 29th day of October for said electoral district received more votes than did either the said Donald Macbeth Kennedy or William Archibald Rae.

Wherefore your petitioner prays that the House of Commons will investigate the conduct of the Chief Electoral Officer of Canada, the returning officer for the electoral district of Peace River, Edward Henry Sheppard aforesaid, the deputy returning officer, Peter A. Robb aforesaid, and such other officer or officers as may be necessary in connection with the establishing of a polling place at Brule Mines poll No. 4 aforesaid, and the taking of, the counting and recounting the votes cast at such poll in the electoral district of Peace River aforesaid, and that such Chief Electoral Officer, returning officer, deputy returning officer or other officer or officers be directed to take such action as may be requisite and necessary to secure the return to the House of Commons of the candidate who secured the greatest number of votes cast by the electors of the electoral district of Peace River on the 29th of October, 1925, aforesaid, and for such other and further relief as may seem meet in the premises.

And your petitioner, as in duty bound, will ever pray.

(S) JAMES ARTHUR COLLINS.

Witness:
Lyda S. Roche.

Mr. MEIGHEN: I was about to express my regret that, due to absence, I was not able to move this motion as soon as I should like to have done. It is a motion which peculiarly calls for immediate decision. Hon. members will recall the debate which took place in this House some days ago. Inasmuch however as that debate was merely on the point of order, it was not one which had been thoroughly prepared in advance and such as hon. members are entitled to before taking the responsibility of so far-reaching and serious a decision as is involved in the rejection of a petition of this character. In the course of that debate, however, some consideration was given to the state of our constitution and practice as related to inquiry into matters affecting an election or post-election proceedings under the charge of officers of parliament. Several authorities were quoted with a view to showing that parliament had disrobed itself of jurisdiction not only to inquire into any matter that had some connection with an election, but of jurisdiction to receive a petition praying for relief in respect of injury brought about by officers of parliament.

The cases recited narrow down to a very limited number, and naturally they are all of a date subsequent to the passage by this parliament of our Controverted Elections Act. As everyone is aware, prior to the passing of that act in 1873, as prior to the passing of the British act at an earlier date, election petitions, that is to say, petitions going to the very character and method of the conduct of an election, were tried by special committees of this House and of the British House respectively under formulated rules. This process in course of time became not only burdensome but inappropriate, and in Britain, as here, legislation was passed which relegated this duty to the courts and for the most part, if not altogether, empowered the courts to discharge the duty so relegated. The case quoted first of all was some ruling as to the receipt of a petition which at the present time we do not need further to take into account, but which really had no relevancy to this case at all, as I will later show with the utmost plainness. Another case was quoted which showed that parliament would not consider an appeal by a litigant in a controverted elections case to have the House of Commons reverse the judgment of the court. I never for a moment would question the propriety of that decision. It also has no relevancy to this case whatever.

Then came what is known as the Baird case in 1887, and to this I hasten because it is really the controlling factor of this whole problem, and a proper understanding of the speeches made in this House in connection with the Baird case will indeed enable hon. members who come to the question dispassionately to arrive at a conclusion upon this motion and the proceedings which should follow this motion with little or no difficulty. Very able addresses were then presented to parliament, some of which have been quoted; hon. members of the Liberal party of that day argued with great ability that parliament had not relegated anything to the courts save such things as theretofore had been tried and disposed of by committees, that there were many things that parliament disposed of without the committees, and that consequently these were still within the purview of parliament. I do not need to review the discussion on that phase of the matter; I only emphasize the fact that most of the discussion took place on that point. I take the view, which I believe to be thoroughly upheld by the Baird case, that parliament has not, to express it exactly, emptied itself of jurisdiction in this matter at all; I take the view that parliament has not emptied itself of jurisdiction in respect of any election matter or any matter affecting the right of a member to sit in this House. What parliament has done is to make it the duty of the courts to exercise that jurisdiction; the courts have been empowered to do so and consequently, as expressed by

Sir John Thompson in his argument on the Baird case in parliament, the task and duty was relegated to the courts. That being so parliament should not itself re-exercise that right. With Sir John Thompson's words in that respect I am in complete accord, and hon. members will later see why I take such pains to emphasize this point.

I pause to remark, although I do not need to establish it to justify or indeed compel, so far as arguments can compel, this House to pass this motion, that the point itself is of consequence as being very closely related to the merits of the motion now before parliament. I want to read the words of Sir John Thompson in this regard, and it is to be noted that his language was very carefully selected indeed. He says:

> As soon as the question has been decided as to the qualification of the person so returned, the conduct of the returning officer or the number of votes which were received, the conduct of the candidates and every other question connected with the election or with the conduct of the returning officer has been relegated to the judiciary, and the House has always declined to exercise its functions and its power to interfere.

The implication is plainly that the power still remains, but that its exercise would be a wrong constitutional practice. I need not go further than that in support of the statement that parliament has relegated to the courts not only the duty but the power to try any matter connected with elections save as to the qualifications of the elected candidate. So far as parliament has done that I do not argue that parliament should re-assume that jurisdiction. In a word, so far as the courts have power they should act, but the courts certainly have no power in respect to the qualifications of candidates; they are given no special facility so to inquire, and wherever else the courts have not power undoubtedly parliament has not only retained jurisdiction, but parliament is bound to exercise that jurisdiction. I surely do not need to further emphasize that conclusion. I take it for granted that no member of this House would for a moment sit content, with the conclusion in his mind that there was a wrong arising out of an election which the courts had no power to right and indeed no power to hear evidence upon, and which was therefore a wrong for which there was no remedy whatever. May I put that again to the House? Is there an hon. member who, after he has been convinced that there is no tribunal with power to hear and decide it save parliament, is going to still vote that parliament shall not so decide?

The point which I intend to emphasize and indeed upon which I intend to dwell altogether is one which was brought up in the later course of the debate on the point of order, but which I regret to say was not referred to by Your Honour in your judgment. It is a point which not only goes to the heart of this question but is the whole heart of it; it is the beginning and the end. If the wrong complained of by Mr. Collins in the petition read at the table of this House is a wrong into which we have empowered the courts to inquire and as to which we have empowered the courts to hear evidence and give a decision upon, then I would not be standing before this House and asking parliament to reassert its old right and re-exercise the jurisdiction which was relegated to the courts. The duty is upon me, then, to show that in respect of the wrong complained of by James Arthur Collins there is no court in the land with power to inquire into it or decide upon it, and if I show that surely I have convinced all that every member who votes to throw out the petition of Collins votes to embalm in permanency a gross and cruel injustice, because he so votes knowing there is no other tribunal empowered to provide a remedy.

What is the wrong which is alleged in the petition as having been done Collins? I would like his petition to be included at this point in my address; I do not want to delay the House by reading it as it has already been read.

> To the Honourable,
> The Members of the House of Commons,
> In Parliament Assembled.
>
> The petition of the undersigned, James Arthur Collins of Chisholm, in the province of Alberta, lumberman—
>
> Humbly Sheweth:
>
> 1. That an election was held on the 29th day of October, A.D. 1925, for the electoral district of Peace River, to elect a member to represent the said electoral district in the House of Commons of Canada.
>
> 2. That the candidates at the said election were: Donald Macbeth Kennedy, William Archibald Rae and your petitioner, James Arthur Collins.
>
> 3. That Edward Henry Sheppard was the returning officer at said election, and on the 26th day of November, A.D. 1925, declared the said Donald Macbeth Kennedy duly elected to represent the said electoral district in the fifteenth parliament of Canada.
>
> 4. That pursuant to the provisions of the Dominion Elections Act, in that behalf, a recount of the votes cast at the said election was held from the first until the eighteenth days of December, 1925, at the city of Edmonton, by His Honour Judge Mahaffy, and at the conclusion of said recount the said judge certified that 3,986 votes had been cast in favour of Donald Macbeth Kennedy; 3,944 votes had been cast in favour of William Archibald Rae and 3,969 votes had been cast in favour of your petitioner, James Arthur Collins, and directed that the said Donald Macbeth Kennedy be declared elected to represent the said electoral district in the fifteenth parliament of Canada, by a majority of seventeen votes over your petitioner.
>
> 5. That on the 2nd day of January, the said Donald Macbeth Kennedy was gazetted as the member returned

for the electoral district of Peace River to serve in the House of Commons of Canada, and he has taken his seat in such House of Commons.

6. That on or about the 26th day of February, A.D. 1926, proceedings under the Controverted Elections Act were taken by one John B. Page against the said Donald Macbeth Kennedy, but no such proceedings have been taken by your petitioner, or by anyone on his behalf.

7. That at the said election, the said electoral district of Peace River was subdivided into 298 polling divisions, No. 4 of such divisions being known as Brule Mines poll.

8. That the final recount by His Honour Judge Mahaffy, as aforesaid, showed that at Brule Mines poll, being poll No. 4 as aforesaid, twelve votes were cast in favour of Donald Macbeth Kennedy and 127 votes in favour of William Archibald Rae and twenty-one votes in favour of your petitioner.

9. That at least 111 electors voted for your petitioner at Brule Mines poll, No. 4, aforesaid, but through the action of the deputy returning officer, one Peter A. Robb, and other persons, to your petitioner unknown, ballots were fraudulently manipulated to produce the result mentioned in the next preceding paragraph of this petition.

10. That on or about the 18th day of January, 1926, the said Peter A. Robb, deputy returning officer, aforesaid, was charged before the Honourable Chief Justice Simmons of the Trial Division of the Supreme Court of Alberta.

"For that he, the said Peter A. Robb on or about the 29th day of October, A.D. 1925, at polling division No. 4 at Brule Mines in the province of Alberta, at an election held under and by virtue of the Dominion Elections Act for the election of a person to serve in the House of Commons of Canada in and for the electoral district of Peace River, in the province aforesaid did fraudulently destroy a number of ballot papers used by voters at the time and place aforesaid.

And also for that he, the said Peter A. Robb, on or about the 29th day of October, A.D. 1925, at polling division No. 4, at Brule Mines, aforesaid, at an election held under and by virtue of the Dominion Elections Act for the election of a person to serve in the House of Commons of Canada in, and for the electoral district of Peace River, did fraudulently put into the ballot box used in connection with the said poll papers other than the ballot papers which he, the said Peter A. Robb, was authorized by law to put in the said ballot box.

And also for that he, the said Peter A. Robb, on or about the 29th day of October, A.D. 1925, at polling division No. 4, at Brule Mines in the province of Alberta at an election under and by virtue of the Dominion Elections Act for the election of a person to serve in the House of Commons of Canada in and for the electoral district of Peace River in the province of Alberta and being a deputy returning officer at said polling division, No. 4, did fraudulently put otherwise than as authorized by the said Dominion Elections Act, his initials on the back of papers purporting to be, or capable of being used as ballot papers for the said election," to which said charges, the said Peter A. Robb pleaded "Not guilty."

11. That the trial of the said Peter A. Robb commenced at Edmonton, Alberta, on Monday the 29th day of March, 1926, before the Honourable Mr. Justice Walsh of the Trial Division of the Supreme Court of Alberta and a jury, and at the conclusion of the said trial on the first day of April, 1926, the said Peter A. Robb, was found guilty by the said jury on all the three charges aforesaid (as amended at the said trial) and was sentenced by the Honourable Mr. Justice Walsh to imprisonment for five years in the penitentiary at Prince Albert with hard labour, for each of the said offences, such sentences to run concurrently. A certified copy of the proceedings at the said trial accompanies this petition.

12. That the evidence of a number of electors who voted at Brule Mines poll No. 4 aforesaid was given at the said trial referred to in paragraph 11 hereof; that in giving their evidence the said electors stated for whom they had voted and thereby established that the said Peter A. Robb did fraudulently destroy a number of ballot papers used by the said electors, that he, the said Peter A. Robb, did fraudulently put into a ballot box used at the said poll, papers other than the ballot papers which he was authorized by law to put in the said ballot box, and also that he the said Peter A. Robb did fraudulently put otherwise than as authorized by the said Dominion Elections Act his initials on the back of papers purporting to be or capable of being used as ballot papers for the said election.

13. That absolutely essential evidence available to your petitioner to establish the fraudulent manipulation of ballot papers at Brule Mines poll No. 4 aforesaid is necessarily that of the said electors who voted at such poll and gave their testimony at the trial of the said Peter A. Robb.

14. That said electors who voted at Brule Mines poll No. 4 aforesaid cannot under the law be permitted to give evidence as to how they voted at the said election in proceedings under the Controverted Elections Act or in any legal proceedings other than in criminal cases.

15. That consequently there is no tribunal in the Dominion of Canada with power to make the inquiries necessary to establish the facts alleged in this petition or with jurisdiction to provide the remedy for the wrong which has been done your petitioner other than the House of Commons of Canada.

16. That the fraud and irregularities complained of herein were the fraud and irregularities of an officer or officers of the House of Commons of Canada committed prior to, at and subsequent to the taking of the vote of the electors and the closing of the said Brule Mines poll No. 4.

17. That the fraud and irregularities of the said officer or officers deprived your petitioner of his seat in the House of Commons for said electoral district of Peace River, your petitioner having at the said election held on the 29th day of October for said electoral district received more votes than did either the said Donald Macbeth Kennedy or William Archibald Rae.

Wherefore your petitioner prays that the House of Commons will investigate the conduct of the Chief Electoral Officer of Canada, the returning officer for the electoral district of Peace River, Edward Henry Sheppard aforesaid, the deputy returning officer, Peter A. Robb aforesaid, and such other officer or officers as may be necessary in connection with the establishing of a polling place at Brule Mines poll No. 4 aforesaid, and the taking of, the counting and recounting the votes cast at such poll in the electoral district of Peace River aforesaid, and that such Chief Electoral Officer, returning officer, deputy returning officer or other officer or officers be directed to take such action as may be requisite and necessary to secure the return to the House of Commons of the candidate who secured the greatest number of votes cast by the electors of the electoral district of Peace River on the 29th of October, 1925, aforesaid, and for such other and further relief as may seem meet in the premises.

And your petitioner, as in duty bound, will ever pray.

JAMES ARTHUR COLLINS.

WITNESS:

LYDA S. ROCHE.

He was a candidate in the late election, and was held by the judge who conducted the recount—and consequently by the last court in respect of the count—to have received 3,969 votes. He had two opponents. One was William Archibald Rae, whom the recount judge found to have received 3,944 votes; the other was Donald Macbeth Kennedy, whom the recount judge found to have received 3,986 votes, and who was therefore declared to have a majority of 17 over his nearest opponent, the petitioner, James Arthur Collins. The petitioner avers, and part of the petition and attached thereto, is the judicial finding supporting the averment, that at a certain poll into which alone a judicial inquiry was made, although it might have been made anywhere, 127 votes were found to have been given for William Archibald Rae; 12 votes for Donald Macbeth Kennedy and 21 votes for James Arthur Collins. This was the Brule Mines poll No. 4. The evidence attached and part of the petition shows also that 111 voters—

Mr. LAPOINTE: What does my hon. friend mean by the evidence attached?

Mr. MEIGHEN: Because all the proceedings in the court are attached to the petition.

Mr. LAPOINTE: I rise to a point of order, then, because under the rules of the House no document of any kind can be attached to a petition.

Mr. MEIGHEN: I am not particular about the word. It accompanies the petition to this House. All I need to bring to the attention of parliament now is the averment in the petition.

Mr. SPEAKER: If there was an appendix to the petition, it was not brought to my notice. Bourinot, page 235, states positively that no appendices are allowed with petitions.

Mr. MEIGHEN: The appendix is not essential to the case at all.

Mr. LAPOINTE: That would have been a reason to reject the petition. The petition could not have been accepted with an appendix.

Mr. MEIGHEN: Then we will say it has not an appendix; we will say it has been operated on for appendicitis. We know, though, that the petition which has been read at the table avers that this fact has been judicially found at the Brule Mines poll. We know it also because I hope in a matter of this kind we take judicial account of the verdicts of our judges and the records of our courts. We know that 111 voters voted at that poll for Mr. Collins.

Mr. LAPOINTE: We do not know that.

Mr. MEIGHEN: I do not want to retort to the Minister of Justice (Mr. Lapointe) as his understudy the Solicitor General (Mr. Cannon) did to me yesterday. I would only suggest that his statements would be more appropriate after I am through.

Mr. LAPOINTE: If my right hon. friend will agree with me, we will never interrupt each other in the future.

Mr. MEIGHEN: I would not say that. I suggest that it take the form of questions. I am quite prepared to submit to any interruption of the minister so long as I am accorded the like courtesy by hon. gentlemen opposite when I interrupt him.

Mr. MARCIL: Would the right hon. gentleman allow me a question? I understood him to say a moment ago that there was no appeal from the decision of the recount judge.

Mr. MEIGHEN: There is nobody doubting the decision of the recount judge. There has been no appeal from the decision of Judge Mahaffy. The petition avers that at this poll, 111 voted for Collins. They gave evidence to that effect in a criminal prosecution against the deputy returning officer. This deputy returning officer was one Peter A. Robb. Charges were laid against him as set out in the petition, three charges in all, included in which is the allegation that he took 111 votes, that 90 of them he threw away, that he substituted in their place 90 votes for William A. Rae, and brought about the result found by Judge Mahaffy in the recount. This was the charge against Robb. This charge was tried in the criminal courts, and Robb was found guilty of all charges alleged against him. He was sentenced to five, three, and three years, respectively, in the penitentiary of Alberta for the offences so committed. He appealed against the judgment of the court on, I may say, purely technical grounds, but that is not pertinent. He lost his appeal. The court sustained the finding of the prior court wholly, and altered the sentences only technically, reducing two of the concurrent sentences from five to three years, the ultimate result being that the sentence stands at five years for the three offences, and Robb stands now irreversibly guilty.

What this offence means hon. gentlemen will grasp at a glance. It means that an officer of this House, how selected I do not need to inquire—suffice it to say that, acting as he was, he was an officer of parliament—committed the crime of theft of the most sacred thing in the possession of any citizen, committed it in 90 cases, substituted ballots himself for the goods he stole, and because he did, he placed the candidate Donald Macbeth Kennedy in advance of the candidate James Arthur Collins, and Mr. Kennedy sits in this House now as the result of the theft so committed.

I have cited these circumstances so that the House will understand the enormity of the subject matter which is before it.

Mr. HEAPS: Is it not possible that in another part of the riding a similar condition may have prevailed, only the votes went the other way, and so offset what occurred in this case?

Mr. MEIGHEN: Very good, but we take what is known. If hon. members could sit in this House on the faith of conjecture, we might have just about eight million members of parliament. Hon. members do not sit in parliament because they conjecture in their minds that something may have happened. Hon. members, and I emphasize the term, sit in this parliament because they receive the majority of the votes cast. What we are inquiring into now is whether James Arthur Collins received a majority of the votes cast. The petition goes further and sets out these particulars which I crave the leave of the House to read again. At the bottom of page 3 appears the following:

3 p.m.

> That absolutely essential evidence available to your petitioner to establish the fraudulent manipulation of ballot papers at Brule Mines poll No. 4 aforesaid is necessarily that of the said electors who voted at such poll and gave their testimony at the trial of the said Peter A. Robb.

I do not think anybody will doubt that that evidence is essential, that without it there can be no success. It goes on:

> 14. That said electors who voted at Brule Mines poll No. 4 aforesaid cannot under the law be permitted to give evidence as to how they voted at the said election in proceedings under the Controverted Elections Act or in any legal proceedings other than in criminal cases.
>
> 15. That consequently there is no tribunal in the Dominion of Canada with power to make the inquiries necessary to establish the facts alleged in this petition or with jurisdiction to provide a remedy for the wrong which has been done your petitioner other than the House of Commons of Canada.

It is to these three paragraphs that I respectfully invite the attention of every hon. gentleman of this House. Collins avers that if he is not allowed to advance the essential evidence necessary to establish his case in the court—the evidence of the 111 men who in the criminal proceedings swore that they voted for him—he cannot possibly establish his case, and it would be nothing but a mockery for this House to stand on its dignity and say to Collins, "go to the courts," for Collins cannot produce his witnesses before the courts. Need I argue further that this evidence is essential? Do hon. members not see by the mere process of addition that though Collins might prove that the officers of this House, Mr. Robb, forged ballots himself, possibly by the nature of the paper or something he never can prove that the actual ballots cast were cast for him save by the voice on oath of those 111 men, and if Mr. Collins when he brings his 111 men and puts them in the witness box is told by the judge that he cannot ask them the question, that they cannot be allowed to give evidence, how is Mr. Collins to establish his case? It is not a matter of argument; it is only a matter of honesty of mind, supported by a little addition. Collins cannot possibly establish that he got the majority of votes in Peace River, unless there is given to him a tribunal with power to hear the evidence of the men who will swear they voted for him.

Now I proceed to inquire whether I am right in my assumption that the judge in this trial, if a trial were going to be relegated to him, could hear the evidence of the 111 men. Hon. members of the House may say, "Well they give their evidence once; would they not be ready to give it again?" I have no reason to doubt that they would. I know they gave it once, and I ask hon. members to remember that the court in which they gave their evidence was a criminal court, trying a criminal case, and this House has empowered the criminal courts to hear the evidence, but has absolutely forbidden the civil courts to hear the same evidence. I refer to chapter 6 section 22 of the Controverted Elections Act, which reads:

> No person who has voted at an election shall, in any legal proceeding questioning the election or return be required to state for whom he voted.

The ordinary layman, and indeed I fancy very good lawyers, reading that the first time would take this as the conclusion: that no witness could be compelled to give evidence. He would give to the word "required" the same meaning as "compelled." That is not the meaning, but for the moment I will assume that it is the meaning, and I make that assumption only for the purpose of argument. It is not the meaning, as I will demonstrate

in a moment. Even if it were, and assuming that it is, are we to say to Mr. Collins: "You must go to a court and you must trust to the good will of your witnesses; if they are not ready to give evidence before that court, then the court cannot compel them." Would that be fair to Collins? Is he not entitled to a court which, like any other court, can compel the witnesses to give evidence in order that he may establish his right? Is not that the character of court he is entitled to? Is he to be asked to go to one which is to sit powerless, at the mercy of a hostile or any witness? I do not think any hon. member will so suggest. But I pass from that argument because it is based on a mere assumption, and the fact is that however well disposed the persons might be, they could not be heard to give the evidence, and no judge would hear it, as has been established beyond all power of argument or controversy. Where was it established. I will make this clear, not that I anticipate that any hon. member will ever seek to dispute it, but because it is necessary to complete the record. In the Haldimand case which went to the Supreme Court of Canada, Mr. Justice Strong delivered the judgment. In this case the question came up as to whether witnesses were compellable, or indeed whether they were competent to give evidence as to how they voted at an election. I invite the careful attention of the House to this judgment by Mr. Justice Strong which I am about to read:

Another case is charge number 6 in the notice of appeal, namely, the charge that the deputy returning officer at polling subdivision number 2, in the township of Aneida, improperly marked ballots received by him at the said election, from electors before depositing the said ballots in the ballot box, and thereby prevented the said ballots from being counted at the said election, and the ruling of the learned judge, rejecting the evidence on behalf of the petitioner which was tendered by him at the trial in support of the said charge:

"Nothing could be made of this charge without admitting the evidence of voters to show how they voted. This I hold cannot be done. To do so would, in my opinion, be a direct violation of the act which requires secrecy."

Section 7, of the Dominion Elections Act, enacts:

"No person who has voted at an election shall, in any legal proceeding questioning the election or return be required to state for whom he voted".

That is the very section I read a minute ago.

It is no answer to this to say that secrecy is imposed for the benefit of the voter and that he can waive it. for I hold secrecy to be imposed as an absolute rule of public policy, and that it cannot be waived. The whole purview of the law is different from the English act and the Ontario act. I am of opinion, therefore, that learned judge rightly rejected the evidence, though I may not be able to agree with the grounds he put it upon.

The judgment of the Supreme Court was that witnesses could not be compelled to answer. The judgment says that the learned judge who tried the case was right when he decided that the witnesses could not be allowed to answer, even if they wanted to. I do not need to add, save for the completion of the record, that this case has never been in any way questioned or modified anywhere in this Dominion. This decision stands as the law of Canada. It came up in the Manitoba case. I am quoting from Hansard now, because these proceedings are embalmed in Hansard, fortunately, and it is more convenient to refer to it. The hon. member for Burrard referred to the Manitoba case which came on appeal, I think, before Mr. Justice Dubuque, and the judge made the following remarks, having in mind, and specifically referring to the Haldimand case:

In the Haldimand election case, 15 Supreme Court reports, 495, it was held that, under the provisions of section 71 of the act, secrecy of the ballot is an absolute rule of public policy, and cannot be waived.

The court has to give effect to this statutory enactment, but the provision has a restrictive qualification which must not be overlooked. It says, that no person shall be required to state for whom he voted in any legal proceeding questioning the election or return. and not in any legal proceeding whatsoever. If this point had been raised in the trial of an election petition it would have to be held that that the evidence was absolutely inadmissible.

That is in a legal proceeding questioning the return.

But in this case the evidence was given in a trial on an indictment charging a criminal offence.

Just exactly as it was in the trial of Robb on an indictment charging a criminal offence.

When the witness Phillips was asked to state for which of the candidates he marked his ballot paper and voted, objection was raised to the question by the counsel for the defence on the ground that such evidence would be inconsistent with the secrecy of the ballot, and contrary to public policy. The learned chief justice, before whom the case was tried, allowed the question to be asked and answered, and it does not appear that the witness was unwilling to answer the question. There is nothing in the Dominion Elections Act, or in any other statute declaring that, in the trial of a criminal offence, such a question cannot be asked and should not be answered.

I think, therefore, that the evidence was properly received, and that the first question submitted to the court should be answered in the affirmative.

These cases clearly establish that in criminal proceedings on an indictment charging an offence against the code, not, mark you, hon. gentlemen in a proceeding in which a criminal case may come in question, but only in the criminal proceeding itself evidence can be given as to how individuals voted. Most firmly has it been held—and judges have now no option save to follow the ruling or their

judgments will be reversed on appeal—that in a civil proceeding, in a proceeding questioning the return, no witness will ever be allowed to say how he has voted.

Mr. FORKE: Just for information, would the right hon. gentleman give us some idea why it should be so absolute in the one case and not in the other? The two cases seem to be similar.

Mr. MEIGHEN: All I can say in answer to the very pertinent inquiry is to give the reason given by the judges in the Supreme Court, namely that parliament in its wisdom declared that witnesses should not be required to answer and that behind the action of parliament was the necessity in the interest of public policy that the secrecy of the ballot be maintained. The judges have held that parliament has ruled that witnesses be not required to answer in order that the secrecy of the ballot may be sacred, not in order to protect the witnesses. Because of that reason which the courts have declared to be behind the action of parliament, they will not in any civil proceeding hear evidence as to how any individual has voted.

Mr. MacLEAN (Prince): Would evidence given at the first trial under oath be allowed at the second?

Mr. MEIGHEN: Evidence in one trial is never allowed in the other even though in the other, if it were initial evidence, it could come in. But as in the initial trial it could not come in, it never could come in by importation. I do not find fault with the question being put.

I am sorry to have to argue at such length before the House what appears to be law, but we cannot understand the far-reaching and momentous subject which we are called upon to decide unless we understand fully the state of the law on the question. I revert to the proposition which I advanced in the early part of my remarks, namely, that it is inconceivable that hon. members would vote to cast the petition of Mr. Collins into the waste paper basket and tell him curtly to go to the courts for his remedy when they know they have tied the hands of the courts and prevented them from hearing Collins' evidence. Are hon members to say to Mr. Collins: Go to the courts, when they know he will be told by the courts that he cannot give his evidence there?

Mr. WARD: Does the law as it stands forbid an elector to give evidence if he so desires?

[Mr. Meighen.]

Mr. MEIGHEN: Absolutely forbids him. I believe I have established that whatever else parliament may have done, whatever other questions they may have relegated to the courts and empowered the courts to hear and decide, this is one they have not. The inference would appear to be that the intention of parliament is that the courts should investigate the conduct of the election in every respect until the ballots are in the ballot box and the ballot box closed, in a word until the conduct of the election gets into the hands of officers of this House. If parliament had intended that the courts and the courts alone should review the conduct, honest or dishonest, of those officers, parliament would have empowered the courts to hear the essential evidence to enable them to make that review. Parliament has disarmed and disabled the courts from hearing the essential evidence without the production of which Mr. Collins is absolutely helpless. Parliament having done so, I ask this House: Is parliament to say with a sneer to Mr. Collins: We have nothing to do with the matter: Go before this powerless court. The government which will take that responsibility casts an aspersion upon its motives and certainly will stand forever before the people of this country as more interested in office than in right.

In all the cases, in every address, emphasized I admit much more forcibly and frequently in past years by Liberal speakers, very able and eminent Liberal lawyers in this House, emphasized though on both sides, it is declared that parliament has never for a moment relegated to anybody the question of the conduct of its own officers. Whatever parliament may have done in the way of empowering the courts to examine certain classes of conduct of its officers, undoubtedly parliament has never stripped itself of the power to examine, act upon and correct wrongs done by its officers. For hon. members to argue that parliament has not only not empowered the courts to inquire into the conduct of an officer in an election but has utterly stripped itself of power when it knows the courts have none, is simply to argue the absurd. No hon. member can justify a vote against this motion, against turning Mr. Collins from the door of this House where he seeks relief, until he is able to establish that under the law as it is to-day Mr. Collins has somewhere else to go.

On that I rest my appeal to parliament and I rest it with some confidence. I cannot conceive of the Minister of Justice, for whom as a man I have very great respect, leading this House to turn a deaf ear to the appeal

of Mr. Collins when the Minister knows that Mr. Collins, though he may go to the courts, is bound to be refused redress there for the reason that they cannot hear his evidence. Consequently with much confidence I appeal to parliament to assert the jurisdiction it absolutely and undoubtedly has, a jurisdiction which I contend it has in all respects as regards elections, but which it should not exercise wherever it has empowered the courts to exercise the same. I ask parliament to reassert that jurisdiction in this case when the House knows that it not only has not empowered the courts to act and to give the remedy but has absolutely disabled them from doing so.

Hon. ERNEST LAPOINTE (Minister of Justice): Mr. Speaker, this question came up practically in the same form some time ago when it was not my privilege to be in the House on account of illness, but I have taken the trouble to read the debates that took place at the time. I have read also Your Honour's ruling with which I entirely agree. The same petitioner has sent in a new document which, according to the usual custom and practice, has been examined by an officer of this House who has reported as follows:

The Clerk of Petitions has the honour to report that he has examined the following petition, viz.:

Of James Arthur Collins of Chisholm, province of Alberta, lumberman; praying that the House of Commons will investigate the conduct of the Chief Electoral Officer of Canada, the returning officer for the electoral district of Peace River, the deputy returning officer, and such other officer or officers as may be necessary, in connection with the establishing of a polling place at Brule Mines, poll No. 4 aforesaid and the taking of, the counting and recounting the votes cast at such poll in the said district of Peace River, and that such Chief Electoral Officer, returning officer, deputy returning officer or other officer or officers be directed to take such action as may be requisite and necessary to secure the return to the House of Commons of the candidate who secured the greatest number of votes in the said electoral district of Peace River on the 29th of October, 1925, and finds that:

The prayer of this petition consists of two parts viz.—(1) That the House investigate the conduct of certain officials in connection with the election of a member to represent the constituency of Peace River in the House of Commons of Canada, held on the 29th October, 1925.

(2) That the House direct the proper officers to take such action as may be necessary and requisite to secure the return to the House of Commons of the candidate who secured the greatest number of votes cast by the electors of the said electoral district of Peace River on the 29th October, aforesaid.

The form of this petition and its contents so far as the first part of the prayer is concerned are within the requirements of the 75th rule, and refer only to such matters as are within the right and competency of the House to deal with, should the House desire to do so; should, however ,the course suggested in the second part of the prayer be taken by the House it would apparently have the effect of authorizing other persons to exercise a power which the House has already delegated by statute to the exclusive jurisdiction of the courts.

Apparently the first part of the prayer of this petition is only of a preliminary nature leading up to the main request as contained in the second part, consequently the prayer, considered as a whole, brings this petition within the ruling of Mr. Speaker Lemieux given on the 6th May last, in a somewhat similar case, which ruling was subsequently sustained by the House on appeal, viz, that a petition which prays for any action to be taken by the House that might involve in any respect an interference with the provisions of the Controverted Elections Act, chapter 7, R.S.C., 1906, cannot be received.

Under these circumstances I have therefore the honour to report that this petition should not be received.

Now the leader of the opposition (Mr. Meighen) moves that the petition be received notwithstanding this report of the officer of the House, and Mr. Speaker leaves the House free to decide the question. May I first call the attention of the House to the fact that if I had cared to do so I might have raised a point of order to the discussion by my right hon. friend of what he claims to have been the proceedings held before a criminal court in the province of Alberta. The only way in which this House is seized, or can take cognizance, of such proceedings before the courts when they relate to an election, is through a report of the judges appointed under the law to inquire into these matters when such report is submitted to the Speaker.

Mr. MEIGHEN: That is true with relation to controverted elections, but my hon. friend will admit, I think, that the judge in a criminal case in which an accused is on trial under indictment is neither directed nor empowered to submit any report to parliament. So that there is no way of getting the facts here.

Mr. LAPOINTE: Quite so, and we have no proof of anything apart from what is stated in the petition. I can understand that the petitioner might attach to his petition a copy of the evidence as an appendix, but under the rules of the House the petition could not have been accepted. However, I do not quarrel with my right hon. friend for having discussed the matter.

In the first part of his argument—and this simplifies and facilitates my task—the leader of the opposition has admitted that, since the change in the law relating to controverted elections, this parliament following the precedent established in Great Britain has delegated to the courts the power and the right to inquire into election matters. Undoubtedly there is some difference of opinion in the matter of interpretation, but my belief, which is founded upon good authority, upon the

authority in fact of all constitutional authors who have dealt with this question, is that parliament has reserved to itself only what it has not expressly delegated to the courts in these matters relating to elections. Parliament has reserved to itself the right to inquire as to whether a proper person has been returned in answer to the writ of the House—whether a person who is qualified under the law to occupy a seat in the House has been returned to parliament.

This question has been extensively debated and while I do not intend to quote any speeches I may give some of the names and pages in Hansard of different years to show what views have been advanced in this regard. Apart from the question whether a person duly qualified has been returned to parliament, all matters affecting the election itself, the way in which it has been conducted, illegalities, frauds or anything else connected with the election, have been referred and properly referred to the courts of the land both in Canada and in Great Britain. I should like to quote here from the English authors Leigh and Le Marchant:

> Questioned—

That is the same word as appears in our own law.

> Questioned means questioned by election petition, by persons having an interest in raising the question and wishing to vindicate their own rights, and does not take away from the House of Commons their authority to decide on the eligibility of a candidate, in the event of a felon, a minor, or a woman being returned.

Those were the old days before our sisters obtained the right to sit in parliament. Surely no one will contend that my hon. friend from Peace River is either a felon or a minor, or, if the restriction were applicable in these days, a woman. The words of the statute are easily interpreted; they are not broad; they are not general in their meaning; they are not vague: from the passing of the Controverted Elections Act no election shall be questioned otherwise than in the manner provided by the act itself. When election petitions were inquired into by a committee of this House, the same safeguards, the same guarantees existed for protecting the members returned to parliament against vexatious proceedings. For example, no petition could be received without a deposit of one thousand dollars accompanying the petition. And in respect of questions arising under the Corrupt Practices Act—an act which has never been taken advantage of since its incorporation until the present session in the case of the Athabasca election—the right is given, after the expiry of the time for the filing of election petitions before the courts, to petition the Speaker to order an investigation for the appointment of a commissioner or commissioners to inquire whether corrupt practices were engaged in during the election questioned. There again the same guarantee against vexatious proceedings exists, and the gentlemen who signed the petition this year during this session of parliament, asking for an investigation into the Athabasca election, were obliged to forward at the same time to the Clerk of the House, a deposit of one thousand dollars; otherwise their petition would not have been accepted.

Does my right hon. friend mean to say that merely because some man declares in a petition that votes given for one candidate had been registered in favour of another, therefore the procedure enacted by this parliament is set aside; that that does away with all the safeguards and all the guarantees which have been properly inserted in the statute for the purpose of protecting men who are duly returned to this parliament against vexatious proceedings.

Now my right hon. friend bases his contention—and it is also the argument set forth mainly in the petition—on the fact according to him and the petitioner, which I do not dispute, that the witnesses could not be forced or even allowed before the courts to state for which candidate they registered their votes. That is perfectly true. Although the law only says virtually that no witness can be forced to declare anywhere for whom he voted at an election, the Supreme Court of Canada has ruled that this means also that witnesses can not be allowed to declare for whom they voted. If you look at the various sections of the act, Mr. Speaker, you will find that parliament has taken good care to declare, and it is the animating principle of its various provisions, that the manner in which a man has voted is a secret, that it is his sacred right to vote for whomever he pleases and nobody is entitled to know how he voted. This is for the protection of the voter. The courts have decided that it should mean also that he cannot even be allowed to say for whom he voted. My right hon. friend read that part of the judgment of Mr. Justice Strong, and the other judges took the same stand. But what is the reason why they threw it aside? Justice Strong said:

> It is no answer to this to say that secrecy is imposed for the benefit of the voter and that he can waive it, for I hold secrecy to be imposed as an absolute rule of public policy, and that it cannot be waived.

Well, Mr. Speaker, if this is ruled by the Supreme Court and by the other courts because they consider it a question of public policy, surely the same public policy would apply to the deliberations of the Privileges and Elections committee as to the proceedings before the courts.

Mr. MEIGHEN: Will the hon. gentleman not admit that the very same questions have been asked and compelled to be answered before the Privileges and Elections committee?

Mr. LAPOINTE: No, Sir, I do not admit that.

Mr. MEIGHEN: They have.

Mr. LAPOINTE: If it is a question of public policy—and my right hon. friend himself said it was; it is the only ground for his petition—shall he claim that the public policy will disappear when this petition is submitted to the Privileges and Elections committee? Shall he claim that if a witness before that committee refuse to answer when asked for whom he voted this parliament would have the right to force him to answer? No, Sir, parliament would never have that right, because not only the statute but public policy—the ground on which my right hon. friend as well as myself base our argument —will exist there as it exists before the courts. And let me tell my right hon. friend that, after all, what was done when the inquiry on controverted elections was transferred from parliament to the courts was simply to change the judges; the rules were the same, the procedure was the same, and, as I said before, the deposits which must accompany the petition were the same. The tribunal is changed because it has been found not only in this country but in England and elsewhere that the judges of the high courts of the land are better qualified and better fitted for deciding election matters than parliament, where we have some partisanship in our dealings.

Now, Sir, so far as this petition is concerned I desire to read what Mr. Speaker Blanchet said when he gave a ruling on February 15, 1881, in the Bagot election case, because the same question, as to whether the petition might be received, was then raised before him. I am quoting from page 325 of Speakers' Decisions of the House of Commons of Canada, and I ask every member to listen to these words:

> If the petition should be received it would then be competent for any member to move that it be referred to a committee; and if such a motion were agreed to, the various allegations in the petition would constitute the order of reference by which the committee would be governed in its proceedings. In this way a door would be opened to the indiscriminate reception of petitions attacking generally the return of members, though not governed by any of those formalities necessary even in those times when the House possessed full jurisdiction over controverted elections. To grant the prayer of the petition would be to violate the general principle which lies at the basis of all the legislation adopted by the English parliament since 1868 and of the Canadian parliament since 1873, that the court alone should adjudicate on matters of controverted elections. When the law has been proved to be inadequate to provide a sufficient remedy in any case, then parliament has always come forward, as the various statutes in amendment of the act of 1874 prove, and passed the legislation necessary in the premises.
>
> The principle which guides parliament in such cases can be understood by reference to a statute passed in 1876. When no petition charging the existence of corrupt practices has been presented under the act for the trial of controverted elections, then twenty-five or more electors of a district can sign and present a petition in which they state that corrupt practices have prevailed—

That is what was done this session in the Athabasca election.

> —or that they have reason to believe that such practices have extensively prevailed at an election; but that petition must be accompanied by a solemn declaration under the statute in that behalf, signed by the said electors stating that their allegations are true to the best of their knowledge and belief. They must also deposit with the accountant of the House of Commons a sum of one thousand dollars. That petition must be presented within sixty days after the publication in the Canada Gazette of the return of the election if the House is sitting, or if parliament is not sitting, within fourteen days after the next meeting of parliament. Even in this case the House does not take cognizance itself of the allegations set forth in the petition. It may only present an address to the Governor General praying him to cause an inquiry to be made in such matters, and accordingly a commission of inquiry is issued with such powers as determined by statute.

All the reasons alleged by Mr. Speaker Blanchet in the Bagot case of 1881, I believe, apply to this case. There is no one of them which cannot be set forth in this case as well as in the Bagot case, and I claim that for this House to receive this petition would be to go back to the days when partisanship and political spirit were the principles animating these decisions by the committees of parliament on petitions concerning elections. We are all human; I do not claim that I am any better than anyone else. I am a partisan; I believe that the Liberal party has always worked for the benefit of Canada, and I am not ashamed to say so. I am a party man; I do not think many members of this House are not party men, and when this thing is over and the issue is not before them every one in his own mind and conscience will agree with

me that it was wise and proper to have these matters investigated and decided by judges, instead of being made questions of politics before committees of this House.

May I be permitted now to read just a few words from Bourinot and from May. Bourinot, in the third edition, at page 221, says:

> The Controverted Elections Act provides that all elections shall be subject to the provisions of the act, and shall not be questioned otherwise than in accordance therewith. The courts have full jurisdiction over petitions complaining of an undue return, of undue election of a member, of no return, of a double return or of any unlawful act by any candidate not returned, by which he is alleged to become disqualified to sit in the House. Since 1894 three petitions calling in question the right of a member to his seat have been presented to parliament, but not allowed to proceed further.

Then he proceeds to enumerate the cases, and at page 225 continues as follows:

> We may come to the following conclusions from the proceedings of the Canadian and British Houses of Commons since the passage of the acts delegating to the courts jurisdiction over the trial of controverted elections: that there is no instance of a contested election having been tried, or an election return disturbed in the Commons House of either country, but that the leading members on both sides of the House—

I wish to call particular attention to this.

> —have expressed themselves most emphatically against returning to the old system, and in favour of adhering strictly to the provisions of the new laws; that the provisions of the Controverted Elections Act apply to the questioning of returns by election petitions only, and does not supersede the constitutional jurisdiction of the House in determining questions affecting the seats of its own members, not arising out of controverted elections;— that the House has always the power to inquire into the conduct of its own returning officers, and to punish them if they are adjudged guilty—

I wish to emphasize the words of Bourinot apearing on page 226:

> —that it is always regular to receive a petition setting forth a grievance and praying for remedy, provided it does not question the return of a member within the meaning of the Controverted Elections Act.

This petition against the return of the present sitting member for Peace River cannot be accepted by the House under the authorities just quoted.

Some comments were made the other day owing to the fact that the officer of the House charged with the duty of receiving the petitions, examining them and reporting, had made such a report. On this point may I quote Bourinot at page 343:

> In the House of Commons every petition is deposited in the journals office, in charge of an officer, whose duty it is to see that it is properly endorsed and in accordance with the rules of the House—in the case of any irregularity, he will state it to the House, and rule that the petition cannot be received.

[Mr. Lapointe.]

At page 584 May, speaking of petitions, says:

> A petition relating to an election but not questioning the return of the sitting member may properly be received.

If this petition had not questioned the right of the present member to sit in this House it should be received, but as the whole prayer of the petition is that an adjudication should be made by the committees of this House as to who may sit, this petition cannot be received.

Now, Mr. Speaker, may I invite hon. members to read the following authorities as to the powers of parliament with regard to election petitions. Let them read the speech of the late Hon. Edward Blake, whose authority no one will question, at pages 807 and 808 of Hansard of 1875; let them read the speech of the Right Hon. R. L. Borden at page 3702 of Hansard for 1901. I think I have dealt sufficiently with this matter to show that the only authority, under the law as it is to-day, to deal with a petition in which the right of a member of parliament to his seat is questioned is the courts of the land indicated by the Controverted Elections Act. In this case there is no suggestion that the hon. member presently occupying his seat in the House is not a proper person to occupy that seat by way of qualification or otherwise. The only matter in dispute, if there is a matter in dispute, is one connected with the election itself, and under the law and under all the authorities every matter connected with the election must be left to the courts of the land to decide.

Hon. R. B. BENNETT (West Calgary): I shall endeavour to discuss this matter with the least feeling and the greatest freedom from party passion possible. This is the high court of parliament, and as the high court it has been appealed to by a petitioner who claims that, by reason of the manipulation of ballots, he has been deprived of a seat to which he is entitled because a larger number of electors voted for him than voted for any other candidate. That is his position. This high court of parliament has on its legislative side divested itself of certain of its jurisdiction, and it has committed to the courts certain power and authority which it previously had the right to and did in fact exercise. That is the position at the moment.

The first question is, has this high court of parliament divested itself of the right to inquire into the subject matter of this petition? The answer to that has been so fully given by the right hon. gentleman who leads this party that I do not propose to do more

than say this: It is apparent from a perusal of the authorities, as well as by mere reasoning that would govern a man in arriving at conclusions that this high court of parliament has not divested itself of the right to inquire into the circumstances attending this election. That is clear. Why? First, because there is no jurisdiction in any court of law to award Mr. Collins the seat which has been stolen from him. That is No. 1. Secondly, there is an old rule, as old as 1703, and I make apology for quoting from this precedent which is known to every lawyer and layman, that wherever there is a wrong there is a remedy. That observation was made by Chief Justice Holt in the case of Ashby against White, an action brought for damages by an elector against a sheriff who had not permitted him to vote. That principle laid down in 1703, that where there is a wrong there is a remedy, is a principle that has been applied without interruption in every court under the British flag since that time.

The second ground is the ground to which I propose to direct my attention for a moment. Is there a wrong here? And secondly, is there any remedy provided by law for that wrong?

Mr. WOODSWORTH: Might I ask, just for information, whether a higher court will deal with the matter when it is still in the hands of a lower court?

Mr. BENNETT: I am very glad the hon. gentleman mentioned that, because I shall show, I think to his satisfaction, before I conclude that the lower court cannot under any circumstances deal with the subject matter of this petition. If it could, it would be there. That is the whole point that I desire to make in the second branch of my observations.

The first question then is, is there a wrong? Has a wrong been done to Collins, the petitioner? I think my hon. friend the Minister of Justice (Mr. Lapointe), with that sense of fairness that usually characterizes him, will admit that a very grave and serious wrong has been done to Mr. Collins. The trial judge found that wrong to be of a most serious character. Since this petition was launched in this House, Robb has carried his appeal to the appellate division of the Supreme Court of Alberta, and that court gave a unanimous judgment sustaining the conviction against Robb, and during the course of the argument a matter arose which will illustrate to this House how serious the wrong is.

Counsel for Robb was arguing that there was nothing to indicate that he had been responsible for the changing or switching of the ballots, that there was nothing to connect him with the change that had been made between the ballots as they were originally marked and the ballots as they were taken out of the ballot box. Whereupon the chief justice said that unless he could offer some excuse or reason why the ballots now produced in the court, which were the ballots counted and that elected Mr. Kennedy, did not match the counterfoils that were now in that court—and they did not—it was clear that somebody had stolen the original ballots. That goes without saying, does it not? If you have a ballot and counterfoil, and the ballot you now have does not match the counterfoil, if it is longer or wider, it is obvious that somebody has manipulated the ballots, and that proof that the ballots in the possession of the court did not match the counterfoils assisted in inducing the appellate division of the Supreme Court of Alberta to confirm the conviction unanimously, and Robb has now been conveyed to the penitentiary.

So that there is a wrong; that is clear. The wrong is this: That one Robb, at Brule Mines poll, took certain blank ballot papers and marked them with X's or crosses for Rae, thereby depriving Collins of the seat to which he was entitled.

Mr. WOODSWORTH: Does the hon. member argue that the court had before it evidence which showed that the ballots which should have been cast for Collins were sufficient in number to prove that the seat was stolen from Collins?

Mr. BENNETT: I thank my hon. friend, for in my next sentence I was about to say that the result of the evidence which was typewritten and placed before the court was to show conclusively to the
4 p.m. court, as it had to a jury, that the result of the ballots which had been stolen by Robb, and upon which X's or crosses had been placed for Rae, was to give the seat to Kennedy, and deprive Collins of it, because had the ballots which were properly marked for Collins, on the evidence that was before the appellate division of the Supreme Court, been counted, he had a majority of upwards of 100 votes over his nearest competitor.

Mr. WOODSWORTH: Am I not right in saying that those ballots were all at one poll, that they did not cover the whole constituency?

Mr. BENNETT: I thank my hon. friend again, because it enables me to answer a question which was suggested by an observation of the hon. Minister of Justice. Nothing is clearer than that in law the hon. gentleman who has just spoken holds his seat because on the summation of the ballots cast at the election he had a majority over his opponents. Nothing is clearer than that I am here because on the summation of the ballots it was determined that I had a larger number than my opponent. In this case the ballots were summed up, and Judge Mahaffy, the district court judge, awarded the seat to Mr. Kennedy because he decided that there were 17 more ballots cast for him than for his nearest opponent. But when Robb's conduct was investigated, and there are no outstanding charges against any other person or any other poll, it was decided that by reason of the manipulation of the ballots at that poll, upwards of 100 votes that were cast in one way were counted in another, and Collins was thereby deprived of his seat. For instance, I have in my pocket a watch which I now produce. The watch presumably was honestly acquired. If it is alleged that it was not honestly acquired, proceedings for that purpose would have to be taken. The presumption of law is that with this watch in my pocket I honestly own it. The presumption of law in the return of my hon. friend is that every officer honestly did his duty, and hence he was legally and properly returned. The presumption of law in the Peace River constituency is that all the proceedings were legally and properly conducted, and if Mr. Kennedy or anybody else says that they were not, they must take proceedings to shift that presumption and show that that which the law presumes, namely that all things were properly done is wrong.

Now proceedings were taken at the instance of the Attorney General of Alberta to show that the proceedings at the Brule Mines poll were dishonest, and as a result Mr. Robb is now in penitentiary for five years. There were also charges made against the conduct of other polls, not by Mr. Kennedy or his supporters, but by Mr. Collins. An accused named Griggs was acquitted. Proceedings were also taken with respect to another poll and the accused pleaded guilty and he was sentenced to one year's imprisonment because he pleaded guilty. Mark you, that every charge that has been made in reference to the proceedings in Peace River has been investigated, and as a result of the investigations that were made judicially it appears that Mr. Collins' seat was stolen from him, because upwards of 100 ballots marked for him were taken and marked for another man and in this way the seat was stolen. When my hon. friend suggests there may have been irregularities at other points that would have brought about a different result, I am sure, with his trained mind and his experience, he will regard that, not only as not a reason but not an excuse because, until it has been determined by proper proceedings that there was anything crooked in other parts of the constituency, the law says it was done honestly, as in other constituencies where members are returned to parliament. I hope my hon. friend follows that, because it is the basis of the whole matter. It does not lie in the mouth of any man whose seat has been challenged to say, "Oh yes, but if you had investigated conditions somewhere else you would have found something wrong." The answer to that is, why did he not set the law in motion and ask the attorney general to investigate the doings at other polls? If the attorney general saw fit to institute proceedings against Robb and others, it is clear and obvious that in all likelihood he would have taken proceedings against other persons who might be alleged to have committed improper acts in that election. But none such is suggested. No one suggests, except by word of mouth, that such conditions existed elsewhere. The records of the court show that no proceedings have been taken in other places. Therefore it is clear that a great wrong has been done to Collins, the petitioner. One word as to how great that wrong against Collins may be; Chief Justice Holt, about the year 1703, dealing with an action brought by Ashby against the sheriff, White, decided that wherever there is a wrong there is a remedy. At the end of his judgment he said:

> It is a great privilege to choose such persons as are to bind a man's life and property by the laws they make.

That great privilege, which was supposed to be accorded the electors of Peace River, to choose a man to represent them in this parliament, to make laws to bind a man's life and property and to pass other laws, has been taken away from the people of the Peace River district by a man who is now in gaol. In other words, the seat has been stolen from Mr. Collins, and he has been deprived of his remedy.

I am not so much concerned about the personal wrong. That wrong deprived the man who had the right to a seat in this House of that seat, and substituted another

for him. That was accomplished by the dishonest and criminal act of Robb and other parties. That is a public wrong of such a character that I do submit this parliament can hardly afford to overlook it. What is the remedy? The Minister of Justice has suggested there is a remedy in the courts of the country. If there is a remedy in the courts of the country then his answer is good and complete. Now is there a remedy in the courts of the country? Will any lawyer in this House on either side say that there is a remedy for the wrong I have referred to, which will give Mr. Collins his seat? I am not going to repeat the arguments which were advanced by my right hon. leader, much better than I could present them, but he made it clear that there is no such remedy The courts of the country may be appealed to for punishment of the criminal who stole the ballots, and they have been successfully appealed to and Robb has been convicted, but is there any remedy for the wrong done to Collins; that is the question—not the wrong done by Robb and the contravention of the criminal laws of the country, but the wrong to Collins in a public sense by depriving him of his seat here. Is there any remedy in the court? It has been suggested that there is a remedy under the Controverted Elections Act, and I have in my hand a copy of the petition filed against Kennedy by Page under the Controverted Elections Act. That petition alleges that Kennedy has been guilty of fraudulent conduct in regard to the election. It also alleges that he has failed to make a proper return of expenses under the act, and charges irregularity at the polls. It does not seek to award the seat to anybody else, but merely seeks to avoid the election; in other words, to bring about the holding of a new election in that district. That is not a remedy to Collins. That does not remedy the wrong done in a public way. The wrong that is alleged is that somebody else sits in this parliament and that the seat has been stolen from Collins, not on behalf of Kennedy, but stolen by the deputy returning officer in his effort, not to assist Kennedy, but to assist Rae and to do wrong to Collins. Mr. Kennedy does not enter into the wrong in this matter. The wrong is against Collins in favour of one of his opponents, namely, Rae, to steal the seat for Rae. That is the wrong in that respect. Let us not forget that, when you allege that the remedy in the court is ample, and that we have a right to look to the court to set it right, what is sought in the court is the other proceeding. The remedy and the relief sought are quite different. The exact language at the close of the petition is as follows:

> Wherefore your petitioner prays:
>
> 1. That it may be determined that the said respondent was not duly elected or returned and that the said election is void.
>
> 2. That it may be declared and found that the said respondent was and is guilty of the said several illegal acts and corrupt practices hereinbefore charged, as having been committed before, during, at and after the said election by himself and by his agents and other persons on his behalf.
>
> 3. That in consequence thereof, the said respondent may be adjudged disqualified and incapacitated of being elected to or sitting in the House of Commons aforesaid, or of voting at an election of a member of that House, and of holding any office in the nomination of the crown or of the Governor General in Canada.
>
> And your petitioner will ever pray.

It is therefore apparent that the legal proceedings which have been taken in the courts of the country afford no relief to the petitioner, Collins. If that be so, and if it is true that for every wrong there is a remedy, what is the remedy? That is the only inquiry, and the only remedy is by a parliamentary committee—none other. Need I remind you, Sir, that this House has complete control over its own membership? Need I remind you, Sir, that this House can go so far as to expel any member of the House if it can get a majority of the House to do it? Need I remind you, Sir, that Louis Riel who once occupied a seat in this House was expelled, and the member for Lincoln at one time was under threat of expulsion.

Need I remind you, Sir, that the mother of parliaments, the parliament of Australia and other parliaments have exercised the power of removing members from the House. That power does not come to them by statute. It is an inherent power which rests in this House to determine who shall and who shall not sit in this chamber, notwithstanding the votes of the electors. That matter should always be kept in mind. This House has exercised this power. When they say that this House has no power, I remind them of the inherent power of the House, the right to determine who shall sit in it, and it would be competent to-day, if a majority of the House so desired, to remove from the membership of the House any gentleman who sits here. It could only be done if the case were such as to warrant its action. I am simply pointing out that the plenary power is there and the House can exercise that jurisdiction if it so desires; there is no doubt about it.

Mr. WOODSWORTH: May I ask the hon. member a question?

Mr. BENNETT: Yes.

Mr. WOODSWORTH: Aside from the question of the power of the House why does the hon. gentleman make the statement that it is the only way of having a wrong, or an alleged wrong, righted. Can it not be righted through the courts?

Mr. BENNETT: That is what I am coming to. My hon. friend is very kind this afternoon because he is asking questions regarding matters which I might have overlooked if I had not the benefit of his questions. I am very grateful to him for that. It is just because there is no remedy in the courts that this is the only remedy. The criminal law has been set in operation against Robb the wrongdoer; he is in the penitentiary. The criminal law affords no remedy that will give Mr. Collins his seat. There is no civil remedy with respect to that except action through the controverted elections court which will not and cannot give him his seat. That is the point I desire to make.

Mr. WOODSWORTH: Can the courts void the election?

Mr. BENNETT: Yes; but voiding of the election does not give the man who received the most votes at the last election his seat. I am sure my hon. friend's sense of fairness will govern. For instance the election of my hon. friend might be voided, but the statute says that within a certain number of days proceedings have to be taken, and if they are not taken within that number of days they may not then be taken.

Mr. MACKENZIE KING: If the court were of opinion that the circumstances were such that a member had lost his seat, taking everything into consideration that came before them, would the court not be free to report that circumstance to parliament?

Mr. BENNETT: I am sorry to say in answer to the Prime Minister that the jurisdiction of the court extends only to scrutiny and to the voiding of the seat. They can report to parliament only this: The prayer of the petition is to void the seat. They either void it or do not. If on the other hand there is a demand for a scrutiny they can count the pieces of paper and observe the marks on them. If a wrong count has been made they can correct that by substituting for the then member the member who has the most pieces of paper marked in his favour. For instance in the West Calgary election in 1921, as will be observed from the judgment of the Supreme Court of Canada, a count of the vote was held. That inquiry went to the Supreme Court here. In that election it was decided that ballots marked with the figure "1" or marked with a red pencil or a blue pencil or an indelible pencil should not be counted for the petitioner in that case. The result was that, although the court so recorded and the judgment of the Supreme Court of Canada was that had the intention of the electors prevailed another hon. gentleman would have been in the seat of the one who occupied it for the four years in question, they were powerless to afford a remedy. A report to parliament by judges cannot under any circumstance give the seat to Mr. Collins.



Mr. MACKENZIE KING: I know a report to parliament cannot give the seat, but the judge has the right to report to parliament any circumstance which he thinks they ought to be made aware of.

Mr. BENNETT: Unfortunately—and I am sure the Prime Minister will see the force of this at once—the judges cannot hear the evidence in a controverted elections case. My right hon. friend sees at once the whole trouble. He has anticipated what I was going to say.

Mr. WOODSWORTH: If the seat is voided is that not the first step in righting the wrong? There is another election and the thing is then decided.

Mr. BENNETT: May I put this to my hon. friend? Does he for a single moment say that it is the first step towards righting a wrong to void a seat and bring on a new election when the seat has been stolen?

Mr. WOODSWORTH: It seems to be so.

Mr. BENNETT: Let me put this in another way. If my hon. friend's goods have been stolen from him, if the thief goes to gaol for five years and if my hon. friend has not recovered back his goods does he think he is compensated when he is afforded the privilege of going out and earning enough money to buy himself a new bedroom set?

Mr. WOODSWORTH: May I put it in this way? If I lose my watch and finally the thief is discovered, that is the first step towards getting my watch back. It may subsequently be returned to me through due process. I may have suffered the inconvenience of losing the watch, but it is the first step towards obtaining my own again.

Mr. BENNETT: The first step towards getting back the watch that was lost, not stolen, is to prove ownership of the property.

In this instance that step was taken before Mr. Justice Walsh when 111 electors of Peace River went into the box and swore that they voted for Collins and the ballots came out marked for Rae. He proved his property.

Mr. SPENCER: Would not the best way of proving ownership of a property be to have another election?

Mr. BENNETT: Surely my hon. friend does not think the best way to prove ownership of a property is to have an auction sale.

Mr. YOUNG (Saskatoon): Does the hon. member consider an election an auction sale?

Mr. BENNETT: In northern Saskatchewan that seems to have been the process and it has now moved westward to Alberta.

Mr. YOUNG (Saskatoon): Elections in Saskatchewan are not conducted in the way the hon. member has suggested.

Mr. BENNETT: I am glad my hon. friend has offered his denial because I hold in my hand a volume that shows the statement I made was correct, and I am going to prove it in a moment. I want to deal with the question of the Prime Minister because I can see that the mind of this House is not partisan at the moment; it desires to do what is right and just, and the mind of the Prime Minister is also not partisan; he desires to do what is right and just. He suggests that the judges might report the circumstance of the ballots having been stolen and having been marked for Mr. Rae when in truth they were marked by the electors for Mr. Collins. But he forgot that the Supreme Court of Canada decided in the Haldimand case that in a civil proceeding it would be illegal and improper on grounds of public policy, apart from everything else, for those electors to give that testimony in that court. Therefore the judges could not make the report.

Mr. MACKENZIE KING: But I cannot imagine that the Controverted Elections Act was framed with a view to doing injury to anyone or to deprive parliament of having the right to redress a wrong. Section 61 of the Controverted Elections Act states:

> The trial judges may, at the same time, make a special report to the Speaker as to any matters arising in the course of the trial, an account of which ought, in their judgment, to be submitted to the House of Commons.

I cannot conceive of a judge believing, no matter what the circumstances are, that a gentleman has been deprived of his seat and another member returned in an improper way, not reporting that matter to the Speaker of the House of Commons so that it might be dealt with by parliament.

Mr. BENNETT: I am glad the Prime Minister has put it thus fairly. Surely he must realize that section 61, which enables judges to make a report, is predicated upon the report being based upon the evidence received by them. If they do not have any evidence of the stolen ballots, which evidence they cannot receive as the Prime Minister will understand under the Haldimand decision, they cannot make that report. In other words a report of the judges must be a report based upon the evidence given at the trial. That is clear. No evidence can be given at the trial as to how men voted. The Supreme Court of Canada has so held. I think it is a strange construction, but the judges say: Even though they may give evidence, we will not allow them to do so on account of the judgment in the controverted elections case. It would be an incentive to induce men to commit perjury in the heat and stress of election campaigns and under pressure of party politics. Therefore, under the decision of the Supreme court of Canada interpreting the section of the Controverted Elections Act to which we have referred, no report may be made as to how people voted. The courts can report that there are suspicious circumstances with respect to the election, but they could not report that nine, ten, fifteen, twenty or a hundred men voted one way and that the ballots were counted another, because by the decision of the Supreme Court all testimony is excluded which would go to show how electors voted. That is what I want to make clear.

Mr. MACKENZIE KING: The law clearly seems to contemplate that in addition to the report that may be made on the evidence it is still open to the judge himself in his discretion to make a special report. Let me read the section again:

Mr. MEIGHEN: Report on what?

Mr. MACKENZIE KING: On any matter which he thinks should be brought to the attention of the House of Commons. Section 61 of the Controverted Elections Act reads:

> The trial judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial an account of which ought in their judgment to be submitted to the House of Commons.

Mr. BENNETT: The relevant words are "in the course of the trial", and my right hon. friend (Mr. Mackenzie King) has, I think, a sufficient knowledge of the procedure of the

courts to know that any matter arising in the course of a trial must be such as has been spoken to by either witnesses or counsel and arising out of the proceedings in themselves, which in this instance would be a controverted election. Evidence in this case would be submitted to show that one hundred men had voted at Brule Mine for Mr. Collins—assuming the case to be before the courts—and that their ballots had been stolen and marked for some other candidate, and the judges would decline to receive that evidence in the light of the decision of the Supreme Court. Therefore they could make no report that would assist Collins in securing his seat. That is the point I desire to make clear. There is no remedy so far as the courts are concerned.

The Prime Minister very fairly observed a moment ago that wherever there is wrong there must be a remedy. He is right. That is why I cited the case which I submitted to the consideration of the House. What is the remedy in this instance? The remedy is by petition to this parliament, and wherever it is shown by proceedings or otherwise that there is no remedy available elsewhere, parliament, which has supreme control over its own procedure and membership, will take such action as may be necessary to rectify the wrong that has been done. Let me refer the House to the Saskatchewan case which I mentioned a few days ago. In northern Saskatchewan there was held in 1905 a certain election which resulted in the return of Mr. Tyerman, and the same thing happened there that occurred in the Peace River election. Ballots were stolen and Mr. Donaldson, the aggrieved candidate, took proceedings in the criminal courts. Mr. Tyerman was convicted and Mr. Donaldson thereupon instituted proceedings at law under the Controverted Elections Act of the Northwest Territories, believing that the statute had application in the circumstances. The court, however, decided that in the transition stage under the Autonomy Act it was without jurisdiction. Mr. Donaldson petitioned the legislature. The petition was referred to the standing committee on Privileges and Elections which investigated the matter, and examined with great care various precedents. Finally there was brought in a report prepared by Mr., now Sir Frederick Haultain, Chief Justice of Saskatchewan, at that time leader of the provincial opposition, and the Hon. Mr. Justice Lamont of the Court of Appeal of Saskatchewan, then attorney general. One paragraph of that report reads:—

That Mr. Donaldson entered a petition in the Supreme Court of the North-west Territories contesting the election of Mr. Tyerman, which petition was outstanding and pending until the twelfth day of December, 1906, when the same was dismissed for want of jurisdiction.

The finding was that there had been cast for Mr. Donaldson at certain polls sufficient votes to have elected him by a comfortable majority, but that the ballots had been extracted and marked for Mr. Tyerman who consequently had been returned. The legislature of Saskatchewan thereupon, on the motion of Attorney General Lamont, seconded by Mr. Haultain, adopted a report which recommended special action in the case. Because there was no specific remedy for the wrong that had been done, except such remedy as it was within the inherent power of a British legislature to provide, the legislature of the province of Saskatchewan resolved to call to its bar the clerk of the executive council, who was instructed to strike out of the election return the name Tyerman and to substitute therefor the name Donaldson. Mr. Donaldson, therefore, was given his seat and took his place in the House.

Mr. WOODSWORTH: In that case action was first taken in the courts before the matter was brought up in the legislature. Why did not Mr. Collins take action similarly, before bringing the matter up in parliament?

Mr. BENNETT: The answer is clear. Collins did cause proceedings to be taken criminally, with the result that Robb was convicted. But proceedings having been taken under the Controverted Elections Act by a Mr. Page against Mr. Kennedy it was not competent for Collins to take similar action, inasmuch as there cannot be two proceedings under the same statute with respect to the same respondent. But such proceedings as Collins did take could not give him his seat, and that is the point I make.

Mr. WOODSWORTH: Was it not possible for Collins to take proceedings under the Controverted Elections Act?

Mr. BENNETT: I tried to explain to the hon. member that Mr. Collins first of all spent much time, effort and money gathering evidence and he secured the approval and consent of the attorney general to take proceedings against the wrongdoers. Before these proceedings against Robb and other wrongdoers were concluded, Mr. Page brought proceedings under the Controverted Elections Act against Mr. Kennedy, proceedings which he has now intimated his willingness to drop, if he can. That point, however, I will not stop to discuss, because we do not wish to debate any disputatious questions. But whatever may be done by

Page or Collins or anyone else under the Controverted Elections Act, the fact remains that property which has been stolen will not be returned unless this House takes steps to see that it is.

Mr. WOODSWORTH: Am I to understand that it was not competent for Collins to take any action whatever at any time under the Controverted Elections Act?

Mr. BENNETT: It was not competent for him to take proceedings under that act such as would secure him his seat.

Mr. WOODSWORTH: That is not the point.

Mr. BENNETT: It was not competent for him to take proceedings when these irregularities were discovered, because on February 24 last one Page had already brought proceedings under the act against Mr. Kennedy, and as I have already pointed two proceedings may not be brought against the same respondent with respect to the same election.

Mr. CAHAN: Is it not clear beyond a doubt that in no election proceedings could evidence be heard such as is now before this House in the petition? Even if the allegations were not struck out by the judge it would be impossible to place one scintilla of evidence before the court in support of the petition.

Mr. BENNETT: I thank my hon. friend for putting the matter so clearly. I thought I had emphasized that in answer to the right hon. Prime Minister, that had Collins brought proceedings under the Controverted Elections Act he could not produce the witnesses to prove what he proved in the criminal court, because the judge in the civil court would not receive testimony as to how men voted, that testimony could be received only in the criminal court. The Minister of Justice in his speech made that perfectly clear.

Mr. WOODSWORTH: But he could have taken proceedings along the lines of the Saskatchewan case.

Mr. BENNETT: No. They were the same form of proceedings in the Saskatchewan case, and if in that case they had endeavoured to ask how the men voted the same result would have followed. The reason they did not get anywhere in the Saskatchewan case was because the civil court had no jurisdiction, the transitional stage under the autonomy legislation not enabling that court to continue to deal with controverted elections, so they had to pass a new statute and establish a new court for that purpose. But the law is as stated by the attorney general, that under the Controverted Elections Act no witnesses could be called and examined as to how they voted, and therefore the judges hearing the petition were without jurisdiction or power to award the seat to the man from whom it had been stolen.

Mr. WOODSWORTH: It was quite competent for him to have taken action before Page did under the Controverted Elections Act.

Mr. BENNETT: It was competent, of course, for him to do so, but he did not have his information; he did not have the evidence given by the electors and the verdict of the jury until after that date, and even if he had, those men could not have given this testimony.

Mr. WOODSWORTH: The hon. gentleman is anxious to right one wrong. I would suggest that since none of this evidence was available to Mr. Kennedy at that time, he could not have proceeded until afterwards to right the wrong against himself.

Mr. BENNETT: I am sure no one would suggest that until the facts were investigated in the criminal court Mr. Kennedy had any real knowledge of what had happened. We have been fair enough to say that. But since the verdict was given, the conviction registered and Robb sentenced, not only Mr. Kennedy but all the world knows he holds the seat by stolen ballots. Of course any other proceedings, having regard to the fact that the electors could not say for whom they voted, would be nothing but a farce, as my hon. friend from St. Lawrence-St. George has made perfectly clear.

Now, if that be the only remedy, how are you to deal with it? I should like us this afternoon to consider ourselves not on our legislative side but on our judicial side—as the high court of parliament. I put this to every hon. member: The case of Collins may be your case and mine next year; how would you feel under similar circumstances? After all, justice is justice. It has been well said that it is an attribute of the Godhead. I admit we are all prone to have strong views, that our passions sometimes sway our reason and our prejudices destroy our judgment, but I ask every member of this House this afternoon to bear in mind that we are members of the high court of parliament, the highest tribunal in the land, the court that on its legislative side makes the criminal law, and that to deny this petition should be received and referred to the com-

mittee on Privileges and Elections is to deny elemental justice to a fellow-citizen. And, Mr. Speaker, I should like to put this question to every member before he votes, as I have endeavoured to put it to myself: Would he under similar circumstances feel he was being fairly or justly dealt with if, with knowledge that his seat had been stolen from him under the conditions that prevailed in the Peace River constituency, he was not accorded the only remedy available to him, namely, the remedy of appeal to parliament? If any hon. gentleman can point out any other remedy that is available to Collins, then we have a different state of facts. But this being the only remedy, what are we to do? The hon. Minister of Justice made two or three observations in that regard that call for answer. He said: Parliament is powerless, because if we do refer the matter to the committee on Privileges and Elections, they cannot receive the testimony of witnesses, not being a criminal court. May I remind him that the mere statement carries its own answer? If it had been made by anyone less important than the Attorney General of Canada, I would use harsher words in respect to it. He said first of all: As on grounds of public policy you could not in civil proceedings receive the evidence of these witnesses as to how they voted, therefore a parliamentary committee could not. In the West Huron case a parliamentary committee received evidence and compelled witnesses to answer. Before a parliamentary committee that has been sitting during the last few weeks men have been compelled to incriminate themselves. That is the distinction between a parliamentary committee and a court of law. I remember in my first parliament seeing a man stand at the bar of this House and then sent to the tower because he had committed contempt of this high court of parliament in refusing to answer a question which he said would incriminate himself. Incrimination has nothing to do with it. Before the high court of parliament a man is bound to answer any question that is put to him. It cannot be used against him. In the parliamentary committee to which I have already referred men during the last few weeks have been compelled to answer questions incriminating themselves, because it was realized that it was a committee of the high court of parliament, and therefore it could at least enforce every law that the high court of parliament could itself make. This high court of parliament has expelled men from the House, Louis Riel and others. This high court of parliament has the right to determine whether or not Collins shall have a seat in this House, and when this matter is referred to the committee on Privileges and Elections the testimony already taken need not be taken again, the evidence was adduced before the criminal court on which his countrymen found Robb guilty. The certified evidence is there, the evidence of 111 men who went into the witness box and swore how they voted, the evidence of the ballots themselves, evidence that has been approved by the Supreme Court of Alberta on the appellate side by unanimous judgment. That judgment against Robb is predicated on the evidence of 111 witnesses. A jury of his countrymen after hearing the evidence decided that Robb was guilty. Robb himself did not dare go into the witness box. I can say that in parliament, although it could not be said by counsel for the crown in his address to the jury. Robb was convicted, and the Supreme Court of Alberta has confirmed his conviction. If parliament wants to do what was done in the Donaldson case, it can take that record with that certificate given by the Supreme Court of Alberta and read there that 111 men voted for Collins, and that their votes were marked for Rae. Then it can make a report that the Chief Electoral Officer attend at the bar of this House to amend his return and award the seat to the man who won his election as every man in this House should, by receiving the largest number of votes, but whose place is now taken by another.

Now the Minister of Justice, the Attorney General of Canada, says that a committee of parliament is powerless, and therefore there is no remedy. Daniel O'Connell once said, "Parliament is omnipotent." Parliament is supreme in this matter. If the law has failed to make provision whereby in a case of this kind the judges could hear the evidence and award the seat, then the power of this parliament—

Mr. POWER: I do not think the Minister of Justice suggested that parliament was powerless. He simply pointed out that we could not bring before the bar of the House for punishment a man who refused to divulge the secret of the ballot box.

Mr. BENNETT: I think it was put in this way; I think he said that on grounds of public policy the courts had decided that under the section a man was not only not compelled to answer as to how he voted, but that he would not be permitted to say how he voted, and that the same principle would apply in the proceedings that would take place in committee. He then read the section, but surely in reading the section he

must have observed that the secrecy of the ballot was limited to a legal proceeding. Therefore that argument is without strength, because it applies only to a legal proceeding and not to this parliament or any committee of parliament. In other words, the prohibition against a man saying how he voted or against his being compelled to answer is limited to legal proceedings under section 72 of the statute.

Mr. POWER: If my hon. friend will permit me, I understand that phase of the situation and I think the Minister of Justice understood it also. In case the Minister of Justice did not point that out may I be permitted to say that it appears to me highly improper, if not ridiculous, for the parliament of Canada to bring before the bar of this House and threaten with punishment any individual who would refuse to divulge the secret of the ballot. That is the point.

Mr. BENNETT: My hon. friend has failed to observe the language of section 226.

Mr. POWER: I am not discussing the law.

Mr. BENNETT: Section 226 is as follows:

> No person who has voted at an election shall, in any legal proceeding questioning the election or return, be required to state for whom he voted.

Now my hon. friend says we should not compel these men to tell whether they voted for Collins or Rae or Kennedy, but he overlooked the fact that we are asking nothing more than that those men who have already told how they voted should come here and tell us again.

Mr. POWER: Well then, we will suppose a certain number of ballots were improperly marked as against Kennedy. Would we have the right, before taking legal proceedings in the criminal courts, to question these men before the bar of the House?

Mr. BENNETT: Whatever may be the right of this parliament to make an initial investigation I am not concerned with; in my judgment parliament has that power, but in this case may I direct the attention of this tribunal to the fact that we only seek to take advantage of the proceedings of the courts of this country on behalf of the man who has been injured, the courts which condemned Robb to five years imprisonment for having stolen these ballots. That is all. These men who marked their ballots went into the witness box and told for whom they voted and having sworn that, all we now seek to do is to permit the use of that evidence in the committee, or to call these men here who have already sworn how they voted.

Mr. POWER: I will just ask one more question. Will my hon. friend say that he would be prepared to move, by resolution or otherwise, that a witness be punished for refusing to answer such a question before the bar of this House?

Mr. BENNETT: I have no hesitation in saying that in this case that situation could not possibly arise.

Mr. POWER: They might absolutely refuse to answer before the Privileges and Elections committee.

Mr. BENNETT: So far as I am concerned, and I can only speak for myself, I would have no hesitation in moving that they be committed.

Mr. LAPOINTE: That is good Tory doctrine.

Mr. BENNETT: No, Sir; that is the doctrine of equity and justice. That is the doctrine of public policy.

Mr. LAPOINTE: That is not law; that is Toryism.

Mr. BENNETT: I am very glad that we in this country are not compelled to accept the dictum of my hon. friend as to what constitutes law, although for the moment we may be compelled to take his views as to what constitutes Toryism. But let me put it this way. I would not have the slightest hesitation in saying that if, before the high court of parliament—which made the law and can unmake it; it is supreme—a witness declines to answer any question as to how he voted or otherwise he should be punished, not in order that the public policy might be vindicated but that a public wrong might have an adequate public remedy.

Mr. POWER: May I be permitted another question?

Mr. WOODSWORTH: Could the committee on Privileges and Elections investigate other alleged irregularities even though they had not hitherto been before the courts?

Mr. BENNETT: The Minister of Justice this afternoon stated that parliament has delegated any matters within the purview of the Controverted Elections Act to the courts, and divested this high court of parliament of its jurisdiction. I think that is the law. But with respect to these matters that have not been delegated to the courts, those matters of which parliament has not divested

itself, the inherent power and jurisdiction still remain and must be exercised in the public interest as they were in Saskatchewan and should be here if a wrong has been done for which there is no remedy.

Mr. WOODSWORTH: But the Speaker was referring to certain irregularities at a particular poll. Supposing it was brought to the notice of any individual member of this House or of any citizen that there were irregularities at other polls, could the committee on Privileges and Elections consider such irregularities?

Mr. BENNETT: The answer is that this is not a remedy within the statute. If the irregularities complained of by the citizen were irregularities within the statute they must be the subject matter of judicial determination. If they were matters outside of the statute they would have to be inquired into by the committee on Privileges and Elections.

Mr. WOODSWORTH: There would be no general investigation with regard to the election.

Mr. BENNETT: There can never be a general investigation with respect to anything. That is illustrated by the fact that Mr. Kennedy's solicitors have applied for particulars, in order that they may know wherein he violated the law. The law is based upon the assumption that a man cannot meet glittering generalities but must be allowed to deal with specific matters.

Mr. WOODSWORTH: I am speaking of the committee on Privileges and Elections.

Mr. BENNETT: The committee on Privileges and Elections is a law unto itself; if a majority of that committee decide to carry on a certain investigation within the scope of its reference they undoubtedly would have the jurisdiction so to do.

Mr. WOODSWORTH: But it is limited to one particular poll.

Mr. BENNETT: Absolutely, it being open to Mr. Kennedy, of course, if he so desired, to prefer other charges with respect to irregularities at other points, if he knows of them. They would then be investigated in the manner provided by law.

Mr. WOODSWORTH: If it were necessary to call 115 witnesses to Ottawa to testify as to how they voted, it might be necessary to call all the voters in Peace River for the same purpose.

[Mr. Bennett.]

Mr. BENNETT: I am sure no man who has cried aloud to high heaven as has the hon. member would deny a fellow citizen the right to enjoy the fruits of his efforts when they have been stolen by someone else. Surely my friend must realize that the assertion of a wrong does not constitute either evidence or proof of it, and that until such time as there is some evidence other than the mere statement to cover up the surrender of the goods that are now illegally held, you cannot predicate an argument upon it. In this case we predicate our argument upon the sworn testimony of witnesses, not determined by us but by a jury of Robb's countrymen, who found him guilty of the offence charged, which was confirmed as I have already said by the appellate division of the Supreme Court of Alberta.

Mr. WCODSWORTH: The hon. gentleman said that this parliament was a law unto itself. It seems to me the matter is still in the realm of the courts, while the hon. gentleman is asking us to transfer it to the larger arena of parliament.

Mr. BENNETT: It is because the law courts have determined finally that there has been a theft of 111 ballots that Collins petitions this parliament to undo the wrong that otherwise is without a remedy. If this parliament does what was done in Saskatchewan, and Mr. Collins is returned as the member for Peace River by an amendment of the return of the Chief Electoral Officer at the bar of this House, then, Sir, within a period of forty days after that Mr. Kennedy, or any citizen, would have the right to petition the courts of the country to declare the election void, and to take from Mr. Collins his seat if he could. I desire to make that clear.

The substitution and gazetting of Mr. Collins as the member for Peace River, as he should be, would thereupon afford any any complaining citizen the right to allege either in the courts of the country or, if necessary, in this parliament what is now alleged either by a petition under the Controverted Elections Act or by a petition to this parliament to deal with the whole situation. Let there be no misunderstanding about that. What this petition seeks in essence is this, that instead of Mr. Kennedy sitting as the member for Peace River, the man who, under the process by which we sit here, obtained his seat should occupy that seat in this parliament. That is all. Further, Mr. Speaker, there would then be accorded to Mr. Kennedy, to any citizen of Peace River, to any elector, the same right to petition

against Collins as Page has now exercised against Kennedy. For forty days after Collins was put in his seat, any elector could inquire into the irregularities my hon. friend from Winnipeg complained of, under the Controverted Elections Act, and if irregularities existed, that were found to be of a criminal character such as brought Robb to the bar of justice, they too could be inquired into in the criminal courts, and if there was no adequate remedy, there could be a petition to this House, by which the wrong done to Mr. Kennedy, if any, could then be righted.

This is not a one-sided remedy. It is a reciprocal remedy. It works both ways. It affords to Mr. Collins the remedy and the right which he has won from the electors by the certificate of those who were responsible for the conduct of the election, and it affords to his opponents the same right of petition and protest against him—

Mr. POWER: Will my hon. friend allege that it is sufficient for a petitioner to come before this House, saying that he cannot obtain a remedy through the courts, to have his election inquired into by the committee on Privileges and Elections?

Mr. BENNETT: Broadly and generally the principle is that wherever there is a wrong there is a remedy, and if it is established to the satisfaction of parliament that no remedy has been provided by parliament itself within the law enacted by parliament, a petition could be received by parliament.

Mr. POWER: What is there to prevent every election being brought before the committee on Privileges and Elections, if my hon. friend's argument is correct? According to him, the only allegation necessary would be that the petitioner could not find any remedy before the courts.

Mr. BENNETT: Surely my hon. friend has not followed the petition. It makes no allegation of that sort. It alleges, and in fact it is proven and is in the records of the courts of the country, that there has been a conviction for the offence alleged. It is not mere hearsay or blind allegation.

Mr. POWER: But fundamentally my hon. friend's argument this afternoon is that Collins comes before us because he cannot find a remedy elsewhere.

Mr. BENNETT: Let me put that again. I am sure my hon. friend did not follow me. I hesitate to restate this because it was so clearly stated by my right hon. leader. If within the four corners of the Controverted Elections Act no remedy has been provided by parliament for an alleged offence, then parliament still has inherent jurisdiction over it. The extent to which parliament might exercise that power must always depend upon the merits of each particular case, but you never must confuse jurisdiction with the exercise of it. In the one instance, the power exists. The exercise of it always depends upon the facts of each particular case. I trust I have made myself clear.

Mr. POWER: I understand what my hon. friend is driving at.

Mr. BENNETT: Then I am sure my hon. friend is convinced.

Mr. POWER: No, I am not. I maintain that under my hon. friend's argument, if we create this precedent to-day, it will be sufficient for any man who complains of having lost an election to come before parliament and allege, backed by an affidavit, that ballots have been improperly marked, and then we must follow this precedent and refer the matter to the committee on Privileges and Elections. That would bring the whole matter of deciding contested elections into parliament instead of leaving it to the courts under the Controverted Elections Act.

Mr. BENNETT: No hon. gentleman who has followed the facts of this case could make any such observation as that.

Mr. POWER: That is a matter of appreciation.

Mr. BENNETT: Let me restate the proposition which the Attorney General of Canada has said is sound; so there is agreement upon it. If within the four corners of the Controverted Elections Act a remedy is provided for the wrong that has been done, then the courts, and not parliament, have jurisdiction. If, on the other hand, there is no remedy provided by the statute, this parliament has inherent power and jurisdiction to deal with the case, and in the exercise of that right regard must be had in every instance to the merits of the case as disclosed by the allegations in the petition.

Mr. POWER: In other words, my hon. friend's argument is this: It all depends on whose ox is gored.

Mr. BENNETT: Not a bit. It is because, Mr. Speaker, I still have a belief, a somewhat shaken belief, it is true, in the essential sense of fairness of my fellowmen—I will admit that I have had reason to doubt it at times—

Mr. POWER: In election matters in Saskatchewan and Alberta.

Mr. BENNETT: I am bound to say universally so far as the first province mentioned is concerned, and also as regards the northern half of the latter province, there is reason for doubting.

I still cannot believe, Mr. Speaker, that 244 members of the parliament of Canada, a governing group, speaking through its chief law officer and admitting that there is no remedy under the Controverted Elections Act for this particular case, will deny to a fellow citizen the only remedy he has, namely, the right to petition this parliament to redress his grievances. I cannot believe

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it. If this be sound, then what are we doing? It is only necessary to carry on, on a large scale, throughout the provinces of Canada what was done in Alberta and Saskatchewan, and which did not originate in either of those provinces but came from Ontario, as we know with respect to evidence given before the Privileges and Elections committee in this House in former days—it will only be necessary to have someone rob a ballot box to ensure the return of a member who can sit here and defy public opinion and this parliament. My hon. friend the Minister of Railways (Mr. Dunning), with his sense of fairness, shakes his head. What is the remedy? Name it. What other remedy is there but this House and this petition? Name it. The very fact that we are faced with this problem should in itself show hon. members where this will lead them. All you would have to do would be to go through the constituencies in a general election, say ten, fifteen or twenty, and rob enough ballot boxes—go into it on a large scale—and you would have returned to parliament men who had stolen the seats. It is admitted that we have no remedy in the court; the only remedy would be by a petition to this parliament. Then the man with the longest purse, the man who could hire the most criminals, would be able to control an election. Is the man who is able to hire the most desperadoes and thugs to have a seat in parliament? Are you putting a premium on rascality? That is what it means—nothing short of that. A vote to declare that Collins' petition shall not be considered by this House is a declaration that he has no remedy, and that this parliament puts the stamp of its approval upon the most brazen rascality one can possibly conceive of. The legislature of Saskatchewan voted unanimously against this idea and put Donaldson, a Tory, in a Liberal House in which there were only four or five Conservatives. Has this House less sense of fair play and justice than the Saskatchewan legislature?

This question must stir the conscience of every thoughtful man in the House this afternoon. I can conceive of nothing that will tend more to lower, in the mind of the public, their conception of this parliament. I read editorials in the newspapers, not all Conservative, but papers of the Liberal faith in Toronto, and elsewhere and they said, "This cannot be without some remedy." If, as has been completely shown by the right hon. leader of the opposition, supported by the Minister of Justice, and re-affirmed by myself in a halting way, these are the conclusions at which we must arrive, then let us pause before we deny the right to submit this petition to this House.

There are one or two matters that might be dealt with, but I shall not take up time to go into them now. There have been many interruptions and I have taken a much longer time than I expected to take, but the interruptions were of the most friendly kind, because I believe in the hearts of all members in this House there is a desire to do justice to their fellow men. If this parliament, with the inherent right to expel members, is going now to say that it will not exercise its inherent power to hear the petition of one whose seat has been stolen from him, are we not doing an injustice to our own sesnse of justice?

Let me say this much to the Attorney General of Canada, the Minister of Justice; if there is no remedy except this petition, is it not about time parliament amended the statute so as to provide a remedy? And since no amendment will confer upon Collins his rights, let us exercise the right which we believe should be exercised, and in fulfilment and in furtherance of the exercise of our inherent power, our jurisdiction as a High Court of Justice, let us do that which is equitable and fair, just as any one of us would expect it to be done to him if he were in a similar situation.

Mr. DENIS (Joliette): The hon. member stated that because Page had instituted a petition, Collins was prevented from petitioning. I am not very conversant with this law, but will the hon. member give me authority for that?

Mr. BENNETT: What I meant by that was that while the statute does not provide a limit of one petition, the truth is that no judges will hear two petitions when they cover the same subject matter, and that, so far as Collins preferring a petition against Kennedy is concerned, it would serve no useful purpose,

inasmuch as the law provides that there may be a substitution in the event of one petitioner not proceeding. But the only effect would be to void the seat; it would not afford the remedy he is entitled to, namely, a seat in the House of Commons.

Mr. DENIS (Joliette): But more petitions can be preferred against him?

Mr. BENNETT: They are not prohibited, but so far as that is concerned the court is not going to try three or four petitions at a time.

Mr. LAPOINTE: All the petitions are united and tried as one.

Mr. BENNETT: Yes, consolidated.

Hon. LUCIEN CANNON (Solicitor General): The argument presented by the hon. member for West Calgary (Mr. Bennett) may be summed up as follows; has a wrong been committed, and if so, should parliament right that wrong? My remarks will be limited strictly to my interpretation of the law as I see it. First of all, we must not forget that we have not before us any evidence whatsoever of any of the facts mentioned by the hon. member for West Calgary. He may be a very learned lawyer, and so he is, but as every hon. member in this House knows, the word of a lawyer is not accepted as evidence before any court or before parliament. I do not say this to cast any doubt upon what my hon. friend has said; I simply point out that legally speaking we have absolutely no evidence before us, notwithstanding anything that my hon. friend may have alleged.

Mr. BENNETT: I may tell my hon. friend that accompanying the petition is a certified record of the evidence of every witness and a certificate of the court finding the prisoner guilty.

Mr. CANNON: I am coming to that. Whatever might have been said by the hon. member for West Calgary, or whatever might be said by any member in this House with reference to the election is not evidence and cannot be considered as evidence. My hon. friend says that accompanying the petition there is an appendix containing the evidence presented before the court in the criminal proceedings taken against Robb. I may say—and he cannot contradict me—that this appendix cannot be considered.

Mr. BENNETT: It is not an appendix.

Mr. CANNON: Rule 75 concerning petitions is very simple. It states that a petition cannot be accompanied by any extra document or appendix. It is so much the case and my hon. friend understood the law as I state it now so well, that he removed the appendix himself.

Mr. BENNETT: There never was an appendix.

Mr. CANNON: If it had not been removed the petition could not have been received. That is the law and my hon. friend knows it. Therefore when he is quoting the appendix he is quoting from a document which is not and cannot be before us. The only document we have legally before us and which can be considered in order to form an opinion is the petition itself, and I am coming to it.

Mr. MEIGHEN: Is parliament debarred, in carrying out its duties, from considering the records and decisions of our courts whether they are on the table or not?

Mr. CANNON: My right hon. friend is too good a lawyer to expect me not to give him the only obvious answer. Doubtless parliament can consider judicial records, but only when they are put before it in a legal way.

Mr. CAHAN: Is it not the bounden duty of parliament, in considering whether or not a petition shall be received, to assume from the outset that every allegation in it is true?

Mr. CANNON: That is another aspect, and I will deal with it presently. The point I am trying to make—and I think I have made it—is that actually the only thing we have before us is the petition. We do not know what may have happened in the courts of Alberta. We have heard a great deal about it, but legally none of those facts is placed before us.

I come now to the petition. To petition parliament it is not necessary to support the allegation of the petition by affidavit. If this petitioner, Collins, had petitioned under the Controverted Elections Act or under the Corrupt Practices Act, he would have had to give an oath in support of his allegations. There is no affidavit in support of this petition.

Mr. RYCKMAN: The hon. member does not think Robb is in gaol.

Mr. CANNON: I am not discussing Mr. Robb; I am discussing the petition now before the House. I am pointing out that the allegations in this petition are not even supported by affidavit. That adds considerable strength to the argument made by the hon. member for Quebec South (Mr. Power) when he stated to the hon. member for West Cal-

gary that he should be extremely careful in dealing with this matter because it would be laying down a precedent which would open the door to any petition with any allegations, no affidavit in regard to any of them being necessary.

Mr. CAHAN: From time immemorial has the Solicitor General heard of a petition being presented to parliament supported by an affidavit? From time immemorial has not every British citizen, on his own allegation and subscribing his own signature, had the right to petition parliament so long as he keeps within the proper limits?

Mr. CANNON: Certainly. The point I am making is this that a petition to parliament need not be supported by affidavit, but according to the law of the land in order to protect duly elected members of parliament, if a man wishes to contest my election or to deprive me of my seat, he has to support his allegations by an affidavit. This is a man who wishes to deprive a member of this House of his seat; he wishes to attain through a petition to parliament exactly the same objects which he would secure from a court if he would act under the electoral law. But notwithstanding the fact that he wants a seat, that he wishes to deprive a member of the House of his seat, his petition is not supported by an affidavit as it would have to be if the application were made before the courts.

Mr. CAHAN: Suppose we admit that. If the allegations of the petition are such as come within the limits prescribed for petitioning to parliament, is it not the duty of parliament to receive the petition and to refer it to the committee on Privileges and Elections, so that the very first man who would be summoned might be the petitioner, in order that he might be put on oath and cross-examined as to the verity of the allegations contained in the petition?

Mr. CANNON: That is a matter of procedure, but it is outside of the argument I am now making. The hon. member for West Calgary says: There is a wrong, and he proves the existence of the wrong by quoting from documents which are not before us. Therefore I say that we have actually no evidence of the existence of a wrong. The allegations in this petition are not proven; the fact that a man alleges in his position so and so, does not mean that the condition referred to exists. My hon. friend has enough experience in courts to know that many allegations which appear in documents do not represent the facts.

[Mr. Cannon.]

Mr. CLARK: Has the Solicitor General ever heard of a petition presented to parliament with proof of the facts appearing in the petition?

Mr. CANNON: My hon. friend is not getting my point.

Mr. CLARK: Yes I am, if there is one.

Mr. CANNON: I am not saying that the man should support his petition by an affidavit. I do say that as he did not support his allegations by affidavit his allegations are supported by nothing at all; we have no evidence of the facts alleged in the petition or the facts referred to by the hon. member for West Calgary.

Mr. CLARK: What further support could be given of the facts alleged in the petition than a conviction which is of record by a criminal court and the indictment set out in the case?

Mr. CANNON: At the stage which we have now reached the records of any convictions or any court proceedings in Alberta are not and cannot be before us.

Mr. BENNETT: The indictment has been read.

Mr. CAHAN: When the House is considering whether a petition shall be received and referred for investigation, is the House not bound to assume, for the purpose of coming to that decision, the verity of every allegation contained in the petition?

Mr. CANNON: Certainly not.

Mr. CAHAN: I think so.

Mr. CANNON: On the contrary the argument made by the hon. member for West Calgary was that we should assume that during an election everything is done regularly. That assumption exists as my hon. friend will admit. Why should we reverse that assumption in favour of a man we know nothing about, who alleges in a petition that things have not been done regularly?

Mr. CAHAN: The answer is that we are not reversing it. We are referring the petition to a committee to hear the evidence and to consider whether it should be reversed or not.

Mr. CANNON: I submit first that we have no evidence of the existence of a wrong.

Mr. CAHAN: We have the petition.

Mr. CANNON: We have a petition, but it is not supported by an affidavit.

Mr. CAHAN: It is presumptive evidence.

Mr. CANNON: It is not accompanied by an appendix or any other document, and we have no other evidence of the existence of a wrong. That is my first point. And if I am right on that point I say that even if the petition were referred to a committee we could not secure further evidence. That is my second point. My contention briefly is this: first, there is no evidence; and, secondly, even if we went before the committee we could not secure evidence.

Mr. CAHAN: Why not?

Mr. CANNON: I shall try to prove that to the satisfaction of the hon. gentleman.

Mr. CLARK: How was the criminal convicted if there was no evidence?

Mr. CANNON: Section 226 of the Dominion Elections Act lays down the following principle:

No person who has voted at an election shall, in any legal proceeding questioning the election or return, be required to state for whom he voted.

That is the public law of the land. My hon. friend from West Calgary (Mr. Bennett) said that in a certain case cited some witnesses were asked by the committee to indicate for whom they had voted. I have examined the record and I see that one William Roman was examined by Mr. Borden —I presume it is Sir Robert Borden—but I would point out that this took place in 1899 and that section 226 from which I have just quoted was passed the following year.

Mr. CLARK: It was there long before.

Mr. CANNON: But even though witnesses may have been questioned by that committee as to how they voted, the fact that the committee exceeded its powers in that respect does not in any way affect the underlying principle that in all legal proceedings connected with an election the sacred secrecy of the ballot shall be respected.

Mr. MEIGHEN: In criminal courts?

Mr. CANNON: My right hon. friend will immediately see the distinction. In criminal courts proceedings are taken in the public interest. They are conducted, not for the purpose of collecting money, not to right any civil wrong, not to remedy an individual grievance, but to safeguard in general the well being of the public. Criminal law is for the protection of the public.

Mr. CAHAN: Does not the same principle apply in respect of all parliamentary investigations? Is there a single exception?

Mr. CANNON: Criminal law is administered in the public interest for the protection of the community as a whole, whereas civil courts are established merely for the settling of civil disputes as between individuals in which the general public is not interested. That is the distinction.

Mr. CAHAN: And for what purpose do parliamentary courts sit?

Mr. CANNON: Parliament sits for two purposes: to meet new needs by means of new legislation, and to amend existing grievances by changing the law as it stands.

Mr. CAHAN: Did the hon. gentleman never hear of another purpose? Did he not hear that parliament is the highest court in the country and that it administers its law in its own discretion without restraint except such as it imposes upon itself?

Mr. CANNON: There is no doubt about the fact that parliament is the highest tribunal in the land, but it is incumbent upon that tribunal to respect the law and not violate it. My second contention is, therefore, that even if we were to refer the matter to a committee, in view of that principle in our election law to which I have referred, that no man shall be asked for whom he has voted, we could not add anything to what is already before us in support of this petition. In the third place, I say that even if witnesses could be heard before the committee and could be asked to state for whom they had voted, parliament would not be in a position to right the wrong if wrong exists. And why do I say that? Because parliament decided in 1873 that it would no longer have anything to do with controverted elections. Parliament took the position that it would no longer deprive any one of its members of his seat in favour of someone else, and I say therefore that even if the whole of the evidence mentioned by the hon. member for West Calgary were before a committee, parliament would not be able to give the seat to the petitioner.

Mr. CAHAN: What does the hon. gentleman mean by parliament not being "able"? Does he mean able constitutionally, within the limits of its own practice, or does he refer to the power of parliament to take such action as it might see fit?

Mr. CANNON: Parliament in a way is omnipotent, subject to the limitations of our constitution, but parliament has divested itself of certain powers which have been delegated to the courts; and one of those delegated powers is the right to decide con-

troverted elections. And is not this a controverted election? No hon. member will challenge my contention that this is simply a controverted election. What does the petition itself say? The prayer of the petition asks that we should instruct our officers to take such action as may be necessary to secure the return to the House of Commons of the candidate who obtained the greatest number of votes cast by the electors in the electoral district of Peace River on October 29 last. This is simply a prayer whereby the petitioner asks us to decide a controverted election. We cannot do that; parliament fifty years ago decided it would not do so any more.

Mr. RYCKMAN: The minister made his question general. I want to say I am one who would deny that this is a controverted election under the Controverted Elections Act.

Mr. CANNON: Well, I think my hon. friend would be wrong.

Mr. RYCKMAN: I would be right.

Mr. CANNON: There is no doubt this is a controverted election.

Mr. CAHAN: What is the meaning of the term?

Mr. CANNON: Technically.

Mr. CAHAN: We are dealing with technicalities.

Mr. CANNON: So I think. Up to now, Mr. Speaker, I have tried to prove: First, that there is no evidence in support of the petition; secondly, that even if this case was referred to a committee, we could not secure evidence; and, thirdly, that even if evidence was secured and adduced, the prayer of the petitioner could not be granted.

Now I come to the last part of my argument. There is no doubt that the whole strength of the argument advanced on the other side lies in the fact that if there is a wrong existing that wrong should be remedied. There is absolutely no doubt that should this parliament be convinced that there is a wrong—and I say there is no evidence of it—this wrong, like every wrong in a British country, should be righted if possible. But their argument loses strength when it comes to the point as to whether or not another remedy exists. Their argument summed up is simply this: Collins should have the seat; the only way for him to secure that seat is to prove that he had more votes than his opponents; but he cannot prove that fact before any civil court because the law forbids the judge to listen to the evidence. I think that is the argument in a fair way. Let us examine the law on the point. Section 58—and I am not going to take the time of the House to read it—simply says that when the judges have reached a decision they make a report, and that report is sent to the Speaker. Section 61, which is the important section so far as we are concerned, provides that:

> The trial judges may, at the same time, make a special report to the Speaker—

As to what? Is there any limitation or restriction? According to the wording of the section, the report may be:

> —as to any matters arising in the course of the trial, an account of which ought, in their judgment, to be submitted to the House of Commons.

Mr. CAHAN: Would the hon. gentleman direct his attention to those words, "arising in the course of the trial?"

Mr. CANNON: Those are the words I am going to deal with. If the petitioner Collins is serious, if his friends are really in earnest and sincere, when the proceedings which have been instituted are continued before the courts—

Mr. CAHAN: But they never will be.

Mr. CANNON: Why not? This election is contested.

Mr. CAHAN: Yes, but without any intention of contesting it, possibly.

Mr. CANNON: Then anyone may substitute himself for Collins.

Mr. CAHAN: But only in the terms of the present petition.

Mr. CANNON: I will assume that my learned friend is right.

Mr. LAPOINTE: Such petitions always allege everything under the sun.

Mr. MEIGHEN: But they ask for certain things.

Mr. CANNON: Suppose I put things in as bad a light as possible. The present petitioner does not proceed, but a friend of Collins substitutes himself and proceeds with the case. This man personally or through his counsel gets up before the three judges, alleges the facts contained in the petition, and offers to prove those facts. You tell me the judges will be bound by the law, which forbids them receiving such evidences. But is not that a fact arising at the trial which the judges could report to the House? Will my learned friend contend for a minute that it is not?

Mr. CAHAN: It is a matter they might report to the House, but I suggest it is not a matter they would so report in fact, because no such allegation has ever been reported.

Mr. CANNON: That is not the point; my learned friend is getting away from the argument.

Mr. CAHAN: I am sticking very close to it.

Mr. CANNON: Yes, but keeping far enough away not to be within the circle of the real argument.

Sir HENRY DRAYTON: There is not any.

Mr. CANNON: My argument is this. This is a fact arising at the trial, and it is possible for the three judges to make a special report. Therefore I say the whole basis of the argument of my learned friends crumbles. The only strong point is in the fact that there is an existing wrong, and no remedy for that wrong. I do not concede there is a wrong, but assuming there is one, under section 61 of the Controverted Elections Act there is a remedy to right that wrong, and that remedy should be resorted to.

Mr. MEIGHEN: The hon. gentleman says that the judges might report the facts to the Speaker if Collins proceeded with this petition. Supposing his argument is right, and supposing the judges do what he says they might do, would not this House then be in exactly the same position as it is to-day?

Mr. CANNON: I am just coming to that. The judges make a special report to the Speaker; therefore a remedy exists.

Mr. CAHAN: No, that does not remedy it.

Mr. CANNON: Wait a minute. A remedy exists, I say, and I am going to prove it. The report is received by the Speaker. What does section 70 say?

> The Speaker shall, at the earliest practicable moment after he receives the certificates and report or reports, if any—

That includes the general or special report.

> —of the trial judges or the Supreme Court of Canada, give the necessary directions, and adopt all the proceedings necessary for confirming or altering the return.

Therefore the Speaker, upon receipt of a report, has the power to give all necessary instructions not only to confirm but to alter the report.

Mr. MEIGHEN: How in the world could he do it?

Mr. CAHAN: The judges report that counsel alleged at the trial that they were able to prove that 110 additional ballots were marked in favour of one candidate. Does my hon. friend suggest the absurdity that on this report, which is the only report they can make, the Speaker will do justice by putting Kennedy out and some other man in his place?

Mr. CANNON: I have great confidence in the fairness and prudence of the Speaker. I am of my hon. friend's opinion; I do not think the Speaker would do that; I do not think he would take it upon himself to make such a decision. But if my learned friend would only read the law concerning the matter he would see what happens then. I would like to read section 71:

> The Speaker shall, without delay, communicate to the House of Commons the determination, report and certificate of the trial judges or of the Supreme Court of Canada and his own proceedings thereon; and, when the trial judges or the Supreme Court of Canada make a special report, the House of Commons may make such order in respect to such special report as they think proper.

Is not that a remedy?

Mr. MEIGHEN: Would the House of Commons then have one whit more evidence than it has to-day?

Mr. CANNON: No. My right hon. friend is right again, but we are discussing a point of law, and my argument is very simple. I say this petition should be received and that parliament should act, assuming that there is a wrong for which there is no remedy. But if on the other hand there is a remedy and if Collins can have his wrong righted anywhere else or can try to do so, let him do that first. Let him go before the courts in accordance with the provisions of the existing law and next year, if a special report is made to the House and the House is asked to decide, it will be for the wisdom and prudence of the House to take action then.

We have discussed this matter twice already. To-day I have debated it from the legal standpoint only, and in no way from a political point of view. The underlying principle in these matters is that parliament should leave to the courts the decision in all matters within the purview of the courts before we attempt to touch the administration of justice. If the citizens of Canada are to be secure in their homes; if our flag is to be respected; if our institutions are to last, legislative, judicial and executive powers must

not overlap. Let the courts exhaust all their remedies, and if parliament then sees a wrong existing which has not been righted I have enough confidence in the justice of my fellow members to believe that justice will be done.

Mr. C. H. CAHAN (St. Lawrence-St. George): I offer my congratulations to the Solicitor General for the manner in which he has discussed this question, and I can also congratulate other hon. members opposite. It may be remarkable and unprecedented, but it is a fact that this afternoon the House has risen to a high plane in discussing this question, and I think every idea of partisanship or prejudice has been eliminated.

To my mind the advantage of this discussion is that it brings before parliament and the country the high place held by this House. It is the highest court in the country; it is supreme and must remain supreme. It has the confidence of the country, and must retain that confidence if we are to avoid the two extremes of autocracy on the one hand and communism on the other. Therefore we are to-day asserting the supremacy of parliament in this respect, but in dealing with this issue parliament must abide by its traditions and its rules, which prescribe that any citizen of Canada who has a grievance has the right to apply to parliament for consideration and a remedy. Under our rules these petitions must be presented and printed in the Votes and Proceedings of the House when they do not contain matter in breach of the privileges of the House, and when, according to our rules and practices, they can be received. Therefore this elementary right of petitioning must be preserved if parliament in Canada is to occupy the same position in public opinion as that occupied by the English parliament in Great Britain and throughout the empire.

In presenting a petition the allegations are set forth over the signature of the petitioner, and from time immemorial parliament, in considering what disposition shall be made of that petition, has assumed and presumed that the allegations therein contained are true, for the purpose of determining the action of parliament as to the procedure which should be folowed.

Mr. DENIS (Joliette): Would my hon. friend allow me a question? If that is so, why should an affidavit be necessary under section 6 of the Controverted Elections Act, and why was a petition dismissed in 1875 by Hon. James Cockburn because there was no affidavit?

At six o'clock the House took recess.

[Mr. Cannon.]

## After Recess

The House resumed at eight o'clock.

Mr. CAHAN: Mr. Speaker, when the House rose at six o'clock I was considering the matter of petitions to this House. Under the rules no affidavit can be annexed to a petition to this House; no appendix can be attached in the shape of letters, affidavits, certificates, statistical statements or documents of any character. I find that the practice is that if such an appendix appears, then by leave of the House it may be separated from the petition, and the petition is then considered on its merits. I suggest that the reason why no verification of the petition as such is required is that any member who presents to this House a petition which is fraudulent in its character, which is not signed by the parties by whom it purports to be signed, becomes personally responsible to this House and is dealt with by the House. In petitions to parliament, therefore, nothing is required but the signatures of the petitioners, at least three in number in case of a multitude, or one in case it is the petition of one single person, or signed under the seal of a corporation if it is a corporation that is the petitioner, and in such a case the House takes cognizance of the seal. Therefore the hon. Solicitor-General (Mr. Cannon) is in error in suggesting that before we consider this petition we must have some collateral evidence before us of the facts alleged in the petition. The petition, I suggest, must be taken at its face for the purposes of this discussion, and it must be taken at its face when the House comes to a decision as to whether or not it shall be received, and as to what disposal shall be made of it if and when it is received.

I notice in this House, as I have noticed in the courts of our country, a striking difference between the conception of a petition under the civil law and a petition under our English common law. Our English practice in the courts of Nova Scotia, in which I was first trained, is this: If a petition is presented to the court, the judge looks first most carefully into the allegations of the petition to ascertain whether facts are there alleged which should be the subject of consideration by the court, the prayer of the petition always being deemed a secondary matter, because the court reserves to itself the right to administer justice whether exactly in accordance with the prayer of the petition or not. In the courts of Quebec, where I have been practising for some seventeen or eighteen years, the attitude of the court is entirely different. There the court at once looks at

the conclusion, and if the conclusion is not in strict accordance with the terms of the law which might be applicable, the petition is thrown out and never considered.

One also notices that in practice under the common law and in practice under the civil law there is a different attitude of mind in dealing with the trial of cases. For instance, I will put it before my confreres from the province of Quebec educated in the civil law, when a case is presented to them, they look first at the law and see what the code says, and how far it may be applicable, and then the second consideration is as to the facts. When a similar case comes before an English lawyer he looks at the facts. He does not care anything about the law at first, but having mastered the facts, he considers what law would be applicable. Those trained by the inductive process of reasoning look at this from one point of view; those trained by the deductive process look at it from an entirely different point of view, and I think that is the reason why we differ somewhat in this House in the consideration of this matter of election petitions. But the facts alleged here must for our purposes be taken as facts; no evidence can be given here. The sole question, I suggest, is as to whether those facts as alleged should be inquired into by the House through one of its standing committees.

The hon. Minister of Justice, dealing with the law under which the trial of an election petition is held under the statute, very properly says that as a matter of public policy, parliament, in enacting that statute, has declared that no elector should be called upon, in respect of such a petition, to disclose for whom he voted. But although that may be a principle of public policy applicable to trials under that statute, it does not necessarily follow that the same rule of public policy shall apply to every other proceedings whatsoever. We have in our criminal court, under the statute, a provision that no one who is accused of an offence and stands indicted before a criminal court of justice shall be called upon to make admissions in regard to his commission of the offence, but that is a rule of public policy which is not applicable to many other proceedings. That a witness cannot be compelled to give evidence which would tend to disclose a criminal act on his part is sound public policy with respect to that particular proceeding; but if that same witness is brought before other tribunals he cannot claim immunity in regard to answering interrogatories submitted to him. If he comes before a committee of this House he is bound to answer every question put to him, because it has not so far been declared by parliament, it has not so far been enacted by statute or made a rule of practice in this House, that a witness shall be permitted to refuse to answer any questions which may tend to discredit him, or tend to disclose the commission of a criminal act on his part. The hon. minister therefore, simply because he finds by special enactment in respect of one particular legal proceeding a provision to the effect that it is a rule of public policy that disclosures of a certain nature cannot be made in that proceeding, cannot properly or logically or consistently argue that in a different proceeding, before an entirely different tribunal, the witness shall have the same immunity or shall be permitted to refuse to answer.

The hon. member for Joliette (Mr. Denis) pointed out that under one statute with which he was dealing, namely an act respecting inquiries into corrupt practices at elections of members of the House of Commons, it was required that the petition should be verified by affidavit and that a deposit of at least $1,000 should be made in respect to that petition, and he suggested that the provisions of chapter 8 of the Revised Statutes applied also to a petition of the nature and character of the petition now before the House. Chapter 8 on its face shows that it was enacted to provide for inquiry into corrupt practices which are alleged to have extensively prevailed in a constituency during an election, for the purpose of bringing in all those who have been parties to those widespread corrupt practices, and of eliciting the facts which may be presented to the attorney general of the province, in order that special criminal indictments may be preferred against those parties, and that they may be duly punished under the law. The provision that a petition in that case must be verified by affidavit, and that there must be a deposit of security to the extent of $1,000, applies only to the particular form of petition dealing with that particular form of inquiry. In this case, however, you look in vain to find any provision by statute, or any provision by law and practice of this House, under which any petition of any kind whatever submitted to this House must be verified by affidavit or must be accompanied by certain securities.

Mr. BROWN: What was the condition in regard to the deposit of money before parliament divested itself of the power to inquire into election protests?

Mr. CAHAN: That condition only prevailed by statute. It was not provided for by common law. We followed the English law; where it was alleged that corrupt practices had extensively prevailed we provided by statute for a general inquiry.

Mr. BROWN: Before parliament divested itself of the right to make general inquiry into the conduct of elections, in 1873 I think, these cases had been tried before committees of parliament?

Mr. CAHAN: Yes.

Mr. BROWN: In those cases, or before that time, what were the requirements in reference to a deposit?

Mr. CAHAN: On an election petition?

Mr. BROWN: Yes.

Mr. CAHAN: For corrupt practices?

Mr. BROWN: Yes.

Mr. CAHAN: At the time parliament relegated to the courts the trial of election petitions in which corrupt practices were alleged against a candidate or his agents, there was a provision for the payment of, I think, £200 under the English law. In this parliament we had no express provision by law, and we had no express provision in our rules of practice for a deposit being made in such a case. Therefore my suggestion is that this petition is in due form, and that in considering it we must assume that every allegation of the petition is true; certainly, we must assume that it is in proper form, except in so far as its form has been questioned by the clerk of petitions. The House is called upon to deal with it, and the proper way to deal with it is not for this House as a body to sit down and decide it this afternoon on the allegations of facts in the petition, nor should we rely entirely upon the official documents which are available to us, such as the decisions of the various courts which have tried the correlative matters due to the election in this particular constituency. The matter should be referred to a committee of the House for further consideration and report. That committee, with the legal knowledge which its individual members have, and being in a position to ascertain readily all relative facts either by admitting testimony that has been taken in the courts or by summoning witnesses to give new and additional testimony, will be in a position to report to the House as to what further action the House should take. The prayer of the petition as it stands now should not be deemed conclusive with respect to the action which might be taken by that committee or the action which might be taken by the House in its discretion subsequently.



Undoubtedly the petition does not allege on the part of the candidate or his agents corrupt practices such as may be inquired into under the ordinary petition before the court; it is remarkable in this respect that it makes no single allegation or suggestion that there were on the part of the candidate or his agents corrupt practices for which he would be responsible in an election contest. It does allege, however, that fraud was wittingly committed by an employee or officer of this House. It is in respect of an injury done, not resulting from any corrupt act by the opposing candidate or his agents; the facts set forth conclusively—and I am taking them now as they must be admitted for the purpose of this discussion—that an officer of this House committed a fraud upon those candidates, upon one surely and possibly upon two or three, and that official is responsible to this House and to no other tribunal in this country with the exception of the criminal court.

Under the ruling of the Speaker as I heard it to-day, this House is competent to consider the conduct or misconduct and the results flowing from the conduct or misconduct of its own officers. I am glad that this petition has been brought up, if for no other purpose than to elicit from His Honour the Speaker the second ruling, because it makes clear, I think, when read in parallel lines with the other, the real opinion which His Honour entertained when making his first decision. This high parliament of Canada has control of its own officers and employees, and if it desires, as it must, to preserve the integrity of our parliamentary machinery and of the well-being of parliament itself, it must never abnegate such control. When allegations of fraud are made against officers or officials who are subject to and under the direction and control only of this House through the Speaker, parliament must, to preserve its own reputation, to preserve the confidence of the entire community of this country from one end to the other, take strong measures to prevent recurrences of such frauds in the election machinery in so far as parliament has control over it. Without going any further, from that view of the matter parliament is bound to receive this petition.

It is opportune that parliament in its discretion should refer this petition to the special committee which parliament has already appointed and empowered to deal with matters of privilege of this kind. Having gone so far, if I were a member of the committee, which I

am not, I would feel perfectly free before that committee, when all the facts are available, to report that parliament should take further action with regard to the matter, or that parliament should not take the action which is embodied in the prayer of the petition, or, third, that parliament should take some action which is not indicated in the prayer of the petition.

The really important matter before the House to-day is not whether this petitioner has sought the exact remedy which he should have sought, or whether one partial remedy that he suggests is within the competency and power of parliament. The real fact before this House is that one of its officers has been guilty of fraud which may have had the result of doing grave injury to one of the candidates in that contest. Parliament should examine into that, and if it cannot under the existing law find a remedy sufficient to restore his rights to the complainant in this case, that committee should report to parliament as to what action parliament should take in the future by an amendment either of the statute law or of the rules and practices of this House so as to prevent such an infamous act being perpetrated in the future under conditions of law which do not admit of any remedy being vouchsafed to the complainant. Those are very proper matters for the consideration of a parliamentary committee; but they are matters requiring such intimate knowledge of the law, such extended research, if I may say so, as not to be matters properly to be decided by this House with nothing before it but the petition, and with no evidence except the terms of the petition itself and such common knowledge as we have of occurrences in this particular constituency, reinforced by the decisions of the court, which are always available for the information of parliament.

I submit, therefore, that although it is late in the session, we would be establishing a precedent that is very injurious and prejudicial to the interests of parliament and of the electors as well if we were to declare by our voices and votes here to-night that we would deprive this complainant of his fundamental right to petition this high court of parliament in order that the facts might be elicited and if possible some remedy, incomplete though it may be under the existing law, found for him, with the larger view, however, of suggestions by that committee regarding such remedial measures by statute or by changes in the laws and practices of this House as will enable us to deal effectively with such cases in the future.

Mr. T. L. CHURCH (Toronto Northwest): The motion before the House asks that the petition of William Collins in connection with the election in Peace River be read and received, and Mr. Speaker has ruled that the question shall be decided by the House as it is a matter of policy.

The issues raised in this petition go to the very root of parliamentary government. They have a vital bearing upon serious questions which have come up in this parliament during the present session, and I submit that the allegations contained in the petition are quite within the four corners of the jurisdiction of this House. Hon. gentlemen opposite seem to think that this matter may be considered and decided by every Tom, Dick and Harry except parliament, the highest court in the land. Fortunately, however, under our British constitution, the courts are subservient to the legislature; they are the creatures of parliament. In order to interpret fully the provisions of the Controvered Elections Act, one must necessarily refer to the debates that took place at the time that act was passed, because we must read into the act what was evidently the intention of parliament in passing it. In my opinion parliament never intended to divest itself of ancient rights, prerogatives and functions which have inherent in British parliamentary government since the days of Magna Charta. The allegations of the present petition are such as cannot be ignored by this House. The party system is on trial, and upon the decision to which we come to-night on this question will depend the fate of the party system.

If such a petition as this had been presented to the British parliament I am sure no technicalities would have stood in the way. All authorities are agreed that parliament is sovereign and supreme, but the Minister of Justice (Mr. Lapointe) now tells us that parliament can afford no relief in this instance. The leader of the government (Mr. Mackenzie King) and the Minister of Justice (Mr. Lapointe) made eloquent references in the city of Toronto to the "historic principles of Liberalism". Yet the Minister of Justice declares in this House that a British subject, a Canadian citizen, may not look to the peoples' representatives in parliament to have a wrong remedied. Mr. Collins would have had his seat in this House had it not been for the fraudulent practices resorted to by the Liberal party to win the election. That party has employed such means in other elections as well. In the constituency of West Elgin years ago they burnt the ballots and thereby deprived the rightful member of his seat.

I would not have spoken in this debate if it were not for the fact that in my constituency a number of voters, through the culpable negligence of the revising officers and electoral officers of the government, were prevented from voting in the last election. Now where does the right of the voter come in? What becomes of the right of these ninety voters in the Peace River district who, although they are taxed like the rest of us to support the government of the country, are denied the right to representation in parliament and to an honest ballot? It is well to consider chiefly the claim of the petitioner—and his right in this case is beyond dispute, and the wrongs he suffered are a disgrace to the party system. Indeed, had it not been for the fraud practised in the election Mr. Collins would have been sitting on this side of the House, and on that memorable night, February 3rd, when the government was supported by a majority of one they would have been defeated. But they were kept in power by that extra vote cast by the hon. member for Peace River (Mr. Kennedy) who had no right to give that vote or to be here at all.

But there is another question: Is parliament going to be free; is it a free parliament or not? Are we going to have our elections honestly conducted, or are we not? I raise this question not only in relation to the petition of Mr. Collins but in the interests of 286 electors in my constituency, returned soldiers, who were deprived of the vote in the last election. These men were in the Christie street hospital, Toronto, after having fought for civilization, many of them amputation cases; and by the negligence of the revising officer who failed to sign the affidavit required under the Elections Act, every one of the 286 lost his vote. There was nearly a riot in the hospital over it on election day. These returned soldiers, maimed and wounded, had fought and were overseas in the 1917 election and many of them could hardly move out of bed. This would have been their first opportunity of voting since the war, as they cast their ballots overseas during the war. They were anxious to vote but could not. What is to become of constitutional government if this sort of thing is to continue? Free parliaments are a myth and the right of the subject to petition is taken away.

The celebrated phrase of the Prime Minister about "the historic principles of Liberalism" means absolutely nothing, for under the present administration parliament has been reduced to the level of a county council. Far from having the jurisdiction of the highest court in the land we might as well call ourselves a county council if we cannot deal with this petition. The fact is that, with the present government in office, parliamentary practice and responsible government are utterly ignored. What are the people's representatives meeting here for if it is not to protect the interests and the liberties of the people? Talk about the historic principles of Liberalism! Why, free parliaments, honest ballots, honest elections, the right to petition, the right to deputize—these things simply do not exist to-day. Fortunately the people can petition and deputize in the ballot box. There is one means by which the people can express their opinion, and the government may depend upon it that an outraged public will show, when the time comes, what it thinks of this government and of the way it tramples on Liberal principles. A short time ago a deputation came down to this city from Oshawa, but its numbers could not intimidate the Prime Minister. He said he was not to be intimidated by numbers. Some day the hon. gentleman will realize his mistake.

There is a Liberalism which I respect, the Liberalism that goes back beyond the days of the Liberal platform of 1893, every plank of which was broken by the Liberal party when it got into office. As one of its leaders said, the platform was made to get in on but not to stand on. The word "Liberalism" as applied to hon. gentlemen opposite no more implies love of liberty than the word "Progressive" signifies a love of progress on the part of hon. gentlemen to my left. I admire Liberalism of the sort that inspired the freeholders of Buckinghamshire to mount their horses and ride into London town to defend John Hampden, and the Liberalism that prompted the miners of Cornwall to rush to the aid of Bishop Trelawney. The liberalism that withstood the tyranny of Charles Stuart, the liberalism of those Cornishmen whose great spirit Macaulay has taught us to respect—that liberalism is an altogether different thing from the so-called liberalism of gentlemen supporting this government. To-day in this hon. House we have the spectacle of the head of the government and the Minister of Justice going back on Liberal principles. What happened ninety years ago to a day to-morrow in upper Canada? In those days the grandfather of the right hon. gentleman fought for the principles of responsible government in his attempt to dissolve the family compact. I have in my hand a book which I would commend to hon. members for perusal. It is written by Charles Lindsey, a respected citizen of Toronto, and deals with the life of William Lyon Mackenzie and the struggle for respon-

sible government in Canada. Practically the same constitutional question that we are dealing with now arose in those days, and hon. members, I have no doubt will be interested to hear this quotation:

> The feeling excited in the unbiased reader's mind as he goes over this recital,—

—the recital of the way in which Mackenzie in 1836 had been treated in being deprived of his seat, expelled, then re-elected and refused admission to the House—

> —will be no safe indication of the degree of public indignation aroused by this mockery of justice. During the week of the sham trial, petitions to the Lieutenant Governor were numerously signed, praying him to dismiss a House painted with the worst vices of judicial partiality; for the result had been foreseen by the preliminary divisions. On the day of the expulsion, a deputation from the petitioners waited upon the Governor's private secretary and informed him that next day at two o'clock a number of the petitioners would go to Government House in a body to receive His Excellency's reply. At the appointed hour nine hundred and thirty persons proceeded to fulfil their mission. They were received in the audience chamber, and a petition having been presented, they were dismissed with the studiously curt reply: "Gentlemen, I have received the petition of the inhabitants."

So you see even the Family Compact were compelled to receive a petition properly presented and to consider the prayer of the petition. The Prime Minister the other day spoke of the "historic principles of Liberalism." I do not know how those principles are to be kept alive if the subject has not the right to his ballot. Certainly it is an abuse of the historic principles of Liberalism for a voter's ballot to be taken away by the officers of this House. Professor Dicey, one of the most celebrated writers on constitutional practice, in his Law of the Constitution refers to the right to the ballot and quotes from Blackstone's commentaries on the doctrine of parliamentary sovereignty in these words:

> The power and jurisdiction of parliament, says Sir Edward Coke, is so transcendent and absolute that it cannot be confined, either for causes or persons, within any bounds. . . . It hath sovereign and uncontrollable authority in the making, confirming, enlarging, restraining, abrogating, repealing, reviving and expounding of laws, concerning matters of all possible denominations, ecclesiastical or temporal, civil, military, maritime or criminal: this being the place where that absolute despotic power, which must in all governments reside somewhere, is entrusted by the constitution of these kingdoms. All mischiefs and grievances, operations and remedies, that transcend the ordinary course of the laws, are within the reach of this extraordinary tribunal. It can regulate or new-model the succession to the crown; as was done in the reign of Henry VIII and William III. It can alter the established religion of the land; as was done in a variety of instances in the reigns of King Henry VIII and his three children. It can change and create afresh even the constitution of the kingdom and of parliaments themselves as was done by the Act of Union and the several statutes for triennial and septennial elections. It can, in short, do everything that is not naturally impossible; and therefore some have not scrupled to call its power by a figure rather too bold, the omnipotence of parliament. True it is, that what the parliament doth, no authority upon earth can undo. So that it is a matter most essential to the liberties of this kingdom that such members be delegated to this important trust as are most eminent for their probity, their fortitude and their knowledge; for it was a known apopthegm of the great lord treasurer Burleigh, "that England could never be ruined but by a parliament:" and as Sir Matthew Hale observes, this being the highest and greatest court over which none others can have jurisdiction in the kingdom, if by any means a misgovernment should any way fall upon it, the subjects of this kingdom are left without all manner of remedy. To the same purpose the president Montesquieu, though I trust too hastily, presages; that as Rome, Sparta and Carthage has lost their liberty and perished, so the constitution of England will in time lose its liberty, will perish; it will perish whenever the legislative power shall become more corrupt than the executive.

When the federal Controverted Elections Act was originally passed it was never intended that this House should divest itself of the power to regulate petitions and elections, and in fact the Court of Appeal of Ontario has decided that that act in Ontario does not take away this power from parliament—The election law creates concurrent jurisdiction. Petitions were presented by the electors of West Elgin, and read in the legislature of Ontario in 1903-04 even while the high court was sitting on controverted elections, and the legislature took action itself and forced the government to the country, where it suffered ignominious defeat. I should like to find out where the hon. member for Brandon (Mr. Forke) and his party stand on this question, because on February 3 there was a motion made in the House to adjourn the budget debate, and the government won by a majority of one, a majority that was supplied by the hon. gentleman who comes from Peace River, and who in my opinion did not at the time have any right to the seat in view of the irregularities that took place in that constituency last October and the fraudulent means to deprive Mr. Collins of the seat. Does the hon. member for Brandon condone what was done in Peace River by election frauds and so seat here one of his party? The government hold office to-day by virtue of the vote of the hon. member for Peace River on February 3, although the majority of the electorate of Peace River who legally voted did not approve of sustaining this government. Their only resource under the circumstances is to come to this high court of parliament for redress of grievances and relief and it will either be given or the party system is done in this country.

Eminent judges in the Old Country, such as Lord Chancellor Selborne and Lord Chancellor Coleridge, and the Lord Chief Justice of Great Britain have held that while the

House of Commons might have divested itself of jurisdiction over certain electoral matters, it still has the right, if it desires to exercise it, to investigate, review and correct the conduct of its own electoral officers, to find if elections have been properly conducted and to ascertain if the election return made is in accordance with the law. That was the view of Sir John Thompson, who stood for Liberal principles; that was the view of Sir Louis Davies, the Chief Justice of Canada; that was the view of Sir John A. Macdonald and Sir Wilfrid Laurier. The right of petition to parliament was established in the days of John Hampden and Bishop Trelawney and in the days of the old provinces of Canada.

The petition before the House sets out that a Liberal was appointed deputy returning officer in poll 4 and that he deliberately stole the votes of ninety voters, which had the direct effect of giving the seat to Collins' opponent. Is there not one Liberal or one Progressive in the House who will stand up for the principles of Liberalism I have referred to and which brought about the fall of the Family Compact? Is there not one Liberal or Progressive in the House who will try to accord protection to every voter in the polling booth, in order to conduct honest elections? I appeal especially to those members from Alberta, because Alberta is going to have a house cleaning unless something is done to right this wrong, as Ontario had after the West Elgin Liberal election frauds.

In conclusion I may say that under the Controverted Elections Act the office of Chief Electoral Officer was created. He is a judicial and ministerial officer, a servant not of the courts but of this parliament, and directly our officer and responsible to parliament, and it is within the power of this House to summon not only that officer to the bar of the House with all the papers connected with this election, but also the returning officer for that constituency as well as the deputy of poll 4. A trial may be held right in this chamber, or the matter may be referred to a select committee of this House. It is said that the matter is before the courts, but the courts deal only with one phase of the matter. That only deals with the petition, and does not touch the robbery of the voters at the polls, the disfranchisement of ninety voters, and the government's acceptance of the benefits of the frauds and the vote of the present member. What is the use of being a free citizen if we are going to conduct elections as they are conducted? Elections thus conducted are a farce and like those in some states across the border, with all this kind of political trickery. The Chief Electoral Officer is responsible as the head of the department for the appointment of returning officers and their deputies, and he has charge of the conduct of these elections and is responsible for all deputies. As a result of the last election the defeated candidate is sitting in this House representing the constituency of Peace River and elected by election frauds in poll 4. He has been exercising all the rights of a member of parliament while ninety men have been disfranchised and robbed of their ballots.



This gentleman holds the balance of power in the Customs committee; he has been supporting the administration consistently; his vote saved the government on February 3 on the motion to adjourn, by a majority of one, and the government has now decided to give him protection. His vote averted a dissolution of the present parliament.

The only remedy obtainable by a voter at the polls is to issue a writ against the returning officer. I remember one case I had which was tried by the late Hon. Chief Justice Falconbridge; the returning officer refused to give a voter a ballot because his name was not on the list. The voter sued the returning officer; Chief Justice Falconbridge construed the Election Act and said it was negligence on the part of the returning officer, assessing civil damages of $200 against that officer as set out in the Controverted Elections Act. But the only remedy available to voters whose names are on the list, and who are robbed, as in Peace River, of their ballots, is an appeal to this House, this the high court of parliament, the court of last resort—parliament and then the people.

As I have already said, Mr. Speaker, I would not have spoken to-night but for the fact that I believe something should be done to protect the average voter of the entire country who goes honestly to the polls to record his vote. After all, the party system is on trial to-night; there are those within that system who have not been enthusiastic about it for some time past, but with all its faults it is the best and only system of responsible government. While it has its defects it also has its merits, and do not forget that under that system you have the free right to petition parliament—and the party system has given the empire free parliaments. Not only are the two old political parties on trial to-night but the Progressive party, having accepted the benefits of a dishonest election in which ninety honest men were robbed of their votes, must also realize that they are on trial.

Mr. J. S. WOODSWORTH (Winnipeg North Centre): There is before us a petition asking justice for an individual named Collins, but I should like to remember to-night that we must also do justice to the present member for Peace River (Mr. Kennedy). I am sure it is not necessary to appeal to members of this House to vote conscientiously with regard to a question of this kind. Sometimes I am inclined to think certain members make that appeal a little too strongly, or put it in such a way that members who differ from them would be considered as not acting conscientiously.

Up to the present the discussion has been carried on very largely by legal gentlemen. Undoubtedly in purely technical legal matters they have a training which enables them to discuss such matters, and yet sometimes I am inclined to think that they can hardly see the woods for the trees; that they are so troubled with precedents of various kinds and with legal technicalities that it is a little difficult for them to discover the main, outstanding features of the case. But in any case I would remind them that those who have not had that long legal training are nevertheless forced to use their best judgment in deciding a matter of this kind. After all, we are here, not in a law court, and we are not altogether subject to the rules of procedure which there obtain.

9 p.m.

I listened very carefully to the hon. member for West Calgary (Mr. Bennett) and I could not but be convinced that the petitioner had a grievance, and, according to the evidence, was suffering a wrong that should be rectified. I think the hon. member showed that the petitioner had a right to appeal to parliament, at least according to the practice which at one time prevailed, further than that, that the present member for Peace River, if a wrong was done him would also have the right to appeal to parliament to rectify that wrong. But I cannot get away from the fact which has been brought out on previous occasions by the decisions of the Speaker and by some members to-day that the courts have been set up to do this very kind of work. I remember, as I recall history, that parliament used to do a great many different kinds of work that is now being done by the courts. It is all very well to say that there is a way to right every wrong, but the question is what is the best way to right that wrong? If I go out on the street and somebody steals my watch, I do not immediately rush off to parliament and petition parliament to get my watch back for me. I go to the police court, the regularly recognized agency for dealing with that kind of thing, and I lay an information before the authorities, and they proceed to endeavour to recover my watch for me. According to the information given us on the floor of this House, we have had a law enacted to deal especially with controverted elections, and we have had machinery set up to enable us to deal with that kind of thing more effectively than it could possibly be dealt with by parliament.

Mr. STEWART (Leeds): But suppose the hon. member's watch had been stolen by an officer of this House; what would he do then?

Mr. WOODSWORTH: I presume I should do the same thing. I do not think I would proceed to lay a petition on the table here.

Mr. STEWART (Leeds): I think you would.

Mr. POWER: In that connection my hon. friend might refer to a theft that was carried out by officers of this House not so very long ago, and there was no petition about it.

Mr. McGIBBON: Might I suggest that they did not go to the police court either?

Mr. WOODSWORTH: I do not think there is a member of this House but realizes very clearly that any decision that could be come to with regard to a matter of this kind in this House or in a committee of this House would be decidedly affected by partisan considerations.

Mr. CAHAN: No, no.

Mr. WOODSWORTH: My hon. friend says, "No, no," but I am not at all sure that he is right in that. I have been long enough in this House now to know that in most of the committees the legal gentlemen divide almost always according to their party alliances in matters of this kind. I do not think there is any use deceiving ourselves with regard to this matter.

Mr. McGIBBON: Has the hon. member ever voted against the government since he has been in this House?

Mr. WOODSWORTH: If the hon. gentleman had been in the House for the last four years he would have found that there was frequently a vote against the government, but looking at it from his standpoint, if I had never voted against the government, that would prove to the last degree the very point I want to make, that is, that we are all more or less actuated or influenced by partisan considerations. I think that must be conceded, and if some of us happen to be friends of Mr. Kennedy—and I count myself

one of his friends—I confess it would be extremely difficult for me to be a member of that committee or to be a member of this House when his action was under review; and judge absolutely on the merits of this case. I think such considerations are recognized in ordinary legal procedure, and in selecting a jury no one is accepted who has an immediate relationship to the accused.

A good deal has been made of the phrase used by the hon. member for West Calgary in the House—a receiver of stolen goods. Personally I resent that phrase. I do not think there is anything like a parallel between this case and that of the man who receives stolen goods. I do not want to argue this at any length but I would simply emphasize two points. The member for Peace River was declared elected by regularly appointed officials. This position was put on him regularly and officially; that should be remembered. It is quite true that he was one of three candidates running in that election. When the time for declaring the returns came the question was, which one of these three candidates was to take his seat in parliament. There was no time for a long delay. The returning officer had to make his declaration, and he came out definitely and took the responsibility for saying that Mr. Kennedy was to be the member for Peace River.

There is one other point. I think it is clearly understood—it has been so stated in this House again and again—that Mr. Kennedy has no option with regard to serving in this House; he has no opportunity for resigning.

Mr. McGIBBON: Does not the hon. member recall that the hon. member for Peace River said that he would not resign if he could?

Mr. WOODSWORTH: Quite so, but my point is entirely with the first part, that he could not resign if he would. He is in a position where he is unable to resign. No doubt if it were brought to my notice that inadvertently I had in my possession goods that were stolen, I would consider it my duty to restore those goods, but I submit that it is absolutely unfair to Mr. Kennedy to say that he is in any such position as that. I have not the slightest doubt, knowing Mr. Kennedy as I do, that if it were brought to his attention or he believed that he was enjoying something to which he had no right, he would immediately give it up, and I have no doubt that in due time when the legal processes, which are so slow, will work out a little bit further we shall see Mr. Kennedy taking suitable action. I resent the frequent use of such a phrase as a receiver of stolen goods as applied to an honourable and I say an honoured member of this House.

In the meantime, let me say that the gentleman who has made this appeal, who has laid this petition, may have suffered a wrong. He may have a grievance. He could have proceeded according to the regular lines and brought his case before the courts at the very start, but he declined to take that course. I suppose he was within his rights in so doing, but in the meantime things have moved. A great many developments have taken place since that time. For instance, I hold in my hand a very lengthy document entitled:

In the Supreme Court of Alberta Judicial District of Edmonton

The Dominion Controverted Elections Act

The Petition of John Bernard of Edson, in the province of Alberta.

Let me read a few clauses:

3. That the said respondent—

That is, I take it, Mr. Kennedy:

—was by myself, by his agents and by other persons on his behalf, before, during, at and after the said election, and in connection with the said election, guilty of corrupt practices and of illegal practices,

And so on. Those are very, very serious charges directed definitely and personally against Mr. Kennedy.

Mr. CAHAN: I would like to make the suggestion that my hon. friend will notice that those allegations of corrupt practices made against Mr. Kennedy and his agents could not possibly include allegations such as are made in this petition.

Mr. WOODSWORTH: I do not suggest that they do, but I say that this is what has taken place. Very serious allegations have been made in the Supreme Court of Alberta against Mr. Kennedy. I have read only part of clause 3. Let me read another:

4. That by reason of no polls being held in the following polls, as defined in the Notice of Grant of Poll, dated the 15th day of October, 1925, and published by the said returning officer, namely:

Poll No. 42—Horner.
Poll No. 66—Ronan.
Poll No. 67—Balm.
Poll No. 86—Padstow.
Poll No. 282—Stinking Lake.
Poll No. 288—Johnny Dore Prairie.
Poll No. 289—Little Red River.
Poll No. 290—Hay River.

The result of the said election was affected to the extent that there was in law and fact no election held in the said electoral district.

Then I come to No. 8:

That the said respondent knowingly made a false declaration respecting certain election expenses in connection with the said election, and was thereby guilty

of a corrupt practice under the said acts, whereby the said respondent was and is incapacitated from serving in parliament for the said electoral district, and the said election and return of the said respondent were, and are wholly null and void.

Here is another section, No. 12, which reads:

That there were grave irregularities at Poll No. 4, Brule. Amongst other irregularities ballots marked for one candidate at the said election were switched or changed or others substituted for them marked for another candidate at the said election.

I intended to read No. 11, which is as follows:

The said respondent did knowingly induce and persuade the said official agent to make a false declaration respecting election expenses in connection with the said election and was thereby guilty of a corrupt practice under the said acts, or recognized as such by the common law of the parliament, whereby the said respondent was and is incapacitated from serving in parliament for the said electoral district and the said election and return are wholly null and void.

Now, Mr. Speaker, I would suggest that these are the most serious charges imaginable. We have been told that there is nothing in the petition before the House that at all reflects upon the personal character of Mr. Kennedy, but here we have the most serious charges against his personal character—so serious that if proven he would be disqualified from becoming a member of the House.

Mr. LENNOX: The man who made the return is now in prison. Would my hon. friend accept a seat under those circumstances?

Mr. WOODSWORTH: I am not going to say what I would do under the circumstances. I have nothing to do with it.

Mr. CAHAN: We know what my hon. friend would do.

An hon. MEMBER: Mr. Kennedy had nothing to do with it.

Mr. WOODSWORTH: So far as Mr. Kennedy is concerned, he was declared elected before all the evidence came out and before any charges were made, and now he is in a position where he is incapable of doing anything else but remain here. He could not resign.

Mr. McGIBBON: He says he will not.

Mr. LENNOX: Under the law he cannot resign.

Mr. WOODSWORTH: No.

Mr. LENNOX: Under the law he need not take his seat in this House. Does the hon. member approve of his sitting here?

Mr. WOODSWORTH: I cannot very well see how he can resign. If he is definitely declared elected, how can he do anything else than give his services? I do not see how he can do anything else. He has taken the oath to do his duty.

Mr. LENNOX: Does my hon. friend approve of it?

Mr. WOODSWORTH: If I were declared elected and took an oath to do my duty in this House, and found according to the law that it was impossible to resign, I do not think I could do anything else than serve in the House. I do not see what else could be done.

Mr. McGIBBON: Does the oath compel him to do his duty in the House?

Mr. WOODSWORTH: I should think it ought to.

Mr. McGIBBON: It is an oath of allegiance.

Mr. WOODSWORTH: I have no personal reference in my statement, but there are some who think they can take the oath and go about their private business two-thirds of the time.

Mr. McGIBBON: Did my hon. friend read the oath before he took it?

Mr. WOODSWORTH: If they interpret their duties in that way, that is their affair, but some members take themselves seriously, and among those who take their work seriously is the present member for Peace River.

Mr. CAHAN: Leaving aside altogether the question as to what Mr. Kennedy should or should not do, which we all admit is a matter of personal judgment and personal conscience largely, and dealing with another point, it was an officer of parliament who declared him elected, and should not parliament take cognizance of that fact, inquire into it and see what the remedy is?

Mr. WOODSWORTH: The suggestion is that an officer of parliament declared him elected and that parliament should deal with the case. I should say the officer declared him elected on the evidence which was submitted to him. That evidence was evidently not correct, and attention having been called to the incorrectness of that evidence, and the proper courts having undertaken to investigate the case, the courts should settle the matter before the officers can take any action.

Mr. CAHAN: Is the hon. member not forgetting or overlooking the fact that it was an officer of this House who switched the ballot?

Mr. BRISTOL: And he is in gaol.

Mr. WOODSWORTH: I suppose it was an officer, if you can call every agent employed by the government an officer of this House. I do not know that we ordinarily speak of agents in Peace River as officers of the House.

Mr. CAHAN: Distance lends enchantment to the view.

Mr. WOODSWORTH: I do not see what that has to do with the point I am trying to make.

An hon. MEMBER: You do not want to see.

Mr. WOODSWORTH: It is easy enough to say that. It seems to me that is the cheapest way possible of trying to get rid of a serious question, especially when one is honestly trying to work his way through a problem which seems to puzzle a good many lawyers in this House. I would say that the existence of this petition of which I have read several clauses, and which is now before the Supreme Court of Alberta, leaves the sitting member in an extremely awkward position. Suppose we should take action in this House, suppose Mr. Collins should be declared elected and Mr. Kennedy no longer a member of parliament, where would he be with regard to a document of this kind? I presume the petitioner in that case would withdraw the petition. Then we would have the most serious charges made against a certain member, who would have no opportunity of answering them.

Mr. FORKE: That is the very reason a member is called upon to retain his seat, because circumstances of this kind might arise: that a man who was really guilty, who was really afraid to face the court, could, by withdrawing, escape being tried in the courts for malfeasance of duty.

Mr. WOODSWORTH: It seems to me that while we try to do justice to Mr. Collins who lays the petition on the table today, we should also endeavour to do justice to our sitting member, who is protected according to this regulation which prevents his resigning until the case is cleared up. According to this statement filed in the Supreme Court of Alberta there have been a great many irregularities in that constituency. In three of the polls in which there were 225 voters on the list the ballot boxes were not opened at all. In one poll, with some 40 voters on the list, the boxes were not opened at all. In four polls, with some 40 or 50 people on the list—I have not the exact number—the ballot boxes were not opened. In two polls, with some 15 or 20 on the list, the ballot boxes were not returned. There were altogether some ten polls affected, according to the statement which was given in evidence before the district court in Edmonton. Under these circumstances I think it is manifest that anybody who is fair—and our fairness has been appealed to by the hon. members opposite—will recognize that there is evidence of a good deal of irregularity in that constituency, and it is not by any means—

Mr. MEIGHEN: What is the evidence of other irregularities that are not alleged in this petition?

Mr. WOODSWORTH: I have just given the statements of one gentleman who laid charges and those statements have been before the district court. I understand that the returning officer did not receive ballot box returns from those particular polls.

Mr. MEIGHEN: Does the hon. member not know the difference between charges and evidence?

Mr. WOODSWORTH: I leave the hon. gentleman to explain that; but speaking, if you will, from a legal standpoint as a layman, but as a member of this House trying to see where substantial justice lies, there is for me at least abundant evidence of very wide irregularities at those polls.

Mr. MEIGHEN: Does the hon. member think there is evidence of widespread irregularities and wrong-doing by the hon. member for Peace River that is not alleged in the petition?

Mr. WOODSWORTH: If the right hon. member wishes I will change the word "irregularities." I was including in the word "irregularities" the whole question of the unsatisfactory conditions of the election. I was not in that particular instance speaking of any criminal act. The very fact that in some cases ballot boxes were not opened and in others the polls themselves were not opened is evidence that a very unsatisfactory condition of affairs existed.

Mr. MEIGHEN: What has that to do with this case?

Mr. WOODSWORTH: It has a great deal to do with it. It has been charged that ninety votes have been switched and that Mr. Collins ought to occupy the position of member for Peace River in this House. It is quite

possible, according to the evidence that is before us, that there were other votes that might have been given to Mr. Kennedy more than sufficient to compensate for those.

Mr. STEWART (Leeds): And also might have been given to Mr. Collins.

Mr. WOODSWORTH: To Mr. Collins or to the third candidate.

Mr. LENNOX: If we assume for the sake of argument that there would have been a majority for Mr. Kennedy, would the hon. member approve of his sitting in this House as a member when ninety votes had been stolen?

Mr. WOODSWORTH: I have already tried to answer that question. I have already said that he was declared elected.

Mr. LENNOX: You are supposed to be a Christian. Be honest.

Mr. WOODSWORTH: I am trying to be honest and frank in the matter. I say that he having been declared elected and according to the law being unable to resign, I cannot see what other course he can take than remain seated in this House.

Under these circumstances, with the very unsatisfactory condition that prevailed at the last election, with the fact that undoubtedly according to the evidence Mr. Collins has been deprived of votes that should have been his and on the other hand that Mr. Kennedy undoubtedly ought to have had votes which he has not received, the only satisfactory way of settling this matter is by another election. I cannot see that we are going to settle the matter if we pass this motion, have the petition go before the committee on Privileges and Elections, and if it can be proved there that Mr. Collins had a right to the seat, come back to this House, have the Chief Electoral Officer called here and Mr. Collins declared the member. I do not think that is a satisfactory settlement.

It might be fair to Mr. Collins if we take into consideration a very restricted part of the evidence we have before us. It would not be fair to the sitting member and it would not be fair to the great mass of the electors of Peace River. It seems to me that we are not going to have the question satisfactorily settled until we have another election in that constituency. Under the present circumstances since the court has been set up, since action has already been taken in the courts and since there are before the courts most serious charges in which the personal honour of Mr. Kennedy is concerned, I think the best thing to do is to allow the courts to take their way and long before the next session of parliament is called we can have another election and know definitely what is the will of the electors of Peace River.

Mr. J. J. DENIS (Joliette): Mr. Speaker, I have tried to give this matter my keenest attention. It is true that it is not an easy question to decide, but I cannot come to any other conclusion than that the law should be followed in this matter just as it must be followed in all other matters. The leader of the opposition (Mr. Meighen) has made a very strong plea, the foundation of which is, if I understood him rightly, that an injustice has been done to Mr. Collins. That may be true or it may not. As the matter stands now we have no evidence to demonstrate whether or not injustice has been done. If we say that no injustice has been done, no argument is possible. Therefore assuming for the sake of argument that injustice has been done, we must admit that this is not the first time in the history of mankind that injustice has been done. If the law is inadequate it will not be the first time in the history of this country or of mankind that laws have been inadequate. We all know the difference between law and justice. Justice does not always follow law and law does not always follow justice. If we should base our actions on the lines of justice which changes in the minds of each individual, justice becomes impossible. Therefore all civilized nations have passed laws, having as much as possible justice for their foundation, but in many cases it has been found that law and justice do not agree.

The Dominion Elections Act and the Controverted Elections Act are just as imperfect as all other laws. Might I cite an instance of what has happened more than once? I can cite from memory the St. Hyacinthe election in 1908—and I want the right hon. gentleman to answer this—where a member had secured a majority of the votes. The voters, acting willingly and freely, had given one of the candidates a majority of the votes; but on the recount it was found that two deputy returning officers by mistake, by ignorance, for which neither the candidate who had secured the larger number of votes nor the other candidate was responsible, instead of placing their initials on the ballots had numbered them. On account of this the votes in two polls that gave a majority to the elected candidate, the candidate having the larger number of votes, were set aside.

For that reason this unfortunate candidate lost his election, the man returned being the one who had secured the minority of the votes. Was not that a flagrant injustice?—an injustice as clearly established as any wrong that may exist in the case of Mr. Collins if there is such a wrong, which of course I do not know. Certainly it was a flagrant case, and yet it was decided that the law of the land should be observed. The interpretation of the law by the courts in that case decided that the ballots for these two polls should be set aside and the candidate who had received the minority was declared elected.

Mr. MEIGHEN: In that case did not the candidate who lost those votes get everything to which he was entitled under the law?

Mr. DENIS (Joliette): Yes.

Mr. MEIGHEN: Did Collins in this case get everything to which he was entitled under the law?

Mr. DENIS (Joliette): Perhaps he did not.

Mr. MEIGHEN: That is the difference.

Mr. DENIS (Joliette): But that is no reason why the law should be changed or interfered with in one particular case; so long as the law stands it should be applied. The law may be inadequate; I am willing to admit that. And I must confess that when I read through the Controverted Elections Act it did appear to my humble judgment to be an incomplete statute. But if the law as it stands is incomplete it is the duty of parliament to improve it; we should make it complete if it is incomplete. So long as it is the law, however, surely it ought to be followed.

Now, Collins says that he has suffered an injustice and for that reason he is coming to parliament for redress. I say, however, "You may not come to parliament, because there is a specific law that deals with your case. I go further: if it is true that you have suffered an injustice, and if the law is not comprehensive enough to meet your case, your remedy does not lie in parliament." What is the law? Section 5 of the Controverted Elections Act provides:

A petition may be presented to the court by any one or more of the following persons:

(a) A person who had a right to vote at the election to which the petition relates.

That includes electors generally. The electors are interested in the candidate of their choice and because of that interest they may submit a petition.

(b) A candidate at such election.

[Mr. Denis.]

I assume, first, that Mr. Collins was a candidate; and I assume, secondly, that he was also an elector. He had therefore the right to bring in an election petition. Why did he not do so? The hon. member for West Calgary (Mr. Bennett) this afternoon in his eloquent address contended that because one Page had instituted proceedings first, therefore Mr. Collins could not do likewise. I have a great deal of admiration for the talents of the hon. gentleman but I submit he was mistaken in his law in this instance. As a matter of fact, before the close of the speech he seemed to retract what he had already said, upon a question being asked him by myself. It is in my opinion quite clear that the fact that Mr. Page had instituted election proceedings could not preclude Mr. Collins from taking the same step. I would refer the House to section 37 of the act, which meets precisely the case of several petitions being presented at the same time. This section enacts that all petitions relating to the same election shall be bracketed together and shall be tried simultaneously. It therefore recognizes beyond any question that more than one petition may be brought in with respect to the same election. Collins therefore was perfectly free to contest the election if it pleased him to do so. It would appear, however, that he did not. But even so, even if he neglected to take proceedings, his rights are unimpaired. The person who has presented his petition desires, let us say, not to proceed: under the law, if there is any reason for him to do so, Collins or any of his friends may intervene at any time. Let us see what the statute says on that point. Section 39, subsection 2, provides:

If, at the expiration of three months after such petition has been presented, the day for trial has not been fixed, any elector may, on application, be substituted for the petitioner on such terms as the court thinks fit.

It is provided elsewhere that election petitions are to be tried without delay. If the petitioner does not bring action within three months, then any elector can intervene and present a petition to the court and the court must recognize that right. Such elector may then take proceedings himself. But there is more than that in the act. Section 78 deals with the withdrawal and abatement of election petitions. Let us suppose that Mr. Page desires to abandon his petition. He cannot do so without the consent of the court; and more than that, upon his application to the court for leave to abandon the petition any elector may intervene again and take his place. Subsection 3 of section 78 reads:

On the hearing of the application for withdrawal, any person, who might have been a petitioner in

respect of the election to which the petition relates, may apply to the court or trial judges to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

I say therefore that Mr. Collins should have contested—perhaps that is not the best word to use—the election personally. But failing to do so, he still has the right to follow up the petition of Mr. Page; and if Mr. Page does not proceed, Collins can go ahead with that petition. Further, should Mr. Page seek to favour the elected candidate in any way, Mr. Collins has the right to intervene at any moment. It may be asked, what is the use of his intervening, seeing that the courts will not hear his case? —he will not be able to prove his case. That brings us to this question: If parliament in its wisdom has declared that certain evidence shall not be adduced before the courts on an election petition for the reason that it is not in the interest of public security that such evidence should be submitted, is parliament going to declare, in face of that decision. that evidence which before the courts would be inimical to public interest may be heard by parliament itself? In other words, is parliament going to say that what may not be done before the courts of justice, because it is not in the public interest that it should be done, may be done before a committee of parliament?

As I have already observed, it may be that the law as it stands is defective and does not afford the petitioner sufficient security or proper means to prove his case. All that might be true, but while the law endures we must follow it. Parliament can pass laws and rescind them, but as long as any law remains on the statute book it is the duty of parliament to respect it. In this case parliament should not receive evidence that cannot be received by a court of justice under that law.

If I understood the right hon. leader of the opposition correctly this afternoon, he said: All that could be decided on this election petition was that the election would be annulled, and if it were annulled it would be an injustice to Mr. Collins, because his right is to the seat. My answer is that section 49 of the statute provides:

On the trial of a petition under this act complaining of an undue return and claiming the seat for any person,—

As I have already said, this law is very badly drafted. It should state specifically that it is the right of a defeated candidate to claim the seat for himself. This section says so indirectly. Therefore Mr. Collins had the right to contest the election and claim the seat for himself. Having neglected to do so, is parliament obliged to come to his rescue now? I think he can still intervene on the original petition of Mr. Page.

Mr. MEIGHEN: No.

Mr. DENIS (Joliette): I have a great admiration for the talents of my right hon. friend, but I think Mr. Collins might be permitted to intervene if Mr. Page does not proceed with his petition; true, he cannot intervene now. But he should have protected himself in time, and that he did not do so is not the fault of parliament. The time for presenting a petition having expired, this in fact would be a new petition asking for something absolutely foreign to the purpose of the original petition, for I take it that Mr. Page simply asked that the election be annulled. It is an unforunate situation, but Mr. Collins made it so himself.

Mr. MEIGHEN: Will the hon. member permit this question? What in the world would have been the good of Mr. Collins entering a protest and claiming the seat when he knew that under the law he could not produce any evidence?

Mr. DENIS (Joliette): I think that is going a little too far. It was Mr. Collins' duty to do everything in his power to protect himself. Having done so, and having failed to get redress from the courts, he might have come to parliament and said: This law is inadequate, I could not get justice before the courts, and therefore I seek redress here.

Mr. MEIGHEN: Does the hon. member say that before Mr. Collins should come to parliament he ought to launch himself on an obviously futile excursion in the courts, where he knows from the beginning that under the law he cannot be heard to give his evidence?

Mr. DENIS (Joliette): I do not for one moment admit it is futile.

Mr. MEIGHEN: The Minister of Justice admits it.

Mr. DENIS (Joliette): Perhaps so. I do not know whether it is or not.

Mr. MEIGHEN: That is the whole point.

Mr. DENIS (Joliette): I am expressing my opinion, just as my right hon. friend expressed his. But even accepting his view, what is the consequence?

Mr. MEIGHEN: The hon. member is a lawyer and certainly is not dull of mind. Does he stand in his place and say he is not

convinced that Mr. Collins would be forbidden to have his witnesses heard as to how they voted? He will not get up and say he has the slightest doubt about that.

Mr. DENIS (Joliette): I say it is the duty of Mr. Collins to go before the courts first of all and—

Mr. MEIGHEN: The hon. member is dodging the question.

Mr. DENIS (Joliette): —and after he has tried all other means without success, he might apply to parliament, although even then in my opinion he would be debarred from doing so because if by an election petition or by any other proceedings a man fails to secure redress before the courts because the law is inadequate, as in this case I would be ready to admit it is, that of itself does not give him a right to come before parliament, otherwise this parliament would be beseiged by men claiming redress because of the insufficiency of the law. On that ground they would claim a right to come here.

Mr. LAPOINTE: Hear, hear.

Mr. MEIGHEN: I would not have risen but for that "hear, hear" from the Minister of Justice. Does not the hon. member see the point? We are not complaining of insufficiency of the law at all. We merely say that inasmuch as the law does not empower the courts to hear the evidence, it follows that this high court, which inherently always had the power, should exercise it.

Mr. DENIS (Joliette): If the law does not permit the courts to hear the evidence, what is the matter with the law?

Mr. MEIGHEN: The law is all right.

Mr. DENIS (Joliette): Then Mr. Collins has to stand by the law and make use of it, because the law was framed to meet exactly his case.

Mr. MEIGHEN: He is doing so.

Mr. DENIS (Joliette): This is a case different in application but not in principle. He has lost the election, and he contends that he himself should have been declared elected, not his opponent. That is the case.

Mr. MEIGHEN: He won the election.

Mr. DENIS (Joliette): He won the election, according to his contention.

Mr. MEIGHEN: According to the court's finding.

[Mr. Meighen.]

Mr. DENIS (Joliette): Because he had the largest number of votes it does not mean he won the election. He won the election in fact just as the man I have already mentioned won his election.

Mr. MEIGHEN: Oh, no.

Mr. DENIS (Joliette): In other words, if winning the election means having a majority of the votes,—

Mr. MEIGHEN: Legally cast.

Mr. DENIS (Joliette): —then he won the election properly. I take it for granted that the facts have been placed before us correctly. Then, just like Mr. Morin at St. Hyacinthe, he won the election because he had the majority of votes.

Mr. MEIGHEN: He did not.

Mr. DENIS (Joliette): He had the majority of the voters; not a majority of the legal ballots but a majority of the people.

Mr. MEIGHEN: That is different.

Mr. DENIS (Joliette): Yes, that is different. Is not that a flagrant injustice? That is an answer to what was said this afternoon. Hon. members asked where was the will of the people. I believe the will of the people must be respected, and the majority of the people who cast their votes were in favour of Mr. Collins. Assuming that to be right, the very same thing happened in the St. Hyacinthe case and in many other cases. The law creates injustices at times.

Mr. MacDONALD (Cape Breton): In connection with this petition would not Mr. Collins have to prove that either Mr. Kennedy or his agent was guilty of some irregularity? Can he do that? Otherwise I should think the petition would be disallowed.

Mr. DENIS (Joliette): I think my hon. friend is in error. Any conspiracy on the part of Mr. Kennedy or anyone else which deprives Mr. Collins of his seat can be brought out.

Mr. MacDONALD (Cape Breton): If you cannot establish it as having been done by Mr. Kennedy or by his agents, the petition is dismissed and Mr. Kennedy still has the seat.

Mr. DENIS (Joliette): My opinion is that if any irregularity were proved, whether by Mr. Kennedy or by anyone else, the election would be annulled. From what I understood the right hon. leader of the opposition to say this afternoon, that was his contention also, although he said it could not be proved under the circumstances. That was his whole argument, but I do not know that he said that because Mr. Kennedy or his agents did not

personally commit any illegality, the election could not be annulled. I think if illegality is proved on the part of any of the officials—because these officials are not the agents of Mr. Collins or Mr. Kennedy or Mr. Rae; they are electoral officials—it will be sufficient.

I do not think that is the point at issue now. The point is that Mr. Collins says, "I have a good case but I cannot prove it before the recognized courts of justice because the law will not permit me to do so." That is unfortunate, but if the law does not permit him to prove his case how can we remedy that? Why is Mr. Collins in the position of being unable to prove his case? It is because of the particular section of the law which says that you cannot force an elector to declare for whom he voted, and since you cannot do that you must conclude that the court will never know whether or not Mr. Collins had a majority, and therefore the petition cannot be maintained. I see the point; it is very unfortunate for Mr. Collins to be in that position, but that he is in such a position is not my fault or the fault of hon. members present; it is the fault of those who passed this act.

Now supposing you proceed before a committee of this House; is that committee to set aside the law and take into its hands the responsibility of saying, "True it is that before a court you cannot prove that; true it is that you cannot force these 111 men to declare for whom they voted; the law forbids it. Parliament in its wisdom has passed a law forbidding that, but we, a parliamentary committee, will go beyond the law and ask these people to give their evidence even though the law forbids." I do not think any committee of the House could do that; a committee of the House must follow the law, and I do not think any committee can go further than a court of justice can go. The difficulty, if there is one, is in the law itself and until the law is amended anyone who finds himself in the very unfortunate position of Mr. Collins will have to submit to his fate, because that is the law.

The point I am going to bring out now is one of form, and should probably have been mentioned earlier. I respectfully submit that this petition cannot be entertained by the House because it is not supported by an affidavit, and again because no deposit is made. Mr. Collins says, "If I could secure justice under that act I would not come before parliament, but I cannot do so." Parliament answers, "We can receive the petition, but we cannot give you any more privi-

10 p.m. lege than the law gives you, and under the law you are compelled first to make a deposit of $1,000 and in the next place to add to your petition an affidavit." Do hon. members realize the futility of presenting a petition to this House without an affidavit? It it were not for our faith in the word of hon. members opposite who have declared that the contents of the petition are true, that petition would be thrown into the basket. It has no meaning; it is purely and simply a declaration by somebody with no proof and no evidence in support of it. The Controverted Elections Act specifically says that an election petition must be supported by an affidavit. The reason for that is very obvious; it is that a proceeding of that kind must be a serious proceeding, and must be supported by an affidavit so that it will not be a joke and, on its face, will demonstrate the prima facie truth of the allegations. This affidavit does not here exist. Then the same law says that you must deposit $1,000, in order to prove your good faith, and in order to show that you are serious. That deposit was not made in this case. So that if this petition was received, Mr. Collins, who did not go before the courts when he should have done; Mr. Collins, who had the right himself to institute proceedings—Mr. Collins, because he has not taken care of his own interests when he should have done so, would receive better treatment before this House than the man who had looked after his own interests. I have an authority here which I quoted this afternoon. It is reported in Speakers' Decisions, by L. G. Desjardins, where at page 267 I find that on March 13, 1873, the Hon. James Cockburn, Speaker of this House, held as follows on an election petition:

> In my opinion this petition being an election petition, and not having been accompanied by the required security to answer costs, is a void petition, and cannot be made the ground work of a motion.

Therefore at that time it was incumbent upon every petitioner who wanted parliament seized of an election petition to accompany his petition with a deposit of $1,000, and failing to do that, his petition was dismissed. That law has been changed, but this provision by which the petitioner was compelled to make a deposit of $1,000 was reintroduced in the Controverted Elections Act, and therefore we have the same law on that subject to-day that we had before. What is the ground for Mr. Collins' contending that he should be put in a more favourable position before parliament than any other petitioner has been in since confederation?

I have nothing to add, Mr. Speaker. I have been strongly impressed by the arguments that Mr. Collins may be suffering an injustice; but parliament cannot place itself

in the position of a tribunal. The laws of the land have been passed to give justice to the suffering. It may be that the laws are not effective; they may be unjust, unwise, and it may be that Mr. Collins is suffering under those laws, but in my humble opinion we must follow the law. Mr. Collins could have claimed the seat for himself. He could have adopted many means of redress which he failed to adopt, and because he failed to adopt them, he now comes before parliament and wants parliament to constitute itself a court of justice. I am far from being an expert in this matter; indeed, I am sorry to say that I have not studied it very deeply, but speaking in a superficial way I must admit that I cannot see how and why parliament should come to the aid of this gentleman when there is a law providing for his case. If that law is not sufficient, it is the law just the same for Mr. Collins as for everybody else, and he must submit to it. Mr. Collins can get something under that law even at this stage. He can get the election annulled. True, that will not give him the seat to which he thinks he is entitled, but he can get the election annulled, and that is about all he can get at this stage. Then another election will be held, and if the electors declare that Mr. Collins is their choice, he will be elected.

Mr. A. L. BEAUBIEN (Provencher): Before the motion is put I would like to make a few observations, although I hesitate to do so after hearing the legal talent of this House this afternoon. Of course the legal minds do not agree as to what the election laws of this country consist of, and probably they might not agree with what I have to say, but I intend to discuss this matter from a common sense standpoint. I intend to discuss it as an ordinary individual who has not had the privileges or the opportunities of studying the legal aspects of this question.

We are asked to endorse the petition presented by a man by the name of Collins, who claims that he has a right to a seat in this House for the constituency of Peace River. The Solicitor General (Mr. Cannon) this afternoon established to my satisfaction that the hearing of controversies in regard to elections was taken out of the hands of parliament and put in the hands of the courts, and very wisely, I think. If we take the history of parliaments, we will find that the government in power always has a majority on the committees. Of course, conditions are changing, and things are balancing more evenly now than they used to do in the olden days on account of the group system having come into being. But I say that if we were to accept this petition and allow the seat of every member of parliament to be at the mercy of political partisanship in this country, it would be one of the greatest injustices that ever was done in any country. Parliament took these questions out of its hands itself, and put them in the hands of the courts. Why? Because governments with a majority on the committee could whitewash or persecute any man as they saw fit. I do not see any other reason why parliament should have divested itself of jurisdiction in these matters.

We are now asked to accept this petition and refer it to the committee on Privileges and Elections. From all the indications we have had in the last few days, we are in the dying days of the session. Every man almost expresses that opinion. The hon. member for West Calgary (Mr. Bennett), when the bill for the Montreal harbour loan was before the House, said that if we were not in the dying days of the session he would move that the affairs of the Montreal harbour commission be investigated by the Public Accounts committee of this House. Now if we are in the dying days of the session can any man who looks at this question from a practical viewpoint tell me what we can do before the committee on Privileges and Elections if we receive this petition?

The Solicitor General made the statement this afternoon that a man does not have to say how he voted. The only power that could compel him to divulge that probably is parliament. Suppose this petition is received, that witnesses from all over the Peace River riding are brought before the committee and they refuse to give evidence? We have nothing on the order paper for this House to be going on with. All the legislation has been passed; only a few estimates remain. What are the members of parliament going to do? If witnesses refuse to answer before the committee, a report will be made to the House, and this House will judge whether the witnesses should give evidence or not. Suppose a witness still refuses after he has been ordered to give evidence by this House; what is there for us to do? Put him in the tower. How are we going to keep him in the tower? I was in the tower the other day, and I see there are no locks on the doors, and no doors in some places; the windows are covered with canvas. How are they going to keep him there? The clock is not running.

Mr. CAHAN: Why not put him in the county gaol?

Mr. BEAUBIEN: I think the suggestions offered by the Solicitor General (Mr. Cannon) are absolutely logical and sound. Let the courts decide the fate of the candidates in the election in the Peace River district; then if the judges who hear the case make a report to you Mr. Speaker, and you report it to the House, let the House take action next session. I feel sorry to hear the assertions and insinuations that have been made in regard to the present member for Peace River. He is not responsible for any of the irregularities referred to in the Robb case or any other case.

An hon. MEMBER: Nobody said he was.

Mr. BEAUBIEN: You will have a chance to speak when I am through. The member for Peace River has no connection with the irregularities. A number of votes are supposed to have been transferred from Collins to Rae, the result being to give Kennedy the seat. What about the ballot boxes that were never opened? How about the irregularities in the other polls? If we had a thorough investigation it would probably be discovered that there have been frauds, and irregularities in other polls. I claim that under the present circumstances the member for Peace River cannot resign according to the law, and I think that law was wisely framed. The hon. member for Winnipeg North Centre (Mr. Woodsworth) put the matter very tersely when he said: There are charges against the member for Peace River. If the law permitted him to resign and those charges were still pending against him, he would be placed in a very awkward position.

In conclusion, Mr. Speaker, if we are going to allow the fate of the members of parliament to be at the mercy of partisanship—and sometimes not any too scrupulous partisanship—it is going to create a greater injustice than would result in our refusing this petition and allowing the courts to take action to decide it.

Hon. J. C. ELLIOTT (Minister of Labour): There are certain points to which I would like to refer before the debate closes. I feel that I should say a word in regard to this matter, partly because I think everything that can be said in defence of a member of this House who is not in a position to stand up in his place and defend himself should be stated by other hon. members. No man on either side of this House will contend for one moment that the gentleman who has been returned by the regular electoral officers for Peace River in the last election has not been returned in the same manner and by similar machinery to that by which all the other members of the House are returned. We start out with that as a basis of our discussion. The officers appointed by the crown have found him to be entitled to the seat for that constituency, and I must say that the onus is very strongly against anyone who asserts the contrary.

What is the object of the present petition? Hon. members will bear in mind that on the 6th of May the Speaker of this House, after a very exhaustive argument, declared that the petition which was then offered to the House should not be received. The reasons why it should not be received were put very clearly by Mr. Speaker at that time. Those reasons were perfectly correct, and I submit must have carried conviction to hon. members on all sides of the House. The reasons were that years ago this House in its wisdom decided that controverted elections, and the trial of the question as to the right of a member to hold a seat in this House, should be heard by some tribunal other than that made up of his fellow members in this House. Surely nobody here is going to argue that we should go back to the old law, in existence before the Controverted Elections Act was passed, which placed the trial of any member against whom a petition might be lodged in the hands of his friends and his opponents in this House. Nobody will argue seriously that we want to go back and make this a tribunal for trying whether or not my friend or my political opponent shall sit in this chamber or remain out of it. That is the reason why all the authorities make it abundantly clear that a petition which attacks the right of a member to hold his seat shall not be received. We can either try in this House the right of our fellows to hold a seat or we cannot. If we cannot try them, why make an abortive attempt to do so? Why receive a petition that is going to cast a reflection upon the right of any member to hold a seat in this House if we have not the right to proceed and try it out? Will any of my hon. friends argue that they desire to go back to the old system of having this House turned into an election court? Because that is what it amounts to. We got away from that years ago, and I submit, Mr. Speaker, with great respect, that this House is not going to take any steps which would mean a return to that old procedure. That is the reason why a petition which has for its object the trial of the right of any member to hold his seat in the House—apart from disqualification such as has been referred to, penal offence or anything of that kind—can-

not be received here. When the petition is tendered and examined by the Clerk of Petitions, the examination is for the purpose of seeing whether or not it is a petition proper to be received. If we cannot deal with it then it should not be received.

Let us consider what the object of this petition is, I ask my hon. friends who argue that it should not be received: What does this petition ask for? It is true it complains about the conduct of the electoral officers, but what is the kernel of the whole petition? It states:

> Your petitioner prays that the House of Commons will investigate the conduct of the Chief Electoral Officer of Canada, the returning officer for the electoral district of Peace River, Edward Henry Sheppard, aforesaid, the deputy returning officer, Peter A. Robb, aforesaid, and such other officer or officers as may be necessary in connection with the establishment of a polling place at Brule Mines poll No. 4 aforesaid and the taking of, the counting and recounting the votes cast at such poll in the electoral district of Peace River aforesaid, and that such Chief Electoral Officer, returning officer, deputy returning officer or other officer or officers be directed to take such action as may be requisite and necessary to secure the return to the House of Commons of the candidate who secured the greatest number of votes cast by the electors of the electoral district of Peace River on the 29th of October, 1925, aforesaid.

That means that the petitioner asks this House to try out the question of which candidate received the greatest number of votes and who is entitled to a seat in this House. It means that if the House finds that Collins received more votes than Kennedy, the officer should be instructed to make a declaration declaring Collins and not Kennedy entitled to the seat. That is exactly what this House decided on the 6th May it could not do, and that was the reason why the petition which was then presented could not be received.

When you come to size up the arguments of hon. gentlemen who argue that this petition should be received, they say that it should be received because it asks for an inquiry into the conduct of officials who conducted the election. It is true it asks for that; but in addition and as the main part of the petition it asks that it should be found that the candidate who received the greatest number of votes should be declared elected. That means possibly that somebody who now has the seat should be put out and somebody else put in. What was the objection before to receiving the petition? It was that it violated the rules and therefore was not properly receivable. Do my hon. friends who argued on behalf of the petition which was declared bad on the sixth May, say that by tacking on to a bad petition some clauses which are good they are going to make the part of the petition which was bad on the 6th May, good now? That is what this means. It is on account of the bad parts in the petition, the parts that are not receivable, that it could not be received before. Unless the whole petition can be received, it cannot be received at all. You cannot receive part of it; if there is in that petition anything that is objectionable and cannot be received, the whole petition must be rejected.

I took care to look at the date of this petition and I find that on the outside of it is dated the 28th May, 1926, twenty-two days after the previous decision. Nobody can read this petition without realizing what the petitioner had in mind. It is quite clear, when you take the date into consideration, that the petition seeks just what I have already said—by tacking on to the objecionable part something that is unobjectionable, to get in the whole petition. That cannot be done.

A great deal has been said about the fact that in the election court you cannot try out the question of how anybody voted. The section of the act referred to is section 221, which says that no person shall be asked how he voted. What was the object of that? It was made perfectly clear by a very learned judge in the Haldimand case. I quote it in his words, which are much better than any I could see:

> As to the petitioner's claim for the seat, it must be dismissed.
>
> The evidence of thirty-six voters to show how they had voted for Colter at polling division, No. 2, Oneida, was properly held not admissible by the learned judge at the trial.
>
> Had the learned judge permitted the inquiry to have been prosecuted as the petitioner desired, it would have in effect disclosed not merely how those willing to tell had voted, but practically how every man at the poll had voted, because if out of one hundred votes fifty are found to have voted for A and fifty for B and the fifty who voted for A are called and expressing their willingness to tell do tell that they voted for him, it at once becomes known who the fifty were who voted for B.

Let us take another example where the majority in the election is small. I know my hon. friends are pursuing this very seriously with a view possibly to remedying a defect which they suggest now exists in the law. I ask them to consider this: Does any defect exist in the law as it now stands? Does any hon. member suggest that it would be in the interest of justice or of candidates who occasionally have to fight election contests to have the law changed? Supposing a man is elected by a majority of five, and supposing that at a certain poll he is credited with twenty votes and thirty people come in and say: I voted for that candidate. If that were

to be allowed, in many cases where there are not many votes in a poll it would be possible to get enough electors whose names are on the lists to come in and pledge their oaths that they voted for this man and he lost his seat. That is not what the legislators intended. That is the very evil which the people who framed this act intended to avoid. The right of the hon. member for St. Lawrence-St. George (Mr. Cahan) or of any other hon. member to hold his seat should not depend upon whether or not ten, fifteen or twenty people are willing to come in and swear that in a certain polling division they cast their votes in one way and the record would show that they had not been counted. That is the object of the law and it is made very clear in the decision of Mr. Justice Taschereau in the Haldimand case, volume 15, of the Supreme Court reports.

Mr. CAHAN: Do I understand my hon. friend to suppose that the purpose of the act was to make perjury in election cases effective?

Mr. ELLIOTT: No. My contention is exactly the reverse of that, and if my hon. friend were listening he would know that. The object of that section was to render perjury ineffective, but if my hon. friend had his way he would make perjury operative, for you could get enough people to come in and swear that they had voted in a particular way and the member of parliament petitioned against would not be able to hold his seat. Indeed, no member could hold his seat under such circumstances.

Mr. CAHAN: Why should that principle not apply to any ordinary civil or criminal case?

Mr. ELLIOTT: That is entirely a different situation, and the principle would have been made to apply to any ordinary civil case if the framers of any act relating to such a case had taken the same view of it as was clearly taken from this statute in reference to election cases. That is the answer. There is no question about it. Is the right of any member to be jeopardized by allowing fifteen or twenty men in some polling subdivision to come and swear that they voted for his opponent when he appears to have received only ten votes?

Mr. CAHAN: If you are going to admit, as a sufficient ground for excluding evidence, the possibility of fifty men perjuring themselves, why should you not exclude all evidence of corrupt practices for fear that some five, or ten or fifty men may go into the election court and commit perjury?

Mr. ELLIOTT: I suggest that would have been a good question to have asked the framers of the act when it was being considered, and I venture to say that if such a question had been asked the answer would have been just what I have given.

Mr. CAHAN: I make the suggestion to show the utter absurdity of the hypothesis which the hon. gentleman is building up.

Mr. ELLIOTT: Well, I have been endeavouring to show, and I think I have shown, what I must say with great respect appears to me the utter and total absurdity of the position my hon. friend takes. That is the unfortunate impasse to which we come. I wonder that the hon. gentleman, with his sincere desire to do justice to the member for Peace River, should suggest that that hon. gentleman's right to sit in this House, or for that matter the right of any other hon. gentleman, should be jeopardized in the way I have indicated. If, however, that is the view my hon. friend takes, it certainly is in direct opposition to the view held by those who framed the law as is apparent in the statute itself. There is no doubt about that.

But there is another cogent reason why we should be very careful not to take the step suggested in this case. As I observed before, either we have the right to try the question or we have not. I do not think my hon. friend will assert that we have; I do not think that he and his colleagues would propose our going back to the trial of election petitions in this House. I am sure he would not contend for that. Then why on earth should they try to drag an election into this House in a way which is in contravention of the law? It is quite clear that there are certain remedies that were intended by way of appeal to this House, but I would ask hon. gentlemen, who have contended that this House might try this case, why it is that section 61 of the Controverted Elections Act was provided. Section 61 reads:

> Trial judges may, at the same time, make a special report to the Speaker as to any matters arising in the course of the trial an account of which ought, in their judgment, be submitted to the House of Commons.

And various other sections of the act show that what the framers intended was that election matters should not come before the House of Commons until they had been disposed of in the courts.

Mr. CAHAN: My hon. friend is assuming the whole case. The report which might be made by the judge could not refer to any

evidence before him whatsoever; it could have reference only to the suggestion of counsel that, if the law admitted the evidence, such and such things might have been proved.

Mr. ELLIOTT: My hon. friend is coming to the point which I should have reached by this time if he had waited. He refers to the right of the courts to ask electors how they had voted. That was not the intention of those who framed the act; it was expressly prohibited for the reason I have mentioned. The framers of the act desired that the sanctity of the ballot should be preserved, and it was undoubtedly apprehended that to allow electors to be examined in this way would be to nullify that object. Does my hon. friend suggest for a moment that after parliament had delegated to the courts the right to try election petitions, parliament should then undertake to deal with such matters? Section 226 of the Dominion Elections Act provides:

> No person who has voted at an election shall, in any legal proceeding questioning the election or return, be required to state for whom he voted.

If therefore the courts, to whom parliament delegated the right to try controverted elections, are expressly forbidden by parliament to ask any elector how he voted, will anyone contend that parliament, having divested itself of the right to try such cases should be at liberty to put that very question to electors?

Mr. CAHAN: Cannot my hon. friend distinguish between the proceedings in an election court dealing with allegations of corrupt practices on the part of the candidate or his agent, and entirely different proceedings before the high court of parliament or its committee dealing with frauds committed by the officials and employees of parliament? I can well understand that in relation to corrupt practices by the candidate or his agent, the court should not be allowed to inquire as to whether those corrupt practices were effective or not. But in dealing with frauds committed by an employee of parliament it is essential to ascertain whether the votes of electors in any particular polling section were given effect to or whether by such frauds as here alleged they were precluded from having effect.

Mr. ELLIOTT: My hon. friend still fails to get the point.

Some hon. MEMBERS: Oh, oh.

Mr. ELLIOTT: Just a moment. The tribunal which has jurisdiction to try election petitions cannot ask any elector how he voted. My hon. friend suggests, however, that the parliament which created that tribunal, and thereby divested itself of jurisdiction in the matter, should still have the right to exercise such jurisdiction. Parliament has the right to inquire into the conduct of its electoral officers. In doing so there might be no great hardship, apart from the violation of the sanctity of the ballot, in asking electors how they voted, because the abuse I have suggested could not arise; a dozen men coming in and swearing they voted in a certain way would not affect the right of the member to hold his seat, because only the guilt or innocence of the election officers would be under review. All that parliament can try is the guilt or innocence of its officials. That is the reason we cannot receive this petition.

Mr. CAHAN: May I interrupt the hon. minister once more? I can well understand why the statute may provide, and properly provide, that you shall not inquire into how a man voted when the issue is whether the candidate or his agents were guilty of corrupt practices, because it is utterly irrelevant to that issue if a voter is corrupted. On the other issue, as to whether the officials of this parliament fraudulently switched ballots, the issue of corruption by the candidate or his agents does not enter, and it is absolutely necessary that parliament should know whether its officials have been guilty of that fraud.

Mr. RINFRET: Mr. Speaker, I rise to a point of order, and I do so with no disrespect to the hon. member for St. Lawrence-St. George, for whom I have much esteem. But the hon. gentleman is allowed to speak only once on this motion, and therefore I do not think he is in order at all when every ten minutes he interjects short speeches into the argument of the Minister of Labour.

Mr. CAHAN: I apologize. I thought the hon. minister rather invited it by the way he advanced his argument.

Mr. ELLIOTT: I have little more to say on the question, Mr. Speaker. Let me refer for a moment to the point that was sought to be made out of the Donaldson election in Saskatchewan. Parliament intervened there because the province had just been formed and, as the judges made perfectly clear at the time, the courts for the trial of those actions had not then been established.

Now, Mr. Speaker, for the various reasons I have submitted I think it is quite clear that no electors coming in and swearing how they have voted should be permitted to affect the

right of a member to hold his seat. The real object of this petition is the same as that of the petition which was rejected on May 6, and therefore I say it should not be received. I urge hon. members to think very seriously before they insist that parliament should again constitute itself into a court to try election petitions and the right of their fellow-members to their seats in this House.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Mr. Speaker, the vote now to be taken will register the estimation of this House of the value of decency and common justice. The debate has proceeded long, and a large number of speeches have been delivered, mostly, not unnaturally, by lawyers, but if I may again describe the character of the question we are called upon to decide, I would say it is one of the simplest, one of the plainest postulates ever laid before parliament for its verdict. There is no complication, there is nothing difficult, there is no haze; it is a matter which admits the clearest, and the simplest reasoning that the human mind could invite.

I know that members, especially able members, whether of the legal fraternity or not, can always piece together long, plausible sentences tending to bend the mind against the most obvious conclusion. I know that very often lawyers do so and have to do so in the discharge of their professional duties, when they have no case which appeals to their own sense of logic and of right. I know quite well that if a proposition were laid before this House asking us to declare that the earth is flat or that Aristotle wrote the plays of Shakespeare, there could be hon. members found here, many of them, who could tie one sentence to another, designed in the aggregate either to confuse the intellect or to bend it to some foolish conclusion. With all respect, I say this is the sum and substance of everything that has been argued against this resolution. I do not think there is any hon. member, I care not on what side of the House he sits, however biased he may be, who if he addresses his mind to the subject at all, can possibly vote in ignorance of the fundamental right on this motion, he cannot do so. Every hon. member, if he has addressed his mind to it at all and votes against this resolution, votes against it knowing he is doing a gross and cruel injustice which elsewhere can find no remedy whatever.

If hon. members opposite are right in all this argument they have presented, what is Mr. Collins going to do? Does any hon. member doubt he has been wronged? Nobody suggests he has not been wronged—grossly wronged. Does any hon. member doubt the people of Peace River have been wronged? Did they get in this House the representative they voted for under the law of the land?

An hon. MEMBER: No.

Mr. MEIGHEN: They did not. What is Peace River going to do if we vote down this motion? Mr. Collins and the constituency of Peace River are just told to go back home and take it out in weeping. We can put it in any language we like, but that is all they can do, and there never was a time when by any act of Mr. Collins he could have bettered his position, nothing in the world he could have done which would have enabled him to get redress.

I set about again to seek to drive home these very obvious facts, these very manifest truths. It is generally admitted that the form of the petition is right; Collins is before this House by petition and averring certain statements which, if true, show that he was elected on October 29 last. He does not present his evidence to this House; he is not allowed to do so. He does not send a cheque for $1,000; he does not attach an affidavit. By our rules he is not allowed to do anything of the kind; if he does so we cannot let his petition pass inside our door. I wonder if anyone would suggest that he could have done so? One has only to take the word of hon. gentlemen opposite; I think the Solicitor General (Mr. Cannon) or, if not, the Minister of Justice (Mr. Lapointe) said nothing could be attached to a petition. All he can do is simply present his petition; nothing else is within his power. The Solicitor General nods approval; then why does the hon. member for Joliette (Mr. Denis) take half an hour in this House to complain that there is no cheque and no affidavit attached, and why do some other hon. gentlemen get up and say, "We know he says all these things, but we have not the evidence"? We are not asked at this time to consider the evidence at all. The only thing asked by this House is a writ of summons. We will be asked to submit this petition to a committee, but we are not even that far yet; we cannot submit it to a committee to consider the evidence until our petition is received. We ask now only that it be received. But if there is anyone who doubts whether Collins could have done more, let him read Bourinot at page 235, where it is plainly stated that a petition must not have appendices attached thereto, whether in the shape of letters, affidavits, certificates,

statistical statements or documents of any character whatever. Still we have been asked to listen to long dissertations on the failure of Collins to present a cheque for $1,000 and to do something else. It may be that afterwards, when this is before the committee, it may ask Mr. Collins to put up security. I am not arguing that now; up to the present he has done everything he can do, and all he is asking is a chance to proceed.

It has been suggested that Mr. Collins has not done everything possible; that he should have gone before the courts; that he should have entered protest, or had someone else enter a protest. Hon. members again suggest that if he forgot to do so or was remiss or neglectful in any way he should now come in under Page's petition, and seek redress in that way. If hon. gentlemen will listen it will not take five minutes to dispose of that argument, because it is nothing but sophistry. Collins could not go before the court; he could go before it, it is true; he could go in there with the certainty of being thrown out immediately. No one suggests that he could get any further; no hon. member of this House has risen to suggest that Collins could do more than go through the obvious stupid futility of presenting his protest in court, bringing his 111 witnesses and being told to go home, that they could not be heard.

The Minister of Justice distinctly admitted —and after having admitted it I was astonished when he invited this House to vote against this resolution—that no court could hear one of these 111 witnesses; they could not say a word. Then what is the sense of telling Mr. Collins he should have gone to court? Where is Mr. Collins in court if he cannot produce his witnesses and have them heard? He might as well go to the police court in Ottawa; we might as well tell him to go before a court in Jamaica. It is all humbug and mockery for anyone to say that Mr. Collins should have gone to court. Mr. Collins had the advice of his counsel, which everyone in this House admits was sound, that all he could do was get into court and get out again at the instance of the presiding judge. And does the Solicitor General say that before we can listen to any petition from Mr. Collins he should first run around that silly circle when he can get nowhere, and then come back and tell us that he went there anyway even though he got no results? What is the meaning of an argument like that? Once we admit that Collins could do nothing in court why do we tell him he should have gone to court? Will anyone answer that question?

The Solicitor General says it is true that he could not have got his witnesses in the box; he would not have been allowed to prove his case, because there is no other way of proving it except by the evidence of these witnesses. It is true he could not have done that, but the Solicitor General says he might have got a report from the judge to Mr. Speaker after it was all over. He might, and he might not. The judge is not bound to make a report. Supposing he did not; and personally I do not think he would. Supposing he did not; what would be the good of Mr. Collins going there? Are we to tell him to go there on the chance that the judge may make a report to this House? Supposing the judge does report that Collins' counsel got up and asserted in court that he would like to call these 111 witnesses to prove that they voted for Collins, adding that as judge he did not allow him to do so because under the law it was impossible. Supposing the judge does that; that is all he can do. Are we then one whit wiser than before? Not at all; we have gone around the circle and landed back at the starting place.

Mr. CANNON: Will my hon. friend allow me one question? If such a thing happens is it not a fact that this matter would then be brought before the House in the proper, regular way?

Mr. MEIGHEN: The Solicitor General says that if such a thing happens it will be brought before the House, because the judge makes a report to Mr. Speaker. What can then be done? The matter will be brought before the House then for the amendment of the law, but not to help Collins; Mr. Speaker could not help Collins. Does anyone imagine that because a judge reports that a lawyer offered the evidence of 111 men who, he claimed, voted for Collins, but could get no witnesses heard, Mr. Speaker on the face of that report would say Collins should be elected? Why it might be that Mr. Speaker would think these men would not have given such evidence at all.

Mr. CANNON: What about the House?

Mr. MEIGHEN: The House might amend the law later and compel the judge to hear the evidence, but that is all the House could do.

Mr. CANNON: The law says much more than that.

Mr. MEIGHEN: The law says Mr. Speaker may amend the report; certainly he may, but he will not do it unless the judge reports there is evidence upon which it should be done, and the judge cannot hear that evidence. The whole plea has been a sort of plausible sequence of sophistry in order to get some cause for delay. Delay is just as good as vic-

tory for hon. gentlemen opposite; delay is victory, and one suits as well as the other. Tell Collins to go to the court; bring his 111 witnesses; put his hand in his pocket and pay their expenses, when he knows it is just humbug and nonsense, and that perhaps the judge will make some report to this House, and we may amend the law. That would be a fine remedy for Mr. Collins, wouldn't it?

11 p.m.

Mr. CANNON: Would my right hon. friend allow me one more question?

Mr. McGIBBON: You did not allow any questions.

Mr. MEIGHEN: I will allow the question.

Mr. CANNON: If the House could not do more than my right hon. friend now states, why ask its members to do what they can not do according to his own interpretation of the law?

Mr. MEIGHEN: Certainly the House then could hear the case, just as the House can hear it now. Is any hon. gentleman going to say that we were emptied of jurisdiction by our Controverted Elections Act, but that if the fellow goes to court, goes around in a blind circle, and gets back here, then our jurisdiction is restored? Why, the thing is foolish.

Another hon. gentleman says: Collins might go to court and be denied the right to produce witnesses and get them heard; that is very true, he says, but if it is true, it is "too bad." He is ready to admit that it is too bad, "but he says that Collins must put up with it because it is the law and Collins cannot get any higher than the law; and he tries to make out that we are complaining of the law. We are not complaining of the law at all. We want the law applied; we want the law applied in the only way it can be applied. What we say is this: that if Collins has a court to which he can go and produce his witnesses, then under our constitution and practice we should not hear Collins at all; but that as regards matters affecting this House if it is true as admitted that we have not given him a court, then our original jurisdiction remains and we must hear Collins appeal. Certainly if Collinst complains of the law in that it affects only his private right and does not go to the question of the election of a member of this House—for instance, his right to a horse or a house—he cannot come to parliament and expect redress in a matter of that kind. But what Collins says is: "I was elected to your parliament; I cannot show that I was elected in any court you have provided; I have come to you, to your original jurisdiction, and I say to you, inasmuch as you have not given me a court I can go to, I come to the high court of parliament itself, which from time immemorial has redressed wrongs of this kind." The law we argue for is this: That as there is nowhere else he can go to and produce his witnesses and get his testimony heard and get his verdict, he can come to this House. The only argument against such a claim in respect of an election is that we have provided him with a court. When that argument falls down because there is no court it must be admitted, of course, that the jurisdiction of this House still exists. I could go through cases one after the other, but nobody needs a case. Is anybody going to argue that a man cannot get redress from this parliament when there is no other place in the world where he can get redress, that he simply has to suffer under it; that if any officer of this House puts his hands in the dead of night into a ballot box and steals 111 ballots, destroys them, and plants 111 more of his own, the man who is the victim of that fraud has no redress at all? Is anybody going to say that?

Now I ask any hon. member to suggest in the mildest, the most modest way he can do so, what in the world Collins can do if we refuse this petition? What can he do? There is not a member will dare to suggest that there is any course open to him whatever. Hon. members who know that, when they rise from their seats on this vote, know that voting against this motion they deny to Collins the only redress he has, and they say to every deputy returning officer in this country: "You can go and defraud a candidate; you can rob him of what he earns; you can rape a constituency, and if you do you may be punished for it in the courts, but the candidate will never get redress in this Dominion of Canada."

Someone suggests that what we ought to be here for is for a change in the law. We are not complaining of the law. The law is sufficient. We want the law applied. We want admission to the only court that is left us.

Now it is argued: Oh, if you did get Collins here, he could not do anything, because if Collins came before a committee of parliament his witnesses could not be heard even there. The argument of the Minister of Justice was this: The reason voters cannot be heard before a court of law is that it is against public policy that a witness should be allowed to divulge for whom he voted, and if it is against public policy to allow him to divulge it to any court of law, he argues

that it is against public policy to allow him to divulge it before a committee of this House. Let me examine that argument.

What I stated before was this, that we had a statute which provided that in any legal proceeding questioning the return of a member, a witness could not be heard to say how he voted, and that the reason the judges had held that, though the law said he could not be "required" to say how he voted, it really meant that he could not be "allowed" to say how he voted, was that the foundation of that statute was public policy, and not the privilege of the voter. Then hon. members argue from that, that if it is public policy to prevent him in a court of civil law telling how he voted, it would be public policy to prevent him telling it before a committee of this House. Maybe it would, but the fact is, we have not prevented it. All we have done is to prevent it before a court of law, because we deemed it good public policy. Very good. Then he cannot go before a court of law, but until this House says he cannot go before a committee of this House, he still can go there and give his evidence, and be compellable to do so. Do hon. members follow me? In a word, the witness is not restrained at all unless he is expressly restrained by a statute. He is not protected at all unless he is specifically protected by a statute. He is not protected and he is not restrained before a committee by any statute but only in a legal proceeding questioning a return. Nor is he restrained or protected in a criminal court—only in a legal proceeding questioning a return.

The Minister of Labour (Mr. Elliott) argued that a voter was restrained from telling how he voted for fear he would commit perjury, for fear there would be quite a number—someone says the majority—who could be persuaded, suborned to come before the court and commit perjury, and thereby unseat an elected candidate. Why, what does the hon. member mean? Does he mean to suggest we have passed a law in this House which declares that no man can say how he voted for fear he might lie in saying so? That is really what the minister argued. I do not know what was in the back of his head.

We said: The law stands this way. A voter can disclose his secret in a criminal court, but not in a civil court in a proceeding questioning a return. Why? Because the secrecy of the ballot is important, but it is not so important as the prevention of crime. Therefore we compel him to reveal his secret in a criminal court. But we say there is little or nothing to be gained by his giving such evidence in a legal proceeding questioning his return sufficient to warrant letting him do so. Why? For the simple reason that everything we relegated to the courts to try in relation to elections is such that it does not matter a whit how anybody says he voted. For instance, suppose there is a charge to be tried in an election protest, that a candidate or his agent bribed a voter. How the bribed man voted is not pertinent to that issue at all. It does not matter if he voted against the way he was bribed, the election is void all the same. In a word, in all these matters relegated to the court in a civil proceeding the value of the evidence as to how the voter voted is so slight that the importance of secrecy of the ballot was greater than the value of such evidence. But in a criminal proceeding parliament naturally has resolved that the prevention of crime is of far more importance than the secrecy of the ballot, and therefore no man can protect himself and refuse to give evidence as to how he voted. The matter is entirely plain.

Wherever a question of fraud comes up, in which it is necessary to know how a man voted in order to reveal the fraud, there should be no law protecting any witness even in a civil court from declaring how he voted, and there should be no law to prevent a judge compelling him to say how he voted. You say, "Why not then amend the law?" Very well, amend the law, I do not care, but you cannot amend it to help Collins. There was the state of the law during the 40 days wherein Collins had the right to take legal action. He had to act under the law as it was: under that law he could not give his evidence to court. He had therefore no redress. He could not get anything, so all he could do was to come to this House. We could amend the law now, but that would not enable him to go to court now. Collins has done everything it was in his power to do. The only other thing he could have done was to run a futile race around the courts, knowing he would land just where he had begun, with all his expenses gone.

Was it not the Solicitor General who suggested that the witnesses could not be heard to give evidence before a committee of parliament, because the law said that for public reasons they could not give evidence in legal proceedings? A hearing before a committee of parliament, in the first place, is not a legal proceeding. I questioned my hon. friend. "Were not the witnesses giving evidence in the West Huron case asked as to how they voted?" Certainly they were,

and they were compelled to answer. My hon. friend admitted that, but what was his explanation? "Oh," he said, "that was in 1897, and this law which declares they should not be compelled to give evidence was not passed until later on." But as soon as he was told from this side of the House that it had been the law for years before, he began to talk about the weather; he changed the subject. It has been the low since 1874. I have the statute here.

Mr. CANNON: This section where it is to be found now was put in in 1900, and not before.

Mr. MEIGHEN: Where it is to be found now? I would like to know what the difference is just where it is found.

Mr. CANNON: It might have been in another law.

Mr. MEIGHEN: It is in the Election Act, and reads:

> No person who has voted at an election shall in any legal proceeding questioning the election or return be required to state for whom he voted.

That is in the Dominion Elections Act passed in 1874. Thirty years after that act was passed witnesses were compelled to appear before the election committee of this House and disclose for whom they voted, for the manifest reason that the purity of an election is of infinitely more importance than the secrecy of the vote.

Mr. CANNON: I do not think we disagree on that point at all. I said that the clause was not in the Controverted Elections Act before 1900, and my right hon. friend is quoting from the Dominion Elections Act.

Mr. MEIGHEN: This illustrates what I said about being able to piece together sentences tending to confuse. Does it matter where it is so long as it is the law of Canada? Really I ought to thank the Solicitor General for giving such a vivid illustration of the kind of sophistry I have been seeking to expose to this House. There is the law. No man could give the evidence before 1874 in a legal proceeding, but when that law was passed and for thirty years afterward they gave evidence before a committee of the House and were compelled to do so. This disposes of the only contention made by the Minister of Justice.

Mr. CANNON: The fact that a committee would have allowed such evidence does not change the law, does it? It is a matter of interpretation and nothing else, whether I am right or whether my right hon. friend is right.

Mr. MEIGHEN: I suggest that if there had been any way of preventing those men in the West Huron case from giving their evidence, there were lawyers enough then on the Liberal side to prevent it. I do not think the Solicitor General would say that the legal lights of the day in the year 1897—and he knows who they were as well as I do—were not wise enough to protest, with that provision in the statute before them, if they had the remotest chance of success in a proceeding before the committee. It is a parliamentary proceeding; it is not a legal proceeding within the meaning of the Controverted Elections Act or of the Dominion Elections Act, and our practice for fifty years has shown my statement to be true. Therefore Collins could go before a committee of this House and could adduce his evidence. The committee could compel the witnesses to give the evidence. It is clothed with plenary power to do so, and that plenary power does not exist anywhere else.

The hon. member for Quebec South (Mr. Power) says it will be a very dangerous precedent if we allow Collins now by petition to be heard in respect of this allegation that though elected, though he had the largest number of legal votes cast, he was defrauded by an officer of this House who stole his ballots—the hon. member says that if we allow him to come here with this petition there is nothing to hinder any candidate who loses an election in the future from coming and by stating in his petition that an officer of this House stole some of his votes, compelling our committee to hear his case. Let us inquire about that. We receive this petition and afterwards refer it to the committee. The only precedent we thus establish is this: that if a candidate avers that he got the largest number of votes, that votes were stolen from him by an officer of this House and others fraudulently substituted therefor, and refers this parliament to records of the court of the land to establish every word of his petition, then we would be bound by this precedent to receive and hear that petition. Is that a serious thing? I do not say that every time a petitioner comes and alleges, merely on his own ipse dixit, that somebody else stole his votes we should have to hear his claim, even though there is nowhere else he can go; I do not argue that point. But I say that when a man comes and points out official evidence of this kind to us, we cannot avoid looking at it. In this case Collins says: "There are the records of the court; these records are the property of parliament just as much as of the Canadian people. On

these records I say that I was robbed of the seat for Peace River; my ballots were stolen by an officer of parliament." I say such a man can come to parliament and has a right to be heard. We can never in conscience deny him a hearing until we can point him to a court which is ready and able to hear his evidence.

Mr. POWER: Admitting for the sake of argument that we can give him a hearing, on his statement of facts does my right hon. friend argue that we can turn one man out of the seat and put someone else in?

Mr. MEIGHEN: Undoubtedly.

Mr. POWER: Simply because he makes evidence that in a certain court of justice somewhere or other—

Mr. MEIGHEN: No, no.

Mr. POWER: —someone misused the ballot.

Mr. MEIGHEN: No. He has to prove to the satisfaction of the committee the allegations of the petition. All he wants is the right to do so, and hon. members, one after the other, are standing up and arguing and trying to get hon. members to vote to deny him that right. The consequence of such denial is simply this, that a man, however estimable he may be, who was not elected but who is returned as elected because the returning officer accepts as true the count of a criminal although it is afterwards disclosed that the criminal made a fraudulent return, must remain in possession of that seat.

Mr. POWER: Is there in the records of the court as produced before parliament anything to show that owing to the acts of Robb, Kennedy is in the seat which should belong to Collins?

Mr. MEIGHEN: Certainly.

Mr. POWER: What is it? That 100 men were not allowed to vote as they wanted to vote.

Mr. MEIGHEN: They were allowed to vote.

Mr. POWER: I mean the other way about.

Mr. MEIGHEN: The records show that they did vote but that our officer stole their votes from the ballot box.

[Mr. Meighen.]

Mr. POWER: Suppose we admit that for the sake of argument. Is there in the petition anything to show that those votes having been stolen, Collins and not Kennedy should be a member of this parliament?

Mr. MEIGHEN: Certainly, in the petition and in the returning officer's return for the election, which includes the recount by Judge Mahaffy. These show the votes that each one was found to have before this fraud was discovered. The official result of the trial of Robb, with the recount judge's finding, prove that the man who was really elected was James Arthur Collins and not the hon. gentleman who sits for that riding at all. The hon. gentleman who sits for that riding, it does not matter what we may think of his character, knows that he was not elected. He claims rightly or wrongly—and I do not care which, because it does not matter—that if other officers of the government had done their duty and got ballot boxes out into other districts, he might have been elected. Very good. Many a person might have been elected. But also he might not have been elected, and the fact is that on the votes legally cast he was not elected.

All we are asking parliament to inquire into is what was the real result of the ballots legally cast. The hon. member for Joliette (Mr. Denis) says: Why, there are lots of injustices in this world. I know a poor fellow, he says, in St. Hyacinthe who got the votes all right, but they were not legally cast because the returning officer so marked them that they could be identified. That was a great injustice, he says, to that candidate. So it was. But it is not anything which the law of Canada has declared to be an injustice. The hon. member for West Calgary (Mr. Bennett) was found by the courts to have obtained the largest number of votes in 1921; but the courts found as well that though the voters intended to vote for him, many did not do so; they did not vote within the meaning of our Elections Act and therefore their votes could not be legally counted. That man may suffer injustice because of the errors of another, but it is not something which this parliament has declared to be a wrong. The present hon. member for West Calgary, though he did not get all the votes intended for him in 1921, got all the votes legally cast for him. So did the gentleman referred to by the hon. member for Joliette, and that is all he is entitled to under the laws of Canada. But James Arthur Collins did not get all the votes which were legally cast for him. Of those legally cast for him 111 were stolen by our

officer. We are not here asking that the votes of some people who intended to vote for Collins and who could not find the ballot, or of some others who intended to vote for him with a lead pencil and voted for him with a fountain pen, should be counted. We are asking only that votes legally cast for him under the law be counted; that there be some tribunal before which he can go and show that he was elected by votes legally cast. That is what hon. gentlemen are being invited to refuse him. Let there be no misunderstanding. There should not be the faintest confusion. Every person who rises to vote against the petition of Collins to deny him this right is simply with a cynical sneer telling Collins to go to a court whose doors he knows are barred. Every hon. gentleman who says: We will not let Collins come to parliament, declares that that man who sits to-day in parliament because of a fraud, however innocent of it he may be, because goods are stolen and only so, shall have the right to remain.

Mr. MacLEAN (Prince): If the law has been an injustice for the last fifty years, will the right hon. gentleman tell us why it has been tolerated?

Mr. MEIGHEN: There has been no injustice. We have not complained of the law. What we want is an application of the law.

Mr. MacLEAN (Prince): The right hon. gentleman states that Collins is not permitted to take his case to the court; that that is an injustice, and that is what he is complaining of.

Mr. MEIGHEN: Not so long as he can come before a court that undoubtedly can try his case. If Collins is not permitted to come to parliament he certainly is not permitted to go anywhere else.

Mr. MacLEAN (Prince): Why was the right not given to appeal to the courts? If it was an injustice, why was it tolerated for so long?

Mr. MEIGHEN: I did not say that it should have been given. Perhaps it should not have been given, but the fact is that it was not given. Parliament never gave it to the courts, although it may be that we should have done so. It is not the fault of Mr. Collins that we did not; but the fact that we did not give it to the courts shows that we retained it ourselves. I do not think parliament expected its officers to steal, and certainly no parliament in the good old days ever expected that if our officers stole the seat of a man honestly elected, there would ever be a parliament which would deny him access to the only place open to him competent to redress his wrong.

I do not question the good faith of the hon. member (Mr. Kennedy) who sits for that riding in the votes he gives. I do seriously question his conduct in presuming to perform the functions of a member of parliament when he knows he is a member of parliament only because of the theft and fraud of another, and that other an officer of this parliament. This officer of this parliament, selected by this government, commits a fraud by virtue of which the hon. member sits in this House, and sitting in the House thus in possession of goods stolen he consistently delivers those goods by his votes and speeches to the government of the day on whose behalf they were stolen. That he does so in good faith I do not now question; but the fact is that he does so, and because he does so this government is in office to-day. There is the situation, and I venture to say it is because of that very unique circumstance that this government struggles so desperately to retain the member for Peace River in his seat. They do not do so because of affection for the hon. member for Peace River. If they could have defeated him they would have done so. Those acting for them, though I do not say with their knowledge, tried by every device known in the realm of crime, to defeat him. No; the government's action in this respect is not out of any tender regard for the hon. member for Peace River; it is out of tender regard for themselves, for the offices they hold by virtue of the vote of an hon. member who never was elected and who to-day sits in possession of goods stolen by an officer appointed by this government. This is the situation which confronts us now. We are told: Oh, he might resign if he could. No; he said that he would not resign if he could. He cannot resign, but that does not mean that he need sit and exercise his functions. He has no right to do so. But that is not the question now. The question is, what is to be done with the Collins petition? We are told that the thing will be redressed in the long run, and we have been given a good hint of that in the speech of the hon. member for Winnipeg North Centre (Mr. Woodsworth). There will come a time, he intimated, when the whole question will go back to the electors of Peace River to be settled by them.

Mr. STORK: How do you account for the theft of Skeena from myself in 1917?

Mr. MEIGHEN: I have never heard of any such theft, but some red herrings can be detected while others cannot. And this is about the plainest and the strongest smelling red herring I have ever seen. We had better dispose of the matter we are considering before we drift into something else. I must admire the judgment of the hon. gentleman, because if he did not realize how desperate the case of Peace River is, his mind would not be hovering over Skeena. We have been given a hint. I say, of the sort of justice which we may expect in this case. Justice will be done in some way or other later on by reopening this seat. Well, let us look into such a proposal.

The hon. member for Winnipeg, let us say, has been elected after a hard struggle. If he had won his honours honestly and fairly, if he received the greatest number of votes, would he like, had someone else by a crime been given the seat, to be told by the party who so sits in possession that justice would be done and that this prize which had been stolen from him he would have the right to earn once more? What would he think of that? Now, who has the right to give up the Peace River seat? Is it the hon. member who now presumes to represent Peace River? Has he the right to give it up? Is it his to give up? There may be something of benevolence, there may be something of generosity, there may be even something of wisdom in giving up what one possesses; but there is nothing but sham and pretence in giving up what one does not possess. The seat of Peace River does not belong to the hon. gentleman; it is not his to surrender. Nor is that seat within the power of this government either to give or to take away.

I have heard rumours that the hon. gentleman will get the Chiltern Hundreds; that after he has served his day and generation through this session and done his full share to keep this government in office, he will get some nominal job in order that the seat may be thus vacated.

Mr. WOODSWORTH: I rise to a point of order. It seems to me the leader of the opposition is going very much out of his way, and is far beside the question under discussion, when he begins to insinuate certain things affecting the honour of an hon. gentleman who is not even in the House.

Mr. MEIGHEN: Needless to say there is no point of order. It would be strange indeed if every hon. gentleman could talk about the seat being vacated while I could not.

Mr. WOODSWORTH: It is a point of honour.

[Mr. Stork.]

Mr. MEIGHEN: Honour? What did I say against anyone's honour save that the hon. gentleman was retaining a seat which he had never won, and which he is able to enjoy because of fraud? If that is an attack upon his honour I hope he takes it to himself. I contend that there is going to be no redress either for Collins or for the people of Peace River merely by opening the seat, whether by one device or another, whether by accepting the resignation of the hon. member after the session, or by appointing him to some nominal position, or by proceeding with the Page petition. None of these means will remedy the wrongs done to Collins. Nor is it anything of that kind to which Collins is entitled. He is entitled to be where the hon. member (Mr. Kennedy) is, and then to be subject to protest if anyone wishes to lodge a protest.

Mr. KING (Kootenay): The leader of the opposition said a moment ago that he had been informed or that he had knowledge that a position would be provided for the member for Peace River. The House is entitled to know where he gets that information.

Mr. MEIGHEN: I have been informed that there is to be a nominal appointment made to effect the resignation. Will anyone stand up on behalf of the government and declare that this will not be done?

Mr. MACKENZIE KING: I stand up and say so.

Mr. MEIGHEN: That shuts the door—

Some hon. MEMBERS: Take it back!

Mr. MEIGHEN: Take what back?

Some hon. MEMBERS: What you have said.

Mr. MEIGHEN: I said I was so informed and I will not take that back. I accept the Prime Minister's word that this will not be done and such assurance shuts the door on that method of proceeding. Let me see if there is any other.

Mr. MACKENZIE KING: I do not know where the right hon. gentleman got his information. I never heard anything of the kind suggested.

Mr. MEIGHEN: I have accepted the Prime Minister's word, but I am going on now to inquire into what other means may be taken. Mr. Collins has been told by the hon. member for Joliette (Mr. Denis) that

he may come in under the Page petition; and that if he succeeds with such petition, the seat will be vacated. If Collins comes in under the petition of Page all that can ever result will be the vacating of the seat. But what in the world could Collins do to secure even that result? He could do nothing. He could not produce all these witnesses whose votes were fraudulently transferred. What is the good of Collins going on with the Page petition? But even if he could produce those witnesses what would be the result then? The seat would be vacated, but would that be any remedy to Collins? He is thus told, "You won the seat; you got the majority of the votes; the seat is yours all right on the official findings. But those votes and therefore the seat were stolen from you and that which was stolen from you we will now put it at stake and give you a chance to earn it over again. Is that justice to Collins? Is it? I do not hear any answer from the hon. member for Winnipeg North Centre (Mr. Woodsworth).

Someone has said it is Toryism to compel a man to give evidence before a committee of this House. Well, is it Liberalism to compel a man to do without a seat which he won? If it is Toryism to compel a man to give evidence to expose a fraud, then I stand here and boast of my Toryism.

Mr. CANNON: Does my right hon. friend think that he was a Liberal in 1917 when his party manipulated votes in many constituencies?

Mr. MEIGHEN: We have discussed the 1917 election to the heart's content of the hon. member—

Mr. POWER: You would not let us discuss it.

Mr. MEIGHEN: —and I am ready to discuss it again when it comes before the House. But when the Peace River election is under consideration those who are not afraid to discuss Peace River will stick to Peace River.

Mr. POWER: May I respectfully suggest to my right hon. friend—

Some hon. MEMBERS: Order, order.

Mr. POWER: May I suggest, by way of a question, that we in referring to the 1917 election are quoting the latest precedent bearing upon the investigation of corrupt elections?

Mr. MEIGHEN: If the 1917 elections had anything to do with this case it is a pity they were not quoted by hon. gentlemen when they were speaking.

Mr. POWER: We prefer to quote them when you are speaking.

Mr. MEIGHEN: I know the hon. gentleman does, and I thank him for the compliment. But if he were not afraid of the effect of the speech he would not want to introduce something irrevelant.

Mr. POWER: Does the right hon. gentleman not admit the interruption?

Some hon. MEMBERS: Order.

Mr. POWER: I think the right hon. gentleman—

Some hon. MEMBERS: Order.

Mr. SPEAKER: There must be no interruptions unless the member who has the floor gives his permission.

Mr. POWER: May I have the permission of the right hon. gentleman to ask a question?

Mr. MEIGHEN: I will give the hon. member one more chance to come within reasonable proximity to this case.

Mr. POWER: I always knew my right hon. friend, when he was not too angry, would be kindly and courteous to other members.

Some hon. MEMBERS: Order.

Mr. POWER: I am about to ask the question. Does he object to these little interruptions for fear they may hurt his argument and spoil the effect of his speech?

Mr. MEIGHEN: I offered the hon. gentleman another chance to come within eight years of this case, but he has failed miserably. No, interruptions never hurt an argument—

Mr. POWER: The hon. member for West Calgary (Mr. Bennett) wandered two hundred years away from it.

Mr. MEIGHEN: —if those interruptions are pertinent. But if the present interruptions are intended to divert the argument from its purpose they will fail. If the hon. gentleman cannot interrupt with something that bears upon the subject the best thing he can do is to keep his seat.

Now, under the petition of Page, or under any petition that Collins might have entered, there could be no remedy in the world of any character whatever, for the wrong which has been done. Collins could not do anything to have the seat vacated, but if he could it would not be justice. It would not be justice to Collins. There is therefore no remedy before the courts; there is no remedy whatever outside this parliament. The only means by which this wrong can be redressed, this outrage as heinous as any ever per-

petrated in the political history of this country, must be taken by parliament. The only place where the cause can be heard and the remedy applied is in this House. No hon. gentleman who has spoken opposite has dared to suggest that there is any effective remedy, indeed, any remedy at all anywhere else in our Dominion; and knowing there is no other remedy parliament purposes to inform Collins that he must rest under this vicious wrong. Is this gross outrage, this black brazen fraud which has been perpetrated in order to enable a government to sit in office, not to be redressed? It is for the House now to decide.

The House divided on the motion (Mr. Meighen) which was negatived on the following division:

YEAS

Messrs:

Anderson (Toronto-High Park),
Armstrong (Temiskaming South),
Armstrong (Lambton East),
Arthurs,
Baker,
Barber,
Bell (Hamilton West),
Bell (St. John-Albert),
Bennett,
Black (Yukon),
Black (Halifax),
Boutillier,
Bowen,
Boys,
Bury,
Cantley,
Casselman,
Chaplin (Kent (O.)),
Chaplin (Lincoln),
Charters,
Church,
Clark,
Cotnam,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Edwards (Waterloo South),
Esling,
Fansher,
Fish,
Flemming,
Fraser,
Garland (Carleton),
Geary,
Gott,
Grimmer,
Guthrie,
Hamilton,
Hannesson,
Hay,
Hodgins,
Hubbs,
Johnstone (Cape Breton North-Victoria),
Jones,
Kaiser,
Ladner,
Lennox,
Lucas,
MacDonald (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
Maclean (York South),
McClenaghan,
McGibbon,
McKillopp,
Maybee,
Meighen,
Morand,
Mullins,
Murphy,
Nicholson,
Peck,
Pettit,
Preston,
Price,
Quinn,
Robinson,
Rogers,
Rowe,
Ryckman,
Ryerson,
Senn,
Short,
Simpson,
Sinclair,
Smith,
Smoke,
Spence (Parkdale),
Stansell,
Stevens,
Stewart (Leeds),
Stinson,
Stirling,
Sutherland (Oxford South),
Sutherland (Oxford North),
Thompson,
Tolmie,
Tummon,
White (Mount Royal),
Wilson (Wentworth),
Wright—95.

NAYS

Messrs:

Baldwin,
Beaubien,
Benoit,
Bettez,
Bird,
Brown,
Campbell,
Cardin,
Carmichael,
Casgrain,
Coote,
Delisle,
Denis (St. Denis),
Denis (Joliette),
Desaulniers,
Dionne,
Donaghy,
Donnelly,
Dubuc,
Duff,
Dunning,
Dussault,
Elliott,
Euler,
Evans,
Evanturel,
Fiset (sir Eugène),
Forke,
Fournier,
Gardiner,
Garland (Bow River),
Gervais,
Girouard,
Goodison,
Goulet,
Hall,
Hatfield,
Heaps,
Heenan,
Howard,
Howden,
Jelliff,
Jenkins,
Johnston (Long Lake),
Kay,
King (Huron North),
King (Kootenay East),
King, Mackenzie (Prince Albert),
Lacombe,
Lacroix,
Laflamme,
Lanctôt,
Langlois,
Boivin,
Bothwell,
Bouchard,
Boucher,
Bourassa,
Lapierre,
Lapointe,
Lavigueur,
Letellier,
Lovie,
Macdonald (Glengarry),
MacLean (Prince),
McLean (Melfort),
Macphail (Miss),
McKenzie,
McMillan,
McPhee,
Malcolm,
Mercier (Laurier-Outremont),
Mercier (St. Henri),
Millar,
Morin (Bagot),
Morin (St. Hyacinthe-Rouville),
Neill,
Parent,
Perras,
Pouliot,
Rinfret,
Robb,
Roberge,
Robichaud,
Robitaille,
Ross (Moose Jaw),
Sanderson,
Séguin,
Spence (Maple Creek),
Spencer,
Steedsman,
Stork,
Sylvestre,
Tobin (Richmond-Wolfe),
Tobin (Wetaskiwin),
Totzke,
Vallance,
Verville,
Ward,
Wilson (Vaudreuil-Soulanges),
Woodsworth,
Young (Saskatoon),
Young (Weyburn)—103.

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

Marcil,
Motherwell,
Stewart (Edmonton),
Macdonald (Antigonish),
Cannon,
Cross,
Power,
Jacobs,
St-Père,
Cahill,
Perley,
Ross (Kingston),
Manion,
Hanson,
Edwards (Frontenac),
Embury,
Mewburn,
Bristol,
Foster,
O'Neill,

| | |
|---|---|
| Deslauriers, | Langworthy, |
| Gershaw, | Culligan, |
| McIntosh, | Messervy, |
| Descoteaux, | Anderson (Halton), |
| Fafard, | McQuarrie, |
| Raymond, | Bell (St. Antoine), |
| Fontaine, | Chabot, |
| Guérin, | Maloney, |
| Prévost, | Cahan. |

Sir GEORGE PERLEY: I was paired with the hon. member for Bonaventure (Mr. Marcil). Had I voted I would have voted for the motion.

Mr. MOTHERWELL: I was paired with the hon. member for Kingston City (Mr. Ross). Had I voted I would have voted against the motion.

Mr. STEWART (Edmonton): I was paired with the hon. member for Fort William (Mr. Manion). Had I voted I would have voted against the motion.

Mr. CULLIGAN: I was paired with the hon. member for Medicine Hat (Mr. Gershaw). I would have voted for the motion.

Mr. EMBURY: I was paired with the hon. member for Athabaska (Mr. Cross). Had I voted I would have voted for the motion.

Mr. FONTAINE (Translation). Mr. Speaker, I was paired with the hon. member for Ottawa (Mr. Chabot). Had I voted, I would have voted against the motion.

Mr. RHEAUME (Translation). Mr. Speaker, I was paired with the hon. member for Colchester (Mr. MacNutt). Had I voted, I would have voted against the motion.

Mr. DESCOTEAUX (Translation): Mr. Speaker, I was paired with the hon. member for Halton (Mr. Anderson). Had I voted, I would have voted against the motion.

Mr. ST-PERE (Translation); Mr. Speaker, I was paired with the hon. member for Hants-Kings (Mr. Foster). Had I voted, I would have voted against the motion.

Mr. DESLAURIERS (Translation): Mr. Speaker, I was paired with the hon. member for Port Arthur-Thunder Bay (Mr. Langworthy). Had I voted, I would have voted against the motion.

On motion of Mr. Mackenzie King, the House adjourned at 12.10 a.m. (Thursday).

14011—294½

## Thursday, June 17, 1926.

The House met at two o'clock.

### TRADE MARK AND DESIGN ACT AMENDMENT

Mr. C. W. BELL (West Hamilton) moved for leave to introduce Bill No. 204, to amend the Trade Mark and Design Act.

Some hon. MEMBERS: Explain.

Mr. BELL (Hamilton): The object of this bill is to do away with the frequent forgeries and counterfeits of the union label and to protect both employers and employees who are operating with union label agreements against those who are not operating with such agreements, but who attach false or counterfeit labels to products.

While I am on my feet, Mr. Speaker, may I ask your guidance in one matter? It is my wish to move—and in that I hope I shall have the acquiescence of the Prime Minister—that this Bill may be advanced in the business of the House. Is it permissible for me to do that now, or must I do it after an interval?

Mr. SPEAKER: Under the rules an interval must elapse but, with the indulgence of the House and in view of the lateness of the presentation of the bill, the hon. gentleman might be allowed to advance the bill one step.

Right Hon. W. L. MACKENZIE KING (Prime Minister): I think the Commissioner of Patents and Trade Marks should have an opportunity to see the measure before the government gives its consent to any rules being suspended.

Motion agreed to and bill read the first time.

### PRIVATE BILLS

#### FIRST READINGS

Bill No. 194 (from the Senate), for the relief of Gwendolen McLachlin.—Mr. McClenaghan.

Bill No. 195 (from the Senate), for the relief of Jessie Evis.—Mr. Arthurs.

Bill No. 196 (from the Senate), for the relief of Max Gertler—Mr. Garland (Carleton).

Bill No. 197, (from the Senate), for the relief of Florence May Hicks.—Mr. Anderson (Toronto-High Park).

Bill No. 198 (from the Senate), for the relief of Ruth May Harrington.—Mr. Edwards (Waterloo South).

Bill No. 199 (from the Senate), for the relief of Edith Maude Bull.—Mr. Kaiser.

Bill No. 200 (from the Senate), for the relief of Joseph Bernard Hoodless.—Mr. Garland (Carleton).

Bill No. 201 (from the Senate), for the relief of Amelia Chester.—Mr. McClenaghan.

Bill No. 202 (from the Senate), to amend The Canada Evidence Act as regards the evidence of persons charged with offences.—Mr. Kennedy (Edmonton).

## QUESTIONS

(Questions answered orally are indicated by an asterisk.)

### THE DOHERTY ACT—REPEAL

Mr. CHURCH:

Will the government introduce any legislation this session to repeal what is commonly known as "The Doherty Act," Revised Statutes of Canada, 1916, chapter 19, as amended in 1917, c. 30—1919, chapter 66 and 1919—2nd session, chapter 21?

Right Hon. Mr. MACKENZIE KING: Stands.

Mr. CHURCH: May I ask when the Prime Minister will give me an answer to this very short question?

Mr. SPEAKER: Stands.

### PREMIER GOLD MINING COMPANY

Hon. Mr. TOLMIE:

1. Is the Department of Marine and Fisheries operating a public dock at the port of Stewart, British Columbia?

2. Do the regular departmental tolls for freight crossing this dock dock apply to all shippers?

3. Does the Premier Gold Mining Company use this dock?

4. Has this company been granted permission to contruct ore bunkers on this dock or on adjoining property for the purpose of shipping ore or concentrates or other freight? If so, when?

5. Does the said Premier Gold Mining Company pay rental for this privilege, and if so on what basis and how much per annum?

6. Does the said Premier Gold Mining Company pay the same schedule of rates as are required of other shippers for shipping freight in and out over this dock?

7. Is the said Premier Gold Mining Company paying the same demurrage as is required of the public and other shippers for freight left or stored upon said dock?

[Mr. Mackenzie King.]

8. Have any special concessions been granted to the said Premier Gold Mining Company in connection with this dock that differ in any way from those with which the general public have to conform? If so, what are these concessions?

Hon. Mr. CARDIN:

1. Yes.

2. Yes for freight other than the ore of the Premier Gold Mining Company.

3. Yes.

4. Yes—14th July, 1921.

5. Yes—$20 per annum for site of freight shed. $75 per annum for site of ore bunker.

6. Yes for freight other than ore. The Premier Gold Mining Company pays $400 per annum for coveying ore across the wharf.

7. Having regard to the nature and extent of the business carried on by the Premier Gold Mining Company, instructions issued in 1923 that no demurrage should be charged. No representations have been received in the meantime respecting demurrage charged against others using the wharf and further inquiry will be made.

8. Yes—The company was granted concessions to build its own freight shed on the wharf; to construct an ore bunker on the wharf property and to convey ore across the dock for which it pays the amounts set out in the answers to Nos. 5 and 6.

### FISH PROPAGATION

Mr. MILLAR:

What varieties of fish propagated in hatcheries, and how many of each variety have been deposited in the the three large lakes adjacent to Fort Qu'Appelle?

Hon. Mr. CARDIN: The following varieties of fish were propagated in the federal hatcheries operated by the Department of Marine and Fisheries during the season 1925-26:—

Atlantic salmon, landlocked salmon, rainbow trout, cutthroat trout, steelhead salmon, Kamloops trout, sockeye salmon, spring salmon, cohoe salmon, pink salmon, speckled trout, whitefish, salmon trout, cisco, pickerel, brown trout, yellow perch.

In addition to the above, a few black bass and crappie fingerlings were received from the North Dakota Game and Fish Commission in exchange for pickerel eggs.

The following distributions have been made to the lakes adjacent to Fort Qu'Appelle since the hatchery at that point opened:—

Echo—Katepwe—Lebret—Sioux.

Whitefish—
1915: 1,000,000; 3,000,000; 500,000.
1916: 3,000,000; 3,000,000; 2,000,000.
1917: 8,000,000; 8,000,000; 8,497,000.
1918: 12,000,000; 10,000,000; 10,085,000.

Tullibee—
1918: 9,000.

Whitefish—
1919: 12,000,000; 12,000,000; 9,039,000.
1921: 2,575,000; 1,000,000; 1,000,000.
1922: 10,000,000; 4,000,000; 4,000,000; 4,000,000.
1923: 5,750,000; 4,000,000; 2,720,000; 4,000,000
1924: 3,525,000; 3,010,550; 1,178,000.

Cisco—
1924: 1,260,000.

Whitefish—
1925: 2,335,000; 2,000,000; 2,250,000; 3,020,000.

Pickerel—
1925: 470,000.

Perch—
1925: 1,350,000.

Cisco—
1925: 2,069,700; 500,000; 1,500,000; 1,500,000.

In addition to the above Ketepwe lake in 1923 received 315 fingerling black bass and 285 fingerling crappie, which were received from the North Dakota Fish and Game Commission in exchange for pickerel eggs.

ONION WAREHOUSE AT LEAMINGTON

Mr. GOTT:

1. To whom was the building contract let by the government for the construction of the onion warehouse at Leamington, Ontario?
2. What was the contract price?
3. Were any special stipulations contained in the contract? If so, what were the specific requirements?
4. At what point in western Ontario is another warehouse to be, or is being, constructed?
5. How much money has been expended to date on this venture and how much is proposed to be expended on completion of same?

Hon. Mr. KING (Kootenay):

1. and 2. Contract for building to J. A. E. Burrows for $12,500. Contract for crates to Zimmerman Bros. for $6,900.

3. Nothing more than was required for frame building for storage of onions.

4. Erieau, Ont., site leased from Chatham-Wallaceburg and Lake Erie Railroad Co. for 20 years at $1 per year with option of renewal for another period of 20 years on the same terms. Plans prepared for building.

5. No expenditure on Erieau warehouse. Estimated cost of building including crates, $14,000 to $15,000.

PELEE ISLAND PIER

Mr. GOTT:

1. To whom was the contract let for the construction of extension to west pier at Pelee island, Ontario, during the year 1925?
2. What was the contract price?
3. Were tenders advertised for the work?
4. If so, how many tenders were received and from whom?
5. What was the tender price submitted by each person or company?

Hon. Mr. KING (Kootenay):

1. Ed. Conroy, Peterboro, Ont.
2. $32,757.50, unit prices.
3. Yes.
4. and 5. On the first call for tenders, September, 1923, the following bids were received.

Wm. Bermingham & Son .. ..$36,979 80
W. L. Forrest .. .. .. .. .. .. 39,710 20

These tenders were considered too high, and new tenders were called for February, 1924, with the following result:

Ed. Conroy .. .. .. .. .. .. ..$32,757 50
McDougal Bros. .. .. .. .. .. 33,091 85
W. L. Forrest .. .. .. .. .. .. 36,770 00
Considine-Reid, Limited .. .. 37,096 60
Wm. Bermingham & Son .. .. 40,037 00

## TARIFF ADVISORY BOARD

RECORD OF EVIDENCE FOR INFORMATION OF MEMBERS OF THE HOUSE

On the Orders of the Day:

Mr. JOHN EVANS (Rosetown): Mr. Speaker, some days ago the Prime Minister informed the House that the matter of having the evidence given before the Tariff Advisory Board made available for hon. members was under consideration. May I ask for information now?

Hon. J. A. ROBB (Minister of Finance): Mr. Speaker, such information as is printed will be available for members of the House.

Mr. MEIGHEN: Will the minister say what information will be printed?

Mr. ROBB: Mr. Speaker, I am not sure what the agitation is to have all the evidence printed. I know a number of gentlemen who are shorthand writers would like to be employed to take the evidence. I have not had a talk with the chairman of the board as to that feature, but we want to keep down the expense as much as possible, and he is insisting that such evidence as is introduced must be put in writing.

## CUSTOMS REGULATIONS—AUTOMOBILES

On the Orders of the Day:

Mr. W. G. McQUARRIE (New Westminster): Mr. Speaker, may I ask the Minister of Customs (Mr. Boivin) whether any change is contemplated in the regulations with regard to the admission of American automobiles? As I understand it, at the present time the regulations provide that when a man comes to this country as a tourist he can bring in his car and use it for a certain length of time, but if he comes here for the purpose of looking after an investment, or perhaps making an investment, he has to place his car in a garage and not use it at all. I believe representations have been forwarded to the minister—I know I have sent some in myself—and a great many protests have been made as to the present regulations, particularly from British Columbia. It seems to me that these regulations are not reasonable,—

Some hon. MEMBERS: Order.

Mr. McQUARRIE: —and certainly they are working a hardship.

Hon. GEORGE H. BOIVIN (Minister of Customs and Excise): Mr. Speaker, no change whatever has been made in the regulations admitting automobiles temporarily since I assumed charge of the Department of Customs. During the past few weeks I have received several representations from hon. members on both sides of the House pointing out cases where, in my opinion, the present regulations worked considerable hardship on Americans desiring to enter Canada. The rule so far has been that a bona fide tourist may enter his car for thirty days, and if he desires to give a bond he may enter it for six months. It has been ruled in the department, however, and regulations have been framed, to the effect that any person coming into Canada for commercial purposes, in other words, deriving any pecuniary benefit from his visit, should not use his automobile without paying the duty thereon. As I stated a moment ago, there are a few cases where this appears to me to be a hardship, but with the stress of work in the department I have been unable so far to give due consideration to the regulations and suggest any amendment to council This, however, will be done just as soon as the session is over.

Mr. A. de WITT FOSTER (Hants-Kings): Mr. Speaker, before the minister sits down, may I ask if he will take into immediate consideration the case of a person who, having been in Canada for six or eight months, has made application to the department to have his car released from storage for a couple of weeks in order to put it in repair before starting back to the United States? Will the minister say whether or not he will allow that car to be released for repairs?

Mr. BOIVIN: That particular instance has not been brought to my attention, but if it is it will be considered on its merits and decided accordingly.

Mr. WOODSWORTH: Since there is money lying idle in the Canadian banks, does not the minister think we should be protected against American investments?

## CANADA SHIPPING ACT, AMENDMENT

On the Orders of the Day:

Mr. A. C. CASSELMAN (Grenville-Dundas): On April 20 first reading was given to Bill No. 23, to amend the Canada Shipping Act. Can the Minister of Marine and Fisheries (Mr. Cardin) tell us when we may expect to have an opportunity of moving the second reading of this bill?

Hon. P. J. A. CARDIN (Minister of Marine and Fisheries): Answering a question put to me the other day regarding contemplated amendments to the Canada Shipping Act, I said that, as we had made up our minds to introduce next session a complete revision of the act, the government did not propose to bring down any amendments this year. In view of this decision we are hardly in a position to help the hon. member advance the bill he has on the order paper.

Mr. CASSELMAN: Does the minister realize that this is the very answer that has been given for a number of years whenever amendments to the act have been proposed?

Mr. CARDIN: I do not know what answers may have been given in the past.

## CANADIAN NATIONAL RAILWAYS—ALLEGED PATRONAGE

On the Orders of the Day:

Mr. L. W. JOHNSTONE (Cape Breton North-Victoria): I want to ask the Minister of Railways and Canals (Mr. Dunning) a question based upon a telegram I received this morning:

> Grand Narrows, C.N.R. Firms doing construction work on railway here refuse to hire men unless recommended by Liberal leader of this district.

Is the patronage system still in existence in the Department of Railways?

Hon. CHARLES A. DUNNING (Minister of Railways and Canals): I have had many

complaints of that nature from this side of the House and there seems to be an impression abroad among members in this quarter that the patronage system is in existence—in the hands of the party opposite. I have no knowledge of the particular instance referred to and can only reply in the words used by the president of the road before the special committee when that question was discussed: I shall be pleased to call the attention of the management of the Canadian National Railways to the particular matter to which the hon. member has referred.

Mr. MANION: In view of what the Minister of Railways has said about patronage being in the hands of this party, would he be kind enough to give me the name of someone over here whom I can approach to get appointments for some of my friends?

## PELEE ISLAND CABLE AND TELEGRAPH SERVICE

On the Orders of the Day:

Mr. ECCLES J. GOTT (South Essex): I desire to ask a question of the Minister of Public Works (Mr. King, Kootenay) in view of the following communication I have received from Pelee island:

Dear Sir:

Pelee island is still without telegraphic or cable communication. Last week a telegram was sent to me by people who were not aware that the cable was out. It came to Leamington and was sent to the island on the steamer Pelee. It was delivered to me but the boat had left for the mainland and I could not reply. Through this service I lost a considerable amount of money and desire to lodge a complaint with you against this insulting service. I know you are not directly to blame for the inactivity of the department, but it has been stated in circles here—

Son. hon. MEMBERS: Order.

Mr. SPEAKER: The hon. member had better put his question.

Mr. GOTT: In view of the fact that I have made representations to the minister on this particular question before,—

Some hon. MEMBERS: Order.

Mr. GOTT: —and as this is the seventeenth of June—

Mr. SPEAKER: I would ask the hon. member to state his question.

Mr. GOTT: I want to know what progress has been made with repairs to the Pelee island cable; what has caused the delay; when the island will be connected with the mainland for telegraphic purposes; and further, whether, in view of the political stripe of the representative of the constituency,—

Some hon. MEMBERS: Order.

Mr. SPEAKER: The hon. member having put his question, must not go further.

Hon. J. H. KING (Kootenay, Minister of Public Works): I would suggest that the question be put on the order paper. If the hon. member wants to get some advantage from it he had better put it in that form.

Mr. SPEAKER: That is the rule.

## SUPPLY

### DEPARTMENT OF PUBLIC WORKS

The House in committee of Supply, Mr. Duff in the chair.

Public Works—New Brunswick

| | |
|---|---|
| Barker's—wharf repairs | $ 2,800 |
| Bay du Vin—wharf repairs | 4,000 |
| Burn's (Belle Isle Bay)—wharf improvements | 1,150 |
| Burton Court House—wharf repairs | 2,500 |
| Cape Bald—breakwater repairs | 8,400 |
| Caraquet (Young Wahrf)—wharf protection and repairs | 21,000 |
| Caraquet—repairs to ice protection blocks | 1,500 |
| Escuminac—harbour improvements | 50,000 |
| Grand Harbour (Ingall's Head)—breakwater | 25,000 |
| Green Point—pier | 16,000 |
| Harbours and Rivers Generally—repairs and improvements | 45,000 |
| Harvey Bank—wharf repairs | 1,100 |
| Lower Caraquet—wharf repairs | 9,000 |
| Mill's Point—wharf enlargement and repairs | 28,400 |
| Oak Point—wharf repairs | 1,700 |
| Petit Rocher—breakwater repairs | 3,100 |
| Richibucto Cape—repairs to breakwater and pier | 3,000 |
| Shediac—wharf repairs | 19,600 |
| Shippigan—wharf repairs | 6,900 |
| Shippigan Gulley—repairs to breakwaters and breastworks | 8,000 |
| Stonehaven—breakwater repairs | 3,300 |
| Tracadie—wharf repairs | 15,000 |
| White Head—wharf repairs | 2,700 |
| | $279,150 |

Mr. ROGERS: What is the explanation of the $50,000 for Escuminac harbour improvements?

Hon. J. H. KING (Kootenay, Minister of Public Works): This is a revote for the construction of 310 feet of breakwater. The contract was entered into on December 7, 1925, and the proposed construction was fully discussed in the House last year. It is intended to give the fishermen of the community some protection against storms. We had four tenders, the lowest of which, from the Burpee Construction Company, was accepted.

Mr. HANSON: Will the minister put the whole thing on Hansard?

Mr. KING (Kootenay): I would rather not; it would not be wise. The lowest tender was $43,991 and the highest $44,952, so that there was pretty close competition. As

to the necessity for the work, I can only repeat what I said last year: it is needed in the interests of the fishermen. I am told this work will be of great benefit.

Mr. ROGERS: You had the vote last year. Why was it not gone on with?

Mr. KING (Kootenay): The hon. member will know, from his experience as a minister, that we get supplies very late, usually in June or July. This is a new work of some magnitude. Plans and specifications had been prepared and the work was not let until December.

Mr. HANSON: For the benefit of the committee, I should like to give a little history of this item. In the fall of 1924 there was a by-election in the county of Northumberland, and one of the prices of the success of the government candidate on that occasion was this vote.

Mr. KING (Kootenay): Oh no, no.

Mr. HANSON: The contract has been actually let and the contractor is on the ground, and this vote will have to go through. I hope the money will not be wasted. Will the minister tell me, is it still the intention to carry out the further project which involves an expenditure of $250,000? If so, I would ask him to pause and not proceed further, as I believe this expenditure will not effect the end which he has in view, laudable as it may be, for this reason; I am advised by those who know the conditions on the north shore, by competent engineers, that this work will not survive the ice conditions that prevail there. Before the minister commits the department or the government to any further expenditure I would ask him to get the opinion of one of the best engineers in his department, Mr. Gray, of the city of St. John, who knows the ground thoroughly and the conditions that obtain in that part of the country, and to ask him for a report. If Mr. Gray will report that this work can survive the ice conditions in the Northumberland straits, I will withdraw my opposition to this vote or to the project. I do not wish now to be taken as opposing the project, because the government is committed to it, the contractor is on the ground, the material is all assembled and the men must be paid for their work, but I am calling the minister's attention to the larger aspect, because this, as I understand it, is only the first vote of a very considerable expenditure, involving at least $250,000 which is a very large sum of money to spend in that particular locality, with the exposed conditions that prevail there and with the ice conditions that will always prevail. I do not think this project will be a success. If it could be made a success, if the conditions were such that this structure could stand, I would not have very much opposition to it, because those of us who live along the coast know the exposed conditions that prevail with respect to the fishermen's business, and if at a reasonable cost we can better those conditions, I do not think any man on either side of the House would be opposed to a fair expenditure of public money for that purpose. I know something about it, I have made it my business to inquire of men competent to speak and they tell me this structure will not stand the ice conditions. Has the department investigated the project from that aspect? The question of the by-election is over and gone. This vote was designed to return the government candidate in Northumberland, but failed in that respect; therefore let us drop it and view the proposition from a business standpoint. Has the minister in his record a report with respect to the effect of the ice conditions there? My opinion is that the structure will not stand the conditions prevailing in the Northumberland straits, because it is too much exposed, and there is too great danger of the ice lifting such a structure. It will not stand for three years. That is the information given to me by an engineer whose name I will be glad to give the minister, and when he sees the name I think he will be glad to sit up and take notice.

Mr. KING (Kootenay): I would be glad to have it.

Mr. HANSON: I will give it privately but not publicly.

Mr. KING (Kootenay): All right. I think it is unnecessary to say that this structure was undertaken and money voted for it at the last session of parliament. It has been under consideration for many years, and many representations have been made as to the necessity and desirability of the work. All that the government pledged themselves to do was to erect the present structure. I made that very plain last year during the discussion of this item. With reference to the question of whether the construction will stand or not, I may inform my hon. friend that in the case of new work of this character involving a large expenditure, the territory and the nature of the work are dealt with by the district engineer. He submits plans and his plans and the specifications go to a board of engineers in the department. Mr. Gray is the engineer in St. John. He is on the

staff of engineers and if he is of the opinion that the work will not stand it is his duty as a public works engineer to advise the board. I do not think he has made any representations.

Mr. HANSON: I did not say he had.

Mr. KING (Kootenay): But the hon. member said that we should consult Mr. Gray.

Mr. HANSON: Yes.

Mr. KING (Kootenay): Mr. Gray will be consulted, but the work has been before the engineering board in the department. In the case of the lower St. Lawrence where we have a tremendous quantity of ice and difficult conditions, the department has had experience, and should be able to judge whether this work is proper or not and whether it will stand. Our report is that it will stand. The contract is a good one. It is below the estimated cost of the department, and I hope the work will stand as we have been told it will. There are 1,700 or 1,800 people who will be benefited by this work, and those who know the Maritimes and the conditions there to-day will surely be in sympathy with any policy calculated to assist the people who try to make their living down by the sea.

Mr. HANSON: I am glad to hear the minister's statement that Gray will be consulted. That is all to the good.

Mr. KING (Kootenay): You have suggested it, and I have no objection to it.

Mr. HANSON: I did not think you would, because Gray is a first-class man in whom I have great confidence, and if he puts his imprimatur on this work I think it would satisfy the public mind; at all events it would satisfy me, but perhaps that does not make much difference. There is a larger aspect however. The minister stated that the government's commitment did not go beyond the one unit, and I would ask the minister to consider this matter most carefully before making any further commitment. I agree that if the work can be done, and if it will be capable of withstanding the ice conditions, then much good may come from it. If we can do anything to improve the conditions of the fishermen on that exposed work that will not be a waste of the public money, I will not oppose it. I am not questioning the good faith of the government in this action, although we all realize the inception of this transaction.

Mr. MacLAREN: There are two questions I wish to ask. First, does this vote cover the building of a wharf at Mispec in St. John county? The minister may remember that he received a petition from a very considerable number of fishermen at that point, pointing out that they had no protection in their occupation, coming and going out into the bay of Fundy. I think they asked for a small wharf which would act as a breakwater as well as a wharf. I feel that this is a real need to enable the fishermen to carry on their occupation. Would the minister inform us if there is any sum in this vote which will help to meet that need? The minister shakes his head. Will he inform us then if he has this matter under consideration, and if he is prepared to look into it with a view to putting up such a small structure?

Mr. KING (Kootenay): I am glad my hon. friend has mentioned this matter. It is true that there has been a petition before the department, but as my hon. friend and the members generally know, the department receives many requests for works of this character. The matter, however, will receive consideration and the work be reported on. There is nothing in the present estimates to take care of that expenditure.

Mr. MacLAREN: I hope we shall receive some favourable indication the next time the matter is brought to the attention of the minister. The other matter I wished to bring up is that of the need of protection for the fishermen at Lorneville, in the same county. That is an important centre, and the village is devoted to fishing of a valuable character. There is a pier there, but the water is very shallow so that the fishermen cannot get in for shelter for their boats and for their lives in bad weather. It is a fishing village of considerable importance, and I hope the minister can give us some assurance that there is some item in this vote which will help to meet their needs.

Mr. KING (Kootenay): I would say in reply to my hon. friend that the reports that have been made to the department for work at this point were made subsequent to the making up of these estimates. I think in addition to an extension of the breakwater, they are requesting also dredging, to deepen the channel at that point. The matter is before the engineering department, and is receiving consideration.

Mr. MacLAREN: I might point out to the minister that I do not think there is any application for an extension of the breakwater. I think they are asking for certain repairs. I know personally that this wharf does require repairs, but what is essential is dredging, so that the boats can get to the wharf, because at present the water is so shallow that they cannot get in there.

Mr. KING (Kootenay): The repairs to the structure will amount practically to a reconstruction, because they are very heavy repairs. Minor repairs could be taken care of out of the general vote, but I understand that the dredging is the larger item, and that is being investigated.

Mr. MacLAREN: Will the minister give me some indication that he will have this matter closely followed up? I know as a matter of fact that many men imperil their lives on many occasions during the fishing season. They have not the shelter that they are fairly entitled to.

Mr. PRICE: I would direct the minister's attention to the item of $8,400 for repairs to the breakwater at Cape Bald. I would point out that the expenditure in my constituency, the county of Westmorland, does not seem to be very large in view of the requirements there. I was in hopes that the minister might be able to announce that the work of construction of a post office at Moncton would be proceeded with this year, especially in view of the fact that the net revenue received from the post office at the city of Moncton is $331,640 per annum, Moncton standing sixth in the list of revenue producers in the whole of Canada. Tenders were called for and an estimate has been made that the post office could be constructed for $205,000, or an amount considerably less than the net revenue derived from that post office in one year. I was therefore in hopes that the work would be proceeded with this year. I should like to ask if the minister has this matter under consideration, and will have this work proceeded with as soon as possible. I do not propose at this time to discuss the expenditure that was made there in connection with the purchase of that property. It was no doubt a considerable sum over and above what the property is assessed for, but I shall not criticize that at this time.

In connection with the Cape Bald breakwater, I would point out to the minister that there is a need which is really deserving of as much consideration as the repairs to the breakwater if not more, and that is an extension of the pier head at that point. The wharf is used largely as a shelter for small fishing boats and vessels that come in there for protection against the tides, and considerable loss of property has occurred there in the last few years. While the pier is of some service, it really requires an extension of at least 100 feet. This is a farming and fishing locality, largely inhabited by French-Acadian people, and they have their difficulties to meet with at that place. In view of the large revenue that is being turned into the federal treasury from my constituency, I would like some assurance from the minister that he will see that this pier head is extended this season, in order that these fishermen may have protection and their boats and motors given ample protection during the season. I am very glad to see this item for repairs, but I would like an assurance from the minister that the pier head will be extended at that point in order that better protection may be afforded.

Mr. KING (Kootenay): I have the advantage of personal knowledge of conditions at this point. I visited Cape Bald two years ago, and I found the breakwater in very, very bad condition. In fact, unless the necessary repairs had been made there would have been no breakwater there at all. This item of $8,400 is to complete and retain the present breakwater. I agree with my hon. friend that an extension of the pier head or front of the breakwater would be of advantage to the fishermen and give them greater shelter, but the most essential thing just now is to preserve the pier, and that is what this vote is for. The representations of my hon. friend with regard to an extension will be inquired into. I think there is something in what he says. I know the position there is very exposed, and that there are great difficulties for those who are engaged in fishing.

Mr. HANSON: What improvements are contemplated at Burton court house? This place is in my constituency and I should like to get information as to what is proposed.

Mr. KING (Kootenay): It is proposed to rebuild the face and outer end of each side of the wharf, from the low water level. We are doing that work in concrete. Formerly these wharves were of timber construction, but since we have taken them over we are using concrete, hoping that the work will be more of a permanent character and that there will be no need for annual repairs.

Mr. HANSON: The repairs are necessary on account of the ice?

Mr. KING (Kootenay): Yes.

Mr. HANSON: I hope the experiment will be a success. Will the work be done by tender or by day labour?

Mr. KING (Kootenay): It is repair work, and the engineer's recommendation is that it be done by day labour.

Mr. HANSON: If the work were done by contract it would be done just as well and cost probably less. I am not going to press the point but I make that suggestion for the minister's consideration. I think he will save money by acting on it, and get just as good a job done.

Mr. KING (Kootenay): My hon. friend knows from his own experience that when you go to repair these old structures it is very difficult to tell what the cost will be until you take the structures down, and as you go down you find the condition, probably a little better than you anticipated or somewhat worse. We find from experience that these structures can be better repaired under the control of departmental officials than they can by contract.

Mr. BELL (St. John): Will the minister inform me whether the item of $45,000 for harbours and rivers generally includes any provision for the small structure I spoke to him about at Hopewell cape, in Albert county? I do not remember whether I spoke to the minister before this estimate was made up or not. If no provision for the purpose mentioned is made in the present vote I should like to know if the minister contemplates placing an item in the supplementary estimates?

Mr. KING (Kootenay): I would take it from my hon. friend's remarks that only a small expenditure is required there?

Mr. BELL (St. John): Yes.

Mr. KING (Kootenay): If it is found by the engineering department that an expenditure is necessary for the maintenance of the wharf in question, it will come out of the vote of $45,000, which is at the disposal of the department to meet cases of the kind suggested by my hon. friend. We have no special item here for the Hopewell cape wharf.

Mr. ROGERS: Would the minister explain how he proposes to expend the $45,000?

Mr. KING (Kootenay): There are a few items reported by the engineering department that will be charged against this vote. At Bathurst there will be an expenditure for wharf repairs of $300; at Bayside, $250; at Bedford, $200 and at Campbellton, $300. These are deep water wharves. At Cassils, Northumberland county, it is proposed to expend $150 on wharf repairs. For Cocagne an item is noted but the amount is not stated. There is an item for Lameque, Gloucester county, but the amount is not given. In all there are probably thirty items varying in amounts from $100 to $600.

Mr. ROGERS: They are all small repairs?

Mr. KING (Kootenay): Yes. Last year the sum of $25,577 was spent for this purpose.

Mr. MacLAREN: Is there any vote for Lorneville included in these items?

Mr. KING (Kootenay): No. I have the place noted here but there is no amount set out for it.

Mr. ROBICHAUD: Is there any provision for expenditure for wharf repairs at Upper Caraquet?

Mr. KING (Kootenay): The item is noted but no amount is set out.

Mr. BELL (St. John): Did I understand from the minister that it is intended to proceed with the work at Hopewell cape, or that the supplementary estimates will contain a vote for the purpose? I did not quite gather whether the minister said he intended to do the work there or not.

Mr. KING (Kootenay): It is not included in the list I have. However, I will cause inquiries to be made and if it is a work that should come within the provision of this vote, I shall be glad if the engineers will recommend it to be done. Whatever action is taken will be on their recommendation.

Mr. BELL (St. John): Is there any provision in this estimate for the wharf at Tynemouth creek, in St. John county?

Mr. KING (Kootenay): No.

Mr. BELL (St. John): I wonder if some reference has not been made to it by the resident engineer at St. John. There is only a small amount of work required. I understood that some recommendation had been sent into the department regarding it but the nature of the recommendation I do not know.

Mr. KING (Kootenay): I shall be glad to have inquiries made. I do not happen to have the information here at present.

Mr. HANSON: Is the item of $21,000 for a wharf at Caraquet a new item, and what work is it proposed to do there?

Mr. KING (Kootenay): The proposed work is close-piling the easterly face for a total length of 320 feet, the westerly or sea face at the outer end, 60 feet, and the westerly corner of the pier head, 25 feet.

Mr. HANSON: Close-piling?

Mr. KING (Kootenay): Yes, that will be done with creosoted piles, estimated to cost $19,000. There will also be required 7,500 pounds of iron at a cost of $750. For contingencies, $1,250 is provided bringing the total cost up to $21,000. It is an important structure as my hon. friend knows.

3 p.m.

Mr. ROGERS: It is a new item.

Mr. KING (Kootenay): It is a new item for repairs. The place where the work is to be done is an important fishing settlement in New Brunswick, with a population of 5,250.

Mr. ROGERS: This structure is the main wharf at Caraquet?

The CHAIRMAN: Shall the item carry? Carried.

Mr. HANSON: No, Mr. Chairman, not all the items. There are a few here I should like to get information about. For example Green Point, is that on the north shore?

Mr. KING (Kootenay): It is in Charlotte county. I think it is a revote of $16,000 and the money is required to complete the construction of a pier now under contract by Mr. Charleson.

Mr. HANSON: You are looking after that constituency well.

Sir HENRY DRAYTON: The member for the county needs it.

Mr. HANSON: I had a suspicion it was in Gloucester county.

Mr. KING (Kootenay): You should know

Mr. HANSON: There are many demands, of course, for public works all along the coast there? Are there any other items for expenditures in Gloucester county in this list outside of Caraquet and Green Point?

Mr. KING (Kootenay): Shippigan, I think, is in Gloucester county.

[Mr. J. H. King.]

Mr. HANSON: Shippigan has never been off the estimates in the last generation. I should like to ask the minister about wharf repairs at Shediac. A large portion of the vote is a re-vote. What work was done there last year and was it carried out under contract?

Mr. KING (Kootenay): This amount is required to complete the repairs to the wharf at Shediac. The work which is under contract to F. L. Boone, consists of closing up and filling with cribwork the first four spans at the shore end, laying a gravel covering on the shore block and the first four blocks and spans, a length of 371 feet; and renewing in creosoted timber the entire floor system of the remainder of the wharf, a length of 736.5 feet. There were six tenders, the prices varying from $16,966 to $24,454. The lowest tender was accepted. It is not necessary for me to tell my hon. friend because he knows better than I do the importance of Shediac as a community and the importance of this wharf.

Mr. HANSON: I would like to ask the minister with respect to the breakwater at Ingall's Head. This has been in the estimates, I believe, for two years. At least it was in last year and it is being revoted this year. Is it the intention of the government to let the contract for this work this year?

Mr. KING (Kootenay): This is under Grand Harbour (Ingall's Head) breakwater. It is a revote of $25,000 to provide for the completion of the breakwater at Grand Harbour now under contract with Messrs. J. Flood and Sons, Limited.

Sir HENRY DRAYTON: That was in the supplementary estimates last year?

Mr. KING (Kootenay): Yes.

Mr. HANSON: What was the contract price and the range of the tenders?

Mr. KING (Kootenay): The lowest tender was by Messrs. John Flood and Sons, Limited, $21,346. The highest tender was $29,099.94. The order in council was passed on September 26, 1925.

Mr. MacLAREN: Where is Mill's Point?

Mr. KING (Kootenay): Mill's Point is in Northumberland county. This amount of $23,400 is required for the completion of the work in connection with enlargement and repairs to the wharf at Mill's Point under contract by L. Doyle of Douglastown, New Brunswick.

Mr. HANSON: I would like to call the minister's attention to the absolute necessity of doing something at Castalia, Grand

Manan. That is five or six miles east of Grand Harbour. I had the necessity of this impressed upon me by an experience down there last October. When the wind is blowing from the east it is absolutely necessary for the people living at Castalia to take their boats for miles down the coast in order to save them. This is not a new project; it has been before the department for many years. The expenditure was, I think, authorized at one time; indeed, if I mistake not, a small portion was built, and the matter then dropped. I do not know who is responsible for that but I would suggest that it is one of the most exposed places on the island of Grand Manan which without doubt is one of the most exposed positions along the whole bay of Fundy coast.

I would ask the minister if he would be good enough to direct his engineers on the bay of Fundy waters to look into the feasibility and the necessity of this work from the standpoint of protection to the large fishing interests at that point. They have expensive boats costing $2,000 or $3,000 and they have absolutely no harbour against easterly gales which are the prevailing winds in the fall of the year. Proprietors of fishing stands, very substantial men told me they had to send their boats for miles to a harbour further down the coast of the island; that if they did not do that they would lose their property. The Castalia people, I think, have every right to expect the building of a breakwater especially from the party to which the minister belongs. In season and out of season they have been more or less faithful supporters, sometimes greater in numbers than at others, of the Liberal party. They certainly deserve something at the hands of that party. I do not know whether that adds any weight to my plea or not, but I make it because I was convinced by the best possible evidence in the world, eye-witness evidence, in the course of a big easterly gale that detained us on the island for hours, of the necessity of something being done to protect the property of those people. The loss of one boat would wipe out the owner's savings of a life-time. It is really more necessary to do something at that point than to spend the money the minister is spending at Ingall's Head. I am not going to say anything about that. I have an opinion formed from a visit to the locality, but if that breakwater will protect property by all means let it be built if the country can afford to build it. I think however, the government would be failing in its duty if it did not do something at Castalia.

I would also like to call the attention of the minister to the necessity of extending the breakwater at North Head, Flagg's Cove. There is a good breakwater there, but it is not quite long enough. In the course of a big easterly gale with rollers coming in, the present breakwater needs another unit to protect completely shipping in that harbour. It is quite an important point where passenger steamers land. There is not the protection that there ought to be in that harbour at low water for the fishing fleet. I do not think the expenditure would be very large. I ask the minister to be good enough to look into the matter.

There is another place there, but at the moment I cannot recall where it is. I will get the information and speak to the minister with reference to it.

Mr. GRIMMER: I am in full accord with everything that has been said by the hon. member for York-Sunbury (Mr. Hanson) in connection with the construction of a breakwater at Castalia. For the last four years representations have been made by myself and others to have that breakwater constructed, and the minister is fully aware of the necessity for it. Last year, if I am not mistaken, he said he would look into the matter. Has any investigation been made since then?

Mr. KING (Kootenay): We have received reports and what the hon. gentleman says is true. It would be better for the people of the locality if we could do this work, but this is only one of many similar requests that come to us from time to time. It has been the general wish to keep the estimates within bounds, and we have been trying to do so. Grand Manan is undoubtedly a great fishing community. The people there live practically on the sea. There is no doubt about the necessity for increased facilities, and I hope some time to be able to do something for these people.

Mr. HANSON: I do not want to enter into any controversy on the question where work should have been begun, but I do not think it should have been undertaken first at Grand Harbour because that is a good natural harbour, as the name implies. On the other hand, the Castalia shore is the most exposed on the whole island. Grand Manan is in the teeth of the Bay of Fundy, and is exposed to every wind that blows. It is not possible to build harbours on the west side, as the minister will know if he has ever been on the north channel. But on the east side there

should be given a population of 3,000 people some accommodation to enable them to carry on. These people devote their entire time and attention to fishing. If the government wants to retain the population of that locality two things should be done. First of all, transportation is needed to facilitate the moving of products to market. We are negotiating with the minister's colleague in this direction and he is most sympathetic. The officials of his department know just what is required and are endeavouring to fill the bill. The second requisite, which is practically the only thing which this government can give the people, is a little protection against the elements. I will not question any expenditures for the benefit of the fishermen if those expenditures are sound from the standpoint of location and if they have any merit at all, because I do think that whatever we can do for these hardy people, who take their lives in their hands every time they go on the ocean, we should certainly do, within reasonable limits, whether in Quebec, in New Brunswick or in Nova Scotia. If you do not do something along the lines I suggest you will not be able to retain that population. The people will not stay there unless they can get some encouragement. I appeal to the judgment of the hon. member for Gloucester (Mr. Robichaud) whether I am not right The fishing population there have been rather discouraged in recent years; prices have not been good and they have not done so well. But they are living in hopes of better days and are asking the government for sympathetic consideration. I should like to see that consideration given on both sides of the House. Fishermen as a class deserve well at our hands and we should do everything we can for them within reason.

Mr. ROBICHAUD: I must commend the hon. member (Mr. Hanson) on his sense of justice and fair play. Certainly something should be done for these fishermen. There are a few items in the estimates for expenditures in my constituency, but they do not cover everything that is needed. It has often been said that these items are vote-catchers, but looking over the estimates I find that quite frequently money has gone to parts of my constituency in which I did not secure a majority. I would call the attention of the minister to the urgent need for improving conditions at Lameque on the island of Shippigan where there is a large fleet engaged exclusively in cod fishing. Last fall, a few days before the election, I was an eye-witness to a lamentable state of affairs. No fewer than seven or eight valuable fishing craft, equipped with auxiliary motor power, were crushed one against another, so that the damage was almost beyond repair. This was due to the congestion at that point. The industry has developed to such an extent that the present wharf is no longer able to cope with the great traffic. It is therefore imperative that all these structures be kept in repair and enlarged as necessity demands. I would also direct the minister's attention to the condition at Grand Anse in my constituency where owing to the fact that large sums have been required to keep other works in repair nothing has been spent in recent years, so that the wharf is now in a deplorable condition. I am afraid it will become useless unless it is very soon repaired.

So far as items relating to other parts of the province are concerned, I cordially agree with what has been said by the hon. member. Every item is absolutely necessary. For example, Escuminac is bound to become one of the most important fishing points in New Brunswick. At least 350 salmon licenses are issued there annually and the fishermen are engaged in one of the most lucrative branches of the industry. We know that salmon is becoming more and more a luxury in great demand and large shipments are made from New Brunswick to the British market. They reach the Old Country in first-class condition either chilled or frozen. In this connection a word might be said about the cold storage business. We have at Montreal a cold storage plant on which we have spent some $3,000,000. I visited the plant a few years ago and was astonished to find that there was not even a trough there to receive fresh fish. I drew the attention of the manager to the fact and he admitted that it was a most serious oversight. I have heard since that accommodation has been provided for chilling and freezing fish at the Montreal plant, and I trust the same facilities will be provided at Quebec. The fishermen of the Maritime provinces need accommodation above everything else. We need facilities to market our produce—not on the Canadian market, because we have no market in Canada our population being too small, but in the markets of the world, especially of the British Isles, central Europe and the countries to the south of the equator.

Mr. FISH: I notice a vote for Oak Point wharf repairs, $1,700. Has provision also been made for repairing the wharf at Neguac?

Mr. KING (Kootenay): Yes, the engineer recommends an expenditure of $400 or $500.

Mr. FISH: The road leading along the shore at Burnt Church needs repairing. It was protected by a log breastwork, but during a storm last season this was torn away and the road along the shore practically destroyed for several hundred feet.

Mr. KING (Kootenay): Usually the roadways leading to the wharves are under provincial control. In some cases the Dominion government has assumed jurisdiction. We have no report yet from the district engineer with regard to what my hon. friend refers to. I shall be very glad to make inquiries.

Mr. FISH: I was very glad to hear the minister say he is going to consider the suggestions made by the hon. member for York-Sunbury (Mr. Hanson) with regard to the Escuminac breakwater. It is true the proposal has been before the country for a number of years, but like many other proposals, although it was thought to be a good thing at the time it is not now considered to be quite so good. The fishermen down there are very doubtful with respect to it. In the first place, it is going to require very much more money. Then the distance of 310 feet will not afford much protection; certainly this will have to be extended. The fishermen say that if the gulley was dredged out they would not require the breakwater at all. It is a very rough place to build the breakwater, the bottom being of shaley rock, and it is very difficult to make fastenings hold in it. Then again, very few fishermen can get in there, and in case of a storm it is much safer and easier for them to run into the mouth of the river behind Fox island or Portage island for shelter. I would be very sorry to interfere with the expenditure of money in my county—I should like to see this money spent, and a great deal more—but I think we ought to get the fullest value in return. Our people down there feel that it would be of greater benefit to both the farmers and the fishermen, if this money and some more were put into the construction of a railway to connect with the railway at Loggieville. At present auto trucks are used to transport the fish from that section of the country up to the railway. I hope the minister will give the suggestion serious consideration before he starts in with the breakwater. As I say, I should like to see the money spent there, but at the same time I should like to see full value secured for the expenditure. I congratulate the member for Gloucester (Mr. Robichaud), he certainly deserves very great credit, for a little over a third of the whole estimate for New Brunswick is going into his county.

Mr. ROBICHAUD: My hon. friend is getting more for his county than I am for mine.

Mr. GRIMMER: What is the nature of the proposed expenditure of $2,700 for wharf repairs at White Head? Does it include dredging? This is necessary around the wharf.

Mr. KING (Kootenay): No, it is for repairs to the wharf, renewal of cap timbers, stringers and so forth, and it is recommended by the district engineer. In regard to the suggestion of my hon. friend from Northumberland (Mr. Fish), as I said before, the Escuminac harbour is not a new work. I find that in 1910 it was recommended by Mr. Loggie, later by the Hon. J. D. Hazen in 1913, and so on down to last year, when we were advised that this work would give considerable protection to the fishermen. Before committing parliament to further expenditure we must come to the House again for the necessary funds.

Sir HENRY DRAYTON: What about the appropriations not required?

Mr. KING (Kootenay): In all there are some twenty-five or twenty-six items where the money has not been expended and is not required this year. Would my hon. friend like to have the list placed on Hansard?

Sir HENRY DRAYTON: How many items are dropped?

Mr. KING (Kootenay): There has been expenditure under every item.

Sir HENRY DRAYTON: Of the appropriations not fully required, amounting to $92,100, how much money has been spent?

Mr. KING (Kootenay): This is the list: Beaver Harbour, wharf repairs, $3,000 voted; $2,605.69 expended. Black's Harbour—

Sir HENRY DRAYTON: My hon. friend might hand the list to Hansard and so save time.

(Following is the list referred to):

| New Brunswick | Voted | Expended |
|---|---|---|
| | $ cts. | $ cts. |
| Beaver Harbour—wharf repairs | 3,000 00 | 2,605 69 |
| Black's Harbour—reconstruction of wharf approach | 2,000 00 | 1,332 81 |
| Burnt Church—wharf repairs | 2,500 00 | 2,551 58 |
| Campbellton—Repairs to market wharf and to deep water wharf | 1,800 00 | 1,795 66 |
| Cocagne—wharf repairs | 800 00 | 738 72 |
| Cole's Point—wharf repairs | 2,700 00 | 2,228 91 |
| Dalhousie—repairs to deep water wharf | 1,250 00 | 1,244 55 |
| Dipper Harbour—breakwater repairs | 5,000 00 | 4,253 43 |
| Humphrey's—wharf repairs | 1,500 00 | 773 56 |
| Loggieville—wharf repairs | 1,000 00 | 1,047 78 |
| McAlpine's—wharf repairs | 1,200 00 | 1,153 69 |
| McDonald's Point—wharf improvements | 2,500 00 | 1,432 04 |
| Oromocto—wharf improvements | 4,500 00 | 4,231 37 |
| Palmer's—wharf repairs | 2,400 00 | 982 40 |
| Pointe du Chene—repairs to breakwater | 4,000 00 | 3,121 13 |
| Port Elgin—dredging in Gaspereau river | 24,000 00 | 23,986 89 |
| Rexton—wharf repairs | 1,000 00 | 907 21 |
| Rothesay—wharf repairs | 900 00 | 899 20 |
| St. Andrew's—wharf improvements and repairs | 3,200 00 | 13 80 |
| St. George—wharf repairs | 2,500 00 | 1,754 24 |
| St. John River—dredging at various wharves | 11,600 00 | 10,542 21 |
| St. Stephen—wharf repairs | 2,500 00 | 90 75 |
| Upper Jemseg—wharf improvements | 3,250 00 | 3,006 40 |
| Wilson's Beach—repairs to breakwater wharf | 1,000 00 | 993 64 |
| Young's Cove—rebuilding wharf | 6,000 00 | 3,743 82 |
| | 92,100 00 | ..... |

Item agreed to.

Quebec—Harbours and rivers, $636,225.08

Mr. ROGERS: Will the minister explain the reason for the wharf extension and improvements at Cap de la Madeleine? This is an old familiar item.

Sir HENRY DRAYTON: Mr. Chairman, would we not get along better if you called each one of the Quebec items in turn?

The CHAIRMAN: All right. I do not know that I can pronounce all the names.

Sir HENRY DRAYTON: It is fine vocal exercise.

Anse a Beaufils—reconstruction of and repairs to jetties, $3,200.

Sir HENRY DRAYTON: Carried.

Item agreed to.

Anse aux Gascons—wharf improvements, $4,000.

Mr. HANSON: Where is that?

Mr. ROGERS: That is a revote.

Sir HENRY DRAYTON: When was the contract let, if there was a contract? When was the work put in hand?

Mr. KING (Kootenay): As a matter of fact there was very little expenditure. We are asking for a revote. There has been $159 spent.

[Sir Henry Drayton.]

Sir HENRY DRAYTON: When was that done?

Mr. KING (Kootenay): I have not the date.

Sir HENRY DRAYTON: October or September?

Mr. KING (Kootenay): I imagine August or September. October is a pretty late month for work in that district.

Sir HENRY DRAYTON: I think it would be September and October. That I think was in the supplementaries last year.

Mr. KING (Kootenay): I think so.

Item agreed to.

Beloeil village—reconstruction of wharf, $4,600.

Mr. KING (Kootenay): The work to be done consists of rebuilding the whole work in concrete down to extreme low water level. The old cribwork structure with the stone filling will be removed to the necessary depth and width, and a reinforced concrete wall will be built all round, this wall to be four feet six inches thick at the base and twelve inches at the top. Removing old structure is estimated to cost $637.50, and concrete is estimated at about $3,240. It is proposed to do the work by contract.

Mr. ROGERS: What is the total estimate of the cost of the work?

Mr. KING (Kootenay): It is $4,600.

Mr. ROGERS: You only ask for $4,000.

Mr. KING (Kootenay): I think the item is $4,600.

Item agreed to.

Bonaventure—wharf repairs, $3,000.

Item agreed to.

Cap a l'Aigle—wharf repairs, $13,900.

Mr. KING (Kootenay): This is reconstruction of cribwork 1,800 cubic yards to be done by contract. The estimated cost is $13,900. It serves a community on the St. Lawrence with a population of five hundred or six hundred inhabitants, and with quite a large tourist travel in the summer.

Item agreed to.

Cap de la Madeleine—wharf extension and improvement, $65,600.

Mr. ROGERS: There is a very large increase, something like $3,000.

Mr. KING (Kootenay): Cap de la Madeleine is an important point and this expen-

diture is required to provide for contract with Trepanier, for the construction of a freight shed 120 feet long by 60 feet wide, amounting to $9,000. This amount will clear up this part of the work undertaken under the vote of last year.

Mr. ROGERS: Has it been all completed?

Mr. KING (Kootenay): Not yet. It is under contract.

Sir HENRY DRAYTON: I think this was in the supplementary estimates of last year.

Mr. KING (Kootenay): I think so.

Sir HENRY DRAYTON: Who is the contractor?

Mr. KING (Kootenay): There is no contract now. Tenders have been invited again The work was not gone on with last year.

Sir HENRY DRAYTON: Is that not sad, because I understood the minister to say a moment ago that it took $9,000 to complete the contract with regard to the freight shed.

Mr. KING (Kootenay): That is what I said. That was the freight shed. The repairs to the wharf not having beeen made, we could not proceed with the freight shed.

Sir HENRY DRAYTON: Who has the contract for the freight shed?

Mr. KING (Kootenay): There is no contract at the present time. We could not proceed with the freight shed and the contractor has been relieved of his contract.

Sir HENRY DRAYTON: There was a contract and it has been abandoned because it was unworkable?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: What money has been spent under this vote?

Mr. KING (Kootenay): The money spent was $4,191.77.

Sir HENRY DRAYTON: At what time was that work commenced last year?

Mr. KING (Kootenay): In August.

Sir HENRY DRAYTON: And stopped when?

Mr. KING (Kootenay): I have not the date of the stopping of the work. I know there was a conflict between the contractors for the improvements and the contractor for the freight shed, and the latter found he would have to abandon it and did abandon it.

Sir HENRY DRAYTON: What was the date of the abandonment?

Mr. KING (Kootenay): I have not the information here.

Sir HENRY DRAYTON: At any rate, this work for which authority was given in the supplementary estimates, was a matter of urgency; something had to be done and it was started last August. Did the work stop until after October? Was the work going on in October? I think the emergency is over now. I do not think there is any work going on at the present time, but I was wondering when the work was stopped. Was it the 2nd of November?

Mr. KING (Kootenay): No.

Sir HENRY DRAYTON: It would not be stopped as sharply as the 29th of October. I think it went on to the week after, probably till November 5.

Mr. ROGERS: Guy Fawkes day.

Mr. KING (Kootenay): As I explained to my hon. friend a few minutes ago, the only expenditure last year was $4,191.77. There was a contract entered into for a shed construction, but it was not found convenient for the contractor to proceed with that work, and the contract has been cancelled and new tenders are being asked for. It is proposed not only to build a shed but to extend the wharf. It is a very important structure.

Sir HENRY DRAYTON: Can my hon. friend tell me who got the $4,000 odd?

Mr. KING (Kootenay): It went largely for labour, I think. O. and J. Poliquin were the contractors for the wharf improvements.

Sir HENRY DRAYTON: When did they start and when did they stop working? That is what I particularly want to find out. I think the work was kept up until the 5th of November.

Mr. KING (Kootenay): They completed the work they had in hand, and the contract was closed out.

Sir HENRY DRAYTON: What work could they have had in hand?

Mr. KING (Kootenay): The repairs to the wharf.

Sir HENRY DRAYTON: Repairs are always in order, Mr. Chairman, whether they are political repairs or wharf repairs or anything else. I congratulate my hon. friend on the happy way in which these things synchronized.

Item agreed to.

Chandler—wharf reconstruction and extension, $90,000.

Mr. ROGERS: When did this item first appear?

Mr. KING (Kootenay): Last year in the supplementaries. There is a contract with Messrs. Farley and Grant, for the replacement of a section of the wharf carried away by a storm in 1920, by an extension 367 feet long, the first 105 feet to be 22 feet wide, the next 62 feet widening out to 40 feet, and the headblock 200 feet long by 40 feet wide. Chandler is a point on the St. Lawrence where there has been a large expenditure and much development in the pulp and paper industry. Once this structure is repaired and put into shape, the industry will be in a position to ship by water, an advantage which has been denied to it to date.

Mr. ROGERS: What amount was spent last year?

Mr. KING (Kootenay): Practically nothing was spent last year. The contract was let in November.

Sir HENRY DRAYTON: There must have been an oversight that time. Is my hon. friend sure that this contract was not let till November?

Mr. KING (Kootenay): This is not a political department, but the Public Works department.

Mr. ROGERS: It was let rather late in the season.

Sir HENRY DRAYTON: What was the date it was advertised in the local papers?

Mr. KING (Kootenay): I suppose it would probably be in the latter part of October. The advertising usually takes three or four weeks.

Sir HENRYL DRAYTON: Just how many weeks was this large work advertised?

Mr. KING (Kootenay): The order in council was passed on November 13, 1925.

Sir HENRY DRAYTON: How many weeks was this large contract advertised?

Mr. KING (Kootenay): About three weeks.

Sir HENRY DRAYTON: Am I right when I say it was advertised in October?

Mr. KING (Kootenay): It might have been the latter part of October.

Sir HENRY DRAYTON: Does not my hon. friend know it?

Mr. KING (Kootenay): I have not the date.

[Sir Henry Drayton.]

Sir HENRY DRAYTON: Will not my hon. friend agree with me that it was advertised at a very, very convenient season? If he cannot agree with me, I am afraid I shall have to ask him for the facts, and I think I have them. When does my hon. friend say the advertisement took place?

Mr. KING (Kootenay): I have not the date of the advertisement, but the advertising would take about three weeks, which would bring it to the latter part of October when this work was advertised. The order in council was passed on November 13, and the contract entered into on December 15, 1925.

Item agreed to.

Father Point—wharf repairs and improvements, $17,000.

Mr. ROGERS: This is a large sum. I would like some information on this item.

Mr. KING (Kootenay): This is to complete the contract with Messrs. Cloutier and Gaudreau for repairs and improvements to wharf. There was spent last year $17,432.94. The order in council was passed on August 20, 1925.

Item agreed to.

Grosse Isle—wharf repairs, $9,900.

Mr. ROGERS: What about this?

Mr. KING (Kootenay): This is to reconstruct the upper 5 feet of 180 feet of the approach, to repair and support the inner end on the west side by the construction of a concrete wharf 100 feet long, and to repair the stairway and effect minor repairs to the headblock. As my hon. friend knows, this is the quarantine station in the mouth of the St. Lawrence, which is largely used by the departments of Health and Immigration.

Item agreed to.

Harbours and rivers generally—repairs and improvements, $75,000.

Mr. ROGERS: I hope the minister will give us a complete statement as to this item.

Mr. KING (Kootenay): This amount of $75,000 is required for general repairs and improvements to harbour and river works in the province of Quebec, which are under the control of this department. This vote is for unforeseen or small expenses that are not placed in the estimates as separate items. They are works recommended by the engineers, varying in cost from $125 to $800. Last year there was spent under this vote $74,496.

Mr. ROGERS: My hon. friend will not require so much this year; there is no election in sight.

Mr. KING (Kootenay): There is a certain amount of work that will have to be done.

Mr. ROGERS: We would like a detailed statement.

Mr. KING (Kootenay): I could not give a list of all the items, because that will not be known until the end of the year, but the expenditures proposed at the present time are as follows:

List of Works Authorized 1926-27

| | |
|---|---|
| Quebec— | |
| Anse St. Jean—removable slip.. .. .. .. .. | $ 10 |
| Bréche a Manon—removal boulders re descent to beach.. .. .. .. .. .. .. .. .. .. .. .. | 75 |
| Batiscan—wharf repairs.. .. .. .. .. .. .. | 200 |
| Beloeil—re guide booms.. .. .. .. .. .. .. | 55 |
| Bagotville—re slip and hoisting blocks.. .. | 325 |
| Father Point—extension to sidewalk.. .. .. | 300 |
| Fassett—cutting ice around wharf.. .. .. .. | 21 |
| Gaspé (Sandy Beach)—to complete wharf repairs.. .. .. .. .. .. .. .. .. .. .. .. .. | 700 |
| Grande Rivière—repairs to wharf.. .. .. .. | 900 |
| Hopetown—extension to cribwork (Miller & Mann road).. .. .. .. .. .. .. .. .. .. .. | 200 |
| Isle Verte—repairs to wharf.. .. .. .. .. .. | 100 |
| Levesque—repairs to wharf.. .. .. .. .. .. | 150 |
| La Tuque—completion of wharf.. .. .. .. .. | 500 |
| Les Eboulements—hoisting apparatus and slip | 60 |
| Lavaltrie—repairs to wharf.. .. .. .. .. .. | 200 |
| Lanoraie—repairs to wharf.. .. .. .. .. .. | 150 |
| Peel Head Bay—general repairs.. .. .. .. .. | 800 |
| Pointe-au-Pic—hoisting apparatus and slip.. | 250 |
| Percé (Laurier wharf)—repairs to shed.. .. | 300 |
| Quebec District—reels and floats.. .. .. .. | 250 |
| Quebec District—repairs to instruments.. .. | 40 |
| Rivière Nouvelle—protection works.. .. .. | 500 |
| St. Simeon (Bonaventure co.)—protection works | 675 |
| St. Pierre les Becquets—construction of shed. | 550 |
| St. Francois du Lac—repairs to shed.. .. .. | 30 |
| St. Jean, I.O.—movable slip.. .. .. .. .. .. | 10 |
| St. Laurent, I.O.—movable slip.. .. .. .. .. | 30 |
| Ste, Adelaide de Pabos—repairs to wharf.. | 1,230 |
| Ste. Emile—to lower slip.. .. .. .. .. .. .. | 75 |
| St. Irenee—hoisting slip apparatus.. .. .. .. | 150 |
| St. Simeon (Charlevoix co.)—hoisting slip apparatus.. .. .. .. .. .. .. .. .. .. .. .. | 350 |
| St. Blase-St. Johns-Iberville—fencing right-of-way.. .. .. .. .. .. .. .. .. .. .. .. | 260 |
| Varennes—repairs to shed.. .. .. .. .. .. | 20 |
| St. Ours—repairs to wharf.. .. .. .. .. .. | 15 |
| St. Andrews—repairs to wharf.. .. .. .. .. | 100 |
| Verchères—building cattle-yard on wharf.. .. | 40 |
| Grande Rivière—wharf repairs.. .. .. .. .. | 500 |
| Vauvert—wharf repairs.. .. .. .. .. .. .. .. | 375 |
| Nicolet—wharf repairs.. .. .. .. .. .. .. .. | 100 |
| St. Roch (Richelieu co.)—wharf improvements.. .. .. .. .. .. .. .. .. .. .. .. .. | 275 |
| Nicolet—repairs to shed.. .. .. .. .. .. .. | 500 |
| Rimouski river—breakwater improvements.. | 80 |
| St. Barthelemi—fence right of way.. .. .. .. | 200 |
| Lanoraie—wharf repairs.. .. .. .. .. .. .. | 300 |
| Shrewsbury—wharf repairs.. .. .. .. .. .. | 125 |
| Rigaud—wharf repairs.. .. .. .. .. .. .. .. | 100 |

Sir HENRY DRAYTON: Will the minister tell us how he managed to apportion the payments under that item last year? What works were commenced in August, what works were commenced in September, what works were commenced in October, and what works were abandoned in November?

Mr. KING (Kootenay): I have not the date of the commencement of the work or the date of completion. These small matters are entirely in the hands of the engineering branch, and the work is done from time to time as occasion arises.

Sir HENRY DRAYTON: Yes, but my hon. friend surely knows what the department is paying out. These things are generally kept paid up pretty well, or were things so much mixed up at the time of the election that we cannot get any particulars at all?

Mr. KING (Kootenay): I am prepared to give my hon. friend a detailed statement. If he wants that detailed statement placed on Hansard I have no objection to it.

Sir HENRY DRAYTON: I have not asked for such a lot of information. What work did he give instructions for in September and October—we will drop off the August work?

Mr. KING (Kootenay): My hon. friend is familiar with the practice of the department and the practice generally. We secured our money about July 1st last year, I think, and recommendations were made from time to time by the engineering department as to expenditures in different localities. Certain moneys were apportioned and expenditures made. I have not the dates but I imagine that most of the work was done in August, September, October and November; the other months would not be suitable.

Sir HENRY DRAYTON: I suppose my hon. friend cannot do any better. I am sorry that he cannot, but we will have to let it go.

Mr. KING (Kootenay): I think that is fair.

Mr. JACOBS: Surely my hon. friend does not suggest that there was any relation between the expenditures for public works and the elections?

Sir HENRY DRAYTON: My hon. friend will have observed that I am merely eliciting facts and that the facts synchronize, that is all.

Mr. JACOBS: A happy coincidence.

Sir HENRY DRAYTON: Of course it would be a happy coincidence. I entirely agree with the hon. gentleman that all these things are happy coincidences; the significant thing is that they all coincided with a certain

event. Of course the ending was not quite as happy as my hon. friend thinks. It is rather melancholy sometimes in its operation against the Conservative party and also in its operation against the interests of the Canadian rate payers.

Item agreed to.

Malbaie—wharf repairs, $8,000.

Mr. ROGERS: What is this expenditure for?

Mr. KING (Kootenay): To repair the damage done to the wharf by storms in November, 1925, by enlarging the approach with a reinforcing addition 210 feet long by 10 feet wide of round timber openfaced cribwork and by replacing 500 cubic yards of ballast. The work is under contract. Last year the expenditure was $1,492.35.

Mr. ROGERS: When was this contract let?

Mr. KING (Kootenay): The contract has not been let as yet.

Item agreed to.

Maria—wharf reconstruction, $11,500.

Mr. ROGERS: There was $9,000 voted for this work last year.

Mr. KING (Kootenay): Yes, part of this is a re-vote.

Mr. ROGERS: Give us the particulars of the proposed expenditure.

Mr. KING (Kootenay): It is intended to complete the contract with P. Nadeau & Sons for the removal and reconstruction upon a height of 4 feet 10 inches of a portion of the superstructure of the wharf. The amount of the contract is $12,885.12.

Mr. ROGERS: When was the contract let?

Mr. KING (Kootenay): On November 21, 1925.

Mr. ROGERS: There has been great delay in carrying it out.

Mr. KING (Kootenay): You cannot do very much work after the 1st of November.

Mr. ROGERS: You had the whole of last year.

Item agreed to.

Matane—to complete harbour improvements, Hammermill Paper Co., Erie, Penn., contributing, $100,000 $55,000.

Sir HENRY DRAYTON: Here is an old friend. Is work still being taken from our artisans in that district?

[Sir Henry Drayton.]

Mr. KING (Kootenay): The work will be completed this year. There is a re-vote of $55,000 which will carry on the construction and complete the work. In regard to the development there the House has been advised before that the Hammermill Paper Co. are contributing $100,000 towards this development.

Mr. MEIGHEN: It is for their own development.

Mr. KING (Kootenay): Difficulties have been encountered in carrying out the work, but it is hoped to clean it up this year.

Sir HENRY DRAYTON: It is true that the Hammermill Company are contributing $100,000, but the work is absolutely for their own benefit and not for the benefit of anybody else. How much is the government contributing in order to round out the plans of the Hammermill Paper Co. and furnish facilities for them?

Mr. KING (Kootenay): The estimated cost according to the department will be $165,000.

Sir HENRY DRAYTON: Even accepting that figure the expenditure is going up. We were told last year that this was an emergency vote and that is why it appeared in the supplementaries. Let us see whether I am right or not. If I am wrong I will apologize to the minister.

Mr. KING (Kootenay): The matter has been before the House on previous occasions.

Sir HENRY DRAYTON: Does my hon. friend say this was a supplementary vote last year or not?

Mr. KING (Kootenay): I think it was in the main estimates. I have not last year's estimates before me but that is my recollection.

Mr. ROGERS: What amount did you spend on this work last year?

Mr. KING (Kootenay): The amount spent last year was $84,997.

Mr. MANION: What did the whole vote of last year amount to?

Mr. KING (Kootenay): It amounted to $140,000.

Sir HENRY DRAYTON: I have got last year's estimates and I cannot find this item there. The minister has the deputy in front of him and the deputy should know a great deal more about this than any other mem-

ber of the House. I want to know whether this was an emergency vote in the supplementaries last year, or whether it came under the general vote?

Mr. KING (Kootenay): I am not sure but I know this, and my hon. friend knows it too: The Matane proposals have been before parliament for some two or three years. There was no emergency vote last year because we were committed to this expenditure and parliament voted $140,000. Whether the item appeared in the main estimates or in the supplementaries I am not sure.

Mr. ROGERS: And the sum of $84,000 has been spent.

Mr. KING (Kootenay): The sum of $84,997 has been spent.

Sir HENRY DRAYTON: The usual explanation of a supplementary vote is that it is to cover something which has turned up after the main estimates have been brought down. The minister does not know whether this item was in the supplementary estimates last year or not. I think it was considered an emergency matter having regard to the estimates of last year. On what date was the contract let?

4 p.m.

Mr. KING (Kootenay): There were two contracts. The St. John Dry Dock Company had a dredging contract last year.

Sir HENRY DRAYTON: What is the date?

Mr. KING (Kootenay): November 3, 1924. Then there is a contract for wharf reconstruction entered into on November 13, 1925. There was a construction contract under date of August 27, 1923.

Sir HENRY DRAYTON: Of course the minister knows we are asking him for contracts given under the emergency vote of last year, not for past history.

Mr. KING (Kootenay): There was no emergency vote. A contract was let on April 4, 1923 to Messrs. Dussault and Company of Quebec for dredging. That contract was continued until that fall when the contract was cancelled and a new one entered into with the St. John Dry Dock Company.

Sir HENRY DRAYTON: Another contract with the St. John Dry Dock Company?

Mr. KING (Kootenay): No; they took over the other contract.

Sir HENRY DRAYTON: What was the idea of the vote of $140,000 because apparently we have no contract under it at all.

Mr. KING (Kootenay): Apparently I have not made myself plain. We entered into this contract with the St. John Dry Dock Company on the surrender of the other contract in the fall of 1923 and they worked in 1924 and 1925. Then the contract for the pier was on August 1, 1923. In the winter of 1924 or the following spring an ice shove disturbed a portion of the work undertaken and we asked last year for a further sum. Probably that is the explanation why it came up in the supplementaries.

Sir HENRY DRAYTON: Let me see if I have this tale of anguish aright. I will not give the contracts in the order in which my hon. friend gives them; I will give them in the order of date. The first contract my hon. friend mentioned is that of April 4, 1923. The second is dated August 27, 1923. The third contract he gives is in the autumn of 1923 which is really a substitution for the contract of April 4, 1923. This is with the St. John Dry Dock Company. The next he gives is November 3, 1924 and the next November 13, 1925. There was one that seemed to be loose, running around unconnected, dated August 1, 1923.

Mr. KING (Kootenay): That was on August 27, 1923. A contract was awarded to Boulanger and Boulanger of Montmagny.

Sir HENRY DRAYTON: Is that the contract of August 1?

Mr. KING (Kootenay): I am giving the date of the order in council authorising the contract.

Sir HENRY DRAYTON: Is that in the list already given?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: Then we have the ice storm which interferes with all these numerous activities and contractors. That ice storm comes in the winter of 1924, does it not?

Mr. KING (Kootenay): The winter of 1924-25.

Sir HENRY DRAYTON: Then my hon. friend brings down a vote of $140,000 in the supplementary estimates of last year. Is that right?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: The contract of November 13, 1925 would be under that vote. Were any other contracts entered into under that vote?

Mr. KING (Kootenay): Probably this will give some light to my hon. friend. We had $100,000 from the Hammermill people. That was in the hands of the Finance department, but the Auditor General insisted, and properly so, that parliament should vote the money required for this work, and we asked for $140,000 last year, making available their money which had been paid.

Sir HENRY DRAYTON: Is that right, or is the vote right? As it reads, the vote is to supplement a contribution of $100,000.

Mr. KING (Kootenay): No.

Sir HENRY DRAYTON: That is wrong, is it?

Mr. KING (Kootenay): We had to vote the contribution as well as what we spent ourselves. I gave the amount the department spent last year. The total expenditure is to be $160,000 odd.

Sir HENRY DRAYTON: $165,000?

Mr. KING (Kootenay): I believe so.

Sir HENRY DRAYTON: Is the work finished yet?

Mr. KING (Kootenay): No; it is hoped to finish it this year.

Sir HENRY DRAYTON: And we have already spent $165,000.

Mr. KING (Kootenay): No; that is the estimated cost.

Sir HENRY DRAYTON: I wonder whether the minister's recollection is good enough to enable him to tell us whether in the first instance we were not told that the whole thing would be covered by $100,000?

Mr. KING (Kootenay): Oh, no.

Sir HENRY DRAYTON: The minister says definitely that is not so.

Mr. KING (Kootenay): Absolutely.

Sir HENRY DRAYTON: Then he would contradict Hansard?

Mr. KING (Kootenay): No, I would not contradict Hansard; I could not very well. But I know that when the matter was discussed in 1923 or 1924 the House was fully advised that the Hammermill people were going to make a contribution of $100,000.



Sir HENRY DRAYTON: That is not the question. Is the minister's memory sufficiently good to enable him to tell us whether or not it was represented to the House in the first place that the whole of the cost would be $100,000 at most?

Mr. KING (Kootenay): No.

Sir HENRY DRAYTON: Anyway, how is my hon. friend getting on with the governmental policy of shipping all of our raw resources out as quickly and as cheaply as possible? Will this American firm that came from Erie, Pennsylvania, be helped to export our raw materials, which they have been able to collect, in the chepaest way possible and over the wharf we built? When will they be able to complete that programme?

Sir EUGENE FISET: My hon. friend knows that Price Brothers are operating there now, cutting 15,000,000 feet of lumber a year and shipping it directly from the port. It would be only fair for him to make that statement.

Sir HENRY DRAYTON: My hon. friend is labouring under a strange delusion if he thinks that there is any analogy between an American manufacturer operating in Canada and one operating in the United States. He seems to think it is immaterial whether the workmen employed in manufacturing our own raw material are engaged in the United States or in Canada. The mills of Price Brothers are here and they manufacture here, but I understand that the Hammermill plant is in the United States. I was asking the minister a simple question. I want to know what progress the government has made in its policy of making easy the demolition of our natural resources and the shipment of them to facilitate the work of American manufacturers?

Mr. KING (Kootenay): The hon. gentleman has not put the matter fairly. Matane is one of the harbours on the north shore—

An hon. MEMBER: The south shore.

Mr. KING (Kootenay): The south shore.

Sir HENRY DRAYTON: If the minister's story is no more correct than his geography—

Mr. KING (Kootenay): There is no mistake about the story. Price Brothers have been carrying on business for years and they were anxious for the purposes of development to have this work done. It is true that we were requested to provide the facilities but we considered it only fair that the people

who were so largely interested should do something in the way of co-operation. This is the first time the Public Works department has got $100,000 from any firm to build any structure.

Mr. MEIGHEN: I do not know about that, but it is the first time certainly that the government has ever put up $165,000 to help an American firm take business from our own railway and ship our own raw material out of the country to be manufactured in the United States. This enterprise takes all the belts, cups, records and everything else as a precedent. It is a political wharf from the beginning, but it is one of the most insane political ventures I know of. The American firm came over to get our pulpwood, desiring to have it manufactured in Erie. Of course they did not want to pay freight so they persuaded the government to dig into the treasury and build a wharf to enable them to ship the material by water, thus avoiding freight charges. And they are enabled to get our raw material out all the faster and cheaper as a result of accommodation afforded them by the government, out of the money of the Canadian people. Of course there were other objects that were served incidentally. I understand that the son of the late member for the district was made inspector. I do not know what the government is doing now for the late member himself, I have not heard. Has he received a job on the wharf since he lost the nomination or the election? He lost something, I do not know what it was, but I should not be surprised if the wharf lost him the nomination. Anyway, has the government taken care of him, or will it put him on the Indian service like Mr. Sexsmith? What is to be done about Pelletier?

Mr. JACOBS: He is not provided for in the Public Works estimate.

Mr. DIONNE: As the representative for Matane I know this wharf very well, and I can assure the committee that it serves not only the Hammermill Company and Price Brothers but various schooners that ply between Matane and Quebec and Gaspe. It also accommodates the people on the north shore; the Ontario Pulp and Paper Company and other concerns operating timber limits make use of it, and it provides a shelter for vessels coming from Quebec or going up from Gaspe in stormy weather. Most of the money has been spent and this vote is necessary to complete the work. It is one of the most important public works which the department has carried out in my constituency, and I have no doubt that the public will approve of the expenditure.

Mr. MEIGHEN: I congratulate the hon. member (Mr. Dionne) on what, so far as I can recall, is his maiden speech in the House. Certainly it was couched in splendid English. I am sorry, however, that the hon. gentleman could not exhibit his powers in a nobler cause. It is true that any wharf, wherever it may be built, will serve purposes subsidiary to the main object for which it was built. I do not doubt some boats sail across the river but, as everybody knows, they could not be in any real sense commercial boats. These boats make use of the wharf, and I suppose boats could be found to make use of any wharf in the world. And if a boat were caught in a storm it would naturally pull in to the wharf. But that would be true no matter where you built a wharf. I suppose also this wharf serves as a shelter and shade for the fishes in the district. All these things can be said of this particular wharf. But the great central fact remains that it was built to help the Hammermill Paper Company take our raw material out of Canada to their mill in Erie. That was the purpose for which it was built, as everyone knows, and because on the completion of it other people made use of it is no justification for spending such a large sum of money on a structure the main purpose of which is injurious to the country and even to the district from which the hon. member comes. The main purpose served by that wharf is harmful to the district, even though certain people for whom the wharf was not originally intended are accommodated. If we are bound to have our pulpwood shipped out of the country, if we are bound to furnish material for American workmen, for goodness' sake let the people who want to profit thereby provide their own facilities. After they do put them up there will be shelter all right for all sorts of men and animals in that district; it will serve the purpose just as well. But there is no reason why we ought to put up money to help get our pulpwood out and reduce the revenues of the National Railways. I have not got an answer yet to what was done about young Pelletier. Is he still on the job?

Mr. DIONNE: He has got no job.

Mr. KING (Kootenay): My right hon. friend is hardly fair. He would lead the House to believe that the Hammermill com-

pany alone will receive the benefit of this construction. That is not so. There are some 3,500 inhabitants at Matane who will participate. There has been a harbour there for years.

Mr. MEIGHEN: I know.

Mr. KING (Kootenay): This vote is to provide proper facilities.

Mr. MEIGHEN: Where is it built in relation to the Hammermill company? Right at the company's plant?

Mr. KING (Kootenay): It is not for the Hammermill company alone. Price Brothers manufacture fifteen million feet of lumber there. Outside of the two large concerns there are five or six lumber mills with a total output of 10,000,000 feet. That is an industry in itself. These smaller mills may not count in the mind of my right hon. friend, but they are there and they require better facilities. The Hammermill company have put up $100,000 and we have put up $165,000. The whole community will have better facilities. The Hammermill company are operating as other people are in this country who own their own lands. If leasehold they could not export, but they have bought these lands, and therefore have the right to export. There is undoubtedly necessity for this development, and personally I think we have made a pretty good arrangement in getting $100,000 from the Hammermill company for the benefits they will receive.

Mr. MEIGHEN: The minister has dodged the question as to whether this wharf is not right beside the Hammermill company's plant.

Mr. JACOBS: Assuming it is, and the public are using it, what difference does it make, particularly when the Hammermill company are putting up $100,000?

Mr. MEIGHEN: The use the public will make of it is trifling. The public got on all right before.

Mr. KING (Kootenay): This work is not tributary to the Hammermill company any more than it is to Price Brothers; as a matter of fact it is nearer Price Brothers' plant.

Mr. MEIGHEN: I had a deputation come to me about it. They told me the work is right beside the Hammermill plant. The harbour was allowed to go to pieces. I suppose it was put in shape before the election?

Mr. KING (Kootenay): As I explained to the House, an ice shove disturbed the works, which I believe have been repaired.

[Mr. J. H. King.]

Sir HENRY DRAYTON: When is the work going to be finished?

Mr. KING (Kootenay): This year.

Sir HENRY DRAYTON: My hon. friend's expectation is that export can go on this year?

Mr. ROGERS: The minister has not yet made it clear to me. He says the cost of the work is $165,000 and that we spent $84,000 last year. If that is the case, the $55,000 now requested will not pay the bill.

Mr. KING (Kootenay): I advised the House that the total estimated expenditure was $265,000—

Sir HENRY DRAYTON: Oh no. $165,000.

Mr. KING (Kootenay): —of which the Hammermill company will pay $100,000. It is necessary for us to vote the $265,000.

Sir HENRY DRAYTON: Where are we voting the $265,000?

Mr. KING (Kootenay): We vote it from year to year. This item has been before the House for the last three years.

Sir HENRY DRAYTON: Then all I can say is my hon. friend is getting light as he goes along.

Mr. KING (Kootenay): I am trying to give light.

Sir HENRY DRAYTON: No, he is getting light. I am quite sure he did not intend to mislead us when he said $165,,000 had to be voted. Now we are told the whole cost is $265,000, and instead of the company putting up the major part of it the country is doing so in order to enable the Hammermill people to export.

Mr. KING (Kootenay): Mr. Chairman, there was no misunderstanding because I read the statement which I have before me. Perhaps my hon. friend did not hear me correctly. The estimated total cost is $265,000. There is a contribution from the Hammermill company of $100,000, and the estimated cost to the department is $165,000. That is the information I conveyed.

Sir HENRY DRAYTON: I am very glad to hear that. I really do my best to follow what my hon. friend says, but he has an uncomfortable way of admiring his toes when he is talking, and I confess I did not get all he said.

Mr. KING (Kootenay): I am sorry.

Item agreed to.

Nicolet—repairs to jetty, $17,400.

Mr. KING (Kootenay): This is for repairs. The work is under contract to Messrs. Page & Page.

Mr. MEIGHEN: What is the total cost?

Mr. KING (Kootenay): The amount of the contract is $15,750. We had tenders from four competing firms, the lowest was that of Page & Page, $15,750, and the highest $19,016.

Mr. ROGERS: There was a vote of $13,300 last year. You did not go on with it, did you?

Mr. KING (Kootenay): No, it is a revote. Only $412.64 was spent last year.

Sir HENRY DRAYTON: When was the contract let?

Mr. KING (Kootenay): The order in council was passed January 21, 1926.

Sir HENRY DRAYTON: When was the contract advertised?

Mr. KING (Kootenay): November or December—it would be late.

Sir HENRY DRAYTON: I doubt that very much. Does my hon. friend say he issued any advertisements after the election until that time? The country understood the government was not functioning. The government pretended it was not functioning.

Mr. KING (Kootenay): I am advised that tenders were due October 21 last. No contract was let until January.

Sir HENRY DRAYTON: That sounds very much more reasonable. I was quite sure those advertisements were issued before the election; we know it now.

Item agreed to.

Norton Creek—dredging, $5,000.

Mr. MEIGHEN: What is the idea of dredging a creek?

Mr. MacLEAN (Prince): To make it deeper.

Mr. KING (Kootenay): This is to continue certain excavations that were started in 1912 and 1913. They were suspended during the war. About 17,000 cubic yards will be removed.

Mr. MEIGHEN: Where is it?

Mr. KING (Kootenay): In the district of Chateauguay-Huntingdon.

Sir HENRY DRAYTON: Is it by contract?

Mr. KING (Kootenay): No, day labour.

Mr. MEIGHEN: Does the member for the riding prefer the day labour method?

Mr. KING (Kootenay): I am not so sure.

Sir HENRY DRAYTON: I would point out to my hon. friend that this is a case where there ought to be a contract, the amount being $5,000. Or was it considered more convenient before the election to have a lot of people employed by day labour? Would that be it?

Mr. KING (Kootenay): This construction was undertaken away back in 1912-13. I find that at that time the work done by day labour amounted to $4,470. In 1913-14, 4,200 cubic yards were excavated at a cost of $4,491.78, done by day labour. In 1914-15, 5,972 cubic yards were excavated at a cost of $4,987.42, the total expenditure being $13,949.49. It was considered advisable at that time that the work should be done by day labour, and the same plan is followed this year.

Sir HENRY DRAYTON: You take it by vote, so much a year. I do not observe that we got up to $5,000 any time during that period. Am I right?

Mr. KING (Kootenay): I have not the estimates for all the period, but we find that in the year 1914 it was $4,987.42, pretty near the mark. The chances are that we will not spend the full $5,000 this year, but that is the amount asked.

Sir HENRY DRAYTON: I was asking as to what we did with it last year. How much dredging was done last year, and how many men were employed last September and October?

Mr. KING (Kootenay): My hon. friend is wrong about that.

Sir HENRY DRAYTON: My hon. friend delights in ancient history to-day, telling us what happened in 1912-13, but he fails to give details of what happened in the year 1925, under his administration. What did he do in September and October last year under this vote?

Mr. KING (Kootenay): I think the best justification for this expenditure in the minds of my hon. friends would be that they undertook the work when they were in office. I think that would satisfy them, and that is why I referred to it.

Sir HENRY DRAYTON: Oh no.

Mr. KING (Kootenay): And the fact that it was done by day labour would indicate that the government were following the practice which the engineers thought was good practice. There was no expenditure last year.

Sir HENRY DRAYTON: Nothing was done last year?

Mr. KING (Kootenay): No.

Sir HENRY DRAYTON: Are you sure about that?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: What an awful oversight. How did that happen? I do not think you have been properly advised? Are you sure you did not get a lot of good work in under the general vote?

Mr. KING (Kootenay): No, we did not.

Sir HENRY DRAYTON: Do you think that because we dredged one year we must always go on dredging? How is it necessary that dredging done one year must be done the next year? My hon. friend goes back to 1912—

Mr. KING (Kootenay): The work was not completed.

Mr. JACOBS: Perhaps silting takes place all the time.

Sir HENRY DRAYTON: Is this a silting stream?

Mr. KING (Kootenay): No.

Mr. JACOBS: You know that in every doubtful county there is dredging during an election.

Sir HENRY DRAYTON: My hon. friend is right.

Mr. JACOBS: You ought to know, as well as the hon. member for South Winnipeg (Mr. Rogers).

Item agreed to.

Notre Dame de Pierreville—wharf, $13,500.

Mr. ROGERS: This is a revote. It was in the estimates last year and nothing was done. Can the minister give us any explanation why nothing was done last year?

Mr. KING (Kootenay): It is one of those items that we have from year to year. Plans were prepared and tenders were called for, but the season had passed and it went over till the next year, and we are revoting the money.

Mr. ROGERS: What are the details?

Mr. KING (Kootenay): An order in council was passed on the 21st October 1925, accepting the tender of J. J. Collins of Trois Rivieres. There were seven tenders and the figures vary from $9,385 to $18,080.53.

[Mr. J. H. King.]

Sir HENRY DRAYTON: This was also in the supplementaries of last year.

Mr. KING (Kootenay): It would be.

Mr. ROGERS: You are asking for $500 more this year than last year. Have you an estimate of the cost of the work down as fine as that?

Mr. KING (Kootenay): That is the estimated cost, $13,500.

Sir HENRY DRAYTON: Here is another illustration of how things can be done. This item stands out as a startling corroboration of the statement of the hon. member for Cartier. He shows that he is not only frank but veracious—not voracious but veracious. We have a beautiful illustration of what happened in connection with the matter last year. We have this vote brought down in the supplementaries, and this matter is arranged carefully, properly and regularly. They are pretty clever in the Public Works department, and in the ordinary course it is dangled before the electors that this project is going on, and the contract let, and when the campaign is roaring the fiercest, and the war with Turkey is imminent, we see in all the local papers the statement that this work is to be given out and labourers will be employed. We have the contract let on the 21st of October, and then of course it takes a little time before anything can be done. All the good political work, if my hon. friend will look at it, is accomplished, and we have the vote again this year.

Mr. JACOBS: Do you suggest that during election no work could be done at all? You know the maxim that the King's government must go on.

Sir HENRY DRAYTON: You miss the point: You say the work must go on, but the King's government was at a standstill for some period. It has been resuscitated I admit, but we will not go into the operation of resuscitation. There was, however, a time of suspended animation. You will notice that while everything was done to favourably impress the voters as to what was going to be done, not one single thing was done. Contracts were advertised and let but nothing else was done.

Item agreed to.

Paspebiac—wharf repairs, $5,500.

Mr. ROGERS: This is a new item.

Mr. KING (Kootenay): Yes, wharf repairs. This is to rebuild the superstructure of the landing wharf, estimated cost $5,500.

Mr. ROGERS: Has any work been done?

Mr. KING (Kootenay): No.

Mr. ROGERS: The minister did not give us the necessity for it.

Mr. KING (Kootenay): It is an important village in the county of Bonaventure, with a population of 5,000, employed largely in farming and fishing. The tonnage using this wharf last year was 4,643 tons of sea going vessels and 21,247 of coastwise and inland vessels.

Item agreed to.

Petite Riviere Romaine—to recoup the Paint River Oxide Company for repairing public wharf, $7,525.08.

Mr. ROGERS: Would the minister explain this item?

Mr. KING (Kootenay): This is required to reimburse the Paint River Oxide Company who performed urgent repairs to a public wharf under the instructions and supervision of this department. The vouchers and the work have been duly certified by the district engineer.

Mr. MEIGHEN: What riding is this in?

Mr. KING (Kootenay): It was found that there had been settlement of the ballast and that the wharf was not usable. The company that was using the wharf suggested that they do the repairing.

Mr. MANION: This has nothing to do with the peroxide people we hear so much about.

Mr. KING (Kootenay): No, this is a red mixture. It was necessary to make these repairs in order that the company could carry on their work. The work was done under our direction, and this is to recoup them.

Mr. STEWART (Leeds) When was this work done?

Mr. KING (Kootenay): In the latter part of the summer, about August.

Mr. STEWART (Leeds): When was it completed?

Mr. KING (Kootenay): I have not the date here, but I imagine within a few weeks.

Sir HENRY DRAYTON: I wonder if the minister has an order in council dealing with this matter? Is this a new precedent altogether? Personally, I cannot ever recollect this course of action having been followed before. Is this making history, and if it is making history, in what riding were we making history?

Mr. KING (Kootenay): This is in the riding of Charlevoix-Saguenay.

Sir HENRY DRAYTON: That is the chief whip's riding.

Mr. CASGRAIN: I never asked for this work, and I know nothing about it.

Sir HENRY DRAYTON: How impossible! I wonder how on earth it was that the chief whip had nothing to do with this. If this has taken place under the chief whip's nose without his knowing anything about it, I think we ought to strike the item out. I am sure the chief whip is against it.

Mr. CASGRAIN: Anything that has been done in this matter, was done before I came to be the member for the district. I have not had an opportunity even to see the place yet. I have never seen this wharf at all.

Sir HENRY DRAYTON: Apparently the chief whip can plead a successful alibi, and we will accept it. Who was the sitting member that got this new history made?

Mr. KING (Kootenay): Representations were made to us that the wharf had settled, and that they could not make shipments over it. It was essential that the work should be done, and the company did the work, and we are now proposing to recoup them. The work was done under our supervision. There is nothing very unusual about it.

Sir HENRY DRAYTON: I do not think my hon. friend is doing himself justice when he says there is nothing unusual in this. We have hundreds of items in these estimates, Mr. Chairman, but you will search in vain to find another one like this, and if you go through the estimates of last year you will not find another one like it. Will my hon. friend tell me, on sober reflection, that this is being done in the usual way? If he will, I am content to take his answer, but I do not think he had better.

Mr. KING (Kootenay): I did not say it was usual. This work was unexpected.

Sir HENRY DRAYTON: My hon. friend said that this was the usual course.

Mr. KING (Kootenay): I said that there was nothing very unusual about it.

Sir HENRY DRAYTON: It is only partly unusual?

Mr. KING (Kootenay): It was a work of necessity.

Sir HENRY DRAYTON: Will my hon. friend tell me now who the happy member is that gets this new departure?

Mr. CASGRAIN: As I said before, I have not asked for this, and I do not know anything about it. It is in what was known as the riding of Chicoutimi-Saguenay and the sitting member for that riding was Doctor Savard. The riding is now Charlevoix-Saguenay.

Sir HENRY DRAYTON: I would not seek to charge my hon. friend with any complicity in this at all. I am very glad to know that he is clear this time. Is this our property or the property of the company?

Mr. KING (Kootenay): It is our property.

Sir HENRY DRAYTON: What was the date of this order in council which permitted this company to make repairs upon our property, and under what terms were they allowed to do that work? Will my hon. friend read the order in council? It would not be long.

Mr. KING (Kootenay): I understand that there is no order in council regarding these repairs. It was reported to us that in order that they could make their shipments, repairs to the wharf were necessary, and the company undertook to make the repairs and take their chance of having parliament pass an appropriation.

Sir HENRY DRAYTON: Now we are getting at the real situation. There was no order in council. There is no authority for this work. The simple position is that a company that wanted this work done for the purpose of looking after its business spends this money, and my hon. friend now proposes to recoup them. It is a very nice way, Mr. Chairman, for the department to spend money without any permission of parliament. It is a very serious back-door method of carrying on the country's business. If that were done generally, we could make up all our estimates ex post facto, and all we would need to do then would be to vote the money to cover expenditures on works that the ministry had permitted their friends to do, work done by favoured companies of the ministry, who were allowed to make improvements or repairs to public property, and then come around afterwards, without the slightest prior justification from this House authorizing the expenditure, and expect this House to repay them. This is done so irregularly, Mr. Chairman, that there is not even an order in council. I wonder if there is any correspondence in connection with this matter? The very least we can have is the production of all the correspondence which has anything whatever to do with this very extraordinary item.



Mr. KING (Kootenay): There is nothing very extraordinary about it. I have tried to give a review of the facts very simply and very plainly. Owing to the fact that the ballast had considerably settled and that the earth surface had been partly washed by the waves, the wharf had become impassable, and in order to render it useful it was necessary to add some ballast stone, about 1,000 cubic yards, and to replace the earth surface by a wooden flooring.

Regarding the commercial necessity for this work, it is reported to me that the farmers and lumbermen of the locality were waiting for these repairs to the wharf to be effected to load and ship about 5,000 cords of pulpwood, and the Paint River Oxide Company were ready to ship, as soon as the wharf was made passable, from 5,000 to 6,000 tons of their ore in crude state. There was no appropriation for this work, and as the amount was too large to charge against the general appropriation the engineering department recommended that the Paint River Oxide Company be requested to make repairs under the supervision of the district engineer, provided they were willing to wait until a vote to recoup them was passed by parliament. The company have taken that chance, but if parliament does not see fit to recoup them for the expenditure which they properly made in order that they might carry on their business on property owned by the government, there is no objection to cutting the item out; but to say that there have been any backdoor methods whatever in bringing this vote before parliament is unfair. The item is here for discussion. As I have already stated it was too large a sum to take from our general vote; we do not spend large sums from that vote. Here was a company proposing to get their products to the market. They were informed that we had no item in our estimates for the facilities required. It was only natural for the company then to say: It is your property and we will do the work under your supervision if you will pass a vote in parliament to recoup us for the expenditure. That is all there is in the transaction.

Sir HENRY DRAYTON: Has my hon. friend anything showing the undertaking of the government to do this? How did the government come to undertake it?

Mr. KING (Kootenay): On the advice of the chief engineer.

Sir HENRY DRAYTON: What was the form of the undertaking in connection with this expenditure?

Mr. KING (Kootenay): The department agreed with the company that if they would carry out the work under our supervision and control we would submit a vote to parliament in the belief that parliament would vote the money.

Sir HENRY DRAYTON: Has my hon. friend the agreement with him?

Mr. KING (Kootenay): I have not.

Sir HENRY DRAYTON: Perhaps we can get the agreement.

Mr. KING (Kootenay): There is no formal agreement.

Sir HENRY DRAYTON: Was there correspondence in which the matter is set out and which will show us what the situation is?

Mr. KING (Kootenay): I imagine there would be correspondence but I have not got it here.

Sir HENRY DRAYTON: I think we should have that correspondence before we establish this new precedent.

Mr. KING (Kootenay): It was done on the chief engineer's recommendation.

Sir HENRY DRAYTON: As there is no formal agreement we cannot assign a date to the undertaking?

Mr. KING (Kootenay): No.

Sir HENRY DRAYTON: When did the work commence?

Mr. KING (Kootenay): The date of the engineer's report is August, 1925.

Sir HENRY DRAYTON: Will my hon. friend produce the correspondence?

Mr. KING (Kootenay): Yes, I will bring it down.

Sir HENRY DRAYTON: Then we will leave this item over.

Mr. MEIGHEN: When was the work finished?

Mr. KING (Kootenay): I really do not know. I imagine it was within a few weeks.

Mr. MANION: May I ask the minister how long previous to that there had been any expenditure of money on this wharf?

Mr. KING (Kootenay): The government took this wharf over in November, 1924.

Mr. MANION: Up to that time whose wharf was it?

Mr. KING (Kootenay): It belonged to the paint company at that time.

Mr. ROGERS: The same company?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: What is the date of the transfer by the company?

Mr. KING (Kootenay): The order in council was passed on November 17th, 1924.

Sir HENRY DRAYTON: My hon. friend will withdraw the item surely?

Mr. KING (Kootenay): No.

Mr. MANION: Does anybody else use that wharf besides this paint company?

Mr. KING (Kootenay): Yes.

Mr. MANION: Who?

Mr. KING (Kootenay): It is used by the inhabitants there.

Mr. MANION: Who are the inhabitants?

Mr. KING (Kootenay): I read that a moment ago.

Mr. MEIGHEN: There cannot be very many; the member never saw them.

Mr. KING (Kootenay): When these repairs are effected farmers and others will draw about 5,000 cords of pulpwood to this point. The Paint River Oxide Company will also ship from five to six thousand tons of ore when the wharf is completed.

Mr. MANION: What kind of agreement did the government make in taking over this wharf in 1924?

Mr. KING (Kootenay): We took over the wharf in November, purchasing it from the company.

Mr. MANION: For how much?

Mr. KING (Kootenay): For $18,000.

Sir HENRY DRAYTON: Good Lord!

Mr. MANION: When was that estimate passed?

Mr. KING (Kootenay): It was passed in 1924.

Mr. MANION: You say you took it over in November, 1924. In that case it may have been passed in 1925?

Mr. KING (Kootenay): I am not sure. It would be in 1925, I imagine.

Mr. ROGERS: When was the payment of $18,000 made?

Mr. KING (Kootenay): I should think it appeared in the estimates of 1925 but I do not have them here. The order authorizing the purchase was passed in November, 1924.

Mr. MANION: Has the minister the history of this wharf, can he say when it was built by this company?

Mr. KING (Kootenay): That information would be in the department. I have not got it here. I would be very glad to bring down all the papers.

Sir HENRY DRAYTON: I have the estimates for 1925 and I do not see the item there.

Mr. KING (Kootenay): I will be glad to look the matter up and furnish the desired information. In the meantime we will let the item stand.

Sir HENRY DRAYTON: I think the minister will agree that the committee should get full particulars of this item.

Mr. KING (Kootenay): Let it stand.

Sir HENRY DRAYTON: My hon. friend will really be wiser if he drops it now, I think.

Some hon. MEMBERS: No, no.

Sir HENRY DRAYTON: When I hear "no, no" I have no doubt that there are some gentlemen behind the minister that are particularly interested in this. I cannot understand anyone who is not particularly interested being desirous of putting through a vote of this character.

Mr. KING (Kootenay): I will be glad to have the item stand until I get full information. I think the House will be fully informed with respect to this item.

Item stands.

Pointe au Pic (Murray Bay)—wharf repairs, $9,000.

Mr. MEIGHEN: What county is this in?

Mr. KING (Kootenay): Charlevoix-Saguenay.

Mr. ROGERS: This is for a wharf down in Murray Bay?

Mr. KING (Kootenay): Yes. It is to repair the damage done to the west side of the wharf by storm in 1924. This is an important port in Murray Bay.

[Mr. Manion.]

Mr. ROGERS: You had $15,000 in the estimates last year.

Mr. KING (Kootenay): Yes. We spent $14,986.

Mr. ROGERS: When was that spent?

Mr. KING (Kootenay): It was spent last year, in 1925-26.

Mr. ARMSTRONG (Lambton): Will the $9,000 complete the work?

Mr. KING (Kootenay): Yes. There is a re-vote of $1,000.

Mr. ROGERS: What was the original estimate of the cost of this work?

Mr. KING (Kootenay): The structure is a large one and repairs have been made to it from year to year; it is one of the largest wharves on the St. Lawrence. The total expenditure on it up to March, 1925, was $139,000.

Mr. CASGRAIN: This expenditure is amply justified. This is one of the largest ports below Quebec. I think the leader of the opposition has been there and has seen the place. I remember one occasion when he happened to be there and observed the activities which were going on. There will be a good return for every dollar spent. The government receives wharfage dues, and there is a considerable export of pulpwood and other products. The vessels of the Canada Steamship line call at the port daily.

Mr. MEIGHEN: I was not disputing the necessity of keeping up the wharf there. I just marvelled though that the government would buy another wharf for $18,000 in the hon. member's county, especially one that is no good, and then pay the people from whom they bought it seven thousand more to put it in shape for their own use.

Mr. CASGRAIN: I do not know anything about it.

Mr. MEIGHEN: That is what I marvel at. I hope the hon. member has not neglected the rest of his riding in the same way.

Mr. CASGRAIN: I am not neglecting my riding. I am talking about the part with which I am more familiar. I do not happen to know this part as well.

Sir HENRY DRAYTON: We accept my hon. friend's alibi in connection with that, but he scented the trouble at once and he was taking to cover.

Mr. CASGRAIN: Hon. members should not put into my mouth things I did not say. I am not taking to cover, but I do not want to be held responsible before the House and the country for recommending something I do not know anything about.

Item agreed to.

Point Basse—wharf improvements, $2,500.

Mr. ROGERS: This is a new item.

Mr. KING (Kootenay): This amount is required to drive protection pile work along the inside face of the wharf for a length of 150 feet. The estimated cost is $2,500.

Item agreed to.

Rimouski—wharf repairs, $5,100.

Mr. MEIGHEN: Would this not be a good opportunity for the hon. member for the riding (Sir Eugene Fiset) to make a speech?

Item agreed to.

Rivière du Loup (en haut)—dredging, $54,000.

Mr. ROGERS: This is a new item and a large expenditure. Will the minister explain it?

Mr. KING (Kootenay): This amount is required to complete the dredging of a channel in Rivière du Loup commenced in 1925-26 under contract with the National Dock and Dredging Corporation from deep water in lake St. Peter to the government wharf at Louiseville or Rivière du Loup en haut. It is proposed to remove 76,484 cubic yards at 35 cents per yard.

Mr. ROGERS: When was the contract let?

Mr. KING (Kootenay): An order in council was passed last year in August and this is to complete the work. A new contract is being let for this work.

Mr. ROGERS: Was any money spent last year and if so, how much?

Mr. KING (Kootenay): I am sorry I have not the information of the amount of work done last year.

Mr. ROGERS: Did the minister have a vote for similar work last year?

Mr. KING (Kootenay): Yes.

Mr. ROGERS: How much was the vote?

Mr. KING (Kootenay): I understand from my deputy that the money that was expended was from the general vote last year.

Mr. ROGERS: What general vote?

Mr. KING (Kootenay): The dredging vote for Ontario and Quebec.

Mr. MEIGHEN: A general vote was used to start a work which now requires a special vote of $54,000? The order in council I understand was passed in the month of August of last year. Was this order in council, under which the government without any authority from parliament commenced at that point work which is committing the country to an expenditure for which we have an item of $54,000, passed about the same date as that of the Richmond Hill speech?

Mr. KING (Kootenay): My right hon. friend is entirely mistaken. It is just as well to forget the election of last year. This had nothing to do with it. This is an important point on the St. Lawrence river and it is very necessary that this work should be done. It is an important lumbering point. The exports consist of about 15,000,000 feet B.M. of lumber, 9,000 cords of pulpwood, 8,000 cords of slab and 3,000,000 feet of laths. The total tonnage of general merchandise of all kinds exported is about 20,000 tons, consisting of hay, cheese, butter, honey, raw hides, meat, cattle, maple sugar, manufactured products, etc. The St. Lawrence Paper Mills are operating at that point. As regards taking money from the general vote for this work, there is nothing unusual in that.

Mr. ROGERS: Just a moment ago the minister told us that he had an order in council covering the work of last year. Will he give us the date?

Mr. KING (Kootenay): The order in council of last year was passed on the 20th August, 1925, granting authority to accept the tender of the National Dock and Dredging Company of Quebec. They did not finish their contract. I have not the amount of work they did. They were in there until November.

Mr. MANION: What date was the contract let?

Mr. KING (Kootenay): The order in council was passed in August.

Mr. MANION: That was taking up the contract.

Mr. KING (Kootenay): That was the order in council authorizing the contract. I have not the date of the contract before me.

Sir HENRY DRAYTON: What was the amount of the contract?

Mr. KING (Kootenay): $26,000.

Mr. MEIGHEN: And nothing voted?

Mr. KING (Kootenay): There was the general vote.

Mr. ROGERS: What were the reasons given in the order in council for the work?

Mr. KING (Kootenay): The necessary dredging for navigation purposes.

Mr. ROGERS: Would the minister be good enough to read the order in council?

Mr. KING (Kootenay): I do not have it with me.

Sir HENRY DRAYTON: We shall have to ask for the order in council to be brought down.

Mr. KING (Kootenay): I have no objection.

Sir HENRY DRAYTON: I am not speaking about the merits of the work because I do not know anything about it; but this is another case where we have an extraordinary departure from ordinary principles and it is absolutely necessary to have the order in council produced. This is a departure from ordinary principles because the memory of this committee is not so short as not to recollect the statement of the minister in connection with a paint company; it was to be left to look after repairs amounting to $7,000 in connection with a public wharf because the item was too big. At the same time we have the statement made that the same vote, the general vote, is made use of for the purpose of supporting a liability of $26,000. This is new. The minister shakes his head. There is no question about the facts. Unless my hon. friend is entirely mistaken in what he has told the committee, the usual rule which is well known is that a new contract cannot and ought not to be entered into until this House has first supplied funds for the purpose of carrying out that contract. One of the first things the Auditor General has to see is the certificate of the vote and all that sort of thing. All that is forgotten for some reason which perhaps we shall be able to get from the order in council. In connection with this contract it was necessary to disregard all the usual safeguards with which the public treasury is surrounded. The minister ought to bring down not only the order in council but all other papers having regard to this particular transaction, correspondence and so on, particulars as to when the work started, how much was paid last year and the like.



Mr. KING (Kootenay): There is no objection at all to bringing down the order in council and other information. This is a natural transaction in the department. Rivière du Loup is an important point. In order that navigation might be proceeded with at that point the department entered into a contract for certain dredging. It is hoped to complete the work this year and we are asking parliament for a certain sum.

Mr. MANION: I know something about the locality having visited it. Where is the dredging being done? The wharf at Rivière du Loup is a very fine one extending away out into the St. Lawrence. Is the dredging at the wharf or up the river?

Mr. GERVAIS: Last year a contract was let for the dredging of about 50,000 cubic yards but the contractor did not complete the work. On October 15, I believe, the Tourville Lumber Company was sold to the St. Lawrence Lumber Company and I ascertained in an interview with one of the proprietors of the Tourville concern that the St. Lawrence company had asked for more dredging to be done because they intended operating on a larger scale. I suppose the contract has been increased owing to the demand of the company for greater accommodation. There is regular steamship communication between Montreal, Berthier and Louiseville twice a week and all the traffic, which is considerable, is carried by water. I have received correspondence in connection with the subject and I can assure the committee that the dredging is necessary.

Sir HENRY DRAYTON: The committee will be grateful for the information the hon. member has volunteered. I observe his activity in the matter and he is no doubt gratified at the success of his efforts. I have no doubt he will produce this evening the correspondence to which he has referred.

Mr. GERVAIS: The company asked for further dredging in view of the fact that they intended operating on a larger scale the business taken over from the Tourville Lumber Company, and the facts are all set out in the correspondence that passed between the business men interested in the matter, the St. Lawrence and the Tourville Companies, and myself. I know nothing about the order

in council, but I will allow the hon. gentleman to look into this private correspondence if he cares to do so. The option was accepted on October 15 last and the dredging was begun during the month of November.

Sir HENRY DRAYTON: I do not think the hon. gentleman is a bit ashamed of the correspondence, but I can see that some of his friends are afraid of it They do not want it produced; they regard it as something in the nature of gunpowder.

Some hon. MEMBER: Oh, oh.

Sir HENRY DRAYTON: Hon. gentlemen roar at the suggestion that the correspondence be produced, but surely there is nothing private about public business, and any representations made to the minister should be open to parliament. The house has a right to know on what grounds the member for the district was able to arrange this matter. If the hon. member (Mr. Gervais) does not want to produce the correspondence dealing with the subject—it is not private correspondence—that is a matter for himself, and I shall be content to accept his refusal. However, I think he has a better appreciation of his position and of the duty he owes the public than have some of his friends.

The CHAIRMAN: Shall the item carry?

Sir HENRY DRAYTON: No, the item is not carried.

Some hon. MEMBERS: Carried.

Sir HENRY DRAYTON: Notwithstanding insistent shouts of "carried" from hon. gentlemen from Quebec, the item is not going through at present. We can discuss it all over again if hon. gentlemen are so ignorant of the proper, legal, honest way of carrying on the business of the country as to rush through an item of this kind before the committee has been given adequate information regarding it. It seems to me the course of action in this case has been extraordinary. I need hardly observe that it is one of the principles of our form of government that no public funds shall be spent, nor shall any credit be extended, except by a vote of the House. I am sure hon. gentlemen, bearing that in mind, will refrain from shouts of "carried" when they discover that a contract for $26,000 was let without the attention of parliament being called to the matter. This is something that calls for an explanation. Surely hon. gentlemen opposite will demand that explanation. Or are they so convinced that the whole thing has been improperly carried out that it will not stand ventilation? If that is their fear they will again call "carried", but if they think that parliament has a right to get at the facts they will demand that an explanation be given.

Mr. KING (Kootenay): I take exception to that statement. It is all right for my hon. friend to fill Hansard with that kind of material, but nothing has been done in this matter contrary to the usual practice that has always obtained in the department.

Sir HENRY DRAYTON: You are wrong.

Mr. KING (Kootenay): We vote certain sums of money every year for dredging in the Maritime provinces. in Quebec, in Ontario and elsewhere and contracts are let for certain work. These contracts are advertised in the public press and tenders are received; the matter then goes before council and the contract is awarded. Why make any mystery out of it?

Mr. MANION: Is the contract let before parliament passes upon it?

Mr. KING (Kootenay): No; we vote so much money for dredging in the different provinces and the work is carried on in this way.

Sir HENRY DRAYTON: The minister knows that usually the dredging is done by the government's own fleet.

Mr. KING (Kootenay): Some of it; not all.

Sir HENRY DRAYTON: Oh no, not all. But the minister also knows that all contracts of over $5,000 are submitted to parliament; that is, if the proper and the usual procedure is followed. My hon. friend shakes his head. If my hon. friend would only be consistent I at least would be able to understand him a great deal better. Take the example we have had already this afternoon. We have the statement made by the hon. minister that the general vote which the department has to look after small matters would not justify the expenditure on the paint company's wharf of $7,000, and yet at the same time we have the same minister saying it is perfectly proper and usual to take the general vote to support a contract of $26,000.

Mr. KING (Kootenay): My hon. friend is trying to confuse two votes that are treated entirely different in practice, and he well knows it. The general dredging vote running into hundreds of thousands of dollars is used

by the department to do dredging where necessary, and it must act within the vote and by order in council. There is no mystery about this; my hon. friend can have all the correspondence relating to it. It is not unusual, it is done from year to year, and the two items are not to be confused.

Sir HENRY DRAYTON: Mr. Chairman, the only reason I am challenging the minister is that his supporters want to carry this vote now.

Mr. KING (Kootenay): I am in no hurry about carrying it.

Sir HENRY DRAYTON: Very well, let it stand.

Mr. KING (Kootenay): My hon. friend referred to the construction of the paint company's wharf. We did not take the amount from the general vote, thinking it would be fairer and better to bring it before parliament and make the explanation here. That is why the item is in the estimates. So far as the dredging vote is concerned, if my hon. friend wants it to stand over it can. I am sure he will be satisfied when he sees the correspondence.

Mr. MANION: My recollection is, but I am subject to correction, that in previous discussions of this sort it has been understood that the general vote is supposed to be for amounts up to $2,500, that is, for small repairs. I think the minister said that a year or two ago.

Mr. KING (Kootenay): No.

Mr. MANION: Then how high can the minister go? Could he spend the whole general vote for Ontario and Quebec on one job without the authority of this parliament?

Mr. KING (Kootenay): The practice has been to let contracts from time to time under that vote. It is true the vote is primarily for the maintenance of our own dredging fleet, but in addition to that contracts have for many years been let from that vote. The authority is by order in council, after calling for tenders in the regular and usual way.

Mr. MANION: Supposing in that way a contract was let for $75,000 or $100,000, and the House subsequently turned it down, what would happen? Are such contracts let subject to approval by parliament?

Mr. KING (Kootenay): The vote is passed before the contract is let, and was in this case.

Mr. MANION: The general vote was?

[Mr. J. H. King.]

Mr. KING (Kootenay): Yes; and that is where it is paid from.

Mr. ROGERS: What was voted for dredging for Quebec and Ontario last year?

Mr. KING (Kootenay): Last year we voted $652,000.

Mr. ROGERS: What is the amount this year?

Mr. KING (Kootenay): An estimate of $600,000.

Mr. GERVAIS: Mr. Chairman, the channel at Rivière du Loup leading to the main channel has not been dredged for several years and the silt brought down by the river has made the channel so shallow that navigation is impeded. I received letters from the officials of the Tourville Lumber Company, which has sold its interests to another company. I know none of the officials of this new company, nor have they asked me to intervene. Three years ago the proprietor of the steamboat plying between Montreal, Berthierville and Louiseville asked me to have this dredging done, as did those interested in the Soulanges steamboats. Last fall they repeated their request because during August and September the boat service could not be maintained owing to the shallowness of the channel. I think the dredging is quite necessary.

Sir HENRY DRAYTON: I would hasten to assure the hon. member that I am quite certain of his good faith in this matter. I am not challenging at the moment the necessity for the work, as I said in the first instance, I am trying to find out why we have departed from the usual practice.

Mr. ROGERS: Is the minister prepared to let the item stand until we get more information?

Mr. KING (Kootenay): I have no objection.

Mr. GERVAIS: Mr. Chairman, I shall have to tell my electors that the dredging was blocked by the other side simply because of a legal distinction. I will tell them exactly what has happened.

Sir HENRY DRAYTON: Mr. Chairman, I would tell my hon. friend that despite his terrible threat we are only trying to see that the right thing is done by the people of the country generally; that is, that the public funds are properly conserved, irrespective of

what may happen to anyone. I am sure that when my hon. friend considers what he has said he will temper the wind to the shorn lamb and not be unduly severe.

Item stands.

St. Antoine de Tilly—wharf reconstruction, $3,000.

Mr. ROGERS: Was the $20,000 voted last year all spent?

Mr. KING (Kootenay): There was an expenditure last year of $16,019. This item is to complete the contract for the reconstruction of the headblock.

Item agreed to.

St. Gédéon (Lac St. Jean)—wharf reconstruction, $13,500.

Mr. ROGERS: This seems to be a new item. What is the necessity for this expenditure?

Mr. SYLVESTRE: I wish to say with reference to this item, that a large dam was built on Isle Maligne, so that the level of the water could be kept high, in order that people would be able to navigate around the lake. Formerly during summer time the water was rather low, but now, on account of that huge dam that has been built, the water will be kept high, ensuring navigation during the season. The Price Company has a large paper mill built at River Bend and they have to use two large tugs to bring their pulpwood from the Mistassini river down to River Bend, I think they built some kind of dry dock, especially for the repair of their tugs, and this wharf will be very convenient for them. It is absolutely necessary.

Item agreed to.

Ste. Pétronille (I.O.)—wharf repairs and improvements, $12,200.

Mr. ROGERS: This seems rather a large item at a point like that.

Mr. KING (Kootenay): This is to repair the damage done in the fall of 1924 to the wharf expropriated in 1923-24.

Mr. ROGERS: What was the cost?

Mr. KING (Kootenay): Mr. Justice Audette gave judgment awarding compensation of $29,604.56 for repairs and for replacing stone ballast which was washed away.

Mr. ARMSTRONG (Lambton): What was the reason for expropriating this wharf?

Mr. KING (Kootenay): The department had no wharf at that point. The island is below Quebec. The district is not thickly settled, and it was thought advisable by the department that we should have a wharf there. The property was purchased through expropriation proceedings, and these repairs are being made to put the wharf into condition to handle the traffic.

Mr. ARMSTRONG (Lambton): Will this complete the work?

Mr. KING (Kootenay): Yes.

Item agreed to.

Sorel—harbour improvements, $20,000.

Sir HENRY DRAYTON: This is a familiar name, and we had a long discussion last year about it, as I recollect. We had a very big vote, I think $75,000, and an eloquent speech from the Minister of Marine and Fisheries in connection with it. My recollection is that that vote was going to finish it. We really thought, under all the circumstances, that that was a deserving point and well worth the expenditure, but I thought the idea was that $75,000 was going to finish it.

Mr. KING (Kootenay): We spent $73,312.05 last year, and this is to complete the work, $20,000.

Sir HENRY DRAYTON: Is this going to be the really final expenditure?

Mr. KING (Kootenay): As far as this work is concerned, yes.

Sir HENRY DRAYTON: What is the work? My understanding certainly was, rightly or wrongly, that $75,000 was to complete something we had on hand. Is this for something new?

Mr. KING (Kootenay): I think my hon. friend is mistaken. The amount of money voted last year for specific purposes has been expended. Now it is proposed to build 311 feet more.

Sir HENRY DRAYTON: This is new work.

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: What is the report of the engineer as to the necessity of the new work?

Mr. KING (Kootenay): He reports that the cost will be as follows:

| | |
|---|---|
| (1) Reconstruction in concrete of remaining 311.4 feet of high level wharf along the Richelieu river.. .. .. .. .. .. .. .. .. .. | $18,000 |
| (2) Repairs to breakwater.. .. .. .. .. .. .. .. | 1,300 |
| Inspection and contingencies.. .. .. .. .. .. .. | 700 |
| | $20,000 |

Sir HENRY DRAYTON: What is the necessity for the work?

Mr. KING (Kootenay): My memorandum states that the part to be rebuilt—

Sir HENRY DRAYTON: This is rebuilding?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: Carried.

Item agreed to.

Tadoussac (Anse Tadoussac)—wharf repairs and improvements, $8,900.

Sir HENRY DRAYTON: I think this is the place for the local member to make a speech. I wonder if we cannot get a speech from him.

The CHAIRMAN: He is not here.

Sir HENRY DRAYTON: I think he should be here in connection with this item. In his absence I am going to make a plea that this vote be carried. I know Tadoussac. I know the district of the chief whip of the Liberal party, and I hasten to do all I can to keep this vote out of danger. The district requires this accommodation, and it is going to get it. There are other things which it requires which it may not get as soon as it ought to. I am not going to dilate upon the complexion of the riding; I am not going to say that its fiscal policy should be given voice in this House, but I recollect there were difficulties in connection with the telephone communication and difficulties in getting across the river, and on behalf of the chief whip of the Liberal party, who now has more important business to look after, and acting for him, I desire to draw this matter to the attention of the minister. The establishment of communication with the north side of the river is something which ought to be accomplished in order to put the people in touch with civilization in winter, and proper telephonic communication.

Item agreed to.

Tadoussac (Anse à l'Eau)—wharf repairs, $6,000.

Mr. ROGERS: This is a new item. I am afraid my colleague has spoken a little too soon. This is in the chief whip's constituency. I would like some explanation of the item.

Mr. KING (Kootenay): This is for general repairs to the wharf structure, as follows: renewal of movable slip and hinges, $1,000; renewal of hoisting blocks, $600; renewal of flooring of wharf, $3,200; painting of sheds, $300; repairs to approach, $500; contingencies, $400.

Item agreed to.

[Mr. J. H. King.]

Trois-Rivières—repairs to coal dock, $4,950.

Sir HENRY DRAYTON: I wonder why that comes in here, Mr. Chairman. We passed an act last year, or the year before, transferring these properties to the harbour commission. We understood that the harbour commission was going to run all these properties, and that the department would be out of it. I understand that the harbour commission is functioning at Three Rivers.

Mr. KING (Kootenay): This is a structure owned by the people of Canada. The work consists of repairing with concrete the inclined ice breaker situated along the upstream side of the wharf, and most urgent repairs to the wooden sheeting of the wharf. The engineer reports that the ice breaker is all rotten and decayed, and if not repaired a part of the structure may be carried away and the coal elevators put in danger. There is a considerable traffic on this coal wharf. In 1925, up to November, 27 steamers loaded with coal, pig iron, rails, angle bars, fish plates, and so forth, landed at this wharf with cargoes representing 145,543 tons. It is true that the harbour commission had a bill passed last year, but there was no money granted by that bill, and we have transferred none of our property to the harbour commission. The Marine department are in control of this wharf, and are charging fees for its use. This appropriation is required to maintain the wharf.

Sir HENRY DRAYTON: That is an extraordinary thing, because we were told in this House during this session in connection with the Chicoutimi harbour commission that the Three Rivers harbour commision was functioning very well, with no trouble. My hon. friend now says that it is not functioning at all, that the Marine department are looking after the harbour, and that there is no money for the harbour commission to carry on with. Who is collecting the fees?

Mr. KING (Kootenay): This wharf is administered by the Marine department. It is our property, not the property of the harbour commission. There has been no transfer of property, and we are maintaining a public wharf there. I do not think there has been any suggestion that we should turn this wharf over to the harbour commission. It is true that the harbour commission is functioning and collecting revenue, but not from this structure.

Sir HENRY DRAYTON: What property has been transfered to the commission?

Mr. KING (Kootenay): None to my knowledge.

Sir HENRY DRAYTON: Is the office of harbour commissioner of Three Rivers merely honorary? Have the commissioners no property to administer at all?

Mr. KING (Kootenay): They have some property, I understand, and they are collecting certain revenues but they have nothing to do with this wharf.

Sir HENRY DRAYTON: Who transferred that property to them? I understood the minister to say just now that there had been no transfer of property.

Mr. KING (Kootenay): I think they have some property there, but I do not know of any transfers of property recently.

Sir HENRY DRAYTON: They could only get the property if it was transferred to them by this government; they could not get it in any other way. Why is it that this wharf has not been transferred to them? Is the act of last year to be looked upon merely as giving honorary titles to certain gentlemen in connection with the harbour of Three Rivers, or will this property be transferred to the commission? Is not this property part of the harbour of Three Rivers? If it is, why should not the commissioners get the revenue from it and look after its repairs?

Mr. KING (Kootenay): This is an important pier in the harbour of Three Rivers. The harbour commissioners at Three Rivers are in a different position from the commissioners at Montreal and Vancouver. Their position, I would say, is very much like that of the harbour commissioners at New Westminster, who receive no salary but do administer the port, collecting certain dues. I notice that in the calendar year 1924 the Three Rivers harbour commission collected revenue as follows:

| | |
|---|---|
| Shed rentals | $ 1,220 00 |
| Harbour dues | 6,887 29 |
| Wharfages | 27,331 18 |
| Rentals of wharves | 3,870 00 |
| Sundry receipts | 160 24 |
| Total | $39,468 71 |

That was collected, I imagine, through the Marine department. It is not collected through the Public Works department.

Sir HENRY DRAYTON: Is my hon. friend sure that this was collected by the Marine department, and not by the harbour commissioners, because certainly if the Marine department collected $39,000 at Three Rivers, the commissioners are not functioning.

Mr. KING (Kootenay): I would have to inquire of the Marine department whether they are collecting these rentals or allowing the commission to collect them.

Sir HENRY DRAYTON: If the department are collecting them, this is a perfectly proper item, but if the commissioners are collecting them, the minister will agree that it would not be a proper item.

Mr. KING (Kootenay): We maintain various structures at New Westminster and other places. These local commissioners are acting without salary, and the harbour commission of Three Rivers has not come to parliament asking for a loan.

Sir HENRY DRAYTON: What were the rentals from this particular wharf last year?

Mr. KING (Kootenay): I have not the individual items.

Sir HENRY DRAYTON: I do not want to delay the vote. Of course, it is irregular if these properties are being run by the harbour commission, but we are getting accustomed to irregularities, so let it go.

Item agreed to.

**Valleyfield—dredging, $50,000.**

Mr. ROGERS: I would like a complete statement from the minister in regard to this item. I particularly would like to know how many orders in council were passed in regard to work carried on just previous to the election last year in this particular constituency. I see by the estimates that there was an item for this work last year of $32,000. The minister is now asking for $50,000.

Sir HENRY DRAYTON: I was in hopes of getting a speech from the Minister of Finance on this item.

Mr. KING (Kootenay): This is to complete payments to the contractors, "Les Chantiers Manseau," for continuation of dredging a channel 100 feet wide to a depth of 14 feet. The order in council was passed on August 29, 1925, and this appropriation is required to complete the contract that was entered into at that time.

Mr. ROGERS: What was the estimate made for the work last year?

Mr. KING (Kootenay): Our appropriation last year was $32,000, and there was an expenditure of $31,993.

Mr. ROGERS: But that did not complete the contract.

Mr. KING (Kootenay): No. That was the appropriation we asked for last year, and the contract was let for that amount.

Mr. ROGERS: Can the minister explain why the contract was let for $32,000, and why he is now asking for $50,000 to complete it?

Mr. KING (Kootenay): This is a continuation of the work carried on last year, and new tenders are being called for.

Mr. ROGERS: We will have to call upon the Minister of Finance to give some explanation of this. It is a very serious thing.

Mr. KING (Kootenay): What is serious about it?

Mr. ROGERS: It is quite serious to let a contract for $32,000 and then find that you have to spend $50,000 more to complete it.

Mr. KING (Kootenay): There is nothing serious about it at all. There is a certain amount of work to be done. We might vote $80,000 or $100,000, and spread the expenditure over two or three years, voting a certain amount each year. That is what has been done here, and the present vote is to continue the dredging at that point.

Mr. ROGERS: When did you say the order in council was passed?

Mr. KING (Kootenay): In August, last year.

Mr. ROBB: I do not represent the county of Beauharnois but I happen to live in Valleyfield. I recall that some years ago I came to Ottawa along with the mayor of that town when my genial friend opposite was Minister of Public Works. We represented to him the needs of the harbour, the necessity of constructing a retaining wall along the dam, and for dredging to allow coal vessels carrying cargoes for the Montreal Cotton Company to come in. I recall also that after the interview the delegation said they thought the late lamented Minister of Railways and the then Minister of Public Works were two of the ablest men in Canada because the deputation got what they wanted.

Mr. ROGERS: Hear, hear.

Mr. ROBB: My hon. friend admitted the justice of this work at that time and placed an appropriation in the estimates for it. Part of the work was carried out. Then the war came on and everything was stopped. The Montreal Cotton Company have been pressing for the deepening of the channel so as to get their boats in. My hon. friend knows that with the lowering of the water in the lakes, vessels that were able to enter the harbour a few years ago are not now able to come in, and that the movement of ice blocks the channel. These are the reasons for the work. My hon. friend who sits beside me at the present moment (Mr. Raymond) represents the county.

At six o'clock the committee took recess.



## After Recess

The committee resumed at eight o'clock.

The CHAIRMAN: There are two items left over from the Quebec item.

Mr. KING (Kootenay): I would have those items stand for the present.

Ontario harbours and rivers—Blind River dredging, $27,700.

Mr. ROGERS: How was the $47,000 voted last year disposed of?

Mr. KING (Kootenay): A contract was entered into with Messrs. McLean and Sons for redredging a channel 9,260 feet long by 150 feet wide to a depth of 16 feet. The amount of $27,000, which includes $21.000 of a revote, is to complete the contract.

Sir HENRY DRAYTON: Was a new contract given?

Mr. KING (Kootenay): Nothing new.

Item agreed to.

Burlington breakwater extension, $8,000.

Sir HENRY DRAYTON: When was the contract let?

Mr. KING (Kootenay): This is to provide for a contract entered into with Messrs. Randolph MacDonald Company, Limited, to extend the breakwater constructed in 1914-15. The amount of the contract is $8,000. The order in council was passed in October, 1925. It is very necessary work.

Sir HENRY DRAYTON: Oh, yes.

Item agreed to.

Burlington channel piers—repairs and reconstruction, $36,000.

Mr. ROGERS: What is the explanation of this item?

Mr. KING (Kootenay): This is to complete the reconstruction of the south pier. My hon. friend knows the entrance to the Hamilton harbour. It is reconstruction of those piers.

Item agreed to.

Byng Inlet—dredging, $11,900.

Mr. KING (Kootenay): This amount is required to complete the contract entered into last year. Of this $9,800 is a revote. It is for dredging at Rabbit island narrows.

Mr. ROGERS: Will the $11,900 be sufficient to complete it?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: Did this not come in the supplementaries too?

Mr. KING (Kootenay): As my hon. friend knows, the only opportunity a member has of having his views considered is in the supplementaries. The main estimates are usually made up before the House meets. I believe this item came in the supplementaries last year.

Sir HENRY DRAYTON: What was the date of the contract—October, 1925?

Mr. KING (Kootenay): August 31, 1925.

Sir HENRY DRAYTON: That was got in hand even earlier. When did the work start?

Mr. KING (Kootenay): I do not know when the contractor started work.

Mr. ROGERS: Who was pressing for this work?

Mr. KING (Kootenay): Byng Inlet is an important coal point. The Canadian Pacific ship a great deal of coal in there for their supplies and it is distributed from there.

Mr. MEIGHEN: Where is Byng Inlet?

Mr. KING (Kootenay): In the Parry Sound district. The hon. member for Parry Sound (Mr. Arthurs) would understand the necessity for the work.

Item agreed to.

Chute à Blondeau—wharf reconstruction, $1,500.

Sir HENRY DRAYTON: Where is Chute à Blondeau?

Mr. KING (Kootenay): In Prescott county.

Sir HENRY DRAYTON: I cannot find this item in the regular estimates of last year. I am afraid my hon. friend has to say that it was in the supplementaries too.

Mr. KING (Kootenay): It probably was.

Sir HENRY DRAYTON: What was the date of the contract?

Mr. KING (Kootenay): The order in council was passed on October 26.

Sir HENRY DRAYTON: Three days in time—rather close.

Mr. MEIGHEN: Will the minister explain how it is that whereas last year was a year of falling revenues and depression generally, and this year we are having a fine crop and the government claims that things are far better than they were then, the estimates of this department both in Quebec and in Ontario are half what they were a year ago. How does that come about?

Mr. KING (Kootenay): The government is very desirous of economizing.

Mr. MEIGHEN: Why did they not economize last year?

Mr. KING (Kootenay): So we did.

Mr. MEIGHEN: I do not think so.

Mr. KING (Kootenay): I think we did.

Mr. MEIGHEN: Your estimates were twice what they are this year.

Mr. KING (Kootenay): No.

Mr. MEIGHEN: Yes; if the minister will compare the two he will find that last year they were almost double what they are this year.

Mr. KING (Kootenay): There is about a million dollars less in the main estimates this year than we voted last year.

Mr. MEIGHEN: I am referring to the patronage estimates.

Mr. KING (Kootenay): These are the regular estimates.

Mr. MEIGHEN: Pshaw!

Mr. KING (Kootenay): They are all for repairs.

Mr. MEIGHEN: The minister should not try to make fun of us. Why, look at the estimates in Ontario: the votes distributed among the various constituencies are half this year what they were last year. That is the case in Quebec as well as in Ontario. Last year was a hard year, while this year, according to the government, everything is prosperous. Yet in that hard year the estimates were double what they are now. Strange, is it not?

Mr. ROGERS: The leader of the opposition apparently forgets that last year there was an election.

Mr. MEIGHEN: Hear, hear.

Item agreed to.

Goderich—Harbour repairs and improvements, $150,000.

Mr. MEIGHEN: This is the major item of the whole Ontario estimates. It is a very large sum, and the same amount was spent last year. What riding is this in?

Mr. KING (Kootenay): North Huron.

Mr. MEIGHEN: I see. How many ships come into that harbour?

Mr. KING (Kootenay): A great many; it is probably one of the most important lake ports, as my hon. friend knows.

Mr. MEIGHEN: Well, it is better than others.

Mr. KING (Kootenay): We are asking for $150,000, $25,000 of which is a revote. The vote is to complete a contract entered into with Mr. Forrest for widening the entrance to the channel of 400 feet and enlarging the turning basin to a depth of twenty-three feet. It is not necessary for me to dilate on the importance of the harbour, for it is well known, not only to members from Ontario, but to business people throughout the country. It is well that the committee should be advised that the falling of the water in lake Erie has thrown on the department a burden which previously did not enter into our calculations. A number of important harbours have to be dredged to-day on account of the lowering of the lakes, and a large expenditure will have to be made.

Mr. MEIGHEN: It will have to be kept up?

Mr. KING (Kootenay): Yes.

Mr. ROGERS: Will the amount of this vote be sufficient to keep up that work?

Mr. KING (Kootenay): It will complete the present programme. To show the importance of the harbour I may say that whereas in 1915, 7,500,000 bushels of grain were handled, the quantity passing through the harbour in 1924 was 23,500,000. It is one of the largest of our lake ports.

Mr. MEIGHEN: The largest on lake Huron.

Mr. KING (Kootenay): Yes.

Item agreed to.

Harbours and rivers generally—repairs and improvements, $50,000.

Mr. ROGERS: What is to be done under this vote?

Mr. KING (Kootenay): This is required for general repairs and improvements to harbour and river works in Ontario. Seven items have been noted by the engineering department for expenditures this year and, as I have explained before, this amount is to meet unforeseen conditions. The expenditures vary from a few dollars up to eight or nine hundred dollars. Last year we spent $31,363.

Mr. MEIGHEN: Where was that money spent, in what counties, and with what results?

Mr. KING (Kootenay): It might save time if I were to file the details with Hansard. There are probably seventy-five or eighty items in all.

Mr. MEIGHEN: Send them across.

Mr. KING (Kootenay): The items range all the way up to $1,700 odd.

Mr. ROBINSON: Will any part of this $50,000 be allotted to Belle River? I understand that since the breakwater has been put in it has almost completely filled in with silt. The harbour is supposed to be important.

Mr. KING (Kootenay): I have no allotment for Belle River.

Mr. ROGERS: There is at Kenora an important wharf that requires limited but very necessary improvement, particularly at this season of the year. There is going to be an international regatta there for one thing, and more than that, a good deal of shipping passes over the wharf. It was built some years ago, but it stands in need of considerable improvement to-day. I would ask the minister to look into the matter with a view to making such improvements as are found necessary.

Mr. KING (Kootenay): I shall be glad to consider the matter.

Sir HENRY DRAYTON: The committee will be pained to hear the minister's reply to my hon. friend (Mr. Robinson) who has called attention to the sad state of affairs at Belle River. Some time ago the great importance of that harbour was impressed upon us: a large sum of money had to be spent at Belle River; we had to have a wharf there and it was absolutely imperative to do dredging and more dredging and still more dredging. Now, what has happened to Belle River? We are told to-night that although the wharf is finished the channel is now silted up and yet nothing is to be done about it. I am told by an hon. gentleman that it is partly broken down. Is nothing to be done for it? Or has the department now joined the "dry" forces as against the "wet" forces? I think the House knew very well

that this wharf was very convenient for a particular traffic that certain gentlemen were supposed to be interested in. My hon. friend remembers that immortal bit of poetry, how Tim needed King and King needed Tim? Now that Tim is no longer with us, has the usefulness of this port entirely ceased? Are we to say "amen" to all further expenditures at Belle River? Silted up—partly broken down—nothing for it in the estimates—Tim gone. Is that the trouble?

Mr. KING (Kootenay): Not at all. We undertook certain developments at Belle River on the advice of the engineering department. It was suggested that another revetment wall should be built to confine the waters and prevent the silting up of the channel. I have not consented to that additional expenditure, and that is why there is no item for it in the estimates.

Sir HENRY DRAYTON: My hon. friend finds himself suddenly filled with righteous resolution in connection with this matter.

Mr. KING (Kootenay): Oh no.

Sir HENRY DRAYTON: He has got his back to the wall, he is going to stop any further expenditure at Belle River. Will he go further and tell us—as the fact is—that he looks upon the money already spent there as thrown away? We have spent now well over $100,000 there, according to my recollection, with which I think the minister will agree. The channel has silted up just as we said it would. I do not know whether the wharf is used now or not. I want to go into a little bit of history in that connection. I am not suggesting for one minute that the minister knew where he was going to be led, but I recall on the first vote—and we debated it a good deal—my hon. friend's information was that $30,000 would be the whole bill. It was not going to take very much the first year, but the expenditure went up and up until it was well over $100,000. Now, is that all to be abandoned, or is the channel again to be dredged? If so, for what?

Mr. KING (Kootenay): My hon. friend is entirely mistaken. It is true that for many years money has been spent at Belle River for dredging, not only by this administration but by its predecessors. When my hon. friend says $100,000, he means the expenditure by his government.

Mr. MEIGHEN: No.

Mr. KING (Kootenay): We spent a certain sum of money to try to correct the silted condition of the channel.

Sir HENRY DRAYTON: How much?

Mr. KING (Kootenay): $20,000.

Mr. MEIGHEN: Will the minister stand up and say that he spent only $20,000?

Mr. KING (Kootenay): I am speaking for this government.

Mr. MEIGHEN: No, his own government has spent hundreds of thousands of dollars there.

Mr. KING (Kootenay): No. Before the Public Accounts committee last session the evidence was not by any means what my hon. friends desired to bring out. The expenditure at Belle River was undertaken on the recommendation of the department—

Mr. STEVENS: Of Tim Healy.

Mr. KING (Kootenay): —it being suggested that once we built a retaining wall probably it would be necessary to build a second retaining wall. From the information I have received, if the work is to be effective probably another retaining wall will have to be built, but I am not satisfied that conditions warrant this further expenditure.

Mr. MEIGHEN: We will get the details shortly. The hon. minister knows his government has spent hugely larger sums than he states.

Mr. KING (Kootenay): I do not think so.

Mr. MEIGHEN: Yes he has, and we will be able to demonstrate it. The government did it in pursuance of a fraudulent election pledge.

Mr. KING (Kootenay): No.

Mr. MEIGHEN: Yes, nothing else. I was in the contest and I know—I saw the pledge.

Mr. KING (Kootenay): Mr. Chairman, there was no fraudulent election pledge at all.

An hon. MEMBER: King does not need Tim.

Sir HENRY DRAYTON: Not now.

Mr. KING (Kootenay): The late Mr. Kennedy was elected in 1921, and as a member of this House and a minister of the crown he recommended to the government that this work be done. It was under consideration and being developed when he died.

Mr. MEIGHEN: Being developed?

Mr. KING (Kootenay): Yes.

Mr. MEIGHEN: Not at all. I would do more honour to the memory of the late Mr. Kennedy than to say of him what the minister says. It is true the late Mr. Kennedy had it under consideration, which means that some constituents were pressing it upon him, but never did it come to any maturity until the by-election in the month of March, 1923. Then in order to elect the government candidate, although at the general election they had a seven thousand majority, this government, through their agents, scattered throughout the riding handbills promising all sorts of public works. Those handbills were scattered up and down the riding by the thousand promising to bribe the electors with the money of the people of Canada. One of those handbills was produced in this House, and I have it yet. It ran something like this:

King needs Tim; so do you.
Tim and King—that is the thing.

King and Tim were to be paid for out of the treasury, and the new Minister of Public Works was to be made the agent for the purpose. He made himself the agent, he put a vote in the estimates the first year in the neighbourhood of $30,000, and he built something at Belle River. But from the hour he started to build until now there has never been anything come to that wharf save a few gasoline launches to bootleg whisky into the United States. There never was any other purpose for it. The minister poured money by the tens of thousands of dollars into that wharf, and he would not be a whit more guilty to-day if he had stood with his friend Tim Healy at Belle River and thrown it dollar by dollar into the water.

Mr. KING (Kootenay): I take exception to my right hon. friend's statement. The undertakings of the government were properly undertaken. It is not so.

Mr. MEIGHEN: What is not so?

Mr. KING (Kootenay): That we threw away tens of thousands of dollars.

Mr. MEIGHEN: Certainly. The minister himself says he spent $20,000.

Mr. KING (Kootenay): Will my hon. friend say his government did not spend any money at Belle River?

Mr. MEIGHEN: Certainly, we spent money everywhere, but never for the purpose of—

Mr. KING (Kootenay): For the purpose of shipping in and out of Belle River.

[Mr. J. H. King.]

Mr. MEIGHEN: The money spent before 1923—

Mr. KAY: I rise to a point of order, Mr. Chairman. What item are we discussing?

Mr. MEIGHEN: The general estimates. Let me tell the hon. member for Missisquoi that I am glad he has had some sleep; he worked so hard that he was entitled to it. The money spent in Belle River prior to 1923 was a bagatelle, amounting to nothing; but this government has thrown money away there by the tens of thousands of dollars, and stands to-day convicted of having squandered it on a worthless enterprise for nothing but political purpose, as a bribe to the voters—an enterprise that the government now abandons. The minister stands up and says that to make it any good they have to spend more money on it but he is not going to consent to any further expenditure. The fact of the matter is that expenditure served its purpose. Now the money the people have paid out of their earnings, the taxes, the whole thing is wasted, and the government is convicted of a fraud.

Mr. KING (Kootenay): Mr. Chairman, it would be well for the members of the House to read the reports of the Public Accounts committee which investigated this matter last session. The evidence then presented showed that due to the work that had been carried on by this government there had been stimulated in that district a brick plant and other developments. Money has been spent at Belle River for the last fifty years.

Mr. MEIGHEN: What are the "other developments"?

Mr. KING (Kootenay): I have not the particulars before me.

Mr. MEIGHEN: Was the minister ever there?

Mr. KING (Kootenay): No.

Mr. MEIGHEN: I should think not.

Mr. ARMSTRONG (Lambton): Would the minister give us the amount spent at Belle River last year, the year before and the year before that again?

Mr. KING (Kootenay): Belle River is not under discussion. If my hon. friend wishes the information I shall be very glad to have the question asked and reply to it.

Mr. STEVENS: My hon. friend is not fair to the committee in that statement. When estimates of this kind are before the

House the minister invariably has his deputy with him, as is the case to-night, and it is quite customary for the deputy to bring with him all the figures affecting matters of this kind. We have discussed this subject every session. It is a matter upon which hon. members on this side have taken a very strong stand, warning the minister as to the inadvisability of this work right from its very inception; and it is a subject that the minister must have expected or known would arise. I submit that it is not fair to ask that members place the question on the order paper and then await the chance of an answer. We are entitled to an answer now.

Mr. POWER: There is no item for Belle River this year, and we can hardly expect the minister to furnish information as to amounts spent in the last three or four or five years, or an item which does not exist so far as this year is concerned. We might as well bring down information as to money spent twenty years ago. The minister could not be expected to bring down everything spent in the department for twenty years.

Mr. STEVENS: My hon. friend has not grasped the point. We are considering item 147, which involves an expenditure of $773,000. It may be that no specific detail is mentioned regarding this, but it is reasonable to expect the minister to have it. If the minister has not the information under his hand, he can let the item stand and bring it down.

Mr. POWER: But there is no item to stand.

Mr. STEVENS: The whole item can stand.

Mr. POWER: The whole of the Ontario item?

Mr. MEIGHEN: The theory of the hon. member (Mr. Power) is that if the government abandons a worthless project it never can be criticized for what it did in reference to it.

Mr. POWER: No, my hon. friend is wrong. I do not think my hon. friend (Mr. Stevens) is serious when he criticizes the minister for not having before him estimates with regard to Belle River when no question regarding Belle River is before the House.

Mr. STEVENS: No, I am not criticizing him for that. But I criticize him for saying "Put the question on the order paper and I will answer it." When the minister is asked for reasonable information in regard to the works in this or any other part of the country, the House is entitled to that information.

Mr. POWER: The hon. member thinks the minister should have it with him.

Mr. KING (Kootenay): The hon. member for Vancouver Centre must have misunderstood me. I said that the item for Belle River was not in the estimates, and that I had not the information here. I shall be glad to supply that information to the committee.

Mr. STEVENS: That is all right.

Mr. KING (Kootenay): Or I shall be glad to answer questions on the order paper. Many questions have been put to the government, but there was no question about Belle River. Belle River was investigated by the Public Accounts committee last year. I shall see that the information is furnished.

Mr. STEVENS: To the committee?

Mr. MEIGHEN: I can furnish a little information now that will perhaps help the minister. He said that this government spent $20,000 in all. I may say that he spent $29,000 odd in 1924 alone. I have the item before me. It appears in the Public Accounts for 1924 at page part V-106:

Belle River, harbour improvements, protection wall: Detroit River Construction Company, contract complete, $32,360.25, less $3,530 paid in 1923-24, V-142; painting, $500; inspection of contract work, $545, $29,875.25.

That is in 1924 alone. Has not the minister before him the amount for last year. If so we could then see how accurate this information is about Belle River.

Mr. KING (Kootenay): We will see how accurate the member's statement is that we spent $120,000.

Mr. MEIGHEN: I said $100,000 for all the years of this government. This is only one year.

Mr. BOYS: I understand the minister made the statement that $20,000 had been spent. I have just taken the trouble to go upstairs and look up the record, and I hold in my hand the evidence given by the engineer, Mr. Hugo Craig, before the Public Accounts committee on May 7, 1925. I had not the time to go through it completely, but I may direct the minister's attention to the evidence at page 5, where, in connection with the first item 147, his evidence appears. The estimate

on that alone, as given by the engineer on that occasion, was $27,663.26. The next item he gave evidence in regard to was an expenditure of $3,604.23, making a total, the report shows, of $32,360. We had passed the item for dredging which of course came out of the general vote disguised in that way, and the original estimate for the dredging was $11,000. I will read now what the engineer had to say as to that, on page 6 of the evidence:

Q. How long?—A. For the length of the channel, which I figured out to be ten feet.

Q. That was the estimate? Can you tell me how much has been spent for dredging to date?—A. I only have this here; $40,000 last year.

Q. These are the round figures?—A. Yes.

Q. $40,000?—A. Yes.

Q. Has $40,000 completed the work contemplated by the estimate of $11,000?—A. No.

Q. How much more will it take to do it?—A. About $10,000.

That contemplated the dredging of a channel 10 feet deep and 50 feet wide plus one foot sub grade allowance.

Add $40,000 to $10,000, then add $32,000, and you get $82,000. I am sure the deputy minister will recall that we were told that to complete that work it would cost $125,000. I do not suppose the minister will dispute these figures. If he said $20,000 he was absolutely in error. I do not know where he gets the figures. He said that money had been spent by the previous government. He is quite correct. I do not know whether he has the figures before him, but if he has he will see that they were trifling compared with these. I think if we go to Belle River we will find that the dredging which was done, which was to cost $11,000, comes to over $40,000.

Mr. STANSELL: In this vote which we are now discussing for harbours and rivers, is provision being made for dredging at Port Dover? I notice that nothing appears in the estimates.

Mr. KING (Kootenay): This is not a dredging vote. It is for repairs and upkeep of wharves and piers.

Mr. STANSELL: The dredging is not in it?

Mr. KING (Kootenay): No.

Mr. MORAND: I would like to get some information about work done on Pike's Creek, ten miles west of Belle River. What was spent there and what was it spent for?

Mr. KING (Kootenay): I have no record of any expenditure there. I shall be glad to look into the matter and advise my hon. friend.

[Mr. Boys.]

Mr. MORAND: I think if the minister looks up the expenditures for the last part of September or October of last year he will find the contractors did some work there. I do not know how much.

Mr. KING (Kootenay): I have no knowledge of an expenditure on Pike's Creek. Is it known by any other name? I do not find it in the list.

Mr. MORAND: That is the only name by which it is known. It runs out of the township of Maidstone in the county of Essex, and runs into lake St. Clair about ten miles west of Belle river.

Mr. KING (Kootenay): I have no knowledge of any expenditure there, but I shall be glad to have inquiries made.

Mr. STANSELL: Naturally I do not want to criticise, but when I interviewed the minister and his deputy I was told that the necessary amount for dredging at Port Dover could be supplied from the general vote. Where would that item appear?

Mr. KING (Kootenay): That is on page 39.

Item agreed to.

Holland river—wharf repairs, $7,200.

Sir HENRY DRAYTON: That seems to be a new item.

Mr. KING (Kootenay): This is for wharf repairs, renewing the stringers and capping for the full length and width of the structure, 75 feet by 14 feet.

Sir HENRY DRAYTON: Has anything been spent yet?

Mr. KING (Kootenay): No. The engineer reports that this work is essential to maintain the structure.

Item agreed to.

Honey Harbour—dredging, $7,200.

Mr. ROGERS: We spent last year $15,000, and we are asked this year to vote $7,200. Would the minister give some explanation?

Mr. KING (Kootenay): There was a contract entered into last year, and this item of $7,200, of which $5,300 is a revote is to complete the contract.

Mr. McGIBBON: Who is the contractor?

Mr. KING (Kootenay): Mr. Light is the contractor. The contract was entered into on October 27, 1924.

Item agreed to.

Kincardine—repairs to piers, $13,000.

Mr. ROGERS: What is the explanation of this? I see that $25,000 was voted last year.

Mr. KING (Kootenay): This amount is required to complete the contract with Messrs. Keys Brothers for the rebuilding of a portion of the east and river revetment walls in the inner harbour for a length of 362 feet; also the reconstruction of 160 feet of the south pier.

Mr. ROGERS: When was this contract let?

Mr KING (Kootenay): On July 17, 1925.

Mr. ROGERS: A very good time.

Sir HENRY DRAYTON: When was that contract advertised?

Mr. KING (Kootenay): About the 1st of July, I imagine.

Sir HENRY DRAYTON: The hon. member had it well in hand. I understand the hon. member for North Bruce has a very eloquent speech ready in favour of this item, and that he knows exactly how many boats come into the harbour, and exactly why the House should vote this item. I think he should favour us with that speech.

Mr. MEIGHEN: If he would produce a photograph or a moving picture of the argosy of ships that daily come into that harbour it would be illuminating and inspiring.

Mr. MALCOLM: The only thing I can contribute is that it is true that none of the harbours on lake Huron are served with a passenger service, but it is equally true that there is some shipping in connection with these ports, and it is equally true that all these harbours are fishing harbours. Kincardine harbour would probably not justify dredging except for one reason: There is a salt industry there that uses from 6,000 to 8,000 tons of coal, which would have to discontinue operations if it could not get waterborne coal. I am free to say this to my right hon. friend, that in conference with the minister I insisted this year that these people guarantee a given amount of tonnage of coal before I favoured any further dredging. The leader of the opposition is quite right in saying that it is questionable whether these harbours should be dredged or not, but there does arise the question of refuge for vessels in distress during storms at Southampton, Kincardine and other points. I am not particularly desirous of any heavy expenditure, but it is hard to let the property go into disrepair. The fishing rigs have to have seven or eight feet of water. The salt company has to bring coal in, and the other industries also are getting their coal by water. There is also a good deal of wood and lumber shipped in.

Mr. MEIGHEN: About what tonnage would come in last year? It will all be in the reports.

Mr. MALCOLM: The tonnage was light last year, due to the fact that the dredging was done late. The Glenelg, that was bringing coal for the Valley Camp Coal Company, could not get in till the dredging was finished, and as the dredging was late it was October before the boat managed to make its first trip with a cargo of 2,500 tons of coal. A return trip was not made on account of the bad weather conditions. There were also a few cargoes of wood. This year the salt company agrees to import a greater tonnage of coal. I am simply placing this item before the House in its true light. These harbours have to be maintained to some extent. While it is hard to justify a large expenditure on any of them, it is equally hard to allow the works that the government have to go into a state of entire disrepair.

Sir HENRY DRAYTON: My hon. friend is overlooking one item there. I really am disappointed with him. I thought he was going to give us a real speech in favour of fishing, and I wanted to help him. This is a place where there is first rate fishing, and lots of it. They require some harbours of refuge down there, and as there is only $2,000 more to be raised, I think we should raise it.

Mr. ROGERS: Has the minister in mind anything further in the supplementary estimates to assist this harbour?

Mr. KING (Kootenay): I am not sure. The amount asked for here will complete the work we have in mind so far as the harbour is concerned this year. It is very difficult to know what to do in some of these cases. I find that the people of Canada have spent $499,000 on the harbour at Kincardine since confederation, and on construction since 1912, $162,000, showing that there is business passing in and out of this

harbour. A fishing business is conducted there, and also the salt business that my hon. friend has spoken of. This is a revote, and the additional $2,000 is to complete the contract entered into last year, which is to reconstruct several public works that are in existence there to-day.

Item agreed to.

Meaford—towards reconstruction of revetment wall, $10,000.

Sir HENRY DRAYTON: When was that contract let?

Mr. ROGERS: Would the minister explain this item? We spent $9,000 there last year.

Mr. KING (Kootenay): This amount is required towards the reconstruction of a revetment wall on the east side of the harbour. It is proposed to spread this work over a period of three years. The work will consist of new steel anchorage piles with concrete face behind these piles 18 inches wide, tied back to concrete anchor blocks. The total estimated cost is $27,300, and the amount asked for this year is $10,000.

Mr. McGIBBON: What is the total amount of tonnage that goes to Meaford harbour?

Mr. KING (Kootenay): The tonnage of coastwise and inland vessels going in and out of the harbour is 1,541.

Mr. LENNOX: I see that in vote 147 provision is made to the amount of $2,600 for repairs to the Holland river wharf. Unfortunately I was not here when the item went through. I do not object to spending money in my riding, but there is no wharf on the Holland river. The waterway there is known as the Aylesworth canal, which has no wharf. I should like to know where the wharf is.

Some hon. MEMBERS: Cut it out.

Mr. LENNOX: I think you should cut it out.

Mr. KING (Kootenay): This wharf is situated right at the bridge over the Holland river. The plan I have shows a wharf and stone and gravel bridge with the county road approaching it. My hon. friend with his local knowledge, would better understand the conditions than I would. The place is used extensively by the tourist trade of lake Simcoe, and some 20 tons of fish and 2,400 tons of marsh hay are shipped annually. This is merely a matter of recontruction and maintenance. If the government have no property of that kind there we will check the matter up and see that the money is not spent.

Item agreed to.

Midland—wharf and dredging, $75,000.

Sir HENRY DRAYTON: There are two items for Midland, Midland wharf and Midland dredging. Will the minister give an explanation?

Mr. KING (Kootenay): The item is $75,000 of which $40,000 is a revote. This is to complete the contract with the MacDonald Engineering Company Limited, for the construction of a wharf and dredging at the wharf. The next item is for dredging within the harbour. These are two separate and distinct contracts.

Sir HENRY DRAYTON: Will my hon friend say when those contracts were awarded?

Mr. KING (Kootenay): The date of the contract is December, 1925.

Sir HENRY DRAYTON: Which one is that?

Mr. KING (Kootenay): The one covered by the first item.

Sir HENRY DRAYTON: When was it advertised?

Mr. KING (Kootenay): Oh, for probably two or three weeks.

Sir HENRY DRAYTON: My hon. friend has no informatoin as to when it was advertised?

Mr. KING (Kootenay): The order in council granting authority to accept the tender of the MacDonald Engineering Company was passed on November 23, 1925.

Sir HENRY DRAYTON: As a matter of fact were not these tenders put in in September?

Mr. KING (Kootenay): No.

Sir HENRY DRAYTON: Or October?

Mr. KING (Kootenay): The bids were due on November 10th.

Sir HENRY DRAYTON: Do not calls for tenders have to be advertised for three weeks?

Mr. KING (Kootenay): Two or three weeks.

Sir HENRY DRAYTON: So if the bids were due on November 10, the advertisements appeared prior to the elections?

Mr. KING (Kootenay): Surely some work had to go on prior to the elections.

Sir HENRY DRAYTON: We understand.

Some hon. MEMBERS: Cut it out.

Mr. ROGERS: I point out to the minister that Midland is a very important port. Perhaps he could give us some information on the quantity of grain pasing through that port. I am sure that any money required to develop Midland will be money well spent. I have no objection to the item but we would like to have some information concerning it. I recognize the importance of the port, which should receive the assistance of the government at any time.

Mr. KING (Kootenay): Midland, in the township of Tay, county of Simcoe, is a thriving port, situated at the southeasterly extremity of the Georgian bay, and has a population of 8,400. The town is a terminus of the Canadian National railway, distant 102 miles from Toronto, and is 9 miles by water from the Georgian bay port of the Canadian Pacific railway, namely, Port McNichol. The town is primarily a marine centre and its chief business water-borne commerce. Its industries are as follows: Grain elevators—five houses in operation having a total
9 p.m. capacity of 8,500,000 bushels, and a sixth house under construction, 1,500,000 bushels capacity. There are two saw mills and three flour mills with a capacity of 1,200 barrels per day, and coal docks. The Midland Shipbuilding Company is located there. The largest ship constructed to date is the Glenifer, 560 feet long. Other concerns are the Georgian Bay Shipbuilding and Wrecking Company, the International Fibre Board Company, the Midland Wood products Company, the Midland Boat Works, Machine and Foundry Shop, and others. It is quite an extensive industrial town and the port is considered one of the best on the upper lakes.

Mr. ROGERS: I am indebted to the minister for the information he has given; I am very glad to have it. We in the west are very much interested in the port of Midland, and I hope the minister will continue to give it any legitimate assistance it may require. The port is of great value to western Canada.

Item agreed to.

Oshawa—harbour improvements, $30,000.

The CHAIRMAN: Shall the item carry?

Some hon. MEMBERS: Cut it out.

Mr. CHAPLIN (Lincoln): Yes, of course, cut it out.

Mr. McPHEE: The vote for harbours and rivers in Saskatchewan and Alberta only amounts to $15,000, and yet it is proposed to vote $30,000 for Oshawa harbour.

Mr. KAISER: I point out to the minister that there was an item of $100,000 in the estimates last year for Oshawa harbour improvements, but it has been reduced this year to $30,000. I did not anticipate that we should get quite as much as last year, but a reduction to $30,000 is a very sharp drop. So far as I can figure it out, with such a method of procedure the harbour will not be ready for operations within fifteen years; it will take that time to complete at the rate now proposed. That is too slow a rate of progress. The harbour is badly needed in Oshawa.

An hon. MEMBER: What do you want a harbour for?

Mr. KAISER: Why do we need a harbour? If you close Oshawa harbour you might just as well close all the harbours along the lake. I wish to say to hon. members that at Oshawa we take in more tonnage than all the ports between Montreal and Toronto put together, and we should like to be able to use that harbour to a still greater extent. Some of our manufacturers have already secured sites along the Lachine canal in Montreal for the storage of their goods. It has been anticipated for some time that they will be able to use the Oshawa harbour to ship goods in that way. We started out to have a harbour there. The old harbour was destroyed. They went to work to reconstruct and rebuild it and we had hopes that in five years' time we would have our harbour, but with this tremendously reduced appropriation the period of its completion will be postponed almost indefinitely. The reduction means that the work will go on a little too slowly. We do not wish the full amount voted at once, but we think that within four or five years we are entitled to have a harbour at Oshawa, and the government should give the matter a little more consideration.

Mr. ROGERS: There was $100,000 in the estimates last year. How much was spent?

Mr. KING (Kootenay): $94,670.

Mr. ROGERS: The minister is asking for only $30,000 this year. Does he think that will be sufficient to take care of the requirements of such an important harbour as Oshawa?

Mr. KING (Kootenay): It will complete the contract and repair the existing works that are there. It will not complete the harbour.

Item agreed to.

Owen Sound—dredging, $20,000.

Sir HENRY DRAYTON: Is this a new contract?

Mr. KING (Kootenay): No; it is under contract.

Sir HENRY DRAYTON: When was that contract awarded?

Mr. KING (Kootenay): 29th June, 1925.

Mr. ROGERS: How much was spent last year?

Mr. KING (Kootenay): $82,992.

Mr. ROGERS: Only $20,000 is required this year for this important harbour?

Mr. KING (Kootenay): This work was done in conjunction with the municipality who guaranteed the bonds for the construction of an elevator at that point. It is becoming a grain point and we did certain dredging and harbour improvements in order that they might carry on this elevator in the municipality.

Item agreed to.

Port Findlay—wharf repairs, $2,500.

Sir HENRY DRAYTON: Is that contract let?

Mr. KING (Kootenay): There is no contract; this is just repairs by day labour.

Item agreed to.

Port Burwell—reconstruction of and repairs to pier, $45,800.

Sir HENRY DRAYTON: Is this under contract?

Mr. KING (Kootenay): Yes. This is to complete the contract with Wm. Birmingham and Son for the construction of a rubble wall connecting the outer end of the west pier with the inner end of the west breakwater. Of this, $12,000 is a revote. There was expended last year $82,840.

Sir HENRY DRAYTON: When was the contract entered into?

Mr. KING (Kootenay): December 15, 1925.

Sir HENRY DRAYTON: And the advertisements were issued when?

Mr. KING (Kootenay): Possibly in November.

[Mr. Rogers.]

Sir HENRY DRAYTON: Were the tenders not due on the same fatal 10th day of November? Was the job work not advertised in October?

Mr. KING (Kootenay): Yes.

Mr. ROGERS: This is a very important harbour and we are glad to know some money is being spent on it. Could the minister give us some information as to the tonnage?

Mr. KING (Kootenay): Port Burwell is a point of landing of much coal that comes into Ontario. There were 5,499 cars of coal having a tonnage of 316,279 tons. Of other merchandise there were 383 cars with a tonnage of 11,287 tons. The south bound traffic in merchandise amounted to 331 cars or 8,310 tons. This makes a total of 6,658 cars, or 335,876 tons. There was a collection in duties of $128,000.

Mr. ROGERS: This is evidently a very important port. It is very important to western Canada as well because much of our grain passes through it. We are always pleased to find it being properly developed. I hope the minister will continue the work.

Item agreed to.

Port Colborne—Repairs to breakwater, $15,000.

Sir HENRY DRAYTON: Is this all old work?

Mr. KING (Kootenay): This is a contract to rebuild in concrete 134 lineal feet of superstructure of the west breakwater and to place riprap along unprotected portions of the breakwater for a distance of 420 feet. The estimated cost is as follows:

| | |
|---|---|
| Reconstruction of breakwater.. .. .. | $ 8,897 60 |
| Inspection and contingencies.. .. .. | 1,102 40 |
| Facing of riprap to protect breakwater, 1,000 tons at $5 a ton.. .. | 5,000 00 |
| Total.. .. .. .. .. .. .. .. .. .. | $15,000 00 |

Sir HENRY DRAYTON: Is this under contract?

Mr. KING (Kootenay): Not yet.

Item agreed to.

Port Maitland—Repairs to pier, $18,000.

Sir HENRY DRAYTON: Is this entirely a revote?

Mr. KING (Kootenay): This is under contract and it is a revote to complete. It is to widen the entrance channel, construct a new outer arm of all concrete caissons and to reconstruct the inner arm with concrete superstructure.

Mr. ROGERS: Will this complete the contract in full?

Mr. KING (Kootenay): Yes.

Item agreed to.

Port Stanley—Harbour improvements and repairs, $118,000.

Mr. SANDERSON: What was the tonnage at Port Stanley last year?

Mr. KING (Kootenay): The tonnage is as follows:

| Cars | Tonnage |
|---|---|
| 2,859.. .. .. .. .. .. .. .. .. .. .. .. | 124,967 |
| 6,211 collier in bulk.. .. .. .. .. .. .. | 343,724 |
| Total.. .. .. .. .. .. .. .. .. .. .. .. | 468,691 |

Mr. ROGERS: This is a very important harbour. Is the minister sure that the amount in the estimate will be sufficient to complete the work?

Mr. KING (Kootenay): This will complete the present undertaking.

Sir HENRY DRAYTON: Is this under contract?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: When was it entered into?

Mr. KING (Kootenay): July 16, 1925—well in advance.

Item agreed to.

Rondeau—Dredging, $32,000.

Sir HENRY DRAYTON: This is a revote. Why has this been carried so long without anything being done?

Mr. KING (Kootenay): The company who handle coal at this point had certain construction work to do, and until they had completed it we could not profitably go on with the dredging. The work will now be proceeded with.

Sir HENRY DRAYTON: Is this under contract?

Mr. KING (Kootenay): Tenders will be called for.

Mr. ROGERS: And the work will go on immediately?

Mr. KING (Kootenay): As soon as the contract is let.

Item agreed to.

Southampton—repairs to breakwaters, $6,400.

Sir HENRY DRAYTON: Is that under contract?

Mr. KING (Kootenay): No; this is to continue repairs and renewals to the existing harbour works commenced in 1924-25. The repairs to the east breakwater amount to $1,020; to the west breakwater, consisting of 400 feet of superstructure, $5,355; and contingencies, $25, making a total of $6,400.

Item agreed to.

Thessalon—to complete breakwater extension, $14,000.

Mr. ROGERS: The original vote was $16,000, of which the present estimate is a revote. Only $2,000 has been spent. Why has not the work been more expeditiously carried out?

Mr. KING (Kootenay): It is almost complete now.

Sir HENRY DRAYTON: What is the date of the contract?

Mr. KING (Kootenay): December 15, 1923.

Mr. ROGERS: This vote will complete it?

Mr. KING (Kootenay): Yes.

Mr. ROGERS: The contractor is still active?

Mr. KING (Kootenay): Yes; the work has been practically completed, and this amount will close it.

Item agreed to.

Thornbury—repairs to revetment wall, $1,400.

Mr. ROGERS: This is a new item.

Mr. KING (Kootenay): It is just for repairs.

Item agreed to.

Windsor—wharf repairs, $2,000.

Mr. ROBINSON: Is there any revenue from the public dock in Windsor?

Mr. KING (Kootenay): The dock is under the control of the Marine department and certain revenues are collected from shipping. I have not the amount.

Sir HENRY DRAYTON: Perhaps the minister will give to Hansard the appropriations not required?

Mr. KING (Kootenay): They are as follows:

Appropriations not required for 1926-27

| | Appropriation 1925-26 |
|---|---|
| Harbours and Rivers: | |
| Beaumaris—repairs to wharf.. .. .. .. .. | $ 1,000 |
| Blind River—To replace warehouse.. .. .. | 2,000 |
| Bronte—wharf repairs.. .. .. .. .. .. .. | 4,900 |

| | |
|---|---|
| Harbours and Rivers.—*Con.* | |
| Collingwood—Breakwater reconstruction.. .. | 35,000 |
| Cumberland—wharf reconstruction.. .. .. .. | 10,500 |
| Grand Bend—repairs to pier.. .. .. .. .. | 1,400 |
| Honey Harbour—wharf.. .. .. .. .. .. .. | 11,600 |
| Jeanette's Creek—wharf repairs.. .. .. .. .. | 1,000 |
| Kingsville—repairs and renewals to piers.. .. | 9,400 |
| Laurenson Lake—dredging.. .. .. .. .. .. | 2,000 |
| Leamington—Breakwater.. .. .. .. .. .. .. | 10,000 |
| Leamington—repairs to pier.. .. .. .. .. .. | 1,000 |
| Lion's Head—repairs to pier.. .. .. .. .. | 900 |
| L'Orignal—contribution towards cost of shore protection etc.. .. .. .. .. .. .. .. .. .. | 2,000 |
| New Liskeard—wharf repairs.. .. .. .. .. .. | 3,650 |
| Owen Sound—harbour wall.. .. .. .. .. .. | 15,000 |
| Pelee Island—repairs to piers.. .. .. .. .. | 2,400 |
| Pelee Island—wharf extension.. .. .. .. .. | 28,000 |
| Petawawa—wharf repairs.. .. .. .. .. .. .. | 1,800 |
| Pike Creek—wharf repairs and sheet piling.. | 1,425 |
| Point Edward—dredging.. .. .. .. .. .. .. | 30,000 |
| Port Dover—repairs to pier.. .. .. .. .. .. | 1,000 |
| Providence Bay—wharf repairs.. .. .. .. .. | 2,100 |
| Rainy River—wharf repairs.. .. .. .. .. .. | 2,800 |
| St. William—repairs to pier.. .. .. .. .. .. | 2,250 |
| Sault Ste. Marie—dredging slip.. .. .. .. .. | 61,000 |
| Stokes Bay—repairs to pier.. .. .. .. .. .. | 4,000 |
| Thorah Island—harbour improvements .. .. | 1,050 |
| Thornbury—wharf repairs.. .. .. .. .. .. | 6,200 |
| Trenton—to take over from municipality by water dock.. .. .. .. .. .. .. .. .. .. .. | 13,100 |
| Wendover—wharf repairs.. .. .. .. .. .. .. | 6,000 |
| Wheatley—repairs to pier.. .. .. .. .. .. | 1,500 |
| | $276,075 |

Item agreed to.

The CHAIRMAN: Shall the item as a whole carry?

Sir HENRY DRAYTON: Looking over the itemized statement of expenditures for 1925-26 up to March 31, I find that the minister did not quite steel his heart against Belle River improvements. He spent $290 in connection with that harbour out of the general vote. That would bring the expenditures up to $82,560, and apparently he will not use the balance of the $125,000.

| | |
|---|---|
| Manitoba— | |
| Dauphin Beach—Wharf.. .. .. .. .. .. | $ 2,300 |
| Gimli—Repairs to pier.. .. .. .. .. .. | 3,300 |
| Harbours and Rivers Generally—Repairs and improvements.. .. .. .. .. .. .. | 10,000 |
| Hecla—Repairs to pier.. .. .. .. .. .. | 2,000 |
| Victoria Beach—Breakwater extension.. | 3,550 |

Mr. HAY: I have no objection to these items passing, but I must say a word or two in connection with some of the votes which are included. First of all I would call the attention of the minister to the condition existing along the river bank from the city of Winnipeg north of St. Andrew's locks for a distance of eighteen or twenty miles. I have here a resolution which throws some light on the situation. This resolution I received the other day from the secretary-treasurer of the municipality of East St. Paul's, which is north of Winnipeg. The conditions complained of in the resolution are also to be found at many points along the Red river between Winnipeg and St. Andrew's locks on both banks, and matters are getting gradually worse. I have directed the attention of the department to this state of affairs on several occasions, but so far little has been done. Some work has been performed in the shape of riprap in connection with St. Andrew's locks, and I have no doubt that the department fully realize that the construction of those locks has been responsible for the erosion along the banks of Red river even further south than Winnipeg. The resolution in question is accompanied by a letter which reads:

At the last meeting of council—

That is, the council of St. Paul's:

—a delegation of ratepayers waited on the council re the erosion of the banks of the Red river especially as it affects lots 88, 89 and 90 and the following resolution was passed.

The resolution is to the effect that a letter be written to the chief engineer at Winnipeg and to the members representing the different constituencies, bringing the matter to their attention. The letter then states:

The ratepayers living on these banks report that the situation is becoming serious not only to their property but also to the main highway which comes very close to the banks of the Red river at lots 88 and 89.

I can endorse this resolution because I know that what it states is quite correct. I am familiar with almost every foot of the beach from Winnipeg to lake Winnipeg and I know just what the conditions are like along the river. Before the construction of St. Andrew's locks the beach along the river to Winnipeg on both sides was stony, and there was absolutely no danger of erosion or of washout while the river was at normal height. But since the raising of the water by the construction of the locks the level has gone beyond the stony beach and consequently the banks along the river, particularly at certain points, are being rapidly washed away, so that the road on each side of the river is being damaged to a considerable extent. I wish to give the minister timely warning, because if this condition is allowed to continue the Dominion government will be responsible for a large sum of money in the shape of damages by the construction of St. Andrew's locks. I should like to see the government take action. This is a question of very great importance to the people of that district, but I do not

wish to take up any further time of the House discussing it; on the contrary, I wish to do all I can to expedite the business of the House, because like many other western members I feel we have been a very long time here and so far as I can see we have accomplished very little in the interests of the country. I repeat, I am anxious to expedite the business of the House so that we may be able to get home as soon as possible. I do not mean to say that we should overlook any questions of importance, but during the six months we have been here we have wasted far too much time, and I certainly want to see the remaining business disposed of without further delay.

I want to ask the hon. minister another question. We have been working on the harbour at Big George's island, lake Winnipeg, for about six years. Will any portion of the item we are now voting or of the general item under dredging be devoted towards the completion of this harbour?

Mr. ROGERS: I should like to associate myself with those who have pointed out the necessity for the item in the estimates for the province of Manitoba. My only regret is that they are too small to meet the requirements. For example, I am sure that the $2,000 to be expended on the wharf at Dauphin will not be at all sufficient. The same remark applies to Gimli. The latter is a new vote. There is a great deal of traffic to and from Gimli, and it is necessary to provide for more improvements than those suggested in the vote. Then again the vote of $10,000 for harbours and rivers generally is far below what is necessary to meet our requirements. We have a harbour commission at Winnipeg, and as a result of the development of St. Andrew's locks a few years ago there is a good deal of tonnage coming up and down the river, necessitating a harbour of some kind. The absence of proper accommodation is a very great handicap to the development of Winnipeg, a city of 250,000 people. I am sure if the minister looks into the matter he will have no hesitation in making provision for improving the semblance of a wharf that we have there now. I hope when the supplementary estimates come down we shall find he has inserted at least $50,000 for this purpose. I am confident I can convince the minister of the pressing necessity for improving the wharf to such an extent that it will meet the requirements of the traffic that has developed there. I am glad to see an item for Victoria Beach, but it is too small. Last year the vote was $24,000. Has that been spent?



Mr. KING (Kootenay): The $3,550 is required to complete the contract for the breakwater extension at Victoria Beach.

Mr. ROGERS: My hon. friend will notice that the appropriations not required for 1926-27 amount to $71,000 odd. Has that all been expended?

Mr. KING (Kootenay): Practically all. I will give my hon. friend the particulars:

| | Voted | Expended |
|---|---|---|
| Delto—protection work.. .. .. .. | $33,000 | $31,703 16 |
| Gimli harbour—jetty.. .. .. .. .. | 10,200 | 7,962 16 |
| Netley Cut—closing channel.. .. | 3,500 | 2,714 77 |
| Portage la Prairie—sewer extension.. .. .. .. .. .. .. .. .. .. .. | 7,200 | 7,188 06 |
| Red River—protection work.. .. | 18,000 | 11,105 59 |
| | $71,900 | |

Mr. ROGERS: There is nothing in the estimates this year for the protection of the Red river. That is most important.

Mr. KING (Kootenay): No. We are advised that what takes place is due to natural causes, not to any work the government has put in the river.

Mr. ROGERS: Quite right; still the government has to take care of these difficulties as they arise.

Mr. KING (Kootenay): If you attempt to take care of natural erosion you have a very large contract on your hands.

Mr. ROGERS: I should be glad if the minister would give us something to improve our landing in the city of Winnipeg.

Mr. KING (Kootenay): That is quite necessary.

Sir HENRY DRAYTON: In corroboration of what was said by the right hon. leader of the opposition as to the difference between the votes before and after the general election, I would point out that this year the vote for Manitoba is only $21,150, while last year it was $112,500.

Mr. KING (Kootenay): We are merely completing work undertaken last year or the year before.

Mr. MULLINS: What is the minister doing in regard to the Assiniboine river between Winnipeg and Portage la Prairie? Does he intend to use this $10,000 for the purpose?

Mr. KING (Kootenay): Two years ago a large deputation from that area suggested the government should dyke and protect these lands. An investigation was made, and it was found the work would cost a very large

sum of money, so much so that I think everybody was content to keep away from it. Last year surveys were made, and within the last few weeks it has been suggested that by the construction of certain drainage canals, I think three in all, we would give opportunity for the water to run off at an earlier date and thus relieve the situation Representations have been made to us by hon. members from Manitoba. I am not asking parliament anything for the work at the present time. I promised to have the matter checked up by the engineering department, and if the municipality and the provincial government are of the opinion that this work would give relief to the community, I think I can recommend the federal government to co-operate. But I do not think the whole burden should be cast upon the federal government. There should be co-operation.

Mr. ROGERS: I agree with the minister that the whole burden should not be placed upon the Department of Public Works, and I assure him now that he can depend upon the co-operation both of the local government and of the municipalities. Dyking is very much required in that district, because owing to the lack of it a great deal of damage is being done to the land. There is a strong feeling in the matter, and there is good reason why some work should be done. I am quite sure the minister will get the support of the municipality for any estimate he brings down.

Mr. KING (Kootenay): I have suggested that the local authorities should be not only a party to the expenditure but should co-operate in it. We will try and work out something which will bring relief.

Mr. MULLINS: Is there no item in the estimates for dredging at Port Nelson?

Mr. KING (Kootenay): No.

Mr. MULLINS: Is this the amount the minister intends for Port Nelson?

Mr. KING (Kootenay): Port Nelson is under the Railway department. Whatever is being done is being done by that department.

Mr. HAY: Before the item carries I want to impress upon the minister that the erosion that has taken place along the bank of the Red river is not due to natural causes. In proof of that I may say that no money has been spent on account of any erosion of banks taking place north of St. Andrew's locks, between St. Andrew's locks and lake Winnipeg, a distance of something like thirty miles. When the water is at its normal height all the year round no erosion takes place; the banks are protected by the natural stony beach. But when the water has been raised by reason of construction to twenty feet above normal you can readily understand that there is no protection afforded by the stony beach, because the water is lapping on the shore above. That is why the erosions take place. I do not know what the report of the engineer is, and I do not care. The matter is becoming serious, and the government must do something to protect certain points along the river. They have done so to some extent already. When the government built the St. Andrew's locks they realized that erosion would take place along the river and they made provision to protect the bank at many points by riprapping the stone. These points therefore are guarded, but there is erosion at other points not protected. The condition is getting worse every year; as much as thirty feet of roadway have been washed out through the parish of St. Andrew's north of Winnipeg. I hope the government will put something in the supplementary estimates to prevent the erosion taking place along the river.

Mr. MULLINS: I cannot understand why only $21,500 out of $120,000 was expended under that item. Was it because there was an election on the 29th of October that there was a reduction in the appropriation for Manitoba? There is an amount of $300,000 provided for Quebec, and in other places large amounts. In Manitoba we have only $21,500 spent. I cannot understand it, and the people of Manitoba will not understand it when it is brought to their attention. The minister should give a little consideration to that.

Mr. HOWDEN: In reference to dyking and draining, up to the present it has been impossible to get the government of Manitoba to undertake anything at all in the matter of dyking the Assiniboine river.

Mr. MANION: Why not put in a good government?

Mr. HOWDEN: Perhaps we will. Up to the last three weeks the government of Manitoba has been approached with regard to dyking the Assiniboine river and draining certain low areas. but not only have they not seen their way clear to take any action in the matter, but they have not agreed to join hands in relieving these conditions.

Mr. MULLINS: It is not part of my constituency, but I know it very well. There are two or three little islands in the Assiniboine river that block the river and hold the

ice back A large number of settlers are practically ruined by the overflow of water from the Assiniboine river, and the minister should in fairness to that province do something to give these settlers redress.

Mr. HAY: With respect to the completion of the harbour on Big George island in lake Winnipeg, is there any appropriation made?

Mr. KING (Kootenay): There is nothing in the estimates for that work. I understand there has been some dredging going on for the last year. I have no information, but there is nothing in the estimates for it. We have later on an amount for dredging in Manitoba, Saskatchewan and Alberta. I imagine that in that item we will find an estimate there taking care of the works in Manitoba. My hon. friend will realize there are not a great many public works or wharves; probably they are not as pressing as they may be later on as the country settles. Last year we undertook a considerable amount of work, as we did the year before. The estimates this year will largely clear up the work undertaken during the last two or three years.

Mr. HAY: Big George harbour is very important.

Item agreed to.

British Columbia—Beaver Point—Wharf repairs, $2,500.

Sir HENRY DRAYTON: Any existing contract?

Mr. KING (Kootenay): No.

Item agreed to.

Blubber bay—Wharf, $3,300.

Mr. EDWARDS (Frontenac): Where are these wharves?

Mr. KING (Kootenay:) In the constituency of Alberni, on Vancouver island.

Sir HENRY DRAYTON: Comox-Alberni?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: How much has Comox-Alberni got in this vote?

Mr. KING (Kootenay): I do not know. I have not checked it that way.

Sir HENRY DRAYTON: Would not that be a wise thing to do? I should think after the efforts of the hon. member he should get suitable recognition, both he and Moses and Jeremiah. That trio I think should get real recognition. This is the first recognition. Is there an existing contract for the work at Blubber bay?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: When was that contract let?

Mr. KING (Kootenay): In October, 1925.

Sir HENRY DRAYTON: Who is the contractor?

Mr. KING (Kootenay): R. Bumstead, of Vancouver. His tender was for $5,849, and the highest tender was $10,924.

Sir HENRY DRAYTON: He seems to be much more reasonable than the other chap.

Mr. EDWARDS (Frontenac): I do not know that I can qualify as the hon. member for Comox-Alberni can to obtain support from the government, but on the ground of justice and fair play I am sure that I can. I just want to say this on this item of repairs. Speaking in a general way, and that is the only way in which I can speak, I think the fact has been established that in the last six or seven years the water level of lake Ontario has fallen pretty nearly 4 feet, and in consequence of that lower level difficulties are met with in several of the small harbours. It is up to this government or to any government to meet the conditions which have been brought about by this lowering of the water level. The government will have many appeals made to them for dredging at these places, which appeals should receive most careful and favourable consideration, because the conditions have been changed by this lowering of the water level. At many places that are dependent, for instance, on coal the vessels cannot get into the wharf without lightering a considerable portion of their cargo on account of the low water. I merely want to put myself on record from this side of the House as saying that in my judgment the government should make generous provision in the supplementary estimates to meet these conditions which have been brought about by the lowering of the water levels on the lakes. They are not responsible for that lowering of the water level. To what extent the Chicago diversion is responsible I am not prepared to say, but it is the duty of this government or of any other government to meet the situation fairly, and so far as I am concerned, speaking from this side of the House, I am prepared to give very generous consideration to supplementary estimates brought in with the intention of meeting those changed conditions.

Mr. MALCOLM: I am very glad indeed to hear the hon. member for Frontenac-Addington speak on this subject. From the main estimates there have been excluded a great many small requests for grants at small ports on the Georgian bay and lake Huron, the

point on the Great Lakes most affected by this lowering of the water level. In many of these small harbours the people have only one way of getting their products out. At several points on the west side of the Georgian bay where there used to be 10 feet of water—and in some cases 12 feet of water was arranged for by governments in days gone by—the water is now down to 6 or 7 feet, and it is absolutely impossible to get even a small boat in. I want to join with the hon. member for Frontenac-Addington in impressing on the minister the necessity of meeting these several requests made by different places on the Georgian bay. The votes that are requested are not large in total, but they mean a great deal to the individual settlements. I hope these requests will be looked after.

Mr. SUTHERLAND (South Oxford): We are getting very close to the end of the session, and surely the supplementary estimates must be almost, if not quite, complete. Would it not be better if we had some idea of what is going to be brought down in the supplementary estimates when we are passing the main estimates? I have heard of certain cases where votes have already been promised in the supplementary estimates. There is nothing in these estimates to indicate what is coming down later, and consequently they do not give one a fair idea as to what is really being done, or as to the expenditure that may be expected during the coming year.

Mr. KING (Kootenay): I can assure my hon. friend that the supplementary estimates are being developed, and, indeed, they are now before the government for consideration. I am hopeful that they will be brought down at a very early date, so far as the estimates of this department are concerned, and I believe that is true of all the departments.

Mr. SUTHERLAND (South Oxford): It would save a good deal of time and be much more satisfactory, now that we are nearing, as we hope at least, the close of the session, if we knew what was really in the mind of the government with regard to these various estimates.

Mr. HAY: I trust that provision will be made in the supplementary estimates for the safeguarding of the banks of the Red river at points which I have already brought to the notice of the government. The fact that the government have already done some work in connection with those banks, on the advice of their engineers, shows that they appreciate that they are responsible for the erosion that is taking place. It is a matter of the utmost importance to the settlers along the Red river, as well as to the municipal councils on both sides of the river, because the councils will be called upon to replace the roads that are washed away, and that is not their business. It is because the government has not taken action to safeguard those roads and property along the river that the water rose to 20 feet south of the locks.

Mr. KING (Kootenay): I would hesitate to commit the government or to recommend to the House that we should place any large sum in our estimates for river bank protection. Every individual case must be considered on its merits. You have first the owner of the property; he is primarily interested, and if protection is necessary he should do something himself. Then there are the local authorities, then the provincial government, and lastly the Dominion government, and if there is a case that should be considered it should come up through these channels to the Dominion government rather than go down from the Dominion government through those channels.

Mr. HAY: If the work was done in the near future it would cost very little, because the rock is easily obtainable near Selkirk.

Mr. KING (Kootenay): I shall be glad to have inquiries made.

Mr. MURPHY: Can the minister tell us the total amount that will be in the supplementary estimates for harbours and rivers?

Mr. KING (Kootenay): I have not that here, nor in my mind. The supplementaries have been running from three to four or five million dollars per year; I am speaking only of the time we have been in office, because we have been keeping them down pretty well, as my hon. friend from West York, I know will agree.

Mr. MURPHY: Would the minister say it would be about the same amount this year?

Mr. KING (Kootenay): I could not say, but the expenditures have been pretty well controlled. In 1924-25 the total estimate was $18,639,000; 1925-26, $17,754,000; in 1912-13, $18,880,000. In 1913-14 some forty-eight millions was voted for public works, and so on. The amount varies from year to year.

Item agreed to.

Columbia river, below Burton—bank protection, $4,000.

Columbia river at Revelstoke—bank protection, $7,000.

Mr. FRASER: The minister made a statement in regard to the protection of the banks of rivers. I should like to know what is the policy of the department or the government in that regard. It was stated a few moments ago that the owner had a certain responsibility in the matter of protecting a river bank, and also the municipality. In the cases I have in mind there is no municipality; the only parties concerned are the owner and the Dominion government.

Mr. KING (Kootenay): I tried to make clear to my hon. friend a few moments ago that in the matter of river bank protection I thought the local owner who was primarily interested should move first, then the municipality or the provincial government, and finally the Dominion government. The vote for Columbia river protection is asked because we find it more profitable to protect the river bank at that point rather than allow the bank to fall in and have to dredge the material out. That is why we are expending this money at Burton. In the case of the work at Revelstoke, it was entered into years ago when there was navigation, and I think we are renewing some old works there. Generally speaking we are co-operating with the province, and there is a distinct advantage in so doing.

Mr. FRASER: Would the minister lay this down as a general principle: Provided the owner was willing to do a certain amount of work he would supplement that by a Dominion grant?

Mr. KING (Kootenay): No, each individual case must be reviewed and considered on its merits.

Mr. ESLING: Is not the work of dredging on the Columbia river south of Revelstoke a continuous matter? There is a very swift current there, and therefore I imagine the work must be practically continuous.

Mr. KING (Kootenay): My hon. friend will know that Revelstoke and Golden are in what is known as the railway belt. Years ago the government did spend money at Revelstoke. We asked for an appropriation last year, but we did not disburse it. During the season our engineer reported that he thought the river would go so far and then change its course again. He thought that perhaps the danger point had been reached and we might avoid the expenditure. But we are carrying the vote again this year. The question whether this money will be expended will depend upon the conditions found to exist next spring. Burton is on the Arrow lakes. My hon. friend, who is thoroughly familiar with the district, will know that at that point the channel narrows, and with the continued falling in of the banks we have a lot of material to dredge from year to year. It is in the hope of preventing this material from going into the river and not having to carry on the more expensive sort of dredging that this protection is being given.

Mr. ARMSTRONG (Lambton): Are the rivers upon which this expenditure is being made all navigable rivers?

Mr. KING (Kootenay): Yes, to a great extent. As no doubt my hon. friend knows, Arrow lakes is a wonderful waterway in the mountains, and boats travel up and down it day by day. At Revelstoke the navigation of the river is possible; it certainly was carried on years ago. I do not believe the river is being navigated at the present time, but there will probably be a revival of navigation on it.

Mr. ARMSTRONG (Lambton): My reason for asking the question is that there are rivers in the district in which I live that are called navigable rivers and a little expenditure would protect the properties on them. Is the minister making large expenditures on rivers like the river above Winnipeg where navigation is not carried on?

Mr. ROGERS: Yes, it is.

Mr. KING (Kootenay): Yes, to a very great extent.

Mr. ARMSTRONG (Lambton): I did not mean that particular river.

Mr. ROGERS: You are thinking of Belle river.

Mr. ARMSTRONG: But there are other rivers which the minister has been providing money for which I do not think are navigable. However, if he says so that is all right.

Sir HENRY DRAYTON: When was that contract let?

Mr. KING (Kootenay): For the one at Burton?

Sir HENRY DRAYTON: Yes.

Mr. KING (Kootenay): The contract was let in October, 1925, to Mr. Green, of Nelson.

Sir HENRY DRAYTON: Oh, I see, that is another repeat, is it not? The same date. Is there any contract for the other Columbia river item?

Mr. KING (Kootenay): No, we have not let the contract. No work has been done there.

Item agreed to.

Comox—Wharf repairs, $1,100.

Sir HENRY DRAYTON: Is that in the same constituency?

Mr. KING (Kootenay): That is in the constituency of Comox-Alberni.

Sir HENRY DRAYTON: That goes with Blubber bay?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: When was that contract let, or has any contract been entered into?

Mr. KING (Kootenay): This is to provide for repairs. The work has not yet been contracted for.

Sir HENRY DRAYTON: Will it be done by day work?

Mr. KING (Kootenay): We shall probably call for tenders.

Sir HENRY DRAYTON: The money has been spent in the meantime; it was spent in 1925?

Mr. KING (Kootenay): Oh, no.

Sir HENRY DRAYTON: No work done in 1925? What was the hon. gentleman doing?

Mr. KING (Kootenay): The vote we are asking for here is for wharf repairs at Comox. The details are as follows:

| | |
|---|---|
| Six untreated approach bearing piles at $30 | $180 00 |
| Decking approach | 588 00 |
| Repairing lower portion of sway bracings | 213 28 |
| Contingencies | 110 72 |

Sir HENRY DRAYTON: I notice there was a vote last year of $2,800. Has that money been preserved carefully, or was it spent last year during the elections on day labour? I shrewdly suspect it was.

Mr. KING (Kootenay): A contract for the renewal of piling was awarded last year to Mr. Greenlees, Vancouver, the contract price being $1,910.78.

10 p.m.

[Mr. J. H. King.]

Sir HENRY DRAYTON: When was that contract let?

Mr. KING (Kootenay): In May, 1925.

Sir HENRY DRAYTON: That was earlier?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: Those are two bull's eyes for the hon. gentleman who represents the constituency?

Mr. KING (Kootenay): Yes.

Item agreed to.

Courtenay river—dredging, $25,500.

Sir HENRY DRAYTON: The member representing the constituency was after larger game that time, was he not? Is not this in the same constituency?

Mr. KING (Kootenay): It is in the constituency of Comox-Alberni, a very wonderful constituency.

Sir HENRY DRAYTON: It must be.

Mr. ROBB: Well represented.

Sir HENRY DRAYTON: Oh, yes, it seems to be too well represented. Is there an existing contract for that? What is the last contract there?

Mr. KING (Kootenay): There was a contract made last year with the Arnett Dredging Towing and Salvage Company for the removal of 37,932 cubic yards, at a cost of $6,448. It is proposed to extend the work up the river. The expenditure under the new contract was $16,408. This is to provide for the deepening of the channel of Courtenay river from its mouth to the town of Courtenay, a distance of some 5,300 feet. In discussing this item last year I endeavoured to show the House that Courtenay is one of the principal farming districts on Vancouver Island. The Courtenay river runs through the town, and I found when visiting there in 1924 a desire on the part of the citizens to have the river channel so improved that they could have a boat which was being used by their association for the transportation more particularly of their farm products to the larger markets of Powell River and Vancouver at any stage of the water. It is to improve the channel from the mouth of Courtenay river to the town of Courtenay that this appropriation is being made.

Sir HENRY DRAYTON: Was $6,000 spent last year?

Mr. KING (Kootenay): Yes, at the mouth of the river.

Sir HENRY DRAYTON: How does it appear as if there were $17,500 spent last year? The vote last year was $35,500 and there is a revote of $18,000.

Mr. KING (Kootenay): I did not go far enough; I was diverted from what I was saying. I was speaking of the dredging contract of the Arnett company of $6,400.

Sir HENRY DRAYTON: When was that contract entered into?

Mr. KING (Kootenay): June 25, 1925. In addition to that $4,950 was spent for 45 days by the dredging company for other work.

Sir HENRY DRAYTON: Under contract?

Mr. KING (Kootenay): In extension of their contract.

Sir HENRY DRAYTON: When did they get that little extension?

Mr. KING (Kootenay): Late in the season.

Sir HENRY DRAYTON: I wonder about when they got the extra $5,000.

Mr. KING (Kootenay): I have not the date, but I imagine it would be on in the season.

Mr. NEILL: After the election.

Sir HENRY DRAYTON: How does that statement compare with the records of the department?

Mr. KING (Kootenay): There was further dredging involving the removal of 9,000 cubic yards of sand and gravel authorized on the 9th January, 1926.

Sir HENRY DRAYTON: Is the hon. gentleman quite sure of that?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: I had an idea that the government at that time said that they were not functioning. That was before that vote came along.

Mr. KING (Kootenay): Yes, they were.

Sir HENRY DRAYTON: So the government were functioning all the time?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: What about existing contracts?

Mr. KING (Kootenay): They are all cleaned up.

Sir HENRY DRAYTON: So we are going to have a new contract for $25,500?

Mr. KING (Kootenay): Yes.

Item agreed to.

Esquimalt—old dry dock—to provide for payment of repairs performed by Messrs. P. Lyall and Sons Construction Company, Limited, with interest thereon at 5 per cent, $5,262.84.

Sir HENRY DRAYTON: What is the idea of the interest there?

Mr. KING (Kootenay): This amount had been earned on October 1, 1924. The cost of the work was $4,895.67. The interest from October 1, 1924 to March 31, 1926 is $367.17 making a total of $5,262.84.

Sir HENRY DRAYTON: What was the reason for the delay in payment? As a general rule interest is never allowed on government payments, as my hon. friend knows.

Mr. KING (Kootenay): I think what happened was this: A ship was being built in the old dry dock in Victoria. She came into contact with the walls and there was certain damage. An arrangement was made with the P. Lyall Company to repair this damage, and this is an adjustment of that account.

Item agreed to.

Edgewood wharf—repairs, $4,200.

Sir HENRY DRAYTON: Where is Edgewood?

Mr. KING (Kootenay): It is on the Arrow lakes in the constituency of West Kootenay. This is to renew the superstructure of the wharf.

Sir HENRY DRAYTON: That will be a new contract.

Mr. KING (Kootenay): New work.

Sir HENRY DRAYTON: It has not been let yet.

Mr. KING (Kootenay): No.

Item agreed to.

False creek—dredging, $50,000.

Mr. KING (Kootenay): This is for the removal of 121,790 cubic yards of sand, silt, debris and gravel in False creek. False creek, as my hon. friend knows, is in the centre of the city of Vancouver and many industries are located on its banks. It is proposed by means of this dredging to give access to those manufacturing properties in order that there may be protection in case of fire and also that they may have ingress or egress from or to the harbour.

Sir HENRY DRAYTON: Have we still the title, or is it in the hands of the provincial government?

Mr. KING (Kootenay): The harbour commission are in control, but I think there has been certain litigation that would indicate

that the ownership is in the provincial government. The hon. member for Burrard, who is in his seat, would probably be more familiar with recent litigation and the decision of the court than I.

Mr. CLARK: I do not think there is any litigation. I believe the Minister of Justice (Mr. Lapointe) could throw more light on the matter if he were in his seat. I think there has been a settlement as between the federal and provincial governments and the right to the harbour as regards False creek has been handed over to the province in return for other concessions.

Mr. KING (Kootenay): Not handed over to the province.

Mr. CLARK: The industrial island is certainly handed over to the province.

Mr. KING (Kootenay): They are not collecting any rentals; those are collected by the harbour board and under their administration, I understand.

Mr. CLARK: The minister should certainly know the present position of the matter, but an agreement was announced by the Minister of Justice, I think, two years ago in this House. The harbour board may still be administering it on behalf of the provincial authorities.

Mr. KING (Kootenay): I think we have an arrangement with the provincial government whereby they continue to be in control and administer it and collect the rentals. The provincial government are not asserting their right.

Mr. CLARK: But the title is in the provincial government?

Mr. KING (Kootenay): Yes.

Mr. CLARK: And it is administered by the harbour board on their behalf?

Mr. KING (Kootenay): Yes.

Item agreed to.

Fraser river—improvements, $50,000.

Mr. BARBER: Has the minister included in this item $3,000 for protection work south of the ferry landing at Rosedale? This matter was taken up by the late member in 1924, and the federal government promised the expenditure, the provincial and municipal authorities to provide a similar amount. Is that provided for in this estimate?



Mr. KING (Kootenay): Not in this estimate. There has been co-operation between the provincial government and the municipality, and I hope that parliament will later on supplement the Dominion contribution to the work.

Mr. BARBER: The work is completed. The provincial government have paid their portion and the municipality has borne its share of the cost as well as that of the Dominion government. There is a matter of $1,000 for a wing dam across the river at Agassiz, and I have a letter from the municipality of the district of Kent in which it is stated that the provincial government has agreed to grant $1,000 and the municipality another $1,000. They have appealed to the Dominion government for its contribution of an equal amount for the work across the river.

Mr. KING (Kootenay): There is no commitment on the part of the Dominion government, but we shall be glad to look into the matter and decide whether we are involved and how much we should contribute.

Mr. BARBER: I understand that the attention of the department has been called to the fact that the Canadian Pacific Railway has dumped several trainloads of rock into the bed of the Fraser at Mission to strengthen a bridge at that point. This intereferes with navigation at certain seasons. What will be done to rectify it?

Mr. KING (Kootenay): I cannot recall having had the matter brought to my attention. I shall be glad to make inquiries.

Mr. BARBER: The suggestion was made that it might be better, instead of compelling the Canadian Pacific to remove the rocks, to negotiate with them with a view to having the bridge used for general traffic as well as for the purposes of the railway.

Mr. KING (Kootenay): That suggestion has been considered, but there is not much likelihood of the company agreeing to the proposal. They state that the bridge is not capable of bearing the added traffic.

Mr. McQUARRIE: What is being done with regard to Woodward slough?

Mr. KING (Kootenay): The money is required to carry out the work which was under construction last year at Woodward slough to control the river at that point, and also to deepen the channel.

Mr. McQUARRIE: What is the minimum depth of the channel at high tide between New Westminster and the gulf?

Mr. KING (Kootenay): Between twenty-seven and twenty-nine feet.

Mr. McQUARRIE: Is twenty-seven the minimum?

Mr. KING (Kootenay): Yes.

Mr. McQUARRIE: At what point?

Mr. KING (Kootenay): At Woodward slough and near the entrance to the Fraser.

Mr. McQUARRIE: What depth will be attained as a result of operations?

Mr. KING (Kootenay): It is difficult to say, but we hope to improve the channel so that there will be a depth of twenty-nine or thirty feet. It might go more than that, but that is what we hope to reach at any rate.

Mr. McQUARRIE: Your objective is thirty feet?

Mr. KING (Kootenay): Yes.

Mr. McQUARRIE: Will there be a depth of thirty feet to the gulf?

Mr. KING (Kootenay): Yes, if some other spot does not fill up.

Mr. McQUARRIE: But assuming that the other points remain as they are now?

Mr. KING (Kootenay): There will be thirty feet.

Mr. McQUARRIE: These are the only places where you do not reach that depth?

Mr. KING (Kootenay): There are two important points, one at the mouth of the river, which has been under control in the last two or three years, although there has been some difficulty this winter, and the other at King Edward cut. There is also a section near New Westminster where a wing-dam has been put in and where some money will have to be spent. At present there is no serious difficulty there, but that part of the river is also under observation. There are these three points to be taken care of.

Mr. McQUARRIE: Is the department doing anything in connection with these three places?

Mr. KING (Kootenay): Yes.

Mr. McQUARRIE: They are not provided for in this vote.

Mr. KING (Kootenay): This vote will continue the work undertaken last year at Woodward slough, which is of importance, but other sections of the river are also under consideration.

Mr. McQUARRIE: But it is not included in this vote?

Mr. KING (Kootenay): No.

Mr. McQUARRIE: Is the department considering an extension to the jetty at the mouth of the Fraser river out to deep water?

Mr. KING (Kootenay): Yes.

Mr. McQUARRIE: Will that be attended to this year?

Mr. KING (Kootenay): I could not say.

Mr. McQUARRIE: I believe the minister has received representations from the harbour board and others in New Westminster, pointing out the necessity for immediate action in this connection. Are those representations receiving consideration?

Mr. KING (Kootenay): Yes.

Mr. McQUARRIE: The minister knows, of course, that there has been a very considerable increase in deep sea shipping at the port of New Westminster in recent years, and he knows also that great industrial development is taking place along the Fraser river.

Mr. KING (Kootenay): Yes.

Mr. McQUARRIE: Has he any details in regard to the shipping on the Fraser river, in the last year, say?

Mr. KING (Kootenay): There has been an appreciable increase in the shipping from New Westminster down the Fraser river. Last year 150 seagoing vessels took cargo from Westminster. There was a large shipment of lumber from the town as well as an export of ores. In addition to that there was a movement of unfinished lumber products, box shooks, and other more or less manufactured lumber. There has been a marked increase over the last few years.

Mr. McQUARRIE: In those 150 vessels there were included a number of Canadian merchant marine boats?

Mr. KING (Kootenay): Yes.

Mr. McQUARRIE: The minister and the department might show a little more expedition in connection with the work in the Fraser river channel. I appreciate the fact that the minister and his deputy and the chief engineer realize that the business al-

ready being done and in prospect warrants substantial expenditures in order to provide a proper channel from New Westminster to the gulf. The minister knows that the improvement of this channel does not in any way operate against any other port in British Columbia. There are many miles of industrial sites available along the Fraser river which will have to be used in the very near future, and will be if the channel is made deep enough. At the present time the ships that come into New Westminster are not able to load to full capacity, and this of course prejudices the port to a certain extent. The minister is also aware that the Fraser river has been investigated by those interested in the shipment of grain through Pacific ports. The Saskatchewan Co-operative Company, the Grain Growers' Company, and other large elevator concerns have investigated the Fraser river with a view to locating elevators at or near New Westminster. This would effect a very important saving by the Canadian National Railways, amounting to about $13 a car, as against Burrard inlet at Vancouver. The people of New Westminster are asking that this work be taken up and handled efficiently and speedily so that the opportunities which are now presenting themselves for the development of the port may be taken advantage of. I do wish to impress upon the minister the necessity of speeding up the work on the Fraser river and finishing the improvement at the mouth of the river, which all authorities agree will tend to increase the depth of water in the harbour and the channel.

Mr. KING (Kootenay): Everyone who is familiar with shipping on the Fraser river realizes the advantage of the route. We have been advancing the project under the advice of the technical men of the department, and I am satisfied my hon. friend will agree that a marked improvement has taken place in the river, so much so that the shipping has quadrupled in the last three or four years. The Fraser river needs to be carefully studied before we undertake to control it. If we advance step by step and let the river assist in correcting the channel, I think we shall accomplish more than if we rush in and attempt extensive works involving large expenditures. I heartily endorse the policy of the engineering branch to proceed cautiously.

Mr. FRASER: Is any part of that vote for the upper Fraser river?

Mr. KING (Kootenay): No. Any requirements for the upper Fraser river, unless mentioned especially, would come out of the general vote for harbours and rivers.

[Mr. McQuarrie.]

Sir HENRY DRAYTON: What about contracts there?

Mr. KING (Kootenay): This work will be done under a new contract. The old contract has been closed out. The date of the old contract was October 25 last.

Sir HENRY DRAYTON: That was nicely before the election.

Mr. KING (Kootenay): It would not have any effect on the election.

Sir HENRY DRAYTON: Of course not!

Item agreed to.

Fraser river—Lower—operation of snag boat, $30,000.

Mr. BARBER: The snag boat on the lower Fraser river operates as far as Chiliwack. I would point out to the minister the importance of keeping the river clear of snags and constructing wing dams. These dams do away with considerable dredging, and that is the reason I have urged in connection with the operation of the snag boat the construction also of a wing dam on the Agassiz side. There are already three on the Rosedale side, and another wing dam on the other side will tend to keep the river in the centre, and thus save the considerable dredging expenses of previous years.

Mr. KING (Kootenay): This vote will be entirely for operating the snag boat. Wing dams would be another item.

Mr. McQUARRIE: Is there anything on the government programme for the north arm of the Fraser river?

Mr. KING (Kootenay): I think we have in mind some dredging of the north arm by the departmental dredge. We will come to that shortly.

Item agreed to.

Fulford Harbour—Wharf repairs, $2,500.

Sir HENRY DRAYTON: That is a new vote, is it not?

Mr. KING (Kootenay): It is in the Nanaimo constituency. This is to renew a portion of the wharf approach, the superstructure and the freight shed. It is in the island district between Vancouver and Victoria.

Sir HENRY DRAYTON: Is any work going on now?

Mr. KING (Kootenay): No.

Item agreed to.

Harbours and rivers generally—repairs and improvements, $65,000.

Mr. STIRLING: Does this include any work on the Okanagan river?

Mr. KING (Kootenay): The only work we have on the Okanagan river is the maintenance of the dam at Penticton. We spent some money there two years ago, and I do not think there is necessity for further expenditure this year, but if there is it will come out of this vote.

Mr. STIRLING: There is an item included in the estimates for the control dam?

Mr. KING (Kootenay): I think not.

Mr. STIRLING: Is the minister quite satisfied that the control dam is in a stable condition?

Mr. KING (Kootenay): I understand so.

Mr. FRASER: Is anything included there for the clearing of the river north of Stuart lake, connecting Stuart lake with Tacla lake? There was some money spent on that.

Mr. KING (Kootenay): I think two years ago.

Mr. FRASER: Is there not a recommendation as to that?

Mr. KING (Kootenay): I think there is a recommendation asking for further expenditures. There is no provision here.

Mr. FRASER: What about Stuart lake wharf?

Mr. KING (Kootenay): I think that was completed last year.

Mr. FRASER: That was Fraser lake. I am speaking of Stuart lake wharf.

Mr. KING (Kootenay): No, there is no item after that.

Mr. FRASER: You have a requisition for that.

Mr. KING (Kootenay): I was thinking of Fraser lake. I think that was completed last year.

Mr. FRASER: Fraser lake wharf was completed and this is for a similar wharf at Stuart lake further north.

Mr. KING (Kootenay): I will make inquiry.

Mr. TOLMIE: Is a portion of this money to be expended in Victoria harbour?

Mr. KING (Kootenay): No, I think some work is to be done in Victoria harbour from our dredging vote or special vote.

Mr. TOLMIE: Nothing about any work on Hospital Rock?

Mr. KING (Kootenay): We have it under consideration. It is not in the main estimates.

Mr. TOLMIE: I might call attention to the fact that during a foggy day last year one of the big steamers got stuck on that rock.

Mr. BARBER: Is there anything in the vote in reference to the Coquitlam river? You will remember that this was taken up with the department by the board of trade of Coquitlam in February, 1925. I have a resolution from the board of trade which reads as follows:

Copy of a resolution passed by the Port Coquitlam Board of Trade at a meeting held on February 27, 1925.

Whereas the Coquitlam river is a very grave menace in its present state, and whereas the said river has washed away the homes and property of some of our citizens, and whereas the said river is constantly overflowing its banks and spreading over our city, and whereas numerous log jams and bars have formed in the river bed causing the river to keep changing its course;

Be it resolved that this Board of Trade earnestly request the Dominion Government to take such measures as may be necessary to confine the said river to its own channel.

This is a matter I would like to press, and I hope the department has it under consideration.

Mr. KING (Kootenay): I am familiar with the Coquitlam river. In 1923-24, in cooperation with the provincial government, we did some work there. I have not been convinced that the Dominion government should spend further money at that point. True, they had bad floods and overflowing of the river some years ago, but I understand the work done in 1923 and 1924 has given great relief, and there has not been any serious damage since.

Mr. FRASER: I understand you have a vote of $25,000 for the upper Peace river, from Hudson Hope up Peace river. I think the engineer reported that there was to be a vote of that amount included in the estimate.

Mr. KING (Kootenay): I do not find it here.

Mr. FRASER: What is the situation there in regard to the improvement of the Peace river?

Mr. KING (Kootenay): That country is being opened up. Pioneers are going in, and there have been suggestions that we should

provide accommodation that they may be able to get in and out of the district. But there is nothing in these estimates relating to that.

Mr. FRASER: The minister is aware that there is a coal mine operating in there and shipping coal down the river. The capacity of the mine at the present time is 100 tons per day, and during the season of navigation the market is entirely down the river. The river is open for navigation for some 300 miles, except for 15 miles, and I think there are only a few points where work will be required to make the river navigable for the whole distance. A substantial quantity of coal is used by the inhabitants in the district along the river. I understand the matter has been under consideration for the last three years, and promises have been made that attention would be given to it. The people there are anticipating a vote, an appropriation, which I thought would be included in this item. Will the minister put it in the supplementaries, or at least give it further consideration?

Mr. KING (Kootenay): I shall be glad to give it consideration. When the hon. member spoke of it first I did not think he was referring to Hudson Hope. I am not sure that we have had any direct representations regarding the matter.

Mr. FRASER: The minister has had a report from Mr. Doncaster.

Mr. BARBER: Another matter taken up with the department some time ago, in regard to which I do not see provision in the estimate, is in relation to the Minnekahda wharf on the Pitt river. This wharf was constructed by the Dominion government and has been repaired from time to time by the municipality. The reason given by the government for not repairing it now is that the municipality during each season unloaded a certain amount of road material there. I believe the department will reconsider their decision not to repair. The wharf is used by a large number of farmers and people of the other districts who do not pay taxes in that municipality, therefore it is unfair to ask the municipality to bear the full cost. This is only a very small amount. It requires some caps and joists in the centre of the wharf where they have been broken. I appeal to the minister to consider this and place an amount in supplementary estimates. As I have said, only a few hundred dollars would be required. Considering the fact that the municipality have from year to year repaired the planking and other parts of the wharf, they thought it would not be out of the way to ask the Dominion government to replace the piles and make the necessary repairs.



Mr. KING (Kootenay): I think the matter is receiving attention. There is no doubt that the municipality, in the use of the wharf, has overloaded it and done certain damage. The suggestion has been made, I believe, that if the wharf was repaired there should be certain co-operation in the matter.

Item agreed to.

Port Clements—wharf repairs, $3,000.

Sir HENRY DRAYTON: Did we not do work there last year?

Mr. KING (Kootenay): Yes, there was a vote there last year of $6,600 and $6,655 was expended.

Sir HENRY DRAYTON: When was the contract made?

Mr. KING (Kootenay): August 20, 1925.

Item agreed to.

Saanichton—renewal of float and wharf repairs, $2,000.

Sir HENRY DRAYTON: In connection with all the items on the rest of the page, no work was done?

Mr. KING (Kootenay): I do not think so. There may have been at Saanichton.

Sir HENRY DRAYTON: The estimate does not show anything.

Mr. KING (Kootenay): No, there was nothing.

Sir HENRY DRAYTON: Nothing in connection with the others, except a report and a speech by the hon. member.

Mr. KING (Kootenay): It was reported on.

Item agreed to.

Sir HENRY DRAYTON: What about the appropriations not required for 1926-27?

Mr. KING (Kootenay): I will hand them to Hansard for insertion:

List of Appropriations not required for 1926-27

| | Appropriation 1925-26 |
|---|---|
| Harbours and Rivers—British Columbia— | |
| Bamfield East—reconstruction of wharf.. .. | $ 1,650 |
| Burgoyne Bay—wharf repairs.. .. .. .. .. | 1,250 |
| Campbell River—wharf repairs.. .. .. .. | 5,000 |
| Celista—wharf.. .. .. .. .. .. .. .. .. .. | 3,600 |
| Clayoquot—wharf repairs.. .. .. .. .. .. .. | 5,200 |

| | |
|---|---|
| Harbours and Rivers, British Columbia.—*Con.* | |
| Crawford Bay—reconstruction of float and shed | 2,250 |
| Deer Park—wharf repairs | 2,200 |
| Denman Island—landing slip | 1,000 |
| False Bay—Lasqueti Island—wharf | 5,600 |
| Fraser Lake—wharf to complete | 300 |
| Fraser River—improvements to jetty | 34,000 |
| Gower Point—float | 2,100 |
| Greta—wharf reconstruction | 2,500 |
| Haney—wharf reconstruction | 7,800 |
| Hope Bay—wharf repairs | 2,800 |
| Kaleden—wharf reconstruction | 4,100 |
| Kildonan—float | 1,750 |
| Kincolith—wharf improvements | 1,200 |
| Marmot Bay—float | 2,700 |
| Mayne Island—wharf repairs and improvements | 4,200 |
| Mission—wharf reconstruction | 5,200 |
| Naramata—wharf extension | 2,700 |
| New Massett—Renewal of float | 1,350 |
| Okanagan Lake and River—improvements | 2,000 |
| Okanagan Control—dam maintenance and operation | 1,500 |
| Oona River—float | 2,000 |
| Pitt Lake—wharf reconstruction | 3,000 |
| Pope's Landing, Pender Harbour—reconstruction of float | 1,200 |
| Port Essington—improvements to float | 1,200 |
| Port Renfrew—In full and final settlement of claim of Godman estate, etc | 2,000 |
| Queen Charlotte City—repairs to float | 1,200 |
| Riondel—wharf | 7,600 |
| Royston—wharf repairs and improvements | 2,100 |
| Sayward—wharf replacement to complete contract | 6,600 |
| Shushartie Bay—repairs to float | 1,400 |
| Skidegate—wharf repairs | 2,400 |
| Sooke—wharf repairs | 4,500 |
| Sunnybrae—wharf | 7,500 |
| Ucluelet—West—float | 1,350 |
| Vancouver, Stanley Park—Foreshore protection | 8,000 |
| Westbank—reconstruction of and improvements to warf | 8,500 |
| White Rock—wharf repairs | 1,200 |
| William Head Quarantine Station—repairs to wharves | 3,500 |
| | $169,800 |

The CHAIRMAN: The next item is:

Harbours and rivers generally, $30,000.

Mr. FRASER: Would the minister give a list of the items under harbours and rivers generally?

Mr. KING (Kootenay): That is not known yet. These are small items that come up from time to time. This is the item we discussed this afternoon. It is to take care of unforeseen expenditures arising during the present year, ranging from two or three hundred dollars up to two thousand dollars. During the season the engineer may report that a work at Ladner, for instance, requires an expenditure of five or six thousand dollars. That would be met out of this vote.

Mr. FRASER: There is a situation at the city of Prince George in connection with the Nechacco river in regard to which I think the minister has a certain amount of information. Is he in a position to say whether favourable consideration will be given to an expenditure at that point?

Mr. KING (Kootenay): In connection with the flooding of the river banks at Prince George, there have been requests made to the Public Works department, but I think if my hon. friend will investigate he will find that this is largely a railway matter. Railway lands are involved as well as private property, and as yet we have not seen our way clear to undertake work at that point.

Mr. McGIBBON: There has been a request made by the navigation companies on the Muskoka lakes for repair of the breakwater at Bracebridge, which has got badly out of repair. Can the minister say whether those repairs will be made this year?

Mr. KING (Kootenay): I think that is being considered.

Item agreed to.

Mr. ROGERS: It is getting late, and I think the minister is tired, as we all are. I am sure the Minister of Finance is very anxious to get home, he looks so tired. We have done a good day's work, and I think we can promise the minister that we will do a better day's work to-morrow if he would consent to the committee rising now.

Mr. KING (Kootenay): If it is the desire of the committee, I will move that we rise and report progress.

Mr. MACDONALD (Kings): I was not present when the items for Prince Edward Island were being passed a few nights ago, and I would like to ask the minister now with respect to the wharf at Georgetown in that province. Strong representations have been made by the Potato Growers' Association at Georgetown with regard to the necessity of frost proofing the warehouse there. This is not an ordinary expenditure. It is an expenditure that would appeal to the people of Prince Edward Island as a whole. Georgetown is the one late port for Prince Edward Island; it is more valuable than any other port for late shipping. The warehouse has been rebuilt at considerable expense during the past two or three years, but it is of very little value, comparatively speaking, unless it is frost proofed. The reason for that is that the growing of seed potatoes is becoming quite a large industry in Prince Edward Island, and a great many of these potatoes go by steamer to the southern United States, where they are re-

quired about the month of January. If we had that warehouse frost proofed it would be possible to load the potatoes on the steamers at Georgetown from two to four weeks later than at any other port in the province. They could go late in December to the southern states and be distributed direct to the growers for seed, thereby saving a great deal of money in the handling. This is a matter of very great importance to the province, and I would ask the minister if he has considered it, and whether there will be an item in the supplementary estimates this year for that purpose.

Mr. KING (Kootenay): I am familiar with the situation at Georgetown. The government have reconditioned and renewed a very good wharf at that point, and have improved the shed accommodation. It is true that we have not made that shed frost proof, as I think it should be, for the accommodation of the farmers in the handling of their potatoes, but I would point out that at the present time the railway is on the narrow gauge. We understand that the railway is changing to the broad gauge, and once that is accomplished I think we will be justified in spending some money on a potato warehouse at Georgetown. But until that is done I do not think we would.

Mr. MACDONALD (Kings): That standardization work is going on, and the information we have now is that it will be completed by about September this year. So that if the warehouse is to be made available for shipping this season it would be necessary to have an item in the supplementary estimates this year so that the work could be gone on with now.

There is just one other matter to which I wish to refer, and that is what is known as Lewis point pier at Cardigan. It is the only public wharf in that harbour. Nothing has been done to it for eight or ten years and it has got now into such a state that it is of no value for shipping. There are three private wharves there, but their owners are not keeping them up to any great extent. It is important that the government should consider wharf improvement at that point. This wharf has got into such a bad state of disrepair that it would cost a lot of money to repair it, and my suggestion would be that one of the other private wharves, which are better situated, could be bought very cheaply, and the Lewis point pier might be removed. One of these other wharves could be obtained for about four or five thousand dollars, possibly less, and it would give all the accommodation required. I have no doubt that the minister has a report from his engineer on this matter, and I would urge that if at all possible some item be put in the estimates for repairing the present wharf or acquiring one of the others.

[Mr. Macdonald (Kings).]

Progress reported.

On motion of Mr. Robb the House adjourned at 10.55 p.m.

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## Friday, June 18, 1926.

The House met at two o'clock.

## AGRICULTURE AND COLONIZATION COMMITTEE

### CATTLE INDUSTRY

Mr. W. F. KAY (Brome-Missisquoi) presented the fourth report of the select standing committee on Agriculture and Colonization as follows:

Your committee has had under consideration the order of reference respecting the cattle industry, with power to examine into the whole situation, and to recommend such measures as would, in the opinion of this committee, be beneficial to the further development of that industry, and after consideration of this matter, recommend to the House the following resolutions as passed separately by this committee at a meeting held this day, namely:

(1) That this committee recommend that a Canadian representative at Washington should be appointed at once.

(2) That this committee recommend that the government enter into negotiations with the United States looking toward the entry of Canadian cattle into the United States market on more favourable terms than at present.

(3) That this committee recommend that the Canadian customs tariff against the United States cattle should be placed on the same rate and same specific basis as the United States tariff against Canadian cattle, with a provision that if the United States tariff duties be removed or reduced, the Canadian duties would thereupon be removed or reduced to the same extent.

## CUSTOMS INQUIRY

### REPORT OF SPECIAL COMMITTEE—FINDINGS AND RECOMMENDATIONS

Mr. PAUL MERCIER (St. Henri) presented the third and final report of the special committee appointed to investigate the administration of the Department of Customs and Excise as follows:

The Special Committee appointed to investigate the administration of the Department of Customs and Excise, beg leave to present the following as their Third and Final Report:

1. On the 5th February 1926 the House of Commons adopted the following resolution:

That a Special Committee of this House, consisting of nine members, be appointed forthwith to

investigate the administration of the Department of Customs and Excise and alleged serious losses to the public treasury because of inefficiency or corruption on the part of officers of the Department and others, and that such investigation extend back over such period of time as the Committee may decide and have regard to all matters affecting the prevention of smuggling, the prosecution of offenders, the seizure, storage and disposal of smuggled goods, or goods seized for purposes of excise or other taxes, the appraisal of goods for revenue purposes, the collection of customs and excise duties, the knowledge of ministers or officials of offences or irregularities affecting the public service in said department, the efficiency of the administration thereof, and the necessity of safeguarding the public revenue and the public treasury, and that such Committee have power to send for persons, papers and records, to adjourn from place to place, to print the evidence taken before the Committee, and to report from time to time.

2. By a subsequent resolution the Committee was constituted as follows:

Messrs. C. W. Bell, K.C. (Hamilton West), Hon. R. B. Bennett, K.C., D. Donaghy, K.C., A. J. Doucet, J. C. Elliott, K.C., D. M. Kennedy, P. Mercier, K.C. (St. Henri), E. C. St. Pere, Hon. H. H. Stevens.

Mr. Paul Mercier, K.C. was elected Chairman. Mr. Elliott having been appointed a Minister of the Crown and by resolution of the House of Commons Mr. William T. Goodison was appointed to the vacancy so created, on March 15th 1926.

3. Your Committee sat from 9th February to 11th June, held 115 sittings, and heard 224 witnesses. Mr. R. L. Calder, K.C. was appointed Counsel to the Committee and Mr. R. D. Tighe, Assistant Counsel, both appointments being ratified by the House. Certain interested parties were represented by Counsel on a number of the hearings, by leave of the Committee.

4. Notwithstanding the time devoted by the Committee to the taking of evidence the matters referred to it by the order of reference could not be completely reviewed. Much evidence was taken in connection with the Port of Montreal: the situation at Beebe and Rock Island, Quebec: and the operation of distilleries. The committee have also with some detail examined into liquor smuggling in the Maritime Provinces. The committee have examined in a general way the conduct of business at certain customs ports of Ontario. The committee have not dealt, except incidentially, with the Middle West and the Pacific Coast. To a degree, therefore, this report is incomplete and suggestive rather than final. Full audit and extra-departmental investigation would be profitable in improving the service and recovering a large amount of revenue.

5. **Since 1897 the Customs Department has been under the control of a responsible Minister.** In 1918 the Department of Excise, which had been a separate department of the Public Service since the year 1868 was amalgamated with the Customs Department and in 1920 and 1924 respectively the amalgamated departments were charged with the collection of sales and Income Taxes. The administration of these amalgamated departments is a serious task. The Customs frontier between the United States and Canada is a very long one and the position and number of bridges and highways crossing the boundary together with the extended line of sea coast rendered the suppression of smuggling difficult. The adoption by the United States of the Eighteenth Amendment has increased the difficulty, because it has made the incentive to illegally convey intoxicating liquor to the United States very great, and with the mass production of many products in that country there is a correspondingly great incentive to illegally import such products into Canada. In the year 1925 smuggling assumed such large proportions that a number of business men made representations to the Government, in consequence of which an Act, Chapter 39 of the Statutes of 1925, was passed making smuggling an indictable offence, where the goods were of the value of more than $200 and the penalties incurred by such smuggling increased.

6. The evidence submitted to the Committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency and that the process was greatly accelerated in the last few years. Apparently the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office and as a result there was a lack of efficient, continuous and vigorous control of subordinates by the Headquarters Staff at Ottawa.

7. The procedure provided by the Customs Act in the matter of Customs seizures is as follows: Upon making a seizure the Collector or Seizing Officer forthwith reports the circumstances of the case to the Commissioner of Customs (Section 174). Thereupon the Commissioner notifies the owner or claimant of the thing seized, stating the reasons for the seizure, and calls upon such owner or claimant to furnish within thirty days any evidence he may desire to submit. (Section 175). After the expiration of thirty days or sooner, if evidence is forthcoming on the part of the owner or claimant, "the Commissioner may consider and weigh the circumstances of the case and report his opinion and recommendation thereon to the Minister." (Section 176). The Minister thereupon either gives his decision and states the terms upon which the thing seized or detained may be released or the penalty or forfeiture remitted or refers the decision to the Court (Section 177). The Committee finds that this procedure was not followed. Although, as a rule, the facts are correctly recited in the summary submitted to the Minister, the opinion is not infrequently at variance with such facts, and the recommendation is so drawn as to elicit a decision to which such facts are repugnant. This discrepancy is accounted for by the fact that the report upon the evidence was in many instances preceded by a conference, and the recommendation was dictated by an intelligent anticipation of the Minister's wishes in the premises.

8. The Committee is of opinion that the administrative duties of the Department of Customs and Excise should be left to the Executive Officers of the Department. Where the value of the goods or the amount in question is $200 or more the procedure should be automatic and not subject to Ministerial interference or control. Where the goods in question are under $200 the case would fall under the heading of "Petty Offences" and the Minister's discretion might there find a proper field for its exercise.

9. The Committee finds that theft of motor vehicles has frequently been associated with smuggling on the Quebec Customs frontier. The procedure followed by the Department in dealing with cars stolen and smuggled has resulted in an advantage to the thief and receiver as against the owner of the car.

In the opinion of the Committee the procedure might be modified so as to provide that when the owner has established his title to the satisfaction of the department the car should be forthwith released to him, under bonds to re-export it, and upon payment of charges for storage, etc., such release to be made at a time and place of which notice should be given to the person in whose possession it was at time of seizure in order that he may take such legal proceedings as are competent to him to assert any claim thereto or lien thereupon.

10. The Committee find that it is the common practice of the Department to grant clearances to vessels

wholly or partly laden with liquor for the United States, or allegedly bound for a foreign port, but admittedly sailing to "rum rows," and that false landing certificates have been produced to obtain cancellation of bonds given for foreign export of cargoes so cleared.

The Committee further finds that a strong presumption is raised that some proportion of the liquor so shipped and cleared finds its way back into Canada for consumption. The Committee, therefore, recommend that excise and sales tax be levied on all Canadian made intoxicating liquors released from bond, no matter where they are carried and consumed, and that duty and sales tax be levied on all alcoholic liquors entering Canada, whether in bond or otherwise, irrespective of their ultimate destination.

Doubts have been cast upon the sufficiency of existing legislation to prohibit or authorize regulations prohibiting the illegal export of intoxicating liquors to the United States. To the extent to which such legislation may be insufficient the Committee recommends that it be amended. The Committee further recommends that, as soon as possible, regulations be made to prohibit clearances being granted to vessels carrying liquor as cargo, sailing from a Canadian Port to a United States Port, such regulations to make an exception in favour of liquor being imported into the United States in accordance with the laws of that Country.

11. Subsection 4 of Section 171 of the "Excise Act" provides that "no spirits subject to excise which have not been warehoused for at least two years shall be entered for consumption". By reason of special circumstances arising out of the War, Parliament on the 1st day of July, 1920, Chapter 52, 10-11 George Fifth, Section 4, amended the section by adding thereto a proviso empowering the Governor General to suspend the operations of the said subsection during such period or periods as he may deem necessary. From sessional paper No. 84, 1926, it appears that by Order in Council the following distilleries have been permitted to enter for consumption the spirits manufactured during the period of nine months or less from the date of distillation:

Gooderham & Worts, P.C. 641, April 17th, 1924.

Distillery Corporation Limited, P.C. 1646, September 14th, 1925.

Manitoba Refinery Company (Ltd), P.C. 1903, October 20th, 1925.

Consolidated Distilleries of Manitoba, P.C. 29, January 7th, 1926.

In the opinion of the committee such unmatured spirits are unfit for human consumption and their release is injurious to the public health. The committee therefore recommends that Section 4 of Chapter 52, 10-11 George Fifth, be repealed at the present session of parliament and that the orders in council issued thereunder be, thereupon forthwith, cancelled. The committee further recommends that the technical regulations now governing the denaturing of alcohol be revised by competent experts so as to render all classes of denatured alcohol non-potable, and that where the Regulations under Section 171 of the Excise Act provide for the warehousing of potable liquors they shall provide for the maturing of such liquor in wood for a period of at least two years.

12. The committee recommends that the following firms and companies should be proceeded against in the proper forum to recover the sums, if any, now owing by them to the Crown:

John Gaunt Company.

Dominion Distillery Products and Associated enterprises.

B. B. Glove Co.

Jas. A. Gilmore Co.

Globe Suspender Co.

Perfecto Garment Co.

Peerless Overall Co.

R. & G. Manufacturing Co.

Reliable Garment Co.

Stanstead Manufacturing Co.

W. M. Pike & Sons.

Standard Manufacturing Co.

Telford Bros. Garment Co.

Telford & Chapman.

Jenkins Overall Co. Ltd.

Snag Proof Limited.

Rock Island Overall Co.

Alco Dress Co.

O. B. Earle Co.

Royal Cloak Co.

Miracle Dress Co.

Hollinger & Packer.

Klover Dress Co.

Poyaner Group of Companies.

Woollens Limited.

With reference to the distilleries, the committee has not had time to investigate them all. The committee recommends that a thorough audit and examination be made of the records and accounts of all the distilleries in respect of all matters relating to a loss of customs, excise and sales tax revenue.

13. The committee finds that the following officers have been delinquent in their duties and recommends that their services be dispensed with:

1. R. P. Clerk, Inspector of the port of Montreal.

2. A. E. Giroux, Superintendent of Customs and Excise, Montreal.

3. W Duval, Preventive Officer at Montreal.

4. John Landy, Customs Officer, Montreal.

5. Collector E. Brownlee, of Beebe, Quebec.

6. Marvin A. Sawyer, Customs Officer at Rock Island, and that in the interest of the public service arrangements should be made for the retirement of the following persons:

1. R. R. Farrow, Deputy Minister.

2. W. S. Weldon, Collector of Customs at Montreal.

3. Henry McLaughlin, Surveyor of Customs at the port of Montreal.

14. The committee recommends that the conduct of the officers at the port of Windsor, Ontario, and other important ports, should be further investigated and that the services of such of them as are found guilty of evasion of duty should be dispensed with.

15. The committee recommends that the evidence of J. A. E. Bisaillon given before this committee with reference to his bank account for the amount of $69,000 be transmitted to the Attorney-General for Quebec, for the purpose of comparison with the evidence given by him on the same point at preliminary inquiry at Quebec, P.Q., in the case of Rex vs Symons et al, and for such action by the said Attorney-General as the evidence may warrant; and further that the evidence in connection with the Morris Delage Motor Car case be transmitted to the said Attorney-General for such further action as the said evidence may warrant.

16. The committee recommends that for reasons of sound economy and increased efficiency there should be a reduction made in the number of ports of entry into Canada.

In support of this recommendation the committee would call attention to the following facts:

The United States has 270 customs ports of entry. The United Kingdom of Great Britain and Ireland has 80 ports of entry. On the other hand, Canada has a total of 681 places at which customs revenue is collected.

17. For the prevention of smuggling and of other frauds a strong preventive force under a capable administrator is necessary, and the committee, therefore, recommends:

1. That the Preventive Service be re-organized under a Chief, possessed with the highest qualifications for such office, clothed with wide powers of initiative, direction and control.

2. That such Chief Preventive Officer be authorized to select his staff in consultation with the Civil Service Commission.

3. That the Chief Preventive Officer be authorized to organize within the Preventive Service a secret service force, with special training in criminal investigation work, which force shall be under the general executive direction of the Chief of the Preventive Service.

4. That Preventive Officers and persons authorized to act as Customs and Excise Officers be given power to arrest without a warrant persons found committing any act declared by the Customs and Excise Acts to be an indictable offence.

5. That in connection with Preventive Service work the R.C.M.P. services be used for Patrol Work on the border, and while so engaged they be given full powers as Customs Officers. Pending the reorganization of the Preventive Service the R.C.M.P. should be immediately detailed for Patrol Service on all important points on the Border.

18. The evidence adduced before the Committee disclosed two outstanding facts, namely—

First, the methods of appraisal are exceedingly careless and fail to safeguard the interests of the importer or the revenues of the Country from being defrauded by undervaluation, and

Secondly, persons appointed as appraisers are in many instances untrained in the branch to which they are appointed.

The Committee recommend that the appraisal branch be re-organized and that all appraisers be chosen because of their competency to estimate the values of the class of goods they are appointed to appraise.

19. The Committee recommends that in future the provisions of Sections 213 and 213a of the Customs Act, which provide for the removal of buildings within a hundred yards of the boundary which are made use of in smuggling operations, be strictly enforced.

The situation created by the location of Derby Line, Vermont, and Rock Island, Quebec, as brought to the attention of the Committee is of a grave nature, and they recommend that a bond be established in each factory in which bond goods imported from the United States shall be placed until released for manufacturing purposes, and that an officer be appointed to look after such bond at the owner's expense.

20. The Committee recommends that Schedule "C" Prohibited Goods, of the Customs Act, be amended to include merchandise which is marked in contravention of the Gold and Silver Marking Act. That Act provides for prohibition of the importation of articles improperly marked, but Customs Officers ordinarily are not acquainted with the provisions of the Act, and for this reason the Committee recommends the inclusion of the prohibition in schedule "C" of the Customs Act.

21. Where articles containing precious metals are seized and forfeited the Committee recommends that they be not sold in the open market, as at present, but should be melted down and disposed of as bullion.

22. The Committee recommends that the regulations governing the distribution of the proceeds of fines and forfeitures be revised and that more liberal treatment be accorded informers and seizing officers. The moieties granted seizing officers in respect of seizures made by them should not however, be distributed to such officers as each seizure is made. Such moieties should be paid into a special fund and periodically distributed to all the members of the Customs and Preventive Services.

23. The Committee recommends that in cases of commercial smuggling or under-valuation, where the offenders are known, they should at once be arrested and brought to trial with the utmost promptness. The Committee further recommends that the Department of Justice be requested to select at once capable and experienced Counsel in important centres, and retain them to act for the Department of Customs and Excise in all future cases.

24. The real solution of the difficulties at such points as Windsor, Niagara Falls, where traffic is heavy, and where a thorough examination of vessels and vehicles cannot be carried out, will be found in the discovery in advance by investigators of the secret service of the persons who make a practice of smuggling at these points, and their arrest when passing the Customs barrier. The Committee recommends that at bridges, ferries and main highways, where traffic enters Canada, in addition to the regular Customs supervision, vessels and vehicles should be searched at frequent, irregular and uncertain times. The uncertainty as to what vehicles will be examined, and as to when such examinations will be made, should operate as a strong deterrent of smuggling.

Your Committee recommend that such of the account books and other books and papers belonging to the firms mentioned in Clause Twelve of this Report, as may be necessary for use in any action that may be taken against the said firms, be retained by the House in order that they may be available if required.

Your Committee submit herewith for the information of the House, their Minutes of Proceedings and the Evidence taken by them.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): May I ask if we can depend upon action being taken on Monday with respect to this report, by way of motion to adopt or otherwise? So far as we are concerned we are prepared to go on to-day, but I recognize that we have not the right under the rules.

Mr. MERCIER (St. Henri): Monday or Tuesday.

Mr. MEIGHEN: It is only right, in connection with a matter of such importance, that we should know.

Right Hon. W. L. MACKENZIE KING (Prime Minister): The reply first made by the chairman of the committee presents the position of the government at the moment. We are prepared to proceed on Monday if possible, but otherwise definitely on Tuesday. I have on the order paper a resolution with respect to external affairs which I have assured different members of the House would be taken up first thing on Monday. When that matter is concluded we are prepared to go on with this report. Before I knew when this report would be presented, I gave the assur-

ance that this resolution would be the first order of business on Monday, but I can assure my right hon. friend definitely that we will at the latest go on with the report on Tuesday.

Mr. MEIGHEN: Why not go on with the resolution this afternoon?

Mr. MACKENZIE KING: This afternoon will be taken up by supply. I might say to my right hon. friend that I think hon. members of this House will wish to read the report before beginning to debate it.

Some hon. MEMBERS: Hear, hear.

Mr. MACKENZIE KING: I for one wish to consider it carefully, and I believe the House will be in a better position to debate it after having had ample opportunity of considering it.

Mr. MEIGHEN: I have not even commenced to insist that we go on with the motion this afternoon, but this is a matter in which this side of the House is just as much interested as are hon. members opposite, and which indeed is as much under the control of this side of the House as it is under the control of my hon. friends opposite. The report itself is not a government presentation, and consequently we are entitled to know when it will come up.

Mr. MACKENZIE KING: If my right hon. friend wants a definite time fixed without possibility of change I will say Tuesday, but if it will help to accommodate him to have the debate Monday evening, provided we finish this resolution, I am prepared to say we will be prepared to go on then.

Mr. MEIGHEN: That is, we may go on Monday after the resolution is debated.

Mr. MACKENZIE KING: Yes.

Mr. MEIGHEN: Then I will let the Prime Minister know which day we prefer.

## PEACE RIVER ELECTION

### QUESTION OF PRIVILEGE BY MR. KENNEDY

On the Orders of the Day:

Mr. D. M. KENNEDY (Peace River): Mr. Speaker, I rise to a question of privilege. During the debate on the petition of J. A. Collins I considered that the ordinary proprieties demanded that I should absent myself from the chamber. To-day when reading Hansard I found the following statement by the right hon. leader of the opposition (Mr. Meighen) which appears in the second column of page 4630 of Hansard for June 16, 1926:

> I have heard rumours that the hon. gentleman will get the Chiltern Hundreds; that after he has served his day and generation through this section and done his full share to keep this government in office, he will get some nominal job in order that the seat may be vacated.

In view of that statement, and in view of the fact that I have been impressed by some of the arguments made in both debates, I think I ought to explain my position with regard to this contentious affair.

I deny absolutely the truth of any such rumour on which the leader of the opposition (Mr. Meighen) may have based his statement. I have not been promised directly or indirectly anything, and I would consider it an insult to have any such proposition made to me. I would not accept anything if it were offered to me.

The petition under the Controverted Elections Act was duly filed by one Page, in the Supreme Court of Alberta. The charges in that petition are both serious and comprehensive, so serious that they appear to embrace every crime which it would be possible to commit under our election laws, so comprehensive that they include every method by which those crimes could be perpetrated. I naturally felt that I owed it to myself, to my constituents, and to this House of which I am a member, to disprove those charges, that is, the personal charges, and that is all I am interested in so far as the petition is concerned, and I considered that the proper place to do so was upon the trial of that petition.

A rumour was circulated some time ago that the petitioner was likely to withdraw his petition, but this could not be done without leave of the court, and even if the petitioner remained inactive, another person could be substituted for him. Immediately the rumour reached me, I instructed my solicitors that it was my intention to press the petition myself to trial, which attitude I had already indicated in my previous statement to this House.

It has been stated that by virtue of the provisions of section 91 of the Dominion Elections Act, no evidence could be given upon the hearing of the petition by voters as to whom they voted for. It is conceded that such is an accurate statement of the law. Such evidence was receivable and given in the criminal prosecution of Robb, when 110 parties testified that they voted at one poll for Collins, who actually received only 21 votes at that poll, so that if the evidence of each of them were true, Mr. Collins was deprived of 89 votes at that poll. It should, however, be borne in mind that the jury's verdict of guilty does not necessarily mean such to be the case. Robb was not accused of switching 89 votes, but merely of switching

votes, no number naturally being mentioned, and if the jury had believed only one of these 110 witnesses, it would have been sufficient to justify their verdict.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Mr. Speaker, I rise to a point of order. In my opinion the hon. member has gone far beyond his right already, but inasmuch as he conceives it to be his privilege to conduct a debate all alone by himself, when nobody has an opportunity to reply, I think it is my duty to intervene. Undoubtedly he has exceeded his privilege, and he reached the end of it when he denied the rumour which I stated here.

Mr. SPEAKER: On a question of privilege, when an hon. member rises in the House to give his personal explanation, he must confine himself to the question of privilege, and not go beyond the limits which are permissible under the rules. I would ask the hon. gentleman to state briefly what he has to say in denial but not to reopen this whole debate.

Right Hon. W. L. MACKENZIE KING (Prime Minister): Mr. Speaker, I think I ought to direct your attention to the circumstance that the hon. member who is now speaking absented himself from the House during the course of the debate which took place, and had no opportunity whatever of denying the statement made concerning himself at that time. I think my right hon. friend (Mr. Meighen) took full latitude when he was debating the motion before the House the other day, and I think he should now be prepared to allow the fullest latitude to the hon. member to state his position.

Mr. MEIGHEN: The hon. member absented himself, it is true, and rightly so, but his absenting himself from the debate was because of the same reason which even if there were no other, would prevent him speaking now. If he could absent himself from the debate when the matter ought to be discussed in order to debate it alone when it cannot be discussed, then, of course, the logic of the Prime Minister is right. I do not object at all to his denying anything which was said against him if he believes that anything said against him was untrue as a matter of fact, but beyond that he has absolutely no right to go. What is more it is so manifest he has no right that he knows it himself.

Mr. SPEAKER: I have been thirty years in parliament, and I will take my own experience on matters of privilege in connection with similar cases to the one which now occupies the attention of the House.

If the seat attributed to a member is put in question the member has to withdraw, under the rules of the House, when the matter is being discussed. That is the law of parliament. I was in a similar situation myself, five years ago, because the petitioner not having proceeded with his petition I had failed to resign within the legal delays from one seat after having been elected for two. When the question came before the House, under the rules I had to withdraw after I had made my statement.

In this case, the debate arose the day before yesterday on the petition of Collins. The hon. gentleman withdrew, as it was his duty to do; he also withdrew a few weeks ago when the first petition was under discussion. I now gather from the remarks made by the hon. gentleman that he complains of a certain statement made during his absence from the House by the right hon. leader of the opposition (Mr. Meighen), namely, that there was a rumour to the effect that the hon. gentleman would take the Chiltern Hundreds. We all know what that means under the British parliamentary system. It is a fiction of the law by which a member wishing to resign accepts an insignificant position under the crown to disqualify him from sitting any longer as a member of the House of Commons. The hon. member for Peace River (Mr. Kennedy) complains of that statement, and rightly so if it is not true, and his privilege to rise today to contradict that statement must be confined to that point. If he has any other matter to complain of affecting his honour, let him make that other point, but he cannot reopen the debate. He would be going beyond his privilege by reopening the debate. I have not the paragraph under my hand in Bourinot, but it is well known that no member can reopen a past debate by referring to Hansard and giving explanations about matters that came up when he was not in the House. Briefly the hon. gentleman is perfectly right in rising to a question of privilege, and denying any rumour or accusation affecting his honour, but beyond that he is not in order.

Mr. MEIGHEN: I only wish to correct one sentence, Mr. Speaker. The statement of mine which he referred to did not affect his honour. The rumour may have been unfounded but even if it was true it does not affect the honour of the hon. member.

Mr. SPEAKER: If the hon. gentleman will proceed, I will hear what he has to state

further. Has he anything to state further affecting his honour in connection with the speech delivered by the right hon. leader of the opposition?

Mr. KENNEDY (Peace River): Mr. Speaker, I just wish to say that it is my intention to resign as soon as the petition is disposed of and I can legally do so.

I wish to rise to another question of privilege, if I may, in connection with a statement which appears in the Ottawa Morning Journal. On the front page of that paper appears the heading:

D. M. Kennedy switches to break probe deadlock.

Then in another column there are other statements made with respect to myself. I wish to say that these references to myself on the front page of this morning's Journal are not correct.

## CRIMINAL CODE AMENDMENT—POSSESSION OF WEAPONS

Hon. LUCIEN CANNON (Solicitor General) moved the first reading of Bill No. 203 (from the Senate) to amend certain provisions of the Criminal Code respecting the possession of weapons.

Motion agreed to.

Mr. SPEAKER: When shall the bill be read a second time?

Mr. MEIGHEN: I have no objection at all to the bill being read a second time now on account of the lateness of the session, but I think the Solicitor General should explain its general purport. We had not expected the bill to be read a second time now.

Mr. CANNON: This bill was introduced into the Senate by Senator Belcourt. The principal feature of the measure is the licensing of the importation, manufacture and sale of weapons. I wish to inform the House that I am not quite familiar with all the details of the bill, but I will furnish all necessary information and particulars when we are in committee.

Mr. MEIGHEN: We are not going into committee to-day.

Mr. CANNON: Not to-day.

Motion agreed to and bill read the second time.

[Mr. Speaker.]

## CANADA EVIDENCE ACT AMENDMENT

Hon. G. H. BOIVIN (Minister of Customs and Excise, for the Minister of Justice) moved the first reading of Bill No. 205 (from the Senate) to amend the Canada Evidence Act as respects bank books and records.

Mr. MEIGHEN: Would the minister explain briefly the purpose of this bill?

Mr. BOIVIN: Its purpose is merely to grant a privilege to the banks which they have not hitherto enjoyed under the Canada Evidence Act. In other words, in certain cases banks have been compelled to appear before the court and produce their entire books and documents containing the accounts of certain persons. The object of the bill is to enable the bank to produce extracts of these which are sworn to and certified in a proper manner.

Motion agreed to and bill read the first time.

Mr. SPEAKER: When shall the bill be read a second time?

Mr. MACKENZIE KING: Now.

Motion agreed to.

Mr. SPEAKER: To what committee shall this bill be referred?

Mr. BOIVIN: The bill is a very simple one and I move that it be referred to a committee of the whole House at the next sitting.

Motion agreed to.

Mr. SPEAKER: Now, as regards the other bill introduced by the Solicitor General.

Mr. CANNON: I move that Bill No. 203 be referred to the committee of the Whole at the next sittting.

Mr. MEIGHEN: I do not object to the intention at all; I think the intention is right if these two motions be struck out.

The Clerk: Then they go to a standing committee.

Mr. MEIGHEN: They cannot go to a standing committee without a reference. If these two motions are struck out then it can be moved, when the proper time comes, that they go to the right committee.

Mr. SPEAKER: I understand the desire of the promoters is that the two bills should be considered by committee of the Whole instead

of going in the one case to the select standing committee on Banking and Commerce, and in the other case to the select standing committee on Miscellaneous Private Bills.

Mr. MEIGHEN: Then this last bill will appear on the order paper on Monday in the form "House in committee on bill so-and-so"?

Mr. MACKENZIE KING: Yes.

Mr. MEIGHEN: And the other one will appear in the same way?

Mr. MACKENZIE KING: Yes. The purpose is to have something on record which will disclose on the orders of the day the stage of the proceedings.

## CIVIL SERVICE SUPERANNUATION

### EXTENSION OF THE TIME FOR APPLICATION TO COME UNDER ACT

On the Orders of the Day.

Hon. H. H. STEVENS (Vancouver Centre): I desire once more to ask the Prime Minister if there is any possibility of the government reconsidering their position and introducing a measure this session to postpone for some period of time—I have asked that it be postponed for a year—the closing—shall I say?—of the date for making application to come under the Superannuation Act, calling attention again to the fact that several groups of civil servants have not availed themselves of the privilege? I direct the attention of the Prime Minister to his very courteous reply to me of June 7 in which he intimated that the government might consider a term of three months. I again respectfully suggest a postponement for a year, but in case that time is not acceptable to the government that the period be three months.

Right Hon. W. L. MACKENZIE KING (Prime Minister): In reply to my hon. friend I might say that the delay has been occasioned by the government's desire to have the opinion of the officers of the Department of Finance, and on Monday a statement will be made as to the decision reached. I think I can say to my hon. friend that we will be prepared to consider favourably a postponement for three months, but it is doubtful if we shall be able to consider a longer time.

## ATHABASCA ELECTION INQUIRY

On the Orders of the Day.

Mr. G. G. COOTE (Macleod): I desire to ask the government a question based on the following telegram which I received from Edmonton to-day re the Athabasca inquiry:

> Judge Beck has some doubt as to competency of Alberta supreme court judge to swear him in as commissioner and wrote Biggar yesterday. Further he does not wish to proceed until placed in funds to cover current expenses of commission.

I wish to ask the Prime Minister whether he will take immediate action to cover the current expenses of the commission; also whether he will take any action that may be necessary to have the judge sworn in as commissioner?

Right Hon. W. L. MACKENZIE KING (Prime Minister): My hon. friend gave an intimation that he was going to ask this question this afternoon, and I have obtained from the Justice department an opinion in reference to the first part of the inquiry. So far as the government is informed there appears to be no doubt that a judge of the Supreme Court of Alberta has power under section 10 of the Corrupt Practices Inquiries Act to administer the oath required under the provisions of section 9 thereof. With respect to making provision for the inquiry I would say to my hon. friend that it is the intention of the government to have an amount placed in the supplementary estimates for that purpose, and as soon as it is appropriated by parliament it will be available.

## VANCOUVER HARBOUR FIRE TUG

On the Orders of the Day:

Mr. L. J. LADNER (Vancouver South): I desire to ask the Minister of Marine and Fisheries a question based upon a telegram I received from the Native Sons of British Columbia. A number of public bodies in Vancouver and other places are interested in the question of a fire tug being bought by the Harbour Board of Vancouver,—as to whether it should be bought in Vancouver and built there, or whether it should be purchased in the Old Country. The telegram reads:

> Announcement harbour board's fire tug bought in the Old Country. Please ask in the House the reason why.

In view of the communications between various public bodies on the coast and other bodies, will the minister inform us why this step has been taken?

Hon. P. J. A. CARDIN (Minister of Marine and Fisheries): This matter is within the province of the harbour board. We have no direct control of the decision of the harbour commission in a matter of this kind. Speaking

from memory I may say that certain representations have been made in regard to this matter, but I would not like to give a definite answer just now. I will assure my hon. friend that I will make a definite statement shortly.

## MOTOR CARS

### DANGEROUS SPEEDING ON PARLIAMENT HILL AND WELLINGTON STREET

On the Orders of the Day:

Mr. C. H. CAHAN (St. Lawrence-St. George): I understand the precincts of the parliament buildings are in certain respects under the jurisdiction of Your Honour. I should like to ask you, Mr. Speaker, if you will take into consideration the making of some rules or regulations governing the speed at which motor cars use the approaches to the main entrance of this building.

Some hon. MEMBERS: Hear, hear.

Mr. CAHAN: I am large enough in person, I think, to be seen, but twice during the present week, on leaving this House, I have with difficulty escaped collision with motor cars which, after passing the police at the gates, have assumed a speed that would not be allowed in any city such as Montreal, and I think some rule or regulation should be made limiting that speed, so that members leaving after the House closes may be free from accidents of that character.

Mr. SPEAKER: I am glad the hon. member has called my attention to this vital question. I have received several remonstrances with regard to the speed of motor cars coming to the buildings, and I have also received letters, even from hon. members, stating that round this building where dwell a number of honest men, motor parts have been stolen, and various other articles have been taken away. Whilst the Speaker and the Sergeant at Arms look after the interior of the building, the exterior is under the surveillance of the superintendent of the Dominion Police Force. I have to-day written about these petty thefts which have been committed at the expense of one of the hon. members. I will draw his attention to this very serious state of affairs. I will have a conference with him as regards the speed of motors. At the present time some of the Dominion policemen have been stationed at different points on the plaza in front of the building. The remarks of the hon. member are quite pertinent and I will see that they are given effect to.

Mr. R. B. HANSON (York-Sunbury): I think we ought to make a clean-up of this whole matter. I desire to call attention of the proper authorities of the government, through you, Mr. Speaker, to the speed of motor vehicles on Wellington street. On more than one occasion I have had narrow escapes from a serious accident, and I think the attention of the proper authorities in Ottawa ought to be drawn to the fact that the speed of motor vehicles on Wellington street is beyond all reason. It is a very congested street for motor traffic, and I know gentlemen in the other chamber have had narrow escapes from serious accidents.



## EXCESSIVE SPEED OF RAILROAD TRAINS

On the Orders of the Day:

Mr. H. C. McKILLOP (West Elgin): Has the Minister of Railways had any complaint from any employees of the various railways throughout the country as to the excessive speed of the trains which they are called upon to operate?

Hon. CHARLES A. DUNNING (Minister of Railways and Canals): I have had no such complaints.

## TRANSFER OF POSTAL EMPLOYEES

On the Orders of the Day:

Hon. R. B. BENNETT (West Calgary): I intimated to the Prime Minister that I desired to ask him two questions framed upon a resolution a copy of which has been brought to my attention, from which it appears that the present Postmaster at Calgary who was formerly employed in the Vancouver postal district, was promoted to the vacancy in the Calgary office some time ago, and that Mr. Conlay who was employed in the Vancouver postal district has been appointed to the position of district superintendent of postal services at Calgary. When these vacancies occurred the Civil Service Commission advertised for applications to fill the vacant positions, but they qualified the applications by limiting them in the case of Vancouver to that district only; so that those who resided in Edmonton or Calgary or other places in Alberta or in Saskatchewan were not in a position to apply for the position in the postal service in the Vancouver district, vacated by the appointment of Vancouver men to the Calgary vacancies. Recently a district office has been opened at Edmonton, and the same condition apparently for some reason arises, and those who reside in the Calgary district, are not able to apply to fill the newly created positions in the Edmonton district. I bring

3 p.m.

this resolution to the attention of the Prime Minister and ask, first, has his attention been directed to the resolution, and secondly, will remedial action be taken by the government in the premises?

Right Hon. W. L. MACKENZIE KING (Prime Minister): My hon. friend mentioned his intention of asking the question, but unfortunately it was since the House opened, and I have not had an opportunity to make inquiry as to the particular regulation referred to. The matter would appear to be one over which the Civil Service Commission has full control. I will make inquiries from them and ascertain why the regulations are drafted in the form they appear to be in. Of course there should be nothing in the way of discrimination, and I hope anything of the kind will be avoided.

## CUSTOMS REGULATIONS—AUTOMOBILES

On the Orders of the Day:

Mr. A. de WITT FOSTER (Hants-Kings): I desire to draw the attention of the Minister of Customs to his remarks of yesterday, in answer to a question relative to the person who had a car in warehouse storage during the winter under seal, and who had made application to his department, accompanied by the proper bond, for the privilege of taking the car to the garage and getting it repaired, prior to leaving for the United States. Has the minister given consideration to the matter since yesterday. The matter has been before the department for some time, and various officers of the department are acquainted with the circumstances.

Hon. GEORGE H. BOIVIN (Minister of Customs and Excise): The hon. member did not give me the name, but I communicated his remarks as they appear on Hansard this morning to the officers in my department. The matter is being looked into, and I am sure I will have a favourable reply during the course of the day.

## TARIFF ADVISORY BOARD

### RECORD OF EVIDENCE FOR INFORMATION OF MEMBERS OF HOUSE

On the Orders of the Day:

Mr. M. N. CAMPBELL (Mackenzie): On the 15th of this month the hon. member for Rosetown (Mr. Evans) asked the government a question as to whether it was their intention to have the evidence taken before the tariff board transcribed and made available for the use of members. Perhaps the Minister of Finance (Mr. Robb) will now answer that question.

Hon. J. A. ROBB (Minister of Finance): I think I answered that question yesterday. The hon. member will find the answer on Hansard.

## SUPPLY

### TRADE AND COMMERCE

The House in committee of Supply, Mr. Duff in the chair.

Trade and Commerce—The Canada Grain Act, administration of, $1,430,000.

Mr. GARDINER: What is the total income under this item?

Hon. J. A. ROBB (Acting Minister of Trade and Commerce): The total income last year was $1,641,811.70.

Mr. CAMPBELL: What is the total capital cost of each of the terminal elevators?

Mr. ROBB: The following statement shows the original cost of construction together with the total cost including maintenance up to March 31, 1926, of each of the elevators enumerated:

| Elevator | Original cost | Total to March 31, 1926 |
|---|---|---|
| Port Arthur | $1,403,028 67 | $1,456,479 30 |
| Moose Jaw | 1,288,885 16 | 1,336,715 35 |
| Saskatoon | 1,141,184 14 | 1,152,430 49 |
| Calgary | 877,626 29 | 897,334 78 |
| Edmonton | 1,521,526 64 | 1,533,457 84 |
| Halifax | 649,633 09 | 650,953 77 |
| Prince Rupert | 1,243,936 81 | 1,244,903 99 |
| Vancouver | 783,264 39 | 854,530 43 |

These are capital charges and do not include interest.

Mr. CAMPBELL: What are the net receipts from each of these elevators for the past five years, including, if possible, 1925-26?

Mr. ROBB: I have a statement for the years 1923-24, 1924-25, and 1925-26. This statement shows receipts, expenditures, and so forth for the year 1923-24:

| | |
|---|---|
| Receipts | $658,747 21 |
| Expenditures: Management, operation and maintenance | 417,016 96 |
| Equipment | 9,457 31 |
| Carrying charges, for which no interest payments made, interest on capital invested in elevators, 5 per cent at time of construction | 259,196 59 |
| Depreciation on elevators, 5 per cent including machinery | 259,196 59 |
| Insurance on grain other than at Port Arthur | 7,500 00 |
| Insurance on elevators | 17,000 00 |
| Taxes on elevators Port Arthur, Moose Jaw, Saskatoon, Calgary and Edmonton | 259,000 00 |

The insurance and taxes are also estimated on the basis upon which they would be paid if the elevators were privately owned. On that basis there is a shortage for the year I have given of $569,620.24. For the year 1924-25 the shortage was $325,939.64 and for 1925-26, $341,177.85.

Mr. ROGERS: The minister has mentioned a number of elevators and it would be well to have a statement showing the earning power of each one.

Mr. BENNETT: I want to join with my hon. friend in that request. I had an urgent inquiry with reference to the Prince Rupert elevator: the total moneys expended there to-day, the revenue to-day and the expenditures to-day. I am sure the public will be interested in view of the fact that it has been rented for $100, representing interest at 6 per cent on something like $1,600.

Mr. ROBB: Mr. Chairman, I think I can give hon. gentlemen the information they desire. We should keep in mind that we are now discussing the Canada Grain Act, not elevators. I have the information respecting the latter further along in my list.

Mr. HANSON: Will the minister explain why there is such a large increase in this vote this year? I am rather astonished to learn the country is paying annually a million and a half dollars for the administration of the Grain Act, which has to do very largely with the marketing of Canada's premier crop—a crop that last year ran to nearly $500,000,000. I know of no other line of business where the government pays such high administration expenses without loading any portion of it upon the trade itself. Take the insurance business; when the salary of the superintendent of insurance was increased from $5,000 to $10,000, one-half of the increase was loaded upon the insurance companies notwithstanding their protests. I do not see why the grain trade should not bear the expense of administering this act. Why should a taxpayer in the province of New Brunswick have to pay any portion of it? It does not seem to me to be fair or justifiable. At all events, the cost should be kept within limits, and if there is to be any increase in the service rendered I do not see why the cost should not be paid for by the trade itself. I am not making this statement merely for the purpose of hearing myself talk, I should like to know why the country is called upon to pay a million and a half dollars a year for the administration of this act when the expense could be imposed upon the trade itself, and ought to be.



Mr. ROBB: Mr. Chairman, that is a fair question, but my hon. friend is quite in error when he believes—sincerely I have no doubt—that there is a shortage. This particular business carries itself and shows a considerable surplus.

Mr. HANSON: What was the income?

Mr. ROBB: We got a little ahead a moment ago when discussing grain elevators. If we charge up interest on the capital invested, insurance and the taxes they might have paid, we do not show a surplus, but the business has been showing a surplus, and our friends in the west claim it has been rather profitable to the government.

Mr. HANSON: That is a perfectly good explanation. But, as I understand, it does not pay interest or depreciation.

Mr. ROBB: We have never been charging interest or depreciation, but it is not a losing business. True, there is an increase in the vote this year of $280,000, but, as my hon. friend has just pointed out, the crop last year was considerably larger, and naturally this necessitated more men for inspection and weighing.

Mr. HANSON: Then let the business carry itself.

Mr. ROBB: And there was another reason. As we got along in the season the board asked for more money; climatic conditions having made it more expensive to handle the crop. For instance, we had to put a lot of grain into the elevators, dry it and put it back on the cars because the elevators were full to the roof.

Mr. HANSON: That would be a charge on the grain.

Mr. ROBB: Then we were short the previous year some $65,000. The memorandum I have from the board is that the increases were due to the following causes: the changes that were made in the Canada Grain Act when it was revised at the last session of parliament, which added expense to the operation; a shortage of $65,000 on the inspection and weighing branch of the board the year previously, which had been approved by the Governor in Council;

climatic conditions—to which I have just referred—and the establishment of additional inspections for points west and of appeal boards at Edmonton and Vancouver.

Mr. ROGERS: Are we to understand from the minister's statement that the cost of administration is covered by collections made from the grain trade of western Canada?

Mr. ROBB: Yes, if you do not take into account interest and depreciation.

Mr. ROGERS: The minister did not tell us the amount of the surplus.

Mr. ROBB: I will give my hon. friend a record of the business from 1910-11 to 1925-26:

| | 1910-11 | | |
|---|---|---|---|
| Receipts | Expenditures | Surplus | Deficit |
| $178,476 57 | $198,644 32 | | $20,167 75 |
| | 1911-12 | | |
| 230,173 87 | 221,852 24 | $ 8,321 63 | |
| | 1912-13 | | |
| 330,430 49 | 337,312 06 | | 6,881 57 |
| | 1913-14 | | |
| 402,689 87 | 409,951 97 | | 7,262 10 |
| | 1914-15 | | |
| 276,711 45 | 413,120 21 | | 136,408 76 |
| | 1915-16 | | |
| 469,049 69 | 476,962 76 | | 7,913 07 |
| | 1916-17 | | |
| 569,772 65 | 566,402 80 | 3,369 85 | |
| | 1917-18 | | |
| 563,266 92 | 634,422 50 | | 71,155 58 |
| | 1918-19 | | |
| 340,545 75 | 598,369 21 | | 257,823 46 |
| | 1919-20 | | |
| 394,309 77 | 617,781 33 | | 223,471 56 |
| | 1920-21 | | |
| 810,952 57 | 654,615 58 | 156,336 99 | |
| | 1921-22 | | |
| 1,133,121 87 | 868,970 07 | 264,151 80 | |
| | 1922-23 | | |
| 1,503,616 09 | 953,342 39 | 550,273 70 | |
| | 1923-24 | | |
| 1,661,223 84 | 1,132,664 10 | 528,559 74 | |
| | 1924-25 | | |
| 1,446,199 79 | 1,098,288 66 | 347,911 13 | |
| | 1925-26 | | |
| 1,641,811 70 | 1,149,997 74 | 491,813 96 | |

That is, for that period there was a surplus, not counting interest or depreciation, of $1-619,654.95.

Mr. CHURCH: This item is going up by leaps and bounds every year, and I fail to see why the grain industry should not pay the cost of administration of the act.

An hon. MEMBER: There is a surplus.

Mr. CHURCH: That may be, but I want to point out how other industries are treated. In the case of a public utility, an electric light, gas or power company, the Department of Trade and Commerce charges a large sum for inspection, and I think the time has come when we should call a halt regarding this particular industry; it has enough protection. Hon. gentlemen to my left, the grain growers, are in favour of a free trade policy for the people of this country, yet this industry is hemmed in by all kinds of protection. Why should this particular industry be singled out for special treatment when an ordinary public utility has to pay the cost of administration and inspection?

Mr. MILLAR: Might I ask when the Toronto harbour board is going to start paying interest on the money they owe?

Mr. CHURCH: There should be one law for all.

Some hon. MEMBERS: Oh, oh.

Mr. CHURCH: I might say to hon. members to my left that the loud laugh bespeaks the vacant mind, and all they have done this session is laugh. I respect the man who grows the grain on the farm, but I have no respect for the profiteer who makes his money out of the hard work of other men. I contend that this industry should pay the cost of administration of the Grain Act. If you read the Turgeon report you will see some recommendations which have not been carried out, and I fail to see why the cost of the administration of this act should be a direct tax on the other industries of the country. This industry has been singled out for special treatment all along the line, and the same is true of the agricultural industry; these are the two most highly protected industries in Canada.

Mr. ROBB: My hon. friend forgets that while the expenditure is going up the receipts are also increasing.

Mr. ROGERS: I would like to say a word in respect of the matter referred to by the hon. member for Toronto Northwest (Mr. Church). I would not like a false impression to go out against western Canada, because the receipts and expenditures show clearly that western Canada is paying not only its full toll but is also providing a surplus for the treasury. That is largely due in the last few years to the fact that we have elevators at Vancouver which are doing a very large business and bringing in a very large return, which accounts for the large figures during the past few years as quoted by the Minister of Finance (Mr. Robb). I would not like any member of this House to think that the people of western Canada are not paying their way in this regard.

Mr. CHURCH: In answer to the remark of the hon. member for Qu'Appelle (Mr.

Millar) I would say that Toronto pays all its debt. The money spent on the Toronto harbour since confederation has only amounted to $8,000,000, and it was never intended that interest should be paid. The city of Toronto contributes $96,000,000 a year in direct taxation to take care of this Grain Act and many other forms of protection accorded hon. gentlemen to my left, and Toronto only gets pin money. The rest has all gone to build the Hudson Bay railway, and other works of that kind. Would the hon. member tell me how much money was spent on branch lines in his riding, and what returns they are making? I think we need a ginger group in Ontario, in order that we may do something more than simply pay taxes all the time.

Mr. CAMPBELL: The public utilities to which the hon. member referred are fortunate indeed if they pay only the actual cost of administration. In the administration of the Grain Act we pay not only the actual cost but also contribute a large amount of money to the consolidated revenue. In addition we are called upon to pay for a good many of these political elevators which never should have been built, but the cost of which is levied against the farmers of western Canada. When the hon. member can show that some of the industries in eastern Canada are taxed to that extent, we will admit his point.

Mr. HANSON: I think perhaps I started this discussion under a false impression, and I want to make the amende honorable. So far as I am concerned I should have known that the Canada Grain Act carries itself.

Sir HENRY DRAYTON: Is this figure divided up so that we can get the details as to the success of the elevators referred to by the hon. member for Mackenzie (Mr. Campbell) a moment ago? We might start with the Prince Rupert elevator.

Mr. ROBB: We are not on that item yet.

Mr. CLARK: I would like to ask the minister if he can give the cost of administration by provinces.

Mr. ROBB: No, I cannot give it by provinces.

Mr. CLARK: Can the minister state what assets are administered in the province of British Columbia? What have you to administer in British Columbia?

Mr. ROBB: Prince Rupert has an elevator, but British Columbia has not much grain and if it were not for the grain from the prairies the elevators in British Columbia would not be of much use.

[Mr. Church.]

Mr. CLARK: What elevators are administered in British Columbia?

Mr. ROBB: The Prince Rupert elevator. Previously we had the elevators in Vancouver, but they have been turned over to the harbour commission.

Mr. CLARK: There is now nothing administered in British Columbia under this act with the exception of the Prince Rupert elevator. Is that correct?

Mr. ROBB: All the elevators are administered. We have an inspection staff in Montreal where we have no elevator. This is for the administration of the Canada Grain Act. We have inspectors and weighmen in all the elevators that come under the act.

Mr. CLARK: This covers the inspectors and weighmen in Canada and nothing else? Are there any elevators administered under this vote?

Mr. ROBB: It covers the inspectors, the weighmen, the grain commissioners and their office staff, and the superintendent of the elevators who travels about.

Mr. CLARK: Are there any elevators administered by the grain board under this act?

Mr. ROBB: Certainly. I have just given them, and my hon. friend will find them on Hansard. They are at Fort William, Edmonton, Saskatoon, Moose Jaw and Calgary.

Mr. CLARK: There are none in Vancouver, but there is one in Prince Rupert. The elevators in Vancouver are administered by the harbour commission, are they not?

Mr. ROBB: So far as the mechanical operation is concerned, but we have our staffs of weighmen and inspectors.

Mr. CLARK: Are any elevators, so far as mechanical operation is concerned, administered by the grain board under this act?

Mr. ROBB: Yes.

Mr. HANSON: Does the commission maintain a staff in the Atlantic terminals, at St. John, for instance, where there are three elevators, or at Halifax, where there is one elevator, which is not used very much?

Mr. ROBB: I think the Montreal staff are moved there in the winter time.

Mr. NICHOLSON: As a matter of information—I am not asking because I am personally interested in the grain business

—would the minister say what has transpired to increase the cost so rapidly from say 1915 or 1916 up to the present time? From the figures he read it would appear that the cost has doubled, that it costs twice as much now to administer the Grain Act as it did in 1915 for a crop of the same size.

Mr. ROBB: One difference is that there has been an increase in salaries all along the line. My hon. friend knows that it costs him more to run his sawmills now than it did in 1915. My hon. friend also brings up the question of 1915. The total expenditure in 1915-1916 was $476,000 odd, and the total revenue $469,000. Then coming down to the present time the total revenue was $1,641,000 odd, and the total expenditure $1,149,000 odd. It makes very little difference what your expenses are, if you have a surplus over expenditure; but there is all the difference between a surplus and a deficit.

Mr. NICHOLSON: If when you handle the same amount of grain you get a revenue of half a million dollars in one year, and one million in another year, you must be charging the traffic just twice as much in that year.

Mr. ROBB: No, they had more grain.

Mr. CAMPBELL: Does this vote provide for continuing the research laboratory at Winnipeg?

Mr. ROBB: Yes, and we propose placing an additional amount in the supplementaries for that work.

Mr. CAMPBELL: Then we can rest assured that the work of the research laboratory at Winnipeg will be carried on this year?

Mr. ROBB: Yes.

Mr. GARDINER: There seems to be some question in the minds of the committee as to the grain business of this country carrying its own charges, particularly among the eastern members who do not understand the grain business as fully as the members from the west. I would call the committee's attention to the report of the Board of Grain Commissioners, which shows that they have a surplus over expenditure in the last five years of $1,843,847.01. What have our friends in the east to complain of when the business produces a surplus that goes into the federal treasury and helps to reduce taxation in this country? Even if the expenditure should go higher, so long as there is a surplus, I do not think there is any reason for complaint. As long as the business pays for itself and gives a profit to the treasury, I think it should be satisfactory to hon. gentlemen. I should like to place the following figures on Hansard:

BOARD OF GRAIN COMMISSIONERS

Revenue, Expenditure, Surplus, as shown in annual reports of the board for years 1921 to 1925 inclusive.

| | Revenue | Expenditure | Surplus |
|---|---|---|---|
| | $ cts. | $ cts. | $ cts. |
| 1921 | 960,228 60 | 723,310 02 | 236,918 58 |
| 1922 | 1,116,668 28 | 827,209 02 | 339,459 26 |
| 1923 | 1,369,244 55 | 950,222 19 | 419,022 36 |
| 1924 | 1,787,658 17 | 1,099,183 95 | 688,474 22 |
| 1925 | 1,201,714 97 | 1,041,742 38 | 159,972 59 |
| Total surplus | | | 1,843,847 01 |

Mr. HANSON: How can the hon. member say that the business carries itself when it never pays a cent for interest on capital expenditure, or for depreciation on capital account?

Mr. ROBB: You might say the same thing in regard to St. John harbour.

Mr. HANSON: Very true, and there is a good deal more I could say if I wanted to.

Mr. GARDINER: The return I have placed on Hansard deals with the operations of the Board of Grain Commissioners under the Canada Grain Act. The hon. member for York-Sunbury has asked a very pertinent question relating to the elevators owned by the people of Canada. I would like to call his attention and that of the committee to the fact that during the last four years farmer members from the west in this House have protested against the building of terminal elevators in certain parts of this country. Take the Prince Rupert elevator, for instance. Hon. gentlemen will remember the debate we had on that. It was stated that the elevator could not be a success until such time as there was an outlet for the Peace River country and the grain could go through that elevator. We protested against the Halifax elevator, not because we did not want to see the grain go that way, but because we said the grain could not go by that route at the present railway rates, and we asked the government at that time to see that the rate was brought down so that our grain could go not only to Quebec, but to Halifax and St. John. We protested against that elevator on that ground, but nothing has been done so far as rates are concerned. Yet our friends here say that this country is carrying the charges. These are political elevators, and if the country indulges in that kind of politics, it will have to pay for it.

Mr. BENNETT: I deprecate more than I can say the introduction of regional discussions when a matter of this kind is before the committee. In the first place, the grain business is the backbone of prosperity in this country. The value of the crop raised in western Canada last year is reflected in the present appearance of prosperity in the east. That is clear. Do not have any doubt about it. My friends may not agree, but I can tell them that that is so.

The grain business in western Canada has been free from many of the difficulties that were encountered in connection with the development of the grain business of the United States. Why? Because we had a federal grain act; we had a law of universal application to all the provinces in the west, and in 1912-1913 we passed it, as the Canada Grain Act so that its application was universal throughout the Dominion and not only in that part of the Dominion which was west of the Great Lakes.

I recall not long ago being in England and being asked by a group of business men to explain to them the operations of the Canada Grain Act, and when they found that the farmer who carries his grain to the elevator, if he is dissatisfied with the grade that is given by the purchaser of his grain, has the opportunity of having that grade determined through means that are provided by the government and paid for out of the revenues of this country, and subsequently recouped by the trade itself, they thought it was a wonderful system in so far as the grain trade is concerned. It is true that increased knowledge has taught us much with respect to it, and the establishment of a laboratory at Winnipeg to determine the moisture content of grain is of the utmost importance. In England, where they are purchasers mostly of supplies of grain from which they can produce their flour and bread, they have found it necessary to determine by the most scientific methods the moisture content of wheat, and matters of that kind. Now the reason, I would say to my friends from the east on this side of the House, for all this machinery with respect to the Grain Act is not because we desire to encourage expenditure by this country, for the grain itself pays the tolls that are necessary to enable these safeguards to be maintained. The object of all this machinery is to protect the producer of grain, to protect his product right from the time it leaves his farm. In every instance the sums that are paid are recouped by the tolls that are taken by the officials for the service rendered, so that at the end of the year instead of it being a charge upon the public revenues it means that we have received a surplus. That is the position with respect to that feature.

Now this charge with respect to internal elevators arises out of the fact that in the years preceding the war and during the regime of the Conservative government, although many people opposed the plan at the time, my hon. friend who sits to my left was responsible for the construction of three internal storage elevators—one at Saskatoon, one at Moose Jaw, and one at Calgary. Since then one has been constructed at Edmonton and, between the time of the construction of the elevators at Edmonton and Calgary, an elevator has been constructed at Vancouver and has been taken over by the harbour board. The one at St. John, I think, is now in the hands of the harbour board. It is operated, I believe, in connection with the railways and by the department directly. Then there was an elevator erected at Halifax which stores very little grain. Next, the political elevator that my hon. friend who has just spoken referred to was erected at Prince Rupert at a cost of $1,000,000.

Sir HENRY DRAYTON: No, $1,600,000.

Mr. BENNETT: Very well, $1,600,000. From this elevator, so far as I have been able to ascertain, not one single dollar of revenue has been received up to this date; the minister was good enough to tell me a moment ago that the records do not indicate any revenue.

Mr. ROBB: If my hon. friend will allow me, it is just as well to have the record correct. The cost was $1,028,242.54.

Sir HENRY DRAYTON: If my hon. friend takes the estimates he will find the amount is more than that, it is $1,600,000.

Mr. ROBB: That is the actual cost of it.

Sir HENRY DRAYTON: I think my hon. friend will find that that amount does not include the cost of the foundations which alone was very heavy.

Mr. BENNETT: I have here return No. 116—

Mr. ROBB: The deputy tells me I have given the wrong figures. The cost up to March 31, 1926, of the Prince Rupert elevator was $1,244,903.99.

Mr. HANSON: Does that include the conveyor?

Sir HENRY DRAYTON: Does it include the cost of the foundations?

Mr. ROBB: It includes the cost of the foundation and engineering services, water main, dock, elevator superstructure, advertising and sundries. The sundries amount to only $7.45.

Mr. BENNETT: So we have a property at Prince Rupert that cost $1,200,000, and by a return that has been placed on the table of the House I find that we are paying a superintendent $3,800 per annum, an electrician $2,100, an engineer $1,920, a millwright $1,800, an accountant $1,800, a weighman $1,680, a watchman $1,200, and an acting foreman 70 cents per hour. That elevator is under the operation of the Board of Grain Commissioners, and the property is now rented for $100 a year. That is the difference between the elevators that produce revenue—the elevators that were constructed under the direction of the then Minister of Public Works at Calgary, Moose Jaw and Saskatoon—and the elevator constructed by my hon. friend and his government at Prince Rupert. One serves the grain trade, the other serves for votes. One produces revenue, the other a deficit. One enable an appeal to be made for political support, and it is that very thing—as the hon. gentlman who has just taken his seat says—that makes western Canada suffer. It is because there are men in western Canada who, for the temporary advantage of furthering their own personal interests, will advocate the expenditure of public money, expenditure the government is too weak to resist, that the whole trade in western Canada is suffering. That is the position. The cost of this structure at Prince Rupert up to last year was $1,200,000. At five per cent that is $60,000 per annum and the expense of the staff I enumerated a moment ago is over $9,000. And yet not one cent of revenue as far as the records show has come from that elevator and it is rented for $100. That is the position of affairs. Is it any wonder that western Canada suffers from the attacks of eastern Canada under these circumstances in connection with matters of this kind? The grain business itself, the product of the farms, pays every single cent that is necessary for the administration of the Grain Act and has yielded a handsome surplus during recent years. I direct attention to that because it has seemed to me that at times there is not perhaps in the east a clear appreciation of the fact that the determination of the quality of grain and the moisture content, the supervision of the shipping, the weighing, and the general exercise by the grain commissioners of judicial functions—if I may use that term because they are judicial functions—have enabled the farmer to have a sense of quality and of certainty with respect to the marketing of his product that has not been apparent in the United States of America, where a condition was brought about that culminated in the efforts made in the state of Dakota, of which perhaps hon. members are aware. I think that my friends who come from cities in eastern Canada should realize that this service is maintained at a high state of efficiency. Now and then there have been weaknesses in it such as you will find in every business, but in the main that system has been administered with an eye to the public service and that only.

I regret to say that in my judgment in many instances, and I direct this to the attention of the minister, the men are not sufficiently well paid. When you go to Winnipeg or to Calgary during the grain movement and see the way in which millions of bushels of grain amounting in the aggregate to hundreds of millions of dollars in value are being sampled, you will realize the vast responsibility that is placed upon men who are too ill-paid for the services they render; and I am heartily in sympathy with any proposals that will increase the compensation paid to these men in the discharge of the responsibilities placed upon them. I hope that my hon. friends will not take serious umbrage at the observations I make as one who has in times past—perhaps unhappily no more—been interested in the grain business, and I have been interested in it very largely for many years. Now I have no longer any interest in it but at one time I had the interest of one who had money invested in the trade and was receiving very profitable returns therefrom. I have been greatly interested not only in the development of the business but also in the operations of the act. Now that I am no more interested in it I feel that I owe a duty, at least to those who produced the grain from which profits have been abundantly made in times past—I am very frank about it—to do everything I can to maintain the high efficiency of the elevator service under the act. I think that high efficiency will be, to some extent, bettered if the minister recognizes the responsibility of those who have duties to discharge under the Grain Act and sees that they are adequately and handsomely rewarded for the services they render.

Mr. ROBB: I quite agree with the observations of my hon. friend regarding the efficiency of the staff, their devotion to their duties, and the necessity of providing adequately for them so that they will remain in

office. Because, as my hon. friend knows, a new man might very seriously prejudice the interests of the producer as well as the purchaser of the grain. The House will be glad to know that quite recently we have provided that certain permanent members of the staff shall come in under the Superannuation Act.

Mr. BENNETT: Are the provisions of the Superannuation Act available?

Mr. ROBB: In the case of certain of the officials who have been on the staff for a number of years—

Mr. BENNETT: You should take care of these men.

Mr. ROBB: —we have made provision for them quite recently. As to their compensation, that is adjusted upon the recommendation of the Board of Grain Commissioners. That is all I have to say in that regard. I am sorry that we have again been dragged into a discussion of the question of elevators because the elevators are not now under consideration.

Mr. BENNETT: I apologize.

Mr. ROBB: I did not stop my hon. friend (Mr. Bennett) when he was discussing the elevators because I understood he was leaving and wanted to get some information in advance.

As to the Prince Rupert elevator I have these observations to make. What my hon. friend has said as to the cost of that elevator and as to the revenue from it is quite correct. But the statement was equally true in regard to the Vancouver elevator. At one time people said "What are you going to build an elevator at Vancouver for; not a bushel of grain will ever go through there," and it was years before the operations of that elevator began to amount to anything. I recall on one occasion that I was in Vancouver and the houses at Fort William were becoming congested. The people from Alberta wanted to ship their grain through Vancouver because they could get a cheaper rate to Europe through the Panama canal, and the grain men in charge of the Vancouver elevator said "We cannot get any more grain through here because it will result in congestion; we cannot move it along." I also recall very well having communicated with the Board of Grain Commissioners, and instructed them to use the Calgary house to take care of grain required for Vancouver, so that the grain would be near at hand when the congestion at Vancouver was relieved. The elevator in Vancouver put through more grain in the year 1922-23 than it did in all the previous years since it had been built. I think last year a great quantity of grain went through, and who knows what the Prince Rupert elevator may do? I am not defending the Prince Rupert elevator, but I say that that elevator to-day is exactly in the same position, so far as handling grain is concerned, as the Vancouver elevator was in its first year.

Sir HENRY DRAYTON: Oh no.

Mr. ROBB: I have the figures.

Mr. CLARK: The minister states that there was a period when no grain went through the Vancouver elevator. That is quite true, but it was known when the elevator was constructed that there was a field, or there would be a field in the future, for export through that port, because it was the logical route for grain going westward.

Mr. McLEAN (Melfort): Why is that?

Mr. CLARK: Because there was no other Canadian port to compete with it in regard to facilities for shipping. I do not want to be drawn into a controversy as to the relative merits of Vancouver and Prince Rupert. The facts are well known as to the length of the rail haul and the ships available for export purposes and as to the future possibility of securing ships. My purpose in rising is to point out to the minister that it was well known when the Vancouver elevator was constructed that the Panama canal would be available for the export of grain through Vancouver in the course of time. It is true that the elevator was actually constructed some years before the the Panama canal was ready for use. Had it not been for the war, however, the export of grain through the port of Vancouver would have materialized some years earlier. Throughout the period of the war there were no ships available for trade through Vancouver and she suffered in consequence more than any other city in Canada, because of the fact that her trade was hampered to a very large extent by reason of the lack of ships.

Mr. McLEAN (Melfort): Would the same argument not apply to Victoria and the Fraser river ports?

Mr. CLARK: They never came into question regarding shipment of grain.

Mr. McLEAN (Melfort): No chance of their becoming ports?

Mr. CLARK: I am not discussing the relative merits of the ports, but a visit to the coast by my hon. friend would show that, as

far as Victoria is concerned, it would require the handling of grain oftener than would be required when shipping through the port of Vancouver. So far as the Fraser river is concerned, it may be an ideal port for the export of grain. It has ideal factors, but at the present moment it has no facilities. I am not desiring to advocate extension of facilities at the moment or the curtailment of facilities. I am simply answering an observation that there was a long period when no grain was going through the Vancouver elevator. My point is that owing to the war there were no ships available, and owing to the fact that the Panama canal was not completed for many years after it was expected to be completed, the shipment of grain through Vancouver was delayed, and it was not until about 1920 that there was any possibility of shipments through the Panama canal. Then the development progressed and in the year referred to by the minister 1922-23, owing to a very large crop additional outlet had to be found and fortunately for Vancouver the grain in that year was forced to a western outlet; had it not been for the bumper crop in that year, Vancouver probably would not have been the great grain port it is to-day, because we were forced to handle the grain that year. It had to find an outlet, and the size of the crop that year brought about a very rapid development in the export of grain through that port, and it has progressed since.

But what I want to point out to the minister—and I know the minister sees it—is that the facts and circumstances as between these two ports, as between Vancouver and any other Pacific port are entirely different, and the reasons for the long delay in shipment through the Vancouver elevator are perfectly clear; first, the war, second the long delay in the completion of the Panama canal, and the securing of boats for the use of that trade.

Mr. ROBB: We might come back to the administration of the Canada Grain Act.

Mr. JOHN MILLAR (Qu'Appelle): I desire to occupy a little of the time of the committee in discussing a matter which is of vital importance to my constituents and to the constituents of other hon. members in this House. There is great need
4 p.m. of a grain research laboratory, which, if it can bring about a change in the standards governing the inspection of our grain, will render a great service to grain producers and the grain trade generally. The time is ripe for it; I think it is due.

We have heard during the last twenty years a great deal regarding the selling of wheat on a better basis than that of colour and weight; that is selling it on its strength and on its protein content, and I wish to say that a research laboratory can render very great service in that direction. Look at the manner in which our grain is graded at the present moment. I read to the House the definition of our grades of grain, as follows:

No. 1 Manitoba northern wheat shall include all varieties of hard red spring wheat equal in value to "Marquis" wheat; shall be well matured and well cleaned, weighing not less than 60 pounds to the bushel and practically free of damaged kernels and foreign grains; shall contain 60 per cent of hard red vitreous kernels.

Throughout that definition there is very little to indicate that strength forms a factor in grading our wheat. The number of pounds has nothing to do with it. The variety of wheat has something to do with it. Some varieties are stronger than others. The expression "red vitreous kernels" have been relied on to indicate the strength of the wheat. I wish to show that it is only in a general way that those words indicate the strength of the wheat. Before I come to that, it is recognized by all who are selling wheat, handling it, importing it or having anything to do with it, that Canadian wheat is very much desired in the markets of the world because of its strength and milling qualities. It is the wheat that is very strong in nitrogen and in protein that is desired by the millers of the world for the purpose of mixing with softer wheats and wheats that are lacking in those elements. Before dealing with that I wish to refer for a moment to another service that can be rendered by a research laboratory. There is a complaint for many years that bleached wheat which has been subject to a slight rain and discoloured only is not receiving its value at the present time according to our own inspection, and here is a service that the research laboratory can render. Referring to the evidence submitted by Dr. Birchard, who is now in charge of the research laboratory at Winnipeg, he makes two suggestions in regard to bleached wheat. He points out that his researches have shown clearly that this wheat has not been damaged for milling purposes. The same results have been obtained from researches carried on in other laboratories. It is found that the wheat has been slightly discoloured, that is all. Let us see what he says:

The first suggestion made was that wheat which has been slightly bleached on the outside should be regarded as sound and should not be considered as damaged wheat on account of bleaching only.

That is to say, slightly bleached wheat is to be considered sound provided it is not mouldy or sprouted or obviously inferior in some other respects. Experiments show that wheat which is only bleached on the outside and in such a way as to reduce its grade from No. 1 northern to No. 3 northern does not lose its actual milling or baking value. It is true that sometimes there is a slight decrease in the test weight per bushel, but this authority points out that if that were serious it would be degraded on that account also. Further he says:

It is not contended that slightly bleached wheat weighing sixty-two pounds per bushel will give the same yield of flour as wheat yielding sixty-four and a half pounds per bushel but it is contended that slightly bleached wheat will give the same amount of flour and of as good quality as that produced from No. 1 northern having the same test weight per bushel.

Summing up he says:

Slightly bleached wheat is as good in every respect as wheat of the same test weight per bushel and of the same kind and variety which has not been slightly bleached.

During all the years I have been growing and selling grain—and I have been doing so for the last thirty years—grain that has been slightly bleached has been consistently degraded one or two grades, consequently falling in value seven and sometimes eight cents per bushel. Yet here we find one chemist who tells us that such grain has not been damaged for milling purposes although it has slightly decreased in weight per bushel. I am discussing the question at this length to-day in order to show the difficulties that exist in the present system. In bulletin 37 of the laboratory of Minneapolis there appears on page six a paragraph dealing with the different percentages of protein in various grades of wheat. I quote the following:

This illustrates the difficulty of classifying wheats on the basis of their texture—or the percentage of dark, hard and vitreous kernel. . . . . as is attempted in assigning samples of dark northern and dark spring sub-classes; the presumption is that the dark northern wheats will yield flour higher in percentage of crude protein than will the northern spring wheats. This has not proven to be the case in the samples examined of the last two crops. The average low volume follows the average protein content in both of these crops, when No. 1 dark northern and No. 1 northern spring wheat flour are contrasted; the advantage being in favour of the No. 1 northern flours in both seasons.

That is to say, those which were lightest in colour gave the best results.

This suggests that careful consideration should be given to the possibility of classifying wheat on the basis of protein content rather than on the basis of the less tangible factor of the percentage of dark, hard and vitreous kernels, since the true protein is determined with far greater precision and is probably more definitely related to baking strength than is the kernel texture.

At page 25 the same writer says:

No. 1 northern spring wheat flour contained a slightly higher percentage of protein than flour milled from No. 1 dark northern spring wheat.

In other words, the lighter wheat contained the stronger flour.

This suggests the inadequacy of the present system of classifying spring wheats on the basis of their density or the relative proportion of vitreous kernels present. A determination of the percentage of crude protein in the wheat would probably afford a more satisfactory and accurate basis of classification in the several sub-classes of northern spring wheat.

In the paper Miller, printed in Liverpool, I find the following in the copy of February 20, 1926:

Manitoba wheat is not at present graded on a crude protein basis and as a result the grades overlap especially No. 2 and No. 3. The range of protein found in a somewhat limited number of samples for the last three years in No. 2 Manitoba was 12.4 to 13.2 per cent, while that of No. 3 Manitoba was 12 per cent to 13 per cent. Frequent cases have arisen where Nos. 4 and 5 Manitoba have proven superior in protein content to No. 3.

That means that the grade of grain which the farmer delivers as No. 4 at several cents per bushel less than No. 3 has proved on test to be a superior grain to the higher grade.

It is hoped that sufficient has been written to arouse the interest of millers in this subject of protein content in the hope that they will also adopt some system of scientifically purchasing wheat.

This is from a British writer in a British journal, and it shows that the purchaser in the British market, where a great deal of our grain is sold, is taking a keen interest in that method of handling and buying and selling wheat. The same writer says:

With due regard for ther characteristics of wheat and for the limitations of protein figure the quantity of protein is a most useful index to the milling value of the wheat.

Some years ago two samples of wheat were taken from fields in western Canada, one before a shower of rain and the other after, so that the only difference between the two was that one was slightly bleached after the rainfall. The result of a test in the Howard wheat testing laboratory of Minneapolis is summed up as follows:

The results of this test are somewhat surprising to us and should be very gratifying to you that we can assure you of their correctness. You will note that the comparative yield values show the No. 2 and No. 4—

These were the samples that were slightly bleached.

—to be more desirable, even though the qualities of the flours in all cases were the same. But No. 2 and No. 4 are better flours.

J. E. Rahm, chairman of the Protein committee of the Board of Trade of Kansas, Missouri, says:

The protein runs from 10 to 15 per cent on the different samples and in this market the colour or quality of the grain is no indication of the protein content.

This is what I wish to direct the attention of the committee to particularly:

The colour or quality of the grain is no indication of protein content.

I hold in my hand a record of some tests that were made of western Canadian wheat in a private testing laboratory at Winnipeg. I am selecting the tests under letter C, not to give strength to my argument, but simply taking them as they come. These tests show protein content of 13.4; 13.7; 14.8; 11.8; 13.8; 13.2; 12; 12.2; and so on. Let me draw the attention of hon. members to the fact that in those tests of No. 1, appear samples that differ 3 per cent in protein content, the extremes being 14.8 and 11.8. What difference does that make in the price of the grain? Well, judging from the premiums that are paid on the American market it means a difference in price of at least 12 cents, or on the higher premium 25 cents a bushel. We have not such a system in Canada, but in the United States the common system is to pay a premium of from one to two and a half cents for each quarter of one per cent protein content. Yet according to our system these two samples of wheat are placed in the same grade, the farmer knows nothing about how strong or how weak his wheat is, and he receives the same price.

Let me point out that in the handling of all other products of the farm, cattle, hogs, eggs, and so on, the desire is to have them classified as nearly as possible according to their value, to have the choice steers, for example, put together, selecting as far as possible those of the same type and value, and naturally they bring better prices. Now, why should we be selling our grain in such a haphazard way that a man who is growing grain worth $1.60 a bushel gets the same price as the man who is growing grain worth only $1.50 a bushel? There is frequently that difference. This is a very distinct loss, as I will point out a little later, and it is no encouragement to farmers to grow the better types of grain.

What is protein? It is simply nitrogen that is stored up in the ground, finds its way into the leaves and stock of the wheat plant, and at the proper time reaches the kernel, where with starch, sugar and mineral matter it forms the grain. Now, a part of this nitrogen content is under the control of the grain grower himself. In order to have a good supply of nitrogen, or protein, which is practically the same thing, in the kernel, it is necessary to have a good supply in the land. An experiment was carried on in Reno county, Kansas, some years ago, along these lines: Grain was taken that had been grown on a piece of land from which grain crops had been continuously taken for years, as we are now doing in western Canada. By the side of it was a sample taken from land that until five years previously had for several years—I do not know how many —been growing alfalfa. Alfalfa, sweet clover and other leguminous crops gather nitrogen from the air and store it up in the soil, where it is available for the grain. What were the results? The grain grown after alfalfa proved to have 14.36 per cent protein, while the grain grown a few rods away on land where there had been continuously growing grain had only 11.72 per cent protein. In addition to that, the alfalfa land gave a much heavier crop. So it is apparent that farmers can to a large extent control the amount of strength or protein in their grain.

Under our present system there is no encouragement to the grower to improve the quality of his grain. One party may be growing grain of a weak and soft variety that is lowering the general average of our grain on the markets of the world; the other may be doing those things that are necessary to produce a strong grain, such as growing it on high land, cultivating his land early in the season, using a stronger variety of seed and growing the crop in rotation, so that he has always a plentiful supply of nitrogen in the soil. Yet under the present system there is no inducement offered the farmer who does this. It is found in western Canada, and also in Dakota and other parts of the United States, that land that has been growing grain continuously year after year is now producing much poorer samples and the grain is bringing a lower price in the markets of the world. Notwithstanding this fact we have a system that does not in any way encourage the growing of better grain.

Perhaps members of the committee would be a little surprised to find that at times a sample of grain that is low in test weight per bushel is of more value to the miller, and he will pay more money for it, than a sample that is of high weight per bushel. A few months ago there was a convention of

grain growers and pool members held in the city of St. Paul, at which one of the delegates gave this information:

Our high protein wheat in Kansas brings a very high premium over and above low grade wheat. We have—

Let hon. members take notice of these words.

We have sold 48-pound wheat during the average price of the year for more money than we have sold 62-pound wheat, as much as 4 cents and 5 cents a bushel more on the average, accounted for by the protein.

I know western members will think that is a remarkable statement. That wheat, under our grading system, cannot go into No. 1, No. 2 or No. 3, and I am not sure that it can go into No. 4, because according to the qualification for No. 3 it must weigh 58 pounds to a bushel. Now, this weighs only 48 pounds. There is a wheat that brings a premium of four or five cents a bushel over the 62-pound wheat, and yet under our present system it could not be classed higher than No. 4, and I am not sure that it might not have to go into No. 5. He was asked this question:

That is a particular case, not the average; that was only one particular sale?

The answer was:

That is more or less true all the way through. These spreads on protein vary from the beginning of the year to the last. The spread is not the same all the time.

I follow that up by pointing out why it is that frequently the shrunken wheat, the wheat that is low in weight per bushel, is of more value. The protein is the first element that goes into the kernel; later on comes the starch. Now, if anything occurs to impede or stop the growth or filling of the kernel the protein is already in the kernel, but the starch does not get there; that is, the last element that goes into the kernel is the starch. Every day near the end of the ripening season when the kernels are bulging and becoming larger it is because of the starch finding its way into the kernels. Accordingly if you check the maturing of grain several days before it is finished you have a higher percentage of protein and a lower percentage of starch. That is the quality the millers want; when they buy a bushel of wheat not fully matured they are getting a larger percentage of the valuable protein, and yet under our system that wheat is classed away down and has to take a very low price.

Some have taken objection to this system of handling grain because they say it will take a long time to make the tests and will tie up the grain at the inspection points. Let me point out that there are different systems under which this principle is adopted. In Kansas they have perhaps the most perfect system of handling grain on protein content of any place on the continent. Kansas has its own system; Dakota has its own system; Nebraska has another system, but the system in Kansas seems to be the best. I am speaking now of the pool in Kansas. The system there is to draw a sample of grain at the elevator when the load is delivered. That sample is drawn by the farmer and the elevator operator and sent to their own laboratory in the city. A test is made and the results are then sent to the head office, where each individual shipper has his own account; his name is attached to the sample and the results of the test are transferred to his account. You can see how they have created a system which gives each individual grower the full value of his wheat. If he sends in a 16 per cent protein sample that result is transferred to his account in the head office, and in this case he receives returns in the course of eight or ten days according to the protein content of his wheat.

Then there is the question of premiums; they are paid a premium of from one to two and one half cents for every quarter of one per cent. That means at least four cents for every additional percentage of protein. Is that worth while? Following that, I might state that the systems adopted in Dokota and in Montana are somewhat similar. They frequently buy individual cars, and pay a premium. The hon. member for Mackenzie (Mr. Campbell) a short time ago instanced a case where two samples of grain were sent from Canada to the Minneapolis mills. Although according to our Canadian system the two samples graded the same, and the farmer received the same price, on the Minneapolis market one sample received twenty-six cents per bushel more than the other. They handle the grain in that way; they pay premiums for individual cars, but they also have a system of paying premiums to stations. A certain station in Montana is found to produce wheat high in protein content, say fifteen per cent. In that case they pay a premium of fifteen cents or sixteen cents for all the grain coming from that station. Recently a friend of mine had a letter from his brother in Montana, in which he said that on all his grain he had received a premium of sixteen cents per bushel. In Nebraska we find a somewhat

similar system; they are classified in stations. Here is a shipping station handling grain of twelve per cent protein content; another ships grain of thirteen per cent protein, and they are spoken of in that way. The premium is also paid in that way; all the grain from the thirteen per cent station will receive a higher premium than that from a station with an average of only twelve per cent.

I mention these points to show that in the United States it has not been found impossible to overcome these difficulties. They have faced these obstacles that have been raised in Canada year after year as a reason why we should not adopt this system of grading and selling grain, and they have been overcome. I might read a paragraph from the same delegate quoted a few moments ago, Mr. Cox of Kansas. He is speaking now of the pool which handles grain in this way, and says:

> Our growers never knew much about that,—
>
> Speaking of the protein.
>
> —until the pool started. The fact is that the 10,000 growers in the Kansas pool are the only farmers in Kansas who can receive the benefit of their actual protein up to the present time, through their own association. It is impossible for a grain man to give exactly what it is, when in the country, because he has no way of testing it. We own our own laboratory and our growers take a sample with the elevator man of every lot of wheat, and it is sent to our own laboratory. We run the protein and send that test to the head office, there we have an individual account with every grower and put down exactly the protein he is entitled to. Then we get grades from him and the elevator man at the time of delivery, from the wheat ticket. The sample goes to the laboratory and back to the office and in that way he gets credit for the protein and at the end of the year he is settled with according to grade and protein.

I am not suggesting for a moment that we should do away with our present grading system, but I do think that protein should be a factor as well as weight and colour, neither of which indicate the actual strength of the wheat. You can see that under our Canadian system it would not be necessary to hold up cars at Winnipeg; samples could be drawn at the country elevator and sent to the laboratory at Winnipeg, and the results could be recorded in the head office.

The question was asked as to how the pool protects itself against fake samples being sent in. The delegate pointed out that the pool has a contract with the elevator men to supply the same grade of wheat and wheat of the same strength as he receives. Therefore they are bound in self-protection to see that a fair sample is drawn and submitted to the laboratory.

Another objection has been made to this system of handling grain, and that is that when you get the quantity of protein, it does not indicate the quality. In a letter that came to me a few days ago, a British writer pointed out that this is not very important. In the case of grain that is damaged, once a buyer would see damaged grain, or grain that was frosted, or with green kernels or anything of that sort, he would not ask for the protein test, because it would be of little or no value, but it is of value in the higher grades. In a very large measure it indicates the value of the wheat in the higher grades. If that is the case, why would it not be wise to assist the pool? I believe that the time has come when this is a problem, not for the government, but for the pool, and I discuss it at this time because when the pool undertakes to handle the grain in this way, the support and assistance of the government will be necessary, and changes will be necessary in the Grain Act providing for the handling of grain.

We find that in the States the custom of handling the grain in the elevators is to classify the grades having about the same protein content, and put those grades in the same bin. It may be that it will be found wise to take No. 2 grain and mix it in some cases with No. 1. That is a matter for the elevator men and the grain handlers to work out. They have worked it out in the United States, and there seems to be no reason why we could not work out such a system here. But it will necessary to have considerable changes made in our handling system. That has been one of our difficulties in adopting this method of handling grain because, as has been pointed out, after the test was made, if it was found that certain grain was high in protein strength, it would be difficult to maintain the identity; it would take too much space. I am not sure that that is the case; in fact, it would seem from the information that comes to me from the states of the union, they store wheat of the same protein strength in the same bins. It would seem that it is not found expensive; it is satisfactory; they are adopting the system, and their officials state quite freely that it has come there to stay. Here is the reason why it has come to stay.

The large millers have been forced in past years, both in Canada and the United States, to sell flour from grain that has been brought up to a standard of about 12 per cent protein. It was pointed out by one of the delegates attending the convention of which I spoke

that three carloads of grain, one of 14 per cent protein, one of 12 per cent, and another of 10 per cent, ground separately, produced flour of a different quality from three carloads of grain all of about the same strength, and the bakers have demanded of the millers that they supply them constantly with a blend or patent of flour that is of about the same strength, and the millers are doing that. In some cases, in fact, the millers have made long contracts for months ahead for large quantities of flour, guaranteeing its protein strength. That has forced them to search for the high protein wheat.

Another objection raised to this method of handling grain in Canada is that we have not a market for it, that there is not the demand for it, that we could not get any considerable premium. It does not seem to me that that objection is well taken. At the present time the American buyers are buying our high protein wheat in very large quantities, and taking it to the United States to grind for export. In this way they do not require to pay any duty on it. They pick out our choice cars of grain at Winnipeg and other points, and ship them to the United States, and our grain is there mixed with their soft wheat and with wheat low in protein content. If they desire our wheat now, as their land is becoming poorer with the constant cropping of grain, is it not reasonable to believe that in future they will require our grain to a greater degree, and that they will become keen competitors for our strong wheat? It is not necessary for them to pay the 42 cents duty. They can take our wheat in without that duty, and they are doing it now.

In the report of Dean Rutherford, a member of the Turgeon commission, who visited England a couple of years ago, he states that certain millers there have said to him: We will pay a premium for this strong wheat if you can deliver it to us, that is, if it is worth your while to go to the expense of retaining the identity of the wheat and classifying all the strong wheat together. As is well known the large millers of Canada at the present time through their line elevators and also through picking out cars at Winnipeg, after inspection, are securing the very best of our wheat. They have samples sent in from different shipping points in Canada in the early part of the season, and they find out at what points the strong wheat is being grown. It is not always at the same points. A point that grows strong wheat this year may not do so next year. Now if our millers are taking these measures for securing our strong wheat, is there any reason to believe that if our government would establish a laboratory to take care of the samples that are sent there, and would make protein tests and deliver to the grower a certificate, the same as they do now with respect to grades, the system would not be a success? I have in my possession the inspection cards that are used in Kansas by the laboratory making the tests. If our government would make tests and deliver to the grower a certificate showing the protein strength of his wheat, it would be about as far as they could go. It would then be left to the trade and to the pool to establish a system whereby the farmer would be able to receive a premium for his grain that was strong in protein content. I have here the price card issued by the Hall-Baker Grain Company, of Kansas City, Missouri, showing the premiums they pay from time to time on wheat of high protein strength, and with the permission of the House I will put this on Hansard:

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The following is a copy of a price card:—

HALL-BAKER GRAIN COMPANY, KANSAS CITY, MO., DECEMBER 17, 1923

Sales of cash wheat were made on the Kansas City Board of Trade to-day as follows:—

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 1 Dark Hard | | | # | | Cars | 1 Red | | # | Cars |
| 2 Dark Hard | | | # | | " | 2 Red | | # | " |
| 3 Dark Hard | | | # | | " | 3 Red | 107 | # 1 | " |
| 1 Hard | 108 | 111 | # | 2 | " | 1 Mixed | | # | " |
| 2 Hard | 103 | 115 | # | 22 | " | 2 Mixed | 107 | 109 # 3 | " |
| 3 Hard | 99 | 114 | # | 39 | " | 3 Mixed | 105 | 110 # 5 | " |

Receipts Wheat to-day 331 K.C. Dec. Close 99⅜ K.C. May. Close 104

Your orders to buy sample table wheat will receive the best possible attention. We make no purchases on any order if we cannot secure the right quality at the right price. Charge for buying and shipping one per cent.

We offer you subject to our immediate wire confirmation, 1 to 5,000 bushels each of the following grades and samples bulk grain, Kansas City weight and grades.

[Mr. Millar.]

SHIPMENT

| — | F.O.B. K.C. | C.A.F. East St. Louis | C.A.F. Chicago or Mpls. | C.A.F. Group 1 Texas | C.A.F. Phila. Rate |
|---|---|---|---|---|---|
| Turkey "C" 2 Dark Hard | | | | | |
| 14% Protein 3 Dark Hard 57 | 119 | 127 | 129½ | 141½ | 146 |
| Lot "D" 2 Dark Hard | | | | | |
| 13-50% Prot. 3 Dark Hard 57 | 116½ | 124½ | 127 | 139 | 143½ |
| Lot "K" Choice Milling 2 Hard | 114½ | 122½ | 125 | 137 | 141½ |
| 13% Protein 3 Hard 57 | 113 | 121 | 123½ | 135½ | 140 |
| Lot "L" Choice Milling 2 Hard | 110 | 118 | 120½ | 132½ | 137 |
| 12-50% Protein 3 Hard 57 | 108½ | 116½ | 119 | 131 | 135½ |
| Lot "50" Choice Milling 2 Hard | 106½ | 114½ | 117 | 129 | 133½ |
| 12% Protein 3 Hard 57 | 105½ | 113½ | 116 | 128 | 132½ |
| 1 Hard Wheat | 109 | 117 | 119½ | 131½ | 136 |
| 2 Hard Wheat | 105 | 113 | 115½ | 127½ | 132 |
| 2 Red Wheat | 110½ | 118½ | 121 | 133 | 137½ |
| 3 Red Wheat 57 | | | | | |
| 3 Red Wheat 56 | | | | | |
| 4 Hard Wheat 55 | 95½ | 103½ | 106 | 118 | 122½ |
| 4 Hard Wheat 54 | 93½ | 101½ | 104 | 116 | 120½ |
| 5 Hard Wheat 53 | 92 | 100 | 102½ | 114½ | 119 |
| 5 Hard Wheat 52 | 90½ | 98½ | 101 | 113 | 117½ |

Hard Wheat—Unchanged to 2c. down—fair demand.
Dark Wheat— " " "
Soft Wheat—Unchanged to 1c. lower—demand only fair.

E. & O. E. HALL-BAKER GRAIN CO.

I shall not detain the committee any longer. While it is uphill work to get the people convinced that this is a proper method of handling grain, the only way to get what you want is to keep pounding away, and I have studied this matter sufficiently to be convinced that it would be an advanced step. I do not expect, after we have discussed the matter in this way, that we shall immediately have the system of grading grain changed, but I am in hopes that the government will see that its laboratory at Winnipeg is enlarged and made capable of making all the tests that are required. Some may ask, how long does it take to make a test? It requires from one hour to one hour and a half. What is the cost? In the United States and in the laboratory at Winnipeg the cost varies from 40 cents to one dollar, so the cost is not excessive. Those who find that their wheat is low in protein, low in strength after having had a test made of one car probably would not care to have tests made on other cars. But it gives an opportunity to the man who is doing his best to keep his land up, to keep up the nitrogen strength, of his wheat, to produce wheat from the strongest varieties—in a word to grow wheat of the very highest type. That gives him an opportunity to earn a premium on that wheat that will pay him for his effort, and that is the least I believe that can be done. As I pointed out before, it is not encouraging to devote one's efforts to producing the best wheat, wheat that is worth in extreme cases 50 cents a bushel more than the wheat of the same grade of one's neighbour, when it fails of recognition. The premium mentioned is probably the maximum when you take the premiums that are sometimes paid on the American market. It is not likely that we shall reach the same premium on the Canadian market, for a time at least. But in extreme cases a premium of 50 cents a bushel has been paid; in other cases it would amount to 10, 15 or 20 cents. That figure would be common. It is therefore not encouraging to a man not to be rewarded by this premium after all the efforts he has put forth. It is all very well for some people to say: You believe in pooling; why not pool? I believe in pooling where it is necessary, but we do not usually think it is wise to go so far in the case of horses as to pool a horse that is worth $200 with a scrub that is only worth $50. On the same principle we do not believe it is in the interest of the grain trade nor in the interest of the farmer himself to deprive him of the premium to which he should be entitled when he enhances the value of his grain.

Mr. TOBIN (Wetaskiwin): I know the minister is anxious to get his estimates through and I shall occupy only a few minutes in what I have to say. First of all let me state that I concur in the speech which has just been made by the hon. member for Qu'Appelle

(Mr. Millar). I was not in my seat when he began to speak, but I presume his remarks were to the effect that he wishes the laboratory at Winnipeg to be enlarged in order to carry on to a much greater extent the testing of grain. It may not be a convenient opportunity to occupy the time of the House but I am impressed by the fact that the people in western Canada, possibly the people in Canada as a whole, are interested in the production of good grain, especially wheat. That is why the question at issue should continue to be agitated until some action is taken to improve our system of grading wheat. We have often heard the statement "Pigs is pigs" and many people when they think of wheat entertain the idea that "Wheat is wheat"—that whether you have a 60 pound sample or a 48 pound sample of wheat the quality is very much the same, and that it is merely a matter of pounds. But that does not necessarily follow. Even in the case of one field of wheat part summer fallow and part spring ploughing, both may grade the same, but there may be a great difference in quality since part of it may have a greater protein content and so be worth more money. Just as in the case of every other line of business, the farmer who is engaged in growing wheat should be encouraged to produce better wheat and to compete with others in doing so. If he is not given the necessary encouragement it all comes back to a question of looking at wheat simply as wheat without regard to the difference in value. Sometimes wheat is discoloured and yet it is possible that nothwithstanding that discolouration its quality has not been injured in the least. I had not expected that a discussion on this question would have arisen to-day, otherwise I would have equipped myself with certain data which I do not happen to have with me owing to the question having arisen so unexpectedly. I point out, however, that baking tests have been made by the government of different varieties of wheat, some of them discoloured to different degrees. In the case of the discoloured varieties it was found that when ground into flour it had not lost in any way its breadmaking or protein value. I believe in the results of these tests because they were carried out in a scientific way. The trouble with the present system of grading is that in too many cases it is unscientific. A man will come along, pick up a handful of wheat, and say that the grade is so-an-so. We all know that there is a difference in value even in the same grade of wheat, when graded under our present system. When the grading of wheat is carried out in a scientific manner the best grades realize a premium varying in amount. I believe we should do our utmost to encourage the wheat grower to earn a premium by producing the best varieties. There should be joint action by business men, millers, and agriculturists to continue the agitation for a better method of grading until success finally rewards their efforts. The objection is often heard that you cannot have a scientific system of grading owing to the volume of wheat grown. This is only an argument to set aside the case. We do not know whether any plan is feasible or not until we have tried it. I hope the hon. member for Qu'Appelle, who has studied wheat all his lifetime, will continue his efforts until he succeeds in having a better system of grading adopted. He will always have my support. Grading is being improved in the case of eggs, butter, cattle and hogs; why should improvements not also be made in wheat? The present system of grading is obsolete and there should be no let-up in the agitation to improve it.

Mr. McQUARRIE: There has been some discussion as to the different ports on the Pacific coast in relation to grain elevators. I wish to say a few words with respect to the Fraser river in this connection but possibly I should defer my remarks until the next item is reached.

Mr. ROBB: Before the item passes I wish to make some observations in reply to the hon. member for Qu'Appelle and the hon. member for Wetaskiwin. They have brought up a subject of great interest not only to the grower of wheat but also to the purchasers, particularly to the milling industry of Canada. The hon. member for Qu'Appelle knows quite well that the milling value of the crop varies from year to year. Climatic conditions have something to do with it, and while a few years ago particular parts of the country were noted for the wheat of excellent milling value they produced, my hon. friend knows that within recent years the Canadian millers, who have trained chemists who conduct scientific tests into the value of grains grown in different localities, have practically boycotted some of these districts. I am glad that my hon. friend has brought this question up. It will direct the attention of the grain grower to the importance of selecting wheat of high protein value and of keeping away from those grades of wheat that are practically boycotted by the Canadian miller although they are used in some foreign countries. I am glad my hon. friend has emphasized the importance of careful cultivation and of following a rotation of crops so as to preserve the protein value of the wheat in the highest degree. But even

that may be impossible under certain climatic conditions. I recall that a couple of years ago I was shown confidentially a chart of certain sections of the country where it was pointed out that the wheat was of a very inferior milling quality, showing that there was very little protein value in the wheats of certain sections. I have before me a record of the conditions in Kansas, so much referred to by my hon. friend. The average protein value of Canadian wheat is higher than the average protein value of Kansas wheat. There are certain wheats grown in Kansas of higher protein value than others. I am not proposing to tell the growers of wheat what grain they should grow but my hon. friend knows that within recent years in some sections of the country they have put in Durum wheat. The number of bushels have been considerably more to the acre, but they have not convinced the man who uses it that the Durum wheat is of the same value as the other wheat, and you must not run away with the idea that the man who grows wheat of good protein value does not get the benefit, or that the quality is not recognized by the Canadian millers, because they always pay a premium for that kind of wheat. They have buyers out spotting, and they pay a higher price for it. I have nothing to say against the point urged by my hon. friend. I am quite in sympathy with the idea of keeping up the highest possible protein value of our Canadian wheat, and I go a step further and say that there should be a system of enabling the grower of the wheat to get, without much cost, a record as to the protein value of his wheat. I do not think it is under any state inspection in the United States, but my hon. friend knows that in Kansas they get that protein value. The protein value is established through machinery in the agricultural college of Kansas where the testing is carried on.

Mr. MILLAR: There is one state where they have state inspection for protein.

Mr. ROBB: They may have it in some of the states, but in the agricultural college they keep a record of it, and that is what I am alluding to. I understand that in the Research Council, of which Dr. Tory is the chairman, they have made arrangements with the Board of Grain Commissioners to appoint a committee specially to advise with the Board of Grain Commissioners with reference to an improved method of establishing the protein value of Canadian wheat, and if there is not sufficient in the main estimates we propose to put something in the supplementaries to provide for this undertaking.

Mr. MACLEAN (York): I should like to say a word about the grading of wheat. I recall a portion of an article written by the late Goldwin Smith a good many years ago, and I think what he said would apply to the situation. He said, "I know books because I am able to test them as a cheese monger can test cheese". The cheese mongers used to have a little auger and they bored into the cheese, then they took the auger out and smelled
5 p.m. it, and they were able to say, "that is so and so, such a grade". I think the cheese monger's test applies to our wheat. I think the minister rather outlined it when he said the conditions were changing every day in regard to the grading of wheat. It may be a climatic or other change. There are a lot of contributing causes which vary every year apparently in the growing of wheat, and in some way the men who buy the wheat have the same method of testing as the cheese monger. A buyer can tell in a second what the grade is. But the grade is not permanent as to content, protein or anything else. It is subject to change according to the climate. Something happens in connection with the seed; it varies with the years, and a product such as wheat is never permanent, but is influenced by the change of climate. There is some kind of internal development, so far as I can gather, in connection with the products of all kinds of growth and the process changes. It is all right to have experts in the schools of agriculture and to employ chemical analysis to ascertain the real qualities for the purpose of grading wheat. I do not know where it is going to end, I think every credit should be given to Dr. Tory and those who are trying to solve the problem, but the outstanding feature is that the ordinary buyer has the ability to grade the wheat in a moment. We ought to be able, in connection with our agricultural and other schools, to produce men who instinctively possess the faculty of being able to grade wheat, to fix its value and to say whether it will meet the demand of the foreign market. That market knows what it wants. They are always on the look out and they have the nose for buying. I am not a farmer, but I have heard a lot of this discussion. Perhaps I am not contributing anything to it, but the outstanding feature is the gift of the grain buyers, and these are the men who will make the greatest contribution to the problem of grading our wheat.

Mr. ROGERS: I do not think the minister fully explained the increase of $280,000. Why is it necessary? Is Dr. Tory engaged in it?

Mr. ROBB: No, he has nothing to do with this. I explained all that. My hon. friend could not have followed me. The sum of $65,000 has been included to provide for increased expenses in connection with the weighing branches of the board, if such increases are approved by the Governor in Council. I have here a memorandum by Mr. Leslie Boyd:

You will note there is a large increase over last year's figures, but as you are aware, several changes were made when the Canada Grain Act was revised at the last session of parliament, for the operation of which the board has had to make provisions in these estimates.

Then there is the $65,000 just referred to.

It must also be borne in mind that, owing to unsatisfactory climatic conditions, the movement of the present crop will be seriously delayed.

The movement of the present crop will be delayed and this will necessitate the retention of a considerably larger staff. Then the creation of an inspection office with appeal boards at Edmonton and Vancouver will require additional help.

Mr. ROGERS: Have you anything in the estimates to meet the change in Moose Jaw?

Mr. ROBB: No.

Mr. ROGERS: That will be in the supplementaries?

Mr. ROBB: Yes.

Sir HENRY DRAYTON: What is the real significance in the change in climatic conditions? Is it working against the movement of the crop?

Mr. ROBB: It delays the movement. We have our staff ready in September to handle the crop, but if the weather is bad and the grain does not come along in any volume until the middle or the end of October it cannot be got out, with the result that it keeps piling up and we have to retain the staff until the summer.

Sir HENRY DRAYTON: That is, to move the last year's crop?

Mr. ROBB: Yes.

Item agreed to.

Management, operation and maintenance of elevators, $585,000.

Mr. ROGERS: I presume the minister can give us a statement of the proposed increase of $60,000, and tell us the cost of operating each elevator?

Mr. ROBB: This increase is offset by a decrease of $30,400 in item 359 which we shall consider later. The two votes for elevators this year show a net increase of $29,600 over the figures of last year. The cost of maintenance formerly included equipment, which is now shown under another vote as it is considered desirable to keep operating expenses separate from capital expenditure. This item covers all expenses in connection with the management, operation and maintenance of elevators at Port Arthur, Moose Jaw, Saskatoon, Calgary, Edmonton, Prince Rupert and Halifax.

Mr. ROGERS: Have you a separate statement showing the cost of each?

Mr. ROBB: What elevators does my hon. friend refer to?

Mr. ROGERS: I want to know about Moose Jaw, Saskatoon, Calgary, Edmonton and Vancouver.

Mr. ROBB: The following are the surpluses and deficits in connection with Moose Jaw from 1914 to date:

| | Surplus | Deficit |
|---|---|---|
| 1914-15 | | $17,199 93 |
| 1915-16 | $56,432 37 | |
| 1916-17 | 59,829 26 | |
| 1917-18 | 73,482 32 | |
| 1918-19 | 45,164 84 | |
| 1919-20 | 22,814 38 | |
| 1920-21 | 13,945 85 | |
| 1921-22 | | 9,237 17 |
| 1922-23 | | 16,103 49 |
| 1923-24 | | 33,017 73 |
| 1924-25 | 1,820 34 | |
| 1925-26 | | 15,726 07 |

The last mentioned deficit is for a period of eleven months. Then, Saskatoon and Calgary, in round figures:

Saskatoon

| | Surplus | Deficit |
|---|---|---|
| 1914-15 | | $11,000 |
| 1915-16 | $ 57,000 | |
| 1916-17 | 124,000 | |
| 1917-18 | 79,000 | |
| 1918-19 | 75,000 | |
| 1919-20 | 49,000 | |
| 1920-21 | 44,000 | |
| 1921-22 | 18,000 | |
| 1922-23 | | 20,000 |
| 1923-24 | | 21,000 |
| 1924-25 | 35,000 | |
| 1925-26 (11 months) | | 868 |

Calgary

| | Surplus | Deficit |
|---|---|---|
| 1915-16 | | $9,000 |
| 1916-17 | $ 6,000 | |
| 1917-18 | 36,000 | |
| 1918-19 | 28,000 | |
| 1919-20 | 79,000 | |
| 1920-21 | 72,000 | |
| 1921-22 | 57,000 | |
| 1922-23 | 83,000 | |
| 1923-24 | 27,000 | |
| 1924-25 | 93,000 | |
| 1925-26 (11 months) | 142,000 | |

Mr. ROGERS: That is a profitable elevator.

Mr. ROBB: Yes.

Mr. ROGERS: What about Vancouver?

Mr. ROBB: The figures for Vancouver are as follows:

| | Surplus | Deficit |
|---|---|---|
| 1916-17 (January-March) | | $8,000 |
| 1917-18 | | 7,000 |
| 1918-19 | $ 8,000 | |
| 1919-20 | 5,000 | |
| 1920-21 | 909 | |
| 1921-22 | 21,000 | |
| 1922-23 | 116,000 | |
| 1923-24 (to September 30) | 81,000 | |
| 1924-25 | 33,000 | |
| 1925-26 (to February 28) | 5,000 | |

Mr. ROGERS: Has that elevator been transferred to the harbour commission?

Mr. ROBB: Yes. We had no expenditures in 1924-25 or in 1925-26.

Mr. COOTE: Will the minister give us the figures for Port Arthur?

Mr. ROBB: The Port Arthur house has shown a surplus each year. Here are the figures:

| | |
|---|---|
| 1913-14 | $ 66,000 |
| 1914-15 | 154,000 |
| 1915-16 | 162,000 |
| 1916-17 | 395,000 |
| 1917-18 | 399,000 |
| 1918-19 | 267,000 |
| 1919-20 | 253,000 |
| 1920-21 | 156,000 |
| 1921-22 | 354,000 |
| 1922-23 | 268,000 |
| 1923-24 | 246,000 |
| 1924-25 | 401,000 |

This was the peak.

| | |
|---|---|
| 1925-26 | $325,000 |

Mr. COOTE: Will the minister give us Halifax?

Mr. MacLAREN: And St. John?

Mr. ROBB: Halifax does not show a surplus. The total revenue for 1925-26 was $4,474.01, with an expenditure of $14,169.04, leaving an operating deficit of $9,695.03.

Mr. ROGERS: I noticed in some return the other day that only 500 bushels of wheat were shipped to the Halifax elevator last year. Surely that cannot be correct?

Mr. ROBB: I should not think so.

Mr. MacLAREN: There is an elevator in St. John owned by the government—the Canadian National Railways elevator. I am afraid business has not been given to it very extensively according to that memorandum.

Mr. ROBB: My hon. friend is in error. The government has no elevator in St. John.

Mr. MacLAREN: The National Railway have.

Mr. ROBB: It is not operated by the grain commission.

Mr. MacLAREN: It is operated by the Canadian National Railways. There are two Canadian Pacific elevators and also the Canadian National elevator.

Mr. ROBB: I will try to get the information for my hon. friend.

Mr. McQUARRIE: Mr. Chairman, under the previous item we had some discussion about the elevator at Prince Rupert. In my constituency we feel we were discriminated against when that elevator was not built on the Fraser river at or near New Westminster. The case for the Fraser river has been presented on many occasions. I remember a number of years ago when it was a matter of choosing between Vancouver and New Westminster for the construction of the first elevator, the Board of Grain Commissioners held a meeting at Winnipeg where the relative advantages of the two ports were presented to them. There were of course merits on both sides, and after a long discussion it was decided that the first elevator should be built at Vancouver. It was regarded more or less as an experiment. At that time I am informed a promise was made—not by the Board of Grain Commissioners of course—to the people of New Westminster that the next grain elevator on the Pacific coast would be constructed on the Fraser river.

Mr. ROBB: What year was that promise made?

Mr. McQUARRIE: I think in 1912. A Conservative government was then in power. At that time the heads of the two great transcontinental railways, the Canadian Pacific and the Canadian Northern, favoured the location of elevators on the Fraser river. As a matter of fact, about that time the Canadian Pacific company purchased a large tract of land at Port Coquitlam on the Pitt river, a tributary of the Fraser river, for the purpose we were told of constructing, among other things, grain elevators. Subsequently the Canadian Pacific Company changed their policy and I think to-day they are practically out of the elevator business altogether. The Canadian Northern acquired Port Mann on the Fraser river just above New Westminster, it being their intention to build grain elevators there. As I have said, both railway

companies favoured the Fraser river for that purpose. Why? Well, the minister has been out to the Pacific coast a number of times, and I remember on one occasion he visited New Westminster and met a number of the leading people there, who presented to him the advantages of the Fraser river in regard to elevator sites. The minister, I think, was quite impressed—at least he told us so at the time, and I believe he is always sincere.

Mr. ROBB: Did he promise an elevator?

Mr. McQUARRIE: As a matter of fact I think he did promise them an elevator some time; he would not tie himself down to the exact time when that elevator would be built. But the Fraser river, as the minister very well knows, possesses certain advantages for this purpose. I have no doubt he appreciates the fact that the Fraser river at or near New Westminster is the closest point at which grain from the prairie provinces can be transferred to ocean-going vessels. He also knows that all the grain that comes over the Canadian National Railways must first come to Port Mann and New Westminster. The minister has been told a number of times, and I think must realize, that there would be a saving to the Canadian National Railways of $13 a car on all grain coming over that line if it was taken off the cars at Port Mann instead of being carried over to Vancouver. The distance is not great, it is true, but those cars have to go across the bridge at New Westminster and pay a toll to the provincial government, and as the Canadian National tracks stop at that bridge, their cars have to be transferred to the Great Northern tracks to be taken over to Vancouver, where they have again to be transferred to the Canadian Pacific tracks and switched to the elevator. That means of course that those cars have to await the pleasure of the Canadian Pacific, to a certain extent, and it is only human nature, and so works out in practice, that the Canadian Pacific handle the Canadian National cars after they have attended to their own. Consequently there is a good deal of congestion in Vancouver owing to the limited trackage which is available there. That limited trackage was one of the principal reasons why the Canadian Pacific Railway Company desired to have grain elevators located on the Fraser river. All that switching means money; there is a saving of $13 per car to the Canadian National Railways on all grain sent to Port Mann instead of carried on to Vancouver. There is the element of time to be considered also, and I am told it takes as long to get these cars from Port Mann to Vancouver, because of all this switching, as to bring them from Edmonton to Port Mann.

There is another question, that of sites. I suppose in Prince Rupert it was necessary to buy a site. I do not know whether the cost of the site is included in the $1,200,000, but on the Fraser river it is not necessary to buy sites; the government already have four miles of sites at Port Mann. They have quite a large piece of property at New Westminster; altogether in New Westminster they have properties which cost the Canadian Northern Railway over $1,000,000. They also have another site half a mile in length at Woodward's landing, lower down the river near the gulf, so the sites are already there and will cost nothing. Then the question arises as to whether these sites are desirable, and if they are suitable for the construction of elevators. The minister has probably seen the Howe report; if he has not seen it, I will furnish him with a copy. The city of New Westminster secured Mr. Howe, one of the best elevator engineers in America, to report on the sites on the Pacific coast near Vancouver, including Burrard Inlet and the Fraser river. Mr. Howe reported that three sites on the Fraser river were suitable in every way for elevator construction, so there can be no question as to the suitability of these sites.

The next point is the channel. Have we a channel at New Westminster sufficiently deep to enable ships to come to that port? If the minister had been in the House last night when the Public Works estimates were being reviewed he would have heard the Minister of Public Works (Mr. King) say that we now have in the Fraser river at the shallowest point a channel twenty-seven feet deep. This minimum depth only exists at two places, Woodward's slough and at the mouth of the river. The minister said that certain work is proceeding now which he is satisfied will, in a comparatively short time, result in the deepening of the channel at these two points to thirty feet, which will give a thirty foot channel from Port Mann to the gulf. That channel, even at twenty-seven feet, is sufficiently deep to handle almost any of the vessels carrying grain in those waters. As a matter of fact last year, as the Minister of Public Works told us, 150 deep sea vessels entered and left that port safely. We are shipping out large quantities of lumber to all parts of the world; we are accommodating all the ships carrying lumber from British Columbia ports, including a great many of the Canadian Government

Merchant Marine boats. We have a number of these ships calling there regularly, so this would mean an increase in the business of that line.

Another advantage is the cost of construction. It is well known that the cost of construction on fresh water is much less than on salt water, due to the fact that in fresh water there are no teredos. The minister and hon. members of this committee know what teredos do to wooden construction, and as a result of that damage it is necessary in salt water to put in concrete construction, which is very expensive. In the Fraser river we have no teredos, however, and pile construction will last almost indefinitely, so the cost will be much less.

The remaining point is, would the grain come there; would there be business for an elevator if one were constructed on the Fraser river? I think it is admitted that grain has just started to flow out through Pacific ports, and the time will come when the present elevators in Vancouver cannot expeditiously handle the grain coming there; perhaps that time has already arrived. There is a necessity now for the construction of another elevator, and that elevator should be built on the Fraser river. At one time, as I have mentioned, there was a contest between Vancouver and New Westminster in regard to elevators; there was a time when the hon. member for Vancouver Centre (Mr. Stevens) championed the cause of Vancouver as against the Fraser river. He succeeded on that occasion but last year in this House he advocated Port Mann and the Fraser river for the construction of elevators.

Mr. STEVENS: Hear, hear.

Mr. McQUARRIE: The hon. member is in his seat now and says "hear, hear," so you will see that the feeling which at one time existed is no longer in evidence, and the people on the Pacific coast in the vicinity of Vancouver and New Westminster are all agreed that the Fraser river is the suitable and logical place for the location of further elevators.

I do not wish to say anything against any other part of British Columbia or any other part of Canada, but I do think there is no reason at all why the Fraser river should be longer overlooked. I believe I voice the sentiments of my constituents, altogether irrespective of their political tendencies, when I say that New Westminster has not been fairly treated in regard to elevators. The question may well be asked as to why private elevators have not been constructed on the Fraser river. That is a reasonable question and one which must be answered. In Vancouver it was necessary first to have a government elevator; no private elevators were constructed there at all until after the Dominion elevator was constructed and proved to be a success. The same is true of the Fraser river; there is no elevator there yet. Let the government construct an elevator on the Fraser river, and I have no doubt that it will be successful and others will follow. If the minister has any doubt about that, I would refer him to the Minister of Public Works who will tell him that he is firmly convinced that an elevator on the Fraser river will be successful from the start. I say this, that if that elevator which was constructed at Prince Rupert had been constructed at Port Mann instead, it would have been used to its fullest capacity right from the start, and there would not have been the condition which prevails in reference to Prince Rupert. The House was told about the Fraser river before that elevator was constructed, and many of my friends to my left stood up in their places and told the government that the elevator should be constructed at Port Mann instead of Prince Rupert. They said then, and I repeat it now, that an elevator built at Port Mann would be used to its fullest capacity all the time. There is need for it, and it would be successful. There is not an argument that can be adduced on the other side that has anything in it at all. I am not going to worry about this elevator at Prince Rupert. The fact that the government had to lease it to the pool for $100 a year, after having advertised for grain which did not come to it, is sufficient to prove that it would have been better to have had that elevator on the Fraser river. If the minister wishes to help the Canadian National Railway, if he wishes to help the grain trade, if he wishes to avoid a situation such as at present exists at Prince Rupert, he will see to it that the next grain elevator is constructed on the Fraser river, on one of the sites which the government already have there.

Mr. MANION: The hon. member for New Westminster touched on one point which I should like to mention. I do not see any reason why my hon. friend should not have his elevator, or two or three elevators for that matter, because this government builds elevators in various places and leases them for a nominal figure afterwards. I have here the lease which was made for the use of this Prince Rupert elevator by the wheat pool. The elevator was built at a cost of $1,350,000,

in round figures, and this elevator the government have leased to the pool for $100 a year. I have no quarrel with the pool; I have nothing to say against it; I think it showed good business instincts in getting the elevator at that figure, but it is an extraordinary proceeding for a government to go out of its way to build an elevator at Prince Rupert, which is 250 miles farther from the grain fields than is Vancouver, and then, having built it, never use it—not one bushel has gone through that elevator, except one carload just to test the scales—and then turn it over to the pool for $100 a year. The interest on $1,350,000 at 5 per cent would amount to about $70,000 a year, so there is a straight gift to the pool of the interest charge of between $60,000 and $70,000 a year. I find by the lease that the government have not only rented this elevator to the pool at $100 a year, but they practically guarantee to keep it in repair. I do not know that it takes in all repairs, but here is one clause:

> The lessor will turn the said demised premises over to the lessee, together with all buildings, erections, machinery and fixtures in good and substantial repair, working order and condition, and that if it be found later that any expensive or major repairs—

Apparently the pool is to be permitted to make the minor repairs:

> —are required owing to faulty erection or construction of the said elevator, the lessor hereby agrees to repair for the proper and successful operation of the said elevator, but nevertheless the minister shall be the sole judge of the lessor's liability hereunder.

Then I notice another clause protects the pool in regard to fire. If the elevator should be touched by fire, lightning, tempest, flood or any other act of God the government agrees to return to the pool the balance of the $100.

There are a number of other interesting clauses. I do not wish to take up the time of the House discussing this further except to say that I think it is a most extraordinary proceeding for the government to build an elevator out of the line of the wheat trade altogether at a cost of almost $1,350,000, and then lease it for $100 a year. I do not wish to criticise my hon. friend from Prince Rupert; he naturally is looking after the interests of his constituency. But I am criticising a government that is so careless of the interests of this country that it will take such a course as that. Everybody knows what it was done for. That elevator was built for no other purpose than to bribe the people of that constituency to vote for my hon. friend. Again I repeat, I am not criticising my hon. friend. He, like my good friends to my left and myself, is anxious to look after his constituents, but I certainly think such a course by the government is open to condemnation by this House. I would also point out that this lease provides that the elevator may be operated as a private or public elevator, whichever the pool desires. They may make it a mixing house, or do anything they like with it. This is just an illustration, and there are many of them, of the unnecessary extravagance of this government, and it is just another reason why the people are compelled to pay such high taxation today. I believe in helping the pool in every way, if it is a good thing, and the farmers think it is, but I do not think they should ask or should get a bonus of this kind to carry on the grain business at Prince Rupert or at any other place in this country.



Mr. COOTE: The hon. member said that only one carload of grain went through that elevator at Prince Rupert. Then does he think it fair to say that the government made a gift of $75,000 to the pool?

Mr. MANION: I am not criticising the pool at all. I think they made a good business deal. They apparently wanted the elevator, or they would not have leased it.

Mr. COOTE: I am sure my hon. friend wishes to be fair to the pool—

Mr. MANION: And to the government too.

Mr. COOTE: This is the question I wanted to put to him: Does he not think it will cost the pool something to use that elevator? Would the elevator have been used at all if it had not been leased to the pool?

Mr. MANION: Probably not, but the pool evidently wants an elevator there, or it would not have leased it, and if it wanted one it would have cost about a million and a half to build it. So that the people of Canada are practically bonusing the pool to the amount of sixty or seventy thousand dollars, which represents the interest on that amount.

Mr. COOTE: My hon. friend does not suggest that the pool would build an elevator there.

Mr. MANION: I would not. I am not criticising the pool at all.

Mr. COOTE: Is it not a question whether the pool will be able to make much use of it?

Mr. MANION: I should think so.

Mr. COOTE: If they cannot use it, they are not getting any gift of $70,000.

Mr. MANION: I agree with that, and it probably will not be used much, because to send wheat through the Prince Rupert elevator you have to send it 250 miles farther by rail that it would have to go via Vancouver.

Mr. STORK: It is not 250 miles it is 167 miles.

Mr. MANION: I thought the distance was 250 miles.

Mr. STORK: You are wrong again.

Mr. MANION: There is no "again" to it. The elevator was built so that my hon. friend would get votes, and he got them.

Mr. STORK: I got them in 1917 too, without the elevator.

Mr. MANION: When this elevator has been standing there another year or two and does not handle any grain, my hon. friend may not get the votes next time.

Mr. STORK: We will see.

Mr. MANION: I agree with my hon. friend from Macleod that the wheat will not go over this route, and that is all the more reason for criticising the government for making this expenditure of nearly $1,500,000.

Mr. COOTE: I wanted to suggest that the wheat would not go there unless the pool got the elevator.

Mr. MANION: My hon. friend is backing up my criticism of the government and I thank him for it.

Mr. COOTE: I want my hon. friend to be fair. I ask him not to suggest that the government is making a straight present to the pool of $70,000.

Mr. MANION: I was not trying to be unfair to the pool. I was simply bringing to the attention of the people the facts with respect to the government's action. But I think they know most of these facts, and it is time the government realized they should not spend the people's money on hair-brained schemes of this kind.

Mr. ROBB: When hon. gentlemen opposite, and particularly the hon. member for Fort William, criticize us for spending public money in the development of ports or in building elevators, I point out to them that they are paying a very poor compliment to the people of Fort William and Port Arthur because there are few places in Canada where the government have spent more money than they have at the places named. I would prefer to think that the people of Port Arthur and Fort William could not be influenced by the spending of public money. I submit there is money in the estimates this year for expenditures at the port of Fort William.

Mr. MANION: There is none for Fort William.

Mr. ROBB: Does my hon. friend claim that when we are spending money at Fort William we are bribing the people?

Mr. MANION: No, but I do claim that three-quarters of the grain of western Canada is handled at Fort William and Port Arthur whereas at Prince Rupert none is handled.

Mr. ROBB: When my hon. friend puts up that argument—

Mr. MANION: I did not put up that argument as to elevators generally; I said it was applicable to this particular case.

Mr. ROBB: We have heard the argument frequently that these expenditures are intended as bribes to the people of the constituency. In the case of the elevator at Prince Rupert we have leased it to the Alberta wheat pool at a rental of $100 for a period of three years.

Mr. MANION: Two years.

Mr. ROBB: For a period of two years, and the pool have relieved the government from all expenditure of whatever kind excepting expenditure the necessity for which may develop in the course of the construction of the elevator. As to that, however, we have a guarantee from the contractor. The pool have taken over the elevator and by arrangement there is to be no taxation upon the property, so that the government will receive $100 net.

Some hon. MEMBERS: Oh, oh.

Mr. ROBB: Wait a minute. The pool have taken over the elevator for a period of two years while the route as a grain-moving proposition will be tried out. The representations made to us are that the elevator will be filled before the end of that period. The development of the adjacent country, the grain from which will not go down to Vancouver, will require elevator capacity. The conditions at Prince Rupert may be compared to the conditions when the previous government in which my genial friend opposite (Mr. Rogers) was Minister of Public Works, and Sir George Foster, Minister of Trade and Commerce, put in an elevator at Vancouver and tried it out. What were the conditions

in Vancouver? The government of that time did not receive even $100 in revenue. Each year the government of that period experienced a loss, it was $8,690.86 the first year, and $7,335.54 the second year.

Mr. MANION: Vancouver is a natural place to have an elevator.

Mr. ROBB: That is only a matter of opinion. The people of Prince Rupert have a high opinion of their own port. It is only a case of a difference of opinion.

Mr. MANION: No, it is a case of freight rates.

Mr. ROBB: I admit that the freight rates have to be considered. My hon. friend spoke of a difference of 160 miles.

Mr. MANION: I said 250 miles.

Mr. ROBB: That applies to the movement of grain eastward from Edmonton, but what about the possible traffic that will be developed along the Grand Trunk Pacific line, and along a line running northward from it, when people are settled in that territory? My hon. friend knows also that the trade with the Orient is increasing each year, and he will not say that Prince Rupert is farther away from the Orient than Vancouver is? Prince Rupert is nearer the Orient than Vancouver, and in view of all the conditions, the people of the district think there will be no great difficulty in filling the elevator.

Mr. MANION: I am glad to hear that.

Mr. ROBB: The consent of the Minister of Finance is sought in the case of all these projects and he has to exercise extreme care. I admit that I tried to cut down some expenditure in which my hon. friend was interested.

Mr. MANION: What was that?

Mr. ROBB: Some work going on around the harbour.

Mr. MANION: My hon. friend is a little bit too quick in throwing out insinuations that he does not back up. He says I was interested in certain work. I ask him to state what I was interested in.

Mr. ROBB: Who is making this speech?

Mr. MANION: I do not know who is making it; but I object to my hon. friend's insinuations, that is all.

Mr. ROBB: The hon. member for New Westminster (Mr. McQuarrie) advocated the spending of money on elevators at Port Mann, pointing out that it costs $13 a car more to move grain up to the present elevator, and reminding me of what the Minister of Public Works said last night in connection with the depth of water in the harbour. My hon. friend says that he is supported by the hon. member for Vancouver Centre (Mr. Stevens). Well, I shall direct the hon. gentleman's remarks to the attention of my colleagues, the Minister of Railways and the Minister of Public Works, and if what the hon. gentleman has said is true I am sure the government will not be allowed to forget the advantages of that great port.

Mr. ROGERS: I rather resent the reflection indulged in by the Minister of Finance in a comparison he made between the elevator at Vancouver and the one at Prince Rupert.

Mr. ROBB: The Vancouver elevator had to be tried out.

Mr. ROGERS: When I agreed to undertake the building of the elevator at Vancouver, the Panama canal was to be finished in a very short time. The elevator was undertaken and constructed in a very creditable manner. Then the war came on and delayed the transportation of wheat through the Pacific port.

Sir HENRY DRAYTON: There were slides into the canal which delayed its operation.

Mr. ROGERS: Everything militated against that route for a few years, but the statement read to-day by my hon. friend with respect to returns showed the justification for the building of that elevator. If the elevator is making half a million dollars a year it is a very creditable showing, and justifies the course pursued in erecting it at Vancouver.

Mr. TOBIN (Wetaskiwin): Did I understand the hon. gentleman to say that the elevator was built before the Panama canal was finished?

Mr. ROGERS: Yes.

Mr. TOBIN (Wetaskiwin): In what year was it built?

Mr. ROGERS: It was built in 1914-15, I think. In any event the Orient was always there.

Sir HENRY DRAYTON: And then my hon. friend will remember the slides into the canal.

Mr. ROGERS: Of course the war conditions prevented shipments through the port of Vancouver at first, but I tell the Minister of Finance to-day that Vancouver would be doing a great deal more business were it not for the fact that, through the government of

which he is a member, a statutory freight rate has been fixed that militates against the port to a very serious extent. Take the people of Calgary. If they want to ship grain to Fort William, a distance of about 1,280 miles, they can do it for 15 cents a bushel. On the other hand if they want to ship to Vancouver, a distance of 600 odd miles, just about half the distance, they are charged 13 cents a bushel when they should only be charged 8 cents. If we are to have a legitimate statutory rate it should apply to all parts of the country similarly situated in equal degree; and if the Vancouver elevator has not earned more than half a milion dollars a year it is due to the manner in which it is discriminated against by the statutory rate fixed by the railway commission under the direction of this government.

Mr. STORK: The Prince Rupert elevator never was a political elevator. Hon. gentlemen opposite always insist that this elevator was built for the purpose of influencing the elections and winning the seat. Let me repeat what I have said several times already in this House, that we never required any such subsidy in order to carry the elections in 1917 when the War Time Elections Act was in effect and was used for the benefit of hon gentlemen opposite. On the contrary, the people of Skeena stood solidly behind Sir Wilfrid Laurier's policy of developing the country to be served by the Grand Trunk Pacific railway. And in 1917, without the subsidy on that elevator, they cast their votes in favour of the Liberal candidate, and again in 1921 and in 1925. In connection with the construction of this elevator at the end of the Grand Trunk Pacific line, I may point out that the people of Canada have a tremendous investment in that railway. When it was taken over and administered by the Mackenzie and Mann people, who were the natural enemies of the Grand Trunk Pacific, it was natural that it should fall into disuse, and unless the people of Canada are prepared to spend a little more money at the end of the Grand Trunk Pacific and develop some traffic over that line, it will always show a great deficit. This government decided that that piece of railway was worth salvaging, that it was worth spending more money on, and in order to induce traffic over the line they decided to construct an elevator in Prince Rupert. The construction of that elevator will bring this fall a tremendous tonnage over that line. The trade with the Orient is developing and increasing all the time, and Prince Rupert is the logical port. Stress is laid upon the ill-treatment of Vancouver by the placing of the elevator in Prince Rupert. For the last two years there has been congestion in the port of Vancouver when the wheat movement was on. Hundreds of thousands of cars, sprinkled all along the way from the prairie to Vancouver have been held up because of congestion at Vancouver; because at that port they could not handle the traffic offered. Surely it is a dog in the manger policy for Vancouver and the Vancouver supporters who sit on the other side of the House to claim that even though Vancouver is congested with wheat, even though they are unable to take care of the wheat that is routed there no other port should get the traffic. There is room on the Pacific coast for two ports. Prince Rupert has many natural advantages as a port and we have great aspirations for its future in that regard. Indeed it is bound to be a great port. Adjacent as it is to the line of the Grand Trunk Pacific railway, it will meet the needs of a vast wheat growing area which could only be served by the construction of this elevator. Last year I was up on the shores of François lake and I saw growing there a crop of wheat the equal of any wheat grown in Canada. There are over a million acres of wheat land adjacent to the line of the Grand Trunk Pacific railway which could use this elevator. Its construction is designed to create traffic over the Grand Trunk Pacific line of railway and to open up and develop a wheat country which otherwise would not be developed.

At six o'clock the Speaker resumed the chair and the House took recess.

## After Recess

The House resumed at eight o'clock.

### QUEBEC, MONTREAL AND SOUTHERN RAILWAY COMPANY

Mr. RENE MORIN (St. Hyacinthe-Rouville) moved the second reading of Bill No. 173, respecting the Quebec, Montreal and Southern Railway Company.

Motion agreed to, bill read the second time and the House went into committee thereon, Mr. Duff in the chair.

On section 1—Extension of time for construction.

Mr. ROGERS: We should have some explanation of this bill.

Mr. SPEAKER: I understand that this bill is to complete a line from a point in the county of Lotbiniere to Quebec city. It is subsidiary to the Delaware and Hudson Railway, operating from Montreal to Sorel-Nicolet, and serving a large territory until

it reaches a certain point in Lotbiniere. It is intended to extend the line to the city of Quebec via the Quebec Railway. I can assure the committee that the company is quite substantial; and the bill merely asks for an extension of time.

Section agreed to.

Preamble agreed to.

Bill reported, read the third time and passed.

## PRIVATE BILLS

### CONSIDERED IN COMMITTEE—THIRD READINGS

Bill No. 175, for the relief of Alice Victoria McGibbon (without amendment).—Mr. McClenaghan.

Bill No. 176, for the relief of Samuel Paveling.—Mr. Geary.

Bill No. 177, for the relief of John Jones.—Mr. McClenaghan.

Bill No. 178, for the relief of Benjamin Rapp.—Mr. Anderson (Toronto).

Bill No. 179, for the relief of Bernard Thomas Graham.—Mr. Baker.

Bill No. 180, for the relief of Robert Edward Greig.—Mr. Baker.

Bill No. 181, for the relief of Daisie Hawkey.—Mr. Speakman.

Bill No. 182, for the relief of Annie Sophia Gordonsmith.—Mr. McClenaghan.

Bill No. 183, for the relief of Bertha Amelia Bertelet.—Mr. Mewburn.

Bill No. 184, for the relief of Olive Mary Mead.—Mr. Bell (Hamilton).

Bill No. 185, for the relief of Alice Elizabeth Blakely.—Mr. Geary.

Bill No. 186, for the relief of Ethel Maud Hargraft.—Mr. McClanaghan.

Bill No. 187, for the relief of Frédéric Vinet.—Mr. Geary.

Bill No. 190, respecting certain patents of James McCutcheon Coleman.—Mr. Jacobs.

## GATINEAU TRANSMISSION COMPANY

The House in committee on Bill No. 191 to incorporate Gatineau Transmission Company—Mr. Fontaine—Mr. Duff in the chair.

On section 1—Incorporation.

Mr. CHURCH: Mr. Chairman, I rise to oppose this bill on legal grounds and as a matter of public policy.

Some hon. MEMBERS: Louder.

Mr. CHURCH: In dealing with the question of disposing of the water powers of the country "we have a trust", as Mussolini said. "A country does not belong to the people who live in it to-day. It is an inheritance from the past, a possession for the present, and a trust for the future." I am very much disappointed with the action of the government of Ontario. They claim they are making an agreement with the company based on this bill. I fear that the Hydro is through except as operating as a filling station for the International Paper Company and other branches of the United States trust. They are going to ask Ontario to build this plant and give it to them at the end of thirty years free of cost, paying the $15 rate to build this plant for the United States trust, instead of as in Chippawa paying rates to build a power plant for Ontario itself to own forever. I would remind you, Mr. Chairman, that the Privy Council recently decided that this parliament cannot declare a work to be for the general advantage of Canada unless it affects the body politic of the whole country. This company should have gone to the province of Quebec for incorporation, for the bill does not affect the federal body politic at all. It might as well be contended that a candy store on Sparks street is for the general advantage of Canada. We are trustees for the people of the whole Dominion, and I protest against this bill because, as I say, it is not for the general advantage of Canada. As a matter of policy we are just at the parting of the ways. In the election of 1921 the Liberal party charged that the Conservative party was the creature of the big interests. Well, who are behind the Gatineau Power Company which is seeking incorporation by this bill? The United States superpower trust.

Mr. SANDERSON: Mr. Chairman, I would request that the hon. member either speak louder or come down to the centre of the chamber so we can hear what he is talking about. It may interest us, and if so we would like to know what he is saying. We can hear nothing at all while he remains in his present position.

Mr. CHURCH: I am discussing the principle of the bill at present, and I believe I am voicing the opinion of a large number of the people of Ontario and of the municipalities who have invested money in the Hydro system. Now, without their consent and without a vote of the people these Niagara contracts which have been entered into are to be treated as scraps of paper and they are to be compelled to take power from a privately-owned plant. I am not at all surprised at what has been done, because the late Sir Adam Beck had to put up a fight to save the water power of Ontario for the

people, and I am not surprised at Mr. Ferguson's act. I know of nothing he has ever done for the hydro-electric system, so it does not surprise me to see him linked up with this bill, compelling the Niagara municipalities to part with their power and give it to western Ontario and take in lieu thereof power from this American trust, privately-owned and operated.

This House should protect the municipalities of eastern Ontario, which have been stagnant for a great many years because of the lack of cheap light and power. It has been suggested that Hydro power be developed at Morrisburg, but this government will not pass the plans and allow the work to proceed. In my opinion this undertaking will not work to the general good of Canada, but will be harmful instead. Under clause 3 provision is made for the organization meetings and so on. This is simply a holding company, because it will be seen that under clause 4 the capital only amounts to $500,000, divided into shares of $100 each. The idea is that this company is simply a holding company for the American power trust; if they only spend half a million dollars how will they provide for the generation and distribution of this power? As I see it, the money will come from the American superpower trust across the border. Under section 5 the location of the head office is named, and under the next section the purposes and powers of the company are defined as follows:

The company may—

(a) for the purposes only of conveying and transmitting and delivering electrical power or energy, construct, operate and maintain transmission and distribution lines, systems and works over or below ground or water, and along, across or under watercourses, and for such purposes erect and maintain poles and towers and lay and maintain pipes, cables, wires and other conductors;

(b) purchase or otherwise acquire, sell or otherwise dispose of, transmit for hire, and otherwise contract with respect to the acquisition, disposition or transmission of electrical power or energy.

The company is allowed to acquire property and to construct telegraph and telephone lines in connection with this undertaking. Under section 9 its borrowing powers are set out, and further on we see the agreements they are authorized to make.

Now I would like to come to section 10, which gives this company the power of expropriation under the Railway Act. I cannot find that power given in any other bill passed by this House, and I think it is a mistake. I wish to protest against the passing of this bill; I think it a sorry day for the province of Ontario and its hydro municipalities if this bill is passed.



Mr. McGIBBON: What is the particular objection to this bill, when the province of Ontario can obtain power for less than they can develop it at Chippawa?

Mr. CHURCH: My objection is that the municipalities have contracts to take power from the Chippawa development, the capital cost of which was about $65,000,000. Toronto had to put up most of that capital; they would not go on with the work until the city of Toronto guaranteed the bonds. Toronto has contracted to take power from this publicly-owned plant and I protest against that contract being interfered with by this legislation, and the city made to take power from a privately-owned American trust.

Mr. McGIBBON: If we did not get power in this way where would eastern Ontario get the power?

Mr. CHURCH: They can get lots of power from the St. Lawrence and the Ottawa themselves if they want it. The city of Toronto applied for permission to build a steam plant to cost $10,000,000 which would have developed 75,000 to 100,000 horse power, but permission was refused. Thirty years hence after taking Gatineau, Ontario will own nothing and when they seek a renewal will have to pay $75 per horse power as the town of Cochrane have had to pay the Abitibi Power Company.

Mr. McGIBBON: That would not serve eastern Ontario.

Mr. CHURCH: I do not want to take up all the time discussing this bill. The Hydro-Electric Power Commission had to redeem the Muskoka district from slavery years ago.

Mr. McGIBBON: May I tell the hon. member that the district of Muskoka and the town of Bracebridge developed power before the Hydro-Electric Power Commission was in existence?

Mr. CHURCH: I have read the fifteen Hydro systems. The Hydro took over the Muskoka, Severn and Wasdell systems. I may say further that in my opinion the government of Ontario has no power to treat these Niagara contracts as scraps of paper, and transfer these towns over to the Gatineau. Are we going to treat these contracts as scraps of paper, and take the power away and transfer it to western Ontario, and say to the municipalities: You will have to pay for power generated by private interests on the Gatineau. I doubt if the Privy Council would allow that. It is a sorry day for the municipalities of Ontario if, after the lifetime of

work of Sir Adam Beck, all these things are to be treated as a scrap of paper. If parliament passes this bill, by the end of thirty years the people will have paid enough to have purchased the whole plant, and they will not own one thing. Furthermore there are no terms for renewal in this contract, and on renewal thirty years hence, rates may be quoted of from $60 to $75 per horse power just as the town of Cochrane under the Cochrane-Ferguson policy is trying to get it from the Abitibi Pulp and Paper Company who are asking $75 per horse power.

It is not in the public interest that this bill should go through. It is not for the general advantage of Canada, and I protest against the passing of this bill. Under the Chippawa agreement the Hydro owns the plant at the end of thirty years, debt free. Under the Gatineau agreement we own nothing at the end of thirty years, and have built the plant free for this American company.

Section agreed to.

Sections 2 to 16 inclusive agreed to.

Bill reported, read the third time and passed.

## RED LAKE AND NORTHWESTERN RAILWAY COMPANY

The House resumed from June 15 consideration in committee of Bill No. 95, to incorporate the Red Lake and Northwestern Railway Company—Mr. Heenan—Mr. Duff in the chair.

On section 1—Incorporation.

Mr. HEAPS: When this bill was up before, Mr. Chairman, we were told that certain amendments had been made to it in the Private Bills committee. I would like to see a copy of those amendments if at all possible.

The CHAIRMAN: Certain clauses were struck out. There is just one addition to clause 16, which I will read when we come to the clause.

Mr. SUTHERLAND (South Oxford): Has the bill been reprinted, Mr. Chairman?

The CHAIRMAN: I presume so.

Mr. MACLEAN (York): I want to speak about the principle involved in the franchise to build the road to Red Lake, because I think all that mining country, and it is the most promising mining country in the world, ought to be connected up with the Canadian National railways. At present a new thing is happening. There is a great mining country in the township of Rouyn, in the province of Quebec, where great discoveries have been made and the township is desirous of getting railway service. Apparently they could not get railway service by going direct to the Canadian National Railways, so a local company was incorporated to build a line from Amos southeasterly to Rouyn. That road is being built by an independent company, and a big bond issue is to be floated in connection with it. This is a new development in the way of building branch lines from the Canadian National railway, that is, first to incorporate a local company for the purpose of building the road, and then issuing a large block of securities, and then later on unloading them on to the Canadian National. My contention is that this road ought to be taken care of absolutely as a branch line of the Canadian National railway.

Then when we come to this Red lake proposition, which is an extension probably of one hundred miles of railway to be built by a private company, we notice that there is a great rush to incorporate this company. We are having promoters come here from all over to build railways into that mining country. I do not know how many more of these companies will come along, but I do know that the richest mining country in the world to-day is in the province of Quebec, in Ontario, and probably in Manitoba, and all of these mines will want to connect up with the Canadian National railway. The stand I want to take here to-night, and I am sure I shall be backed up by public opinion in Quebec, Ontario and Manitoba, is that the Canadian National Railway ought to build all these lines if they are worth being built at all. They ought to be owned directly by the people, and my suggestion is this, instead of giving a franchise to these private companies, the Canadian National ought to build this line direct themselves from Amos to Rouyn, and then southwesterly to Cheminis on the boundary between Quebec and Ontario, where they would join up with the Temiskaming and Northern Ontario railway, and once on the Temiskaming and Northern Ontario railway they could go north and west, via Kirkland lake and on west to a station called Westree on the Canadian National, on the Sudbury main line. In that way we will have the National Railway serving all that mining country in Ontario, Quebec and Manitoba instead of a lot of local companies. Here is the second company coming forward for a franchise, and I make the prediction that there will be at least ten of them coming along later. Now that ought to stop. The greatest mines in Canada recently were dis-

covered, first of all, when nickel was found near Sudbury, and next the Cobalt silver camp. The Temiskaming and Northern Ontario railway was built—it is wholly owned by the province of Ontario—and then came the discoveries in Porcupine. That territory also is served by the Temiskaming and Northern Ontario.

Mr. McGIBBON: Does the hon. member think this country is justified in going ahead and building railways on the prospect of something being discovered along the route?

Mr. MACLEAN (York): I say that if others are prepared to build these railways, at least the Canadian National ought to be given the preference in the matter. Does my hon. friend object to what the province of Ontario did in connection with the Temiskaming and Northern Ontario railway?

Mr. McGIBBON: My hon. friend has not answered my question. It was this: Does he think we would be justified in building railways in the hope that along the right of way something might be discovered?

Mr. MACLEAN (York): Oh no, I am not.

Mr. McGIBBON: That is what you are doing.

Mr. MACLEAN (York): I am objecting to exploiters getting ahead of the National Railway in the matter of all these possibilities; and they are more than possibilities, they are actualities. It is in the interests of the provinces of Ontario and Quebec, and it is in the interests of the National Railways that there shall be a great main line through this mining country.

Mr. McGIBBON: But the National Railways said they did not want it and would not touch it.

Mr. MACLEAN (York): Yes, because the exploiters want it, and they, perhaps, would put a little silence round the National Railways. The point I want to make is that this is the greatest mining country in the world. Part of it is in Quebec, part in Ontario, and part in Manitoba. The province of Ontario has 200 miles of this country, and what the Canadian National ought to do is not only to build these lines but take over the Temiskaming and Northern Ontario line which is practically a paying proposition now. Then the people of Canada would own the railways in the greatest mining country in the world. All I say is in the meantime let these profiteers whoever they are, these exploiters, wait. There is no reason why we should give them this charter if the road is not needed. It was not intended to serve the mining country, it was to serve the exploiters.

Mr. O'NEILL: What about the Gowganda camp, in which I understand my hon. friend is interested?

Mr. MACLEAN (York): I am not interested in Gowganda at all.

Mr. O'NEILL: What you are saying has to do with its welfare.

Mr. MACLEAN (York): No, what I am anxious for is to see the greatest mining country in the world preserved for the National Railways. When the National line is up there it ought to have the opportunity to secure the traffic. Let me tell my hon. friend something. The National Railways get out a magazine every month which is distributed among their employees. In this is a little card asking the reader—who of course is an employee of the company—if he knows of any traffic that it is possible to get in his district, and if he does, to send to the head office a post card containing the information. That shows how anxious they are to get freight. They should be equally anxious to secure the railways that are going to develop the northern country. My contention is that the Canadian National should own the line from Amos right through Rouyn to Cheminis on the Temiskaming and Northern Ontario at the interprovincial line, through the Kirkland Lake gold field to Swastika, then north to Earlton Junction. Then west to the present terminal at Elk Lake, then on via Gowganda and Shining Tree to Westree on the Sudbury line, opening up the richest area in Quebec and Ontario of copper, gold, silver and gold again. That is the greatest series of lines through a mining country that I know of, and they can all be combined in one. That would be a profitable route and would give the Canadian National complete control of the territory. We have got the whole northern country now practically outside of the Canadian Pacific, that is at all profitable. I do not want to see any unnecessary rush in building railways. I do not know why parliament should let these other people go ahead before the National Railways have a chance at it. Of course the Minister of Railways says the Canadian National Railways have no present interest in the matter. Certainly not if the method is continued which has been followed in connection with the development of the Rouyn field, that is, to allow a local company to get a charter, issue securities to build a road, and then sell out at a great ad-

vance to the Canadian National Railways. The principle I have indicated is the general principle I have laid down here. If you grant the present request it will not be long before other people will be asking for charters for the construction of small lines to serve the mining country in Quebec, Ontario and Manitoba.

Mr. McGIBBON: May I ask the hon. member piloting this bill through the House, who is responsible for the clauses respecting the water powers it is hoped to acquire?

Mr. ROGERS: They are all taken out.

Mr. McGIBBON: Not in the bill as presented to me.

Mr. SUTHERLAND (South Oxford): Before we attempt to pass sections in this way, I think we ought to have the bill printed as it came from the committee. It is rather significant, in view of our railway experience, that the Minister of Railways is not in his seat when this bill is going through, to inform us what the policy of the government is in connection with branch lines. I protest against going on with the bill until it has been printed with the amendments in it so that we shall know what we are doing.

Mr. HEAPS: I quite agree with the hon. member for South Oxford that we ought to have an exact copy of the amendments made to the bill before us before we proceed with the measure. It is establishing a bad precedent if we undertake to discuss a bill that has been changed when we have not the bill in its amended form before us. The province of Manitoba is very much interested in this particular bill. At the last session of the legislature a measure was passed guaranteeing $25,000 per mile to a company that would build a line from in or near the city of Winnipeg to the Red lake district. I tried to get a copy of that bill from the parliamentary library, but they did not happen to have one there. I did not know what attitude the province of Manitoba had taken towards this measure, but I consulted a newspaper record and found that the provincial legislature did pass such a bill as I have stated. Now we ought to have some definite idea as to what the views of the Manitoba government may be before we pass this legislation. In the next place I think the Minister of Railways ought to be in his seat, because the bill now before us has some bearing upon the Canadian National Railways. According to the provisions of the bill this railway is intended to go into the town of The Pas in the northern Manitoba area. As a matter of fact this government is interested in a railway which will pass through The Pas into the Hudson bay district. If it is impossible, as stated by some hon. members, for one railway going into that district to pay, it will be altogether out of the question for two railways to operate in that country at a profit. One of the things we are complaining about at the present time is the fact that there are too many duplications of railways, and I protest strongly against any railway duplication in the northern Manitoba area. Why is Manitoba interested in this matter? I find that in clause 12—I know nothing of any other amendment—power is given to the railway company to build a railway—

The CHAIRMAN: Clause 12 has been struck out.

Mr. HEAPS: That is all the more reason why the bill should be allowed to stand over until such time as we can have its exact form before us.

The CHAIRMAN: If the hon. gentleman says he wishes the bill to stand over I will get the sense of the committee upon it. If the committee concurs in the idea it will not be necessary to discuss the matter any further.

Mr. O'NEILL: The bill has been allowed to stand half a dozen times, and the objections now urged are only technical objections. Unless it is held that the bill should be reprinted there is no reason for any further delay.

Mr. McGIBBON: We are not all members of the Railway committee, and we do not know everything that goes on there. The Minister of Railways is supposed to be a kind of superman sent from heaven to guide this country in solving its railway problems, and he is not in the House to direct us. What do we know about this bill?

The CHAIRMAN: I will read the clauses as we go along if the committee so desire.

Mr. McGIBBON: But we have not the bill in its amended form before us.

Mr. HEAPS: I move that the bill stand.

The CHAIRMAN: Is it the sense of the committee that Bill No. 95 should stand?

Some hon. MEMBERS: No.

The CHAIRMAN: Then we will continue with the consideration of the bill. We are now at clause 2—provisional directors.

Mr. SUTHERLAND (South Oxford): We ought to have copies of the bill in its amended form in our hands before we proceed with it. We are told that a certain clause is not in the bill, and also that there is another clause to go in which has not been printed. It is quite irregular to pass a bill which has been before the House three or four times and sent back. There is something peculiar about a company attempting to get a charter under such circumstances. There is no such company in existence. The old practice of issuing charters to companies which simply proceed to dispose of their charters has been in effect in this country too long. We are paying the penalty for our mad folly in issuing railway charters in Canada for so many years; and if the rumours are true I think we should be very careful about issuing charters to this company, which has apparently been already endeavouring to dispose of its charter, in the hope that the country affected will develop into a rich mining district. The company have nothing at stake. If the country does not develop as we hope it will, the charter will lapse, and I suppose if they spend $5,000 during the coming year on the road all they will have to do will be to come back next session and ask for an extension. We should have a statement from the Minister of Railways in regard to charters of this kind. We have witnessed the spectacle of the government by order in council issuing a charter for a spur line similar to this to connect with the Transcontinental in Quebec. Surely parliament has some policy in regard to such cases. This is not the original bill we are asked to pass; the chairman says several sections have been struck out and others added. It is a most unusual thing to do.

Mr. ROBB: I think the request that the bill should be printed, or at least that it should stand until the Minister of Railways is in his seat is not unreasonable. He is engaged in other work, and if there is no objection by the promoters I think that it should stand.

9 p.m.

Section stands.

Progress reported.

## SUPPLY

### TRADE AND COMMERCE

The House in committee of Supply, Mr. Duff in the chair.

Management, operation and maintenance of elevators, $585,000.

Mr. STORK: When the committee rose at six o'clock I was replying, by way of defence of the Prince Rupert elevator, to the remarks that had been made by the hon. member (Mr. Manion) in which particular emphasis was laid on the fact that this elevator had been leased to the wheat pool at a nominal rental of $100 per annum. The hon. gentleman indulged in considerable criticism of the government on this account. Certainly $100 is a modest sum; but, as the minister pointed out, the wheat pool in taking over the elevator takes over at the same time the payroll and all expenditures connected with its operation. When we recall the disastrous experience of the Vancouver elevator during the first two years it operated this rental of $100 a year for the one at Prince Rupert will bear scrutiny. One of the last acts of the government of which my hon. friend from Fort William was a member for a few fleeting weeks was to provide for the construction in the city of Victoria of a dry dock at a cost of some $6,000,000, and I venture to say that if the Minister of Public Works (Mr. King), to-day wanted to lease that dry dock, which will be completed this fall, he would not receive a bid of $100 if the contracting company had to assume all obligations in connection with its operation. I am in no way criticising the Victoria dry dock, for I am very grateful to the hon. member for Victoria (Mr. Tolmie) for the assistance he gave us when the Prince Rupert elevator was under consideration in the House. The hon. member for Fort William would do well to observe, as I have always tried to observe, the old adage that bids us live and let live. The Victoria dry dock is just as liable to censure as is the Prince Rupert elevator, but I have noticed that those who are most ready to criticise the Prince Rupert expenditure know least about it. The hon. member for Fort William had a good deal to say about this matter in the last campaign, although he has never yet been interested enough to visit the country of the Grand Trunk Pacific, nor has he ever set eyes on Prince Rupert.

Mr. MANION: That may be true, but I have visited the Grand Trunk Pacific country. I have not seen Prince Rupert, but that is not the whole of the western country.

Mr. STORK: It is an important part of it.

Mr. MANION: In my hon. friend's opinion.

Mr. STORK: I should be glad to have all the opponents of the Prince Rupert elevator come out there and learn a little about their own country.

Mr. McGIBBON: Where would you put them?

Mr. STORK: Some hon. gentlemen, at least, we might put in the elevator.

Mr. McGIBBON: That is the only place you have.

Mr. STORK: If hon. gentlemen opposite would display a little more constructive ability and do a little less knocking, it would be better for the country. I am glad to have heard the remarks of the hon. member for Fort William and of the hon. member for West Calgary (Mr. Bennett) if only for the reason that when the people of that new and growing country learn of the attitude of these gentlemen, bearing in mind at the same time the criticisms on former occasions of the hon. member for West York (Sir Henry Drayton), they will realize what kind of ride they will get should the Tory party ever come into power.

Mr. McGIBBON: I can understand the remarks of the hon. member for Skeena (Mr. Stork), and I am bound to commend the government upon the steadfastness with which they pursue their policy. The policy of the present government is a simple one—to the victor belongs the spoils. This policy they have practised ever since coming into power and the Prince Rupert elevator is a good example. The hon. member advises us to live and let live. For myself I think that is a good rule, but I object to any party living off the public treasury, and that is what the party opposite is doing in connection with this elevator. Now I have been in Prince Rupert. I was there one foggy morning and for an hour or two I could not tell whether I was in it or out of it.

Mr. STORK: Is must have been Vancouver you were in.

Mr. McGIBBON: No, it was Prince Rupert, all right; and when the hon. gentleman invites parliament to visit that city he forgets that there are only two places in which they can be accommodated—the elevator and the sea.

Sir HENRY DRAYTON: There is a big warehouse there.

Mr. McGIBBON: I appreciate the way this government look after their friends. They look after them first, last and always; it is the first thing in the morning, it is the noontime meal and it is the evening meal. Then they try to justify it before parliament. I admire the astuteness and ability of the Minister of Finance for the defence he put up this afternoon, but when you boil it down to the last analysis it is simply this: We have spent $1,300,000 of the people's money to put an elevator at Prince Rupert in order that the hon. member who has just spoken (Mr. Stork) may retain his seat in this House. That is only one of the 245 constituencies represented in this House where the government has tried to debauch the electors in order that candidates supporting the government might be returned. Negotiations took place to debauch the constituency that I now represent and seduce the former member to desert the party to my left, which he was elected to support, and go over to the government. But I need not delve into further history of this kind. The people know all about it, they know this government in order to retain office is ready to secure support by any means within their power. The Prince Rupert elevator is an instance. They have used it to good advantage, I admit. The best evidence is that the hon. gentleman from Skeena is a member of this parliament.



Mr. ROGERS: Mr. Chairman, in reply to what the hon. member for Skeena has said respecting the dry dock at Victoria, I would point out to him the well-known fact that in 1917 there appeared to be imminent danger of a German squadron attacking the Pacific coast, there was considerable excitement, and as a precautionary measure the provincial government purchased a couple of submarines. I happened to be in England when the matter came before the admiralty, and was sent for to discuss conditions on the Pacific coast, with the result that the admiralty refused to send a warship in there because there was no dry dock. The late Mr. Bonar Law, then a member of the British war cabinet, supported the request by the naval authorities that we undertake the construction of a dry dock at Victoria as rapidly as possible. The work was started and, as I understand, is now completed. As hon. gentlemen are aware, shortly after I came back to Canada I resigned, and since then I have not been in touch with conditions at the coast. I want my hon. friends to have no misgivings about the dry dock at Victoria. If it is not serving any useful purpose at the moment, it must not be forgotten that it was built at the direct request of the British government solely for military purposes.

Mr. STORK: I should like my hon. friend to understand that I was in no way criticizing the Victoria dry dock.

Mr. TOBIN (Wetaskiwin): Mr. Chairman, I want to get the committee away from this political discussion if I possibly can. It seems to me that the government should have under consideration the providing of additional drying facilities at our western terminals. We find in Alberta especially, for our grain feeds most of the terminal elevators on the Pacific coast, that we generally have different grades of wheat;—not always, but it happens very frequently—frosted, at other times damp. Last year much of the wheat was damp, and when in that condition it gives the transportation companies an excuse, sometimes necessarily so, when drying facilities are really inadequate, to put in effect what is known as the permit system, which means that grain intended for the Pacific coast must go eastward, where there are drying facilities. When the farmer ships his carload of wheat to the elevators he may not know whether it is damp or not; therefore the transportation companies take no chance, but say: This may be damp wheat, consequently you will have to get a permit. This system interferes very materially with the westward flow of wheat. Last year it was invoked and prevented the flow of our grain to the western terminals. I am not one who wishes or expects to see all our wheat go westward; I know it will go easward or westward, according to supply and demand. I think there is now fairly ample storage room at the terminal elevators, but the drying facilities are inadequate, and the government should see that these facilities measure up to the other accommodations. This is a very important item. All western men connected with the grain trade know that ample drying facilities must be furnished to take care of the regular flow of grain westward.

Sir HENRY DRAYTON: At what points?

Mr. TOBIN (Wetaskiwin): At Vancouver or wherever the elevators may be. I should like to see elevators along the Fraser river. I wonder a private company does not invest capital there. The grain trade to-day is in a different position from what it was when the government built the elevator at Vancouver; it is now an established fact that a very considerable proportion of our grain goes westward, and will continue to go in increasing quantities, with proper elevator accommodation. I have no doubt that with elevator accommodation the Fraser river would get a lot of the grain before it reached Vancouver. Therefore I should like to see private elevators built there, and I would not object to the government giving assistance to this end. There certainly seems to be an inviting investment at that point as nearly as I can find out. But I do wish to urge upon the minister this one fact—I think he is aware of it already, for no doubt complaints have come to him—that we want some additional drying facilities on the west coast. I do not know what it would cost to provide these facilities, probably the capital outlay would be considerable, but if we provide the storage accommodation we must also provide corresponding drying facilities.

Sir HENRY DRAYTON: Mr. Chairman, I think the hon. gentleman is probably correct as to the field for private investment in elevators along the Fraser river, for that is the place where there is a demand for the grain. He is perfectly right when he says the grain will go where the demand for it is. My hon. friend from Skeena gives us a reason to-day for the building of the Prince Rupert elevator—congestion at Vancouver. I think he said—if my recollection is wrong he will correct me—that some 100,000 cars of grain were held up at Vancouver. Is that right?

Mr. STORK: Yes, many hundreds of cars were on the road between the prairies and Vancouver.

Sir HENRY DRAYTON: I thought my hon. friend said 100,000.

Mr. STORK: No, I said many hundreds.

Sir HENRY DRAYTON: Therefore the reason we build at Prince Rupert is that there is congestion at Vancouver. We knew what the real reason was, always, but this is the first time we have got an avowed reason—this elevator is built at Prince Rupert because there is congestion at Vancouver. I should like to apply to that reasoning the common sense statement of the hon. gentleman who has just taken his seat (Mr. Tobin). Grain moves where it is wanted. That is the ordinary way about everything. But the real justification of this government for building an elevator at Prince Rupert, according to the member for Skeena, is: Because there is congestion at Vancouver, where facilities are required, we will build an elevator at Prince Rupert, where there is no grain going. That is the pitiful excuse we get to-day, but the one interesting thing is that this is the first time a real attempt has been made to present an excuse; the thing was so absolutely inexcusable. The hon. member was saying that the Tories were calling this a political

elevator. Two gentlemen who have been voting with the government all through this session stood up this afternoon and said that one of the shackles placed upon the grain trade of western Canada by this government was the building of political elevators, and this elevator at Prince Rupert was described as such by these two hon. members. They certainly did not idly so charge the action of the government they support; they said it because they know it to be true. Everyone knows it to be true, but some will not admit it.

I am also going to agree with a further remark made by the hon. member for Macleod (Mr. Coote). In reply to the hon. member for Fort William (Mr. Manion) he pointed out that under the circumstances he did not think the hon. gentleman was quite fair to the pool when he suggested that the pool were getting a whole lot for nothing. I do not think they are. Mind you, Mr. Chairman, in one sense they are getting a great deal more than they should get, because usually the last thing a government should do is give one concern an advantage over others; they should treat them all alike. For example, this government has elevators at other points in the system, and business elevators as contrasted with political elevators are rented for a return of 7 per cent of the investment. Here we have an elevator rented for $100, as against others rented on that basis of a return of 7 per cent. I will illustrate some of these cases, so there can be no doubt about it. Let us consider the big elevator at Port Arthur, acquired by the government when the Canadian Northern system was taken over; that elevator is rented now to the Saskatchewan Co-operative. The Saskatchewan Co-operative is a first rate concern; it is operated similarly to the pool, by and for the farmers, and there is no reason why we should turn round and penalize the Saskatchewan Co-operative on the one hand and give property for nothing to the pool on the other hand. Nevertheless, we charge for that elevator a rental of 7 per cent of the value, and on the other hand we charge $100. Why? As a matter of fact, Mr. Chairman, I agree with the hon. member for Macleod; the pool are not getting anything; they are trying a great experiment. They are now engaging in the task of trying to create a demand for grain where there is no demand; they are going to all the expense and trouble of trying to work up a grain business at a centre where no such business exists. There is no use rubbing it in; we all know that is what the pool is trying to do. The grain commissioners have been running advertisements in an attempt to get people to ship their grain where there is no demand for grain, and now the pool is going to try to do what the government has been unable to do. I only give this as an illustration. The other elevators are just the same, and I will say for the government that they have the same rate for everyone who wants business elevators. For instance, for elevator D, which is leased to a private company, 5 per cent of the whole capital investment is received.

Mr. DONNELLY: Will the hon. member tell me who built the external storage elevators at Moose Jaw and Saskatoon, and what return the government is getting from them?

Sir HENRY DRAYTON: I will have much pleasure in answering that question at once. These elevators were built by a former Conservative administration; they are still maintained and operated by the government; they are not rented, but are some of the elevators which showed a profit.

Mr. DONNELLY: What return are they making?

Sir HENRY DRAYTON: They are among the elevators which showed a profit of something like $1,500,000 this year. They were put up for the purpose of this hon. gentleman who was speaking not very long ago about dry storage; they are for the purpose of looking after the crop at a time when elevators are necessary, and according to the records they are very often necessary. Does my hon. friend suggest that these elevators are rented for $100 a year? If so he is wrong; they are not rented at all. They were put up for the western farmers and they are so operated.

Mr. DONNELLY: Are you getting your interest on the money?

Sir HENRY DRAYTON: You had better ask the minister, who gave the figures this afternoon. This government thinks so much of the Moose Jaw elevator that at the request of the grain commissioners and on the motion of a gentleman from the district who knows something about it, Moose Jaw has been made an inspection point. Well, Mr. Chairman, I hope—and I trust the hope is not entirely vain—that we will not have any more experiments like this. Of course the hon. member will still go on talking in Prince Rupert; he says he wants it knocked here so he can go there and just tell the people what the wicked Tories would do. He can do a little more; he can go and tell them what two supporters of this govern-

ment who know the business say of that elevator. He can go and say that the hon. member for Macleod and his friend describe it as a purely political elevator, but he will have to get another tune. After all, vacant and idle elevators are not good assets; there are lots of honest ways of spending money profitably, and the sooner the hon. gentleman knows it is a bad thing not only for the country but for his own constituents to have money spent improperly, it will be better both for him and for his constituents.

Mr. TOLMIE: We have heard northern British Columbia spoken of in a rather disparaging way by some hon. members to-night, and I would like to point out that there is a tremendous undeveloped empire in that northern country. It is well fitted for agriculture of a diversified nature and for the raising of cattle, and particularly dairying. I have never believed that we can develop 800 miles of our Pacific coast by putting all the development into one harbour; I have always believed that we should divide it and give any place where there is an opportunity for development a chance to have some money spent in that direction. Whether or not this elevator at Prince Rupert will be a success is something that will be settled in the future. I remember quite well that when the elevators were built at Vancouver they were idle for some time. I remember that when it was proposed to build the Esquimalt dry dock we were faced with the same kind of criticism we have heard to-night. Why was that dock built? A dock was built there in the seventies with a capacity of I think 434 feet; that is, no ship could be entered for repairs if it were longer than about 400 feet. During the war it was necessary for us to beg the United States government to permit us to send some of the British war vessels over to Bremerton, Washington, for repairs. Our Canadian mechanics had to follow to the United States to secure work on the British ships. The new dry dock at Esquimalt which will be ready this fall for the accommodation of vessels is the second largest dock in the world. It will handle easily the largest ship in the world. It will take in the Hood without any difficulty whatever, and with from one to two hundred feet to spare. It will take in at one time two large merchant vessels, or three smaller vessels. It is strictly up to date in every possible respect.

What have our American friends been doing in making provision for the quick repair of ships on the Pacific coast? Before this Esquimalt proposition was undertaken in Canada, we had a little short dock in Esquimalt, and one other dock contemplated in the city of Vancouver, and at that very time the Americans had no less than sixteen docks scattered from the southern coast of California up to Puget Sound in the state of Washington, making every provision for the care of ships. With the development on the Pacific coast, the greater volume of commerce passing through the Panama canal, and the development generally of western Canada, this dry dock at Esquimalt will be an asset of the very greatest value to our shipping interests. We shall be prepared to handle any ship there, and handle it quickly. In looking over the whole of the Pacific coast for a spot at which to locate, Yarrow's Limited, the great shipbuilding firm of Glasgow, Scotland, decided to locate at Esquimalt. They are carrying on a large ship repairing business there, and also some shipbuilding. In one year alone they handled over 110 vessels in the small dry dock and on their slips, and they had to turn away many vessels because they were too large to be accommodated in the Esquimalt dry dock. I am quite sure that if the Minister of Public Works, who has charge of this branch of the government work, undertook to negotiate with any ship repairing firm, he could come to an agreement at once for the lease of that dock, but that would not be desirable because in connection with a government dock every ship repairing firm should stand on an equal footing and all be given an equal chance to secure the dock for that purpose. So the Esquimalt dry dock has a great future before it. It will only be a matter of a few years before the business of ship repairing will have increased to a very great extent on the Pacific coast. The building of that dock has been justified long ago, and the project will be endorsed by the development that will take place in the future. It is a very difficult thing to say at the present time, with the great development that is going to take place on the Pacific coast, just how an expenditure on any particular work is going to turn out until we have had a chance to see things develop, but we expect that Canada's great development in the future will take place on the Pacific rather than on the Atlantic for some years to come.

Mr. ROBB: Before the item carries, may I say that provision has been made for additional driers at the Moose Jaw, Saskatoon and Calgary houses? Vancouver is fairly well equipped, I think. I recall that in 1922 either myself or my predecessor, the hon. member

for Vancouver Centre, gave a contract in connection with that house. It is fairly well equipped with driers, and they have been added to this year.

Mr. FOSTER: I would like to add a word to what the hon. member for Victoria has said with regard to that great north country extending down to Prince Rupert. It seems a shocking thing when one is reminded of an expenditure of $1,250,000 at Prince Rupert for an elevator, to think that practically nothing has been done to develop that great stretch of northern country in British Columbia. Some years ago I had the opportunity of traversing that section of British Columbia, and when one remembers that after you pass through the mountain pass you have practically 500 miles of country with hardly a mountain to be seen, and that nothing has been done to develop it, but that $1,250,000 has been thrown away on an elevator at tidewater at Prince Rupert, it seems to me it is only another evidence of the lack of business ability and acumen on the part of this government in failing to assist in the development of the natural resources of Canada. Why a half or a quarter of that money devoted to the assistance of a pulp mill, for instance, near Prince George would have provided employment there and enabled a settlement to have started. Another quarter of the money specifically set aside for settlement in that territory would have provided a great deal of traffic for the Canadian National lines. It does seem to me that in the expenditure of the capital funds of this country we ought to begin on a business basis and set aside certain areas in the nine provinces of the Dominion and work in co-operation with the provinces to develop traffic along the line of the Canadian National railway instead of spending money on useless projects such as this elevator at Prince Rupert.

Item agreed to.

Commercial Intelligence Service, including miscellaneous expenditure in connection with the development and extension of Canadian trade, $375,000.

Mr. ROGERS: This item calls for the expenditure of a very large sum of money, and I would like some explanation from the minister as to what it is for. I find by the Auditor General's report that the amount expended last year was less than is asked for this year. I think there is room for a great saving in the expenses incident to this Commercial Intelligence Service, and that the expenses of our agents are far beyond anything that can be considered reasonable or fair.

[Mr. Robb.]

Mr. ROBB: There is some difference of opinion, but not very much, as to this service. My hon. friend who has just spoken finds some fault with the vote. The only complaint I have received is that it is too small. Business men from all over Canada have come into the office and said that we should enlarge upon this service. I recall when I was Minister of Trade and Commerce having a gentleman come in to see me who had just returned from a trip around the world. I will not give his name, but to show his standing I will say that he was, and still is, a director of the Bank of Montreal, and he thought that we were not treating our trade commissioners around the world fairly, that they were not in a position to meet the public as were the commissioners from the United States and other countries. We looked into the matter and did make some additional provision in the way of living allowance and other incidental expenses. The vote this year is $33,250 more than was voted last year. The vote includes salaries, travelling expenses, living allowances for the trade commissioners, assistant trade commissioners, junior trade commissioners and commercial agents; the salaries of clerks in trade commissioners' offices, travelling expenses of officials at Ottawa—that is, the junior trade commissioners who go out and get some training in the different industries; salaries of temporary clerks, miscellaneous expenses in connection with the development and extension of Canadian trade. The staff, as of March 31, 1926, consisted of: one inspector of trade commissioners' offices; 22 trade commissioners, three in grade 3, three in grade 2 and sixteen in grade 1; one vacancy, three assistant trade commissioners; five junior trade commissioners, one commercial agent. The figures I have quoted relate to the outside staff. Does my hon. friend want to know where they are stationed?

Mr. ROGERS: I am not objecting to these appointments, but some of them run as high as $10,000 and $15,000, and yet no explanation has been given with respect to them.

Mr. ROBB: That has reference to the maintenance of the office, I imagine—the rent of the office and the travelling expenses in the country where the agents are stationed, and the salary of an assistant clerk. For instance we have only one representative in Australia, a country larger than the United States and almost as large as Canada. In that country the representative or his assis-

tant travels from coast to coast. The same is true of Rio de Janeiro and Buenos Aires in South America. Our representatives there also cover a very large territory.

Mr. ROGERS: I see the agent there had an expense account of $15,000 odd. That is a good deal for expenses.

Mr. ROBB: What office is that?

Sir HENRY DRAYTON: The office at Buenos Aires.

Mr. ROBB: The expenses for that office amounted to $11,822.63.

Mr. ROGERS: I am speaking of Melbourne.

Mr. ROBB: The office at Buenos Aires is a very large office, and as my hon. friend knows, it is one of the most expensive cities in the world to live in. Our agent at Buenos Aires pays for rent and taxes, $1,087.23; salaries, that is his own salary and the salaries of the staff, $9,460.66; newspapers and periodicals $40.34; sundries, $1,234.60.

Mr. FOSTER: What is his salary?

Mr. ROBB: It is $5,900. In Calcutta, India, considerable travelling is involved.

Mr. ROGERS: Are you giving the figures for last year or the year before?

Mr. ROBB: They are the details of expenditures for 1924-25. I imagine there would not be much difference last year.

Mr. ROGERS: What have you for Mr. Ross, the agent at Melbourne?

Mr. ROBB: Mr. Ross had travelling expenses to the amount of $2,970.88. In that connection I may say that was Mr. Ross's year to come home and travel through Canada, visiting the different exporters. I think he was also sent to England on a mission, and he travelled to the West Indies prior to our making a trade agreement with those islands. His rent and taxes amounted to $811.10; salaries $10,836.64; newspapers, $51,48; and sundries $792.19.

Mr. ROGERS: What about Mr. Ross of Shanghai.

Mr. ROBB: Mr. Ross of Shanghai is now on the retired list. The new man is Mr. Cosgrove. My hon. friend can get after Mr. Ross of Shanghai as much as he likes.

Mr. ROGERS: I have nothing to say about him; I do not know anything about the man. What results did you get from the expenditure in Shanghai?

Mr. ROBB: The trade in that country has increased considerably. I am not prepared to say that it was altogether due to the efforts of Mr. Ross. In 1921 the exports of Canadian products to China amounted to $4,906,570, and in 1924 to $12,998,248. In 1925 it dropped to $7,838,187. My hon. friend knows there has been some disturbance over there and some restrictions on British trade. I am told, however, that the trade has now increased and that for 1926 it will be more than double the amount mentioned.

Mr. McGIBBON: Will the minister be good enough to tell us what are the principal articles of trade?

Mr. ROBB: That we export from Canada? I have not that list before me. My hon. friend will get that information in the trade figures, but speaking from memory I recall that we export to China considerable quantities of flour, wheat, condensed milk, butter put up in tins, considerable lumber, and I think some fish.

Mr. McGIBBON: What I had in mind was the proportion of increase for instance, in the case of flour which is one of our main commodities.

Mr. ROBB: I have not that information before me, but I am told by some mills that they are running altogether on that business. The trade statistics show that our exports for China increased from twelve millions in 1924 to over twenty-four millions in 1926. This great increase is wholly due to exports of wheat, wheat-flour, silver bullion, and pig lead. We have no special information which would indicate that the trade commissioners have been responsible in any way for this large increase.

Mr. McGIBBON: Would the minister be good enough to tell us what particular grade of flour is used?

Mr. ROBB: I could not tell my hon. friend that. I would imagine they are not yet buying the highest grades.

Sir HENRY DRAYTON: There is no doubt about one thing, and that is that the foreign trade of Canada has increased very much. I tell my hon. friend frankly that the tremendous increase we have had in our foreign sales is due to business which has been thrown at this country. I think my hon. friend will agree with that.

Mr. ROBB: I will agree with that.

Sir HENRY DRAYTON: It is thrown at this country because other countries that formerly would have been competitors with Canada in the foreign market are not now in a condition to compete. Therefore, as my hon. friend agrees, there is a very large increase in our foreign trade due to business which has been absolutely thrown at us. Our foreign trade is large and we are becoming more and more dependent upon it. Not only are we becoming more and more dependent upon the foreign trade having regard to our agricultural products, but we are also becoming more dependent upon that trade with respect to our industrial efforts. I have in mind a factory—I would not mind giving my hon. friend the particulars of it if he desires—that is very busy, and has been very busy for the last two or three years, possibly one of the few factories in Canada in that happy position. That is because it is in the export business. But the ordinary output of that factory was 80 per cent domestic and 20 per cent export. I may say that in the United States, which produces so many goods similar to what we do, and whose methods of life are so similar to our own, when their exports exceed 8 to 9 per cent of the total production it spells bad times because their best market being their home market, the higher price is easily got at. But when the condition is the one I have mentioned, it means that the purchasing power is falling off, and they look upon it as an indication of bad times. We have always exported more than they have. We have never been able to absorb as much of our own production as they have, our purchasing power not being nearly as great as theirs. But in connection with this factory the normal was 80 per cent absorbed by the purchasing power at home and 20 per cent exported. To-day only 40 per cent of that production is sold at home and 60 per cent is exported, not because we have gone into the business but simply because the competition we formerly had is non-existent. The business has been thrown at us, and we have fortunately been able to get it.

Mr. YOUNG (Weyburn): Is the total business of that factory more than it formerly was?

Sir HENRY DRAYTON: It certainly is. The hon. member will see the percentages. It would have to be bigger, or else they would be doing nothing in Canada at all, and while the Canadian business has shrunk, the total output is greater.

[Mr. Robb.]

Mr. ROBB: What goods are they manufacturing?

Sir HENRY DRAYTON: Rubber tires. The reason is perfectly plain; before that the continental rubber tires had that market. They are not now in a position to finance raw material, the cost of which represents a large proportion of the finished article; so that we are doing very well in that business, as the hon. minister knows. I would much rather the government would spend money in connection with this vote than in connection with some others. I am now referring particularly to what they spent in connection with the arrangements made for treaties. The only place where we have been crimped in our export business is where we make trade treaties. I will stick to that same firm and give an illustration. Before we had our treaty with France that same firm had an office in France and was selling a certain amount of tires in France. As a result of the treaty we have to-day the ministers go over to the continent and negotiate for us, but this firm have had to close their office in France and cannot sell any tires there. Therefore I am anxious that any further effort for trade should be made upon business principles rather than upon the line of trade treaties brought about by very amiable gentlemen who have not very much knowledge of trade or business. The effect of that treaty with France is not confined to tires, because the result of the treaty is that last year we cut in two our exports to France, which were ascending before the treaty was made, and she doubled her sales here. This business is becoming vital to this country, and therefore we have to do something to hold this business which was thrown at us, or which we got as an accident. I hope my hon. friend will give the close attention which he at one time gave to this particular service. I will tell him that the service lately has not been satisfactory. He had a interregnum in his office as Minister of Trade and Commerce. I think when he was in office he took a fatherly interest in this particular branch of the service, and was interested in it, and I know that he had some good men; I ran across some very good trade representatives outside. But it has not been as it might have been for the last few years, and I hope my hon. friend will take a real keen interest in it.

Mr. ROBB: Replying to the observations of my hon. friend as to the trade with France, we must not lose sight of the fact that the

purchasing power of France has been somewhat lessened, in so far as trading with Canada is concerned, on account of the depreciated value of the franc. I rise more particularly to point out some of the work that the trade commissioners are doing. I have a note here from Mr. Clarke, who was formerly the trade commissioner at Milan, and a very excellent officer. He has recently been promoted to be director of commercial intelligence. We had some considerable complaints in regard to our trade with Spain. Our Canadian trade was at a disadvantage in Spain; some of our Canadian banks which had connections there were at a disadvantage, and Mr. Clarke was sent to Spain and negotiated an arrangement with that country whereby we were temporarily given the second column in the Spanish tariff. That would come in under a treaty which Great Britain had, in which the dominions were entitled to participate.

An hon. MEMBER: What year was that?

Mr. ROBB: That was in 1925. As a result, the Canadian exports to Spain have been increased from $110,136 in the eleven months ending February, 1925, to $771,377 in the corresponding period of the fiscal year, and the trade is growing. In the matter of flour, the Canadian trade has been practically shut out of the market in Greece. They had enacted some economical restrictions which applied to flour imported into that country. Mr. Clarke was sent down there in August, 1925, and succeeded in inducing the Greek government to remove the restrictions on patent flour, and during January, 1926, the restrictions on other grades of flour were removed entirely, and that was a very great advantage to Canadian trade.

Mr. SUTHERLAND (South Oxford): The hon. member was dealing with Spain a moment ago. How is it that the trade returns in agricultural and vegetable products show that our exports to Spain, which in 1921 were $339,900, had decreased to $177,000 in 1925?

Mr. ROBB: Because of those disadvantages we suffered under the revised tariff rates of Spain. Mr. Clarke went over there and placed us in a better position, and the trade has since been increasing. We are now negotiating with Spain to place Canadian exports on a more favourable basis—to get them on the same basis as the United States.

Mr. SUTHERLAND (South Oxford): The effect of these treaties and arrangements is, so far as agricultural products are concerned, that we suffer in every instance. Why is it? How does it come that these trade arrangements reflect adversely on agriculture? In this particular case the decrease in agricultural exports to Spain is practically shutting us out.

Mr. ROBB: The hon. member quoted a decrease from 1921 to 1925, and I have just explained to him that in 1922 or 1923 Spain made some readjustments of tariff that practically closed our business in that country. It was for that purpose that Mr. Clarke was sent there to have it placed on a more favourable basis, and the business is now improving. In regard to agricultural products, my hon. friend is quite mistaken. While I have no figures, I notice here that Mr. Harrison Watson had succeeded in getting into Great Britain the following articles:

10 p.m.

Spelter.
Filing cabinets.
Birch veneer.
Handles.
Railway sleepers.
Box shooks.
Wall paper.
Cobalt nickel ore.
Alfalfa meal.
Alfalfa hay.
Boxes.
Malleable fittings.

As a result of the work in the Liverpool office, this direct business was obtained, and it was the means of obtaining other business. The details of results in the Liverpool office show trade in these commodities: apples, gloves, potatoes, alfalfa meal, handles, hay, flooring, talc. In the Bristol office: sugar, rubber footwear, concentrated apple juice, tobacco, pianos and parts, newsprint, potatoes, fruit punnets, broom handle squares, alfalfa meal, box shooks, lumber, broom handles, steel tubes, hand shoe tacks. In the Glasgow office: flax, rubber footwear, flour, eggs, handles, canned goods, cheese, cascara bark, calico rollers, silos.

Mr. ROGERS: Perhaps the minister would explain the expenditures incident to Mr. C. N. Wilde, of Mexico City, which last year amounted to $10,000.

Mr. ROBB: Mr. Wilde's salary is $3,540, and his living allowance $2,000.

Mr. ROGERS: What is the expenditure this year?

Mr. ROBB: It comprises:

| | |
|---|---|
| Travelling | $ 124 75 |
| Rentals and taxes | 2,088 46 |
| Salaries including staff | 7,313 44 |
| Newspapers and periodicals | 23 50 |
| Sundries | 794 95 |
| Total | $10,345 10 |

Mr. ROGERS: What benefit is derived from the agency there?

Mr. ROBB: The Mexican trade over the past few years has been:

| | |
|---|---|
| 1921 | $1,086,197 |
| 1922 | 1,197,597 |
| 1923 | 3,291,096 |
| 1924 | 3,510,397 |
| 1925 | 2,856,409 |

Mr. SUTHERLAND (South Oxford): The trade returns show that in 1921 our exports of agricultural and vegetable products to China amounted to $58,895 and by the year 1925 they had increased to $4,103,000. This is a very substantial increase in trade with a country with whom we have no trade agreement. Now let us look at the trade with some of the other places that have entered into trade treaties with Canada. For example, our exports of agricultural commodities to Italy in 1921 amounted to $56,579,751, whereas last year, after the treaty had come into effect, it dropped right down to $11,200,000. Surely the minister cannot contend that a trade treaty of that kind is in the interests of this country. What a contrast there is between that slump in trade with Italy and the increase in our business with China, with whom we have no treaty. Again, our exports of similar commodities to France amounted in 1921 to $12,871,679 and last year they had fallen to $4,175,000. These are the facts that we pointed out when the treaties were being put through the House, and we have striking evidence that so far as agriculture is concerned these treaties in every instance have proved disastrous to Canada. That is why we devoted so much attention to the recent trade agreement with Australia and New Zealand. Agriculture has been sacrificed by this government in the case of every treaty they have entered into with a foreign country.

Mr. TOLMIE: I am informed that there are no less than one billion acres of timber land in the British Empire. Is it not surprising, therefore, to find that in one single year the British Empire purchased from foreign sources £97,000,000 worth of timber of which £5,000,000 worth was used in the making of props for mines. Great Britain purchases only about one-tenth of her requirements within the empire. About 80 per cent of the timber consumed in the British Empire and in other countries is soft coniferous wood comprising fir, pine, spruce, hemlock and so forth, and we produce in British Columbia huge quantities of this timber. We have in the province very considerable areas of heavily timbered land such as one cannot find anywhere else in Canada. With these vast possibilities what efforts have been made to secure for British Columbia and for the Dominion generally, a larger share of the British market? Why is it that Great Britain purchases timber from other countries rather than from Canada? Is it because of cheaper freight rates that she gets her material from Scandinavia? I should like to know what results we have had from the splendid exhibits of Canadian timber at the Wembley exhibition.



Mr. ROBB: I cannot quote any statistics, but I agree with the hon. gentleman as to the quality and quantity of Canadian timber available. It will interest hon. members from British Columbia and elsewhere to know that when the Wembley buildings were under construction the Canadian High Commissioner in London made very strong representations to the committe in charge, even carrying his appeal to members of the British government, to have Canadian timber used in the work. He pointed out that the exhibition had been advertised as an inter-imperial affair and he discovered that they were starting construction with Scandinavian and other materials. I am glad to say that Mr. Larkin was successful in having a change made in the plans so that our own timber was used. I myself saw at Wembley beautiful exhibits of British Columbia timber in doors and panels. I also came across some excellent exhibits of Australian hardwoods. While I am not advertising Australian timber I am bound to say that Canadians make a mistake if they run away with the idea that we in this country produce the best hardwood in the world. There is very good hardwood in Australia as well. They are short of the softer woods, for which they have to look to the Washington territory, but more particularly to Canada, to meet their requirements for the shipping of fruit.

Mr. ROGERS: Was Australian timber used in our building at Wembley?

Mr. ROBB: No, they had an exhibition building too. The hardwoods of Australia are not suitable for shipping fruit. It carries better apparently in our softer woods, and I think we could develop a very profitable exchange of timber with that country. They say the Australia wood is not so susceptible to the teredos as our own timber. I think some of their wood is used in British Columbia on that account.

Mr. ROGERS: Has the minister at hand the total cost of our exhibit?

Mr. ROBB: That will come in the estimates of the Immigration department.

Mr. MacLAREN: How many trade agents are there in the West Indies?

Mr. ROBB: We have Mr. P. W. Cook at Jamaica and Mr. J. Cormack at Trinidad. They travel about the islands.

Mr. MacLAREN: Have we any trade agent in Havana, Cuba?

Mr. ROBB: Not permanently. We send men there occasionally to look into trade matters. We have under consideration the appointment of a resident agent.

Mr. MacLAREN: There is a general impression abroad that we have an insufficient number of trade agents in the West Indies, including Cuba, especially as the trade agreement with the West Indies will no doubt lead to a considerable increase of trade. Am I correct in thinking that the minister is considering making an increase in the number of trade agents?

Mr. ROBB: We are always training them. As I said a moment ago, representations have been made to us to appoint more trade agents. Of course, we can only appoint them as we have a supply of trained men. Regarding Cuba, as my hon. friend knows, in that market there is a 20 per cent preference against Canada in favour of the United States. It is a market of considerable value, particularly for products of the Maritimes, such as potatoes and fish. A considerable trade could be developed down there.

Mr. FLEMMING: I would impress upon the minister the importance of encouraging our trade with Cuba. There is a large and valuable trade at the present time between the Maritime provinces and that country. In talking with men who are familiar with the trade possibilities, I have always been impressed with their view that a real, well directed effort would bring substantial results. Our present trade has incidentally made it easier, it seems to me, to develop trade in other lines, and I think it is highly desirable that every effort should be made to this end not only in Cuba but in the British West Indies. It seems to me the trade between ourselves and the people down there should be most valuable because naturally we are producing what they require, and they are producing what we require. Therefore I view with a great deal of favour the treaty with the British West Indies, and I hope it will result in substantially increasing our trade. From the knowledge I secured several years back, I believe that efforts to increase our trade with Cuba will bring splendid results.

Mr. TOLMIE: What is the trade name of Douglas fir as sold in the Old Country? Is it not sold there as Oregon pine?

Mr. ROBB: I recall Mr. Larkin told us he did not think the British people were giving our timber proper credit.

Mr. TOLMIE: I think every possible effort should be made to induce our British friends to buy from us. I remember in the early years of the war some 53 or 54 shiploads of timber left the Pacific coast consigned to points in Great Britain, and 50 of those cargoes left United States ports, although we had plenty of timber in British Columbia to fill the Old Country demand.

Mr. ROGERS: Have we any agents in Copenhagen and Hamburg?

Mr. ROBB: We have a very good agent at Hamburg, Mr. L. D. Wilgress. He speaks German and Russian, and travels all through that part of Europe.

Mr. ESLING: Mr. Chairman, I have a letter bearing on this vote which I think will interest both the minister and the committee. Either some of these trade commissioners are very, very busy or else there are not enough of them, judging by what I am about to bring to the attention of hon. members. An industry was established in Nelson for the manufacture of clothes pegs, and while not operating on a very large scale, its output for one year amounted to $25,000. Established in 1922, it prospered to such an extent that in 1923 new machinery was installed, but just as they were getting under way the market was flooded with a similar product from Sweden, and they were obliged to shut down. A similar situation occurred in connection with a clothespin factory established in a small community in Quebec. The matter was brought to the attention of the department and has been under investigation apparently since 1922, with a view to ascertain if the Swedish article was being sold on the Canadian market at a lower price than in Sweden. As nothing resulted we appealed to the department again, and were advised that there was some difficulty in having an investigation made in Sweden by a Canadian trade commissioner, and that a representative in Rotterdam would have to be absent from his post for at least a week in order to make this investigation. I wonder how close to Sweden we have a trade commissioner. Here is an industry closed for a couple of years, the local men have practically lost their investment, the

payroll has ceased, and yet our trade commissioner cannot go there to investigate conditions because it would take him a whole week. In other words, for the sake of saving a week's work on the part of this man a promising industry is obliged to close down, and its employees lose their jobs. They could not get this investigator to go; then they tried to have a special investigator go from England, and it was impossible for him to make the trip. Then the appointment of an investigator with headquarters at Paris was considered, but that apparently has not been done and then we get down to June, when the department finally decided that it was almost impossible to arrange to have one of the officers in Denmark or Germany make this investigation in Sweden. It seems most regrettable that an industry has to cease and a payroll vanish because an investigator cannot take a week to ascertain the conditions. I ask the minister if he will not endeavour to remedy this state of affairs.

Mr. ROBB: I think my hon. friend must be quoting from the records of some other department; we have no record of that kind in my department. I recall this question of clothes pins being brought up by a manufacturer in Quebec; we looked up the matter and discovered that the importation of clothes pins was practically nil. Then the complaint was altered, and it was said that while the importations were very small the Canadian manufacturers were compelled to reduce the price because of competition from these foreign countries. I do think they met with some competition and reduced their price in consequence, but I forget whether the competition came from Sweden or Norway.

Mr. ESLING: It seems as though the government has abandoned the idea now.

Mr. ROBB: I will have it looked into.

Item agreed to.

Trade and Commerce—Dominion Bureau of Statistics (including 1925 census), $625,000.

Mr. ROGERS: This is an increase of $500,000; I suppose that is due to the census?

Mr. ROBB: Yes, the five year census in the prairie provinces.

Mr. ROGERS: Will the minister say when the census enumerators were appointed?

Mr. ROBB: I think they must have been appointed some time ago, because I believe the work is over. I remember signing the order a long time ago.

Mr. ROGERS: You have no information there?

Mr. ROBB: No.

Mr. ROGERS: Have you the names of the enumerators?

Mr. ROBB: I have not got them here.

Mr. ROGERS: How were they appointed?

Mr. ROBB: In the same way they were appointed in previous years, I think; on the recommendation of some person in that county who knew conditions. The identical method followed by my hon. friends was adopted in this case.

Mr. ROGERS: I think my hon. friend is all wrong, because I understand that in the appointment of these census enumerators certain Progressive members were honoured with the selection of the enumerators, while certain others were not so honoured. That never happened in the Conservative regime. I think my hon. friend is doing us a great injustice in making that statement, and some explanation should be forthcoming.

Mr. ROBB: I have none to make.

Mr. NICHOLSON: When this question was up before I raised the point of co-ordination of the different statistical branches of the service, and I understood that the minister was going to have the matter looked into and see what could be accomplished along that line. I would like to ask him if anything has so far been done.

Mr. ROBB: Yes. I was a bit surprised myself to find that there was a little overlapping in that regard, and I think the officers are now working towards the elimination of duplication. I believe that was what my hon. friend was complaining of.

Mr. NICHOLSON: Yes. Since the matter was discussed at that time I have personally investigated a specific class of statistics, and I find that they are duplicated in toto; the statistics furnished to the Statistical branch are in the regular form, while the statistics furnished the Income Tax branch are almost identical in relation to such matters as salaries paid the employees of a manufacturing establishment and all that sort of thing.

Mr. ROBB: The Income Tax branch?

Mr. NICHOLSON: Yes, the Income Tax branch. They receive statistics which are practically identical with those sent to the Statistical branch having to do with the census of industries. This involves a tremendous amount of work in connection with the industry and it must necessarily involve a lot of work in connection with the two branches, because the compilation of these records cannot be done without some considerable expense. While the analogy is not so complete in the Department of Labour, a tremendous amount of work is done in connection with the statistics for the Department

of Labour which is also done in connection with the Statistical branch, and my suggestion is that this work should all be co-ordinated in the Statistical branch, or in one particular branch at any rate. I do not know of any branch which can handle the work better; the information we get from this branch is very satisfactory. Then any department requiring information of that character could get it from the statistician. I can assure my hon. friend that it will mean a tremendous saving.

Mr. ROBB: I quite agree.

Mr. CLARK: I wonder if the minister can tell us the change in the amount of the subsidies paid to the western provinces as a result of that census?

Mr. ROBB: We have not that information yet. As my hon. friend knows, they are based on the population altogether, under the act.

Mr. ROGERS: The return is not complete as yet?

Mr. ROBB: No.

Mr. ROGERS: Would the minister let us know if it cost $500,000 to conduct the last census?

Mr. ROBB: The 1921 census of the prairie provinces cost $415,000, and we added 15 per cent for the additional population this year.

Sir HENRY DRAYTON: Of course there was a little more work done in 1921.

Mr. ROGERS: Was that increase of 15 per cent due in any way to the fact that the Progressives had the patronage?

Mr. ROBB: I would not think so.

Item agreed to.

Trade and Commerce—Electricity and Fluid Exportation Act, administration of (export of electrical energy) $1,000.

Sir HENRY DRAYTON: I take it that this item is put in as a result of the order in council passed last year?

Mr. ROBB: I think so.

Sir HENRY DRAYTON: Last year we had an experiment in connection with budgeting; we rasied public revenues not by resolution of this House in the ordinary way but by order in council, and it is due to that order in council that this $1,000 is in the estimates. This $1,000 is to collect the tax on the horse power which is being exported. It is not a heavy tax; it is a small tax, though it works very hardly against the municipalities that had contracts which have to run for many years. I would like to know what the collections have been under that, what representations have been made to the government in connection with that tax and its legality by the municipalities and the provinces.

Mr. ROBB: I do not know that that has been questioned, but my hon. friend is quite right as to why the amount was put in. I observe that it was put in here in view of the discussion which took place last session. The expenditure up to March 31, 1926, has been $424.18; license fees, $600; export duty, $288,-392.41.

Sir HENRY DRAYTON: How much of that latter amount has been paid, and by whom?

Mr. ROBB: Payments have been made as follows:

| | Kilowatts: | License Fees: | Export Duty to March 31/26 |
|---|---|---|---|
| Hydro Electric Power Commission of Ontario, Toronto, Ontario.. | 80,000 | $50 | |
| Hydro Electric Power Commission of Ontario, Toronto, Ontario, (off-peak or interruptible power).. .. .. .. .. .. .. .. .. .. | 45,000 | 50 | $ 65,272 47 |
| Canadian Niagara Power Company, Niagara Falls, Ontario.. .. .. | 45,000 | 50 | |
| Canadian Niagara Power Company, Niagara Falls, Ontario, (Power returnable on demand).. .. .. .. .. .. .. .. .. .. .. | 20,000 | 50 | $ 92,408 66 |
| Cedar Rapids Manufacturing and Power Co., St. Joseph de Soulanges, Quebec.. .. .. .. .. .. .. .. .. .. .. .. .. .. .. .. | 75,000 | 50 | 106,870 26 |
| International Railway Company, Niagara Falls, Ontario.. .. .. | 200 | 25 | |
| The Ontario and Minnesota Power Co., Fort Frances, Ontario.. .. | 3,000 | 50 | 4,820 79 |
| Maine and New Brunswick Electric Power Co. Ltd., Andover, N.B. | 2,500 | 25 | 2,012 38 |
| West Kootenay Power and Light Company, Rossland, British Columbia.. .. .. .. .. .. .. .. .. .. .. .. .. .. .. .. .. .. | 1,500 | 50 | 185 64 |
| Western Power Company of Canada, Vancouver, British Columbia. | 10,000 | 50 | 16,391 01 |
| British Columbia Electric Railway Co., Vancouver, British Columbia | 5,000 | 50 | 201 75 |
| Sherbrooke Railway and Power Company, Sherbrooke, Quebec.. | 100 | 25 | 38 16 |
| La Compagnie d'Eclairage de Napierville, Limitée, Napierville, Quebec.. .. .. .. .. .. .. .. .. .. .. .. .. .. .. .. .. | 500 | 25 | 30 88 |
| International Electric Company, Ltd., Stewart, British Columbia.. | 25 | 25 | 31 78 |
| Maritime Electric Company, St. Stephen, New Brunswick.. .. .. | 200 | 25 | 128 63 |
| | | $600 | $288,392 41 |

Some representations have been made to us, I might say in reply to my hon. friend. There was a question as to whether we had a right to charge an export duty on certain contracts that were made prior to the Export Act becoming law many years ago. We did not want to go into the courts with the case, and I have recently instructed the deputy not to press for payment on account of those contracts. They were contracts made prior to this becoming law.

Sir HENRY DRAYTON: Old contracts of the Hydro Electric Company.

Mr. ROBB: One, yes.

Sir HENRY DRAYTON: That was the contract they fell heir to as the subsequent purchasers of the Ontario Power Company.

Mr. ROBB: I think that is right.

Sir HENRY DRAYTON: I am very glad to hear the minister's explanation.

Item agreed to.

Honorary Advisory Council for scientific and industrial research, $150,000.

Mr. ROGERS: Who are the officers of this council?

Mr. ROBB: I think there has been no change for some years. The officers are as follows: President, H. M. Tory, president University of Alberta; secretary, S. P. Eagleson, Ottawa. The members are: Frank D Adams, McGill University; Charles Camsell, Deputy Minister of Mines; A. L. Clark, Queen's University, Kingston; Hume Cronyn, London; A. Frigon, Dean, Ecole Polytechnique, Montreal; Sir George Garneau, Quebec; J. H. Grisdale, Deputy Minister of Agriculture; A. B. Macallum, McGill University; A. S. Mackenzie, Dalhousie University; J. M. McArthur, of Price Brothers, Quebec; J. C. McLennan, Toronto University; J. A. McClelland, Montreal, vice-president of International Association of Machinists; W. C. Murray, Saskatchewan University; R. F. Ruttan, McGill University.

Mr. ROGERS: Would the minister tell us what services they are rendering for this amount of money?

Mr. McGIBBON: While the minister is looking up the information I think this is an appropriate time to ask the government to give us some survey of the work of this organization. To my mind it is potentially one of the greatest organizations that could be created in this country, especially when we think of what has been accomplished in the United States by such scientific institutions as the Mellon Institute, for example, or the Bureau of Standards at Washington. With our vast natural resources, the possibilities of a scientific organization of this character are unlimited, as they are also in the way of industrial research. I think this body is the finest we can produce in the way of an organization in this country. We should have from the government some account of what they have accomplished. I would also ask why the late president of the council is not in office to-day.

Mr. ROBB: Who is that?

Mr. McGIBBON: Professor A. B. Macallum.

Mr. ROBB: I have just read the names of the council, and Doctor Macallum is on the board. My hon. friend was not listening.

Mr. McGIBBON: I was listening. Doctor Macallum was head of the council before, but to-day he is practically a nonentity on the board. He was the directing force for a good many years. He is the most eminent scientific man that this country has ever produced. He has held professorships in two universities in Canada, and has refused the presidency of five universities; he has a world-wide reputation and is looked upon as one of the greatest of living scientists. He has been honoured by the Royal College of Great Britain and yet has been relegated to-day to the practically unimportant position of a member of this council. However, that is of secondary importance. The main thing is that the possibilities of this body practically cannot be recounted. Therefore I ask the minister what the government has been doing and what they propose to do in order to facilitate the council's work.

Mr. ROBB: I shall direct the observations of my hon. friend to the attention of the board. The government have nothing whatever to do with the naming of the chairman of the board. The government have never interfered with the personnel of the board; I think the membership is practically the same as when we assumed office, with the exception of certain gentlemen whose appointment was unanimously desired by the board itself. The members themselves select their president; I do not know why Dr. Macallum was not appointed president. I do not know whether my hon. friend is speaking for Dr. Macallum—

Mr. McGIBBON: No, I am not.

Mr. ROBB: —or simply expressing his own point of view. The hon. member for South Winnipeg (Mr. Rogers) asked a moment ago what the board were doing. I

observe there is an increase of $15,000 in this vote. I think they have asked for more, and I am not sure that we shall not have to provide more for the work they are carrying on; they are certainly doing very excellent work.

The increase in this vote is required to enable the council to carry out a definite programme for research on both the human and bovine phases of tuberculosis. All existing agencies in Canada, including the federal departments of Agriculture and Health, university and sanataria laboratories have been enlisted in this work, which will insure co-ordinated and concentrated attack on the problems of this disease. This work, which has been definitely organized, calls for an expenditure on the part of the council during the year 1926-27 of $33,000, in addition to considerable sums which are being contributed by co-operating laboratories. It is impossible for the council to provide for this work without an increased vote. I was looking for one of the hon. members for Hamilton, who wanted to speak on this question, but I observe he is not in the House at present. At this point may I be permitted to give credit for what it has done to one of the great insurance organizations of Canada, as the chairman of the council sends me the following letter:

Hon. JAMES A. ROBB,
Acting Chairman,
Sub-committee of the Privy Council for
Scientific and Industrial Research,
Ottawa.

DEAR MR. ROBB:

In view of the fact that the estimates of the National Research Council this year contain provision for an increased vote of $15,000, which is necessitated mainly by the work recently undertaken in connection with tuberculosis research in Canada, you will be interested to know that, in connection with this research, I have just received official confirmation from the Sun Life Assurance Company that they have granted to this council for the extension of this research the sum of $10,000 per year for a period of from three to five years, depending on the period of the investigation. Since the National Research Council estimates are to be considered in the near future, I have not made public announcement of this, thinking that you might wish to make the announcement regarding it at the time when the estimates are being considered.

Yours truly,

H. M. TORY,
President.

Mr. McGIBBON: Mr. Chairman—

Mr. ROBB: Permit me to finish the review of what the council are doing. The National Research Council is charged with the functions and duties detailed in sections 6 to 10 of the Research Council Act. I think it was Sir George Foster, the then minister, who introduced that legislation. Now, let me outline some of the work the council has been doing. For instance, take the following:

Cereal Grain Rust

It has been estimated that Canada suffers an average annual loss of not less than $25,000,000 through cereal grain rust. No important effort was made in Canada to solve this appalling economic problem until the National Research Council, acting in close co-operation with the federal Department of Agriculture, enlisted the co-operation of the universities situated in the three prairie provinces in the organization of a co-ordinated and concentrated attack on the many problems of this disease.

An associate committee on cereal grain rust, on which each of the above bodies is represented, has been appointed by the council and through this committee, the membership of which comprises the foremost grain rust experts in Canada, a definite programme of researches on cereal grain rust to be carried out in Canada has been established. The committee has also been charged with th rsponsibility of putting that programme into effective operation and with the wholehearted co-operation of the Federal Department of Agriculture and the universities of the prairie provinces, has, during the past year, been actively engaged in the actual prosecution of a comprehensive and thoroughly co-ordinated programme of researches on grain rust. This work is being carried on in the three prairie provinces and all facilities available in these provinces as to man power and equipment, are being utilized to the fullest possible extent.

Tuberculosis

Apart altogether from the untold suffering and misery directly attributable to the ravages of tuberculosis among humans, there is each year an appalling economic loss arising from the illness of those suffering from this disease and through the premature death of thousands of the most desirable type of citizens. In adidtion to this, it is obvious that bovine and avian tuberculosis are responsible for an enormous annual loss in the live stock and dairy industries.

Recognizing the importance of this problem, the National Research Council enlisted the co-operation of the federal Department of Agriculture in a plan for the co-ordination and stimulation of research work in Canada on this subject.

An associate committee on tuberculosis research has been appointed by the Council, representative of all the principal agencies now carrying on research work on this disease throughout Canada, and an executive committee comprised of the most eminent authorities in Canada on tuberculosis has been appointed to take charge of all work which the committee may decide it is advisable to undertake. A detailed programme of tuberculosis researches to be carried out in Canada has been established by the committee and arrangements have been made for the active and effective prosecution of that programme.

At the present time researches are being carried out by groups of workers centered at the University of Montreal, at the University of Toronto, at the University of Alberta, and at the research station of the federal Department of Agriculture, Hull, Que. Certain phases of the research programme are also being investigated at Queen's University, and at Queen Alexandra and Fort Qu'Appelle sanatoria.

The council have made a study of the discolouration of canned lobster. They have also conducted a research on rock crushing.

For the benefit of hon. gentlemen who are interested in mining, I will read what they say as to that:

> The outcome of an investigation on the above subject, carried out by the National Research Council in the department of Mining Engineering of the University of Toronto, was of such value to the mining industry that as a result the Hollinger Mining Company gave a fellowship of $1,200 to assist in continuing this work and the Nipissing Mining Company donated the sum of $20,000 for the founding of a permanent fellowship for research work in the department of Mining Engineering at the University of Toronto.

The council have investigated the subjects of reforestation, engineering standardization, and Canadian magnesite. As to the last named matter they say:

> The Canadian magnesite industry was developed chiefly during the war, but on the cessation of hostilities the renewed competition of Austrian magnesite almost destroyed Canadian export trade in this commodity. As a result the producing companies in Canada asked for assistance in solving various technical problems of their industry. This question was referred to the National Research Council. On investigation of the question and after consultation with the Mines department, the council recommended that research work on this subject should be undertaken. This recommendation was accepted and the council immediately appointed a special committee representative of both the council and the federal Department of Mines and assigned to this committee the duty of discovering, if possible, more economical methods of producing magnesite from the Canadian deposits and of developing new uses for the material. This work was begun in the summer of 1925 and is now being actively prosecuted with satisfactory results.

Other subjects dealt with are the following: Wireworms, winter hardiness in crop plants, radio inductive interference, bacteriology of haddock, red discolouration of cured codfish, chemistry of fish-curing, saving domestic fuel, briquetting of low-grade lignites, increasing nitrogen in the soil, acidity and lime requirements studies upon Quebec soils, the origin and control of false wild oats, best methods for obtaining acurate results in testing the yield of varieties and strains of grain, cultivation of drug-yielding plants in British Columbia, destruction of marine piling by wood-boring animals, utilization of Canadian low grade iron ores, disintegration of concrete in the alkali soils of western Canada, reduction of complex ores of British Columbia, disintegration of iron and steel in alkaline soils, the senses of vision, touch and taste, researches in the field of low temperatures, and a number of additional investigations.

Mr. McGIBBON: I do not wish the hon. minister to think I am criticizing this item, except in this respect: that the $150,000 in the estimates for a project of this kind is nothing at all. For example, in the United States we have the Mellon institute, which is expending about $2,000,000 a year in this work. We have the Dupont institute expending about another $2,000,000, the Kodak company and the Rockefeller Company all spending millions, so that $150,000 for this project is practically a bagatelle.

Mr. STEWART (Edmonton): Hear, hear.

Mr. McGIBBON: The Minister of Interior says, "hear, hear" in a sarcastic jocular way.

Mr. STEWART (Edmonton): No, I am really in earnest.

Mr. McGIBBON: I am glad to hear it. This institution if properly manned has a potential value of hundreds of millions to the country. I could cite a company in the United States which saved over $500,000 in one year in one discovery for making yeast for baking bread. We know that the success of companies like the Kodak company and the Dupont company are due to the fact that they have scientific laboratories which have made discoveries which put them in the forefront and ahead of every other competitor. We know that the government of Canada has no equipped laboratory and no place in Ottawa, or any place else in the Dominion, to carry out this work. I am not blaming the government for that. I sat on a committee for three years which gathered evidence on this subject. We brought men from all over the continent of America. We got through this House an appropriation of about $600,000 to erect a building, which appropriation was kicked out in the home for incurables.

Some hon. MEMBERS: Order, order.

Mr. McGIBBON: I am speaking in earnest, Mr. Chairman. This Scientific and Industrial Research council, if it has efficient men and proper facilities, offers possibilities to this country that no other organization or institution in this country can possibly offer. For example, I carried a problem to them some years ago for solution. That is what this institution is for, and that is what the Mellon Institute does in the United States. If a business man has a problem in connection with his business that he cannot solve he takes it to the institute. Maybe they solve it and maybe they do not, but in many cases they do. I submitted two or three proposals to the council myself. One was the possibility of extracting the tanning powers from tanbark which is located, as many hon. members know ten, twenty, thirty, forty or fifty miles back from the railway, where it is a commercial impossibility to bring it out; yet the properties are of great value to the country. Then

there is the possibility of converting hides into leather. It takes about six months with the present process, and it is quite possible that it could be done in two or three weeks or a month; and just consider what a saving that would be to the country. I have made the statement in this House, and I repeat it to-night, that Canada is living off the commercial brains of the American republic to the south. Any manufacturer will tell you that. In this country we are working second-hand, so to speak. We are living off the scientific brains of the American republic, and they are far ahead of us in industrial works. I am not blaming this government; the previous government which I supported was just as bad.

Sir HENRY DRAYTON: That is awful, that is terrible.

Mr. McGIBBON: Well, I will take it back.

Some hon. MEMBERS: No, no.

Mr. McGIBBON: The government of which my hon. friend was a member passed a vote of $600,000 through this House; it was kicked out in the other chamber and never restored. No properly equipped laboratory for this class of work exists in Canada. This proposition offers the greatest possibilities to this country. All you have to do, Mr. Chairman, is to read the evidence which we obtained in committee of this House for three years in succession, showing how institutions in the United States and other organizations had profited by the tens and hundreds of thousands of dollars through scientific discoveries made by institutions of this kind. For instance we know that the government of the United States buy all their material for government contracts on the recommendation of the Bureau of Standards at Washington. And why? Simply because they give a report on a scientific basis, after analyzing the product. That report is the basis on which all purchases are made by the United States government.

Mr. MANION: How does this government do?

Mr. McGIBBON: I do not know. I ask the minister to take this seriously into consideration. He has admitted that two companies have volunteered to give him $50,000 towards it. I do not say they should not. I think they should. I think other industrial corporations should do more, but the fact is that the Dominion of Canada to-day has no proper organization to devolop this scientific industrial council. In a country like Canada, with our vast natural resources, our coal, our pulpwood and timber, and all the other problems that are confronting this country, it is up to the government, whatever party is in power, to give an organization such as this proper support in order that commercial organizations and corporations in this country may be afforded the proper facilities to put Canada at least on a par with other countries of the world. This remark has reference to agriculture as well, everything is included. We know —and the Minister of Agriculture will confirm it—that one reason why the American republic to-day can pay higher wages than any other country is that the production per man per day in the United States is not equalled anywhere else. They have that value largely on account of the scientific methods which have been developed, and I submit that an appropriation of $150,000 for this organization in Canada is absurd. We have not facilities here for educating brilliant scientific graduates of universities, in order that we may take hold of the subject and develop it. Until we have these institutions this country will lag behind other countries which possess these facilities. The minister has told us about the appropriation for the study of tuberculosis, but I do not see why that should be brought up now. This is an industrial organization. The other appropriation comes under the Department of Health, and when we come to that department I am going to say something about the dry bones in that organization. It has been sterile ever since its birth; in fact, it may be said to be stillborn. This is a scientific age, and neither the professional man nor the corporation nor the country that neglects scientific methods can keep up with competitors. This work costs money and we cannot expect individual firms to undertake it. As a matter of fact it is impossible in many cases, just as it is impossible for individuals to discover cures in medicine. True, this has been done, as for instance in the case of Doctor Banting. But experimentation is expensive and should not be left to the enterprise of individuals or of corporations. It is the duty of the government in the interests of the country to pay more attention to scientific research. I go so far as to say that the only salvation for Canada, with her tremendous national debt and the other problems she has to cope with, is to be found in new and improved scientific methods which will enable her to compete with the rest of the world and get ahead of her competitors. If not this country will surely fall behind. I am not speaking in any partisan

11 p.m.

spirit to-night. In my opinion the Senate is responsible for the present condition of the organization, and I urge the minister in the interests of the country to get his government to take hold of this matter in earnest. Give our manufacturers and our business men the necessary leadership by providing proper facilities in Ottawa or anywhere else as may be deemed best, so that our problems may be scientifically investigated. I am quite serious about this because I have not the slightest doubt that if we do not engage in an intensive programme of scientific research we shall not be able to hold our own.

Mr. ROBB: As Acting Minister of Trade and Commerce I appreciate the remarks of the hon. gentleman, and my only fear is that the persuasive eloquence of the hon. gentleman is going to cause my colleague, the Minister of Finance, some trouble.

Mr. CANTLEY: If I mistake not, the council arose out of work undertaken in the first place by the Munition Resources Commission of Canada, appointed towards the close of 1915 for the purpose of inquiring into the supply and sufficiency of raw materials in Canada required for the production of munitions of war. Among the subjects which the commission investigated was that of a supply of magnesite, referred to by the minister. Prior to that time we had had, so far as was then generally known in Canada, no refractory material suitable for use as open hearth furnace linings. That subject was thoroughly investigated and solved. Other matters taken up were the supply of molybdenum, tungsten, and bauxite. These matters were brought to a successful conclusion and at the close of the war, when the commission disbanded, one of the suggestions then made had reference to the formation of such an institution as this council.

One of the difficulties in connection with a matter of this kind is, in the first place, lack of money; and in the second place, in this particular instance, we made the mistake of vetoing a proposal for the erection of a building in this city or elsewhere, which would be devoted entirely to scientific research generally and particularly to analytical work. A million dollars could very well be spent on such a building and its equipment, and if we are to keep pace with our neighbours to the south it is absolutely necessary for us to go into this thing wholeheartedly. In the United States there are dozens, nay, scores of large corporations which spend sums of money ranging from half a million to two million dollars annually in scientific research and they incur this expenditure in the belief that they will get satisfactory returns. That belief is justified; they do get returns. We have in this country few corporations who have the like requisite facilities. Our manufactories are not so extensive, nor have they the capacity or capital. The result is that as manufacturers, both individually and collectively as a nation, we are falling behind the United States and other countries as well. Consider what Germany has been doing during the past quarter of a century. In chemical research she led the world and although that is not quite true to-day the fact remains that had it not been for her scientific research work Germany would not have been able to put up the fight which she did, and upon her scientific policy and achievement was founded to a large extent the German philosophy and hope of world domination.

We must make serious efforts along scientific lines if we hope to keep abreast of the times. The trouble I see with the present organization is the fact that we have such a large number of professors engaged in the work. I do not find fault for a moment with the fact in itself that so many professors as such are on the council, but they have to devote their energies largely if not exclusively to their professional work in the colleges to which they are attached, so that they are able to give only secondary and fragmentary consideration and effort and but a very general oversight to the work of the council, meeting as they do three or four times a year, the addition of some practical men would help. What is needed is a permanent organization headed by the best man available, with several departments dealing with the various branches of trade and industry. I do not think we should bring health research within the orbit of such an institution. This should be a matter of industrial and agricultural investigation exclusively. I do not say anything against the need for investigation along the lines of health and sanitation, but that is entirely a different department, and the two branches of research should not be merged, for they have little in common. Unless this country is prepared to take a broad view and have the courage to spend money we shall make but little or no progress. We have voted $3,000,000 for the Hudson Bay railway. Give us $3,000,000 for industrial scientific research and within three years results of far reaching importance will ensue.

Mr. STEWART (Edmonton): I could not allow this opportunity to pass without saying a word or two in connection with this matter, because I want to endorse heartily everything that has been said by both my hon. friends opposite. This is something which unquestion-

ably must be taken up earnestly. In the department of Mines and allied branches, in seventeen small disjointed buildings in the city, research work is going on under the direction of men who are doing the best they can under the circumstances. But this is not enough. Let me say however, in defence of the research council, that they are working along lines which in my opinion will ultimately bring results if only we give them the backing they require. They are making use of the universities of Canada and are trying to correlate the work. The investigations that are in progress in Ontario and elsewhere are certainly laudable and are laying the foundations for what I hope will be something substantial in the future. I most cordially support the suggestion of hon. gentlemen opposite that we should select a piece of ground in Ottawa and begin the construction of buildings which will be fit to house the men engaged in scientific research. We only need to point to one investigation to show the incalculable benefit of systematic, scientific research: I refer to the discovery under the Department of Agriculture of Marquis wheat. Who can estimate what it has meant to the people of Canada to have produced this new wheat which to-day is grown so extensively in the west? That is only one thing. To-day research is going on in connection with the rust evil, and if it is successful it will result in a saving to the farmers of the west and to the people generally of at least forty or fifty million dollars annually. Once more I voice my support, in the strongest possible terms, of the suggestion to construct buildings in Ottawa to provide facilities for thorough scientific research and to make this the centre from which will radiate all subsidiary activity. I do think the universities entering into this field will have a beneficial effect upon the student body, and although they are costing us a larger amount of money, we will get the benefit of the investment in the ultimate advantage that will accrue to the people of Canada.

Mr. NICHOLSON: Mr. Chairman, I should like to endorse what has been said and go a step further. During the five sessions I sat in this parliament every session we had a discussion somewhat similar to this, but we are now just where we were then, simply because no positive step has been taken. If the minister will include in the supplementary estimates a vote necessary to do all that can be done this year to provide at least a building, which is the first requisite in connection with this work, I am confident the House will support him. By virtue of the manner in which the money is being spent, we are not getting $150,000 worth of results. The research council is scattered all over the country, and it is impossible for its members to get together except at very infrequent intervals. My hon. friend refers to what is being done by the universities, but these are teaching institutions, and we should not mix up research work with the teaching of science, for example. I happen to know a young man who has been endeavouring to do some research work in one of our universities. He got a small grant from the research council, but it was so inadequate that he had to appeal to private individuals to pay the transportation costs on the materials he required. We ought to make a positive beginning which will ultimately grow into a research institute right here in charge of the best man we can secure for the job. It will be found that most of the men who are doing the best research work in the large institutions of the United States graduated from our own universities, but had no opportlunities to do such work here. During the war we were mining ores in northern Ontario that contained 27 per cent sulphur solely for the purpose of getting the sulphuric content. At the same time a few miles away we were transporting other ores to roasting beds, although they had just the same amount of sulphur, but we had no other means of extracting the baser metals.

Mr. ROGERS: I am almost converted to the view that the research council has some value. What remuneration does its members receive?

Mr. ROBB: They got only their travelling expenses.

Mr. ROGERS: It is now getting late, does not the minister think we ought to adjourn?

Mr. ROBB: There are only a few more items to be dealt with.

Mr. GARDINER: Mr. Chairman, as a representative of the agricultural industry, I can assure the minister that we will be very glad indeed to see a very substantal item in the estimates for research work so far as it affects industry.

Mr. McGIBBON: And agriculture?

Mr. GARDINER: And agriculture as well. We are willing to accept our share. But I rose to call attention to the fact that this session we have had two or three very long debates and on each occasion have been told that the only thing that can save our industry is higher protection; to-night, however, our high tariff

friends say it is research work that is needed. They tell us our industries are so far behind our American competitors that unless more money is spent in research work we must have higher protection. Then for heaven's sake let us have some research work.

Item agreed to.

Printing of parliamentary and departmental publications, including the Canada Year Book, $100,000.

Mr. MANION: Why the $10,000 increase?

Mr. ROBB: The greater number of publications.

Sir HENRY DRAYTON: I have some recollection that at one time a question arose as to mixing parliamentary publications with the Department of Trade and Commerce. What do we really do for parliament in this vote, because I think no parliamentary publications should appear in the Trade and Commerce vote.

Mr. ROBB: Yes, parliament is responsible for the number of copies of publications that it receives, and Trade and Commerce pays for the balance. My hon. friend will remember that by order in council in 1920 all departments of the public service are obliged to pay for all publications they receive. In 1921-1922 the cost was $89,000; 1922-1923, $103,000; 1923-1924, $114,000; 1924-1925, $87,000; 1925-1926, to February 28, $86,000.

Sir HENRY DRAYTON: I quite understand the printing of departmental publications, but what are you printing for parliament?

Mr. ROBB: I will give my friend the list.

Sir HENRY DRAYTON: But for parliament?

Mr. ROBB: The Bureau of Statistics; sixth census of Canada, Canada Grain Act; commercial intelligence service; Canada Year Book; electricity and gas inspection; weights and measures and miscellaneous.

Item agreed to.

Trade and Commerce—Weights and measures inspection, including International Bureau of Weights and Measures, $310,000.

Mr. ROGERS: This simply covers the wages incident to the employees?

Mr. ROBB: Yes. The estimates for salaries of the staff is $205,475; contingencies, including rent, travelling expenses of the director, his staff at Ottawa, district inspectors and inspectors; postage, stationery, et cetera, $104,125; International Bureau of Weights and Measures, $400. This department showed a deficit in 1920-21 of $803.73; in 1921-22 it was $14,028.53; in 1922-23 it amounted to $1,596.21; in 1923-24 the deficit was $3,265.76. In 1924-25 it showed a surplus amounting to $9,065.18, and for the year ending March 31 last the surplus amounted to $22,460.49. Apparently it is now on a profitable basis.

Sir HENRY DRAYTON: The fees were increased some time ago.

Mr. ROBB: Yes.

Mr. McCLENAGHAN: Before this item passes I would like to say a few words on behalf of the grocers and small traders who have complained many times of the charges made for examination and inspection of weights and measures. They claim that this inspection is for the benefit of the public, and that the public should pay for it. We passed a large item to-night to cover the expenses of grain inspection, because it benefits the grain growers and enables them to get more for their grain, but the grocers and small merchants are charged for the benefit of the public. The Department of Agriculture sends out inspectors, and the department pays the whole cost. One of the nuisance items in connection with the inspection of weights and measures is the fact that when your inspector goes into a store he charges $1 for the transportation or cartage of the weights. The average store on Bank street has a frontage of about twenty feet; the blocks are about 200 feet long, which means ten stores to a block. That means the cartage people will get $10 for lifting a few weights from one door to another. At every convention of the retail merchants a great many complaints are heard regarding this fee; they feel they are paying too much to have the weights carried fifteen or twenty feet in the same block. I have in my hand the record of one of the inspections conducted at a store on Rideau street. The inspection and adjustment fees amounted to $8.35, and the cartage to $1, or a total of $9.35. Every year they have to pay this amount and the merchants claim it is not for their benefit. The great majority of people receive the benefit of this work and the merchants feel that the government should pay for that inspection because it is for the protection of the people; and particularly do they complain about this $1 charge for cartage. I think the department would be well advised to look into that matter and see

why a block of ten small stores should have to pay $10 for the cartage of these few weights. I hope this will receive very serious consideration and that this charge may be done away with.

Mr. ROBB: If my hon. friend would give the officers of the department the name of the inspector who made that charge it will be very carefully looked into, because that is not the method followed in cities.

Mr. McCLENAGHAN: This was done at a store on Rideau street.

Mr. ROBB: The inspection of grain is a charge on the business.

Mr. McCLENAGHAN: But the grain grower gets a better price for his grain because it is inspected. In the inspection of weights, however, the benefit is to the public.

Mr. ROBB: I think my hon. friend is wrong. He might be giving out correct weight while his neighbour might have a scale not quite correct. This inspection is for his benefit as well as for the benefit of his customers.

Mr. McCLENAGHAN: In the year ending March 31, 1924 there were 570,764 inspections, of which 561,022 were verified and 9,742 rejected, which is a small percentage of incorrect measures compared to the number of inspections.

Mr. ROBB: But these shops were in competition with the men who had correct scales.

Mr. McCLENAGHAN: It is for the benefit of the public, and we claim that the people who get the benefit should pay for it.

Item agreed to.

Sir HENRY DRAYTON: I think that winds up the business for to-night.

Mr. ROBB: Unless my hon. friends, who have been very good would allow me to put through the civil government estimates in one block; I will not insist upon it, but there is only one increase in the whole business.

Some hon. MEMBERS: No, no.

Progress reported.

On motion of Mr. Mackenzie King the House adjourned at 11.28 p.m.

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## Monday, June 21, 1926

The House met at two o'clock.

### AUDITOR GENERAL'S REPORT

Mr. S. W. JACOBS (Cartier) moved:

That the Auditor General's report for the past fiscal year be referred to the committee on Public Accounts.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): For the fiscal year ending March 31 last?

Mr. SPEAKER: "For the past fiscal year."

Mr. MEIGHEN: Is the Auditor General's report down for the year ending March 31 last?

Mr. JACOBS: The current Auditor General's report whatever that is—the one that is before the House.

Mr. MEIGHEN: That has been referred.

Mr. JACOBS: No, I understand it has not been referred; that is why I make the formal motion to-day.

Mr. SPEAKER: Shall I say the "current fiscal year'" or the "past fiscal year?"

Mr. MEIGHEN: It is the second last past.

Motion agreed to.

### QUESTIONS

(Questions answered orally are indicated by an asterisk.)

#### SUMAS LAKE DRAINAGE PROJECT

Mr. BARBER:

1. With respect to the Sumas lake drainage project: Did the government of Canada and the government of British Columbia enter into an agreement dated 8th August, 1923, providing for the transfer of lake bottom lands from the Dominion to the province, upon the conditions, amongst others, that (a) "The province of British Columbia assumes complete responsibility for the manner and method of the reclamation." and (b) "for the fair and equitable treatment of prospective and actual settlers" upon the whole lands to be reclaimed?

2. Was this agreement signed on behalf of British Columbia by "John Oliver, Acting Minister of Agriculture"?

3. Did the government of British Columbia, by "E. D. Barrow, Minister of Agriculture," make application on April 2nd, 1925, for formal transfer of the lake bottom lands, in a letter stating that "all the provisions of said agreement have been fulfilled"?

4. Have a body of land-owners, about 125 in number, under date of 6th February, 1926, petitioned the government of Canada inviting attention to alleged breaches of the terms of the contract, on the part of the government of British Columbia, and particularly to the allegation that the provincial government through their commissioners carried out the works recklessly and without regard to cost, so that the petitioners have been subjected to charges represented as ruinous and confiscatory; and also that the provincial government have denied to petitioners the fair and equitable treatment stipulated in the contract, and by contrast that government has caused the passage of legislation forbidding appeal to the courts against alleged unjust assessments?

5. (a) Have the representations of these petitioners been communicated to the government of British Columbia, and (b) has that government made a reply?

6. Did the Hon. John Oliver in this reply assert that "the diking commissioners who had charge and did carry out the work were the agents of the landowners and not of the government"; and (b) if he did so, whether or not this position is considered to be in compliance with the stipulation of the contract that "the province of British Columbia assumes complete responsibility for the manner and method of the reclamation"?

7. Was the reply by Mr. Oliver communicated to the petitioners?

8. In view of the allegation of breach of contract and contradictory statements as to other material facts, in the petition and reply respectively, does the government contemplate effective inquiry, at which petitioners may be heard, before giving decision on the petition for disallowance of the legislation complained of as against sound public policy?

Hon. Mr. LAPOINTE:

1. (a) Yes., (b) Under section "g" of the agreement dated August 8th, 1923, the province of British Columbia assumed complete responsibility for the fair and equitable treatment of prospective and actual settlers upon the crown lands sold to the province.

2. Yes.

3. Yes.

4. Yes.

5. (a) Yes, (b) Yes.

6. (a) Yes, (b) The matter is receiving consideration.

7. No.

8. Any interested parties are at liberty to make representations to the Minister of Justice upon the question of disallowance.

LOUISEVILLE POST OFFICE—CARETAKER

Mr. DOUCET:

1. Was the Hon. H. S. Béland, who recommended Freddy Régnier as caretaker of the Louiseville post office, at the time Minister of Soldiers' Civil Re-establishment?

2. Is Doctor Legris who has given similar recommendation in favour of Régnier the same person as Captain Legris of the medical corps of the Canadian army in France?

[Mr. Barber.]

3. Among the recommendations given in favour of Régnier, a veteran, was there one given to the Public Works department or to the Civil Service Commission by one Thomas Vanasse, contractor of the town of Louiseville?

4. Has another recommendation in favour of the same veteran soldier been received by the Civil Service Commission or the Public Works department from J. A. Barrette, a notary public?

5. Has a petition signed by more than 140 citizens of Louiseville, protesting against the nomination of Victor Héroux and praying for the appointment of a returned man, been received by the Civil Service Commission? If not, has such request been received by the Department of Public Works?

6. Is the Department of Public Works aware of the fact that its representative, Mr. Gingras, when sent down to Louiseville to examine the applicants, has said to several persons, that Victor Héroux could not be appointed to the position, as he was over age?

Hon. Mr LAPOINTE:

1. Yes.

2. Yes.

3. No.

4. No.

5. A copy of the petition sent to the Department of Public Works was received in the commission.

6. No information. Mr. Gingras recommended the appointment of Mr. Victor Héroux.

MR. J. A. DONALDSON

Mr. GOTT:

1. Is Mr. J. A. Donaldson of the town of Kingsville, Ontario, engaged in any capacity by any department of the Canadian government?

2. If so, what is his official position?

3. What salary, wages, or fees, are paid in connection with this position?

4. Was an application received for the same position from Mr. Ernest Harris of the town of Kingsville, Ontario?

5. What qualifications are required for this position?

6. Were any examinations required in connection with this appointment?

7. Is the department aware that Mr. Donaldson failed in examination for a Customs position at Kingsville during the year 1925?

8. Has the government any record of inefficient service on the part of Mr. Donaldson in the capacity of returning officer for the south riding of Essex county during the federal election of October, 1925?

9. When was Mr. Donaldson appointed?

10. Under whose recommendation was Mr. Donaldson appointed?

11. How many applications were received for the position?

12. What consideration was given to the other applicants?

13. Could applications have been made to those interested in Mr. Donaldson without same reaching the department?

Hon. Mr. LAPOINTE:

1 and 2. Mr. J. A. Donaldson is not in the employ of the Department of Marine and

Fisheries, but a Mr. John E. Donaldson is both wharfinger of the government wharf and temporary lightkeeper at Kingsville, Ontario.

3. His remuneration as wharfinger is 50 per cent of his collections and as temporary lightkeeper $210 per annum.

4. No.

5. As wharfinger—to supervise the government wharf and enforce the wharfage regulations; to collect and make returns of whafage.

As temporary lightkeeper—to look after and be responsible for the care and proper exhibition of the light.

6, 7 and 8. No information.

9. As temporary lightkeeper—1st April, 1926. As wharfinger—26th March, 1926.

10. On the recommendation of the Minister of Marine and Fisheries.

11. For wharfinger—one; for lightkeeper, one.

12. Careful consideration.

13. Presumably yes.

EXPERIMENTAL SHIPMENT OF HORSES

Mr. DAVIS:

1. In connection with the experimental shipment of horses from the province of Saskatchewan in 1925; on what date were these horses shipped?

2. What amount of freight was paid from point of shipment to port of Montreal or whatever sea port to which said horses were sent for shipment by boat, giving total weight and rate per hundred?

3. What railway in Canada were said horses shipped over?

4. What insurance company insured said horses?

5. What were the names of persons to whom salaries were paid, for what service, and the amounts to each person, in this connection?

6. What were the names of persons to whom living and travelling expenses were paid, and the amount to each person?

7. What were the names of persons who purchased the said horses, number purchased by each, and amount paid each person for buying the said horses?

8. What was the cost of the horse sold in Canada, the amount pair for said horse and to whom was it sold?

9. Where any of these horses sold to be slaughtered and sold for horse meat?

Hon. Mr. MOTHERWELL:

1. September 4, 1925; From Moose Jaw.

2. Shipment consolidated at Moose Jaw; Freight Moose Jaw to Boston, $1,160.90; Total weight, 89,250 pounds; Rate $1.29½ per 100 pounds Moose Jaw to Boston.

3. Canadian National Railway.

4. Lloyds—London, England.

5. and 6.

| | Salary | Expenses |
|---|---|---|
| Jack Byers, District live stock promoter | $1,260 00 | $2,744 55 |
| R. H. Youngman, horseman | 670 35 | 668 16 |
| W. W. Butcher, horseman | 455 00 | 467 75 |
| Montana Earl, horseman | 187 50 | 21 20 |
| Joe Orr, horseman | 187 50 | 21 20 |

Expenses not yet finally adjusted.

7. The horses were purchased by Mr. Jack Byers and Mr. R. E. Wilson, district live stock promoters of the department assisted by Dr. McLellan of the Saskatchewan Department of Agriculture and Dr. Talbot of the Alberta Department of Agriculture.

They received no additional remuneration for this.

8. Cost price, $70; selling price, $80; experimental farm, Indian Head.

9. Two horses each broke a leg and were sold to a butcher.

FREE RAILWAY TRANSPORTATION—CLERGY

Mr. ESLING:

1. Are the clergy of Canada entitled to free transportation on Canadian railways?

2. Are the clergy in the employ of the Immigration and Colonization Department receiving free transportation on Canadian railways?

Hon. Mr. DUNNING:

1. No.

2. Yes, when requests are received therefor from the Minister or Deputy Minister Canadian Immigration department.

POST OFFICE SAVINGS BANKS

Mr. SPENCER:

1. How many post office savings banks were there in operation on the 1st of January in each year since 1920?

2. What was the total amount of deposit in these banks on the 1st of January in each of these years?

3. Is there a limit to the amount a person can deposit annually? If so, how much, and why?

4. Is there a limit to the amount on which any person can draw interest? If so, what is it, and what is the reason for such limitation?

5. What is the average rate of interest paid on these deposits?

6. To what use does the government put these moneys?

7. Is there anything being done by the government to increase the use of the post office savings banks?

Hon. Mr. LAPOINTE:

1.

| | |
|---|---|
| 1921—January 1 .. .. .. .. .. .. | 1,324 |
| 1922—January 1 .. .. .. .. .. .. | 1,309 |
| 1923—January 1 .. .. .. .. .. .. | 1,309 |
| 1924—January 1 .. .. .. .. .. .. | 1,327 |
| 1925—January 1 .. .. .. .. .. .. | 1,364 |
| 1926—January 1 .. .. .. .. .. .. | 1,371 |

2.

| | |
|---|---|
| 1921—January 1 .. .. | $29,199,126 14 |
| 1922—January 1 .. .. | 24,838,643 82 |
| 1923—January 1 .. .. | 22,139,940 83 |
| 1924—January 1 .. .. | 24,218,985 07 |
| 1925—January 1 .. .. | 24,124,252 88 |
| 1926—January 1 .. .. | 23,569,330 36 |

3. Yes—$1,500 annually. Limited to an amount considered to be fairly within the scope of a purely savings account, but simply an arbitrary amount.

4. Yes—$5,000. See answer to Number 3.

5. 2.91 per cent.

6. Transferred to consolidated revenue fund in accordance with provisions of the Consolidated Revenue and Audit Act.

7. The service is extended to all offices where there is a demand for the post office savings bank. The demand is limited owing to the activity of the regular chartered banks in establishing branches at all points where there is a fair prospect of business being transacted on a paying basis.

MINISTER OF CUSTOMS—MOTOR CAR

Mr. DAVIS:

1. Was a motor car purchased for the use of the Minister of Customs during the present year?
2. If so, of what make and what was the price?
3. Is the car of American or Canadian manufacture?
4. From whom was the said car purchased?

Hon. Mr. BOIVIN:

1. No.

2, 3 and 4. Answered by No. 1.

PELEE ISLAND CABLE

Mr. GOTT:

1. When was the Pelee island cable first installed?
2. What was the initial cost of installation?
3. When was telegraphic communication between Pelee island and the mainland disturbed last?
4. On how many occasions has the Pelee island cable been out of commission?
5. When were repairs, on each occasion, made?
6. What expenditure was made in connection with repairs each time?
7. What progress has been made with the present repairs?
8. What has caused the long delay?
9. When is it expected that the island will again be connected with the mainland for telegraphic purposes?
10. What is the estimated cost?
11. Does the political stripe of the representative of the constituency play any part in the delays that have taken place?
12. Would a Liberal representative be able to obtain more prompt consideration in this respect from the department than a Conservative?
13. Does the government consider the present conditions deplorable and pathetic?
14. Could not the department have relieved the islanders from their isolated predicament much sooner than they have or will if proper business ethics had been used?
15. Under whom is the repair work being supervised?
16. What tug is engaged and how much per day is being paid for same?
17. How many men are engaged in repair work?
18. Has the department under advisement any process by which they might eliminate these interruptions and expenditures from time to time?
19. Have any representations been made by residents of Pelee island or by anybody in their behalf for the construction and maintenance of a government aerial station or a radio station or anything to overcome the breaks in telegraphic service?
20. Is the department prepared to favourably consider suggestions which will be conducive to overcoming the occasional inconveniences and expenditures and thereby supply service to the residents of the island?

Hon. Mr. KING (Kootenay):

1. 1,888.
2. $6,908.17.
3. November 15, 1925.

4, 5 and 6.

| Interrupted date | Year | Repaired date | Year | Cost |
|---|---|---|---|---|
| June 2 | 1891 | August 26 | 1891 | $ 441 90 |
| November 11 | 1892 | November 27 | 1892 | 241 25 |
| October 14 | 1893 | November 4 | 1893 | 545 63 |
| January 26 | 1895 | May 20 | 1895 | 585 48 |
| November 26 | 1895 | May 3 | 1896 | 291 35 |
| May 27 | 1897 | June 3 | 1897 | 599 54 |
| February 15 | 1898 | June 15 | 1898 | 146 20 |
| June 28 | 1898 | July 19 | 1898 | 1,545 16 |
| December 11 | 1898 | May 21 | 1899 | 1,484 50 |
| December 23 | 1899 | June 6 | 1900 | 1,451 45 |
| November 27 | 1900 | August 13 | 1901 | 2,767 40 |
| July 3 | 1902 | July 25 | 1902 | 604 56 |
| September 12 | 1902 | November 7 | 1902 | 2,179 41 |
| November 18 | 1902 | May 16 | 1903 | 2,470 94 |
| May 19 | 1903 | June 16 | 1904 | 446 19 |
| December 9 | 1904 | October 13 | 1905 | 1,799 47 |
| September 29 | 1906 | October 15 | 1906 | 725 67 |
| June 3 | 1907 | June 20 | 1907 | 831 53 |
| February 10 | 1908 | June 15 | 1908 | 1,228 13 |
| December 16 | 1909 | May 20 | 1910 | 1,547 36 |
| July 19 | 1910 | August 2 | 1910 | 616 00 |
| September 3 | 1910 | September 26 | 1910 | 996 27 |
| November 9 | 1913 | May | 1914 | 4,910 31 |
| December 6 | 1914 | May | 1915 | 1,630 79 |
| February | 1916 | May | 1916 | 1,819 67 |
| October | 1916 | October | 1916 | 539 58 |
| June | 1917 | June | 1917 | 566 57 |
| October 24 | 1917 | November 2 | 1917 | 770 33 |
| December 9 | 1917 | May 14 | 1918 | 2,696 33 |
| December 16 | 1918 | July 31 | 1919 | 5,544 40 |
| November 21 | 1920 | July 21 | 1921 | 1,458 99 |
| February 9 | 1922 | July 13 | 1922 | 1,227 65 |
| November 13 | 1922 | October 6 | 1923 | 718 63 |
| November 15 | 1925 | Work of repair now going on. | | |

7. Work of repair now going on.

8. The fact that the most recent break occurred shortly before the close of navigation, in November 1925, precluded the possibility of securing the necessary tug to aid in the repair work. The subsequent forming of ice on the lake and the unsettled weather conditions this spring has delayed the starting of work.

9. In the course of the present week.

10. Cannot estimate cost. This is governed by weather conditions.

11. No.

12. No.

13. Conditions unavoidable.

14. No.

15. Under supervision Asst. General Superintendent of Telegraphs.

16. No tug engaged. Department of Marine and Fisheries' boat will be used.

17. Six, approximately.

18. No.

19. The installation of wireless service was suggested in 1924, but after investigating cost of installation, maintenance and service possibilities, it was decided to adhere to the cable.

20. Yes, if presented by qualified persons.

POSTMASTER AT MANIWAKI

Mr. DOUCET:

1. What is the name of the postmaster at Maniwaki, Quebec?

2. Was Mr. N. Lacoursière the postmaster in that locality?

3. Has he been dismissed, and was there an inquiry?

4. Does the fact of changing the site of a post office constitute a reason for dismissal?

5. If another postmaster has been appointed, who asked for and recommended the new postmaster?

6. Was the new postmaster recommended and appointed by the Civil Service Commission?

Hon. Mr. LAPOINTE:

1. No permanent Postmaster—J. O. Roy, acting postmaster.

2. Yes, postmaster of former Maniwaki post office.
3. No.
4. See No. 3.
5. No postmaster permanently appointed.
6. See No. 5.

## QUESTIONS PASSED AS ORDERS FOR RETURNS

### MILITARY DISTRICT OFFICERS—REAPPOINTMENTS

Mr. WOODSWORTH:

1. What is the name, the position and the salary of each officer on the staff at the general headquarters, local headquarters, Ottawa, and in each military district, whose tenure of appointment is ended, but who is maintained in the service by reappointment or an extension of term?
2. Is it the intention of the Minister of National Defence and of the present government to maintain in service those officers?
3. Is it true that some of the above mentioned officers who have received reappointment or extensions of term, will be transferred to another district in October?

### NARCOTIC DRUG ACT—CONVICTIONS, ETC.

Hon. Mr. TOLMIE:

1. How many convictions were made under the Narcotic Drug Act in Canada during 1923-24-25, divided as follows, (a) orientals, (b) all other nationalities?
2. How many appeals from convictions, habeas corpus applications or other legal process, for the release of prisoners convicted under this act were taken during this said period, how many such appeals or applications for release of those convicted were granted, and how many were for those residing in British Columbia?
3. Will the Minister give details concerning the conviction of Wong Wa and Kow in Victoria, in 1925, under this act; particulars of drugs found in possession, conviction, and appeal, and if the said Wong Wa and Kow are doing sentence?
4. Is the Minister considering taking steps to amend the Opium and Narcotic Drug Act in order to prevent the release of so many prisoners convicted, and if so, what steps?

## UNOPPOSED MOTIONS FOR PAPERS

### PREECEVILLE—LEASE OF LAND

Mr. CAMPBELL:

For a copy of all correspondence, reports, letters, telegrams and other documents, exchanged between the Department of the Interior and rural municipality of Preeceville, Saskatchewan, and any other parties in connection with the lease of the east half of section 29, township 34, range 5, west of the 2nd meridian.

Also a copy of any reports of any officers of the department in connection therewith.

### PHILIP RODRIQUE

Mr. DAVIS:

For a copy of all correspondence, reports and other documents, relative to the suspension of district swine promoter, Philip Rodrique. Also a copy of all correspondence, reports and other documents pertaining to the reinstatement of this man in the Live Stock branch in the Department of Agriculture.

[Mr. Lapointe.]

## INTERNATIONAL AGREEMENTS AND TREATIES

### PROCEDURE GOVERNING NEGOTIATION, SIGNATURE AND RATIFICATION

Right Hon. W. L. MACKENZIE KING (Prime Minister) moved:

Whereas the Imperial conference of 1923 recommended for the acceptance of the governments of the empire represented that the following procedure should be observed in the negotiation, signature and ratification of international agreements:

The word "treaty" is used in the sense of an agreement which, in accordance with the normal practice of diplomacy, would take the form of a treaty between heads of states, signed by plenipotentiaries provided with full powers issued by the heads of the states, and authorizing the holders to conclude a treaty.

I.

1. Negotiation.

(a) It is desirable that no treaty should be negotiated by any of the governments of the empire without due consideration of its possible effect on other parts of the empire, or, if circumstances so demand, on the empire as a whole.

(b) Before negotiations are opened with the intention of concluding a treaty, steps should be taken to ensure that any of the other governments of the empire likely to be interested are informed, so that, if any such government considers that its interests would be affected it may have an opportunity of expressing its views, or, when its interests are intimately involved, of participating in the negotiations.

(c) In all cases where more than one of the governments of the empire participates in the negotiations, there should be the fullest possible exchange of views between those governments before and during the negotiations. In the case of treaties negotiated at international conferences, where there is a British Empire delegation, on which, in accordance with the now established practice the dominions and India are separately represented, such representation should also be utilized to attain this object.

(d) Steps should be taken to ensure that those governments of the empire whose representatives are not participating in the negotiations should, during their progress, be kept informed in regard to any points arising in which they may be interested.

2. Signature.

(a) Bilateral treaties imposing obligations on one part of the empire only should be signed by a representative of the government of that part of the empire in respect of which the obligations are to be undertaken, and the preamble and text of the treaty should be worded as to make its scope clear.

(b) Where a bilateral treaty imposes obligations on more than one part of the empire, the treaty should be signed by one or more plenipotentiaries on behalf of all the governments concerned.

(c) As regards treaties negotiated at international conferences, the existing practice of signature by plenipotentiaries on behalf of all the governments of the empire represented at the conference should be continued, and the full powers should be in the form employed at Paris and Washington.

3. Ratification.

The existing practice in connection with the ratification of treaties should be maintained.

II.

Apart from treaties made between heads of states it is not unusual for agreements to be made between governments. Such agreements, which are usually of

a technical or administrative character, are made in the names of the signatory governments, and signed by representatives of those governments, who do not act under full powers issued by the heads of the states: they are not ratified by the heads of the states, though in some cases some form of acceptance or confirmation by the governments concerned is employed. As regards agreements of this nature the existing practice should be continued, but before entering on negotiations the governments of the empire should consider whether the interests of any other part of the empire may be affected, and, if so, steps should be taken to ensure that the government of such part is informed of the proposed negotiations, in order that it may have an opportunity of expressing its views.

And whereas it was further agreed that the existing procedure in relation to ratification of treaties was as follows:

(a) The ratification of treaties imposing obligations on one part of the empire is effected at the instance of the government of that part:

(b) The ratification of treaties imposing obligations on more than one part of the empire is effected after consultation between the governments of those parts of the empire concerned. It is for each government to decide whether parliamentary approval or legislation is required before desire for, or concurrence in, ratification is intimated by that government.

This House approves of the procedure proposed for the negotiation, signature and ratification of treaties and conventions, and considers further that before His Majesty's Canadian ministers advise ratification of a treaty or convention affecting Canada, or signify acceptance of any treaty convention or agreement involving military or economic sanctions, the approval of the parliament of Canada should be secured.

He said: The resolution which you have just read, Mr. Speaker, relates to the all important question of the negotiation, signature and ratification of treaties involving military or economic sanctions. The resolution will be found to divide itself into two parts, the first part asking formal approval by parliament of the resolution respecting the negotiation, signature and ratification of treaties which was adopted at the Imperial conference of 1923; the second part asking the approval by parliament of the procedure to be adopted with respect to the ratification of treaties only upon the prior approval by parliament which, under the resolution of the Imperial conference, was left optional with the different governments and parliaments of the empire concerned. My reason for bringing this resolution forward at this time is that another Imperial conference has been called to assemble in London in October of this year. It is, I think, desirable that representatives of the government attending that conference should be in a position to state that the parliament of Canada has approved the resolution respecting the negotiation, signature and ratification of treaties which was adopted at the previous conference. I think it desirable also that the House and the Imperial conference should know the attitude which the representatives of the government will be expected to take in stating the position of this country on the all important matter of procedure with respect to the ratification of treaties.

In connection with the first part of this resolution I assume there will be very little if any question as to the attitude of parliament. Indeed, I hope the entire resolution will meet with the unanimous approval of this House, and if I refrain from going into matters of possible controversy it is because of a desire to have agreement between all parties in this House as far as possible in connection with these questions which relate to our inter-imperial and international relations. The resolution considered in a broad way is one which should commend itself to all groups in this parliament; at any rate it is my hope that the discussion will so resolve itself.

In connection with the first part of the resolution requesting approval by parliament of the resolution adopted at the Imperial conference of 1923 respecting the negotiation, signature and ratification of treaties, I would say that at the Imperial conference this resolution was unanimously approved by the governments represented there. It was approved by the government of the United Kingdom of Great Britain and Ireland, and by the representatives of the governments of Australia, New Zealand, South Africa, Newfoundland and the Irish Free State and Canada, as well as by the representatives of India. In the circumstances, therefore, I think there will be little difficulty in finding general acceptance of the resolution in this parliament. It may, however, be advisable to put on record the reference made in the report of the Imperial conference itself as to the manner in which a decision was reached with respect to this particular resolution.

I might anticipate the reading of that particular paragraph by recalling to the House the discussion which we had in this parliament in a previous session with respect to the negotiation of a treaty with the United States having to do with the conservation of the halibut resources on the Pacific coast. Hon. members present at that time will recall that the government of the day, the present administration, took the view that as that treaty affected only this part of the empire and related to a matter of mutual concern to the great republic to the south and ourselves, it was right and proper that the negotiations should be conducted by ministers of the crown representing the government of Canada, and that the ministers so conducting the negotiations should be given full powers by His Majesty, and that the same rights which existed with respect to the negotiation of the treaty should also exist with re-

spect to its signature and with respect also to its ratification. In other words, that as it was a treaty which concerned only one part of the empire, the part of the empire alone concerned was the part which should undertake and carry through the negotiations and advise ratification.

The consideration of the Halibut treaty gave rise, as I have said, to some discussion in parliament and to a difference in the point of view as between the parties as to whether the government in thus asserting Canada's position was perhaps not going too far in placing upon the shoulders of its ministers obligations which theretofore had been exercised by either ambassadors or ministers of the home government. There was a considerable discussion here, considerable discussion in the press of this country and in the Old Country as to the whole position, the significance being as to whether or not it marked a departure in the negotiation of treaties. That was how the matter came to come before the Imperial conference.

I shall not go into the discussions which took place at the Imperial conference with respect to that matter. All I wish to say to the House at the moment is that the Canadian position as taken was maintained absolutely by the Imperial conference as a whole. Not only did the ministers of the other self-governing dominions take the position, in giving their assent to the resolution, that what Canada had done with respect to that particular treaty was done in a right and proper way, but the conference went further and said that with respect to similar classes of treaties in the future the procedure there adopted should be the one to be followed.

In considering the question of the negotiation, signature and ratification of treaties, a special committee of the conference was appointed to give the matter detailed study. That special committee was presided over by the late Lord Curzon, who at the time was Secretary of State for Foreign Affairs, and it had the advice and assistance of the able counsel of the Foreign Office, Sir Cecil Hurst. The record of the proceedings of the conference will be found on page 13 of the Summary of Proceedings presented to His Majesty's parliament in November, 1923, as follows:

> The principles governing the relations of the various parts of the empire in connection with the negotiation, signature and ratification of treaties seemed to the conference to be of the greatest importance. Accordingly it was arranged that the subject should be fully examined by a committee, of which the Secretary of State for Foreign Affairs was chairman. The Secretary of State for the Colonies, the Prime Ministers of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and Newfoundland, the Minister of External Affairs of the Irish Free State, and the Secretary of State for India as head of the Indian Delegation, served on this committee. With the assistance of the legal adviser to the Foreign Office, Sir C. J. B. Hurst, K.C.B., K.C., the following resolution was drawn up and agreed to:

Then follows the resolution, which is exactly as cited in the notice which appears on the order paper, but for the purposes of record, Mr. Speaker, I think I had better place it in full on Hansard. The resolution reads:

> "The word 'treaty' is used in the sense of an agreement which, in accordance with the normal practice of diplomacy, would take the form of a treaty between heads of states, signed by plenipotentiaries provided with full powers issued by the heads of the states, and authorizing the holders to conclude a treaty."
>
> I.
>
> "1. Negotiation.
>
> "(a) It is desirable that no treaty should be negotiated by any of the governments of the empire without due consideration of its possible effect on other parts of the empire, or, if circumstances so demand, on the empire as a whole.
>
> "(b) Before negotiations are opened with the intention of concluding a treaty, steps should be taken to ensure that any of the other governments of the empire likely to be interested are informed, so that, if any such government considers that its interests would be affected, it may have an opportunity of expressing its views, or, when its interests are intimately involved, of participating in the negotiations.
>
> "(c) In all cases where more than one of the governments of the empire participates in the negotiations, there should be the fullest possible exchange of views between those governments before and during the negotiations. In the case of treaties negotiated at international conferences, where there is a British Empire delegation, on which, in accordance with the now established practice the Dominions and India are separately represented, such representation should also be utilized to attain this object.
>
> "(d) Steps should be taken to ensure that those governments of the empire whose representatives are not participating in the negotiations should, during their progress, be kept informed in regard to any points arising in which they may be interested.
>
> "2. Signature.
>
> "(a) Bilateral treaties imposing obligations on one part of the empire only should be signed by a representative of the government of that part. The full power issued to such representative should indicate the part of empire in respect of which the obligations are to be undertaken, and the preamble and text of the treaty should be so worded as to make its scope clear.
>
> "(b) Where a bilateral treaty imposes obligations on more than one part of the empire, the treaty should be signed by one or more plenipotentiaries on behalf of all the governments concerned.
>
> "(c) As regards treaties negotiated at international conferences, the existing practice of signature by plenipotentiaries on behalf of all the governments of the empire represented at the conference should be continued, and the full powers should be in the form employed at Paris and Washington.
>
> "3. Ratification.
>
> "The existing practice in connection with the ratification of treaties should be maintained."

That is part I of the resolution. Hon. members will notice that the House is asked

to approve of the procedure proposed for the negotiation, signature and ratification of treaties and conventions as set forth in that resolution. As I say, I think there can be no possibility of the House in any way taking exception to the form of procedure as therein outlined. I would only add this, that since this resolution of the Imperial conference was adopted, the government has proceeded in the negotiation of other treaties upon the basis therein laid down. In the report of the Secretary of State for External Affairs, for the year ending March 1, 1925, which was tabled in the House at the beginning of this session, will be found a list of the treaties that have been negotiated, signed and ratified since this resolution went into effect.

I have already spoken of the Halibut treaty, which has been signed and ratified prior to the meeting of the Imperial conference. The next treaty to be negotiated, signed and ratified in accordance with the proceedings therein set forth was the commercial treaty with Belgium. I might say, in passing, with respect to the signature of that treaty that it was the first treaty in the history of the Dominion to be signed in Canada by Canadian ministers of the crown holding full powers from His Majesty to sign in his name. The first treaty of the kind to be signed in Canada; the Halibut treaty, had been signed by ministers of the crown of Canada holding full power from his Majesty to sign in his name, but it was signed at Washington, and not at Ottawa. The commercial treaty with Belgium has the historic significance of being the first treaty approved by this parliament, negotiated and signed in Canada, with the full powers given by His Majesty to Canadian ministers to act on his behalf.

The other treaties with the United States which were signed since the resolution of the Imperial conference are the convention for the purposes of suppressing smuggling operations along the international boundary, and preventing the violation of the laws regarding narcotics, which was signed at Washington on June 6, 1924, and ratifications exchanged at the same place on July 17, 1925. A supplementary convention to provide for extradition on account of crimes against the laws for the suppression of traffic in narcotics was signed at Washington on January 8, 1925, and ratifications were exchanged on July 17, 1925. On February 24, 1925, a convention between Canada and the United States was signed at Washington providing for the regulation of the levels of the lake of the Woods, ratifications being duly exchanged at Washington on July 17, 1925.



At Washington on the same day a treaty was signed to define more accurately the international boundary between the two countries, and ratifications were exchanged at Washington on July 17, 1925.

Hon. members will find in this report references to other conventions and treaties, some of them of a commercial character and some relating more particularly to negotiations between different parts of the British Empire. But the treaties which I have just mentioned are treaties with foreign countries, treaties which were negotiated by Canadan ministers holding full power from His Majesty for the purpose and signed by them in the name of His Majesty, and the ratification of which was effected after this parliament had approved of the treaties. So, Mr. Speaker, I submit that with respect to the first part of the resolution which sets forth the procedure to be followed in regard to negotiation, signature and ratification, this parliament may be assumed by its repeated actions to have endorsed the resolution in full, and there should therefore be no difficulty at the present time in obtaining formal approval of the course of procedure there outlined.

The second part of the resolution asks the approval of parliament to one particular form of procedure with respect to the ratification of the treaties. May I pause here to remind hon. members that ratification of a treaty is an executive act—it is an act of the sovereign. Sometimes in the discussion of these international questions we use terminology with a freedom that is perhaps hardly permissible if we wish to be exact, and not infrequently one hears mention of a treaty being ratified by parliament. The act of ratification is an executive act, an act performed by the sovereign. It is performed by the sovereign, however, on the advice of his ministers, that may be regarded as sufficient, or there may be a limitation placed upon ministers before advising ratification—such a limitation as is suggested in the present resolution, namely of approval by the parliament of the country in the first instance. In the resolution of the Imperial conference it was stated that the procedure with respect to ratification was to remain as it had existed theretofore. That meant that it was optional with the parliaments or the governments of the different countries concerned to decide whether or not ratification should be on the advice of the ministry solely, or whether it should be upon the approval of parliament in the first instance. The present government, in the case of Canada, believes that it will help to avoid embarrassments and dissensions, that it will make

for greater unity and for greater security within the empire in the long run, if the general practice is adopted with respect to important treaties such as involve military and economic sanctions of approval by parliament of such treaties in the first instance preceding advice on the part of the ministry favourable to ratification.

Mr. McGIBBON: Does the Prime Minister not think that it is the duty of the government to advise parliament as to what the policy of the government is?

Mr. MACKENZIE KING: I will come to that in a moment. I think it is more important that parliament should feel assured in regard to all these great obligations of an international character which involve military and economic sanctions that a government should not have the opportunity of binding parliament in advance of its own knowledge to the obligations incurred thereby. That is the principle that is being laid down at the moment.

Mr. McGIBBON: Are they really binding parliament? Is it not really a case of having parliament back up the government?

Mr. MACKENZIE KING: I do not wish to play upon words. I assume that when a government makes a contract with another government to all intents and purposes it is assumed by the parties thereto that it is a binding contract. I should not wish to be a member of a government that did not take that view of its obligations.

To continue with the resolution, Part II begins:

> Apart from treaties made between heads of states, it is not unusual for agreements to be made between governments. Such agreements, which are usually of a technical or administrative character, are made in the names of the signatory governments, and signed by representatives of those governments, who do not act under full powers issued by the heads of the states: they are not ratified by the heads of the states, though in some cases some form of acceptance or confirmation by the governments concerned is employed. As regards agreements of this nature the existing practice should be continued, but before entering on negotiations the governments of the empire should consider whether the interests of any other part of the empire may be affected, and, if so, steps should be taken to ensure that the government of such part is informed of the proposed negotiations, in order that it may have an opportunity of expressing its views.

This particular paragraph, hon. members will observe, relates more especially to agreements which are of a technical or administrative character. Agreements of that character are not primarily being considered in this resolution. This resolution has been drafted so as to relate specifically to those treaties which involve military and economic sanctions. However, the House is asked to approve of the resolution of the Imperial conference with respect to treaties of a technical or administrative character, in so far as the resolution places the same obligation upon the governments concerned to inform other governments interested as the preceding part does. The resolution was submitted to the full conference and unanimously approved.

It was thought that it would be of assistance to add a short explanatory statement in connection with parts I and II setting out the existing procedure in relation to the ratification of treaties. The clauses in the Imperial conference resolution in this connection are as follows:

> (a) The ratification of treaties imposing obligations on one part of the empire is effected at the instance of the government of that part;
>
> (b) The ratification of treaties imposing obligations on more than one part of the empire is effected after consultation between the governments of those parts of the empire concerned. It is for each government to decide whether parliamentary approval or legislation is required before desire for, or concurrence in, ratification is intimated by that government.

The concluding sentence which I have just read is the important one for the House to consider in relation to the last part of the resolution before it. The Imperial conference resolution states it is for the government to decide whether parliamentary approval of legislation is to be required before a desire for or concurrence in ratification is intimated. In other words the Imperial conference, composed as it was of representatives of all parts of the empire, took the view that it was not only proper but right that each part of the empire should decide for itself with respect to the ratification of treaties whether or not it desired to have in the first instance the approval of parliament. The present government by this resolution is asking parliament to approve of a course of procedure which will involve with respect to treaties, involving military and economic sanctions, the approval of parliament before the government of the day agrees to any obligation implied in the treaty being undertaken in the name of the country.

There are one or two reasons which I might cite as to why it appears to be desirable at this time that this parliament should give its approval to the course of procedure set forth and which is being recommended. One is that at the proceedings of the forthcoming Imperial conference matters may come up with respect to existing agreements or treaties in which the representatives of the Dominion

of Canada will be asked to express their views, and may possibly be asked as to commitments which it may be thought desirable to have made in the name of the country. One case in point is that of the so-called Locarno agreement. The British government has intimated that it is intended that at the Imperial conference all phases of these agreements and their significance with respect to the empire as a whole and to the different parts of the empire shall be discussed. It is important therefore that this House of Commons should say now whether or not it desires that before any binding agreement is entered into on the part of Canada with respect to the Locarno pact, parliament shall be consulted and shall be given an opportunity of approving before action is taken by the government in this regard.

It is not my intention, Mr. Speaker, this afternoon to go into the question of the Locarno agreements at any length. I wish merely in connection with this particular resolution to draw the attention of the House to what these agrements are, and the present position of our country in relation thereto. We speak of the Locarno pact as though it was one agreement. As a matter of fact, I think there are nine distinct agreements which the countries represented at Locarno became parties to. The one which is of concern primarily to this Dominion is the treaty of mutual guarantee between Germany, Belgium, France, Great Britain and Italy, known as the Rhine security pact, an agreement which makes provision for a recognition of the existing frontiers between France and Germany on the one side, and between Belgium and Germany on the other, which frontiers are to be recognized in future by the parties who are signatories to the agreement, with the further undertaking that any difficulty arising in respect thereto shall be made the subject of arbitration in the first instance. Article 9, of the treaty of mutual guarantee contains the following clause:

> The present treaty shall impose no obligation upon any of the British dominions, or upon India, unless the government of such dominion, or of India, signifies its acceptance thereof.

In other words, at present Canada is not bound by any of the obligations set forth in the agreements which were negotiated at the time, and Canada does not become bound by these agreements, unless the government of this country signifies its desire to become a party thereto. Up to the present the government has seen no reason why it should at this time assume obligations which it is not obliged to assume under the Locarno pact, more particularly as the British government itself has expressed the desire that a final decision in this matter be not reached until after the whole question has been fully discussed at the Imperial conference. The British government has proceeded on the assumption that no obligation under article 9 of the treaty would in any event be undertaken by any dominion government, unless the whole position had been laid before its parliament and approval of parliament obtained. It has also been felt by the British government that before arriving at any final judgment the governments of the dominions would desire the fullest possible information as to the situation created by the treaty in relation to the whole field of foreign policy and defence. It has been suggested that there should be a general examination of the whole situation, and that such examination should be deferred until there has first been an opportunity of discussion between ministers of Great Britain and the representatives of the dominions and of India, such as would be afforded at the Imperial conference which has now been fixed for the month of October. So I repeat, Mr. Speaker, that up to the present time the government has not signified its acceptance of the Locarno agreement, and the government does not propose to reach a final decision in the matter until after the Imperial conference which will be held this fall. The point that I wish to bring out very clearly in this regard is that this government, if representing Canada at the Imperial conference, will take the position with respect to the Locarno agreement, regardless of what decision may be reached, that parliament will be asked to approve of the acceptance of the Locarno pact before the Dominion of Canada becomes a party thereto. That is the point that I want to make clear in connection with the present resolution, in so far as it has a bearing upon the Locarno pact.

Mr. McGIBBON: May I ask the Prime Minister a question?

Mr. MACKENZIE KING: Yes.

Mr. McGIBBON: Is it not a fact that practically all the obligations we might be subject to by the Locarno treaty were contracted by the Peace treaty of Versailles?

Mr. MACKENZIE KING: I do not wish to go into a discussion of the Locarno agreement at the present time. That is a big subject. The particular question my hon. friend has raised is one which no doubt will

come up at the Imperial conference, and I would like to be in a position, should it be my privilege to present to parliament matters connected with the Locarno agreement, to give all those phases careful study and investigation before pronouncing too definitely upon them. But what I wish to direct the attention of the House to at the moment is that clause 9 of the treaty of mutual guarantee as it stands at present reads:

> The present treaty shall impose no obligation upon any of the British dominions, or upon India, unless the government of such dominion, or of India, signifies its acceptance thereof.

Some critics who have examined the treaty have been inclined to be suspicious of the use of the word "government", rather than the use of the word "parliament", as it appeared in a previous treaty of guarantee relating more particularly to France, which was proposed a couple of years ago, but which did not become effective. In that treaty, a treaty of guarantee, to which the United States, France and Britain were named as parties, and which contained provision similar to the one now found in the Locarno treaty, it was stated that the treaty would impose no obligation upon the dominion unless the parliament of such dominion signified its acceptance thereof. The use of the word "government" in the present Locarno agreement would seem to suggest that in the minds of those who had to do with the drafting of the treaty there was a reason why the word "parliament" should be dropped and the word "government" substituted therefor. May I say that, after knowing, as I do from the correspondence, what was in the mind, of the British government, I have no hesitation in saying that the British government had no ulterior object in view, so far as the change of the word "parliament" to "government" was concerned. This clause, as hon. members will notice, speaks of India as well as the dominions. India has not a parliament in a position to express approval on matters of this kind, and I believe that was the consideration which governed in the use of the word "government" in this clause rather than the word "parliament." But what the British government itself has anticipated, what it expects at the present time, is that before Canada becomes a party to the Locarno agreement, this parliament will be asked to express its approval. It is not anticipated that the government regardless of parliament will be expected to give approval on the part of Canada. That, I think, is sufficient with respect to the Locarno agreement.

[Mr. Mackenzie King.]

Mr. WOODSWORTH: What additional information is it hoped to secure at the time of the Imperial conference bearing upon the Locarno treaty that will enable the government to decide any more fully than it now can with regard to the policy of Canada?

Mr. MACKENZIE KING: I really cannot tell what additional information there may be. I have already told my hon. friend our position up to the present moment, namely, that we are prepared and I am sure the House will be prepared to wait for any additional information which other members of the Imperial conference may wish to place at our disposal. I simply accept in good faith the expression of opinion of the British government that it is desirable an opportunity should be given to have all information before us before a decision is reached and I am prepared to act upon it.

Mr. WOODSWORTH: Am I not right that we shall be dealing with a definite treaty and certain documents and that Canada ought to have her own policy with regard to that treaty just as much now as at any later time?

Mr. MACKENZIE KING: I have already said that Canada has her policy. Canada knows her mind in this matter; but if a request comes from one part of the empire to another to defer a final word until there has been opportunity of conference, I for my part do not see why a request of that kind should not be met. It is altogether desirable that in these matters affecting the empire as a whole, the fullest opportunity for conference and discussion should be given. Certainly if Canada were asking another part of the empire to defer its final judgment on a matter which affected Canada, I would hope that other part would be willing to meet us in like spirit.

Mr. WOODSWORTH: Has such a request been passed on to the other dominions?

Mr. MACKENZIE KING: It has been passed on to all the dominions.

Mr. McGIBBON: The Prime Minister has said that the government has a definite policy on this matter. Will he be good enough to tell the House what it is?

Mr. MACKENZIE KING: My hon. friend could not have been listening. I did tell the House. I said that up to the present time the government had not seen any reason why it should assume obligations under this par-

ticular clause which leaves it optional for the dominions to say whether or not they will assume these obligations.

In conclusion I have just one other word to say bearing directly on this matter. Hon. members will have noticed that I have drawn a distinction between an obligation placed upon a government and an obligation placed upon parliament. In this instance I direct my present remarks more in the form of a question to the right hon. the leader of the opposition (Mr. Meighen) than of any observations with respect to certain declarations which he has made on the subject of Canada's participation in foreign wars which, of course, arises out of obligations assumed through agreements, treaties or conventions.

In a speech made at Hamilton in the fall of last year my right hon. friend is reported as making a very significant statement, I hope he will correct me if in any particular I fail to give the quotation aright. I am taking the following quotation from my right hon. friend's speech as it is found reported in the Mail and Empire of Toronto, of November 17, special to the Mail and Empire from the staff reporter at Hamilton under date of November 16. I will not attempt to read the whole of the speech, but I will deal with the point that is pertinent to my present remarks. My right hon. friend is reported as saying:

> If ever the time should come when the spectre of 1914 should again appear I believe it would be best not only that parliament should be called, but that the decision of the government which, of course, would have to be given promptly, should be submitted to the judgment of the people at a general election before troops should leave our shores. This would contribute to the unity of our country in the months to come and would enable us best to do our duty. It would not mean delay. Under the stress of war delay would be fatal. Let me make clear what I mean. The government would have to decide and decide quickly what was best in the interests of Canada. The government would have to act on its judgment, but before there was anything in the way of participation involving the despatch of troops the will of the people of Canada should first be obtained.

The question I wish to ask my right hon. friend is this—and I hope he will explain it when he gets up to speak—whether by that declaration he means that it shall rest solely with the government to make the decision whether or not Canada shall participate in wars or whether it shall be parliament which must approve before the further reference is made to the people as a whole in a general election.

3 p.m.

As I read my right hon. friend's remarks they are capable of two interpretations. One is that if Canada is asked to participate in a war parliament will be summoned, but there is no obligation to place before parliament for its approval the decision taken with respect to sending troops overseas. I think my right hon. friend's remarks may be read to mean that the government itself, irrespective of parliament, will have the determination of whether or not troops are to go overseas; what the government would do would be to call parliament together very quickly and as soon as parliament is called together there will be an appeal from parliament to the people in a general election after the government has reached a decision but before it has submitted its decision to parliament for approval.

Mr. MEIGHEN: I can answer that now. I never for a moment contemplated that the government would make the decision irrespective of parliament.

Mr. MACKENZIE KING: Does my right hon. friend say his policy is that parliament should in the first instance approve the decision of the government?

Mr. MEIGHEN: I have not said anything about the order. I simply say in answer to the direct question put to me: I never contemplated the government acting in the way of sending troops without the approval of parliament.

Mr. MACKENZIE KING: That does not answer my question. I think it is due to the House that my right hon. friend should make his position clear. Let us assume for a moment that the government has reached a decision to participate in a foreign war. Will he first obtain parliamentary approval of that decision before appealing to the people in a general election?

Mr. MEIGHEN: If the people have to be appealed to, it is perfectly worthless to appeal to parliament first. The people will decide and parliament, when elected, will approve.

Mr. MACKENZIE KING: Now we see exactly what my right hon. friend means. He does not mean to ask the approval of parliament, the representatives of the people, with respect to our participation in foreign wars.

Mr. MEIGHEN: Not at all.

Mr. MACKENZIE KING: I beg his pardon. His answer is not capable of any other interpretation. He will call parliament together but he will not say that he will submit to the approval of parliament the decision that the government has reached with respect to participation in foreign wars.

Mr. MEIGHEN: I did not say that at all.

Mr. MACKENZIE KING: I ask my right hon. friend again. Will he answer the specific question? I will put a concrete case to him. Under the Locarno agreement let us assume that the government has decided that troops are to be sent to France or Germany. Will my right hon. friend say that if he has decided that troops are to go, when he calls parliament together he will submit that question to parliament and abide by the decision of parliament before he makes his appeal to the electorate?

Mr. MEIGHEN: I have answered the question already, but my answer is only being misinterpreted and the Prime Minister had better finish his speech.

Mr. MACKENZIE KING: My right hon. friend has not answered the question.

Mr. MEIGHEN: Yes, I have.

Mr. MACKENZIE KING: Well, Mr. Speaker, I direct the attention of the House and the country to the tactics of my right hon. friend at the present moment. I will read the language again so that hon. members will see his position exactly. He said:

> Let me make clear what I mean. The government would have to decide, and decide quickly, what was best in the interests of Canada. The government would have to act on its judgment—

Not parliament, but the government—my right hon. friend and his executive—would have to act on their judgment.

> —but before there was anything in the way of participation involving the despatch of troops the will of the people of Canada should first be obtained.

In other words, my right hon. friend is declaring in this speech that should there be war in any part of the world, he will take good care to see that this parliament the representatives of the people assembled in parliament, do not have to approve the action of the government before it makes an appeal to the electorate, but he will precipitate a khaki election after the government has reached its decision, and allow a condition of affairs to arise at a time of war abroad which might be equivalent to civil war itself in parts of the Dominion at a moment when the nation should be united and view the matter with the greatest care and the greatest caution. I say, Mr. Speaker, that my right hon. friend owes it to this House to make the position of the great party which he leads a little plainer to the people of Canada than he has made it this afternoon. The resolution which the House is being asked to pass will make it clear, no matter what may be in the mind of my right hon. friend, that before this country participates in a foreign war parliament must be assembled and its approval obtained to the sending abroad of troops to take part in the war.



Now, Mr. Speaker, I submit that in this policy we are asserting the supremacy of parliament. Two or three years ago my right hon. friend took the position that we should not even wait for parliament if a call came to us to participate in a war overseas, but that we should say, "Ready, aye, ready"—get right into the fight.

Mr. MEIGHEN: Mr. Speaker the Prime Minister is not only misrepresenting me, but he is doing so intentionally.

Mr. MACKENZIE KING: I am not doing anything of the kind.

Mr. MEIGHEN: Yes.

Mr. MACKENZIE KING: Then I will leave it to my right hon. friend to tell us whether when he said, "Ready, aye ready" he meant we should be "Ready, aye, ready." I am quite prepared that in that extreme as in the other his position shall remain in the doubtful category in which he has placed it himself.

Mr. MEIGHEN: We are not children.

Mr. MACKENZIE KING: I have no desire to get into a controversy in this matter. As I said at the beginning, I only wish to state the position in the clearest, possible way. I asked my right hon. friend for an explanation of the words which he used, but I have not yet been able to get from him an explanation which the country will regard as satisfactory. Let me say, Mr. Speaker, with regard to the position of the present administration and of the Liberal party, that whatever may be the position of my right hon. friend and of those who surround him, on this grave question of the obligation of the country to participate in foreign wars, we declare that in regard to the ratification of treaties, conventions or agreements involving military or economic sanctions we stand first, last and always for approval in the first instance by the parliament of Canada. We do not take the extreme of ignoring parliament in one way or the other. We believe that parliament stands as the one body representative of the nation as a whole, and we believe that by having it understood in advance that on all these great questions parliament will be consulted and its approval obtained, we will be helping to maintain without possibility of division or difference

the relations between the different parts of this great empire, and that in the most effective way we will be able to further unity within our own country and unity within the British Empire as well.

Mr. C. H. CAHAN: (St. Lawrence-St. George): Mr. Speaker, the resolution which the Prime Minister has placed before the House embodies, as I understand it, the existing practice with regard to the ratification of treaties in so far as they are ratified, or in so far as signification is given of their ratification, on behalf of the Canadian dominion. The resolution in itself consists of two parts. First, it approves of certain procedure proposed for the negotiation, signature and ratification of treaties and conventions affecting Canada. I do not understand that there is anything new in this procedure. Secondly, it affirms as a rule of public policy that before the government of Canada shall advise ratification of a treaty or convention affecting Canada, or signify acceptance of any treaty, convention or agreement, involving military or economic sanctions, the approval of the parliament of Canada should first be obtained.

Now, dealing with the first part of this resolution, I understand that the duly authorized representatives of the Canadian government may, in accordance with its terms, properly sign treaties or conventions on behalf of Canada without having received the prior authority of the parliament of Canada to do so, but that no such treaty or convention or agreement so signed shall be binding upon Canada until it has been formally approved by the parliament of Canada. The preamble to the resolution also affirms that no treaty shall be signed on behalf of one part of the empire which shall affect any other part, without affording to any and every other part, which is likely to be interested, full opportunity to be heard, and when the interests of that other part are intimately involved, opportunity to participate in the negotiations. Such provisions are reasonable and I think undoubtedly in accordance with the existing practice. As to the ratification of such treaties or conventions, the preamble to the resolution affirms that the said practice or procedure should be maintained, and the existing procedure is declared to be as follows:

(a) the ratification of treaties imposing obligations on one part of the empire is effected at the instance of the government of that part.

(b) the ratification of treaties imposing obligations on more than one part of the empire is effected after consultation between the governments of those parts of the empire concerned.

But I call the attention of the Prime Minister particularly to this fact, that neither the preamble to the resolution nor the resolution itself declares that no such treaty or convention shall be binding on a self-governing dominion of the empire except it be accepted by the government of that dominion. In other words, in the treaty of Locarno, as the Prime Minister stated, under article 9 it is provided that the present treaty shall impose no obligation upon any of the British dominions or upon India unless the government of such dominion or of India shall signify its acceptance thereof. First, I would ask the Prime Minister was it the clear understanding at the Imperial conference of 1923 that hereafter no treaty or convention negotiated by the crown should be binding upon the Dominion of Canada or the other dominions unless its ratification were assented to or signified by the government, subject of course in the case of Canada to the approval of the Canadian parliament? Are we not to understand that up to this date there have been many treaties entered into by the crown which undoubtedly bind Canada, even although the Canadian government has not intimated its assent or acceptance and even although the Canadian parliament has not been called upon to approve the same? Is this a new departure? Is it clearly understood that hereafter the crown,—because it is the crown alone that can negotiate treaties—shall not negotiate any treaty or convention which shall apply to or bind Canada or which, in the words of the resolution, shall affect Canada without such treaty being assented to by the government based in the case of Canada, if this resolution is in force and the prior practice prevails, upon the authority of this parliament? Would the hon. gentleman answer now, or shall I wait until later?

Mr. MACKENZIE KING: I cannot see that there is any occasion for the resolution at all unless the language means that where one part of the empire is affected, that part in order to be bound must be kept advised of the negotiations, and must be a signatory and agree to ratification of the treaty in question.

Mr. CAHAN: Then I understand that this is a new departure.

Mr. MACKENZIE KING: I would not say that; I am rather inclined to believe that what has been set out in the resolution is what has been assumed in the past despite such different views as others may have held. Sir John A. Macdonald, Sir Wilfrid Laurier and all the Prime Ministers of this country have I believe taken the view that Canada is not necessarily bound by treaties signed without her knowledge and without her consent.

Mr. CAHAN: Then I understand that the resolution makes it clear that the understanding approved by the representatives at the Imperial conference is, then, that hereafter the crown will refrain from making any treaty applicable to and binding on any one of the dominions unless with the assent of the government of that dominion, leaving it to that government and its parliament to decide as to whether prior to the consent of the government being given, there shall be express approval by the parliament of that dominion.

There is another point as to the ratification of any treaty or convention by the government of Canada. The resolution provides generally that the approval of the Canadian parliament must first be obtained, but the terms of the resolution seem to me to discriminate between a treaty or convention affecting Canada which may be ratified on notification by the Canadian government, and a treaty, convention or agreement involving military or economic sanctions to which the government of Canada may signify its acceptance. I would like to ask the Prime Minister if this is a mere matter of a little irregular drafting, or whether by the use of the different words, a treaty or convention affecting Canada in the one place, and, in the other, a treaty, convention or agreement involving military or economic sanction, the one term is intended to be exclusive of the other.

Mr. MACKENZIE KING: I am very glad my hon. friend has asked that question. As the resolution was originally drafted and placed on the order paper it read, I think, "Any treaty or convention affecting Canada." As I studied that language it appeared to me to be broad enough to include treaties of a purely technical and administrative character. I did not wish the resolution to go that far; I did not wish to ask that all treaties of a purely technical or administrative character should necessarily come before parliament for approval. What I wished to make clear however, was that all treaties or conventions involving military or economic sanctions must come before parliament, and where military or economic sanctions were involved I wished to make the terms broad enough to include agreements, so that in referring to treaties or agreements of any kind we would not have a difference over the mere use of words.

Mr. CAHAN: I would suggest that the resolution might be made clearer if it stated, "any treaty affecting Canada and particularly any treaty involving military or economic sanctions." It also strikes me that there is some discrepancy in the last few words of the resolution:

—or signify acceptance of any treaty, convention or agreement involving military or economic sanctions, the approval of the parliament of Canada should be secured.

I can well understand that the approval of parliament might be "secured" by a majority of the members sitting behind the Prime Minister agreeing in terms to support a particular treaty upon the calling of parliament. In that way it would be secured within the meaning of that word, but I would suggest that a better word would be "obtained". That is a far better word, but I do not wish to be technical.

Although this resolution may and probably does, as the Prime Minister says, embody only the existing procedure, as far back as I can remember, over thirty or forty years, no treaty has been negotiated by or on behalf of Canada which has not been subject to the approval of parliament before it became effective. In that respect I am entirely at one with the Prime Minister in upholding the supremacy of the Canadian parliament in dealing with matters directly affecting Canada and the Canadian people. In reading again Lord Durham's report of 1839, I chanced to come upon the vivid and inspiring message which he sent to the British colonies of North America:

If in the hidden decrees of that wisdom by which this world is ruled, it is written that these countries are not forever to remain portions of the empire, we owe it to our honour to take good care that, when they separate from us, they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern itself.

I think in dealing with all these matters of inter-imperial and external affairs the sooner is is clearly recognized, not only by the people but by members of this parliament as well, that the future destiny of this country rests in the hands of the men who sit in parliament representing the people, the sooner will we have a clear consciousness of the grave responsibilities which rest upon parliament in dealing with all matters of this character. I remember well in my native province of Nova Scotia when every boy of my age was taught to read at college the discussions from 1839 to 1846 in our own provincial parliament, during that memorable contest for responsible self-government in Nova Scotia in which the late Hon. Joseph Howe took such an important lead. I remember hearing him speak once myself, though but a lad, on these matters, and in the whole eastern part of Canada there was left an indelible impression upon the minds of the electorate, which exists even to this day, that in all matters of domestic and internal policy

the parliament of Canada must be supreme. Since that time there has grown up a strong, a seriously strong, impression that in all matters of external or inter-imperial policy affecting Canada, the parliament of Canada must have the decisive word, and therefore it is that I regard this expression of the procedure that has gradually developed during the last thirty or forty years, embodied in a resolution of this kind, as being somewhat impressive, although it does not incorporate any new principle of public policy.

But I suggest that so long ago as the discussion of the confederation resolutions, Sir John A. Macdonald anticipated some such possibility as this. I notice that in his oration upon the Quebec resolutions in 1865, he declared at great length that with respect to the future destiny of Canada, its political destiny, even if it be independence of the British Empire, the people and parliament of Canada must have the supreme and final decision, even in regard to independence, because I wish to impress the view that, if this country desires independence of the British Empire, parliament at the present time is perfectly free to declare what our political future shall be, and that decision will be supreme and binding and final so far as the British government is concerned. I have at my hand a dozen or more statements of that view from the most responsible statesmen of the British Empire, down through all the years from 1839 to the present. But the very fact that we have this power, the very fact that we have this authority, the very fact that the supreme decision rests with us as the representatives of the people in the House of Commons, places upon the government and places upon parliament a grave responsibility with regard to the exercise of these powers, even indirectly, and with regard sometimes to very trivial affairs. Sir John A. Macdonald said:

> One argument, but not a strong one, has been urged against this confederation, that it is an advance towards independence. Some are apprehensive that the very fact of our forming this union will hasten the time when we shall be severed from the Mother Country. I have no apprehension of that kind. I believe it will have the contrary effect. I believe that as we grow stronger, that as it is felt in England we have become a people, able from our union, our strength, our population, and the development of our resources, to take our position among the nations, she will be less willing to part with us than she would be now, when we are broken up into a number of insignificant colonies, subject to attack piece-meal without any concerted action or common organization of defence.
>
> I am strongly of opinion that year by year, as we grow in population and strength, England will more and more see the advantages of maintaining the alliance between British North America and herself. Does any one imagine that, when our population, instead of three and a half, will be seven millions, as it will be ere many years pass, we will be one whit more willing than now to sever the connection with England? Would not these seven millions be just as anxious to maintain their allegiance to the queen and their connection with the Mother Country, as we are now? . . . .
>
> And when by means of this rapid increase we become a nation of eight or nine millions of inhabitants, our alliance will be worthy of being sought by the great nations of the earth. I am proud to believe that our desire for a permanent alliance will be reciprocated in England. . . . .
>
> The colonies are now in a transition state. Gradually a different colonial system is being developed—and it will become, year by year, less a case of dependence on our part, and of over-ruling protection on the part of the Mother Country, and more a case of healthy and cordial alliance.

For myself, although I pray God may forbid that in this generation or in succeeding generations we shall be separated from the British crown or sever our allegiance to the British crown as it at present exists, I believe that it is absolutely necessary that the people of this country should thoroughly appreciate and understand that the political future of Canada that the destiny of this country is in their hands, and that we may have whatever future political career the great body of the people of Canada, as represented in this House of Commons, may decide to have for Canada. I believe in the necessity of maintaining the supremacy of the Canadian parliament in respect of all matters affecting the peace, progress and prosperity of Canada, but I believe also in the supreme necessity of creating in all sections of the Canadian people complete confidence in the efficiency and in the efficacy of our parliamentary institutions. If we fail in this Dominion of Canada to create and maintain such a confidence, all our institutions, which we have developed year after year and year after year during the last century, will fall to pieces of their own weight. It is only by maintaining the confidence of the people of Canada in the good faith, in the efficiency, and in the efficacy of parliament, that we can maintain parliamentary institutions in this country. For parliamentary institutions, it seems to me there are only two alternatives—either communistic or autocratic despotism. There remain to-day in the whole wide world exercising the rights, the duties, and the responsibilities of democratic government those countries alone which have adopted and maintain English parliamentary institutions.

With regard to the matter to which the Prime Minister has alluded, I wish to say that it seems to me that when grave international crises arise, if they do arise, in the future history of this country, in which the political

security of the country is menaced, the parliament of Canada must take full responsibility for such immediate action as may be necessary to safeguard the public interest. I do not remember that in this country the principle of parliamentary responsibility in this respect has ever been directly questioned, and may we not, Mr. Speaker, have implicit confidence that in the future, as in the past, the representatives of the people sitting in this House of Commons will have sufficient courage and sufficient confidence to act up to the full measure of their responsibilities?

In case of such a crisis arising under exceptional circumstances when the House of Commons is more or less equally divided and when public opinion is doubtful, in order that the action or decision of parliament might not be rendered nugatory and ineffective a dissolution of parliament might be necessary, even for instance in such a great international crisis as that with which we were confronted in 1914. That may be possible, but as we know there is a discretion as to the dissolution of parliament vested in His Excellency the Governor General, and we have never yet had occasion to complain very much of the exercise of that discretion by the representatives of the crown who have held that high office in this country. But in the exercise of that discretion I personally hope that at no time will any representative of the crown precipitate an election when there are grave differences of opinion in this country, an election which would engender social disunion and civil strife, and possibly rioting and bloodshed in our midst, over a question of external or inter-imperial policy. The great safety of the empire lies in the fact that the crown, as represented by the British government, has left in the control and disposition of the governments and parliaments of each dominion the power to decide in all these matters of inter-imperial and external policy; and I think that we of this older generation, who have lived through times of crises and have lived nearer to the events of the period from 1835 to 1846, must have full confidence that the younger members in this House, who will be here long after we are gone, and others who are their successors, will be so imbued with a deep sense of the responsibility of the high offices they hold and of the grave trust which is confided to them as members of this House that in deciding upon these matters of inter-imperial or international importance they will so exercise their discretion and so render their decision as to compel the almost unanimous approval and support of every section of this vast and important Dominion.



It seems to me that the great danger at the present time in connection with our domestic affairs is the tendency in this country—I do not wish to be more specific—to separate in respect of inter-imperial and international affairs, and to create divisions of opinion with respect to those matters of external policy, which also serve to create dissensions in respect to the domestic policies of this country and prevent that unanimity and solidarity of opinion being realized in Canada which is absolutely necessary for the efficient and efficacious solution of the grave domestic problems with which we are now face to face. And therefore in regard to the Locarno treaty, or in regard to other treaties or conventions which may be submitted to this parliament, I hope that we may reasonably anticipate that this House of Commons, laying aside all merely party prejudices, all merely personal ambitions, may act in a spirit of unity and with the supreme desire to maintain a solidarity of public opinion in Canada with respect to inter-imperial and international matters. In the exercise of that discretion may we not reasonably hope that those who succeed us in filling the highest offices in the gifts of the people of Canada shall only undertake such inter-imperial and international responsibilities as may be undertaken with the general approval of all sections of the country, and so insure that the action of parliament, and of the government which this parliament maintains and sustains, shall have the approval not only of a majority of the electoral constituencies throughout Canada, but also have the substantial support and co-operation of the constituencies in every important section, district or province of the Dominion? I am confident, Mr. Speaker—and my sole excuse for speaking is that I feel so strongly about this matter—that it is only by restricting all our external commitments and obligations within such limits as to merit and obtain the general approval, as I said, of each and every section of Canada, that we can ever hope to have such cordial co-operation between the peoples who compose the Canadian electorate as will enable us to solve our domestic problems in such a manner and so successfully as to maintain the continued solidarity and unity of the great Canadian nation, and thereby promote for all time the peace, progress and prosperity of this country, in which we were born, in which we will die and which will be the home of our children and our children's children for all future time.

Mr. HENRI BOURASSA (Labelle): It is much to be deplored that a subject of this magnitude should be brought before parliament in the dying hours of the session. For many years, due I suppose to a desire to take a rest from the exciting conditions of the war, there seems to have been a disposition to avoid full and ample discussion of our outside affairs, whether they relate to inter-imperial relations or to external affairs generally. Perhaps that is due also to the fact that the people of Canada, their parliament and their government, have practically never exercised their full responsibility as a free nation in these matters, and have inherited from generation to generation the old colonial and childish attitude of relying upon somebody else to shape their foreign policy.

As regards this resolution, worded as it is, there ought to be no exception taken. It is, first, a ratification of the decisions taken unanimously by the last Imperial conference, as the proper policy and the proper procedure to be followed in order to establish inter-imperial relations upon a certain logical basis, —inasmuch as logic can apply to the extraordinary system of government under which we live.

But the latter part of the resolution is much more important. The hon. member for St. Lawrence-St. George (Mr. Cahan), in that magnificent oration to which I am sorry so few members listened, has suggested to the government that there is a discrepancy between the former part, dealing with the ratification of treaties and conventions affecting Canada, and the acceptance of any treaty, convention, or agreement involving military or economic sanctions, without reference to Canada. I do not know what was in the minds of the framers of this resolution; but, I take it to be this. The former part of this paragraph applies to treaties and conventions in which Canadian interests are specifically dealt with; and therefore such treaties and conventions ought to be governed by the procedure which we are called upon to ratify to-day. But, in addition, the government invites the co-operation of parliament and a declaration by parliament that no treaty, convention or agreement, whether Canada is mentioned or not, but involving military or economic sanctions, shall be accepted by the government of Canada without the approval of parliament. This is indeed much broader, and much more to the point. It means that the British government, answerable as it is to only one parliament in the empire, will be now warned in advance that it cannot count upon the support of Canada, in any matter of external policy, unless the parliament of Canada has signified its acceptance and approval of such policy.

The first concrete application of this principle will undoubtedly be to the Locarno treaty. Unfortunately, Sir, we find ourselves in the strange position that we have not at hand the correspondence exchanged between the British government and the various dominion governments. The very spirit of this resolution has been violated in advance by withholding from the parliament of Canada and the other dominion parliaments all those exchanges of views which have passed between the British government and the various dominion governments with regard to the Locarno treaty. The Prime Minister has invited the attention of the House to and its approval of this resolution for two reasons. One object is that he, or any representative of Canada at the next Imperial conference, may be enabled to say that the parliament of Canada has approved what was done at the last conference, and the other to direct future policy. But, as regards the future, the government has no opinion to express. Are the representatives of Canada to go to London without any expression of opinion on the part of this parliament, on Locarno, for example? We are told that the situation here is the same as it is elsewhere. No, Sir, Locarno has been discussed in almost every dominion parliament. In India, a resolution has been introduced, though disallowed by the government, to disapprove of Locarno. In Australia, the leader of the opposition, Mr. Charlton, has attacked Locarno and the Prime Minister, Mr. Bruce, has not defended it. In Ireland, the Minister of Foreign Affairs, Mr. Fitzgerald, and the leader of the opposition, Mr. Johnson, have made it quite clear that the Free State will not be bound by the treaty of Locarno and will not endorse it. In South Africa, Mr. Hertzog made it equally clear that he did not favour it, and when he challenged his opponent, General Smuts, to contradict him, Mr. Smuts stood up and practically endorsed the attitude of Mr. Hertzog. It is not going too far to say that the consensus of opinion, in all the parliaments of the empire, except the British parliament, has been against Locarno: not against what has been called the "spirit of Locarno," inasmuch as it means a move for peace, but as against the terms under which the "spirit" has expressed itself in those various agreements, and more specifically against the undertaking by any of the free dominions of the empire to endorse the treaty and to assume its obligations. Now let us see what we have on hand.

It has been stated—the hon. member for Muskoka (Mr. McGibbon) had it on his mind when he questioned the Prime Minister this afternoon—that the Locarno pact imposed no obligation, or would impose no obligation on the dominions, beyond what we have already assumed under the treaty of Versailles. Let us examine the documents as they stand. Take, first, the preamble of the main treaty, passing over the recitation of the powers of the plenipotentiaries. Germany, Belgium and France on the one hand, and Great Britain and Italy on the other hand agree to make a treaty. For what purpose? Let the treaty speak:

> Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914-18;
>
> Taking note of the abrogation of the treaties for the neutralization of Belgium, and conscious of the necessity of ensuring peace in the area which has so frequently been the scene of European conflicts;
>
> Animated also with the sincere desire of giving to all the signatory Powers concerned supplementary guarantees within the framework of the Covenant of the League of Nations and the treaties in force between them;—
>
> Have determined to conclude a treaty, etc.

Therefore, the very object of the treaty is to give "supplementary" guarantees. In the correspondence exchanged between the French and the English governments upon the proposal drafted by the Germans, Mr. Briand made this quite clear. Here is what he wrote to Mr. Chamberlain, through the French ambassador in London, on May 22, 1925:

> By the words "within the framework of the Treaty of Versailles," the French government meant to specify that the pact proposed by Germany cannot in any way contradict, infringe or weaken the Treaty of Versailles, and represents an offer of complementary guarantees—

In other words, the treaty of Locarno means that over and above the "guarantees" given under the treaty of Versailles, the signatories to this new treaty are called upon to offer supplementary or complementary guarantees to Belgium and France—and to Germany, under certain conditions. With regard to Belgium, this is meant to replace the neutrality guaranteed to her by the treaties of 1831 and 1839, broken by the invasion of Germany in 1914, and abrogated since by the common consent of all parties to these treaties. With regard to France, those supplementary or complementary guarantees are to take the place of the treaties signed at Versailles, June 28, 1919, by the British and the American governments. Those two treaties have been thrown overboard, first, by the refusal of the American Senate to ratify the engagements taken by President Wilson; second, by the condition expressly stipulated by England, that her engagements were subordinated to the ratification of the American treaty of guarantee.



As far as we are concerned was the idea ever entertained that we were a party to the treaty guaranteeing the neutrality of Belgium? Has it ever been contemplated that we should be a party to the treaty of 1919 regarding France? As regards the treaty guaranteeing the neutrality of Belgium nobody would entertain that idea. As regards the treaty with France, Sir Robert Borden exacted and obtained a specific article which made the Dominions absolutely immune in that respect. Therefore if the Canadian government undertook at the next Imperial conference to recommend to this parliament adherence to the treaty of Locarno, that would mean that we would be assuming engagements, subject of course to ratification by the Canadian parliament, over and beyond what was contemplated by any preceding governhent; and very material additional obligations would be assumed by Canada as well as by any other dominion that would adhere to that treaty.

But it may be said, it has been said: Are we not already tied up by Article 10 of the Versailles treaty? We hear frequently of article 10, but I do not think many people have pondered over its terms. Let us read it now:

> The members of the league undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

Later on, it is provided that such decision of the council must be unanimous. Moreover this very broad and vague obligation was discarded in practice, on the part of the dominions, first by the protest made by Sir Robert Borden immediately after he signed it, second by the protest made before the assembly of the League of Nations, by Mr. Doherty, representative of the late Conservative government, then by Sir Lomer Gouin, then by the present Minister of Justice (Mr. Lapointe); and finally in Geneva a vote was passed upon and carried unanimously, but for the one opposing vote of Persia, which practically frees us from all responsibilities arising from article 10. How can it be said now that the application of article 10 of the treaty of Versailles entails any such obligation as can be compared with the very concrete obligation we would undertake if we adhered to the Locarno treaty?

But it is said further: "After all, this is a move for peace; should we not help morally and politically the British government in any move that they may make for peace?" Is it a move for peace? Has it been received by the thoughful opinion of Europe and America as an instrument of peace? Let us look into the matter for a moment. Supposing it does advance the cause of peace as between Germany on the one hand and France and Belgium on the other, this is a very small and limited spot on the continent of Europe and the one where there is the least danger of a new war arising. It still leaves open the whole of the Balkan problem, the relations between Poland and Russia, the relations betwen the various European nations interested in the spoils of the old Turkish empire. The whole of the Near East question is left open. Therefore it cannot be defined as a move for the establishment of peace in Europe. But as far as is goes, does it make for peace between France and Germany? Let us look for a moment in the treaty itself. Article 1 reads:

4 p.m.

The high contracting parties collectively and severally guarantee, in the manner provided in the following articles, the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on the 28th June, 1919—

Nothing bad in that. But it goes on:—

—and also the observance of the stipulations of articles 42 and 43 of the said treaty concerning the demilitarized zone.

In other words one of the basic conditions of the treaty is that Germany will remain disarmed on the right bank of the Rhine, but that France will remain free to arm herself to the teeth up to the limit of her frontiers on the left bank of the Rhine. As long as those clauses exist in the treaty of Versailles there is no certainty of peace as between France and Germany, because it is essentially an unjust disposition which was adopted in the turmoil of passions still boiling after the war, but which every thoughtful person realizes is a false basis of peace. Article 2 specifically provides:

Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

So far, so good; but immediately the article goes on to say that this stipulation, or in other words this mutual engagement not to resort to war or to attack or to invade each other, shall not apply in the following cases:

1. The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph, or to a flagrant breach of articles 42 or 43 of the said treaty of Versailles, if such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarized zone immediate action is necessary.

We shall see in a moment how this is to be interpreted in the light of the other conventions signed on the same date. Again the undertaking not to make war against each other does not apply in the case of:

2. Action in pursuance of article 16 of the covenant of the League of Nations.

In other words, if France passes over the territory of Germany to enforce a decision of the council of the League of Nations, this is not an act of aggression on her part. But if Germany undertakes to protect her territory against that invasion by a French army going for example to the rescue of Poland, this is an act of aggression under the terms of article 16 of the treaty of Versailles Under that treaty, to invade your neighbour's territory under certain circumstances constitutes no aggression, but to defend your country against invasion constitutes aggression. That is the Versailles spirit. But the worst is contained in paragraph 3. Again the stipulation not to resort to war shall not apply in the case of:

3. Action as the result of a decision taken by the assembly or by the council of the League of Nations or in pursuance of article 15, paragraph 7, of the covenant of the League of Nations, provided that in the last event the action is directed against a State which was the first to attack.

What is this? Paragraph 7 of article 15 is precisely that disposition of the treaty of Versailles under which Mr. Poincaré, against the advice of the council of the League of Nations, against the advice of his allies, the British and the Italians, invaded the Ruhr in conjunction with the Belgian army and maintained occupation there with a negro army, for nearly a year—increasing by an immense amount the debt of Germany, without reducing by one iota the claims of France as against Germany, and bringing the whole of Europe again to the brink of war. Well, under this treaty, both France and Germany reserve to themselves the right to act exactly as Mr. Poincaré did in the invasion of the Ruhr. Will anybody tell us that this is a sure guarantee for peace, and that if we adhere to it we are enabling the British government to establish peace between France and Germany?

Article 3 stipulates that:

In view of the undertakings entered into in article 2 of the present treaty, Germany and Belgium and Germany and France undertake to settle by peaceful means and in the manner laid down herein all questions of every kind—

—and so forth. This is the engagement to resort to arbitration, but always reserving to themselves the right to attack without resorting to arbitration in the cases that I have just mentioned.

But there is worse than that. If you go through those four arbitration treaties which follow—one between Germany and France, one between Germany and Belgium; one between Germany and Poland, and one between Germany and Czecho-Slovakia —you will find that in the very first article it is said most positively that:

This provision—

—the undertaking to resort to arbitration,—

—does not apply to disputes arising out of events prior to the present convention and belonging to the past.

Now I ask, viewing the surface of things as they have been and as they are still in Europe, what possible cause of conflict, what possible cause of bickering, can be imagined for the next twenty-five years to come between any of those nations, which a government desirous of making war could not tie up with some cause anterior to the signature of the treaty, whether it relates to frontiers, to economic sanctions, to rights of way—to any of those multitudinous questions which have been dealt with or mentioned in the treaty of Versailles? Those are precisely the causes that will keep Europe in a turmoil and in a state of unrest so long as the diplomats and the governments of Europe have not made up their minds to tear down that monument of folly and iniquity, the treaty of Versailles, and rebuild a real treaty of peace in Europe.

Now, under article 6 of the treaty of Locarno, it is stipulated that the whole of the Versailles treaty remains untouched. This in itself is an untruth. The treaty of Locarno is an amendment of the treaty of Versailles. Besides, anybody who has followed the trend of events for the last seven years, knows that in fact at least, if not in law, the treaty of Versailles has been amended or disregarded in many respects by every country in Europe. Therefore to profess that the object of the treaty of Locarno is to maintain the treaty of Versailles is at the outset to nullify the moral effect of the spirit of Locarno, and. secondly, to establish this so-called movement for peace on a basis of deceit—deceit against public opinion the world over, but especially against those unfortunate peoples in Europe who are in such sore need of real political direction towards peace. Need I say that this declaration would mean, if we adhere to it, that we approve of all the dispositions of Versailles? That after seven years of experience, notwithstanding the happy moves made by Sir Robert Borden, by Sir Lomer Gouin, by Mr. Doherty and by the present Minister of Justice (Mr. Lapointe) to disengage us from that clap-trap, we would again undertake, by the simple acceptance of this one short section of the treaty of Locarno. to revive the corpse of Versailles? It would mean that we approve of the regime of the French in the Saar, that we approve of the disposition relating to the future of Austria, of article 80 under which—violating the basic principles upon which the United States entered the war, violating the professions of faith uttered by Mr. Asquith and other British statesmen—we have forbidden a crushed nation, deprived of nine-tenths of its possessions, ever to decide its future according to its needs. It would mean we make ourselves the guarantors of the system established in Upper Silesia against all the principles of public policy, against the most solemn promises of good faith that were given by the council of the League of Nations, that the status of those populations would be decided under the principle of self-determination. It would mean that we still maintain those provisions by which the German nation has been deprived of all her colonies, thereby making us a party to this absurd policy of saying: That whilst we, British, occupy one-fourth of the surface of the earth, that whilst France is in possession of one-half of the continent of Africa—France a nation with no surplus population—we keep as a basis of policy the inhibition to a great nation of eighty million people to find expansion for her population and for her merchandise. And you think peace can be established upon that basis? It would mean the maintenance of these absurd articles declaring that Germany is the sole responsible party for the war, that the former rulers of the German empire are culprits before public opinion and should be brought before the tribunals, not of disinterested nations, but before tribunals instituted by their victors. Now, Sir, it may be that in colonial and savage countries where what is now known about the war has not penetrated, this notion is still sincerely entertained; but there is not one right-thinking man in Europe today, whether he be French, English, German, Dutch or Italian, who still believes that. I have in my hand protests that are being signed by hundreds of the best-thinking men and women in England and France against those ridiculous articles; not through any

high sense of generosity, but because they realize, being on the spot, knowing the condition of affairs, that so long as such nonsense remain in a public document supposed to contain the wisdom of the diplomacy of the world, there can be no moral peace in Europe; and as long as there is no moral peace there will always be danger to material peace.

Fortunately, the British government realized that they should not commit the governments of the dominions, either directly or indirectly, to such a piece of doubtful policy, and they made the reservation which the Prime Minister read this afternoon. To show how little these matters are followed in this country, when the text of the Locarno treaty appeared, one of the best-informed newspapers of Canada usually, the Montreal Gazette, expressed great surprise at this "new departure", forgetting that the same principle had been laid down, in almost the same words, in the treaty of guarantee signed on June 28, 1919; that a few years later, when Mr. Lloyd George was endeavouring with Mr. Briand to reach some terms of agreement as between England and France and to substitute something else for the discarded treaty of guarantee, the same reservations were introduced into the draft treaty of Cannes of 1922. So in England, much more than in Canada, do they realize that it is not only proper, but that it has become a fixed principle of imperial policy, that the British government has not the right to commit the action of any of the free dominions associated with England without the full consent of the responsible governments and parliaments of those dominions. The only difference is that in the first instance, at the particular request of Sir Robert Borden, the action of parliament was reserved. I have not the text here, but it can easily be found. In article 5 of the treaty of guarantee, it is stated in exactly the same terms as in the treaty of Locarno that the present treaty shall impose no obligation upon any of the British dominions unless the "parliament" of such dominion signify its acceptance thereof. That is so under the treaty of 1919. Under the terms proposed by Mr. Lloyd George to Mr. Briand, there was a slight modification. I quote from memory, but I feel sure it is correct:

> The present treaty shall impose no obligation upon any of the dominions unless and until it is approved by the dominion concerned.

There was no mention of either parliament or government; but it was the same disposition, the same principle. In this later treaty, reference is made to "governments", no doubt, as the Prime Minister stated this afternoon, because India was then added to the dominions, marking a new step in the emancipation of the various portions of the British Empire. But so far as Canada is concerned, and so far as all self-governing dominions are concerned, is it not quite proper and according to the spirit of our constitution and of the principles of British government, that this parliament should assert that it is supreme in such matters and that no government, whatever its majority or whatever the principles of its individual members, will have the right to commit Canada, not only by adhering to a written treaty, but by giving its moral adherence to an unwritten agreement which may carry military or economic sanctions?

Anyone familiar with the trend of diplomacy knows that the great art of diplomats, and not only the last but the most frequent resort of governments, is the undertaking of unwritten engagements. Public opinion is then prepared to accept them and finally, when everything is practically agreed upon, parliament is asked to ratify them. Therefore I think it was proper for the government to enlarge the scope of this motion and to invite an expression of opinion by parliament, not only upon Locarno, not only upon the ratification by parliament of any written agreement of which everyone knows, but also to declare that no government has the right to commit the action of the country, either economic or military, without previous approval by parliament.

It may be said that the days when the British government would think of including the dominions in the purview of its diplomatic action or political undertakings is long past. It is not so long past. In the correspondence exchanged between the British and Canadian governments, previous to the ratification of the Versailles treaty, I find over the signature of Lord Milner, then Secretary of State for the Colonies, the following words:

> The king, by a single act, would bind the whole empire, as it is right that he should so [do], but that act would represent the considered judgment of his constitutional advisers in all self-governing states of the empire, because it would be merely giving effect to an international pact which they had all agreed to.

In other words, Lord Milner held that because we had been represented at Versailles —in what manner everyone knows or should know,—the simple fact that the treaty was ratified by the king, or by the English representatives of the king, should bind all the dominions. Fortunately, the Prime Minister

of Canada, Sir Robert Borden, protested most clearly against this, and replied to Lord Milner as follows:

> Your secret telegram of July 23 has been carefully considered by cabinet, and it seems to us that there is considerable doubt whether under modern constitutional practice the king should ratify without first obtaining the approval of parliament. We think that in accordance with recent practice and authority such approval should be obtained in the case of treaties imposing any burden on the people, or involving any change in the law of the land, or requiring legislative action to make them effective or affecting the free exercise of the legislative power, or affecting territorial rights.

I fail to find any reply by Lord Milner, but nevertheless it shows that it was quite proper in those days—even since the last war; even after the great sacrifices made by the British dominions to carry on a war in which they had no direct interest and which they carried on simply because of secret and unwritten engagements entered into by five ministers of the British government, which resulted, so far as Canada was concerned, in the loss of hundreds of thousands of lives and the expenditure of billions of dollars,—and I think it is now the proper time, with the good move taken at the last conference and before the next conference, when great questions of international concern will be discussed, to make it quite clear that the doctrine and practice of the absolute liberty of any dominion to decide its policy, external or internal, the doctrine which was upheld by the great leading statesmen of this country, to whatever party they belonged, still holds for the present and for the future. So far as that is concerned I think the great mass of the people of Canada will be behind any prime minister who will go to London and make it clear that this is our policy.

With regard to Locarno and the attitude which the Prime Minister will take upon it at the next Imperial conference, I venture to express, and to give him for what it is worth, the opinion that many people hold. We believe that Canada should not adhere to that treaty, first, because it is not a real move for peace. It is at best a hornets' nest out of which we had far better keep. Secondly, because it does entail new obligations over and beyond those vague and undetermined obligations of the treaty of Versailles from which we are free for all practical purposes since the declarations made by our various representatives in Geneva. This applies to all the dominions, and it explains why, so far, none of the governments of the dominions has expressed any desire to uphold and adhere to that treaty. But with regard to Canada, there is something more—we may just as well face the situation now while the atmosphere is peaceful, while we can discuss those possible situations in a free manner and, if we do it in a reasonable spirit, without any risk of arousing dangerous passions—so far as Canada is concerned, suppose the Locarno treaty did not go beyond the treaty of Versailles, or to put it in another way, suppose the obligations under the Versailles treaty entailed no more and no less obligations, generally speaking, than those involved in the treaty of Locarno: there is at least this difference. Under the Versailles treaty, there was no obligation to go to the rescue of Germany. Under the Locarno treaty, there is a specific obligation to go to the rescue of Germany as against France in certain given cases.

I have been in Europe several times. I was in Europe for a good while four years ago, and I kept in very close touch with people who were present at the Genoa conference and who knew something of the situation in Europe. I keep in touch by correspondence with men informed on affairs in Europe; and there is not one of them, either French or German, Italian or English, who—I will not say in public, but in private intercourse—will not admit that if any difficulty arises out of the Locarno treaty and its obligations, it is nine chances out of ten that it will mean the intervention of England on Germany's side as against France. And no wonder. It is the natural evolution of the whole foreign policy of England, as imposed upon her by her situation in Europe and in the world. It is the logical consequence of the policy that has always been pursued by England since she has been expelled from the continent of Europe and has become the greatest maritime and colonial empire in the world. The English think, and quite rightly from a certain point of view, that they are bound to see no domineering power on the continent, that they are bound to crush any nation which appears or will tend or be forced by circumstances to dominate the continent. England's policy was anti-Spain as long as Spain dominated the continent and the seas. England's policy was anti-French and pro-German as long as France was a threatening power. All the sympathy of the English was on the side of Germany so long as Germany had not the pretensions of becoming in her turn a maritime and a colonial power. But the moment that time came. the moment England realized Germany's ambition to rival old France and old Spain, and modern England as well as modern United States, England went to her old enemies, France and Russia, and taking

advantage of their defensive alliance, turned it into an offensive alliance in order to get rid of the dangerous competition of a maritime Germany. But now that Germany is deprived of her fleet and of her colonies, now that France, according to the words of the late General Mangin, has at her disposal possibly three million negroes to dominate the continent of Europe, England is bound to be anti-French. It may be a longer or a shorter time; the occasion may not arise tomorrow or next week, but it is bound to come, just as it was bound to come sixty years ago during the first feast of love between the France of Louis Philippe and the England of Victoria; it was bound to come the moment France decided to acquire the colony of Algeria, and to recuperate her maritime and colonial forces; it was bound to come that England would turn against France. She did not do it herself. As Lloyd George once said, England has usually fought with her ships and her money, rather than with her armies, and when she has had any amount of money she has always been able to find somebody on the continent to fight her battles. Therefore in England, every thoughtful man considered the victory of Prussia over France in 1870 just as much an English victory as a German victory. Likewise England has considered that in the crushing of Germany in the last war, the taking away of her fleet and of her colonies was her share in the victory. But now she does not want to see any other nation change the balance of things and become the dominating power.

With that situation we in Canada are not concerned. I for one am not prepared to pass judgment upon the policy of the present or of any past government of England with regard to the relations of that great country with the continental nations of Europe; but I think we are bound in conscience and honour to declare here that in the event of England finding it necessary for the maintenance of her power to fight with Germany against France, the responsible leader of a government in power in Canada who would propose to enlist troops to wage war against France in such a contingency, and then launch the country upon a general election to get the people of Canada to agree to that—that man would take the responsibility of dealing to the heart and the life of Canada the deadliest blow that ever could be given to it. We should have the courage now to face these things as they may come, and not wait until they do come. Let us think in advance of such a situation as may present itself between England and this nation, that or the other. Why not go back to the old commonsense policy of our forefathers and think of the situation of Canada—Canada first and last. It has been said that that was a parochial policy. Perhaps it was; but it had at least this advantage, that it permitted all Canadians of various races and provinces, of different political parties, to agree at least upon certain things, although they disagreed upon many things; and one of those basic things upon which they agreed, and which was never disputed, was that Canada had no moral or political duty to perform towards the Empire, beyond making the necessary preparations to defend her own territory as against any possible attacks from the enemies either of Canada or of England.

Mr. WOODSWORTH: May I ask the hon. gentleman whether the more recent commercial and financial relations in which Canada finds herself involved do not make it very difficult to maintain the older isolationist's policy?

Mr. BOURASSA: I do not call it an isolationist's policy, Mr. Speaker. I call it the exercise of our responsibility according to our situation, political, geographical and economic. In the second place, I call it the necessary reaction against the absolutely false theory that there must be one imperial policy, that we must act on the principle: "United we stand, divided we fall." How can it be explained that the empire was never so united as when it lived to the opposite principle? Not long after the American rebellion, the British statesmen made up their minds that it was useless for them to dictate a policy to their colonists in America, and later on in Oceania and in Africa. It was recognized that the only policy for the empire, in view of its geographical composition, was that of unity upon matters in which there could be a common view as between the various component parts of the empire, but absolute liberty in all matters in which local interests must prevail over imperial interests. But once that man of, in a sense, genius, but evil genius, once Mr. Chamberlain had made up his mind that the British Empire must be established on a basis copied from the old Roman empire or more servilely copied from the modern German empire, the moment British imperialists attempted to turn the British Empire, with all its principles of local autonomy and freedom, into a mere replica of the Roman and Prussian empires, from that moment you had disputes, from that moment you had quarrels in Canada as between the imperialists and the nationalists. From that

moment I, for one, began to think that a great number of my English-speaking fellow citizens were disloyal to Canada, and they no doubt thought that I was disloyal to the empire. Why? Because we had abandoned the only safe basis upon which you can make one country of this great Dominion. upon which you can maintain peace and harmony between the various British communities: That is, where we can agree, very well, let us agree; but where we cannot agree let us agree to disagree.

One imperial policy! I ask any hon. member in this House: Have we the same interests in Irak or Mosul that the oil-hunters of England have? Are hon. members prepared to demonstrate to their constituents that we have the same duty to perform that Great Britain has in the maintenance of all these small treaties which have been negotiated by her with other countries? Have we the same interests in the coloured races question that they have in South Africa? Are we obliged to take the same colonial, or national, or imperial view on the relations between South Africa and India which General Smuts, or General Hertzog, is bound to take? One imperial policy! Those gentlemen from British Columbia who boast of their imperial devotion, are they prepared, for the sake of the interests of England, to allow Hindus and Japs to come to that province and settle there? No they are not. That is one point upon which their imperial feelings must be subordinated to their local, provincial and economic interests. Likewise, when they feel the urge of British blood and British pride, do they not realize that the Irish-Canadian, and the French-Canadian and the Canadians of various origins that come from other countries than Britain, cannot respond to that feeling of pride? Suppose Canada had been first settled by English settlers, but after a period of long warring, it had become a French colony; that after many bickerings with the French government, certain terms of agreement had been arrived at, one of which being that there would be no predominant race in Canada, and that Canada would not be obliged to share in France's wars in Europe and Africa? How would you respond then to the appeal of blood, especially in a case where France would be engaged in war against England? What would you think if we, the French speaking majority, would say "This is a French country, we are all one under the French flag, and you English speaking Canadians must be prepared to fight for France against the country of your origin, England or Scotland, as the case may be, with the same feeling of devotion that we are prepared to do"? Do you think there would be justice or political sense in that? Do you think you could build up a united nation upon such a policy? No, you could not. Likewise in South Africa you cannot adopt a purely English or purely Dutch policy; it must be a policy which will take in both nationalities. Neither can you have an English policy in India; the policy pursued must be a broad British policy. And the duty of the British government is to endeavour to make the Australian and the New Zealander understand that great responsibilities having regard to British power—not to the extent, of course, of causing the suicide of Australia and New Zealand—enter into the question and that consideration must be paid to the point of view of trying to help Great Britain herself. That is my conception of inter-imperial relations. Do you think such a view is wrong? I think a policy of that kind is safer than the one imperial policy idea.

Now let us take the particular situation of Canada. Canada at the present time forms, politically speaking, a portion of the British Empire. It has been so for one hundred and fifty years. For one hundred and fifty years before that, it was a colony of France. I have said frequently, and I am not ashamed to repeat it here, that humiliating as the English conquest was, followed as it was by many acts of misrule, there was one redeeming feature as far as we were concerned: It rid us of the French colonial government. Why do I say that? Because even before the English conquest the sense of Canadian nationhood had already taken birth in the breasts and minds of the handful of poor peasants that had fought for one hundred and fifty years for France without any other result than being made bankrupt by the French government before it left. But we accepted the English conquest and we became reconciled to the British government for two or three reasons, the most important being that at last we had got rid of colonial wars. At last our people could till the soil and work in the forest quietly without fear of being called from year to year to go and fight against the English colonials. Why? Because, forsooth, upon a certain occasion William of Orange refused to marry the bastard daughter of Louis XIV, or because Louis XIV refused to expel from his dominions the father-in-law of William III, whom the said William had dethroned. I am not passing judgment upon the Stewarts, or William of Orange, or the House of Hanover, or their successors; I am not passing judgment upon the policy of Louis XIV, but I am asking English speaking

members of parliament this question: Was there any sense in the idea that poor settlers who had left France, or England, or Scotland, or Ireland to come here and live at peace, who had encountered so much trouble and displayed such endurance in clearing the soil and in preserving their little fields, should find that every four, or five, or ten years, their efforts were squandered to the winds, and they were threatened with death and perdition because of a quarrel between two kings on the other side of the ocean?

And later on, because one king of Spain died without any male issue, and there was a squabble between the French king and the Austrian emperor as to who was to succeed Charles II of Spain, there was bound to be war between the English settlers of New England and the poor devils of New France who were endeavouring to resist the attacks of the Indian tribes. It was not even enough that those European quarrels should be transferred over here; but the governors and military officers on both sides began paying the savages to obtain their services as French scouts or English scouts and pay for scalps taken from each other. That was the growth of imperial power. That was the result of imperial policy, French on the one side and English on the other. And because forsooth later on there was a dispute, this time about the succession of Austria, England and France were induced to take a hand in the matter. Then all the poor Acadian settlers were taken away, thrown into vessels, and scattered along the banks of New England, some perishing and others being transferred to France. Was it because there was no room in America for French and English settlers? Was it because the English of Boston were bound to get the Acadians out of the way? No, it was because the French governor of Quebec intrigued to entice the Acadians in his part of the game and the English governor thought that French settlers should not remain on British territory so long as England was at war with France. Thus one of the most abominable acts of imperialism occurred, not because the English of America hated the French, but because of the quarrel in Europe over the Austrian succession in which the French and English kings were concerned. If we take the whole history of colonization in this country, can it not be said that the curse of America has been the pursuits of imperial policies in Europe? French and English settlers suffered immensely because military men and calculating politicians, the instruments of imperialism, either among the French at Quebec or the English at Boston, thought it necessary to mar the destinies of those populations by the one imperial idea.

That Europe should be reaping the results of a policy of national hatreds, of economic rivalries, which perhaps is unavoidable under such conditions as prevail there, is no wonder. But why impose upon this country the consequences of that policy? It is quite clear, from the declarations of all our statesment, from the admissions of all the leading spirits of Europe, that we were not obliged to participate in it. We were caught in it. Why? Because of the propaganda that was engendered by those in the United States and in Europe, who had an interest in enlarging the scope of the battle. By giving way to them we marred the future of our country and laid a burden on the people that will oppress many generations to come. I will not throw the blame on anyone. I do not go before my fellow citizens and tell them, "Let us throw the blame on this government or that government and declare secession from Great Britain and have nothing to do with European affairs." No, and here I agree with my hon. friend to my right, that economic conditions have grown and other conditions have developed that force us to take an interest and pay attention to foreign affairs, imperial and other. But I say, let us make a new start, and put ourselves on the only sound basis. Just as the Englishman, the Frenchman and the German, when dealing with representatives of other nations, thinks of himself and his country first, let us say: "Canada first." The Englishman thinks of England ten times before he thinks of Canada, and he does well. It is his duty. He frames his foreign policy to suit the situation of his country. Of course, he has an eye to the concerns of Canada and Australia; but Sir, if we do not approach any of these subjects with the idea that the Englishman thinks of himself first, and the empire second, we will never be in a position to deal on a par with England. The Englishman is English first and imperialistic second. Since we have endeavoured to put in action one imperial policy we must go at it in the right way. When we go back to the humble and sensible policy of Sir John A. Macdonald and Edward Blake, we will say, "We are Canadian first, last and forever." The Englishman thinks of himself, therefore let us think of ourselves. When we approach those great issues of peace, war and foreign affairs in that spirit, we will realize that Canada is British by accident but American, geographically, forever.

Friendly relations with England may last a long time or may be short. Revolution may produce certain issues. As far as I am concerned, none of the issues would frighten me. I would be just as much prepared for close partnership within the empire as for independence; of course I would rather have independence. But if it were a question of annexation with the United States or British imperialism, I would rather have British imperialism, though I think it would be a mistake. Time will always work against treaties and constitutions enacted against the laws of nature. Canada is and always will be a country on the continent of North America, and the time is coming, sooner or later, when the people of Canada will realize the truth of that fact. When that times comes, treaties and constitutions will not stand five minutes.

From a Canadian point of view or from a British point of view, let us serve notice to the world at large, not in any spirit of animosity towards Great Britain, but in full consciousness of what we owe to our people, that Canada is prepared to uphold morally any real move for peace which may be taken in Europe or anywhere, but that Canada is not prepared to arm her youth and to spend her millions for the sake of any foreign policy with which we are not connected by necessity and from which Canada is disconnected by all the exigencies of her natural situation. That is the policy that Sir John A. Macdonald and Sir Alexander Campbell made clear to the British government in 1865 and 1870, when they discussed the terms upon which the country would stand in the future in regard to England and military matters. They represented that, being situated as she was, by organizing quietly and reasonably the defence of her own country, Canada was accomplishing her full imperial duty. They demonstrated that it would be against the interest of England if Canada handicapped her progress in population, in wealth, in economic development, under the pretence of going to the rescue of another part of the empire differently situated. This fact is imposing itself upon us in spite of all our professions of imperialism. Due credit must be given to the present leader of the opposition (Mr. Meighen) when in considering in London, some years ago, the question of the Anglo-Japanese treaty, he took sides practically with the United States against Great Britain, because he realized that Canada being situated as she is, that problem was affecting Canada primarily as an American nation. Likewise, when this government was asked by the British government to adhere to the Geneva protocol, I think it was the Prime Minister (Mr. Mackenzie King) himself who wrote to London:

> We do not consider it in the interests of Canada, of the British Empire or of the League itself to recommend to parliament adherence to the protocol and particularly to its rigid provisions for application of economic and military sanctions in every future war. Among the grounds for this conclusion is the consideration of the effect of the non-participation of the United States upon attempts to enforce the sanctions and particularly so in the case of a contiguous country like Canada.

Of course that was common sense. Not so very long ago, an authoritative representative of the British government, one whom I have never heard accused of lacking loyalty to the British government or British institutions, the English Ambassador at Washington, Sir Esme Howard, stated most positively that the imperial duty of Canada consisted in interpreting England to the United States and the United States to England. What does that mean? It means that our primary duty, national or imperial, is to remain at peace with the United States and to make it as easy as possible for England to carry on her imperial policy in coincidence with that of the United States. That is our modest, but very effective role, which we cannot fulfil if we take a hand in all the quarrels which England may have elsewhere, because the time will surely come when the United States will ask us to choose as between our situation as a nation in America and our new so-called obligations towards the British Empire elsewhere.

One thing which I have never been able to understand, from a British point of view, is how it is that so few Canadians of note have endeavoured to realize that the basis of our foreign policy is and must be the Monroe doctrine. I know many people will jump at that; but surely men of English blood should not be scandalized. As was so aptly stated once by Mr. Ewart, the Monroe doctrine is a misnomer; it should be called the Canning policy, although once in a while it is called the Monroe doctrine. To my mind, the framing of that policy is one of the greatest examples of the imperial genius of England. The moment England found out that Spain had lost all her colonies in America, that the empire of Brazil, after a civil war, was separated from Portugal, and that she remained alone with vast possessions on the continent of America, she imagined that policy of making the United States the policeman holding guard over the rest of European possessions in America, which meant Canada. It is sufficient to follow the correspondence, both public and secret,—most of it was secret then —to realize with what patience and insight

the British government succeeded in having a president of the United States, in the midst of that period where twisting the lion's tail was the basis of all American politics, declare in favour of a policy which permitted England to breathe at last and to have no more cause to fear for trouble in America.

Of course there was a little difficulty once in a while with the United States, but it was all settled by diplomacy. What has remained in fact is that from George Canning down to the present Minister of Foreign Affairs, Mr. Austen Chamberlain, the Monroe doctrine has been the one axiom of policy upon which no government, no party, no foreign minister, has ever gone back. It was just a few months, if I remember rightly, before the war, when Sir Edward Grey declared that the Monroe doctrine remained the axis of English policy in America just as solid and untouched in our day as it was when it was invented. I reminded the House some time ago of what I was told in London by Lord Fisher on military preparations. He said that it was absolutely foolish for Canada to embark upon any policy of external defence by applying to London for direction, but it must be to Washington, in connection with the United States authorities, that Canada should look for a basis of external defence "if," as he added, "you need any such thing; because no country on earth will think of attacking Canada on the soil of America. Only one country, the United States, can do that, and as against the United States we cannot and will never defend you." That is another basis of English policy which has never changed.

In the old House, I have heard Sir Charles Tupper declare in the most energetic terms that the result of all his relations with the British government, from the time he was a member of the Canadian government down to his resignation as High Commissioner in London, was to find out that on no consideration whatever would any English government undertake the risk of any difficulty with the United States on account of Canada. The great advantage of exercising full national responsibility is the comprehension of realities which naturally result. We are like big boys who always count upon papa and mamma to help them out if they do nasty things. They will throw snowballs right and left, and if some angry passerby runs after them they will fly home and say: "Mother, mother, come to my rescue." We have been so used to that sort of thing that we feel we have the British Empire at our back. We are the British Empire, we often think; but the Englishmen at home who have built up that empire, stone by stone, know the materials of which it is composed. They know it is a tremendous fabric; but they also know that it could crumble very easily, because of its abnormal configuration, because of its being dispersed over all lands, because of the impossibility of having one imperial policy. When they talk of one imperial policy in England, what do they mean by that? They mean an English policy which the dominions will accept blindly. That is the one imperial policy, the only one possible. Mr. Asquith made that quite clear and there has never been any change from that position. When at the conference of 1911, pressed by Sir Joseph Ward, the representative of New Zealand, for the establishment of a constitutional system under which the imperial authority would be shared equally by the dominions and England, Mr. Asquith replied: "That authority cannot be shared." Of course, since, they have given us a little more hearing, they have admitted somewhat more frequently representatives of the various dominions to the antechambers of empire. They have treated them well there, given them good tea, and champagne occasionally. They have made them cognizant of what is going on in the political world and of the decisions taken by the British government for the good of the empire—and I think on the whole their decisions are good. But when they endeavour to make us believe that we rule the empire—well, Sir, let us have a little more consideration for the common sense and appreciation of responsibility of British statesmen. They know they cannot share that authority. I remember one day, in a very intimate gathering, an apostle of empire was present, and for my sake—I was the only colonial there—he began speaking of the great future there was before us Canadians, especially before us French-Canadians, in ruling the empire. It was a little like the story of that young scapegrace of Toronto who happened to be the son of an Anglican bishop, and one day gleefully boasted: I rule the English church; I rule mother, mother rules father, and father rules the church; therefore I rule the church. Well, that is something like the way in which we participate in ruling the empire. I admit the imperial authorities keep us informed. It is a good thing. Let us take advantage of that information to broaden our views, to realize the complexity of the government of this empire, to understand the tremendous responsibility of the English government; but let us not ask from the English government what it cannot give us.

5 p.m.

As one other gentleman said in that conversation: "Why deceive those poor people in the colonies? You know, so-and-so, that we have too much at stake in the world to run the risk of letting any Canadian or Australian butt in!"

But what has been possible, and what is still possible, is for us to frame our policy as it suits us and to take that share of responsibility in imperial affairs which does not bring us into conflict with our duty towards our own people. By that, I am not speaking only of our duty towards the present generation, but towards future generations. If we can hope—and I admit, so far as I am concerned, that that hope is diminishing from day to day—to resist first the economic, then the moral, and then the political absorption of Canada by the United States, it will not be by impoverishing Canada for the sake of England or Australia, it will not be by directing the attention or the conscience of our people towards foreign engagements which have nothing to do with our country and over which we have not, and cannot have, effective control. On the contrary, it will be by trying to develop in the minds of all Canadians, French, English, Irish and Scotch, or of any other descent, a strong sense of duty towards this country—the only country for which we have responsibility, the only country in which our children will live as our fathers have lived, in the eloquent words of the member for St. Lawrence-St. George (Mr. Cahan)—the only part of the British Empire for which we are responsible, morally, politically, socially and economically. If we do that, if we do all we can for Canada, and by Canada, if we keep Canada free from the entanglements of a situation in Europe which heaven may solve—how, I do not know—but surely which we cannot solve, if we do not distract the mind of the nation towards problems which the mass of our people cannot comprehend because they are not home problems for them, we shall be doing our duty as Canadians. Go to Belgium, go to Holland, go to Switzerland, to those small countries that, thank heaven, are not engaged in the turmoil of imperial policy which has been the curse of the world, but which nevertheless live in close contact with those ambitious and rapacious nations, have to understand foreign affairs—talk for example, to a dog-driver in the streets of any Belgian town, and he will speak to you of German policy, of French policy, of English policy, not of course with the same knowledge as Sir Edward Grey or Sir Austen Chamberlain possess, but with a degree of understanding which very few Canadian statesmen have shown so far in regard to foreign affairs. Why? Because those problems are home problems to him, because the fate of his nation is at stake in the event of a quarrel between France and Germany.

Is it the case with us? For one century previous to the Great war England had many wars. Did we think we had to have one imperial policy at the time of the Crimean war? Fortunately we did not; we had sensible statesmen then who kept us out of the fray. Did we think we had to go to the rescue of England because she wanted to paint half the area of Africa red? Did we think we were bound to go and bombard Peking in order to compel the Chinese to absorb opium to enrich some poppy planters in India who wanted to make more money? That was one of those great "civilizing wars" which fortunately we did not have to share in. Did we have to share in about thirty wars that Great Britain has been engaged in since the downfall of Napoleon up to the last war, extending over just one century? Not in one of them except the South African war. There the one imperial policy began to make itself felt, there we began to be clap-trapped by the same kind of propaganda which caught us in the last war. But surely after that experience of the one imperial policy, is it not time that we come back upon our own soil and appeal to the conscience of our people and ask them to have one national policy? You can never have one national policy if at the same time you run such risks as the hon. member for St. Lawrence-St George has so very delicately pointed to this afternoon.

But I repeat, Mr. Speaker, though perhaps it may hurt the feelings of some hon. members here, I think it is just as well to go to the root of the thing now, it is just as well to realize that if at any one of these future conferences such undertakings and engagements as were taken by Sir Wilfrid Laurier in 1897, in 1899 and in 1909 are still resorted to in vague terms, moral or verbal engagements will be forced upon us later by an appeal to us that they are engagements of honour and all that, then it will be too late to settle the issue and avoid the consequences. Although I may have a very different conception of empire from that entertained by several hon. members, I do not think there is one here who has more love for this country than I have. Perhaps my heart is small, but when I think of the sacrifices that have been made by eight generations of my forefathers to make something of Canada, when I think of my seven children who will be Canadian citizens and will have to make such

sacrifices, if they are to be true to their country, I think it is enough. I do not see why I or any other Canadian should have a different standard of patriotism or national duty from that which the Englishman, the Irishman or the Scotchman has. I do not see why we should have two countries to serve. We have one, and only one. It is the country that you can make one only if you appeal to all Canadians to be Canadian first, and to think of the empire when the people who are responsible for the empire have no time to think about it. That is the manner in which I think the problem should be considered.

It may be that my language has been a little too forceful; if I have hurt anyone I sincerely apologize, because I have approached this subject not with the idea of attacking anyone whose ideas are different from mine, but because after thirty years of study and political experience in Canada, and after a good deal of study of European problems I am convinced more deeply than ever that if we are to save the future of this country; if we are to save Canada from internal dissension, from external absorption, from the turmoil of European politics or from American absorption, it will be by bending all our energies, by devoting all our talent, by doing all we can to make the different sections of this country one united people for Canada. So far as England and the empire go, I am not in a hurry to lose that connection. As I have often said before, I appreciate our connection with England; but our best manner of appreciation is to show the rulers, the business men and diplomats of England that we are just as intelligent as they are; that we realize our situation just as they realize theirs, that we have a duty to perform to Canada just as they have a duty to their own country. If imperial association can last and if an imperial policy can be fruitful of results, it will be through each portion of the empire thinking of itself first, not through any selfish spirit of absolute disinterest, but in order to start on a sound basis of internal and external policy and join hands with England every time her rulers make a move for real peace in the world, but also to resist any attempt to drag us once more in foreign wars. We should join hands, I repeat, every time England may associate with any group of nations in the interest of peace, when her own interest lies in peace; every time she makes for justice, because her interests lie in the preservation of justice; every time she prevents or endeavours to prevent any nation from dominating, because it is to her interest that no nation should dominate. Then, I say as a Canadian and a British subject, I approve of that move, and I give it my moral support. But to subscribe to undefined and unlimited engagements, or even defined and limited engagements which go beyond the sphere of our action, which go beyond the natural laws which should govern our policy just as they govern the policies of other nations, is wrong. There I say British, yes, but Canadian first; if necessary, secession from Britain rather than the sacrifice of Canada; Canada in partnership with Britain so long as it is possible, but Canada first and forever.

Mr. RENE MORIN (St. Hyacinthe-Rouville): It is difficult for a modest, silent member of this House to be called upon to speak after the eloquent and forceful oration which we have just heard. It is my intention, Mr. Speaker, to accept the conclusions which the hon. member has drawn in respect of the resolution now before us, but if I agree with him on many of the grounds which he has brought forth in support of his resolution I must state that with some of his contentions I am quite unable to agree. It is very well and very easy to condemn the policies of the statesmen who have governed the European states for the past two or three centuries, and to find that everything they did was wrong, but I am not in a position to say that if we had been in their places we would have done better. There may have been reasons which would explain, if not justify, their actions. Man is only human, and liable to make mistakes.

The purpose of this resolution is to approve the procedure proposed at the Imperial conference of 1923 for the negotiation, signature and ratification of treaties affecting Canada, and, before the ratification of any treaty can be made, to require the formality of its approval by parliament. It may be in some ways a cumbersome procedure, but it is also a great and necessary safeguard. Legislation has to be passed by parliament, but if it does not work properly, parliament may repeal it. Treaties, once entered into, cannot so easily be put aside; they may bind our successors in office and our country to momentous undertakings, and it is only reasonable that these undertakings be entered into after full discussion and under the sole responsibility of the representatives of the people.

It is not my intention to discuss the merits of this proposition, but to consider a case actually pending and then to draw conclusions in support of this resolution. The treaty of Locarno is a typical instance of a treaty subject to ratification by Canada, and an ex-

amination of it, in its relation to our country, will show the great importance of undertakings of that nature. The Locarno treaties, to be properly understood, must be studied in the light of the treaties and covenants which, since the war, have been proposed or passed with a view to preventing future wars and securing a peaceful and amicable or judicial settlement of all difficulties which may arise between nations.

It is unnecessary to recall that the war, on the side of the allies, was fought as a war to finish wars, with the set purpose of creating after it conditions which would absolutely prevent the recurrence of such brutal, bloody and stupid conflicts, and the League of Nations was constituted mainly for that purpose. The covenant contains provisions whereby states are obliged to endeavour by peaceful methods to settle their differences, but it does not enforce an obligatory peaceful settlement of a conflict. Later, the protocol for the pacific settlement of international disputes was submitted to the consideration of the different countries, members of the league. Under the covenant the decision to submit a dispute to arbitration or judical settlement was to be arrived at through an understanding between both litigants. The main purpose of the protocol was to provide that arbitration, or submission to judicial settlement, could be resorted to at the instance of one party alone. Arbitration of all international differences or their submission to the Permanent Court of International Justice was made compulsory; all wars of aggression were prohibited and all wars, resorted to in violation of the undertakings contained in the covenant or in the protocol, were branded as wars of aggression. The protocol was rejected by the British Empire; some other way to settle the situation had to be found and the Locarno agreements were negotiated and signed on the 16th of October, 1925. So far Germany had been left out of the League of Nations, and she was not invited to be a party to the Geneva protocol. The obligations imposed upon her by the treaty of Peace, though apparently voluntarily agreed to, had really been forced upon her, as she was not in a position to refuse to submit to them; these obligations were liable to be repudiated as contracted under duress.

The peculiar feature of this new attempt to promote peace was that Germany, acting of her own free will, was a party to the Locarno agreements. By these agreements, Germany, Belgium, France, Poland and Czecho-Slovakia agreed to submit to arbitration all difficulties arising between them; and



Germany, Belgium, France, Great Britain and Italy agreed that Great Britain and Italy would guarantee the observance of these agreements, entered into between Germany and France and Germany and Belgium, to the extent of resorting to war against any of the parties which would violate them. Treaties of mutual guarantee between France and Poland and France and Czecho-Slovakia were also entered into, though Great Britain was not a party to them. Great Britain is bound by this treaty to maintain the present western frontier of Germany and to guarantee the peaceful settlement of conflicts between Germany and France and Belgium.

Article 9 of the treaty provides:

> That the present treaty shall impose no obligation upon any of the British dominions or upon India, unless the government of such dominion or of India signifies its acceptance thereof.

The question is now: Should Canada adhere to this treaty and submit herself to the obligations which it involves? But for the fact that Germany was not a party to it, the Geneva protocol was a much more effective weapon to promote international peace than the Locarno agreements. The purpose of the Geneva protocol was to make compulsory arbitration, or judicial settlement of international disputes, the law of the world, and if it had been adopted by the principal nations of Europe it might have been reasonably hoped that Germany and the other countries would ultimately have agreed to it. All wars under it could only take place in the name of the general international interest. The Locarno agreements are more local in character. They perpetuate the system of alliances of certain countries against others, and recourses to wars, for local and private reasons, under certain conditions are allowed to subsist. As the Geneva protocol was to apply to a greater number of countries, conflicts arising out of it might have been more frequent, but normally all the signatory countries would have united, in the name of law and order, against the infringer, and the application of economic sanctions should have been sufficient to bring a settlement. A conflict arising out of the Locarno treaty, being more local in character, might again create a situation which would strain all the resources of our country. Yet, Canada refused to adhere to the Geneva protocol because she did not want to accept its rigid provisions of economic and military sanctions in practically every future war. Surely there is no more reason why we should assume greater risks under the Locarno agreement.

At the time the treaty of Versailles was signed, treaties of guarantee were entered into between France and Great Britain, and France and the United States. These treaties were not ratified, but the treaty of guarantee by Great Britain in favour of France against German aggression contained a clause that it would not be binding upon the dominions or upon India unless ratified by the governments of the dominions or of India. It was well understood by Great Britain and the dominions that these would not be submitted to the obligations contracted under this treaty, and the government of the day in this country, if I am well aware, made it clear that it did not intend to be a party to it. The purpose of the treaty was the same as the one signed at Locarno; the principle underlying this agreement was the same as at Locarno, and there is to-day no more reason for ratifying the Locarno agreement than there was in the first case.

The first thing to notice in respect of this treaty is that Great Britain and Italy are parties to it, not for the direct safeguarding of their respective frontiers or of their peculiar direct interests; they are parties to it only indirectly, as sureties, to guarantee that both Germany and France or Germany and Belgium will carry out the terms of the treaties of arbitration negotiated between them at Locarno. If Great Britain was to declare war under this treaty, it would be a war of police, resorted to in order to compel one country to abide by the terms of a convention with another. There is a vast difference between a war of that kind and a war of defence in which the life of the empire would be at stake. The duties which are imposed upon us by our association in the Britannic commonwealth cannot go so far as to involve us in a war of aggression or in a war of intervention between foreign nations.

The casus foederis may be controvertible; it may not be understood by nations living thousands of miles from the scene of the conflict as it would be by peoples living near it; it may give rise to different interpretations amongst our own population, and promote disunion and discord. It is not a case where we can bind ourselves so long in advance. We must let the parliament of the day decide the issue when it arises, and we would be failing in our duty towards future generations if we were to bind them, hand and foot, to all wars which may result from the engagements of Great Britain at Locarno.

To assume obligations which may lead to war, our country must have something at stake. This stake must be something which directly affects us, and must be of sufficient importance to be commensurate with the risks which such an undertaking involves. We have a great interest in the maintenance of peace in Europe, but we have this interest in common with the other countries, and our responsibilities incurred to reach this aim should not be greater than those of the other countries. With that end in view we have assumed obligations under the covenant of the League of Nations, and we will fulfil them to the best of our ability, but our moral duties should not go further.

I am not a pessimist, and I have great hopes that the democracies will succeed in preventing a recurrence of the unfortunate events of the past decade, that common sense will prevail and find ways and means, other than war, to effect a peaceful settlement of the conflicts as they arise between states, that civilization has reached a stage where arbitration and judicial settlement will decide these issues; but we must all admit that, as a result of the war, the situation in Europe is not yet perfectly adjusted, that the peoples of Europe are not all yet reconciled to the alterations and modifications brought about by the war; that resentments, envy and fear still prevail, and that time alone can cure all that. I quite understand that Great Britain, being part of the European continent, should have felt bound to intervene in order to promote a readjustment along peaceful lines, but I fail to see how a country two thousand miles away can undertake to act forcibly as arbitrator between European states, or how she can feel any legal or moral obligation to intervene on one side or on the other in order to impose its solution on unwilling populations. To ratify such a treaty would be to assume a role which does not befit our country, and which is unnatural.

There is the solidarity of the empire to be considered, but it is, to my mind, a solidarity in defence; it is not one which can extend to wars of encroachments, or wars of police to restore peace between foreign countries, or to punish certain foreign countries for their misdeeds. Our country has the advantage of a geographical situation which reduces to a minimum the risks of encroachments on the part of its neighbours. She is from that standpoint in a most enviable position. On the other hand, climatic conditions and the configuration of her inhabited territory create difficulties which are not of easy solution; her transportation problems constitute a burden which is heavy to carry; she has immeasurable natural resources, but they are as yet mainly undeveloped. All her

energies are required if she wants to overcome these difficulties and secure her full development. Under these conditions, even looking at it from the standpoint of the interest of the empire as a whole, would it be wise for Canada to divert her energies from these problems, to sacrifice her own interests in order to assume heavy obligations for the purpose of contributing by force to the restoration of order on the European continent? I sincerely believe that our obligations to ourselves and our obligations to the empire may be fulfilled in a way to yield better profit, for all parties concerned, by limiting as much as possible our external undertakings and applying ourselves to the development of our country.

The constitutional development of Canada is based to a large extent on precedents, and since confederation our rights and our powers in matters of international intercourse have been increased and widened on the sole authority of precedents and common sense. Since the war it has been the practice for Canada to be represented at all international conferences where obligations were to be assumed in the name of the British Empire, and to be a party to the treaties which embodied the decisions of the conferences. Certain rules were laid down at the Imperial conference of 1923 to govern the procedure to be followed for the negotiation and signature of these treaties when they were to bind the empire as a whole. They provided that the full powers should be in the form employed at Paris and Washington. This rule was not adhered to at Lausanne and at Locarno and the dominions were left out of the negotiations. The dominions were not invited, their participation was not looked for and as there was no wish on the part of the other contracting parties to bind the dominions, these cannot be expected to involve themselves in military undertakings to enforce the provisions of the treaties mentioned. Our claims to an international status corresponding with the status which we occupy in the League of Nations have been constantly pressed since the Versailles treaty by all parties in Canada, and they are well known. To assume responsibilities under treaties contracted without our participation would be to impair or sacrifice this status. It is true the Locarno treaty provides that the dominions shall be bound by this treaty only if they ratify it, but to adhere to it would be to sanction a practice which is not in harmony with our present status.

Some will say that to refuse to ratify such a treaty would be to impair the diplomatic unity of the empire. But we are an autonomous country, with the right to govern ourselves as we see fit. Has the foreign policy of Great Britain since the war or before, always been such as to warrant our unequivocal endorsation? At the khaki election of 1918 the policy of the British government was to maintain firmly the entente with France, to make Germany pay, if necessary by searching their pockets, and to bring to trial and punish the kaiser and the other war criminals. A little later, without change of government, there was a complete reversal of British policy. Germany was encouraged not to fulfil her engagements, she was induced to resist the attempts of France to extract partial reparation, and the whole British policy became permeated to saturation with a francophobia which delayed the restoration of normal conditions and increased the dissatisfaction and the resentments which already existed. That policy was a failure and there was another reversal of policy. All these policies were determined without our participation, without our consultation. They never represented the concerted opinion of the governments of the autonomous dominions. Diplomatic unity, without consultation and without co-operation, means diplomatic servility, and as presently constituted it cannot be acknowledged as a factor in the shaping of the policies of Canada.

There is no doubt that when Great Britain is at war the dominions are also at war, but they are merely in a state of passive belligerency; active belligerency or actual participation in the war does not necessarily follow; it is a matter which is left at the discretion of their respective governments. In this case, the ratification of the treaty of Locarno means necessarily active belligerency, whilst non-ratification means only passive belligerency. It is not for us to bind ourselves and to bind our children to active belligerency in a future war between France and Germany arising out of this treaty. We have no direct interest in such a war. Our association in the Britannic commonwealth is not such as to involve the taking of such risks in order to increase the importance, the power, the strength and the prestige of the political leaders of one of the associated nations of this commonwealth, or to enforce policies decided and determined without our participation. We have no business to interfere, in the name of law, order or civilization, in conflicts which may arise under this treaty, as we hold no mandate for that purpose.

There is therefore, in my humble opinion, no reason whatever why we should ratify the treaty entered into by Great Britain at Locarno, and in the best interest of our country parliament should refuse to adhere to it. To vest in the government of Great Britain or in the government of Canada the right to embroil our country in adventures of that nature without the participation of parliament, would be a policy pregnant with the most dire results, and undermining the whole democratic structure of our country.

Mr. T. L. CHURCH (Toronto Northwest): I represent a soldier and British-born constituency. This is the fourth time the present matter has come before the House this session and very little has been said with respect to it by hon. gentlemen on this side. Sir John A. Macdonald was satisfied with the status of this country. He did not ask the British government to increase the status of Canada. Five hundred thousand soldiers who went to the front and fought for civilization in France and Flanders were satisfied with Canada's status. Fifty thousand of those gallant men lie buried in those countries; they were content to fight even unto death under Canada's status. They fought for Canada's status but did not ask that any change should be made in it; they did not ask for any increased status for Canada. Such being the case I think the civilians who stayed at home should also be satisfied with the status of this Dominion.

Of the links that used to bind Canada to the Motherland what links remain to-day? First there is our allegiance to the British crown; secondly there is the right of appeal to the Privy Council; thirdly any treaties into which we enter must have the sanction of the mother of parliaments. We are not an independent nation, or a nation at all; we are a link in a chain of free commonwealths within and making up the British Empire. We never were a nation. Talk about annexation with the United States! There is no feeling at all in Canada in favour of it, nor for independence either. Talk about Canada being independent, a country of nine million souls, competing with or withstanding a nation of 110,000,000 people! Why if we were independent a foreign fleet might sail up the St. Lawrence and we would not have as much as a rowboat to oppose it with because our toy navy is locked up in a garage at Halifax.

I invite consideration of the question of what our duty is as a member of the empire. We are shortly to have an Imperial conference. Where is the agenda; what will Canada bring up, and what is the government's policy? The late Sir Wilfrid Laurier used to sit down at such a conference with the representatives of the sister dominions, Australia, New Zealand and others, with the object of seeing what could be done to better the conditions of the component parts of the empire and foster inter-imperial trade and relations. The time has come for Canada to stop whining about our status, to stop complaining, to stop shouting from the housetops about our lack of status, which is a mere technicality, a mere academic question. The time has come for Canada to keep step with Australia and New Zealand; to sit in at a table with these sister dominions and discuss in a friendly, amicable and peaceful manner, in the interest of the good of the empire, the inter-imperial trade and economic problems and other inter-imperial problems and questions in a big, brotherly, united way; to consider our relations with the Motherland and try to assist the Mother Country to solve her economic problems and get some imperial results instead of attending these colonial conferences and adopting benevolent aloofness policies and whining and complaining about our status.

I am opposed to this resolution and intend to vote against it. My reason for that is that the whole resolution is based on the doctrine and principles of separatism. That is what it is, and nothing else. There was a colonial conference in 1922 or 1923, and what position did Canada take over there? The representatives of this country sat back and said: We are satisfied; we will not help; we will pursue a policy of drift and benevolent aloofness. Australia and New Zealand had a policy but we did not have any at all. We were satisfied to hold aloof and whine, like Ireland and South Africa, instead of being satisfied with the Motherland and with the happy conditions in which she has placed us and appreciate the debt of gratitude we owe her for maritime freedom. We should have unity of policy within the empire. We should be in law and fact, all parts of the empire, an international unit working all in unison and complete accord for the good of the empire and each and every part thereof. Instead of Canada's present position of shirking all empire responsibility, Australia's vigorous participation prejudices Canada in England, and Canada's aloofness hurts our country. We who in the darkest hours of the war were prepared to accept the protection of the British fleet and all the privileges we enjoy

as part of the British Empire should now be prepared to accept some of the responsibility which that incurs; yet, on the other hand, we give nothing in return, except that we whine and complain about our status within the empire.

The status idea of Sir John A. Macdonald and other great statesmen of Canada was expressed in the statement, "A British subject I was born; a British subject I will die." Sir John was satisfied with the status of the country within the empire and made no demand for a change. We have been in session six months and a resolution is now presented to the House in its dying hours, when there is no adequate opportunity to discuss it. It is all very well for the hon. member for Labelle, to give his views on the subject. This is the fourth occasion on which he has spoken for two hours and a half on the same subject of Canada's status and independence. If Canada is to be talked out of the British Empire the hon. member for Labelle would have accomplished that many years ago. But Canada is not going to be either talked or written out of the British Empire. Canada will have to be fought out of the British Empire. There is no demand for any change in the status of Canada to-day, so far as the city I represent is concerned. Before the session closes I hope the Prime Minister will lay on the table the agenda of the coming conference and let this House instruct him on the country's policy. I hope he will not follow in the footsteps of Ireland and South Africa, but will adopt the policy of Australia and New Zealand and try to help solve with all Canada's power the inter-imperial and difficult economic problems which confront the empire to-day. If an united effort is made, great benefit will accrue in the extension of the empire through all its parts. As Mussolini said the other day, "You who live in an empire have a sacred trust to perform." What he said of Italy is true of our great British Empire. He said, "A country does not belong to the people who live in it to-day. It is an inheritance from the past, a possession for the present, and a trust for the future." Canada's status was good enough for Sir John A. Macdonald and his successors and the soldiers who fought in the South African and the late Great war. The war did not change Canada's status. I am utterly opposed to any change in Canada's status. I am opposed to separatism autonomy and further changing of our status. We are proud that Canada is an integral part of the greatest empire the world has even known. The war left us our status as it was. What Canada has done the past thirty-five years she has done of her own volition, and voluntarily, and she would do the same thing over again, namely, come to the Mother Country's aid in her hour of peril. So the people of this country are satisfied with our present status.

[Mr. Church.]

Speaking of treaties, Canada sent gentlemen down to Washington in 1911 and made a treaty with reference to reciprocity. You all know what happened to them and their government. Where do we stand with regard to the Chicago diversion of waters? Not one line has been written to the British government regarding that particular matter, owing to our desire to deal with Washington ourselves. I asked a question of the government in regard to water diversion, and I received the answer that there had been no correspondence whatever with reference to that particular matter directly with the British government. We have allowed this question of diversion of water at Chicago to remain in abeyance, and where has it landed us? Nowhere, because of our failure to place our case with the British government.

Regarding the other treaties that have been made by Canada, where are we? The French, Australian, Belgian, West Indies—all failures. Speaking of the position of this country, I say that I do not believe in separatism. If we were to accept the Independent separatist views of the hon. member for Labelle (Mr. Bourassa) the quicker Canada gets out of the British Empire the better for the rest of the empire. There are some links which bind Canada inseparably to the Motherland. But there are people who would abolish appeals to the Privy Council, who would alter the British North America Act, who would abolish the office of Governor General and of Lieutenant Governor, and who would have an Ambassador at Washington—an ambassador who would have no functions but be a figure head. Two ambassadors went down there in 1911 and almost landed Canada in economic annexation through reciprocity with the United States. When Canada sends delegates to the Imperial conference the House of Commons should instruct those delegates to eliminate the spirit of separatism entirely and instruct them to co-operate and not hold aloof. I hope the Prime Minister will lay on the table of the House the agenda for the coming conference and the policy of the government. The Premiers of Australia and New Zealand have already taken their parliaments into their confidence, and I see no reason why the head of this government should not follow suit and lay down a solid British Imperial policy, and a forward one.

I would urge a closer policy of trade union between the Mother Country and the various dominions; that they should sit round a table and try to solve our problems, instead of adopting a spirit of aloofness. Premier Ferguson in a speech dealt with the subject, and was in favour of closer trade union within the empire. The people of New Zealand and Australia are in favour of it, and I think we should favour it also. We are accepting all the privileges of citizenship within the empire, and should not be afraid to shoulder some of the burdens. By adopting this motion we are declaring for separatism all along the line. I am opposed to the doctrine set out in the motion, and the people of Canada are I believe also opposed to it. If this proposition had been placed by the government before the country the last general election, I believe we would have a membership of a different complexion. The time has come to stop whining and complaining. The facts should be placed before the country. I represent a city which has British ideals which favours British institutions and is entirely British imperial.

I am opposed to the appointment of a Canadian representative at Washington. I believe it will cause Canada a good deal of trouble and do a lot of harm to our empire at Washington, as it did in 1911, and I have no use for it. If the British authorities recommend the Locarno treaty as necessary for the defence of the empire, I think Canada should sign it. If Britain tells us our safety depends upon it, that settles it; let us adopt it unanimously. After accepting the rights, privileges and prerogatives of British protection, Canada should be prepared to accept some of the responsibilities and burdens. We should show our self-respect in that way and no longer permit the British taxpayer to provide for our Maritime protection. Instead of Canada taking the same position identically as South Africa and Ireland did as to their status within the empire, we should take our cue from New Zealand and Australia and be satisfied with our present status within the empire. What is that status? It is a status which was good enough for Sir John A. Macdonald, for the soldiers who fought the battles of the empire in the South African war and in the last war.

Why is this change proposed? There has been no demand so far as I can see for a change. This appointment of a Canadian representative at Washington is in my opinion another foolish example of the separatist idea. How long this will continue in Canada I do not know; but I believe if a vote of the people was taken as to the status of this country within the empire, they would be satisfied with the present status of allegiance to the British crown, of appeals to the Privy Council, of ambassadors and in regard to many other matters that occurred during and after the war; they would side with our dear sister dominions of Australia and New Zealand. The policy of 1914 that parliament should be summoned and asked to sanction a matter of war is the right policy, but in minor matters and all other matters the government must take the responsibility as long as they are the government.

As regards sitting round the table with the sister dominions on constitutional and economical questions, I believe the government of the day should assume the responsibility, and on the government of the day so far as they are the government is the responsibility of seeing that when they go to the colonial conference they will represent the views of the people of Canada impartially and not hold aloof as they did at the last conference.

There is no demand for this resolution; in my opinion it is only an academic one and one which will not do any good. If these are the views expressed by the government in the House of Commons, and the Prime Minister and his government are for separatism and benevolent aloofness, it would be far better if Canada had no delegate at the coming conference and sent no one to wrongly express Canada's views. If we were to take the same position which New Zealand and Australia took at the last Imperial conference that would be the right view.

If the Canadian parliament will not say what are our rights in regard to constitutional matters, and stand by the empire and oversea dominions, I see no necessity for sending a delegate to the colonial conference. If the views of the hon. member for Labelle are the views of the people of this country, the quicker Canada gets out of the British Empire the better.

At six o'clock the House took recess.

## After Recess

The House resumed at eight o'clock.

Mr. E. J. GARLAND (Bow River): Mr. Speaker, when the House rose at six o'clock one of the hon. members from Toronto (Mr. Church) had just taken his seat. It has not been my practice in this House to attack any hon. gentleman because of his personality, and

I do not propose to do so on this occasion. I wish however, to refer to some of the remarks of the hon. member, because I really do not think that the dignity of this House in debate, nor the serious and due consideration we should give to questions as important as this, is going to be helped by references to "the 50,000 soldiers that died overseas not being in favour of this form of resolution." The hon. gentleman makes many general allegations without substantiating them by one tittle of evidence. He charged the Prime Minister with having introduced this resolution as a separatist, as a man who is anxious for the separation of Canada from the Mother Country. He charged others who supported the Prime Minister from these benches, the hon. member for Labelle (Mr. Bourassa) and the hon. member for St. Lawrence-St. George (Mr. Cahan), as being secessionists or separatists. I wish to dissociate myself from such statements especially as in this particular instance they were utterly unsupported.

The same hon. gentleman says: We are not a nation. Why are we not? We are a nation in the eyes of all those who signed the treaty of Versailles. We are a nation to the full extent that we desire to assert our nationhood. That is all that remains. He says he has had no chance to discuss this important question because it was introduced in the dying days of the session. I wonder how long the hon. gentleman would like to discuss the question, all the evening? He had all the evening if he wanted to take it. He could have had all to-morrow too if he wanted to debate it at still greater length. I wonder how long the hon. gentleman requires to discuss a question of this kind.

Then he said in closing that the colonial status was good enough for Sir John A. Macdonald, therefore it was good enough for him. I disagree with the hon. member's statement in the first place because I do not think Sir John A. Macdonald ever was satisfied with the colonial status. Many of his speeches in Hansard and many of his addresses in the country would indicate the contrary to be the fact. But even supposing Sir John A. Macdonald did believe in the colonial status, and so stated, I should like to ask the hon. gentleman: would he be satisfied to be back in the same position as Sir John A. Macdonald was; would be be satisfied to do without the great inventions of modern science, to do exactly as they did in those pioneering days in Canada? Or would he prefer the present time with its involved nationhood and stand up with his fellow-Canadians to urge forward the status of this country until we achieve that independence within the commonwealth which all true Canadians desire?

In opening up the material portion of this discussion, Mr. Speaker, I wish to congratulate the Prime Minister on introducing the resolution. I do not think it is fraught with any great terrors either for this country or for Great Britain or for any other country. It is a very moderate resolution indeed. But I congratulate him because in introducing it, and indeed I hope subsequently when the House shall have endorsed it, he will have succeeded in consolidating the position to which we have attained by recognition, if not by actual declaration. I have in my hand an article which appeared in the Fortnightly Review of March, 1925, written by a famous English publicist, who signs himself Augur. It reads as follows:

> In 1914 Great Britain went to war with Germany without consulting the view of the dominions. The dominions were not consulted before the war began, neither was their approval of the declaration of war asked for afterwards officially. But now the situation has undergone a complete change. The great dominions by their effort in the war, and with our consent, have acquired national status, not only within the empire itself but also among the states of the world. The confirmation of this is in the fact that the self-governing dominions of the empire have been admitted, with our approval, to full individual membership of the League of Nations. Thus, for better or for worse, the constitution of the empire has changed.

I refer these statements by an Englishmen to the hon. member for Toronto Northwest (Mr. Church).

> But it is yet in the making. The principle of consultation has been imposed, but the method of its practical application has not been discovered yet. The situation needs careful and delicate handling. The time is not ripe when we can go into imperial consultation with a complicated, far-reaching problem. For a long time we shall be obliged to restrict ourselves to elementary, straightforward issues.
>
> Even of it were fair, we could not consult the empire about a French or a Belgium interest. With the best will in the world the dominions would not be able to understand us, and certainly would refuse to follow us in assuming a binding obligation towards peoples which do not belong to the British commonwealth of nations.

Now, Mr. Speaker, it is an entrancing study to follow the slow evolution of a nation from almost a primary condition. I have done it in a meagre way. I should like to have had time and opportunity in my early years to have studied it thoroughly. When we study the political evolution of Canada we find it has passed from the day of fiscal domination to the day of fiscal freedom—that is, as free of fiscal domination as my hon. friends to the right will permit us to be; we have passed from economic enslavement to economic freedom; we have passed from a war slavery, or

almost that, to a war freedom. In the last instance it has been of recent consummation. It is interesting to know that Sir Robert Borden, the great leader of the Conservative party who preceded my right hon. friend (Mr. Meighen), insisted that there be inserted in one of the treaties which he assisted in drawing up, the tripartite treaty of 1919, a clause providing that none of the dominions should be bound unless its parliament consented thereto. That was the first really definite break in our war unity. It is interesting in passing to note that by article 49 of the constitution of the Irish Free State agreed to by the British government, and of course by the Irish Free State, it is provided as follows:

> Save in the case of acutal invasion, the Irish Free State shall not be committed to active participation in any war without the consent of the Dail Eirrean.

That is the Irish parliament. So I say the war unity of the empire itself has gone. Diplomatic unity is going.

Let not hon. members, Mr. Speaker, be disturbed at this steady evolution of a child into manhood. It is really not a disturbing thing, because after we have reached that condition where we are assuming our own responsibilities and undertaking all that is implied in our complete nationhood, we still are bound more firmly, more definitely and more completely to the Mother Country by ties of honour, of justice, of loyalty and of love, than any tie of a colonial or subject condition can ever bind us. I say it with all the strength I have, that I am satisfied Canada will remain more definitely a friendly part of the British commonwealth of nations as an independent nation within that commonwealth than she ever will as a state under conditions which compel her inevitable participation in all those complications in which England herself may be involved.

Let us advance another step. During the discussion this afternoon the Locarno treaty was mentioned, and that is the second point upon which I wish to congratulate the Prime Minister; we are now to have an opportunity through this resolution of discussing that treaty. I am sorry, however, that in his remarks he did not pronounce more definitely his own opinion or that of his government upon this matter. It is true that he intimated that with what he at present understood of the treaty he did not think he would be willing to commit himself to sign it but that he preferred to leave any definite statement until after the Imperial conference in October.

Mr. MACKENZIE KING: Because the British government so requested.

Mr. GARLAND (Bow River): If I were to attempt to analyze that answer I would first, in fairness to myself, require to study the correspondence in connection with that request; there may be a good deal more behind it than at present appears. Nevertheless other so-called colonies, or others of our self-governing dominions, have come out as definitely in respect of this treaty as it is possible for governments to do. Hertzog in South Africa, for example, is in no uncertain position in that regard. I would like then, to ask a question and to endeavour in my feeble way to answer it: Why do some of the imperial authorities appear to be so extremely anxious for Canada and her sister dominions to tie themselves to this treaty?

In order to answer that question thoroughly it will be necessary to examine the treaty itself and its antecedents. In so doing I would like the House to recall the struggle which took place in 1919 between Clemenceau and Wilson and Lloyd George. At that time Clemenceau, answering the dire fears of the French populace, had determined to insist not only upon a treaty of guarantee of assistance by England and the United States, but also to insist on the occupation of the left bank of the Rhine. Wilson and Lloyd George were not at all agreeable to this proposal and Tardieu, Clemenceau's right hand man and one of the most brilliant young men in France at that time, who has since written a very excellent story of the whole transaction, has this to say about the situation:

> It was on March 14, 1919, that Mr. Lloyd George and President Wilson proposed to M. Clemenceau, in place of the inter-allied occupation of an independent Rhineland, the undertaking by Great Britain and the United States to come immediately to the assistance of France in case the latter should be the object of an unprovoked aggression by Germany.

This proposal if accepted by England, would have been an unprecedented thing. Tardieu himself acknowledges this fact in his book:

> I have said "unprecedented"; on that I would lay stress. England in the course of her history has entered into specific and temporary agreements with various continental countries but has never subscribed to any general and permanent obligation. She has at times lent her aid; she has never bound herself in advance to give it.

Yet we are asked in this instance to bind ourselves in advance. It so happened at that time that Lloyd George and Wilson did not agree with Clemenceau's views. Further meet-

ings were held, and at page 178 Tardieu describes what took place:

> Mr. Clemenceau's mind is made up on the evening of the sixteenth and his decision expressed in a note handed to the heads of the allied governments on the morning of the seventeenth. A proposal is made to us, which substitutes one guarantee for another. We refuse this substitution. We gratefully note, with the fullest appreciation of its value, the pledge offered and desire to accept it but only on the express condition that it be supplemented by most of the other guarantees demanded by us. . . . .

Clemenceau at that time exerted a most extraordinary pressure upon those with whom he was associated, and so successful was he that on the 22nd of the month Lloyd George capitulated; Wilson had done so a few days previously. Tardieu records the incident at page 186 as follows:

> Mr. Clemenceau holds his ground unmoved. We send note upon note (March 19, 20, 22, 28 and 31, and April 4, 5, 15, 16 and 19). We show that no matter how important the results attained it remains indispensible to give the treaty a guarantee of execution, to give to France a material safeguard against a Germany which because of the war will have millions of trained soldiers for years to come. We show that occupation alone meets this double need. Days pass.
>
> At last Mr. Clemenceau's indomitable will wins its end. Light begins to break. Slowly, prudently and patiently, he widens the opening and on April 20 at six oclock in the evening he secures—first of all—from President Wilson his approval of the provisions of chapter 14. On the morning of April 22, Mr. Lloyd George gives his approval also, but not without again renewing his objections. Mr. Clemenceau, who for two days has been in agreement with President Wilson, maintains all his points—duration of the occupation, its possible extension; participation by the Allies. Mr. Lloyd George ends the discussion:
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> "Very well, I accept."

What had he accepted? Mr. Lloyd George on behalf of England and Mr. Wilson on behalf of the United States had agreed not only to give assistance to France in the event of an aggression by Germany, but had in addition assented to the inter-allied occupation of the Rhineland. That occupation was condemned by the radical elements in all countries; it was laughed at and ridiculed by the moderates everywhere, who looked upon it as a hopeless and stupid piece of Prussianism on the part of the allies. However, Lloyd George and Wilson committed themselves to it. They were to occupy the territory west of Essen and Cologne for five years; the territory immediately south of that, the central zone, for ten years and the territory still further south, close to the Saar basin, for fifteen years. In the event of Germany's failure to live up to the complete terms of the treaty—since moderated, as hon. gentlemen know—the inter-allied occupation of the Rhineland could have continued indefinitely. So we had this extraordinary situation arise.

[Mr. E. J. Garland.]

Then, Mr. Speaker, the inter-allied occupation of the Rhine commenced; the terms of that occupation were so involved and so far-reaching that a very definite occurrence took place at a meeting of the war cabinet held later. But before coming to that I would like hon. members to realize exactly to what we have been committed in this particular treaty. The inter-allied occupation of the left bank of the Rhine was fixed for fifteen years; evacuation was to be by zones and so on. Then Tardieu states:

> If faithful compliance is lacking, there is to be no evacuation at five-year intervals. Even at the end of fifteen years, we retain in any event, a safeguard; if the guarantees against an unprovoked German aggression are deemed insufficient, there is to be no evacuation.

There was, of course, the moral obligation at that time admitted by Lloyd George on behalf of England to come to France's assistance in the event of aggression by Germany. However, Clemenceau was a very cute and shrewd old Tiger; he realized that both England and the United States had to depend on other sources than themselves for their inspiration and support, and so at page 209 he recounts what took place a little later:

> It was, on April 25th, that face to face as was his wont Mr. Clemenceau boldly confronted the difficulty in an interview with President Wilson by saying:
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> "The treaty, as it stands, satisfies me on the score of guarantees; but the future belongs neither to you nor to me. You have a senate and I have a parliament. We cannot be sure of what they will do ten years hence, or even of what they will do to-morrow. If, for example, the treaties with the United States and Great Britain were not ratified, what would be France's situation? What alternative guarantee would she have at her disposal?"
>
> President Wilson answered: "Your observation is perfectly just. But it raises a delicate question. Let us seek a solution."

So the discussion continued for some time, seeking the solution for which Clemenceau was so anxious. Both England and the United States had then, as I have said, departed from the generally recognized practice of not committing themselves permanently in advance to any very involved obligations. It is now to be noted that the United Kingdom had pledged herself morally to come to the support of France in the event of any aggression by Germany. The Locarno treaty carries that out. It failed in the first place, the previous treaty having broken down. This particular treaty is in my opinion based on the acknowledgment given by Lloyd George to Clemenceau at that time. Secondly, there was unquestionably the laudable desire on the part of England to encourage a more favourable condition of affairs in Europe.

Let us ask now what is our position with respect to this. Sir Robert Borden was a member of the war cabinet when the matter came up, and at page 196 of Tardieu, the same right hand man of Clemenceau, he relates what Lloyd George told Clemenceau later as having occurred at that war cabinet meeting:

"I fear," said Mr. Lloyd George, "that we rallied too quickly to the idea of a prolonged occupation. In my opinion, the whole scheme should be reconsidered. I accepted the occupation, it is true. But since then I have held four meetings of the imperial war cabinet and our delegates to the Peace conference. They were unanimous in their belief that I did wrong.

The Dominion of Canada, through Sir Robert Borden, was complete in agreement with the other dominion representatives in the war cabinet that Lloyd George had done wrong in undertaking the commitments involved.

One hon. gentleman this afternoon suggested that we were committed under clause 10 of the treaty of Versailles. Mr. Speaker, I do not think there is any clause in the whole treaty that is so utterly misunderstood and so completely confused as is clause 10. I doubt if any nation definitely knows what its commitments are under it, nor do I think any nation would regard itself as bound in any event to carry out clause 10. In any case clause 10 is relatively insignificant when compared with the commitments under the Locarno treaty, and even now the interpretation of it is completely confused. Again, we see the reason for Locarno. Locarno was Great Britain's attempt to meet the obligations entered into with Clemenceau. It was her attempt to meet those obligations in the form of a new treaty that might be acceptable to the world as a whole, and in particular to those who were participating in it. At page 72 of the Independence Papers, by Mr. John S. Ewart, we find an illustration of just how confused the understanding is with regard to clause 10. The Hon. Mr. Doherty and the Hon. N. W. Rowell, both members of the Conservative party at that time and delegates from the Conservative government—

Mr. RYCKMAN: The Union government.

Mr. GARLAND (Bow River): A number of hon. gentlemen have great difficulty in determining the difference between the Union government and the Conservative government, but we will let that go. At page 72, Mr. Ewart describes what took place in the House of Commons:

To placate Canada Mr. Doherty and Mr. Rowell, in the course of the debate, gave such an interpretation of the covenant of the League of Nations as renders it not only valueless but positively mischievous. Instead of being a real covenant for united action against disturbers of the peace, the ministers declare it to be, in effect, nothing more than an agreement that if, under any future set of circumstances, the members of the league are willing to take action, they will proceed to do it. The argument is that although it is true that under Article X, it is the council of the league which is to "advise upon the means by which this obligation shall be fulfilled," yet that if the council, as ordinarily constituted (that is of nine members) proposes to make a call upon members of the league for action, those members must first be invited to become members of the council; and inasmuch as decisions of the council must be unanimous, the invited members must assent to the proposal before it can become obligatory. To Mr. Fielding's interruption: "Under that interpretation, the whole assembly would become members of the council," Mr. Doherty replied: "If the council chose, at one and the same meeting, to consider the duties and obligations of all the members of the council, they would."

When Mr. Rowell was enunciating the same doctrine, Mr. Lapointe said: "That means that Canada shall never be compelled to take action unless she agrees to it. Is that the answer of my hon. friend?"

Mr. Rowell: She cannot be compelled to take action unless she agrees to it, so far as action under that clause is concerned.

Mr. Laponite: It is interesting to have that on Hansard.

Then Mr. Ewart comments:

What a perfect farce! Germany or Russia, for example, becomes aggressive; the council of nine proposes to institute a commercial, financial and contractional boycott, and to organize a military campaign to which all the members are to contribute; representatives of the thirty-two members are therefore summoned to meet at Geneva; after the lapse of several weeks the representatives assemble; they listen, and disagree; and they go home again. Thirty-one can make no decision. The covenant, if this be its meaning, is a scrap of paper smirched with stupidities.

So I do not think any hon. member who studies the treaty and the comments made thereon by Mr. Rowell and Mr. Doherty will be of the impression that we stand to-day committed under clause 10.

We can go even further than that. In 1922 Canada herself through her delegates tried her best to have clause 10 amended, and it is reported at page 505-506 of the Round Table Papers, as follows:

That the American senate was not alone in sensitiveness upon the point of moral obligation under Article 10 of the Covenant has since been shown by the attitude of Canada towards that Article. At the meeting of the League Assembly in 1922, Canada tabled an amendment to Article 10 adding at the end of the sentence empowering the council to advise members as to the means by which their obligation should be fulfilled the words, "taking into account the political and geographical circumstances of each state."

I wish hon. members would note that this is the first attempt that has been made to determine the geographical principle in

treaties; I shall deal with that a little further later on. It goes on:

The opinion given by the council in such cases shall be regarded as a matter of the highest importance, and shall be taken into consideration by all members of the league which shall use their utmost endeavours to conform to the conclusions of the council, but no member shall be under the obligation to engage in any act of war without the consent of its parliament, legislature or other representative body.

It so happens, Mr. Speaker, that unfortunately the Persians on the council at that time defeated the Canadian objective, and we subsequently ratified clause 10. Our position has since been understood to be an interpretive position, and has been regarded by all nations as having a powerful bearing on the clause itself and the commitments of the nations thereunder.

Not only did Sir Robert Borden object, as I have stated, but Lord Balfour expressed himself in no uncertain terms as to the ambiguous and doubtful character of clause 10. Then again at pages 656-7 of the Round Table of September last we can find some further references to that in the following, and I would recommend this to the hon. member for Muskoka (Mr. McGibbon):

As has been repeatedly pointed out, however, in the Round Table, the meaning of the covenant itself needs to be defined. At present its wording is dangerously ambiguous, and different nations put widely different interpretation upon it. Nothing will be more conducive to the destruction of that confidence and good faith between nations, which is the very essence of progress towards peace, than that there should be any confusion or misunderstanding between members as to what their mutual obligations under the covenant are, when the time for fulfiilling them arrives.

Hon gentlemen will note that this confusion is clearly acknowledged and discussed no later than September last in this imperialistic journal Round Table, which reports, on non-partisan basis, the political happenings of interest to the empire. It goes on to say:

Some day it may be possible to overhaul the covenant so as to remove any possible obscurity. Meanwhile we accept Lord Balfour's recent plea that to attempt at present any general revision of a document signed by more than sixty nations would do more harm than good. But we think it imperative that the British nations should make it clear to the other signatories that neither article 10 nor article 16 mean that they are under any obligation "automatically" to take sanctions against any other power.

No words could be more definite than these so far as the commitments of Canada under article 10 are concerned. We are not committed morally or geographically.

Mr. McGIBBON: Does the hon. member take this statement as an official interpretation?

Mr. GARLAND (Bow River): Yes.

[Mr. E. J. Garland.]

Mr. McGIBBON: On what authority?

Mr. GARLAND (Bow River): The Round Table is recognized as an official interpreter of the position taken by the various nations in the commonwealth in matters political or matters international. Lord Balfour has also commented upon the matter and he takes much the same position.

Mr. McGIBBON: May I say that there has been no such pronouncement made by the nations involved?

Mr. GARLAND (Bow River): The hon. member is missing the point.

Mr. McGIBBON: I am not missing the point.

Mr. GARLAND (Bow River): The nations involved signed the covenant in which article 10 occurs. Now, there is complete confusion in regard to it. There has been all along utter confusion as to the commitments under article 10, a confusion which needs clarification if article 10 is going to be in any way beneficial. As a matter of fact under the position formally taken by the Canadian delegates in this matter, I think article 10 should either be drastically amended or completely eliminated. Canada should not be obligated under article 10 to any commitments that are not undertaken with full recognition of the geographical situation involved.

So far as the geographical situation is concerned we have the position taken by Mr. Chamberlain. Discussing the Locarno treaty in the House of Commons in England he indicated, in answer to a question as to whether he did not consider the treaty applied to the eastern frontiers as well as to the western frontiers of Germany, that he was unwilling to do so because of the geographical situation of those boundaries. They were away from his personal interest, they were away from the deep and natural interest of England herself, and therefore he realized the difficulty of guaranteeing definitely in any treaty any status quo as respects the eastern boundaries of Germany. However, that is another question and I will come to that later on.

Article 5 of the treaty of Mutual Assistance was the first treaty in my recollection in which there occurs definite recognition of the principle of geographical limitations and responsibilities. Article 5, subsection (b) reads as follows:

The high contracting parties undertake to furnish one another mutually with assistance in the case referred to in article 2—

And so on.

Invoke by name the high contracting parties whose assistance it requires. No high contracting party situated in a continent other than that in which operations will take place shall, in principle be required to co-operate in military, naval or air operations.

Mr. MacDonald, who was Prime Minister of Great Britain at that time, has quoted Canada's opinion on this subject, as embodied in a letter from Canada to be found at page 277 of the Accounts and Papers (State Papers). This is a letter to the Secretary General of the League from the government of Canada, dated June 19, 1923, and reads in part as follows:

It is intended that the obligation to render assistance shall be limited in principle to those countries situated in the same part of the globe. While Canada is situated in the North American continent, she is a nation forming part of the British Empire, and it seems difficult to devise a scheme which would give due effect to those conflicting considerations. In any case, it seems very unlikely that the Canadian people in the present circumstances would be prepared to consent to any agreement binding Canada to give assistance as proposed to other nations, and the government therefore does not see its way to a participation in the treaty of Mutual Guarantee.

Canada has definitely stated her position with respect to commitments outside of the North American continent.

Now, Mr. Speaker, the treaty of Locarno involves, as the hon. member for Labelle (Mr. Bourassa) indicated this afternoon, commitments with respect to the western boundaries of Germany, commitments tremendously far-reaching in themselves—how far-reaching hon. gentlemen can only really understand when they study the history of the whole situation since the war. For example—and this is just one little difficulty that has occurred to me—there is the famous and wealthy Saar basin. It is under the control of France, the coal deposits there being of tremendous value. But under the treaty the understanding is that within 15 years—that is from the time of the making of the treaty—a plebiscite is to be taken in the Saar basin and the nations concerned are to agree to the determination of the people in that basin. We have already had an illustration in the case of another country of what happened with respect to a determination of that kind. But in this particular case if the people of the Saar basin vote to return to Germany there will inevitably be a conflict with France, bad feeling will at once be stirred up, and I doubt if France will consent. That is just one little illustration. Further than that, as the hon. member for Labelle indicated this afternoon, the treaty itself obligates Canada, if we should sign it—which I sincerely hope and believe we will not do—to come to the assistance of Germany if Germany should be invaded by France. Now let me give you just one little illustration of how this might work out. At the present time France and Poland are very close together and are assisting each other in every possible way. France is particularly interested in Poland. Indeed so is England at the moment but that is another question. Poland may determine to attack Germany. Or if Poland were attacked France might undertake to come and help her. In that case we would be compelled to go over there and assist France under this treaty. On the other hand, if Germany should invade either France or Poland, and then be invaded by France in return, we would then be committed under the terms of this treaty—this treaty which Mr. Chamberlain himself in the House of Commons in England stated did not commit England to any other undertakings than those contained in the covenant itself with respect to the eastern boundaries of Germany, yet inevitably compels her take an interest in it and may involve us in future wars.

We all know that a treaty has just been concluded between Germany and Russia which undoubtedly imperils the Locarno treaty. Personally I doubt very much whether the larger nations involved will agree that they could carry out the provisions of the Locarno treaty in view of the Russian-German treaty which has been negotiated. In addition to this, at this very moment Russia and Poland are struggling for supremacy in the Baltic states of Esthonia, Latvia, and Lithuania. Poland has been successful in Lithuania but has not made any progress with the others. Russia is struggling hard to get control there. These three states are almost powerless alone. They must enter into treaties for mutual assistance with either Russia or Poland. Again difficulty is going to arise. Russia is going to insist on German assistance in the event of Poland being too aggressive in the Baltic states, and we might get involved again in the Baltic mess of Europe if we entered into the treaty. As a Canadian I would hesitate to urge any hon. member to do anything which was not fair, so far as Europe was concerned. No one is more anxious than I am to see Europe settle down and endeavour to effect an economic adjustment. But no treaty of this kind will be of any assistance to Canada, in helping the Old Country in her complications in Europe. No treaty of this kind can bring us any closer to a solution of the terrible inter-state quarrels on that continent.

An hon. MEMBER: What makes you think so?

Mr. GARLAND (Bow River): I should like to ask the hon. member, what contribution Canada can make to maintain proper conditions, for instance, in the little Danzig corridor that runs up separating two parts of Germany? The hon. member no doubt would like this House to compel us to have matters remain in the present situation, which might work out a complete injustice. I will touch on that question later on and I will bring it out clearly. In the Sevres treaty we took no part; we did not sign it. In the Lausanne treaty, on account of the terrific commitments which Canada dared not undertake, we took no part, and speaking of article XVIII of the Lausanne treaty Lord Curzon, dealing with the general guarantee of the League of Nations under articles X and XVI, is quoted at page 510 of the Round Table on June 1924 as follows:

> The general guarantee of the League of Nations under articles X and XVI not proving satisfactory to them, they were further offered the special four-power guarantee contained in article XVIII, the effect of which Lord Curzon described as follows:
>
> Finally, in order to remove all possible apprehension that the regime which we propose to establish will be abused to the disadvantage of Turkey, we have added a specific guarantee under which the security of Turkish territory and the Turkish capital is abundantly assured. Not only will Turkey be left with her own means of defence for her Asiatic shores; not only will substantial Turkish forces be stationed at Constantinople; not only will Turkey, so soon as she enters the League of Nations, share in the general guarantee provided by article X of the covenant; but under the additional guarantee which we propose to attach to the Straits convention she will be given an absolute assurance regarding her future security and be able to devote her undivided attention to the economic reconstruction and progress of her own dominions.

Those commitments, though vividly pointed out by Lord Curzon in connection with the Lausanne treaty, are far outweighed by the provisions in this treaty which we have before us. Canada should be left free to act as she desires, to act as the occasion arises. We were free to act in 1914 and we acted. Some hon. members in this House were tempted, and indeed yielded to the temptation, to condemn and assail in terms which are, to say the least of it, uncomplimentary, hon. members who simply ask that we be left to the faithfulness, to the trust and the love which the people of Canada have for the Old Country. Hon. members need not be afraid. The people of Canada do not need to be shackled by any bonds of treaty or be tied down to commitments in the future. When England needs and it is our need, we will support her. Is there an hon. member anywhere in this House who will urge that we send troops into Mosul, or troops into northern India, or who will urge that we should send troops anywhere on the globe because England has a conflict there? I know that no hon. member is so foolish as to make that suggestion. Yet that is the argument when we are asked to ratify treaties of this kind. Let us stay where we were in 1914, I am satisfied the good judgment of the Canadian people will rise to the occasion and that the bonds of love and affection which are stronger than any treaty, will stand us in good stead when England requires assistance, and that those bonds will bind us as one.



Mr. J. L. BROWN (Lisgar): The question of the future status of Canada in the British Empire is one of extreme importance and one that I think demands the earnest consideration of this House. The British Empire is a new experiment in the world's history. In the past great empires have been built upon force, and the component parts of the empire have been held together by military force. I think we can say that such methods have been utterly discarded by Great Britain herself, and if this new experiment is to succeed, as we believe it can succeed, we must fix our attention upon the essential principles that bind the empire together. I thoroughly concur in what the hon. member for Bow River (Mr. Garland) has said, that the bonds of love and affection are infinitely stronger than any rigid bonds or any binding treaties can possibly be, and those bonds are strong just because they are elastic.

I shall not undertake, Mr. Speaker, nor is it my intention, to enter at any great length into a discussion of these questions. I shall not deal with the various treaties which have been brought before us from time to time for our consideration, but there are two or three essential principles that seem to my mind important. I should like to lay down this principle; that Canada's destiny must be determined by the people of Canada themselves, as expressed through the will of this parliament. It is inconceivable to me at this time that we should think of entrusting our destiny and the determination of the part we should play in any crisis that might arise to those who live on the other side of the ocean, strongly as we may be bound to them by ties of love and affection and strongly as we may sympathize with them in their position in world affairs. It seems to me inconceivable that we at this stage in our history should allow our course to be determined by people other than ourselves. In times past men have fought for their rights, for individual liberty and for freedom. Some-

times it has been for religious freedom, for the right to think for themselves, for the right to determine their own creeds and beliefs. To-day I think we need to urge upon men not only their right to these things, but their duties and responsibilities to determine these things for themselves. As it is true in all matters of faith that men are under the duty and obligation to determine them for themselves, so it is true in regard to our political destiny. We must determine for ourselves the part that we are going to play in world history and what will be our place in any world crisis that may arise. It is to me inconceivable that we should bind ourselves to a course of action in the future without reserving to ourselves the right to determine whether the circumstances justify this action or that, or that we should bind ourselves to follow at some time in the future a course that would be determined for us by others.

I am convinced that in the great experiment in which we are engaged—a new thing, as I have said, in the history of the world—namely, that of building up an empire bound together not by military force but by ties of common sympathy, common ideals and common history, each component part of that great empire must maintain its individual freedom of action. Especially is that true of those dominions which like ourselves have for years now enjoyed the privileges of self-government and the right to manage their own internal affairs. There was a time when British statesmen thought that if Canada were given the right to manage her own internal affairs, that would mean separation from the empire. Whenever some new step has been suggested these fears have been expressed: Oh, if you do that it will mean separation from the empire. Just as those fears have been belied in the past, so I believe they will belied in the future when we undertake to determine for ourselves just what part we shall take in external affairs. While I cannot always justify some of the things which Great Britain has done, I glory in her traditions and the part she has played in the history of mankind, and I have no fear that any injury will come to the British Empire if the self-governing dominions like ourselves reserve for themselves freedom of action when any crisis may arise.

I have sometimes said in the past, although perhaps I have been wrong—and I have almost come to the conclusion that I have been wrong—that if we recognize that the British Empire is an anomaly and that many anomalous situations arise, the greatest danger lies in attempting too positive a definition of our status. In view of a decision given by the Judicial Committee of the Privy Council regarding the right of Canada to determine just what subjects shall be allowed to be appealed to the Privy Council it may seem that the time has arrived when in some of these matters we should have a clearer definition of the position we intend to take and of the rights we propose to assume. On this general question I am strongly of opinion that our destiny must be decided for ourselves by ourselves. I have no fear that the acceptance of that responsibility will in any measure tend to the disruption of the British Empire; I believe rather that it will bind us closer together than would be possible if we attempted to build upon the other foundation that is sometimes urged upon us.

There is another question that has been brought to our notice, and I cannot allow it to pass without expressing some opinion upon it. I am greatly disappointed that the leader of the opposition (Mr. Meighen) has not up to this point taken any part in the debate. I would have preferred not to discuss the particular question to which I am now going to refer until I had heard from the right hon. gentleman his statement of his position.

Mr. SPENCE: Then would the hon. gentleman believe it?

Mr. BROWN: I would at least have an opportunity of judging, and at present I have no opportunity of judging except from the reports. When I hear him denying that a certain statement—that is the "ready, aye, ready" statement—has been made, and offering some explanation in regard to a statement made at Hamilton, I would have much preferred before forming a judgment to listen to the right hon. gentleman himself. Unfortunately, however, I have not had that privilege and therefore I must deal with the matter as I see it myself. There is no question in my mind that the people of Canada as represented in this parliament should decide what part they will play in any crisis that may arise. If some such circumstance should again prevail as prevailed in 1914, if a crisis of that kind should arise, it is only fitting that the government of the day, whatever government that happens to be, should take such immediate steps as in their judgment seem justified. But following upon that, the proper step would be an immediate summoning of parliament. That government might place

9 p.m.

its views before parliament and it would receive the endorsation of parliament or otherwise.

As regards an election appeal, it seems to me that is the most illogical proposition that has ever been offered to the Canadian people. Why should we be asked to say at this time that under circumstances of which we are and must be ignorant until they arise, we shall commit ourselves to a certain course? I can imagine that circumstances might arise when an election would be necessary, but let us go back to the situation that prevailed in 1914. When the great war broke out in 1914, from end to end of Canada the opinion was expressed that Canada could do nothing but commit all her resources to winning the war for the allies. On that matter there was practically little difference of opinion, and the government of the day received practically the unanimous support of the people of Canada. Should such a situation again arise, would it not be absurd to say immediately: We must have a general election? We would be plunged into an election on which perhaps there was no issue, on which the people were not divided. One of the most discreditable things that ever happened in Canada was the attempt of some members of the government of the day, some of whom now sit in this House—

An hon. MEMBER: Name them.

Mr. BROWN: The hon. member for South Winnipeg (Mr. Rogers) for one—to plunge Canada into a general election. I may have been wrong, but I felt at the time that the severest criticism which could be made against the premier of that day, Sir Robert Borden, was that he allowed a year and a half to pass before it was definitely stated that we would not have an election until the end of the parliamentary term. Many, many times when our whole energies should have been devoted to the winning of the war we were on tenterhooks, not knowing whether we were going to have an election or not. In the constituency that I now represent the bills for a convention of the Conservative party were actually posted, and then the convention was called off. That is the position in which we found ourselves—jockeying for an election when we should have been devoting our energies to other purposes.

Therefore it would seem to me, Mr. Speaker, a most absurd proposition that we should declare here and now, or before the circumstances arise, that the question will be submitted to the judgment of the people in an election, when there might be no issue between the parties at all. What would be the situation then? Whichever party might be in control at the time would be appealing to the people and securing support perhaps for policies other than those immediately involved, and of which the country entirely disapproved. That was the situation which to some extent confronted us between 1914 and 1917. I repeat, Mr. Speaker, I am sorry that we have not had the privilege of listening to the right hon. leader of the opposition propound his views on this question. Perhaps I have misinterpreted them, perhaps I have misrepresented them, but I am firmly of the opinion that this parliament, representing the people of Canada, must assume responsibility. I believe it would be the duty of the government of the day to call parliament together and place the question before it. Unless there was reason to believe that any wide difference of opinion existed among the people, there should be no election. We should not be plunged into civil strife, fighting one against another, when we ought to be devoting all our energies to meet the crisis that was confronting us.

Mr. ROBERT FORKE (Brandon): Mr. Speaker, I feel some hesitation in taking part in the debate on this very important subject after listening to the eloquent and instructive addresses which have been delivered this afternoon, but it is so important that I must place myself on record with respect to it. The British North America Act, with the various precedents that have been established since its enactment, may be called the constitution of Canada. Those precedents have been created by this parliament and have been sanctioned by the common consent of the country, and it may be taken for granted that they now form part of the constitutional privileges and liberties which this country enjoys as a nation. Those precedents involved progressive changes, and they were not challenged. Someone said this afternoon that we have just drifted into our present position. I do not think that is a correct statement of the case. I think we have carefully considered step by step the moves that have been taken from confederation up to the present time, and whatever advances have been made have been the result of that careful consideration by all concerned.

Sometimes we talk of Canada as a nation free and independent. I do not think that is a correct description of our status. We have freedom, we have liberty, but we are not in full control of our national destinies. We

have large powers in internal government, but at the same time those powers are not unlimited; for instance, the federal and provincial jurisdictions respectively are fixed, and this parliament cannot change them. In regard to certain reforms that we would like to make with respect to another legislative body we find ourselves powerless to move. But, Mr. Speaker, I believe that when the people of Canada make up their minds to effect that reform, they will find a means of doing so. That is one of the difficulties we are up against at the present time and bears out my statement that our legislative powers are to a certain extent limited.

This afternoon frequent references have been made to Canada's place within the empire. It is pretty hard to define our position in relation to the commonwealth, and although I have listened very carefully to the debate I have not heard any hon. member clearly define our position as one of the sister nations of the empire. On one occasion Sir Wilfrid Laurier when speaking on this question said, in effect:

> Our barque is upon the ocean and is making for harbour, but I do not very well know what that harbour will be. It is not exactly the same harbour I expected the ship of state would make twenty-five years ago, but I am well satisfied that it will be a safe harbour at last.

I think we can confidently accept that statement. I believe we are going in the right direction and shall arrive in a safe harbour at last.

As to getting in closer touch with Great Britain in the matter of conferences to decide foreign policy, I think Sir John A. Macdonald and Sir Wilfrid Laurier were very careful not to commit the country too far on imperial matters. If I recollect aright, I think the present leader of the opposition in 1921 attended an imperial conference. I do not know what was discussed at that conference, I do not know if any commitments on behalf of this country were made, but I trust the right hon. gentleman sufficiently to believe that nothing detrimental to the interests of Canada was agreed to by him. The hon. member for Lisgar (Mr. Brown) has referred to certain statements made by the right hon. leader of the opposition, as to Canada's position in relation to imperial policy. I am not going to dwell on them, but I also should have been pleased if the right hon. gentleman had told us this afternoon just exactly where he stands in this matter. Canada has certainly travelled quite a piece since the days of confederation. Canada signed the Peace treaty as a free nation, and many of our acts since were not anticipated in the early days of confederation. On the whole I think we can feel quite satisfied that we are travelling in the right direction.

At the Imperial conference of 1921 Premier Hughes of Australia and Premier Massey of New Zealand were present and expressed their anxiety to link their parliaments up more closely with the imperial parliament. We can understand their position to some extent. We have been told this afternoon, as on other occasions, about our geographical position, and there can be no doubt that her interests as one of the two great countries occupying the North American continent will for all time to come be to a very large extent bound up with that of the United States. Australia and New Zealand lie away out in the Pacific ocean in a much different position from Canada, and I can well understand how they look to their own safety first. While I believe they are also bound to the Old Country with bonds of love, yet in matters of self interest I believe it will be perhaps more to their good to be closely bound up in imperial matters. This whole question of tying ourselves up with the imperial parliament and with imperial matters is fraught with a good deal of danger. I will not attempt to go into the matter to-night after the eloquent address of the hon. member for Bow River (Mr. Garland) who has covered the ground completely, but I am sure that the people of Canada will best serve the interests of the whole British Empire by developing their own country and attending to their own affairs, all the while looking across the wide Atlantic with feelings of affection and appreciation. Should the time ever come when danger again threatens the Old Country I am certain that the sons and daughters of Canada will be willing to make sacrifices as they did in the years gone by. Canada has always been ready in the past to do her share, but I think we should consider well the situation before we bind ourselves and get embroiled in the entanglements of European affairs as we know them to exist to-day.

One might ask what Canada's responsibilities are, and what is likely to cause the trouble in which we may find ourselves. I do not think there is much danger on this North American continent; I do not think we will ever see war here, but if we look across the Atlantic to the continent of Europe and realize the conditions existing there we must always feel that there still remains a danger and that some day the spectre of war may arise again. When we look to Italy and Poland we find that responsible and parliamentary govern-

ment has fallen down, and the countries are in the hands of dictators. Some remarks of the Italian dictator do not lend themselves very well to the peaceful solution of the difficulties of Europe, but perhaps it is beside the question to discuss this matter at present. It does seem to me, however that so long as there is so much jealousy, hatred and bad feelings between the nations of Europe there will be trouble.

It might be asked as to what is going to cause war, and what has been the cause of war. I heard a statement made the other day which is perhaps partly true; a professor of history said that all the wars of the nineteenth century were basically economic. I do not suppose the people realize this fact. I think sentiment has played a large part in the history of warfare, but I believe a close study of what took place in the nineteenth century will show that most of the wars were caused through economic problems. So perhaps one of the great factors entering into permanent peace would be a proper solution of the economic questions as they affect the different countries of Europe at present. However, I am not going to spend any time on that matter.

The world wants peace to-day; I think people generally in every nation are seeking and longing for peace, for the time when man shall go to war no more. Then why should war come upon us almost accidentally, it seems, or without due notice? I believe that the days of secret diplomacy should pass and that the negotiations between nations should be made in the open in order that the common people, those who must suffer, should have an opportunity of knowing what is going on. Perhaps this is not the proper time to discuss some of the negotiations which took place before the Great war broke out. Half a dozen men, perhaps, have the decision as between peace and war, yet the great majority of the people who must suffer have nothing whatever to do with those causes responsible for war. Military people say that the way to prevent war is to be always ready for war, and I have a great deal of sympathy with their viewpoint; it seems natural that the proper way to preserve peace is to get ready for war, but what has been the experience of the past? You will find everywhere in history that when nations prepared for war they were immediately at war; the one inevitably followed the other. So if the nations go on arming and preparing for war we will have another war. The only way to get peace is to prepare for peace in the same way.

[Mr. Forke.]

Just a word in regard to the consolidation of our empire. Some people ask how Canada is to protect herself in time of war, and where she would be if it were not for the protection of the British army and navy; sometimes we are called selfish and narrow because we are not prepared to maintain a large standing army and navy to protect our shores. Perhaps a good deal could be said along this line in regard to a navy; I do not know that I would complain if we were just a little better equipped in that regard than at present. At the same time, however, where is the danger coming from? I was born in the Old Country and perhaps my heart beats as warmly for Old England as any in this House, but I think the only danger likely to come to Canada will come from our connection with the imperial parliament. Switzerland lies in the centre of Europe, but she seems to be quite safe; Canada would also be safe so long as she did not become embroiled in the European squabbles which are so frequent. If we keep out of those troubles and attend to our own business we will have no war, unless it should be through the call of blood to help our Mother Country in distress.

I might say a few words in regard to the actions which took place in the Dominion parliament in regard to treaty-making, but that matter was so well discussed this afternoon that I do not think it necessary to take up any more time. I hope some way may be found whereby the free nations of the British Empire may find some tie which will bind them together, but I agree with the hon. member for Lisgar (Mr. Brown) that if you bind that tie too closely and make it a fixed thing you will be taking the best means to destroy the unity of the British Empire. I believe in the strong bonds of affection and love which bind us to the Motherland; Canada should go on her way step by step, perhaps drawing near the time when she shall be a free nation entirely independent, and capable of directing both her internal and external affairs.

I believe great things are in store for this country of ours; I believe Canada has something to give the nations of the world that will work to the betterment of all mankind, and I for one look into the distant future for the day when Canada will become one of the great nations of the earth, making for the peace and welfare of not only her own people but of the rest of the world as well.

Motion agreed to.

## MONTREAL HARBOUR COMMISSION

LOAN OF $12,000,000 FOR TERMINAL FACILITIES

The House resumed from June 14 consideration in committee of Bill No. 189, to provide for a loan to the Harbour Commissioners of Montreal.—Mr. Cardin—Mr. Duff in the chair.

The CHAIRMAN: Clauses from 1 to 5 inclusive have been passed. We are now on the preamble.

On the preamble.

Sir HENRY DRAYTON: I think, Mr. Chairman when the committee reported progress, the minister had thought it would be quite all right to adopt the suggestion of the opposition that there should be some check on these expenditures, and that the accounts of the Montreal Harbour Commission should be referred to the committee on Public Accounts. He was going to consider the form of an amendment to bring in, and I have no doubt he has it.

Mr. CARDIN: Representations were made, as my hon. friend has just said, with regard to referring the accounts of the harbour commission to the Public Accounts committee, but on looking into the matter I find that this point is already covered by the law as it at present exists. I do not intend to say that the accounts of the harbour commission can be submitted to the Public Accounts committee, but a check is provided for in the existing legislation. By the Audit Act of 1923 power was given by parliament to the audit board to investigate and inquire into all the expenses and matters of administration of the harbour commission. It was mentioned the other night that this board had been practically abolished, or that the law had been changed. I find that under the law as it was amended in 1925, there is a section which covers this case exactly. Section 4 provides:

> It shall be the duty of the board to act in an advisory capacity to the treasury board and under its direction to inquire into and report with regard to any matters entrusted to it by the treasury board including the following:—
>
> (d) the financial affairs of any commission or other public body the operations of which are carried on by appropriations from the treasury of Canada, or which are aided by grants or loans from the said treasury.

This audit is made by the new audit board. Each member of the board is empowered with the same authority as any commissioner appointed by virtue of the Inquiries Act, and by clause 7 of the Board of Audit Act it is provided that:

> Each report of the board shall be laid before both houses of parliament within twenty-one days of the date of its receipt by the minister, or if parliament be not then in session, within the first twenty-one days of the session then next following.

That is the law as it stands at present.

Mr. MEIGHEN: Where is the report?

Mr. CARDIN: This law came into effect on the 2nd day of July, 1925. An investigation has been made by the Auditor General, and a report has been made to the Minister of Finance.

Sir HENRY DRAYTON: My hon. friend now says that a report has been made by the Board of Audit to the Minister of Finance on the Montreal harbour.

Mr. CARDIN: Yes.

Sir HENRY DRAYTON: That still leaves us where we were before. There was not only a suggestion, but the direct statement was made by the hon. member for West Calgary that things were not as they ought to be in connection with this harbour board. He made that charge, and the minister said that so far as he was concerned he saw no reason why the matter should not go to the Public Accounts committee, for he was quite sure that everything was all right. If everything is all right I admit at once that there is no reason why the matter should not go to the committee, and the minister believing that everything was all right said that he had no objection whatever to the matter going to the Public Accounts committee. The minister will see that the report he speaks of is merely a report made to the government. It does not come to the House.

Mr. CARDIN: This report can be laid on the table of the House.

Sir HENRY DRAYTON: What good is that if we cannot inquire into it?

Mr. CARDIN: The House has power to inquire into any document laid on the table.

Sir HENRY DRAYTON: Before the Public Accounts committee?

Mr. CARDIN: Certainly.

Sir HENRY DRAYTON: Not a bit of it. The opposition would have to move as a matter of grace to go into it, and the government, if it had any right to carry on, if it was strong enough to vote it down, undoubtedly could and would. A government that would say that this can only be done on a motion of the House, and not as a matter

of law, if strong enough would undoubtedly vote down that motion. I am more interested, though, in wondering what has accounted for my hon. friend's change of heart. My hon. friend was all keen for investigation before. What has happened since? What has he learned?

Mr. CARDIN: I am still; and if my hon. friend moves, I will support him.

Sir HENRY DRAYTON: I am moving for it now in connection with this bill. My hon. friend agreed to it the other day, but the trouble is he does not stay put. We had exactly this same act quoted to us last session. The Prime Minister produced and read it. It was pointed out then that there had been some changes in it; it was changed again in 1925, but the effect of it has not been changed at all. As my hon. friend has departed from the understanding we had, I think he should give us plainly the reasons for his change of heart.

Mr. CARDIN: I cannot agree with my hon. friend that I committed myself to giving power to the Public Accounts committee to deal with these matters. I stated that I should be glad to look into the matter, and that I was not opposed to any check being made on the affairs of the Montreal Harbour Commission. I think the most serious suggestion of the hon. member for West Calgary was that he wanted to have an audit made by the Auditor General. His contention was twofold. He wanted to have an investigation by the Auditor General, and to have the accounts submitted to the Public Accounts committee. Well, as the law stands at present, this power is already in the hands of the members of this House. An investigation can be made by the Auditor General under the law now; in fact, one has been made already, and when the report is made to the House any hon. member may move that the matter be referred to the Public Accounts committee. But if we amended the bill, which provides only for the granting of a certain sum of money to the Montreal harbour commission, to provide that its accounts shall be investigated by the Public Accounts committee, that would be the first time we had stated any such thing in any such legislation we have in Canada. It would be the first law of that kind. There is no law on our statute books which states that the affairs of any commission or organization of any sort shall be submitted to the Public Accounts committee. The Public Accounts committee draws its power, not from any legislation, but from the powers of the House of Commons itself. It is an institution of the House of Commons, and the Public Accounts committee has never been empowered by any legislation that we have passed in parliament; in fact, that is not exactly the duty of the Public Accounts committee. I have taken care to look into the matter and to consult some authoritieis, and I find that it is not the duty of the Public Accounts committee to deal with matters of that kind. But what is more important is this: Why make an exception of the port of Montreal? If we amended the bill in the way that has been suggested, Montreal harbour would be the only one to have its affairs investigated by the Public Accounts committee. From such an investigation Vancouver harbour commission would be free Quebec harbour commission would be free, and all the other harbour commissions that we have. If we were dealing with the powers of the harbour commission it would be quite proper to have a disposition of that kind; but we are only dealing with a proposed grant of money to be made to an organization which exists already and which appears to have been established long ago. It is not the proper time for an amendment of such a kind. Let us go on with the bill as it is, let us grant this loan if it is agreeable to parliament, and later on the matter can be studied. Then if it is necessary that the accounts of any harbour commission should be submitted to the Public Accounts committee, let us pass legislation at the ensuing session placing all the harbour commissions on the same footing. But I say it is not fair or reasonable at this time, when we are only asking to be permitted to make a grant to the harbour commission, to say that the accounts of that commission should be submitted to the Public Accounts committee. As I said the other night, I have no objection, nor has the government, to the accounts of the harbour commission being investigated, but in such a matter as that let us take the logical and reasonable course of applying the investigation to all the harbour commissions and not confine it simply to the harbour commission in Montreal. In view of these circumstances I think the bill should be allowed to pass, because the last time the measure was under consideration all its clauses were agreed to, and it was only postponed in order to afford me an opportunity of inquiring into the purchase of certain properties which were needed for the bridge.

The other night the hon. member for South Winnipeg (Mr. Rogers) raised some objections in regard to the buying of certain properties. I have now the information with respect to that matter in front of me. The complaint

of the hon. gentleman was that certain properties had been bought along the line of what has been called during the debate "the old line" or "the old proposed site". The hon. gentleman gave a list of the properties which, according to the information in his possession, were on the old line. Well, I have inquired into the matter and I am in a position to say that all the properties which were mentioned by my hon. friend the other night are on the line which has been definitely chosen for the building of the approaches to the bridge in Montreal. In the case of one of the properties mentioned by the hon. gentleman the civic numbers are 1150 to 1176 Delorimier avenue. This property has not been purchased, although there had been negotiations with respect to it. But it is on the line which has been accepted definitely for the building of the approaches to the bridge. One single property among those mentioned by my hon. friend the other night is on the line which has been chosen definitely, but it is not on the old project. It is a property which has been bought in the vicinity of certain other properties which were required for the bridge, and it has been acquired in order to establish the value of property in that vicinity. All the other properties which have been mentioned are on the line which has been definitely fixed for the building of the approaches of the bridge. And this property which will not be required is bringing in an annual revenue at the present time of $1,400 a year. It was bought with the sole object of determining the value of the surrounding properties which were needed for the construction of the approaches to the bridge, and can be very easily disposed of.

Mr. CAHAN: Will the hon. gentleman tell us what price was paid for that property?

Mr. CARDIN: The price paid was $11,000.

Mr. ROGERS: What is the number of it?

Mr. CARDIN: The civic numbers are 1125 to 1129 De Montigny street. I think these explanations should be satisfactory and that the bill should be allowed to pass.

Sir HENRY DRAYTON: Of course we always like to agree with my hon. friend in any way—

Mr. CARDIN: Thank you.

Sir HENRY DRAYTON: —but after all, pleasing him is a secondary consideration, I think he will agree to that.

Mr. CARDIN: Yes.

Sir HENRY DRAYTON: It is sad, it is really sad, to see the change of heart my hon. friend has had. I do not want to delay the House at this period of the session but I would say to him that these reports which have been made must be laid on the table and become the property of parliament; at present they are not. I am going to ask my hon. friend to see that the reports of the auditors of the harbour commissions of Montreal and Quebec shall be tabled. Then we can discuss this matter further, perhaps, when the estimates are up.

Mr. ROGERS: Has not the bill which passed parliament a year and a half ago granting Montreal harbour commission $6,000,000 been taken advantage of by them?

Mr. CARDIN: Yes.

Mr. ROGERS: That money was voted distinctly for the building of this bridge. What has it been used for?

Mr. CARDIN: No money has been voted by parliament for the construction of this. The money which has been advanced to the harbour commission in the past has been for the development of the facilities of the harbour. The bill passed in regard to the building of the bridge provides only for the guarantee of the bonds or debentures which will be issued by the corporation. We did not advance a single cent for the construction of the bridge; we only authorized the harbour commissioners to proceed with the construction of the bridge and we undertook to guarantee their debentures.

Mr. ROGERS: If my memory serves me rightly I think I read in Hansard a statement by the minister to the House at the time that this $6,000,000 was for the purpose of constructing this bridge.

Mr. CARDIN: Oh no. If I said that I was absolutely mistaken. That was not the purpose of the law passed at that time.

Mr. ROGERS: My opinion is that there is a lack of information with respect to this matter and the minister would be wise in refusing to go on with the bill until we have more information. There are very many reasons why this measure should not be passed at the present time. First of all the minister made the clear and distinct statement that there was no right of way required for the bridge. A few days afterwards he admitted the fact that there were purchases to the amount of $750,000 for right of way and

that money had been obtained from last year's vote, or some such source, to make the payment. He made various other statements which do not seem to be in accordance with the facts. The minister has not informed himself very clearly as to the conditions with respect to Montreal harbour. I do not think it is possible for the minister or anybody else to justify the expenditure of this huge sum of money under present conditions. There is really no immediate or pressing need for the construction of this bridge. If you go into this venture and borrow the money from the treasury of this Dominion you are going to build a bridge that enters into competition with a bridge that the Canadian people already own. As my hon. friend well knows, the bridge already there was purchased by the Canadian people from the Grand Trunk Railway and is owned by the Canadian people, and the earning power of that bridge has been given as something like $250,000.

Mr. CAHAN: Is any part of this appropriation which is now before the House to be expended on the bridge?

Mr. ROGERS: What bridge?

Mr. CAHAN: On any bridge.

Mr. ROGERS: It is to be expended on the bridge.

Mr. CAHAN: No.

Mr. CARDIN: Not a cent.

Mr. ROGERS: What is the minister going to spend it on?

Mr. CARDIN: The bridge is not mentioned in the list I gave. I referred to elevator No. 3, for instance, with conveyors and jetty.

Mr. ROGERS: The minister told us the other night the money was used already, out of the fund of $15,000,000.

Mr. CARDIN: No.

Mr. ROGERS: The minister is on record to that effect.

Mr. CARDIN: No.

Mr. ROGERS: What is the minister going to do with this?

Mr. CARDIN: I stated the other night when the bill was introduced.

Mr. ROGERS: I want information.

Mr. CARDIN: I gave it the other day.

Mr. MACKENZIE KING: The information was given when the bill was up the other day.

[Mr. Rogers.]

Mr. CARDIN: The total amount authorized during the past four years was $15,000,000, and I went on to show how it had been expended—$3,000,000 for elevators, $2,000,000 for grain elevator "B" Windmill Point—I have no objection to reading what I stated the other night.

Mr. ROGERS: I am taking it from Hansard.

Mr. CARDIN: It was given to Hansard. The proposed expenditure of the money we are asking for will be under the following heads:

| | |
|---|---|
| Habour dredging | $ 800,000 |
| Wharves, piers and basins | 5,400,000 |
| Plants | 155,000 |
| Shops and building | 322,000 |
| Railways and electrification | 1,342,000 |
| Permanent sheds | 300,000 |
| Grain elevators | 3,155,000 |
| Sundries | 142,000 |
| Total | $11,616,000 |

These are the expenditures that will be covered by the loan we are now asking parliament for.

Mr. ROGERS: Where are you going to get the money to build the bridge?

Mr. CARDIN: The bridge is going to be built by money borrowed by the harbour commission themselves, upon debentures of their own guaranteed by the federal government.

Mr. ROGERS: Does the minister mean to say he has already spent $44,000,000, and has added $15,000,000 to that and is going to add $15,000,000 more for another bridge? How does the minister answer that? That is according to his own statement. He says he wants this $12,000,000 to do something else, different from his statement the other night. He said it was to build a bridge.

Mr. CARDIN: I refer the hon. member to Hansard.

Mr. ROGERS: I have read Hansard. The minister said:

> The total amount authorized during the past four years is $15,000,000.

The minister gave a detailed statement of that expenditure; then he spoke about the south shore bridge, and he went on to speak of the amount of $15,000,000 already advanced in connection with the bridge. He said:

> We have not advanced any money; we have merely guaranteed the debentures which are to be issued by the harbour commission.

Then I asked the question, "You bought a lot of right of way and that sort of thing in

connection with the bridge?" The minister answered "Yes". I asked, "Where did you get the money?" The minister explained that he got it from a former vote for the purchase of the right of way. The minister told us at a later period that he had bought $750,000 worth of right of way for the bridge, and told us also that that would be very nearly the amount necessary to complete the purchase of the right of way, whereas I find it would take nearly a million and a half more to purchase the right of way necessary for that bridge. The minister is so mixed in his figures that it is very difficult for members of the House to understand what he is really asking for. But apart from all that, apart from the question of the bridge, and apart from everything else in connection with the harbour commission, I have another matter I want to deal with. But before doing so I would like to refer the committee to an act passed by the Quebec legislature during the past few weeks or months. It proceeds to deal with this question and the matter of the building of the bridge, and it says:

Whereas the corporation of the harbour commissioners of Montreal has declared itself ready to build such bridge;

Whereas in order to secure the erection of the said bridge it is necessary to have the concurrence of the province, of the city of Montreal and of the corporation of the Montreal harbour commissioners;

Whereas the city of Montreal and the corporation of the Harbour Commissioners of Montreal are each prepared to contribute a third towards the erection and maintenance of such bridge, provided that the province itself contributes the other third;

Whereas the probable cost of the said bridge will be about ten millions dollars and the annual charges would be as follows:

| | |
|---|---|
| Interest at four and a half per cent on $10,000,000 | $450,000 |
| Sinking fund of one per cent for forty years. | 100,000 |
| Maintenance | 50,000 |
| Making a total of | $600,000 |

Now if you take the cost of $19,000,000 as the Quebec legislature suggested for the building of this bridge, you have a liability at once of $600,000 according to their own figures. Then the city of Montreal and the province of Quebec each undertake to pay $150,000 a year, or $300,000; so that instead of the harbour commission having a third interest in this work they are going to have saddled upon them at once a liability of double the liability of the city and double the liability of the province of Quebec in connection with this matter. Then it goes on to say:

Whereas the bridge will be a toll bridge, and the estimated yearly revenue will be about two hundred and fifty thousand dollars, leaving a balance of three hundred and fifty thousand dollars to be provided by the province, the city of Montreal and the corporation of the Harbour Commissioners of Montreal, one-third by each, that is to say one hundred and sixteen thousand six hundred and sixty-six dollars and sixty-six cents;

Whereas, however, with the development of Montreal and of the region, the yearly revenues must increase, but, at the start, it is necessary to provide for the unforeseen, and an amount of one hundred and fifty thousand dollars per annum, payable respectively by the province, the city of Montreal and the corporation of the Harbour Commissioners of Montreal may be necessary;

Whereas it is expedient to grant to the corporation of the harbour commissioners of Montreal the requisite authorization and powers for the erection and maintenance of the bridge; and

Whereas it is expedient to provide for the payment of the share of the government of this province;

Therefore, His Majesty, with the advice and consent of the legislative council and the legislative assembly of Quebec, enact as follows:

1. The authorization granted to the corporation of the harbour commissioners of Montreal to erect, possess, maintain, manage, operate and use a bridge between the city of Montreal and the town of Longueuil, as well as the other rights and powers given to this end by the act of the parliament of Canada, 14-15 George V, chapter 58 are, in so far as the rights of the province and the jurisdiction of the legislature are concerned, confirmed and ratified, provded that such of the rights and powers is appertain to the legislative authority of this province be exercised in conformity with its laws and according to the procedure prescribed thereby.

2. The Lieutenant-Governor in Council may authorize the Minister of Public Works and Labour to enter into, for and in the name of the government of this province, a contract with the corporation of the Harbour Commissioners of Montreal and the city of Montreal, to provide for the erection, maintenance and operation of a bridge over the river St. Lawrence between the city of Montreal and town of Longueuil.

And so on. Then it goes on to say:

5. It shall be stipulated in the above-mentioned contract that the province shall not be bound for the payment of the said annual sum, except in so far as the bridge shall remain a toll-bridge throughout the full duration of the contract, that the tariff of tolls shall be approved by the Lieutenant-Governor in Council and that it shall not be amended without his authorization.

Therefore we are now undertaking the construction of a bridge and the Quebec government very properly are going to regulate the tolls while this government will have nothing to say about the matter. It goes on:

The Lieutenant-Governor in Council may order the insertion in the said contract of any other conditions, not inconsistent with this act, which may assure the erection of the bridge, its maintenance and operation, and at the same time better protect and secure the province for the obligations assumed by it under this act.

If my hon. friend undertakes to go on with this bridge on the basis, as he told us the other night, of $15,000,000—and I am sure he will not deny that because Hansard will show that he made that statement—what is the position that this parliament and the people of Canada will be in? According to this bill

the interest on the loan will be 5 per cent per annum. On his own figure of $15,000,000 that will amount to $750,000 for interest, $100,000 for depreciation and $50,000 for maintenance of the bridge, or a total of $900,000. Deduct from that the estimate as presented by the minister the other night of the earning power of the bridge, namely, $250,000, and you have $650,000 left. The city of Montreal and the province of Quebec agree to pay $300,000 between them, so that this parliament and the country will be called upon to contribute $350,000, on the government's own estimate, and before they get through the amount will be very much more than that.

What I wish principally to point out to the government is this: Last year the harbour commission—and I have their statement of their earning power as published in the Gazette three days ago—came through with a total surplus of $82,000. The harbour commission are in no position to undertake greater obligations than those which they already possess. It will be impossible for them to pay interest on any further loans borrowed from this parliament or anywhere else. I am confident no business concern in Canada or anywhere else would lend money to a counterfeit corporation in the city of Montreal if they applied to-day for the construction of any great work runing into millions and millions of dollars, but that is what the government are doing if they go on with this expenditure. They will find this commission in Montreal defaulting the same as the Quebec harbour commission is doing. I am confident the minister would not like to see such a serious condition arise.

There is something worse still in respect to the harbour in Montreal. During last year the harbour commission have undertaken to operate and have actually operated without the consent and approval of the government of the day the mixing of United States grain of all kinds with our Canadian grain. If there is one thing more than another that the western farmers have laboured for during the past quarter of a century and more, it is to produce a high standard of grain. They have gone to endless expense in order to produce a high grade of wheat, oats, barley and so on. Now we find that this government and the Montreal harbour commission are undertaking to mix that grain with United States grain, thereby destroying the labours of twenty-five years on the part of the farmers of western Canada.

Mr. MOTHERWELL: Upon what authority does the hon. member make the statement that the wheat is being mixed?

[Mr. Rogers.]

Mr. ROGERS: On the authority of the Department of Trade and Commerce, who are issuing certificates for that mixture. The minister can go to the Department of Trade and Commerce and he will find that such is the case.

Mr. CAHAN: Is that charge to go unchallenged? It is a very serious charge and I would like to have the statement of the authority with the day and date.

Mr. ROGERS: It is a very serious charge, and it is serious by reason of the fact that not only are they doing that but they are doing it in violation of the law of this country.

Mr. CAHAN: I should like to have some evidence of it.

Mr. ROGERS: The hon. gentleman should go to the Department of Trade and Commerce.

Mr. CAHAN: That statement is denied by the Montreal harbour commission, and I believe them.

Mr. ROGERS: That statement stands, and hon. members will find that certificates have been filed by the Department of Trade and Commerce showing that they are mixing grain at the harbour commission in Montreal. There is no doubt about that at all. They are doing it in violation of the Canada Grain Act, which provides:

> Inspecting officers shall, when required, inspect grain of United States production passing through Canada in transit to the United Kingdom or to a foreign country, and shall grant certificates therefor based on standard sample of such grain established as hereinafter provided.

I want the minister to look into this matter and ascertain the facts of the case. This information was given to me by the most reliable men in the grain trade in this country and I am satisfied that it is correct. All the minister will have to do is to go to the Department of Trade and Commerce and get a copy of the certificate which they give to the harbour commission to issue. This is all being done in violation of the law which is on our statute book to-day.

10 p.m.

If the mixed manner in which they handle their affairs as shown in a report presented to parliament through the minister is a sample of their management, it is not surprising that they would be guilty of doing what is stated and what I state on the best of authority. I am not opposed to any development that is necessary, but I am opposed to spending $15,000,000 to build a bridge that will enter into

competition with a bridge that already exists there and that is sufficient to carry all the traffic for some time. My hon. friend told us the other day that only on Sundays was it rather congested. That is a very poor justification for spending $15,000,000.

Mr. RINFRET: Two years ago it was decided to build that bridge.

Mr. ROGERS: But nothing has been done.

Mr. RINFRET: The right hon. leader of the opposition clearly stated himself in favour of the project.

Mr. ROGERS: Why should the country undertake to lend $15,000,000 for a bridge to be built to compete with the bridge already there? Will anybody answer me that?

Mr. CAHAN: The hon. gentleman has laboured for the last half hour under the misapprehension that there is money to be voted in this bill for a bridge.

Mr. ROGERS: Yes.

Mr. CAHAN: It has nothing to do with a bridge. When the estimates were brought down it was clearly stated by the Minister of Marine and Fisheries that not a dollar was included for a bridge. If we are to discuss the bridge to-night there may be differences of opinion, but if we are to discuss the object of this particular appropriation we should keep in mind that it has no reference to the bridge whatever.

Mr. ROGERS: Certainly the minister told us the other night it would take $15,000,000 to build this bridge.

Mr. LAPOINTE: Not with this money.

Mr. ROGERS: That makes it all the worse. The harbour commissioners will not be able to meet their interest on any such expenditure, and they will come back to this parliament for relief, or they will add to the cost of handling our western grain sufficiently to enable them to make good the interest on the loan so made.

Mr. MILLAR: Will the hon. gentleman say what document can be found to prove the mixing of grain at Montreal? The statement that it can be had in the Trade and Commerce department is rather broad.

Mr. ROGERS: You can get the inspection certificates there. I will endeavour to get one to-morrow for my hon. friend.

Mr. MILLAR: That is not very good proof.

Some hon. MEMBERS: Carried.

Mr. ROGERS: If the House wants to carry this vote, it is for hon. members to decide, and I have nothing more to say, having fulfilled my duty in respect to western conditions. This harbour cannot continue to pay interest on any $15,000,000 loan, no matter for what purpose it is going to be used; there is not the earning power there to produce the interest. The result is there will be default, and the liability will come back on this country, or on the farmers of western Canada in the handling charges on their grain.

Mr. CARDIN: My hon. friend is not fair in his criticism, particularly in regard to the financial soundness of the harbour at Montreal. This institution is one of the great assets of Canada, and the development there during the last four or five years justifies the harbour commissioners in making new developments to take care of the increase in traffic that is now confronting them. In 1921 the revenue of the harbour was only $2,891,274, but in 1925 it had jumped to $4,749,100. This gives an idea of the rapid progress of the port, and my hon. friend is not justified in trying to destroy to a certain extent the credit which the port now enjoys. This is too big an institution to be lightly criticized. I am ready to admit that I cannot give from memory all the figures contained in the books of the harbour commission or in the documents prepared by the engineers who are working on the bridge; but if we have been mixed up to a certain extent in this discussion it is due probably to my hon. friend, because when we were discussing the bill to provide for the development of facilities in the port of Montreal, he spent all his time discussing the bridge, although it was decided upon two years ago. Not a single cent of this money is to be placed in the bridge.

Mr. ROGERS: That makes it all the worse.

Mr. CARDIN: There may have been differences of opinion in regard to the site which should be chosen for this bridge, but in so far as the bridge itself is concerned all those in Montreal who know anything about the traffic conditions are unanimous in the opinion that there is a pressing necessity for a new bridge. My hon. friend is speaking about the bridge which is now the property of the Canadian National. Well, I think he has never crossed that bridge in recent years.

Mr. ROGERS: Yes, thousands of times.

Mr. CARDIN: I used to cross it every Saturday and Sunday in the year, and I may tell my hon. friend that the congestion there is very severe, and people crossing the bridge are in danger on account of the narrowness of the roadway and the heavy vehicular traffic. A new bridge is absolutely necessary.

Mr. MEIGHEN: Is there not another bridge, though, to be built shortly, not very far away from that bridge?

Mr. CARDIN: No. There is the Canadian Pacific railway bridge at Lachine, about ten miles away from the present Victoria bridge.

Mr. MEIGHEN: About seven I have been told. Is that to be a traffic bridge?

Mr. CARDIN: No, a railway bridge only.

Mr. MEIGHEN: Would it not have been better to provide for road traffic as well there? That would greatly relieve the Victoria bridge.

Mr. CARDIN: It would have cost a large sum of money to change the bridge.

Mr. MEIGHEN: Nothing like $15,000,000.

Mr. CARDIN: Besides, that bridge is several miles from Victoria bridge and there is no connection between the two shores of the St. Lawrence where the heavy traffic is.

Mr. LANCTOT: We heard a great deal about that bridge in 1913 during a certain by-election.

Mr. CARDIN: As to the mixing of grain, last year the Turgeon commission, which investigated the grain trade very thoroughly, visited the harbour of Montreal, and I do not think they found there anything of the kind which has been mentioned by the hon. member for South Winnipeg.

Mr. ROGERS: I would advise the minister to make inquiry of the Trade and Commerce department. With respect to the increased earning power of the harbour board of Montreal, I find in the annual report of the harbour board for 1925 there is shown an increase of income and revenue account of $4,749,100, an increase of $366,985.44 over the previous year, due mainly to the increased income from the grain elevator system. The main increase comes from the grain trade, largely originated in western Canada. From that point of view alone do I take an interest in the matter. The report shows that the interest charges, which amounted to $1,161,000, showed an increase last year of $113,000. Now then, you are going to add another $350,000 to those interest charges if you put through this loan, and the harbour board will not be able to maintain payment of their interest charges. It will be impossible for them to do it, no matter how anxious they are.

Mr. CAHAN: As I have already said, I do not intend to enter upon a discussion of the bridge. There may be differences of opinion as to whether or not the bridge should have been constructed under the supervision of the harbour commission, but this bill deals with an appropriation for the purpose of increasing the capacity of the harbour for the handling of grain, and that is a national undertaking. The hon. gentleman suggests that a great deal of American grain goes through the port of Montreal but the fact is, Sir, that every ton of American grain going through the port of Montreal brings down the unit cost of handling that grain, whether it be Canadian or American. It is a great advantage to the port that its elevators should be used to their full capacity and that we should have new elevators with a greater capacity, because the larger volume of grain going through Montreal—the mass trans-shipment, as it were—enables the harbour commission to transfer that grain at a less unit cost than would otherwise be the case. On that account I think these appropriations which are to increase the capacity of the harbour for handling grain will not only yield an income sufficiently large to pay interest and provide something in the way of sinking fund on the appropriation we are now making, but will, if the harbour board is managed as well and as economically in the future as it has been managed in the past, enable it to cut down the unit cost of handling Canadian grain. Therefore I think this appropriation is entirely justified, and I think it should be passed because it is a great national undertaking and in the interests of the whole country. But it seems quite unnecessary to enter upon a discussion of the bridge at this late hour; it was authorized by parliament over a year ago and has nothing whatever to do with this appropriation.

Mr. ROBB: I do not wish to delay the passing of this bill but I would not like to let the statement just made by the hon. member for South Winnipeg (Mr. Rogers) in regard to the mixing of grain at Montreal go unchallenged. I am not going to be drawn into a discussion of the bridge, which as the hon. member for St. Lawrence-St. George (Mr. Cahan) just said was provided for two years ago and which has nothing whatever to do with the subject under consideration. I have nothing to say in regard to the bridge, except

that I am rather surprised to hear my hon. friend oppose the construction of another bridge. Rightly or wrongly he received credit for winning a by-election in 1913 on the promise to build a bridge across the St. Lawrence, and we have had many bad half hours when people have urged us to carry out the promise made by the Hon. Mr. Rogers in 1913.

Mr. DUNNING: Is it the same Mr. Rogers?

Mr. ROBB: Yes, the same genial Mr. Rogers. The mixing of grain is an old story; we heard it first with regard to Canadian grain being mixed in New York, Baltimore, Newport News and other ports. It is a fight between Canadian and United States transportation lines to get the business, and I know an effort has been made to say that grain was not going through the port of Montreal correctly. That statement was made to offset the proof brought home by us that there was mixing of grain in the elevators at Baltimore. As has already been stated, the Turgeon commission investigated that matter and found the report ill-founded, and I submit that it is not in the interests of Canadian transportation lines or Canadian trade for a member of this parliament to advertise that there is mixing of grain in Montreal, when it has been established by a royal commission that there is no such mixing.

Mr. ROGERS: The mixing has probably been carried on since that commission was appointed; it is of a very recent date, and my hon. friend will find the certificate in his own office.

Mr. CAHAN: Only a few weeks ago, when we were visiting the harbour of Montreal, we called the attention of the harbour commissioners to an allegation which had been made to the effect that mixing was carried on in the elevators. The harbour commissioners, in the presence of myself and other hon. members of this House, gave a complete denial to that statement and pledged their honour that there was nothing like that done in the elevators of Montreal. If it is done it is contrary to law; it is a breach of faith between these commisioners and parliament and the country, and before any hon. gentleman undertakes to spread that allegation throughout the country he should produce the facts and make a charge, in order that a thorough investigation may be made. We all know that the royal commission which investigated that subject two years ago found the harbour commission absolutely clean in that respect.



Mr. BELL (St. John): I would like to ask the minister if he would be good enough to furnish the information I requested previously in regard to the salaries of the officials of the harbour boards of Montreal and Quebec other than the commissioners.

Mr. CARDIN: Unfortunately I have not the list for Quebec; I have asked for it and expect to receive it shortly. I have the list for Montreal, however, and I wil give it now:

| | Per Annum |
|---|---|
| Thos. W. Harvie, general manager.. .. .. | $9,000 |
| Thos. F. Trihey, secretary.. .. .. .. .. .. | 7,000 |
| George E. Smart, comptroller.. .. .. .. .. | 7,000 |
| M. P. Fennell, Jr., director of trade and transportation.. .. .. .. .. .. .. .. .. .. | 9,000 |
| Paul Leclaire, chief engineer.. .. .. .. .. | 7,000 |
| F. W. Cowie, consulting engineer.. .. .. .. | 5,000 |
| Captain J. F. Symons, harbour master.. .. | 6,000 |
| John Vaughan, superintenedent of railway terminals.. .. .. .. .. .. .. .. .. .. | 6,000 |

Mr. MacLAREN: Is there any difficulty in getting the details concerning the Quebec harbour commission officials?

Mr. CARDIN: No.

Mr. MacLAREN: They have been asked for several times, and the minister has assured the House he would get them.

Mr. CARDIN: There is no difficulty in getting this information, but I have to ask the harbour commission to supply it.

Mr. MacLAREN: When will the minister give the committee these details?

Mr. CARDIN: I think I will be in a position to give them in a day or two; I will undertake to give them within that time.

Mr. MacLAREN: Will the minister have the information on Wednesday?

Mr. CARDIN: Yes, I will have it on Wednesday.

Mr. MULLINS: It seems to me this is a sink-hole for Canada's millions; we now grant $12,000,000 more to a harbour commission which already owes $44,000,000. I had the opportunity once of travelling around the harbour with some other hon. members; we passed through a huge cold storage plant which had only one corner occupied—the rest all empty. If we lend millions to the harbour commission in Montreal, what will be left for western Canada with which to develop a harbour in Hudson bay? The hon. member for St. Lawrence-St. George (Mr. Cahan) made a vicious attack on the $3,000,000 in the estimates for the Hudson Bay railway, but I notice now that he is in favour of this item

of $12,000,000. In the Public Works estimates only $21,000 was provided for the province of Manitoba. They take millions from the federal treasury and lend it without any provision being made for reserve or sinking fund. I think that is unfair to Canada. Canada has wonderful resources, and I could hardly understand how those resources could be devoured, but I am finding out where they are going and how they are being used up. I think this legislation is absolutely unfair.

Mr. GARDINER: A few minutes ago the minister gave us the income of the Montreal harbour commissioners for 1921 and 1925. Will he give us the tonnage for the same years in order that we may determine how the tonnage is growing in comparison with the income?

Mr. MOTHERWELL: May I quote an extract from the Turgeon Grain Commission, which is considered the most authentic authority on the grain trade that Canada has ever had? This is supplementing what has been said by the Minister of Marine and Fisheries and by the Minister of Finance:

> No complaints are made touching grain shipped through Canadian channels and out of Canadian ports.

My hon. friend may have better authority, but this is the latest recognized authority on the grain trade of Canada including the port of Montreal.

Mr. CARDIN: In reply to the hon. member for Acadia, the total tonnage last year was 9,137,281 tons. I regret I have not the figures here for 1921, but I shall be pleased to supply that information to my hon. friend.

Mr. GARDINER: Very well. I wanted the tonnage for the same years as those for which the minister gave the income, so that we can see how the charges are increasing in comparison with the tonnage.

Mr. MILLAR: Who fixes the salaries of the harbour commissioners?

Mr. CARDIN: The commissioners themselves.

Mr. MILLAR: The government have no control whatever?

Mr. CARDIN: No control.

Mr. RINFRET: I am surprised at the attitude taken by some hon. members on this bill, and I must thank the hon. member for St. Lawrence-St. George for the support he has given to it. I would think that his opinion, coming as he does from the city of Montreal, but representing the opposing party in that city, would carry some weight with hon. members on the opposition side. We hear that money is being squandered all over the country, and this is given as an instance of the squandering of money. On the contrary Mr. Chairman, if there is an expenditure we should support it is this one, because we are really not spending any money here at all; we are merely lending the money to the harbour commission of Montreal, and I do not think I am wrong when I say that that is the only harbour commission in the whole country which pays back interest on the money that we lend to it.

Mr. KING (Kootenay): And Vancouver.

Mr. RINFRET: I like to see Vancouver joining the select circle. I hope the hon. member for Vancouver Centre will support this bill.

Mr. STEVENS: Why not let it go through? Why stop it?

Mr. RINFRET: If my hon. friends want to carry the vote, certainly I shall not object, but I do not want to let my hon. friend from St. Lawrence-St. George stand alone on the other side in supporting this bill, which some of my friends opposite have been unwise enough to oppose.

Mr. STEVENS: Do not obstruct it.

Mr. RINFRET: We have the hon. member for South Winnipeg talking about the mixing of grain. I believe he is rather willing to mix things up a little in connection with this bill. We could not tell whether he was talking about the present bill or about a bill concerning a bridge projected two years ago. I remember that at that time when we said the leader of the opposition was not very favourable to the project, we were taxed with creating prejudice over that fact. We were told that we did not want to have the leader of the opposition presented in his proper colours before the people of Montreal. Tonight we find not only members from the back benches of the party opposite but even one of the leaders of it taking direct objection to the construction of this bridge in Montreal, pretending that the other bridge would be sufficient to carry all the traffic and that the new bridge is not needed at all. Then the leader of the opposition got up and wanted to know what bridge we were talking of, and my hon. friend from Laprairie-Napierville very properly remarked that at all events we were not discussing the bridge that was promised by my hon. friends on the other side in the

Chateauguay by-election, but which was never built, although they carried the seat on that promise at that time.

Coming back to this bill, Mr. Chairman, I am rather surprised when I hear some of our western friends objecting to the lending of money to the harbour of Montreal, a loan on which good interest will be paid. It was only the other day that it was proposed to spend $3,000,000 for the Hudson Bay railway, and my hon. friend from South Winnipeg then rose, and not only did he think we should spend that amount of money, but he said that that was not enough, that we should spend more this very year. Then the vote for the Welland canal was called, amounting to $14,000,000, and he stood there silent, like a statue of alabaster and had nothing to say against that at all. But when it comes to lending money to the harbour of Montreal, on which we will reap good interest every year, he finds all kinds of difficulties. He says we are mixing Canadian grain with American grain, and he mixes this bridge with the other bridge. The bridge has absolutely nothing to do with this loan from the Montreal harbour.

Mr. ROGERS: You are buying right of way for the bridge all over. You have spent an enormous sum of money.

Mr. ST. PERE: The bridge has to land somewhere.

Mr. RINFRET: This parliament has decided to build a bridge, and my hon. friend's party were so strongly in favour of it that when we suggested they were really objecting to it, they took very strong issue with us on that point, and said that they did not want us to believe that they had the least objection to it at all. But the bridge, Mr. Chairman, is a separate project altogether from the Montreal harbour works. I would also remind my hon. friend that tolls will be collected on that bridge that will help a great deal to meet the interest on the capital investment. But the project we are here considering is the harbour itself, not the bridge. Again, I express my surprise when we from the eastern part of the country are so willing to support votes of money for works in the west, that hon. gentlemen from the west oppose legislation that proposes, not to spend money, but simply to lend a certain sum, not on an untried experiment, but on a tried harbour—and a loan on which we shall reap interest for every cent spent.

Preamble agreed to.

Bill reported.

## CANADA EVIDENCE ACT AMENDMENT

Hon. G. H. BOIVIN: (for the Minister of Justice) moved that the House go into committee on Bill No. 205, to amend the Canada Evidence Act as respects bank books and records.

Sir HENRY DRAYTON: I was just rising, Mr. Speaker, for the purpose of pointing out before we enter upon this order that it is not covered by a notice. We were to take up the two matters that have been dealt with to-day, and then we were to go into committee of Supply, according to what the Prime Minister told me. I was just rising for the purpose of finding out why we are to have no motion to go into committee of Supply.

Mr. MACKENZIE KING: I think we ought to be prepared to take up any legislation that is on the order paper at this hour of the session. These are two small bills, No. 203 and No. 205, and I think we might get through with them to-night.

Sir HENRY DRAYTON: On Friday night I asked what would come on to-day and my hon. friend made this reply:

> The motion standing in the name of the Secretary of State for External Affairs, and there is also the legislation in respect to the Montreal harbour board which will probably come up. If we go into Supply we will take the estimates of the Department of External Affairs and Soldiers Civil Re-establishment.

I was just wondering whether the idea is, apart from the question of notice, that there are to be no more motions to go into committee of Supply except on Thursdays and Fridays. If that is not the idea the proper programme should certainly be carried out, and the motion made to go into committee of Supply.

Mr. MACKENZIE KING: Considering the importance of the matter that is to come up for discussion to-morrow I thought it would be as well for the House to adjourn at 11 o'clock, by which hour we could possibly get through the two pieces of legislation in question. I do not propose that the House shall go into committee of Supply to-night.

Motion agreed to and the House went into committee, Mr. Duff in the chair.

Sir HENRY DRAYTON: Has this bill been distributed?

Mr. MACKENZIE KING: Yes, it is on your file of Senate bills.

Mr. BOIVIN: The bill is Bill X6 from the Senate. It received its third reading and was passed by the Senate on June 16th. It was

introduced, explained, and given its first reading in this House on Friday last. When we come to the second section of the bill I can repeat the explanation already given, if hon. members so desire.

Mr. MEWBURN: The bill is practically the same as the English act.

Mr. BOIVIN: Absolutely the same, except for one word.

Section 1 agreed to.

On section 2—copies of entries.

Mr. BOIVIN: The entire bill is embodied in clause 2. It is copied from the English act, which is known in England as the Bankers' Books Evidence Act. The law in Canada has been that in all cases, especially in all criminal cases, the best possible proof available had to be produced, which meant that in all cases where bank books or bank records were required to be produced before the court the original books had to be brought, which caused a great deal of inconvenience to the banks. The bill is being passed at the request of the Canadian Bankers' Association with the object of enabling the bankers to produce duly certified extracts. The bill provides that the extracts shall either be certified to by the oath of the manager or accountant given in open court, or by an affidavit of these officials taken in the usual way. Hon. gentlemen will notice that there is a proviso guaranteeing all the rights of litigants and other parties concerned; subsection 3 provides that in any case where, for special cause, the court desires to order the production of the book itself the book shall be produced.

Mr. CAHAN: Is the bill a fair transcript of the English act?

Mr. BOIVIN: It is an absolute transcript except on two points; we have added the words "books or records." Banks sometimes keep their accounts in loose-leaf ledgers and in index cards, and the word "records" has been added to cover these two documents. No provision is made for costs as in the English act, because as my hon. friend knows the Canada Evidence Act applies to the administration of the Criminal Code and costs are not adjudged in criminal matters. Apart from that, this bill and the English act are identical.

Section agreed to.

Bill reported, read the third time and passed.

[Mr. Boivin.]

## CRIMINAL CODE AMENDMENT—POSSESSION OF WEAPONS

Hon. LUCIEN CANNON (Solicitor General) moved that the House go into committee on Bill No. 203, to amend certain provisions of the Criminal Code respecting the possession of weapons.

On section 1—dangerous weapons.

Sir HENRY DRAYTON: Who will explain this bill? It certainly does not look like the short bill described by the Prime Minister.

Mr. CANNON: The measure looks rather bulky, but it includes both the bill and also the provisions of the Criminal Code which are being amended. The main object of the bill is to replace section 118 of the Criminal Code as it exists to-day. If the section is enacted as provided by this bill it will require a permit for the sale of weapons, the sale of ammunition, the importation of weapons and ammunition, and also the possession of weapons, firearms and ammunition. Secondly, the bill provides for the issuance of the permits by the Department of Justice or by officials designated by that department. Thirdly, it provides for an increase in the penalties imposed for infractions of the act. Certain objections were raised to the original bill as introduced, on the ground that considerable harm might result to that trade from the section covering or including the sporting rifle or arms used for sporting purposes. The act has been amended so that none of these are touched.

Mr. MANION: Is this bill now satisfactory to the dealers in sporting rifles and that sort of thing? I have received a lot of protests from them, although I am not familiar with the question.

Mr. CANNON: I think these objections have now been withdrawn in view of the amendment introduced. This afternoon I was put in touch with one gentleman who had certain objections to the definition of the word "ammunition," but I suggested an amendment which apparently met his wishes. When we come to that part of the bill I intend to move that amendment.

Mr. MANION: So far as the minister understands, the objections raised by the hardware dealers and those who deal in the sale of weapons are met in the bill as it will be amended?

Mr. CANNON: Yes.

Mr. McCLENAGHAN: This bill was objected to by the Hardware Merchants' Association of Canada. Their secretary appeared before the committee and had the clause relating to shot-guns removed. That took away a great deal of the objection that had been raised by the dealers. They do not object to the placing of restrictions upon the carrying of concealed weapons, but they showed the committee that Canada was a great sporting country, and to put any restrictions on the dealers and on the men using firearms and rifles would injure our tourist trade. But after this amendment had been made the original bill was introduced here, though I think it should have gone to the Private Bills committee in order that the matter might be thoroughly discussed. We have a provision with reference to ammunition which puts it back in its original shape, because when you buy ammunition for a rifle the same ammunition can be used in a revolver. The ammunition for a 22-calibre rifle can be used in a 22-calibre revolver, and the same with rifles and revolvers of other calibres; the ammunition is interchangeable. We claim you cannot make any amendment to that ammunition clause; the only thing is to withdraw it. Then you have your restriction against your firearms such as revolvers and pistols, but say nothing about ammunition, which, as I say, is interchangeable. A dealer is liable to a fine of $1,000 and two years' imprisonment if he violates the provisions of a certain clause in the bill. There is also a clause under which a man who obtained a permit in Ottawa and went down to Rockland with the ammunition would be fined because he would be in the county of Russell. It is all mixed up. In the interests of sport in this country we should remove this restriction. The bill should have gone to the Private Bills committee where it could be discussed with more freedom.

Sir HENRY DRAYTON: I have not heard a good reason why an innocent man can be sent to gaol for two years.

Mr. CANNON: He cannot.

Sir HENRY DRAYTON: Why not?

Mr. CANNON: The hon. member for Ottawa has just explained that in the original bill arms used for sporting purposes were apparently included, but the bill as drafted now, as my hon. friend will read—

Sir HENRY DRAYTON: Your hon. friend has had no chance to read it.

Mr. CANNON: In paragraph 2 of clause 1, under the subparagraphs (a), (i), (ii), (iii), (iv) and (v), the different kinds of firearms covered by the bill are enumerated. If my hon. friend reads these clauses I think he will come to the conclusion that the sporting community is in no way affected. In answer to the objection raised by my hon. friend from Ottawa concerning ammunition, I intended, in order to meet the objection raised, to amend the bill. The word "ammunition" is defined in paragraph (c) at the top of page 2 as follows:

"Ammunition" means all ammunition that can be used with a weapon.

And the word "weapon" would be interpreted in accordance with its definition under paragraph (b). But as the hon. member for Ottawa mentioned, the same ammunition might be used both for sporting arms and for arms which are enumerated and prohibited under this act. So that I intended amending the definition of ammunition by saying that ammunition would mean ammunition for use exclusively with any weapon to which subsection 2 of this section applies. If the bill is amended in that way the objection raised by my hon. friend would be met.

Mr. BEAUBIEN: I understand the bill was introduced in the Senate?

Mr. CANNON: Yes.

Mr. BEAUBIEN: Would this not be the time to reciprocate and throw out some of the Senate measures?

Mr. BROWN: I do not think any good purpose can be served by worrying over that word "ammunition." So far as the bill refers to revolvers and pistols I am in hearty agreement. Long ago before I came to parliament, I thought that if ever I came here I would introduce a measure dealing with revolvers and pistols. In the main the revolver is a useless weapon for any law-abiding person. I do not think this bill should trouble itself about ammunition at all. I do not care what definition you give to ammunition, you cannot meet the needs of the case because ammunition which is used in revolvers can also be used in smaller rifles and some of the larger ones as well. Therefore I do not think any definition you can give to ammunition will get you over the difficulty. Why should we not fix our attention entirely on the weapon and then the ammunition will take care of itself? As regards the other things in this bill that are spoken of as dangerous weapons, I fully appreciate the dangers that might arise from carrying concealed weapons; but the difficulty of guarding

against them seems to me so vast that I hesitate to approach it. It is distinctly stated that the weapons which a person must not have in his possession are:

Any sword, sword-blade, bayonet, pike, pike-head, spear, spear-head, dirk, dagger, stiletto, or any similar device or contrivance.

These are dangerous looking weapons, but I usually carry in my pocket a big jack-knife that on occasion could be just as dangerous a weapon as one of these. I have lying around at home an old bayonet which according to this bill I would be forbidden to keep. Nevertheless, while I might have to discard that particular weapon, if I wanted to make a weapon for murderous purposes I could go into blacksmith's shop and in half an hour I could turn out just as dangerous a weapon as this bayonet or any of the weapons referred to in the bill. I mention that simply as an illustration of the difficulty that confronts us in dealing with the question in this way. A good big butcher-knife that every farmer has around his farm might be just as dangerous a weapon in the hands of a man who is murderously inclined as any one of the weapons mentioned in the bill. I am inclined to think that in this particular matter of dealing with dangerous weapons we had better make haste very slowly, deal with the revolvers and let the ammunition take care of itself. While the other weapons may be dangerous, the difficulty of meeting the situation seems to be so great that if we pass this measure as it now stands we shall only land ourselves in trouble and possibly subject honest people, people who are not murderously disposed at all, to a great deal of annoyance by an over-zealous official.

Mr. CANNON: I may assure my hon. friend that he can still keep possession of the arms that he has mentioned, because his case is provided for in subsection (3) paragraph (g).

Mr. BROWN: I saw that.

Mr. CANNON: I should be very sorry if we had to remove any arms from my hon. friend.

Mr. FORKE: I had no idea my desk-mate carried such dangerous weapons around with him. I am going to keep an eye on him from now on.

Mr. POWER: I remember some years ago a bill similar to this came up in the House when the Hon. Mr. Doherty was Minister of Justice. At that time the present Solicitor General, if I remember rightly, took exception to some of the weapons named in this bill. He asked, if I remember aright, who wanted to barter with a cannon or who would go around concealing a cannon. I remember on that same occasion asking the then Prime Minister if it was his intention to have children go to the Minister of Justice for a permit to have a child's air-gun. I thought at the time it was a ridiculous provision and I think so to-day.

Sir HENRY DRAYTON: It is getting worse now.

Mr. POWER: There is another feature of this. We have really omitted weapons which are possibly far more dangerous than these obsolete swords, bayonets, spear-heads, dirks and daggers. There is such a thing, if I remember reading the history of our criminal activities, as a sawed-off shot-gun. This is far more dangerous in a riot or a hold-up than any of the weapons mentioned in this bill and we seem to have omitted it altogether. I agree a good deal with the hon. member for Lisgar. Let us, if we wish to restrict the use of these weapons, confine ourselves to those which we can restrict and not endeavour to give a long enumeration making crimes which we shall never be able to detect.

Mr. McGIBBON: I rise to protest as I have many times in this House against this eternal restriction of the liberties of the Canadian people. I remember quite well the incident referred to by the hon. member for Quebec South (Mr. Power) concerning the Solicitor General's attitude at that time. I would like also to impress upon him that there are in this country thousands and tens of thousands of war souvenirs which have been brought home by the returned soldiers and which I think come under the restrictive clauses of this bill. At least I would like to ask him if they do or do not. It is time this parliament stopped placing restrictions upon the liberties of the Canadian people. We are not a band of outlaws and we should be trusted to some extent.

Sir HENRY DRAYTON: I should think the Solicitor General would like to revert to that former position which he took so strongly and so well. Does he not feel like doing so? If he does not want to revert to that former position which has been so highly praised in both quarters of the House, why does he not at least make this bill something that is going to work? Let him cover the sawed-off shot-gun which is certainly much more dangerous than any of these old pikes, or

bayonets, or dirks, or other things described in the bill. The sawed-off shot-gun and the revolver are the two things which are really dangerous. Cannot we get this bill down to something which everybody will understand at once and which any police officer can enforce?

Mr. McGIBBON: Would the Solicitor General be good enough to answer my question?

Mr. CANNON: I would like to explain first that with myself as well as with others, responsibility of office always gives maturity of thought. I am sure the hon. member for Quebec South will realize that quite soon himself. As to the returned men having arms in their possession, I do not think this bill would prevent them from having them. I would refer my hon. friend who has raised that question to subsection (3) paragraph (g) of the bill which I think will cover the case.

Mr. CAHAN: If the weapons are not obsolete it does not cover them. I have in my possession a sword which happened to belong to one of my ancestors. It is not obsolete in any way. It is really an excellent sword and it probably could not be manufactured now.

Mr. PARENT: Has it ever been used?

Mr. CAHAN: Yes, in service. It is not obsolete; I would have to put it in the melting pot if this bill goes through. I have some other war souvenirs that would also have to go into the melting pot. It does not help me by way of defence to say they are not usable, because they are.

The CHAIRMAN: Shall the clause carry?

Mr. McGIBBON: No, Mr. Chairman. While I am not a lawyer, I do not think these cases are covered by the sections the Solicitor General quoted.

Mr. CANNON: This bill was introduced in the Senate by the Hon. Mr. Belcourt, and careful attention was there given to it. I see by the discussion there is apparently quite a division of opinion among hon. members. The hon. member for Ottawa (Mr. McClenaghan) suggested that the bill should be referred to the committee on Miscellaneous Private Bills, and I think it might be well to adopt his suggestion, as the bill can then be studied by that committee and the interested parties can be heard.

Progress reported.

Mr. SPEAKER: When shall the committee sit again?

Mr. CANNON: Mr. Speaker, I move that the bill be referred to the committee on Miscellaneous Private Bills.

Mr. MEIGHEN: This proceeding may be right, Mr. Speaker, but I never heard of it before. The bill is still in committee of the Whole, and I do not see how it can be referred to another committee.

Mr. SPEAKER: The committee has reported progress on the bill, and I have received the report. The House should now give such an order as will take the bill from committee of the Whole to be referred to the committee on Miscellaneous Private Bills.

Mr. MEIGHEN: Then should not the order read, that the bill be withdrawn from committee of the Whole?

Mr. CANNON: When the Speaker said, "When shall the committee sit again?" I moved that the bill be referred to the Private Bills committee.

Mr. SPEAKER: The point made by the right hon. leader of the opposition seems to be well taken. The bill must be taken from the committee of the Whole to be referred to the committee on Miscellaneous Private Bills. Shall the motion be adopted with that amendment?

Motion agreed to.

On motion of Mr. Mackenzie King the House adjourned at 11.10 p.m.

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## Tuesday, June 22, 1926

The House met at two o'clock.

### NATIONAL RAILWAYS AND SHIPPING

#### PRESENTATION OF COMMITTEE'S FINAL REPORT

Mr. W. D. EULER (North Waterloo) presented the fourth and final report of the select standing committee on National Railways and Shipping, as follows:

Your committee to which was referred for consideration and for report to the House the estimates of the Canadian National Railways and the Canadian Government Merchant Marine, Limited, held fourteen meetings, in the course of which it examined sundry witnesses, including:—

Sir Henry Thornton, K.B.E., President and Chairman of the Board, Canadian National Railways.

Major Graham A. Bell, C.M.G., Deputy Minister of Railways and Canals.

Gerard Ruel, K.C., Vice-President of Legal Affairs, Canadian National Railways.

D. J. McDougald, Director, Canadian National Railways.

S. J. Hungerford, Vice-President, Operation and Construction Departments, Canadian National Railways.

J. E. Dalrymple, Vice-President, Traffic and Express Departments, Canadian National Railways.

R. C. Vaughan, Vice-President, Purchases and Stores Departments, Canadian National Railways.

A. E. Warren, General Manager, Central Region, Canadian National Railways.

R. A. C. Henry, Director, Bureau of Economics, Canadian National Railways.

R. B. Teakle, General Manager, Canadian Government Merchant Marine, Limited.

C. B. Drown, Chief Engineer, Operation Department, Canadian National Railways.

T. H. Cooper, General Auditor, Canadian National Railways.

Dr. W. J. Black, Director of Colonization, Agriculture, and Natural Resources, Canadian National Railways.

J. P. Doherty, Traffic Manager, Canadian Government Merchant Marine, Limited.

R. L. Fairbairn, Manager, Passenger Service Bureau, Canadian National Railways.

D. O. Wood, Traffic Manager, Foreign Freight Department, Canadian National Railways.

C. Manning, Assistant to Vice-President, Colonization, Telegraph, Lands and Insurance Departments, Canadian National Railways.

F. Davidson, Auditor, Canadian Government Merchant Marine, Limited.

R. H. Fraser, Right of Way Agent, Department of Railways and Canals.

H. A. Palmer, Regional Right of Way Agent, Canadian National Railways.

Bert Grant of Toronto, Ontario, Builder.

### Canadian Government Merchant Marine

Your committee has had under consideration item 373 of the estimates which provides for a loan of $600,000 to the Canadian Government Merchant Marine, Limited, and has in the course of its deliberations examined the operating statements of the company for the year ending December 31st, 1925. Your committee notes that the net results from operations have improved to the extent of $492,826 during 1925, as compared with 1924; and it is recalled that the improvement in 1924, in comparison with 1923, was $423,412.

Your committee is also impressed with the conviction expressed by the president of the Canadian National Railways that during the year 1926 the position of the Canadian Government Merchant Marine will be still further improved, and is also gratified to learn that the net result of the operations for the first five months of the present year is an operating profit of $62,000 as compared with an operating deficit for the same period last year of $593,000.

From the evidence adduced it is interesting to note that the improvement in the results of the operations during the year, due to the re-arrangement of services, amounted to $207,000.

Your committee reviewed in considerable detail the negotiations leading up to the sale of fifteen vessels comprising part of the fleet of the Canadian Government Merchant Marine, which were not suitable for any of the services being operated, and is of the opinion that every reasonable precaution was taken to obtain the best possible prices for such vessels.

Your committee is accordingly unanimously of the opinion that the amount asked for for the coming year, namely, $600,000 should be passed by the House.

### Canadian National Railways

Your committee has also had under consideration item 372 of the estimates which provides for loans or guarantees of $31,000,000 to the Canadian National Railways for the fiscal year ending March 31st, 1927, and has in the course of its deliberations examined the operating statements of the company for the year ending December 31st, 1925.

The committee notes that by reason of an improvement in the operating results for the fiscal year ending March 31st, 1926, over that contemplated when the estimate of $50,000,000 for last year was under consideration, the financial requirements of the railway were reduced from $50,000,000 to $25,722,101.80 and that such requirements, with the exception of $10,000,000 advanced by the government in cash during the year, were met by the railway partly through a reduction in materials and supplies on hand and partly from working capital and by improved operating methods, resulting in marked economies.

Considerable evidence was adduced relating to the activities of the Canadian National Railways in regard to immigration and colonization and your committee is pleased to note that during the past year an arrangement has been effected between the government and the Canadian National Railways in conjunction with the Canadian Pacific Railway to eliminate over-lapping in immigration activities.

Your committee calls attention to the fact that expenditures on equipment during the past year have continued at a moderate figure and to the statement of the president that only moderate outlays for freight and passenger equipment are expected for some time.

Your committee also draws attention to the fact that during the past year the company has been carefully investigating the growing competition of the motor bus and the motor truck and expects shortly to develop some means of effectively meeting the conditions arising in connection with this competition.

Your committee in its previous report referred to the question of taxation and is pleased to note from the evidence adduced that considerable progress has been made towards the development of a basis of taxation in conjunction with the various provincial governments throughout the Dominion which will remove the discrimination referred to in the committee's final report last year.

From the evidence given, your committee is of the opinion that the amount of $31,000,000 is necessary for the purposes of the company during the coming year and should be passed by the House.

Your committee notes with satisfaction that the Canadian National Railways continue to hold the confidence and goodwill of the public through the excellence of the services rendered and the courtesy extended to patrons.

Your committee further desires to express its appreciation of the manner in which the president of the Canadian National Railways and the officers assisting him gave their evidence to the committee.

A copy is attached hereto of the minutes of the proceedings and evidence, with certain statements requested of the attending officers, which have been printed with the evidence.

Your committee further recommends that its proceedings and the evidence adduced before the committee be printed as an appendix to the Journals of the House and that Rule 74 in respect hereto be suspended.

All of which is respectfully submitted.

## CANADIAN FUEL SUPPLY

Third and final report of the committee appointed to inquire into the coal resources of Canada.—Mr. Lapierre.

## RAILWAYS, CANALS AND TELEGRAPH LINES

Fifth report of the select standing committee on Railways, Canals and Telegraph lines.—Mr. Cahill.

## CUSTOMS INQUIRY

REPORT OF SPECIAL COMMITTEE—MOTION FOR CONCURRENCE AND AMENDMENT THERETO.

Mr. PAUL MERCIER (St. Henri) moved:

That the third and final report of the special committee appointed to investigate the administration of the Department of Customs and Excise be concurred in.

He said: Mr. Speaker, the special committee investigating the administration of the Department of Customs and Excise laid its report upon the table of the House last Friday. We are convinced that this House will find in that report the material necessary to reorganize certain branches of this department, and particularly the preventive service, in order to assure the collection of the duties imposed upon goods of foreign origin which enter our country. A preventive service, well organized, is the biggest help to the administration charged with the collection of customs duties, not only on account of the very considerable amounts which it brings into the public treasury, but also as a means of contributing to our national wealth by the adequate safeguarding of our trade and commerce.

When we prepared this report we were indeed aware that the Canadian customs must be regarded with reference to two separate aspects: as a means of revenue, and as an instrument of protection. This investigation has shown that many of the large countries of the world draw considerable gain from their customs dues. A large portion of the revenue of the United States, our neighbours, has no other source.

It is admitted that our participation in the last war has given our finances a bad blow. We will find in the scrupulous and strict collection of duties one of the most efficient ways of rebuilding the national wealth, and one which will enable us to pay the enormous debts willed to us by the late war.

I am convinced, Mr. Speaker, and no doubt my colleagues who have read the voluminous evidence which accompanies the report laid upon the table of this House will share this conviction, that the Department of Customs and Excise is a most difficult one to administer; the duties, including the supervision of thousands of employees, are onerous and the responsibility immense.

The minister in charge needs to be continually on the alert. He is bound according to certain critics, not to err in the performance of his duties and the exercise of the discretionary powers which are vested in him by the Customs and Excise acts. Furthermore, according to the evidence and the several public documents produced at the investigation, the minister must take into consideration that the procedure of his department is governed not only by statutes passed by this House and the Senate, but also by decisions of the cabinet, orders in council, rulings and regulations, under the authority and powers vested in the administration, and in accordance with the different laws of Canada. Regard must be paid to all these in order to properly apply the rules and regulations of the department or to extend their principles by way of interpretation.

The evidence and the examination of the different files submitted to us have demonstrated also that the minister is exposed to numerous and varied influences, and is the recipent of requests of all sorts. They come from his colleagues, from members of his own party, even from members of the opposite party, but mostly from the public in general, represented in this chamber by their elected members. These hon. members in accordance with the popular belief and under our democratic system, have not only to enact legislation, but are sometimes placed under the painful obligation of obtaining, from ministers of the crown, and, in this case, from Ministers of Customs, past and present, on behalf of offending electors, private and lenient settlements, and if possible the minimum fine provided by law. They insist even upon the reconsideration of findings, or the suspension for a certain period of the proceedings and the penalties incurred in cases already referred to the jurisdiction of the courts of this country.

I would ask my colleagues in this House, to whatever political party they may belong, to remember, before passing final judgment on the facts disclosed by the evidence that, as members of parliament they must be fair to themselves and to their fellow citizens, and I would also counsel them not to lose sight of the fact that a minister, or a member of parliament, is a public man, and as the word clearly implies, a man who belongs to and is representative of the people of Canada.

The public man does not exercise a profession; he fulfils a mission. Is it not true, Mr. Speaker, that the public demands from him what is not expected from others? Moreover, he is continually subjected to strict and severe

censure. Public opinion, as he perceives it, stands for a multiplicity of opinions, says Louis Barthou of l'Académie Française, and such multiplicity is sufficient to show the variety of judgments always contradictory and often irreconcilable, to which his actions expose him. He is responsible not merely for what he says or does; his abstentions or the services he renders bind him as much as his actions or words. He stands alone in the community. In the situation there is for him danger and contrast. When a physician has given his advice or a lawyer has ended his address, he has no more to do with his client and has no account to render to anybody. The public man always has accounts to render, and, as a matter of fact, the public is his client. And if a member of the House of Commons becomes a minister of the crown, how, Mr. Speaker, can you expect him to commit no error, even of a temporary nature, if sometimes compassion, or the intention to oblige or to please a representative of the people, takes control for a moment of his heart, or of his mind?

Before this House insists on blaming a member, a minister, because a demand has been made to him and he has granted it, let it first re-educate the people of this country. Let those amongst us, who may extol such a narrow doctrine, tell the people of Canada that in future they can no longer depend on the devotion and benevolence of their representatives and on the humanity of ministers. Let them also make use of this opportunity to inform these same people, that Canadian members of parliament, followers of a government which they themselves have chosen, will no longer be allowed to write or telegraph to a minister in charge of a department, in order to redress alleged grievances or to submit varying claims from their electors, without incurring the risk of being called or mentioned before an investigating committee and reported to this House. If there are such hon. gentlemen, and I do not believe there are any who will be parties to the ruin of some of the best talents of this House of Commons, let them remember that those talents are necessary to the community in order efficiently to help Canada to continue its actual course into the path of prosperity.

Impressed with the ideas and sincere convictions we have tried to express, impressed with the facts that the evidence adduced during this investigation has in our judgment confirmed, we beg of you to consider and to adopt in a spirit of fairness and justice, the recommendations contained in the report submitted to this House, in accordance with the order of reference to our committee, dated February 5, 1925.

The committee, Mr. Speaker, has done everything in its power to discover the existence of smuggling in Canada and its causes. It is hoped that the reorganization of the department in accordance with the recommendation submitted, and the amendments to the Customs and Excise acts suggested, will repress smuggling in a large measure, and will show, little by little, to every vigilant observer the real cause of this evil which we wish to banish from our Dominion.

Our manufacturers and traders will no doubt be thankful to us for the efforts we have all made in the performance of our duties on this parliamentary committee. We have, by all the legal means at our disposal, endeavoured to avoid party politics, aiming, for once at least in the parliamentary annals of this land, at bringing about immediately a new era for the traders and the dealers, who have often suffered unfair competition, an improved condition towards which they may look with confidence and faith. Have we been successful? Mr. Speaker, the debate which is to follow will tell.

Hon. H. H. STEVENS (Vancouver Centre): Mr. Speaker, I certainly appreciate the brevity of my hon. friend's address. As I followed him closely I think one might say that he was conscious that there had been serious dereliction of duty on the part of public men, and he entered a plea, coming, I am sure, from the kindness of his heart, that the House and the public should deal leniently with those who may have been guilty of some offence. As to the goodness of his heart I am sure we all agree. On the other hand, Mr. Speaker, I think at times we have a duty to perform when it is wise not to consult so much the heart as it is to consult what is right and what is fair to the country.

On February 2, last, I addressed the House charging maladministration of the Customs and Excise department, whereupon the House appointed a special committee to hold an investigation, or rather more correctly speaking to investigate the administration of the Customs and Excise department. For over four months, that investigation has been carried on and the report now offered to the House for its consideration represents the findings and recommendations of the committee. I feel, Sir, that for the stand I then took I am now warranted in claiming absolute vindication; the charges have been amply

justified and a state of affairs has been revealed which demands the stern attention of this House.

Before proceeding, I wish to pay tribute to Mr. R. P. Sparks and his associates whose untiring efforts during the two years preceding the opening of the investigation contributed so largely to bringing to the attention of the government these serious abuses. Canada owes much to Mr. Sparks for his devotion to the task and his great public service. He and his associates for eighteen months acted with impartiality and without political bias. It was only when it became abundantly clear that the government did not intend to act that Mr. Sparks appealed to me to secure for him a public inquiry. The task was not a simple one, and entailed much anxiety and labour. I had hoped that with the presentation of the report my work would have been finished. However, such is not the case, and I have one other duty to perform, which I cannot allow to remain undone. It is never a pleasant task to attack those with whom one is in constant contact. One's motives will no doubt be misjudged and attacked. Nevertheless, as the one responsible for the launching of this inquiry, it is my duty to finish it to the last detail.

During the opening weeks of the investigation, there were some clashes of opinion, but latterly the members of the committee worked in comparative harmony, and, as the report indicates, sought earnestly to produce to the House some constructive and remedial measures.

The chairman the hon. member for St. Henri (Mr. Paul Mercier), one of the younger members of the House, had a difficult and onerous duty to perform. He presided over each and all of the 115 sittings of the committee, and I trust that the experience he has had and the knowledge he has gained will do much to equip him for larger fields of service and usefulness to the state.

With the report I am in accord with one reservation, namely, the failure of the committee to report a finding on the evidence referring to the conduct of the ministry. Its neglect to do so, if not now corrected by the House, indicates a likely continuance of those practices which so largely contributed to the collapse of the department. It is but fair to the committee to say that this failure is not due to absence of evidence, but to inability to agree to a formula which would adequately meet the case. This discrepancy I propose to remedy by offering to the House an amendment to the motion for the adoption of the report.

The vital part of the report may be apportioned into two main divisions:—That which refers to "findings", and that which makes "recommendations". A brief outline under the heading of "findings" would be as follows:—

1. That the Customs and Excise department had been degenerating in efficiency for some time, and during recent years at an accelerated rate, and that the Hon. Jacques Bureau had been derelict in his duties as a minister.

That is one of the findings and the one I shall deal with first. As to the ex-minister, I have this to say. He perverted his opportunities of service to the state to the distribution of indulgences to his favourites. The vast revenues of the country collected by this department and amounting to over $300,000,000 annually, which he ought to have jealously guarded, were left unprotected the easy prey of mendacious individuals. High officials with a long career of faithful service to the country were debauched by him and must now pass out of the picture under a cloud more or less of shame.

His conduct and the conduct of these officials influenced, debased, I might say, by him as the responsible head, were well known to the Prime Minister and his associates. Yet he was allowed to resign his seat and his position as minister and he was rewarded with a seat in the Senate while his puppets have been driven out of the service in shame.

I pause here to emphasize this point of the knowledge of the Prime Minister and his associates of the general condition of the department for many months, indeed I think I am safe in saying for a year before this investigation started. I will read certain extracts from the evidence. For instance I have under my hand a letter written by Mr. Sparks to the Right Hon. W. L. Mackenzie King, Prime Minister of Canada, under date of February 4, 1925, just a year lacking two days before I made my statement in the House and more than a year before the investigation started. I will not read the whole letter, but I will read a couple of extracts:

Dear Sir:

Some months ago—

That is some months prior to the date of the letter.

—a large representative deputation waited upon you and members of your cabinet pointing out that smuggling and under-valuation for duty purposes were causing an immense loss of revenue and serious interference with the business of legitimate traders and manufacturers.

Then there is a long recital of certain specific instances. The letter concludes with this paragraph:

It is respectfully submitted that the conditions herein set forth are sufficiently well known to the government and to its departmental officers and the requested forms of relief so necessary and reasonable as to justify the government to take immediate action by instituting the required departmental changes and submitting to parliament bills providing for necessary legislative enactment. . . . It is respectfully submitted that a parliamentary committee should be appointed immediately to inquire into the necessity of departmental and legislative changes.

On the 21st February this was followed by another letter dealing with the acquittal of the notorious Bisaillon in Quebec. This letter is addressed by Mr. Sparks, as chairman of this businessmen's organization, to the Prime Minister:

The acquittal by the Quebec courts of J. E. A. Bisaillon, the chief preventive officer at Montreal, who was charged with conspiracy, creates a new situation in reference to the prevention of smuggling. I think you should be in possession of certain information which we have in reference to this matter, as he is the key to the whole smuggling situation. . .

Might I again repeat what I think I have said to you before that, from the standpoint of loss of revenue, I think the smuggling business is second only to the loss occasioned from the operation of the Canadian National railways.

Warning the Prime Minister, urging him in conference, confirmed by letter, of the necessity of changes and remedial measures. On February 26, there is a letter stating:

After four months' investigation by a staff of trained criminal investigators, we are convinced that at least half of the smuggling now going on could be prevented within a month by an energetic policy on behalf of the department, and further that, with necessary amendments to the act—

Which were given by this House, endorsed by this side.

—90 per cent of the smuggling could ultimately be prevented. Might I further express the opinion that smuggling is increasing at an alarming rate, rather than decreasing, as the minister states.

Thus even in February it was brought to the attention of the minister and his colleagues that these were the facts and it was pointed out that the responsible minister at the time was neglecting his duties in that respect. The letter goes on:

I took up with the Minister of Customs the question of the continuation of Mr. Bisaillon as chief preventive officer at Montreal. I pointed out that the business community had lost confidence in Mr. Bisaillon. I had with me at that time a number of reports on this man, one of which I read to the minister.

And so forth. On March 20, 1925, there was a letter reviewing the situation at length and supplying the Prime Minister with a tabulated list of offences of this individual. The reason I mention this is because around him at the time as chief preventive officer at Montreal, which was the pivotal point then, centred the weakness of the department. This letter addressed to the Prime Minister on March 20, 1925, reads:

In reference to the case of Bisaillon, there are certain facts, some of which are set out below which form a part of the public records and which, if they are not already known to the Minister of Customs and Excise, confirmation of them can easily be obtained. In our opinion these facts of themselves furnish sufficient evidence to warrant the immediate dismissal of Bisaillon.

Then it recites the case of Rex vs. Lortie, the Tremblay barge case and a number of others. Then we have the following paragraph:

We would respectfully submit that the facts as above set out, together with information conveyed to you in a confidential memorandum, are sufficient of themselves to call for this man's dismissal, and, over and above all this, is the fact that this man has lost the confidence of the business community of Montreal and, as a consequence, his usefulness is at an end.

This was acknowledged by a letter dated April 16, 1925, and addressed to Mr. Sparks, from Mr. E. J. Lemaire, Clerk of the Privy Council, in the following words:

Dear Sir:

I am, by direction of the Right Hon. the Prime Minister, to acknowledge your letter of the 20th instant with reference to Mr. J. A. E. Bisaillon, and to say that the same will receive due consideration.

I repeat what I said a moment ago that the conduct of the minister of the department, the laxity of his administration and his countenancing of evil-doers were well known to the Prime Minister and his colleagues long ago.

The second finding of the committee to which I desire to refer is in somewhat the following terms:

The committee also found that not infrequently important decisions have been made which were repugnant to the facts, resulting in serious losses to the revenues, as well as placing a premium on dishonest practices.

The chairman of the committee (Mr. Mercier, St. Henri) who took his seat a moment ago, as I intimated, made a plea for toleration of public men who were derelict in their duty. Here we have the finding of the committee in these terms, that the minister, or officers of the department under the influence of the minister, under pressure from the minister, made findings, made decisions affecting the public revenue, affecting the treasury of this country, which were repugnant to the facts, to use the words of the report itself. Under this heading would come a discussion of "political expediency." I do not intend to enter into that this afternoon as I understand the hon. member for Kent (Mr. Doucet) and the hon. member for West

Hamilton (Mr. Bell) will deal at length with this phase of the question. But losses and discrepancies as disclosed by the investigation could have been effectively controlled if the existing statutes had been properly enforced by conscientious officers uninfluenced by ministerial interference. I pause to emphasize that. In other words it was not the legislation that was wrong; it was the administration that was at fault.

Another decision deduced from the evidence is that motor thefts and smuggling are intimately associated. Case after case was submitted which showed that professional auto thieves found in the Customs department a haven of refuge wherein to cover up their nefarious traffic. Of that, Sir, there can be no question. Scores of such cases were brought to light until the public grew weary of the monotony with which they were unearthed, and the question was asked, when will the end of these auto cases be reached? The purpose in bringing them forward was to try if possible to drive home to the ministry and to the members of the House on what a wholesale scale this business was being carried on. It was a thoroughly organized traffic, and the officers of the department, as well as the department itself, by its actions and by its rulings, connived at or participated in it.

In the fourth place, it was demonstrated that wholesale commercial smuggling was being practised on an extensive scale and that customs and excise duties and sales taxes were being systematically evaded. The audits, admittedly very incomplete, disclosed losses subject to possible recovery of a sum approximating $1,750,000. This is in respect of cases regarding which there is now to hand, and available to the House, such evidence as would warrant immediate action being taken for the recovery of the amount stated. I would point out here that the ground covered by these audits was undoubtedly but a fragment of the area which ought to be covered and which in my opinion must be covered if justice is to be done. The ex-Minister of Customs, the Minister of Marine while acting minister (Mr. Cardin), and the present minister (Mr. Boivin) have all displayed a callous indifference to the rights of the public treasury, but a touching solicitude for the liberty and well-being of defrauding offenders.

I come now to the fifth point: I refer to a practice which has reached tremendous proportions, namely, the smuggling of liquor into the United States. It was found that liquor smuggling from Canada into the United States was a serious incentive to return smuggling of other goods into Canada, and that this Dominion has become a mere conduit through which a constant stream of liquor flows into the United States. Much of this liquor pays no revenue into the treasury of either country and is admittedly unfit for human consumption. At this point I wish to refer briefly to the treaty between Canada and the United States. On February 2 last when discussing this phase of the question I gave expression to a sentiment similar to that which I shall now voice. With the laws of the United States I have nothing to do; they are not my business, nor is it my duty to criticize or to approve of them. But, Sir, when the Dominion of Canada enters into a solemn obligation with the United States, then I submit, altogether irrespective of any opinion I may hold of the laws of that country, that it is the duty of the administration of this country to see to it that the terms of that treaty as well as the spirit of it are honoured. I will not read the treaty in toto; I will quote merely the opening paragraph or a portion of it. It declares that this Dominion and the United States—

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—being desirous of suppressing smuggling operations along the boundary between the Dominion of Canada and the United States of America, and of assisting in the arrest and prosecution of persons violating the narcotic laws of either government, and of providing as to the omission of penalties and forfeitures in respect to the carriage of alcoholic liquors through Alaska into the Yukon Territory—

—have agreed to certain things. In other words, the three subjects of agreement in this treaty are first, the suppression of smuggling; secondly, the prevention of, and the prosecution of those engaged in, the narcotic traffic; and, thirdly, the carriage of liquor into the Yukon Territory. The treaty is dated June 6, 1924. There is in it a clause which I know some will contend is ineffective and renders the treaty not binding on either country in so far as the smuggling of liquor is concerned. I had better read this clause inasmuch as it will probably be advanced as an excuse for the failure of the government to observe the spirit of the agreement. Article II provides:

The high contracting parties agree that clearance from Canada or from the United States shall be denied to any vessel carrying cargo consisting of articles the importation of which into the territory of Canada or of the United States, as the case may be, is prohibited—

As properly pointed out by my hon. friend from Vancouver North (Mr. Donaghy) in the committee, had the article stopped there it would have been effective. But it goes on:

—when it is evident from the tonnage, size and genera character of the vessel, or the length of the voyag

and the perils or conditions of navigation attendant upon it, that the vessel will be unable to carry its cargo to the destination proposed in the application for clearance.

It is argued that in view of that qualification Canada is justified in giving clearance to vessels known to be carrying contrabrand cargoes into the United States. My submission, however, is that Canada as a country, and this parliament as well, both understood and do understand now that this treaty was intended for the suppression of the smuggling of prohibited goods from one country into the other. That is the gist of the treaty, shorn of verbiage; and I believe that this administration, and the officials under the administration, ought to be condemned without any measure of consideration for deliberately conniving at the violation of the general terms of that treaty.

I should like now to illustrate the manner in which this traffic is carried on. Vessels laden with liquor would clear for some foreign port, such as Nassau or St. Pierre-Miquelon, but before such clearance the exporter, under the Canadian regulations, would have to deposit a bond equal in value to double the duty assessable on the cargo. That bond is not to be released unless the goods so exported shall have been duly landed and entered for consumption or for warehouse at the point named in the bond. This has been one of the most prolific sources of evasion of the law. I cannot speak too strongly on this point. In my opinion the administration—and in this I include the officers of the department as well as the heads—are either too simple to hold office or else they are deliberately conniving at this traffic, which is contrabrand so far as our friendly neighbour to the south is concerned. And it is beneath the honour and dignity of this country to be engaged in, or to connive with others who are engaged in, such a pursuit. One would expect that when the government exacted such a bond it would demand that it be respected. In practice, however, it is consistently evaded. False landing certificates are tendered and accepted and the bonds are released. Not only is it a fact that liquor, instead of reaching its ultimate point of destination, is diverted to the United States, but there is a strong presumption that a substantial portion or at least some portion of this liquor, upon which no customs or excise duty has been paid, finds its way back into Canada. This, I think, is the conviction of every member of the committee so far as this traffic is concerned, both on the Atlantic and on the Pacific. These vessels secure from the department a clearance for Nassau or Mexico; they leave the Canadian port and when they get outside they either produce an absolutely false landing certificate or, in the case of St. Pierre-Miquelon, it may be genuine. Then the liquor is bootlegged back into Nova Scotia, Prince Edward Island or New Brunswick on the Atlantic and into British Columbia on the Pacific. All of it does not come back, because the great market is Rum Row or Liquor Lane, as they call it on the Pacific, but a portion finds its way back into Canada and pays no revenue to the country. To effectively investigate the possible losses from such cases will require a searching examination of the books and records of the firms concerned as well as some clever police work to check up the documents tendered, as to whether or not they are genuine. In other words this inquiry, while it uncovered certain facts, has not by any means succeeded in discovering the magnitude of the losses to the revenue of this country through this traffic as well as other branches of a different character.

There was another method disclosed by the evidence as followed by the notorious Cooper, Hushion and George gang of bootleggers, by shipment on the Bernard M. and Frank H. as well as other vessels; these, however, were the two vessels most frequently mentioned. In this case cargoes of liquor would be billed from a foreign port via the St. Lawrence and Great Lakes to Port Arthur, and thence by rail and ship to Japan. That sounds like a decent traffic, simply passing through Canada; that was the pretence, but what are the facts? The facts are that such cargoes would be passed through the Lachine canal and there given a clearance for Port Arthur, but the vessels did not reach Port Arthur. These goods were landed somewhere on lake Ontario or lake Erie east of Windsor, and not a dollar of revenue came into the public treasury from the admission of these goods. I find, Mr. Speaker, that the evidence discloses at least four vessels carrying from six thousand to ten thousand cases in this way; there were many more but we had before us definitely these four. Had these vessels been compelled to pay duty on their cargoes it would have meant from $450,000 to $720,000 in revenue to the public treasury.

What guarantee did the minister or the department have that the exchequer was properly guarded? They only had the word of a bootlegger, a man called Harbert, and absolutely nothing more. I ask this House to consider this question for a moment, and we will put it in a little different way. Let us suppose some business man, some merchant, sought to bring in a cargo of hardware,

or furniture, of groceries or drygoods, or any other class of goods legitimately handled, in bond for transhipment through Canada to Japan. These goods are brought down the Lachine canal and given a clearance for Port Arthur, but they do not arrive there; they are landed at some unknown point on the lakes, possibly in the province of Ontario, with no payment of duty. Would the department permit that merchant to carry on in that way? The answer is obvious. Then I ask the House why it is that those engaged in the liquor traffic should have a privilege which would not be granted or countenanced for one moment in the handling of other classes of goods. Why is it, Mr. Speaker, that the duty of the minister in the protection of the revenue of this country was satisfied with the word of the bootlegger who brought in the cargo? These are serious matters, and these are the things the House must face in connection with this inquiry.

Before going to another point I want to say that these few incidents I have mentioned are only a modicum of what one might bring forward to illustrate the magnitude of this traffic, but they do show a serious condition in connection with that class of business. I submit, Mr. Speaker, that it is high time for this unholy partnership between the government of Canada and a gang of bootleggers to be dissolved. And I have a word to say to the old established distilleries of Canada. We have here five or six old, well-established institutions which in the past, and I believe at present, claim that they carry on their business legitimately and within the law. Indeed, they pride themselves on it, but to those old-established distilleries as distinct from others of the mushroom type which have recently come into existence I say that it is high time they ceased to sin by proxy, because that is virtually what they are doing. It is time these well-established firms recognized that they must keep genuinely and sincerely within the law and must not, by feeding their products out to law violators, enrich their coffers. I say this with all earnestness and sincerity; if they persist in dealing with such people they must expect to receive a measure of the public indignation which will be aroused.

Mr. GARDINER: Will the hon. member permit a question? Did the committee trace this liquor back to its source?

Mr. STEVENS: Oh, very frequently; that is really what I am referring to at the moment. I do not want to go into too much detail, but to answer my hon. friend, this is the situation. There are perhaps two general classes of liquor, with one of which I will deal at some length almost immediately. There is the class known as matured, decent spirits; to those who like liquor it is known as good liquor. Then there is another class composed of almost pure alcohol, not matured; still with the fusel oils in it, merely coloured with prune juice or something like that. That liquor is assuming tremendous proportions to-day; I believe there is more of that kind handled by the bootleggers to-day than of the good liquor. The matured liquor largely came from the Old Country or from old Canadian distilleries, who sold it to these people who traffic it in the way I have mentioned.

Mr. WOODSWORTH: The hon. gentleman has referred to the old, well-established distilleries. Does not the evidence show that at least one of these old firms was guilty of giving subscriptions to the old political parties?

Mr. STEVENS: No, the evidence does not show that. My hon. friend knows, and the House is well aware, that political parties old and new receive subscriptions from various sources, and I have no doubt that subscriptions have been received from that source. I say to my hon. friend, however, that so far as I know I have never seen or known of a dollar subscribed by that source in any campaign in which I participated. I am not denying that it was done, but I will say that there is no evidence before the committee that such subscriptions were made. The only evidence was that there were certain sums which the auditors said were unaccounted for by any other means, and my hon. friend can take what he likes from that.

Mr. MILLAR: Might I ask what "new" party my hon. friend referred to?

Mr. STEVENS: There are lots of parties. I would not for a moment criticise my hon. friend's party for the sources of their campaign funds; they get them anyway. I do not know which party my hon. friend is in at present, but I can say he is now in unholy company. The party with which he is now identified has been the recipient of plenty of such contributions.

I now turn to the question of denatured alcohol, or unmatured spirits. The committee found that unmatured spirits, unfit for human consumption, have been released under four orders in council, and as a matter of record

I am going to put on Hansard the details regarding these orders in council:

Gooderham and Worts, P.C. 641, April 17, 1924.
Manitoba Refinery, Limited, P.C. 1903, October 2, 1925.
Distillers Corporation, Limited, P.C. 1646, September 14, 1925.
Consolidated Distillers of Manitoba, P.C. 29, January 7, 1926.

These four orders in council were brought to the notice of the House by the minister in a return which he filed in reply to an order of the House. These four orders in council synchronize with a sudden increase in the production and sale of raw alcohol, allegedly for denatured purposes, but in reality for the vilest type of bootlegging.

The evidence shows that the Dominion Distillers, better known as the Cooper-Hushion, George aggregation, sold between December 7, 1925, and January 19, 1926, no less than 82,500 proof gallons of this alcohol, denominated No. 1 F. Special alcohol, and that they secured for it from $7 to $10 per gallon.

Now that this alcohol was intended for human consumption was proven beyond all question by the evidence at page 2416 of Leo George, in answer to a question by Mr. Bennett. I will give the question and answer:

Mr. Bennett: Do you know anything about abstraction of the denaturing substance from this alcohol after it gets to the States?
Answer: I understand that they can abstract it.

Now I want to say a word in explanation of this type of liquor. I have the act under my hand, but I do not wish to weary the House by reading from it too minutely, but the act declares that this class of liquor, No. 1 F. Special, shall be used only for hospitals and institutions for the care of the infirm, and for certain purposes of that kind. It is a rubbing alcohol, a medicinal alcohol. It is not for internal use at all, my hon. friend from Fort William (Mr. Manion) reminds me. The sale of it is very jealously guarded by the regulations. This is important because it bears vitally on what I am going to say in a few minutes, and I want to make this point clear. According to the law, according to the Excise Act, and according to the regulations the minister is empowered to make under the law, this alcohol cannot be used indiscriminately. It must be sold only to certain specific limited classes of persons such as I have mentioned, but as a matter of fact the minister exceeded his power in allowing these 82,500 gallons of alcohol to be sold by the Dominion Distillers. It was not only contrary to the law in Canada, but as this class of alcohol, denatured alcohol, is not admitted to the United States at all under their law, it might have been classified as potable spirits, which it was intended to be. It was intended for, and it was sold to the United States by the Dominion Distillers as potable alcohol for beverage purposes, and it was sold only under cover of a special permit granted by the minister, in the granting of which permit, I contend, the minister exceeded his powers.

Now I want to give three illustrations regarding the export. The minister will answer me that this alcohol is exported, and that therefore he had the right to give them this special permit. I answer, in the first place, that the law gives him no such right. In the second place, I want to show that some of it at least apparently never reached the point of export or was never properly exported. I have under my hand the record of three cars. I have duplicates here of the history of these three cars. I have summarized them, and I shall not read the whole story, but briefly it is as follows.

G. T. car No. 6995, containing this denatured alcohol, was billed at Montreal on December 5, 1925, to Louis Evans, Toronto, for export to Mexico. I have the bills of lading and the freight bills under my hand, showing the facts that I am reciting. This liquor was billed for export to Mexico by a boat called the Idle Hour. I would suggest, by the way, that the name of the boat is quite in keeping with the line of business. The record shows that this shipment—and this is the significant part—reached its destination at Toronto on December 6, but the car was not unloaded there. On December 13, it was reported at Welland, still with the same load, and was finally reported "empty" at Fort Erie, although it was billed, and had the guarantee from the Dominion Distillers written upon the face of the billing, to Toronto for export by this boat.

C.N. car No. 346083, containing the same class of liquor, was billed out of Montreal on December 9, 1925, to the same man, Louis Evans, Toronto, for export to Mexico, by the same boat, the Idle Hour. I pause here to draw attention to this, that this Idle Hour was supposed to have unloaded a car for Mexico on December 6, and the boat apparently got to Mexico and back and took on another load on December 9, in spite of all the difficulties of navigation of the Great Lakes and the St. Lawrence, and the distance. One would almost think it was some new type of airship, but it was not; she is a little lake boat. This was shipped on December 9, and in this case the

car was unloaded at London, Ontario, on December 20, and according to my records this vessel was shown "empty" at London. Now London is not an export point; it is not even a lake or river point.

The next is C. N. car No. 409254, containing the same class of liquor. This was billed out of Montreal on December 13, 1925, consigned to the same man, Louis Evans, Toronto, for export to Mexico by the boat the Idle Hour. This car was not unloaded at Toronto, but arrived at Sarnia on December 18, and the contents were described as lumber when the car got to Sarnia for diversion to Port Huron.

I cite these three cases, Mr. Speaker, for the purpose of showing that in the export of this liquor by the Dominion Distillers, who were acting under a special permit from the minister, a permit, I contend, that was granted contrary to the law and in an enlargement of his powers—these three cars never reached the shipping point at all, or they passed the shipping point to which they were directed, and were unloaded at other points in Ontario. These various findings that I have cited I will leave at this point, and now I turn for a moment to the recommendations of the committee.

Many of these recommendations, Mr. Speaker, are clearly routine. I am not going to deal with them, because I think the House is in general agreement with regard to them. I do not think there is any question as to their desirability; I think they will be accepted without question. The recommendations, however, regarding further investigation and the prosecution of those already shown to have violated the law, are of paramount importance to the House. It is equally necessary that the House should be certain that those who are entrusted with this duty are untrammelled by any previous entanglements with those who are to be prosecuted. I pause, Mr. Speaker, to emphasize that point. I say to the House there are two things of paramount importance: First, that further investigation and prosecutions should be vigorously followed up; and secondly, this House ought to be certain that those to whom it entrusts this important task are untrammelled by previous entanglements with those whom they are called upon to prosecute.

Extensive and startling as the disclosures have been, it is well for the House to realize that neither the audit nor the investigation covered more than a small portion of the area that ought to be examined. I want that point to be borne in on the minds of hon. gentlemen. The way the committee proceeded it would have taken us probably two years to have covered the ground necessary and then it could not have been done thoroughly. The careful examination of other sections of the Dominion will call for a sensitive appreciation of what is due to the state, as well as a fearless and impartial application of the law.

There are three major prosecutions to be undertaken. First, the Gaunt case; second, the Dominion Distillers, and third, the group of companies at Rock Island. There are others, many others, but these three cases ought to be and must be taken very seriously. Now regarding the Gaunt case, already this government, through the action of the present Minister of Marine, while acting as Minister of Customs last fall, has committeed itself to a settlement of the Gaunt case for $3,400, covering a claim which with penalties should produce $58,000. I am not saying, Mr. Speaker, that the $58,000 can be recovered. But I am within my right in saying this—that most eminent counsel, one who had given the subject most intimate study as a lawyer, advised me that he thought there was a very excellent case for prosecution. As a layman, and one who also gave the matter intimate study, I claim that as a matter of right and equity the $58,000 is due to the state and the case ought to be prosecuted. But what chance is there for success from a government whose Acting Minister of Customs and Excise now the Minister of Marine made an adjustment and settlement, which was supposed to have been final until this investigation reopened the matter, of $3,400 for this $58,000 claim?

Now, I turn to the Rock Island cases. In regard to the Rock Island companies,—and I may say there are probably about fifteen companies involved in this group—we know that the present Minister of Customs and Excise (Mr. Boivin) represents a constituency in that neighborhood, and is the intimate associate of some of the chief offenders. Now this is where some of my hon. friends will, perhaps, feel a little touchy. They may suggest, as my good friend the chairman so strongly pleaded a moment ago, that a minister should not be chided unduly for giving away to the importunities of his constituents. That is a kindly spirit, but I want to say to the House that in the face of these disclosures it is a spirit that will ruin Canada, it is a spirit that will degrade the public life of this Dominion; and I say further that it was just that buccaneering spirit of the ex-minister which largely contributed to the ghastly mess we have in that department at the present time. Now my hon. friend the present minister, in his speech of February

2, describes one of these gentlemen in the following terms, I am quoting from Hansard, page 702:

> Mr. Bissonette of Stanstead, a very good fellow, an intimate friend of mine, and a young gentleman whom I have met on several occasions both politically and socially—

And yet, Mr. Speaker, this same Bissonette destroyed his books and records, and ignored the summons of the committee. The auditors reported:

> This company has produced no books, except for the year 1926, which books were written up from another set of books which were destroyed.

Then again the auditors report:

> The amount of duty recoverable might be determined by the department to be very substantial.

They could not determine it. They could not determine the amount because the records were destroyed and the man would not come before the committee. Is the minister to be entrusted with the prosecution of this "intimate friend", this "young gentleman", this "very good fellow" as he describes him?

Now let us turn our thoughts for a moment to the Dominion Distillers case. In regard to this case I hold very strong views not only in connection with the denatured alcohol which was shipped out of the country contrary to law, not only in connection with the large sum, the sum of $700,000 odd, which ought to be paid into the treasury, but also because in connection with the shipments that this company brought in and landed somewhere on the Great Lakes, this government excused them and allowed them to come in because a bootlegger said he had landed his goods in Buffalo, and there was never a shade of evidence to support his word. In that case which involved over half a million dollars this company must be prosecuted. These multi-millionaires, these unscrupulous bootleggers, who encouraged poorer men to do the dirty work of their business and then posed before the public of their respective cities as benefactors with money of which the public treasury of this country had been defrauded, must be prosecuted.

I propose now, Mr. Speaker, to examine the chances of a vigorous prosecution of this gang by my hon. friend. This group consists of several intimately associated concerns with interlocking directorates. All of these concerns practise brazen-faced bootlegging of liquor into the United States as their chief business. That is their business and nothing else, and as the report indicates there is "a strong presumption that some portion of the liquor so shipped and cleared finds its way back into Canada for consumption" and pays no excise or customs duty. The concerns are: Dominion Distillers Products Co. Ltd.; W. George Limited; W. J. Hushion; the George Import and Export Co. Ltd.; the St. George Import and Export Co., together with certain other entanglements in the way of steamship companies and so on. They carried on operations and then let the company go bankrupt when its usefulness was done.

Mr. WOODSWORTH: The hon. gentleman is describing certain practices. Are these practices limited to Rock Island and the Great Lakes, or was there any evidence to show that they were prevalent in other parts of the Dominion as well?

Mr. STEVENS: I have tried at least three times to explain, and I am most unfortunate in my expression if my hon. friend has not grasped the point, that this investigation has only touched the fringe of the ground to be covered. I also said to my hon. friend a moment ago, if he will recall, that the practice regarding this liquor which we are talking of now was prevalent on the Atlantic, on the Pacific and on the Great Lakes. There is no question about it. It is general throughout the whole length of the country, but the investigation of four months and a half, an experience that I do not think any member of the committee wants to repeat, uncovered only certain limited areas. And regarding Rock Island, I want to say in justice to the Rock Island people I think it is perhaps there more pronounced than anywhere I know of. It exists also at Windsor and Niagara, and perhaps at other places, but at these two points I suspect the condition is not very much better.

Now then I want to proceed. Gregory George seems to be the chief executive head of this group of companies. He appeared before the committee during the early days of the investigation, and after perjuring himself left for Europe taking with him all the vital records of this group of companies. In spite of his evasion and of the loss of vital records, the auditors have uncovered ample evidence to warrant a prosecution of these people for the return to the treasury of a million dollars of revenue.

This man Cooper, who is reported to be a multimillionaire, and his wealthy associates, have made most of their wealth by defrauding the governments of Canada and the United States of revenue and by evading the laws of a friendly neighbour. I ask the question, is the minister likely to prosecute these people?

Will he prosecute them? Can we entrust to him, in the light of the evidence of his intimacy with them, the serious task of prosecution? Who was it, Mr. Speaker, who bought from the minister,—who must now prosecute him—the alcohol seized from the barge Tremblay? None other than W. J. Hushion, the political genius of the group, he of the "missionary" spirit, who came to Ottawa as a missionary for this gang. Will the minister dare to prosecute Hushion for selling this alcohol without having paid any excise? He will not, or, if he entered action at all it would be doomed to failure before its inception. Their defence will rest in acts of the minister himself.

Allow me, Sir, to review the facts and let the House judge for itself: In the late autumn of 1924 the barge Tremblay was apprehended by officers of the Quebec Liquor Commission while in the act of landing liquor contrary to the laws of Quebec. A few hours after this action, a customs officer, Duval, a mere tool of Bisaillon, appeared on the scene and seized the vessel and the liquor in the name of the customs of Canada.

The alcohol, some 16,000 gallons originally 24,000 gallons, was then placed in the king's bond at Montreal and remained there until December 1925. During the autumn of 1925, Mr. Wilson, the chief preventive officer, wrote to a number of firms for bids for this alcohol. He received some offers which were unsatisfactory and continued his efforts to make a sale in a regular and proper manner, as was his duty and he carried that duty out faithfully and well. During December 1925 the minister opened private negotiations with W. J. Hushion, ex M.P., who, according to his own evidence, was acting as a "missionary" for the notorious Cooper-George gang. During December, the minister closed a private sale of the alcohol to the Dominion Distillers for 36 cents a gallon. The customs law declares that all seized goods should be sold at not less than duty paid value, which in this instance would equal $10.50 per gallon, instead of 36 cents per gallon, otherwise it would be condemned to be destroyed.

That there is a large market for this alcohol within the law, is evidenced by the reports of the Quebec Liquor Commission, which showed that they handled at a price of $14.85 per gallon, 382,000 gallons in 1923, 359,000 gallons in 1924, 315,000 gallons in 1925; also it is in evidence that the department, when untrammelled by ministerial interference, had on a previous occasion sold approximately 7,000 gallons at $15.60 per gallon.

An hon. MEMBER: Duty paid?

Mr. STEVENS: Yes, duty paid. I am coming to that point. I will deal with the duty paid phase at once.

I have under my hand a copy of Hansard of February 2, last, which contains, at page 702, what the minister had to say on that occasion regarding this alcohol. The minister twitted me about my "Holier than Thou" stand on that occasion, and I hope he will change his description this time a little. He said:

> It is true I sold about 14,500 gallons of alcohol to the Dominion Distilleries Corporation in Montreal at 36 cents a gallon. I may tell my hon. friend that that corporation could have manufactcred alcohol of the same quality for about 32 cents a gallon, but they were in a hurry for this alcohol because they required it for blending purposes.

I want hon. members to remember this point that they were in a hurry for this alcohol because they required it for blending purposes. On the next page he had this to say:

> When the alcohol was sold to the Dominion Distillers Corporation it was sold to go into a bonded warehouse and not one ounce, one bottle or one gallon of that alcohol can leave that bonded warehouse without the excise duty being paid on it.

I recall, Mr. Speaker, that when the minister made that statement there was thunderous applause on the other side of the House, and it was accepted as a complete answer to my charge on that occasion. The minister's defence rests on two grounds, first, that it was an urgent case, the alcohol was needed at once for blending purposes; and, secondly, that not an ounce, not one bottle, not one gallon would be released from bond until the last cent of duty was paid. Let us examine that defence. Was it urgent? The date of this sale was the end of December, the negotiations I think were carried on slowly. I have discovered in the files that the deal was consummated about the 24th or the 28th, of December, 1925, and delivery, I think was made about the 1st January. Was it urgent? The Dominion Distillers secured over 60,000 gallons in addition to this 16,000 gallons of precisely the same class of goods, during the month of December, which effectively disposes of the plea of "urgency."

Now I turn to the next point. Mark you, it was urgently required according to the minister for blending purposes. I pause here to say that that institution, in all its history from 1923 I think, down to the present time has only produced 600 gallons of liquor, and that 600 gallons is lying in its warehouses to-day, unfit for human consumption, even unfit to be bootlegged out, and therefore it must be pretty bad. As far as the evidence shows they produced nothing else, but they

were simply a medium through which other institutions have bootlegged liquor wholesale to the public as they have bootlegged this stuff.

Now I come to another point. Was it required for blending purposes? Not an ounce was so used, and 82,500 gallons was sold and shipped by the Dominion Distillers within a period of weeks, and in fact within three weeks of the delivery of the alcohol sold by the minister. Furthermore, in the letter fixing the conditions of sale no mention is made of blending. I have here an extract from the letter setting forth the conditions under which this alcohol was sold to the Dominion Distillers under the order of the minister. This letter was written before he made his speech, and all this liquor, 82,000 gallons, including the 16,000 gallons, had been sold weeks before the minister made his speech in which he said that not one ounce would leave the bond until the excise was paid. That was sold between December 5 and January 18. The amount of 82,000 gallons was bootlegged into the United States. Three carloads did not go to their proper destination in Ontario. I have the letter of February 4, before me. These are the terms of the minister himself and of the department as to the conditions of the sale of the liquor. The conditions are:

I. To Dominion Distilleries at 36 cents per proof gallon.

II. Officer to accompany each load.

III. To be weighed on receipt at distillery.

IV. Such alcohol was not to be used for any purpose whatsoever except for the manufacture of specially denatured alcohol, grade No. 1-F in accordance with departmental specifications and under supervision of two officers.

V. For export only—removal in bond "and that a separate export bond for $5,000 was to be given by the Distilleries in connection with each export entry."

VI. To be an excise transaction and dealt with as by "Excise Warehousing Regulations Circular 327-C, page 3."

That refers to export. Let me go back for a moment. It was to be sold as grade No. 1-F in accordance with the departmental specifications. It was so denatured; that is true or at least the records show that it was. I have personal doubts about it, but I am not going to make the assertion. According to the evidence and what was generally known, it is a simple thing to extract these denaturants from this class of alcohol. That is, you put in certain denaturants, Diethylphthalate and Brucine sulphate. These may be extracted and the alcohol becomes potable. That was done with this alcohol. It was wittingly sold by these people as potable alcohol, and when the minister sold it to them, by the very fact of saying that it was for export, he demonstrated that it was for beverage purposes. Furthermore, the denatured No. 1-F alcohol is worth about eighty cents a gallon on the Canadian market to those who are at liberty to buy it. They sold this alcohol for $7 to $10 a gallon and not a cent of excise came into the public treasury in regard to it. As to the pious declaration of the minister to the House on February 2 last, that "not an ounce, not a bottle, not a gallon" would be released without duty being paid, I remember, as I said a moment ago, how my hon. friends cheered that as a final and absolute answer to that charge. But what are the facts? Not one ounce, not one bottle, not one gallon returned one cent of duty to the public revenue.

I call the attention of the House to the situation. On February 2, the minister made these statements, and prior to these statements having been made this stuff had been illegally distributed in the United States and in Canada. I pause to ask once again: Can this House entrust the present minister with the prosecution of these people for the recovery of revenue of which we have been defrauded. That is the question to decide here. It is not a question, as my hon. friend suggested out of the kindness of his heart, of whether we are going to condemn the minister because he responded to the importunities of friends. The question is whether we are going to continue to trust the minister who has allowed the public treasury to be defrauded out of these huge sums.

I come to another case. I hesitate a little in bringing this matter to the attention of the House, but I feel it is due to the House to do so. The Prime Minister has already received from me a letter and I have received his letter in reply. I will place them on Hansard if he so desires. I do not know whether he intended his letter to be in any way confidential. If he does, I will send it across to him.

Mr. MACKENZIE KING: Does the hon. member refer to a letter that I received from him yesterday?

Mr. STEVENS: Yes.

Mr. MACKENZIE KING: I would suggest that he read all the correspondence, his letter to me and my reply to him.

Mr. STEVENS: I will read it only I wanted my right hon. friend's permission. I do not see how the House can ignore this case. About four or five weeks ago there was given to me certain information dealing with the condition at Regina as it relates to the illegal distribution of liquors, particularly

alcohol, without paying excise and the tampering with government bonds. This was a rather serious charge. As a matter of fact a case was up in court about two years ago and this is the aftermath of it. I might just as well state here that the famous Harry Bronfman, now of Montreal, is I think at the bottom of the whole business. He is a prominent citizen of Canada so far as magnitude of business goes. When I say he is of Montreal, I do not want my hon. friends to think I am stabbing at Montreal, because he was then directing this business in Regina.

The facts are as follows: Information came into my hands of serious frauds on the excise at Regina. It was then too late to prepare the case for the committee because the information was not complete and furthermore it was of a character that required police control or direction. That is, it was a clear case, if placed in the hands of the police, that gave an opportunity of cleaning up a very serious mess. I felt that if we brought it before the committee in an unprepared and unfinished condition this would give publicity to the matter and those who were guilty would merely get away without being brought to justice. Therefore I took up the matter with Mr. Taylor, Assistant Deputy Minister of the department. I want to pause here to say that in my estimation Mr. Taylor and Commissioner Starnes have acted in absolutely and unqualifiedly good faith.

I gave Mr. Taylor all my information and I exacted from him only one condition, namely, that certain names mentioned should not be used publicly. He enlisted the assistance of the mounted police and a special operative was despatched to Regina. This operative set to work and within a week succeeded in unearthing quite a fraud, actually caught certain persons with the goods in their possession and put them under arrest. He retained Mr. J. F. Bryant, K.C., a prominent lawyer of Regina who worked with him on the case. They worked up the case and it was to come up in the police court a few days ago. The local Liberals got wind of it; they got busy with Ottawa and so far as my information goes, they insisted that Mr. Anderson, secretary of the Liberal Association of Regina, should be given the job of prosecuting the case. So instructions went out to put Mr. Bryant, K.C., off the case and to put Mr. Anderson, secretary of the Liberal Association, in charge. The operative was recalled to Montreal as a witness in a case there.

I am going to read the letter that I sent to the Prime Minister on Saturday. When this matter came to my attention I realized that it was just on a par with the practice that had been followed for years in this department, that when earnest, conscientious officers get a case where they can do something of a definite character, political influence comes in and the thing is stopped. So I ask the House to bear with me while I read two letters, one that I addressed to the Prime Minister on June 19, and his reply. This is my letter to the Prime Minister:

OTTAWA, June 19, 1926.

The Right Honourable
W. L. MACKENZIE KING, M.P.,
Prime Minister,
House of Commons,
Ottawa.

DEAR MR. PRIME MINISTER:

In connection with the exposures made regarding wholesale smuggling in Canada, I attacked the government in my speech on February 2nd, and it is likely that I shall further do so when the report of the committee is under debate.

On the other hand, I desire to bring to your attention certain facts, first of which is this, that in some instances which seemed to me to be of a character which called for co-operation with the department, I have endeavoured to give the department my best assistance.

I have now before me information regarding two cases, a recital of the facts concerning which would indicate that, in spite of the disclosures of the last four months, there still remains within the ranks of the government those who are willing to submit to outside influence in order to prevent the ultimate result of illegal and criminal practices being arrived at through the regular courts of justice.

Cohen Case

This case has been dragging through the courts ever since last October, and recently with the connivance of the crown was traversed over until the fall assizes. Cohen is a rich, influential citizen of Montreal, and a notorious smuggler of silk goods on a wholesale scale, and officers of the crown had secured incontrovertible evidence against him, and he was faced with a jail sentence. Hence the furious efforts to postpone and delay his case. At the very time when his trial was to have been heard recently, it would appear that a "frame-up" was arranged between certain other officers of the crown and Cohen in connection with other smuggling operations, in return for which Cohen was to be relieved of the charges pending against him, for which the inevitable results would have been a jail sentence.

That is, under the amended act of last year.

A perusal of the files discloses that the chief preventive officer, Wilson, knew nothing whatever of this "frame-up."

Liquor Excise Frauds at Regina

Some weeks ago there came into my possession certain very damaging evidence of extensive excise frauds, forgeries of bogus labels, possession of customs seals, etc., on the part of certain notorious individuals in that city. I at once realized that, if these were exposed before the committee, it would probably result in the destruction of evidence that would bring about a conviction, and I realized it was more of a "police case," than one for investigation before the committee. I took the matter up with Mr.

Taylor, now acting chief of the Department of Customs and Excise. At this point I wish to state that in my estimation Mr. Taylor has been and is dong his best in the case. It appears, however, that certain influences in the government ranks are exercised to prevent this case from being successfully handled. The facts are as follows:

1. I handed all my confidential information to Mr. Taylor in confidence only in so far as names were concerned.

2. The information was placed in the hands of the mounted police, who arranged for a very competent operative to deal with the case, which operative had full liberty to approach my confidential informants.

3. He proceeded to Regina, and in co-operation with parties referred to, actually brought about the arrest of two men for the stealing of alcohol from bond. These men were apprehended, I am informed, with the goods in their possession and much valuable evidence was also secured, including the finding of customs seals, bogus labels, dies, etc., in the warehouse.

4. The R.C.M.P. operative retained Mr. Bryant, K.C., of Regina, to handle the case, made this choice so far as I know on his own initiative. Between them a very definite case was made ready for prosecution, when suddenly Cahill the police operative, is recalled on the excuse that he is required to give evidence on a case in Montreal, and Bryant is removed and one Anderson, secretary of the Liberal Association of Regina, is retained.

I submit to you, Sir, that in this instance where it was a vital "police case," political preference should not have interfered in the bringing of these men to justice. My information is that the frauds affecting the excise revenue in the city of Regina and the surrounding district over a period of years would amount to hundreds of thousands of dollars.

The facts as disclosed to me reveal a continuance of a practice of political interference, which cannot now be justified, and which would seem to indicate a continuance of the very practices which brought about the breakdown in the Customs department.

I bring these facts to your attention, and respectfully, but firmly, request that immediate instructions be issued that in the ordinary processes of prosecution of criminals against Canadian law, capable officers of the department should not be interfered with by political traffickers.

Yours sincerely,

In reply to that I received this afternoon the following communication from the Prime Minister:

DEAR MR. STEVENS:

Immediately upon receipt of your letter relating to alleged liquor excise frauds at Regina and the Cohen case, I referred its representations to Commissioner Starnes, of the Royal Canadian Mounted Police, for a report, which I have just received and enclose herewith.

These are the memoranda:

ROYAL CANADIAN MOUNTED POLICE,

OTTAWA, ONT., June 21, 1926.

Memorandum for the Hon. the Minister in Control of the Royal Canadian Mounted Police.

With regard to the attached letter addressed to the Right Hon. the Prime Minister, the undersigned begs to report as follows:

Cohen Case

The original charge against Cohen is still pending, and is in the hands of the Department of Customs and Excise, it having been investigated, it is believed, by Messrs. Duncan and Knox, of the Customs Preventive service. The Royal Canadian Mounted Police have had nothing to do with this original charge.

On the 19th of April, 1926 the Hon. the Minister of Customs and Excise handed the undersigned certain affidavits made by Benjamin J. Cohen, regarding smuggling, with the request that the Royal Canadian Mounted Police investigate.

The affidavit of Mr. Cohen was handed over to the officer commanding the mounted police in Montreal, with instructions to take action. Eventually with Cohen's co-operation, four men were arrested by the mounted police for smuggling, their names being Charles Bibaud; A. Prevost; Rene Prevost and Onel Bessette.

To make a success of the plan of operation, it was essential to have Benjamin J. Cohen participate in smuggling operations, and because he furnished the information which was the result of making charges against the other four already named, no charges are being laid against Cohen in this particular case, but this is the second or supplementary case, and has nothing whatever to do with the original charge against Cohen, which has been pending since last October. No promises of clemency or of any other kind were made by the Royal Canadian Mounted Police. The Royal Canadian Mounted Police were given certain information, which was investigated, and with Cohen's assistance, the four men mentioned above appeared before Judge Decarie recently, and their cases are still pending before the Montreal courts. They come up for voluntary statement on the 22nd instant, in Montreal.

It is true that the Royal Canadian Mounted Police requested an adjournment of the original case against Cohen, so that he might be used by the Royal Canadian Mounted Police in the investigation of the statements made by him in his affidavit to the Hon. the Minister of Customs and Excise, but beyond this, no request or promises have been made. This action was taken with the full knowledge and understanding of the Acting Deputy Minister of Customs and Excise, although it is quite possible that the chief preventive officer knew nothing of the transaction.

Respectfully submitted,

CORTLANDT STARNES,

Commissioner.

Liquor Excise Frauds at Regina

The facts of this case, up to the end of paragraph 3 of Mr. Steven's letter are substantially correct.

With regard to the retention of Mr. Bryant, K.C., of Regina, to handle this case, and the alleged excuse for the removal of Secret Agent Cahill from Regina, the undersigned begs to report as follows:

It is always customary to apply to the Department of Justice for the appointment of counsel. The police agent had without authority, engaged Mr. Bryant, and he was instructed that Mr. P. Meudell Anderson, of Regina, had been appointed to conduct the case by the Department of Justice.

Secret Agent Cahill has not been removed from Regina; his absence is only temporary and merely to enable him to give evidence in a very important case in Montreal on which he worked for over six months, involving the forgery of certificates for the release of liquor from American bonded warehouses. Secret Agent Cahill is the principal witness in the latter case which comes up on the 22nd instant and in connection with which a large number of witnesses have been brought from different parts of the United States. He will be returned to Regina as soon as his evidence has been given in Montreal.

There has been no interference whatever in connection with Secret Agent Cahill's work. He knew before to went to Regina that he would have to appear in Montreal on the 22nd.

Arrests in the liquor excise frauds at Regina were made on the 17th of June; the courts fixed the 23rd instant for the hearing of the case and Assistant Commissioner Knight of the Royal Canadian Mounted Police, Regina, was instructed to ask for a remand of seven days in order to give Cahill sufficient time to return.

Respectfully sumbitted,

CORTLANDT STARNES,

Commissioner.

Mr. MACKENZIE KING: Perhaps the hon. member will allow me at this point to read the following communication from the Minister of Justice (Mr. Lapointe):

To supplement the accompanying memorandum from the Commissioner of the Royal Canadian Mounted Police, I wish to say that Mr. Anderson is acting usually as legal agent for the government at Regina. He has always done so satisfactorily and there was no reason or justification to remove the legal work from his hands.

Mr. STEVENS: The point of the whole matter is this—

Mr. MACKENZIE KING: Perhaps my hon. friend will allow me one question so that the record may be complete. He has referred to Mr. Bryant, K.C., and he has also mentioned another gentleman as holding a particular office. Is it not true that Mr. Bryant is the president of the Conservative Association of Regina and was a Conservative candidate in the last provincial election?

4 p.m.

Mr. STEVENS: That may be true. I do not know but we will assume it is; I have no idea.

Some hon. MEMBERS: Oh, oh.

Mr. STEVENS: I do not see the reason for the hilarious roar from hon. gentlemen opposite. When has it been an offence for a citizen to be a member of a Conservative association, and a great virtue for a man to be secretary of a Liberal association. My point to the Prime Minister, Mr. Speaker, is that a case involving the most intimate and intricate police investigation was given in good faith to the department with all the confidential information; the mounted police went about their duty properly; they had to keep the thing secret. Mr. Bryant happened to be the one who knew something about it, and the operative retained Mr. Bryant to guide him in the prosecution of that case. When they succeeded in apprehending some of the offenders suddenly action was stayed and there was a change in the counsel. Why? It was for purely political purposes.

Mr. MACKENZIE KING: I submit that the statement of Commissioner Starnes is emphatically in contradiction with what my hon. friend has just said.

Mr. STEVENS: Commissioner Starnes knew nothing about the retention of Mr. Anderson until he was instructed by his minister to make the change. The point is that all through these investigations one thing has been constantly brought to the attention of the people of Canada, and to put it mildly they are exceedingly impatient with the practice. Wherever responsible officers of the department seemed to be doing their duty there would appear on the scene, through some subterranean method, individuals with influence who would interfere with the proper prosecution of those duties.

Take the Cohen case which I have already cited. Cohen was under surveillance for a considerable time; Officers Knox and Duncan, who have been carrying on investigations in different parts of the country but perhaps particularly in the great centre of Montreal, caught Cohen red-handed in four or five seizures. There are still three or four cases out against him and yet this case has been fiddled along through the courts, and there is ample evidence to show that it was political influence from members of the House which prevented the case from going forward. What happened? The case was set for hearing a few days ago, before the close of the spring assizes. Then this frame-up occurred, absolutely without the knowledge of departmental officials; they were not consulted at all. In the evidence before the House at the present moment is a statement or a precis showing clearly that this same man, Benjamin Cohen, sought to have this delay brought about by the excuse that he could give information regarding others. And why did he do this? He did it simply because the ablest lawyers in Montreal realized that they could not keep him out of gaol. The stay in proceedings, forsooth, is made because this notorious silk smuggler, Cohen, must not go to gaol; there is no other reason for the sudden interference, towards the end of the assizes, when they had exhausted every measure of chicanery to defeat the courts. There is no other excuse than that the present Minister of Customs (Mr. Boivin) arranged through the Minister of Justice (Mr. Lapointe) for the mounted police to step in and interfere with the procedure in this case.

Mr. LAPOINTE: Absolutely untrue.

Mr. STEVENS: My only answer to the Minister of Justice is that three times dur-

ing the course of my speech of February 2 he rose in his place and absolutely denied all knowledge of the matters which later came before the committee, and there is ample evidence on the files and records to show that the minister knew all about it.

Mr. LAPOINTE: Still untrue.

Mr. STEVENS: I attach to the minister's statement to-day exactly the same weight which the evidence shows to be merited in the previous case.

Some one asks me about the Aziz case; I will not deal with that. The hon. member for West Hamilton (Mr. Bell) will take up that case, and I do not intend to trespass on his time.

Mr. POWER: Before the hon. gentleman passes to another point, will he tell me whether these two cases which he has just mentioned were brought to the attention of the committee?

Mr. STEVENS: The Cohen case was set out in full before the committee; the precis is on file. I cannot give the hon. gentleman the pages, but there are probably almost twenty pages of evidence in connection with that case. It was not brought before the committee for trial because it was then in the courts, and that is one of the reasons, Mr. Speaker, why I feel so intensely about this interference. Just as I said a short time ago, it presages that in the future the same influences and the same practices which have brought about the debauchery and collapse of this department will be carried on.

Mr. POWER: Will the hon. gentleman tell me whether the Regina case was brought before the committee?

Mr. STEVENS: No. I told the House a moment ago, and I also stated in my letter to the Prime Minister, that inasmuch as it required intimate and secret police work in order to be successful I thought it unwise to bring the matter before the committee. I gave it in confidence to the officers of the department and again I say that Mr. Taylor, now in charge of the department, acted in this matter in a most exemplary way; I have no fault to find whatever. It was not until from the Justice department political influence interfered that anything went wrong in connection with that case.

In the preparation of this report consideration was given to the responsibility of the present minister and his colleagues in regard to certain cases in the direction of which he allowed himself to be influenced by political pressure and political expediency involving serious violation of the principles of the inviolability of the courts. Consideration was also given to the conduct of several members whose alleged importunity influenced the minister to give partial attention to particular cases. Upon these points, Mr. Speaker, the committee could not agree. The hon. member for Peace River (Mr. Kennedy) refused to support a motion to report censure of the minister, and in a substitute motion restricted the action of the committee to a mere reference of the evidence to the House. As the hon. member had the deciding vote, and the Liberal members rejected both motions, it prevented the incorporation of either motion in the report. I merely make this statement in explanation of the absence of any such reference in the report.

I hope the House appreciates the fact that this report is an intensely important document; it contains a great deal of valuable constructive matter, and it also lays upon the administration certain grave duties. The question before the House is not so much if you approve of the general terms of the report, but rather if this report is a good one —as it is generally admitted to be—can this administration be entrusted with the duty of carrying out the terms of the report? And now I have an amendment to move, Mr. Speaker, which I will read, but before doing so, Mr. Speaker, I might say that it is really a composite amendment made up of the two that were proposed to the committee. I move, seconded by the hon. member for Kent (Mr. Doucet):

That the report be not now adopted, but that it be referred back to the special committee with instructions to add thereto the following clauses as sub-clauses to paragraph six:

"The evidence further discloses that ministerial action has been influenced by the improper pressure of political associates and friends of the minister, or acting minister, administering the department, resulting in the suspension and in some instances the abandonment of prosecutions against those charged with violation of the statutes, and in the loss of revenue to the country. Moreover, successful appeals have been made to the minister and acting minister administering the department to improperly interfere with the course of justice between the conviction of the offenders and the execution of judgment thereon. The Prime Minister and the government had knowledge for some considerable time of the rapid degeneration of the Department of Customs and Excise, and their failure to take prompt and effective remedial action is wholly indefensible. The conduct of the present minister of the department, the Hon. George H. Boivin, in the case of Moses Aziz, is utterly unjustifiable.

"Your committee deplores the practice, as revealed by the evidence, of certain men influential in public life to direct appeals, to the minister to relax and depart from the proper administration of his department for reasons of political expediency.

"Your committee is of the opinion that this practice is detrimental to the best interests of the country and

prejudicial to the administration of the department.

"And that the committee for such purpose be revived."

Hon. GEORGE H. BOIVIN (Minister of Customs and Excise): Mr. Speaker, upon one ground at least I am in perfect accord with the hon. member for Vancouver Centre (Mr. Stevens), and that is in expressing my thanks, the thanks of this House of Commons and, I am sure, of the people of Canada to the members of the Customs committee, without distinction of political party, for the strenuous labours that they have performed, for the close attention that they have given to their duties, and for the fairly comprehensive report which they have presented to this House this afternoon. I agree still more heartily with him in his remarks concerning the work performed upon that committee by the chairman of the committee, our good friend from St. Henri (Mr. Mercier), who presided over all of its sessions, and who certainly displayed a spirit of fairness and impartiality which had a great deal to do, I am sure, with removing the political passion and prejudice that may have been apparent during the first few meetings of the committee.

I am not prepared to go quite the same distance with my hon. friend from Vancouver Centre in saying that I agree entirely with every word that the report contains, but speaking as a member of the government, and also speaking personally as Minister of Customs and Excise, I will say that every recommendation contained in that report if it is approved and adopted will be carried out to the letter so far as it is possible to do so. I regret, for instance, to see in the report among those who are recommended for retirement the name of Mr. Henry McLaughlin, surveyor of customs and excise for the port of Montreal. It is not my duty to defend Mr. McLaughlin before this House, I do not propose to do so, but as I have received a letter from him to-day, I merely ask to place it on record in order that if by any chance the amendment is carried and the report is referred back to the committee that they may consider the contents of this letter during their special session. The letter reads as follows:

Hon. GEORGE H. BOIVIN,
Minister of Customs and Excise,
Ottawa.

I hate very much to trouble you at this time, but I feel very keenly the manner in which they propose to retire me. I have not been called before the committee to answer any charge, consequently I am unaware of having done anything that would call for a decision such as the committee has rendered.

As regards the liquor samples referred to in Mr. Duncan's report, I wish to state positively that I have not received a single liquor sample during the past six years. Before that Mr. Cote and Mr. Corbeil were in the habit of distributing before Christmas a few liquor samples to the employees.

Any orders issued by me to the officers at distilleries and other plants were always authorized by the department, otherwise I would not have issued them.

I feel that I have your entire sympathy and would like very much to retire under different circumstances, as I certainly have no objections to retiring but would like to do so of my own volition.

Yours very truly,

HENRY MCLAUGHLIN,
Surveyor of Customs-Excise.

I merely place the letter on Hansard in order, as I said before, that it may be considered by the committee if by any chance they re-convene to discuss the amendment which has been submitted to the House by the hon. member for Vancouver Centre to-day.

The hon. member for Vancouver Centre prided himself on placing me in contradiction with some of the remarks I made on the second day of February last in answer to his unexpected charges. He has built up a very vociferous case against me by saying that I had misled the House when I pretended that the alcohol sold to the Dominion Distillery Products Limited was for blending purposes instead of denaturing purposes. That, apparently, is the only contradiction which he has so far found in my remarks. That is the only falsehood I addressed to the House of Commons when I spoke on that famous night of February 2, 1926. My hon. friend, I think, will do me the justice of saying that on that occasion I spoke without preparation, without notes, without investigation. My hon. friend took the trouble on two different occasions since the opening of this House to rise and make a special request to you, Mr. Speaker, to pass to the order of motions, to withdraw two or three motions standing in his name on the order paper, but it was without any notice that he withdrew his original motion from the order paper in order to take this party by surprise on that famous night. My hon. friend may shake his head, but I defy him to rise in his place and say that it was not to the Clerk rather than to the House that he addressed himself in order to have his original motion withdrawn from the order paper, knowing well that while that motion was on the order paper he could not take this party by surprise, and that would have to be withdrawn before he could bring in his amendment to the motion made by the Minister of Justice.

Mr. STEVENS: That is nonsense.

Mr. BOIVIN: That night I did say that I had sold to a personal friend, W. J. Hushion, fifteen thousand and some odd gallons of alcohol which had been stored on the barge Tremblay. Let me tell my hon. friend, and he knows it very well, that one of the reasons why the attack was made upon W. J. Hushion was because he was a former Liberal member of the House of Commons. That is where I formed my friendship with that gentleman; and I assert now, as I asserted then, that when Mr. Hushion spoke to me for the first time about purchasing alcohol, it was a revelation to me to know that he was interested in any way in the Dominion Distillers Products Limited. I ascertained it then for the first time. I went to an officer of the department to whom my good friend the hon. member for Vancouver Centre has just paid such a high tribute of praise, Mr. G. W. Taylor. He is acting deputy minister now but at that time was assistant deputy minister and chief of the Excise branch in the Department of Customs and Excise. I asked Mr. Taylor if we had a right to sell the alcohol. He told me that we had and he has so sworn before the committee. I asked him what would be a reasonable rate for the alcohol. He told me that he would look up and ascertain the highest rate at which alcohol was ever sold to a distillery. He examined the records. We had an offer of 35 cents, an offer made by the same corporation, in the office of Mr. Wilson in the department, but which had not been reported to the deputy minister, which had not been reported to the chief of the Excise branch, and which had not been reported to the minister. It was ascertained that on one occasion alcohol of that kind had been sold for 35⅛ cents, and it was for that reason that I told Mr. Hushion by long distance telephone that he could not get the alcohol for less than 36 cents a gallon. I said that he was in a hurry to get it but my hon. friend pretends that could not be because he had bought 60,000 gallons elsewhere. My hon. friend admits that the Dominion Distillers had bought 60,000 gallons elsewhere for 38 cents a gallon, or two cents more per gallon than the alcohol sold by the government. My hon. friend and his papers throughout Canada have tried to make out that this government lost over $800,000 by the sale of that alcohol when he admits himself that there was a difference of two cents a gallon between the price paid to the government and the price that would have to be paid to other distillers in order to buy it from them. My hon. friend knows well that this alcohol could not have been sold with excise duty unless it was sold for potable purposes.

[Mr. Stevens.]

Mr. STEVENS: Which it was.

Mr. BOIVIN: My hon. friend now says "which it was." My hon. friend just said a few minutes ago, and I defy him to deny it, that this alcohol was No. 1 F denatured alcohol exported from Canada under bond, with the exception of three cars which were possibly not exported from this country. If there were three cars of alcohol not exported from Canada I want to say that the Minister of Customs and Excise or the Department of Customs and Excise at that time knew nothing about it. I want to say that every carload was shipped from the distillery under a bond that it would be exported from Canada and that not one of these bonds was released until the B-13 or the export entries signed by the officer at the border were returned to the department. That is the precaution which was used to make sure that No. 1-F denatured alcohol would not be sold here in Canada. My hon. friend knows that no distillery would pay excise on alcohol when it goes into the distillery. The excise on alcohol is paid when the alcohol comes out, and I stated the other night, and I repeat now, that not one ounce, not one bottle, not one gallon of that alcohol could have left that distillery for potable purposes without the payment of excise duty on it, and when it did leave the distillery without the payment of excise, it left in tin cans labelled "poison" on its way to the United States, not for potable purposes, but as No. 1-F denatured alcohol, as the hon. member says himself, for rubbing and medicinal purposes.

Mr. STEVENS: Contrary to the regulations.

Mr. BOIVIN: My hon. friend says, "but once before alcohol was sold at fifteen dollars and some cents a gallon." Alcohol was once sold to the Quebec Liquor Commission, good alcohol which had been seized.

Mr. STEVENS: Precisely the same as this.

Mr. BOIVIN: How can my hon. friend make that assertion?

Mr. STEVENS: Because it is in evidence.

Mr. BOIVIN: I thought my hon. friend would make that statement, and that is why I want to read a letter from the Quebec Liquor Commission. Why, all through this inquiry it has been said that the minister was not trying to do his duty, that he was trying to favour a political friend, that if this liquor had only been sold to the Quebec Liquor Commission we could have got our excise upon it. I hold in my hand a letter signed by the

deputy chairman of the Quebec Liquor Commission, written to my much despised predecessor on the 29th January, 1925, stating that they would not buy that alcohol because it was not fit for human consumption.

Mr. MEIGHEN: Will the minister explain why that letter was not put in evidence and the witness produced for examination?

Mr. BOIVIN: Yes, I shall be glad to explain why it was not produced.

Mr. STEVENS: The minister's deputy swore it was fit for use.

Some hon. MEMBERS: Order, order.

Mr. STEVENS: The Prime Minister and other hon. members interrupted. Take your medicine.

Mr. BOIVIN: I think the question asked by the right hon. leader of the opposition is a fair one. He wishes to know why this letter was not produced before the committee. Because the hon. member who received this letter was not called before the committee and also because the letter was never addressed to the department. If it had been addressed to the department it would undoubtedly be on the departmental files, but it was addressed to the Hon. Jacques Bureau when he was at home at Trois-Rivières, undoubtedly detained there through illness. My hon. friends smile, sneer and laugh—the same hon. members who allowed Hon. Jacques Bureau to put through his estimates year after year without a single dissenting voice; the same hon. gentlemen who were willing then and there to accept his favours. All of them are not here but many of them are present, and they are going to sneer because I said that during the past year the hon. senator had been ill and unable to attend to his departmental duties. It was a secret from no one.

Mr. MEIGHEN: Nobody sneered at that.

Mr. BOYS: I think the minister is quite out of order; nobody sneered. The minister should calm himself.

Mr. BOIVIN: Perhaps my good friend the right hon. leader of the opposition will tell us what the hon. members sneered at?

Mr. MEIGHEN: I will tell him what I smiled at. It was the suggestion of the minister that because the letter was received by Mr. Bureau it could not go into evidence.

Mr. BOIVIN: The letter would undoubtedly have gone into evidence if it had been in my possession at the time the barge Tremblay matter was before the committee. It was reported to me in the department that this alcohol had been offered to the Quebec Liquor Commission and that the Quebec Liquor Commission had refused to buy it, but I had no documentary evidence to that effect. I asked the Hon. Mr. Bureau if he could not look through his files at home and ascertain whether he had received a letter from the Quebec Liquor Commission to that effect. He told me he remembered the incident very well. He looked up the letter and he handed it to me a day or two after the evidence before the committee had been closed. I did not think it worth while to re-open the matter, because I did not think my friends on the other side who know very well that denatured alcohol is not subject to excise duty, who know very well that in selling the alcohol we saved $5,000 for the federal treasury, who know that if the alcohol could not be sold for its duty paid value, it would have to be thrown into the St. Lawrence river, would stoop to such petty picayune political methods, and bring this up as one of the accusations against a minister who has been attempting to do his duty since he has been honoured by the Prime Minister with an appointment to that office. The letter is written in French, dated 29th January, 1925, and I will first read it in that language in order that any mistake of my own in translation will not be attributed to the writer. The letter reads:

Commission des liqueurs de Québec.—The Quebec Liquor Commission

Québec, Canada, le 29 janvier 1925.

Honorable JACQUES BUREAU,
Ministre des Douanes,
Trois-Rivières, Qué.

Mon cher ministre,

La Commission, après avoir fait analyser et déguster l'alcool saisi sur la barge Tremblay, en est arrivé à la conclusion de ne pas acheter cet alcool.

Cet alcool de contrebande ne peut en aucune façon être comparé à l'alcool que nous achetons des distilleries canadiennes; il ne peut être mêlé à notre alcool ordinaire qu'en proportion de dix pour cent, et comme nous ne vendons que cent mille gallons par année, il nous faudrait un an pour écouler dix mille gallons de la barge Tremblay. Dans les circonstances, il faudrait que le prix fut bien bas pour que la Commission y trouve son profit. Il est de plus prouvé par nos chimistes que cet alcool n'a pas l'âge de nos alcools canadiens, d'après la loi.

La Commission a donc décidé de ne plus acheter ces alcools, à moins qu'ils ne nous soient vendus à très bas prix. Le département dont vous êtes le ministre pourra donc disposer de cet alcool lorsqu'il le jugera à propos.

Veuillez me croire, mon cher ministre,
Votre tout dévoué,
H. G. CARROLL.

The English translation would read about as follows:

My dear minister:

The commission, after having caused the alcohol seized on the barge Tremblay to be analyzed and examined, has come to the conclusion that it cannot buy this alcohol. This alcohol, which was smuggled into the country, cannot be compared in any way with the alcohol which we buy from our Canadian distilleries. It cannot be mixed with our ordinary alcohol, except in a proportion of 10 per cent, and as we do not sell more than 100,000 gallons per year it would be necessary for us to take at least a year to dispose of 10,000 gallons of the barge Tremblay liquor. Under the circumstances it would be necessary that the price be very low for the commission to find any profit whatever in the transaction. It is moreover proved by our chemist that this alcohol has not the age of our Canadian alcohol as required by law.

The commissioners therefore decided to not buy this alcohol, unless it can be sold to us at a very very low price. The department of which you are the minister can therefore dispose of it whenever it finds it advisable to do so.

Believe me, my dear minister,
Yours devotedly,
H. G. CARROLL.

Mr. MEIGHEN: What is the date?

Mr. BOIVIN: January 29, 1925. That I think disposes of at least one accusation—the accusation levelled against the minister of trying to favour a political friend and endeavouring to divert revenue from the public treasury.

Referring to the statement of my hon. friend from Vancouver Centre, I would like to disprove at once the claims that a great deal of the alcohol thus denatured was not shipped out of the country. He has read a letter, for which he says I am responsible, written by the acting deputy minister, the existence of which letter, he says, the minister well knew on the second February. I never saw the letter and my hon. friend knows that I never saw it. It was written by the chief of the Excise department to the Dominion Distillers giving them the same specific instructions concerning the shipment of denatured alcohol as have always been given to every distillery in the country including some of those old reliable distilleries who happen to have Conservative owners whom my hon. friend does not wish to blame or to hold up to censure. The instructions given to the distilleries are absolutely the same, and the letter sent to the Dominion Distillers on this occasion was exactly the same as the others.

If it is true that the Dominion Distillers succeeded in evading the law; if it is true that two or three carloads of that denatured alcohol did not reach the United States; if it is true that it was sold in Canada and that is not proven, it is due to one of two things. Either the bond for export has not been released and the export entry has not been returned, or some dishonest official on the border has signed a false export entry and returned it to the department without exporting the liquor. One or the other is the case. Is the minister to be held responsible for that? When I find employees on the border not living up to the liquor regulations of this country, not living up to the rules prescribed for the export of liquor from this country, those employees will be punished and dismissed. One of those employees from a port not far from Windsor is now under suspension for having acted as a distiller's agent, and there is a member sitting on the other side of the House, who will vote in favour of this amendment, who has come to my office in this building twice asking me to reinstate this man.

Mr. STEVENS: Does the minister not know that this alcohol No. 1-F special is not admissible to the United States?

Mr. BOIVIN: I will say to my hon. friend that no alcoholic liquor of any kind is admissible to the United States.

Mr. STEVENS: My hon. friend has missed the point of my question. He argues that this alcohol was sold as denatured alcohol for export, not as potable alcohol. Denatured alcohol of certain classes is not prohibited in the United States, but this class of denatured alcohol is prohibited because it can easily be converted into potable alcohol, according to the evidence and according to the United States regulations.

Mr. BOIVIN: I agree with my hon. friend to a certain extent. I do not know why he rose the second time to interrupt me. In answer to his question whether I knew that this alcohol No. 1-F special is not admissible to the United States, I said that all alcoholic liquor is contraband in the United States.

Mr. STEVENS: That is not my point.

Mr. BOIVIN: I say that rye, Scotch, gin and beer are contraband in the United States, and still they are being sent there by the boat load every day to the knowledge of my hon. friends opposite, of hon. members on this side of the House, of the Department of Customs and of the United States government, who are advised of every shipload that leaves Windsor for any point in the United States. Every boatload of liquor that is loaded at any one of the border points is given a clearance only when notice of that clearance has been given to a United States officer on the other side of the boundary line. It is true that those boats may never go to the ports to

which they are destined. It is impossible for us to follow them or to determine exactly where they are going.

I agree entirely with my hon. friend and with the recommendations of the report that closer and more stringent regulations must be made concerning the export of liquor from Canada to the nation termed by my hon. friend, "a friendly nation to the south of us." But what I want my hon. friend to admit—and I know he will be fair enough to admit it—that up to the present time and especially since I took charge of the department, we have been living up to the rules and regulations of the treaty made between Canada and the United States of America. My hon. friend may well shake his head, but since I entered the department instructions have been given that there will be no camouflage bills of lading. For five or six days the export of liquor was practically paralyzed by a ruling given by the department that shipments of liquor would not be given clearance to Mexico or other points that could not be reached by the Great Lakes; that those camouflaged bills of lading would no longer be accepted; that it is absolutely necessary to show at the inland point from which the liquor was being shipped that it was being shipped from Windsor or some other point for export from Canada and that it must be accompanied by the export entry showing its destination in the United States. We have lived up in every respect to the treaty made between this country and the United States.

What I say—and I have been led away, by the question asked by my hon. friend—is that this No. 1-F denatured alcohol is in absolutely the same position as other alcohol shipped from Canada to the United States. It was shipped with an export entry; the bond given for its shipment was released only when the export entry was returned to the department, and therefore I say that not one dollar of revenue has been lost in favouritism to the Dominion Distillery Products Company Limited, or any other distiller in Canada.

There is one other point I want to make. My hon. friend says that I am not qualified to collect the accounts that may be due to the Department of Customs and Excise by some of the people who are brought before the committee, because I live in and represent a constituency not far from Rock Island, Que. My hon. friend will at least, I hope, admit that my constituency is not contiguous to that of Stanstead. But even if it were, even if I represented the constituency of Stanstead itself and even although the task might be a disagreeable one, I think I would be still qualified to order a competent attorney to take the necessary legal proceedings against any persons who have defrauded the Dominion government.

The hon. member says that the minister admitted in his speech some months ago that he was a friend of Mr. Alfred Bissonnette I admitted it some months ago. I was his friend; I have been his friend for several years. He represents the county of Stanstead in the Quebec legislature; I represent the county of Shefford in the Dominion parliament. We have been out on many a political campaign together. But it was not until after this inquiry started that I knew that he had any interest whatever in the Peerless Overall Company or that I even knew that he was interested in the sale of overalls. I knew him as a politician and as a friend. The statement I made the other night I repeat, and I have nothing to retract in that connection.

There is, it is true, one more charge against me, a charge of such grave consequence that by it not only myself but the entire government of which I am a member must totter and fall. What is that charge? My hon. friend has left to a special pleader the task of arraigning me upon it before this jury of the House of Commons. That charge is that I consented to listen to the representations of a member of parliament before I would order the issue of a warrant of commitment against a man who had been accused and convicted of having smuggled liquor in his possession. That is the charge; but I ask the House to be good enough to go into the details of it and see to what extent I am guilty. To read the newspapers published under the direction of hon. gentlemen opposite one would almost conclude that I had gone to the province of New Brunswick and argued and pleaded with a judge not to incarcerate this man, Moses Aziz. Let me however tell the House what actually happened.

Moses Aziz was found guilty on the 18th day of August, 1925, three weeks before I even surmised that I would ever be appointed Minister of Customs. At the time that sentence was rendered I had no idea whatever that I might be Minister of Customs on September 5 following. No request had come to me, and I had no knowledge either of the case itself or even of the existence of Aziz until the second day I was in my office. Sitting at my desk in Ottawa, on or about September 28, I was approached by my secretary who had several hundred letters to dispose of,—the accumulation of a month. He was trying as rapidly as possible to deal with them, and reading this one to me he remarked, "This is a request from Mr. Robichaud, the member for

Gloucester, asking you to withhold a warrant of commitment against a man who was arrested down there for having smuggled goods in his possession." Having absolutely no experience and no knowledge of the laws of New Brunswick my first step was to call in the deputy minister and inquire of him whether we had the power to withhold execution of the sentence until such time as the member could make whatever representations he had to offer. I was in a hurry to return home, having attended a meeting of council that day. It was during the election campaign and I had been in the Eastern Townships for several days. I had come to Ottawa on a hurried visit and was endeavouring as far as possible to relieve the burdens of my colleague sitting to my left who had continued to act as Minister of Customs and Excise. Because of that desire to relieve him so far as I could, I went to the department and looked into the correspondence with my secretary. When Mr. Farrow, the deputy minister, was called in, he not only declared that we had the right to do as requested but, he added,

5 p.m.

"There is a letter on the file from the chief of the Remission branch in the Department of Justice in which the statement is made that the Department of Justice cannot deal with the case, but that the Minister of Customs has a perfect right to dispose of it as he sees fit." That letter, signed by Mr. Gallagher, will be found on the files, having been produced in evidence before the committee.

Now what are the facts? Why did the minister, even at that late date, consider it advisable to hear the member representing the constituency before this man was sent to gaol? There were several reasons. A letter from Mr. Stewart, the customs preventive officer at that point, which unfortunately was not filed, but which I have here, shows that Moses Aziz had turned King's evidence and had convicted his own brother and another person of smuggling. That evidence was given in a New Brunswick court on the same day as Aziz himself was convicted, and there was a promise from this Mr. Stewart, a veiled promise, an uncertain promise, if you like, that instead of being prosecuted for an indictable offence under section 219, Aziz would be prosecuted summarily. And that conveyed to him the impression that he would be relieved of a gaol sentence. That is one point. The next point is this: there is an assertion in the record, it is read into the record in a letter from Mr. Veniot, that the smuggling operation complained of took place before the twenty-seventh day of June, 1925, the date upon which the new law was adopted. Previous to that date no gaol punishment was obligatory, and the smuggling in this case had actually taken place before the new law went into force. But it was because Aziz happened still to have the goods in his possession, not having disposed of them in the interval, that he was sentenced to imprisonment. The law, however, provides for imprisonment for a term of one year, and he was sentenced to three months' imprisonment only. The judge therefore must himself have made a mistake; evidently he had doubts about his right to send the man to prison, because he sentenced him to a period of three months. There was a promise, in the form of a telegram from my predecessor to Mr. Veniot, to the effect that a revaluation of the liquor would be made, which revaluation had not taken place. These were the facts I had before me and I had no knowledge whatever of the practice in New Brunswick. I have since ascertained that the custom in New Brunswick is that after a man is condemned and after sentence has been passed upon him, it is incumbent upon the private prosecutor to go to the court and solicit the issue of a warrant of commitment which he hands to the gaoler in order that the convicted person may be apprehended and lodged in gaol. That is not the custom in my province but, I am informed that is the practice followed in New Brunswick. Now, the Minister of Customs, who in this instance was acting in the capacity of prosecutor, did not make any request of the judge to withhold sentence. He did not make any request of the sheriff to stay the execution of his writ. The Minister of Customs merely carried out his duties as he had a right to do, giving notice to his own officer in the province of New Brunswick that this man was not to be incarcerated until Mr. Robichaud, the member representing the constituency, could come to Ottawa and confer with the minister. Was there any intent on the part of the minister to keep the man out of gaol? Do my hon. friends believe that was the intent? Some smile now, although some do not. Some of them are going to vote against the Minister of Customs in this case with a great deal of regret. More than one of them will rise in his place and vote through party allegiance.

Mr. MEIGHEN: So far as the first statement is concerned, all who vote against the minister will vote with regret.

Mr. BOIVIN: I thank my right hon. friend for that statement, and I believe it. I believe the right hon. gentleman would

crucify his own brother with regret but he would do it in order to serve the Conservative party. I would that it were possible for every hon. member to vote according to his own wish and his own opinion; I am quite willing to leave my case in the hands of this honourable House if hon. members are not obliged to follow party ties. Is it a crime for a minister of the crown to say to a member of parliament, "I will wait until I hear you."

Mr. RYCKMAN: Precious help in election.

Mr. BOIVIN: I told my hon. friend five minutes ago that I had not seen the letter at the time the request was granted; the request was transmitted to me in a very hurried way by my secretary, sitting on the other side of the desk. But I say now that if I had seen the request and been cognizant of all the other circumstances my conduct would have been the same; I will say further that if this request had come to me from a Conservative member of parliament, my conduct and my reply would have been absolutely the same.

As I said a moment ago, I had no intention of keeping this man out of gaol if he were guilty; on the other hand, I had no intention of letting him go to gaol if I could help it if, on the merits of the case, he did not deserve to go to gaol. That will be made very clear by reference to page 1324 of the evidence, where you will find the letter written by the minister to Mr. Robichaud on November 18, 1925, two weeks after I took possession of my desk. I said:

I have before me a memorandum concerning the case of Mr. Moses Aziz, who was condemned by the court to a fine of $150 and to three months' imprisonment for having had liquor in his possession.

The fine of $150 was paid, but the execution of the warrant of commitment was temporarily suspended.

I have examined the case with care, and I can find no reason for which the imposed sentence should not be executed, but I will keep the matter in suspense until I get a reply from you, in the event of your having other representations to make to me.

The officers of the department contend that the efforts made to prevent smuggling of liquors will be much lessened if this man is let go without further punishment.

Yours very devotedly,

Geo. H. Boivin.

I think it only fair to the hon. member for Gloucester (Mr. Robichaud) to say that he immediately answered this letter, and under date of November 25, wrote as follows:

Honourable and Dear Sir,

Referring to your favour of November 18, on the subject of penalties imposed on Mr. Moses Aziz, for having had liquors in his possession, will you please do your best to suspend all proceedings until I see you when I return to Ottawa.

With an expression of my best sentiments,

Yours truly,

(Signed) J. G. Robichaud,
Member for Gloucester.

Hon. members should remember that it was then pretty well decided that the House should meet on December 10, so the delay asked for was not long. It was after this date that the papers throughout the length and breadth of Canada carried a notice that my good friend from Vancouver Centre (Mr. Stevens) intended to demand a parliamentary inquiry to probe into the most hidden recesses of the administration of the Department of Customs and Excise. This case was on my desk awaiting consideration. It is true that after this notice had been given I could have called Mr. Robichaud and said, "I am scared; here is a parliamentary inquiry coming on. This man Aziz must get into gaol before they are able to reach his case, so we will be able to save ourselves from criticism." But that is not the conduct I wanted to follow; I wanted to place the record before the committee in the same condition as it was at the time notice was given that such a committee would be constituted, in order that the Department of Customs and Excise might be judged upon its merits and that the minister might be judged according to the crime he had committed.

I think I gave all the extenuating circumstances in connection with the matter when I referred to the fact that the liquor had been imported before the new law came into force; that under the new law, the sentence could not have been for three months; that a revaluation of the liquor had been promised, but had not been made, and hon. members should not forget that Mr. Moses Aziz was not entirely unpunished. He had already paid a fine of $150 and costs of $38, and his liquor had been confiscated. The Minister of Customs had not withdrawn the warrant of commitment, nor had it been annulled; the minister had not given a pardon to Mr. Moses Aziz, but was merely awaiting the further representations of Mr. Robichaud. The proof of that statement lies in the fact that Mr. Moses Aziz is now in gaol, serving his sentence. After the matter had been considered by the committee, after I had given my evidence before the committee and the facts were made known, then and only then did I carry out the suggestion of the hon. member for Vancouver Centre, that Moses Aziz be sent to gaol at once. Then I gave instructions through Mr. Wilson, the chief preventive officer, to send Moses Aziz to gaol.

Mr. CHAPLIN (Lincoln): When did you see Mr. Robichaud?

Mr. BOIVIN: On the morning following my evidence before the Customs committee I met Mr. Robichaud and talked with him in the rotunda opposite this door. I asked him for his additional reasons, if he had any to give me, and Mr. Robichaud said that unfortunately he had no reasons other than those which were already on file, but that he thought those were sufficient. He had given several other reasons concerning the condition of the man's family and the necessity that he be free to provide for them. I spoke with him the morning after I gave my evidence before the committee, twelve hours before I gave instructions to Mr. Wilson to have Mr. Aziz incarcerated.

Mr. WOODSWORTH: Before the minister passes on, in order that we may be absolutely clear, do I understand that the minister had not himself actually read the text of Mr. Robichaud's letter when he came to his decision in the matter?

Mr. BOIVIN: When I came to my first decision, when the telegram was sent to the officer under my instructions, and when the first letter was written to Mr. Robichaud the letter had not been read to me and I had not read the letter. I want to explain to my hon. friend who asked the question how it happened that I answered a letter which I had not read. I will explain very briefly, and any man who has been through a minister's office knows how these things happen. I returned to Ottawa for the second meeting of council after I had been sworn in as a minister; I came to the department and found on the desk a pile of at least 150 letters. A great many of the letters had already been answered by my secretary; the replies were awaiting my signature, all ready to be sent out, but he wanted first to submit them to me before they were signed and despatched. This letter was among them. I cannot remember whether the reply had already been dictated by my secretary or whether he did that after I had authorized him to do so, but going rapidly through the correspondence he said, "This is a request from Mr. Robichaud that the warrant of commitment against Mr. Moses Aziz be not executed at once." I said, "When was Mr. Aziz convicted?" He said, "A long time ago, on August 18." I said, "He is not in gaol yet?" "No." "Why was it held up?" "Well, there was to be a revaluation of the liquor." "Was the revaluation made?" "No, not yet." "Have I the right to hold up this matter?" "Yes, you have." "Well, then, hold it up." That is the case, and that is the reason why our Conservative friends claim that the government is going to be thrown out of office. I want to say that if there is any responsibility it does not rest upon my colleagues; that responsibility is upon my own shoulders, and it is due to my inexperience at the time the order was given. But I have ascertained that Mr. Gallagher made no mistake when he wrote to the minister, or rather to the Department of Customs, because it was just previous to my entry, on the 29th of August, 1925, as follows:

Dear Sir,—Representations have been made to the honourable, the Minister of Justice, by the Premier of New Brunswick on the case of Moses A. M. Aziz, convicted at Bathurst on August 18th, of illegal possession of illicitly imported liquor. A fine of $150 was imposed, together with a jail sentence of three months, and the fine has been paid.

The Premier of New Brunswick suggests that the imprisonment be suspended, as the offender is a married man, in business for himself, and the term of imprisonment will occasion him much harship. Moreover, it is stated that Aziz was not aware that the mere possession of smuggled liquor was in itself an offence, and further that the possession dated long before the Act was amended.

As this man is not imprisoned, the Minister of Justice cannot order his release; it therefore, is a matter for your Department to decide whether or not the magistrate should be asked to issue a warrant of commitment.

Yours truly,

M. F. GALLAGHER,
Chief of Remissions Branch.

It was up to my department, it depended on me to decide whether or not the magistrate would be asked to issue a warrant against the accused, and still the hon. member for West Calgary (Mr. Bennett) in committee said on many an occasion: Oh, but our friend the Minister of Customs interfered with the administration of justice; he intervened between the imposition of the sentence and its execution; he had no right to do this; it was contravening his authority. In order to make sure that that letter signed by Mr. Gallagher contained a true statement of fact, I asked the hon. Minister of Justice (Mr. Lapointe) to get an opinion from his department on the question, and here is the memorandum prepared for the minister by the Deputy Minister of Justice:

Referring to your inquiry as to the practice in the handling of customs and excise prosecutions, I may say that there is a custom of long standing whereby the instructions to legal agents of this department or to the Royal Canadian Mounted Police in certain classes of cases are given direct by the department whose minister is charged with the administration of the particular statute under which the proceedings are being taken. The classes of cases referred to are principally prosecutions under the Customs and Excise Act, the Income War Tax Act, the Opium and Narcotic Drug Act, the Food and Drugs Act and other

statutes relating to health and agriculture. The reason for this practice, which has had the approval of successive ministers of justice, is that in the large majority of cases belonging to any particular one of these classes the points of law and the other considerations which arise are similar, and do not require to be specially considered by this department in each case. In order to keep the business in connection with these prosecutions running smoothly it is essential that the procedure should be so far as possible free from red tape. The practice referred to eliminates a great deal of unnecessary correspondence between the departments concerned, resulting in a saving of time, labour and expense in the handling of this work.

So far as the customs and excise cases are concerned, the practice seems to be not inconsistent with the desires of parliament for at least two reasons, first, because the administration of the Customs and Excise Act is given to the Minister of Customs, and secondly, because it is provided by section 266 of the Customs Act that:

"All penalties and forfeitures imposed by this Act, or by any other act relating to the customs or to trade or navigation shall, unless other provisions are made for the recovery thereof, be sued for, prosecuted and recovered with costs by His Majesty's Attorney General of Canada, or in the name or names of the Commissioner of Customs, or any officer or officers of the customs, or other person or persons thereunto authorized by the Governor in Council either expressly or by general regulation or order, and by no other person."

Under the practice the proceedings are taken in the name of the Attorney General of Canada, but they are instituted upon instructions from the Department of Customs and Excise, and are carried on, adjourned, discontinued, abandoned or pressed to a conclusion as that department may direct.

Mr. BELL (Hamilton): What is the date of that?

Mr. BOIVIN: June 7, 1926. That is the opinion of the Deputy Minister of Justice, based upon the law which I have just cited, which is section 266 of the Customs Act; so it is plain, I think, that the minister had the right to act.

Whether it was expedient for the minister to do what he did may be open to question. It may be that owing to the terms of that letter, written by an hon. member and for which I am not responsible—I think the greatest mistake I ever committed in connection with the whole matter was the placing of this letter on the file and bringing it before the committee, when it was marked "private and confidential," but it was done merely for the purpose of showing to the committee that we had nothing to hide, that every document and every letter in connection with the entire case would be placed before them and be entirely at their disposal—it was inexpedient to grant the request, but there is one fact that must be remembered, and that is that the mistake, if any, consists in having delayed the execution of a three months' sentence. There was no pardon granted. Execution was delayed at the request of a member of parliament who had certain representations to make. I have stated before, and I state again, that if that request had come from a Conservative member of parliament it would have been granted in absolutely the same way. That member would have been heard and the case would have been judged on its merits, in so far as the minister has the right to judge, in so far as the minister has the authority to intervene.

I am informed by the best authorities in the Department of Justice that I only exercised the authority which I had, and after having given the case consideration, after having kept it in absolutely the same position in which it was, to submit it to the Customs inquiry, the case has now been carried to a conclusion and the warrant of commitment has been issued.

Those are the two charges levelled against the minister. I hope that when hon. members come to cast their vote, be it late to-night or some time to-morrow, they will bear in mind the explanation that I have frankly and clearly given, and that they will not be misled by the statement that perhaps will be made by the hon. member who I know, very reluctantly, will bring this case before parliament, and who will endeavour to base his case possibly on the evidence given by the minister himself before the committee. It is true that I said when I was called before that committee, "I may have been wrong in doing this." I had not gone into the details of the case. I had not got this opinion from the Deputy Minister of Justice. I had not gone thoroughly through the record, as I have done since. I placed the case in its true position before the committee, and the hon. member for West Calgary, who has the reputation at least of being a very eminent barrister and counsel, stated that I had done wrong. When he was asking me the different questions, and I was volunteering my evidence, I said, "Yes, perhaps I have, but if I have, those are the facts and that is the extent of my crime."

There is one point right here I wish to bring before the public in the galleries and the people of Canada, and I hope it will be mentioned in the press: In spite of all that this inquiry has delved into and worked over for a period of four and a half months in an endeavour to find something with which they could blacken this government, with which they could blacken the reputation not only of my predecessor but of the acting minister, and even of the Prime Minister and the Minister of Justice, there is one thing which shines out above all others, and that is that

there is not one important official in the Department of Customs, and there is not one minister or acting minister, past or present, who can be accused of having accepted any bribe to interfere with the proper execution of his duties. You may accuse the Hon. Jacques Bureau of having had a great big generous heart; you may accuse him of having been kind and good to his political friends and to his political foes, you may accuse him of having erred on the side of leniency in connection with the punishment of offenders, you may accuse him of having had a little too much confidence in some of his officials in the port of Montreal or elsewhere, but you cannot point a finger to where Jacques Bureau accepted a dollar as a bribe. Neither can you level such an accusation against the Acting Minister of Customs nor at the minister who is now in charge of that department. My opinion of the mentality of the people of Canada is that when a minister gives to the service of his country the best that is in him, when that minister is free from graft and free from corruption, when it is proven that neither he nor his subordinates have been influenced by paltry contributions or gifts of any kind, when it is proven that they have attempted to carry out their duties honestly, and that the only accusation that can be brought against them is that of having been a little too lenient and too generous the offence will be easily forgiven.

The inquiry has consumed four and a half months. I do not want the hon. member for Vancouver Centre or the hon. member for West Hamilton (Mr. Bell)) to think for a moment that in my opinion it has not been of any use whatever to Canada. I did say on a public platform in the early days of the inquiry, when there was a great deal of political squabbling, that I feared it would cost an enormous amount of money, and that the money would be entirely wasted. But I am ready and willing to admit that when I made that statement I made it conditional upon the fact that it would be carried on as it was then. I want to make the statement now and give credit to the members of the committee—and I want my hon. friend the member for Vancouver Centre to appropriate whatever credit he desires for himself—that I think the Customs inquiry has done a great good to this Dominion and to the Department of Customs and Excise. It has been of great assistance to the present minister and will be helpful to the minister who will succeed me in carrying on these duties and in preventing smuggling. I want also to pay a tribute to Mr. Sparks of the Commercial Protective Association, with whom I had some misunderstanding at the beginning of the inquiry. In my original speech in this House I blamed Mr. Sparks, and I blame him still for the fact that having got information from employees of my own department, he carried it to Mr. Stevens instead of bringing it to the Minister of Customs and Excise. I blamed him for it at that time and I blame him for it to-day; but I will say that the most instructive part of the entire evidence is undoubtedly the recommendations made by that same Commercial Protective Association. I want to give the association due credit for that. I have read these recommendations very carefully. Many of them are very valuable. In my humble judgment they are the most valuable representations made before the committee; and I want to say if I remain in the department as minister I will not only endeavour to carry out the recommendations of the report itself but I will also read in conjunction with it the suggestions made to the committee by the Commercial Protective Association.

There are many other things which I think my hon. friend will admit. One of the things I would like to have him admit is that for the first two and a half months of this inquiry every jot and tittle of evidence adduced before the committee was taken from a report which had already been prepared at the request of the Minister of Customs and Excise by an employee of the government and laid upon the table for the information of members of the committee.

My hon. friends may say: "It is because notice of a motion for an inquiry was given in the press that you gentlemen of the Liberal party hurried to have this investigation made." Now, it is stated clearly in the evidence by no less a personage than Inspector Duncan himself that the arrangements were all made with the Minister of Customs and Excise, that he was on his way to Montreal on November 27, 1925 to start his investigation, and that it was not until the 1st December, or four days later, that we received the first intimation in the press that the hon. member for Vancouver Centre had any idea of moving for a committee of investigation. As soon as I took over the department, after the elections, acting with the consent of the Prime Minister, acting in close co-operation with my good friend the Minister of Finance, who had unlimited confidence in the private investigator of that department, we secured the services of Mr. Duncan. He was sent to Montreal and on December 10th, long before this inquiry ever started, Mr. Bisaillon, who is the man against whom the hon. member for Vancouver

Centre directed most of his thunder in his speech on February 2, had been dismissed from the service. I think for at least three weeks the committee probed and investigated to determine for their own satisfaction that the Department of Customs and Excise was perfectly justified in dismissing Mr. Bisaillon. I may say that Mr. Bisaillon was a very able witness, and the committee came very near not being able to prove that the department was justified, but ultimately they succeeded in doing so.

Other matters brought before the committee of inquiry, in the majority of cases, were taken from the Duncan report. There was no secret about the investigation that was under way at the instance of the department, and if the investigating committee had not been constituted, the process of cleaning up the department would have gone on and would have proceeded, perhaps, more rapidly. I do not say this in any way to disparage the work of the committee; but I do say that from the moment that committee began its sittings I have dismissed no employee we could possibly retain in the service or engaged no persons we could possibly get along without. I do not think there have been more than three dismissals and possibly not more than that number of appointments since the investigation started. I wanted to turn the whole thing over to the committee in order that they might direct the operations of the department as they thought best and carry out the authority with which they were vested by the House in the most effective way. My hon. friend the hon. member for Vancouver Centre attempted to exercise authority during that period as Minister of Customs and Excise. He went over to the department and gave his own personal instructions to the acting deputy minister, Mr. Taylor, and told him how to carry on and who to engage in connection with a certain case in the city of Regina.

Mr. STEVENS: That is absolutely wrong.

Mr. BOIVIN: I am not blaming my hon. friend for that. I do not know what is wrong about it. That is what my hon. friend admitted himself in his own correspondence.

Mr. STEVENS: No.

Mr. BOIVIN: My hon. friend went over to see Mr. Taylor, who is a very efficient employee, and gave him instructions.

Mr. STEVENS: No.

Mr. BOIVIN: He gave him facts in confidence.

Mr. STEVENS: Will the minister permit me?

Mr. BOIVIN: Yes.

Mr. STEVENS: I gave Mr. Taylor no instructions whatever. I handed him all the information and left the matter with him. I did not know who they were retaining; I knew nothing whatever about it. I gave him no instructions and gave him no recommendations other than this one thing: I asked that the case be prosecuted to the limit—that is all.

Mr. BOIVIN: The letter reads:

Some weeks ago there came into my possession certain very damaging evidence of extensive excise frauds, forgeries of bogus labels, possession of customs seals, etc., on the part of certain notorious individuals in that city. I at once realized that, if these were exposed before the committee, it would probably result in the destruction of evidence that would bring about a conviction, and I realized it was more of a police case, than one for investigation before the committee. I took the matter up with Mr. Taylor, now acting chief of the Department of Customs and Excise. At this point I wish to state that in my estimation Mr. Taylor has been and is doing his best in the case. It appears, however, that certain influences in the government ranks are exercised to prevent this case from being successfully handled. The facts are as follows:

1. I handed all my confidential information to Mr. Taylor in confidence.

Mr. STEVENS: In confidence so far as names were concerned.

Mr. BOIVIN: Yes.

I handed all my confidential information to Mr. Taylor in confidence.

Mr. MEIGHEN: Not much in that.

Mr. BOIVIN: No, certainly not. My hon. friend will go to Mr. Taylor and he will say, "I will allow you to tell the minister that I place the case in your hands, but I ask you to retain in confidence the information I gave you and not to tell the minister the names of the people against whom action is to be taken."

Mr. STEVENS: No, that is not it.

Mr. BOIVIN: "In confidence so far as names are concerned?"

Mr. STEVENS: Confidence in so far as certain names mentioned being published and nothing else—no other reservations.

Mr. BOIVIN: That is not what the letter says.

Mr. STEVENS: Oh yes.

Mr. BOIVIN: My hon. friend's interpretation may be that, it means in confidence only so far as the publication of names is concerned; I do not know what Mr. Taylor's

understanding was, but I know the confidence was so well kept that the minister did not know anything about it.

Mr. STEVENS: It was stopped very shortly after he had learned the facts.

Mr. BOIVIN: The minister did not know until he received a copy of this letter yesterday anything whatever concerning the case. I ask my hon. friend to accept that as a true statement. Yesterday the Prime Minister was kind enough to give me a copy of the letter written to him by the hon. member for Vancouver Centre, and that was the first time I learned that the Royal Canadian Mounted Police were working upon this particular case at Regina, the first time I ever knew that any man named Bryant had represented the department, and the first time I ever knew that a man named Anderson ever conducted any case for the government in Regina.

Mr. STEVENS: The Minister of Justice knew about it.

Mr. BOIVIN: That may be. The attorneys were always appointed by the Minister of Justice. Then there is the Cohen case. The letter says it has been dragging through the courts since last October, that Cohen is a rich, influential citizen of Montreal and a notorious smuggler, and that the chief of the preventive service did not know anything whatever of the frame-up. Referring to the Royal Canadian Mounted Police, my hon. friend from Vancouver, when he made his speech on the 2nd February, stated that there was no better body of men in the world.

Mr. STEVENS: I agree with it now. My hon. friend need not bother about that. Take it as read.

Mr. BOIVIN: I will take the statement as read. I thank the hon. member for his confirmation.

Mr. STEVENS: Leave them alone and they will do their duty.

Mr. BOIVIN: The Cohen case was confided to them for the very same reason that the hon. member for Centre Vancouver did not want to confide the Regina case to the chief preventive officer in whom he had no confidence.

Mr. STEVENS: No my hon. friend is wrong.

Mr. BOIVIN: The chief of the preventive service was at the beck and call of my hon. friend for Vancouver Centre from the beginning of the inquiry to the end, part of the time authorized by resolution, and part of the time not authorized. The chief of the preventive service placed in the hands of the hon. member for Vancouver Centre copies of certain documents that the hon. member moved for after he had the copies in his possession.

Mr. STEVENS: I do not recall what they are.

Mr. BOIVIN: I could give the hon. member a list of them. They are in connection with the correspondence and the files from Bisaillon's office in Montreal.

Mr. STEVENS: In justice to that officer, whatever blame the minister wants to attach to me, I wish to say that he did not hand me that correspondence, and as far as I know he has never handed me any correspondence except the files of the department. The minister is exceedingly unfair to him when he says that Wilson was at my beck and call; that is entirely wrong. He never acted, as far as I know in any instance, except under orders and direction of the committee—never.

Mr. BOIVIN: Before the applause subsides, I would like to ask the hon. member if it is not true that in connection with eight, nine or more of the cases brought before the committee, Wilson was not asked to take the files and prepare a precis and hand it to the committee, so that they would have a better case presented to them next day.

Mr. STEVENS: Never so far as I know, did Mr. Wilson under any circumstances, except under an open order of the committee, prepare any precis. I do not remember a single instance of that kind, and certainly Wilson would have been derelict in his duty had he not obeyed the orders of the committee.

Mr. BOIVIN: If Mr. Wilson was such an able officer—and that is the admission I wanted to get from the lips of my hon. friend—if he was under the orders of the committtee, if he was in close communion with my hon. friend for a period of four and a half months—

Mr. STEVENS: That is wrong.

Mr. BOIVIN: —if my hon. friend has such great confidence in Mr. Wilson, why did he not confide to him, as the chief of the preventive service, the Regina case that he took over to the acting deputy minister of the department and asked him not to mention it?

Mr. STEVENS: I will tell my hon. friend why; the acting head of the department was

Mr. Taylor, the assistant deputy minister, the proper official with whom the matter ought to have been taken up.

Mr. BOIVIN: I thank my hon. friend for the reason he has given. The acting head was the deputy minister.

Mr. STEVENS: I did not say that. The acting deputy minister—the assistant.

Mr. BOIVIN: The hon. member went to the acting deputy minister and asked him to confide in these two special officers of the Royal Canadian Mounted Police.

Mr. STEVENS: No, I made no suggestion, but he suggested it, and I heartily concurred, and had the mounted police been left alone the case would have gone on merrily.

Mr. BOIVIN: There was no request from my hon. friend that the matter be referred to the chief preventive officer.

Mr. STEVENS: Why should I make the suggestion?

Mr. BOIVIN: Because you wish to make it a crime now that another case was conducted without it being referred to the same officer. In the Cohen case the matter was confided to the Royal Canadian Mounted Police.

Mr. WHITE (Mount Royal): Does the hon. minister suggest that the chief preventive officer conspired in any way with members of the committee? I ask the question in fairness to Mr. Wilson, who is a personal friend of mine.

Mr. BOIVIN: I am very glad that Mr. Wilson has such an influential friend as the hon. member for Mount Royal, but I do say that a man who, like Mr. Wilson, has always obeyed the orders of the committee and frequently disobeyed the orders of his minister certainly does not deserve all this commendation. I will say that a man who receives and transports liquor from one province to another for other officials until he receives a certain appointment and who ceases doing it after that appointment has been given to him, is not one of those officers who deserve the highest commendation and praise even from my hon. friend.

Mr. WHITE (Mount Royal): The minister forgets that Mr. Wilson was chief preventive officer long before the question of the transportation of liquor came up.

Mr. STEVENS: The minister is absolutely wrong.

Mr. BOIVIN: My hon. friend says that I am absolutely wrong. I may be unduly severe, but I am not absolutely wrong?

Mr. STEVENS: Will the minister allow me to interject?

Some hon. MEMBERS. Sit down.

Mr. BOIVIN: My hon. friend spoke for over two hours and a half.

Mr. STEVENS: Only an hour and a half.

Mr. BOIVIN: I think he should at least let me reply.

Mr. STEVENS: He is absolutely unfair to a man who cannot defend himself.

Mr. BOIVIN: I want to point out that in the Cohen matter certain information that had been brought to our attention was confided to the Royal Canadian Mounted Police because the preventive officers had informed me some time previously that while Mr. Cohen had been arrested by Mr. Knox, they were not in a position to find any of the other conspirators in the smuggling of the goods. One of these men who is now under arrest and before the courts in Montreal had made the statement that he had influence with not Mr. Wilson—I do not want to accuse Mr. Wilson of anything of that nature—but with Mr. Knox. That statement was reported to me. It may have been a misleading statement; it may not have been true; but it was for that reason that instead of confiding the case to Mr. Wilson or Mr. Knox, I instructed that it be given to the Royal Canadian Mounted Police. If I have been unjust to Mr. Wilson—

Mr. STEVENS: Grossly unjust.

Mr. BOIVIN: —I may have been somewhat severe in some of my strictures on him, but I will say this, that in many cases to my personal knowledge confidences given to Mr. Wilson have not been respected. Information was given by Mr. Wilson to members of the committee before it was given to the minister himself during the conduct of the committee. That is an absolutely fair and true statement. I regret having interjected the other matter in reply to the hon. member for Mount Royal.

Mr. WHITE (Mount Royal): If that be so, I withdraw my remarks.

Mr. BOIVIN: I do not pretend to deserve special consideration in the administration of the department, but will my hon. friends allow me to say at least what I have done since I took possession of the office? The very first act was to start this investigation in the city

of Montreal. The moment Inspector Duncan made his first report I had no hesitation in asking council to dismiss Mr. Bisaillon, in suspending some of the employees who were near to him in that office and in removing from the preventive service to the port many of the officers who had given faithful service for many years to the preventive service but who had been closely associated with Mr. Bisaillon. They have remained there ever since. Many of them have been found absolutely blameless by the committee. I hope they will return to their former positions in the immediate future.

As regards the regulations concerning automobiles not only am I prepared to follow out the recommendations contained in the report, but we started months ago putting similar regulations into effect. The instructions now given in the Department of Customs are that every time it is possible for a United States automobile to be returned to that country that procedure shall be followed, and the penalty imposed on Americans who come into Canada without reporting at the border shall be made as low as possible in order that all United States cars may be returned and not placed as a glut on the Canadian market in competition with our Canadian cars.

We have given instructions to do away with the practice, which was becoming prevalent in the department, of customs officers using smuggled and seized cars which had been confiscated and placed at their disposal, of their riding around in cars that had been seized but not confiscated or not sold. In two or three instances the cars were later claimed by the United States owner and they were returned. Instructions have been given to our officers now never to take over or use a seized car except where it is necessary to bring it from the point of seizure to the garage. Every car that cannot be returned to the United States must be sold and officers in the department entitled to cars will be supplied with Canadian cars for their use.

We have endeavoured to get new boats to place on the coast of the Maritime Provinces to prevent smuggling there, but unfortunately matters have been delayed by the fact that our supply has not yet been voted. Hon. members preferred to have us wait until the committee made its report before voting us the supply required for the preventive service and I did not desire to increase the service until the supply is voted.

There are in the report many recommendations which we shall be in a position to carry out this year. There are some recommendations which I fear it will be impossible to embody in legislation until the next session of parliament. But I can assure my hon. friend once again, speaking for myself as minister of the department, that the regulations required will be made at the earliest possible opportunity and that every honest effort will be made to carry out the recommendations of the report, as it is finally adopted and approved by this House of Commons.



At six o'clock the House took recess.

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## After Recess

The House resumed at eight o'clock.

### DETROIT AND WINDSOR SUBWAY COMPANY

Mr. FRANK S. CAHILL (Pontiac) moved:

That owing to the late period of the session Bill No. 174, being Bill H5 of the Senate, to incorporate the Detroit and Windsor Subway Company, be placed on the order paper amongst private bills for consideration in committee of the Whole this day.

Mr. DEPUTY SPEAKER: This motion can be entertained only by unanimous leave of the House. Is it the pleasure of the House to adopt the motion?

Mr. MEIGHEN: The hon. member has been good enough to consult me about this bill, of which I know nothing at all. He informs me that the hon. member for West York (Sir Henry Drayton) desires to have it proceeded with, and under the circumstances I agree.

Motion agreed to.

### RED LAKE AND NORTHWESTERN RAILWAY COMPANY

The House resumed, from June 18, consideration in committee of Bill No. 95, to incorporate the Red Lake and Northwestern Railway Company—Mr. Heenan—Mr. Duff in the chair.

On section 1—Incorporation.

Mr. SUTHERLAND (South Oxford): When this bill was before the House on Friday last objection was taken that it had not been reprinted as amended and, further, that we had no statement from the Minister of Railways (Mr. Dunning) as to the policy of the government with regard to the granting of charters for railways such as the one here contemplated. This is an independent company asking for a charter and, as I pointed out the other evening, as a result

of the indiscriminate granting of railway charters in Canada, without regard to public convenience and the absence of any well defined system controlling rivalry, we find ourselves in Canada with two competitive lines of railway, the government having been forced to assume responsibility for upwards of 22,000 miles. There can be no question that the Canadian people have paid dearly for their railway experience, and it passes my understanding how the government can sit quietly by and allow such a bill as this to come up repeatedly without offering some explanation of its policy in regard to the issuing of charters. This particular bill has been under consideration in different forms during the present session; yet the Minister of Railways sits here without volunteering any information to assist the House in coming to a conclusion in the matter. The Minister of Finance (Mr. Robb) himself on Friday last agreed that we were entitled to some definite statement regarding the policy of the Department of Railways on the granting of charters.

We have seen for years now private companies applying for charters with no intention whatever of building any railways, and always coming back for an extension of time, so that in the long run many of these charters have had to be cancelled entirely. In other cases roads have been constructed without regard to convenience or economy, with the result that the country has suffered. In the present instance we do not know whether the proposed railway will be built, the only information we have being that a blanket charter is asked for to enable a company to construct a line from somewhere near Hudsan bay down to the Canadian National system. The House ought to know just what the company will do, and whether it sincerely intends to build the road. I do not believe the people mentioned in this charter have any intention of going on with this road themselves. They may represent someone else, but it is quite evident that if this road is operated successfully it will have to be operated by the Canadian National Railway System, and if that is the case by all means let the Canadian National Railway System ask for a charter and go on with the construction of this road, and see that the road is built where it should go and not where it will suit the convenience of some promoters who may possibly intend to dispose of their charter after having secured it.

I know it will be argued that there is provision in this bill that unless the company does a certain amount of work during the coming year the charter will lapse. That provision has been in bills before, and we have seen the companies coming back time after time, after having spent a little money, and have their charters renewed. This renewal of charters has been a common practice for years, and I think we should have a clear and definite statement from the minister as to what the government propose doing. We recently had the experience of this government granting a charter for the construction of a road adjacent to the Transcontinental and Temiskaming and Northern Ontario railways; bonds were guaranteed to the extent of $5,000,000, while an injunction was taken out against the province of Ontario, who did not ask for a dollar, in order to prevent them from building a road there. The people interested were more anxious for a connection with the mining centres tributary to the Temiskaming and Northern Ontario railway than for a road from O'Brien into that territory. I do think the minister should make a clear and definite statement as to what the government intend doing in this connection so that parliament may have a proper idea of what the passing of this bill may mean.

Mr. DUNNING: I regret not having had an opportunity to discuss this matter on a former occasion. I think at one time the bill was talked out, and although many of the members speaking on that occasion asked for a statement from the minister he was not given an opportunity to make one, the time passes so quickly. On another occasion I regret to say that I was not in the House.

The position to-day is the same as it has been for many years. Those who desire to incorporate railway companies in Canada come before parliament with a private bill; that bill is referred to the Railway committee and there examined. The contents of such bills are communicated to the Minister of Railways, who examines them from the point of view of their relationship to other railways now existing or projected. In this case I had the bill examined from the point of view of its relationship to or effect on the Canadian National Railway system, and I was assured that the Canadian National did not propose itself to build into the territory affected at present. That territory is not regarded by the management as being proven from a branch line traffic point of view, and they therefore do not intend to ask the Minister of Railways to request the necessary money from parliament for the construction of a Canadian National branch. That being the case, the Department of Railways made no

objection before the committee to the granting of a private charter.

But I would like the committee to remember that the right to grant charters of this kind is inherent in parliament itself. It is true that we might have a government policy of refusal of all private charters. If we had complete government ownership of railways from one end of Canada to the other; if we had no private ownership of railways at all, then manifestly the policy of the government would be to ask parliament to refuse to grant charters for new lines. Inasmuch, however, as we have in Canada at present both government owned railways and privately owned railways, the position is as it always has been, that parliament itself on the advice of the railway committee, which presumably examines the merits of each case, decides whether or not additional private charters shall be granted. In this case I am informed that the line opens up entirely new territory, connecting at one end with the Canadian National main line and at the other with the Hudson Bay railway. Let me repeat that the management of the Canadian National Railways are not prepared at present to recommend to parliament the expenditure of public money necessary to build a branch line into this area. That being the case the Canadian National Railway leaves the matter entirely in the hands of the Railway committee of this House to determine whether, in all the circumstances, private parties should be permitted so to do.

Mr. MEIGHEN: I have not given particular attention to this measure, and I am free to admit that there may be some special considerations appertaining to it, but on the general subject of policy with respect to private charters I am far from satisfied with the statement made by the Minister of Railways (Mr. Dunning). He says that we have a government owned system which is not itself a monopoly; we have as well a great privately owned system and consequently, under these circumstances, the government simply examines any application from the point of view of the desirability of reserving the territory to the National system. If the government come to the conclusion that the territory is not such as the National system now desires to enter they simply leave it to the Railway committee of parliament to decide whether or not a private company shall get a charter.

I would like to suggest to the minister that the time has passed when any administration in this country should content itself with such an attitude. It is true that we have not a government monopoly; it is equally true that we have no competitive system with a variety of railway companies such as other countries enjoy, the United States for example. We have proceeded in the evolution of our railway policy far beyond the point reached in most other countries, and having reached the stage where we have one great publicly owned system and another great privately owned system we certainly have reached the point where we must consider whether we will grant any more charters to heterogeneous companies here, there and everywhere, for the construction of little one hundred or two hundred mile railways. These railways, when they are constructed, are certain either to be failures, thus bringing discredit upon Canadian finance, or if they are successful they are bound on the one hand to detract from the earning capacity of the great private system and thereby hold up railway rates, or to detract from the earning capacity of the great publicly owned system and therefore injure the country as a whole. One of these two results must ensue from the creation of privately owned railway companies anywhere, in competition with the two great systems we already have. I cannot see how any result beneficial to the people generally can ensue which could not have been attained much better by another route. Let me repeat: If the railway proves a failure as a commercial venture then there is the repercussion back on Canadian credit, which is injurious to the country as a whole. If it proves a success it simply means that the new railway has invaded territory which in the general interest should have been conceded either to the private company on the one hand or reserved for the public company on the other. I do not think this reasoning can be very well challenged.

If these are the only consequences, all of them are injurious to the country, and for my part it would take a very powerful array of special circumstances to convince me that there should be an exception made in respect of a road either to Red lake or to any other territory. I would think the government should very carefully consider whether or not we have reached the time when the granting of private railway charters to third companies, new organizations, should be done away with once and for all.

Mr. DUNNING: There is a great deal of force in what my right hon. friend says in this connection. He recognizes, of course, that the adoption of that attitude absolutely would

be an entirely new departure, and one which therefore should be given very careful consideration. May I also point out for his consideration—and in this connection I am not discussing the merits of the present bill or of the proposed railway—that the provinces also have the power to grant railway charters; they can and do, and in the last sessions of many of the provincial legislatures charters have been granted to private parties for the construction of railroads entirely, of course, within the borders of the province. So the object sought by my right hon. friend cannot be wholly attained merely by this parliament refusing the granting of such charters. Also I am informed—I should say this in fairness to the present proposal—that the proposed line will in any event be a feeder to the Canadian National system and will connect only with Canadian National lines.

We are in this awkward position in considering the matter. Parliament from time to time gives consideration to branch lines proposals put forward by the Canadian National and by the Canadian Pacific railway. It may very well be that for reasons which seem good to the government or to parliament for the time being, it is not advisable to extend into an area such as the one now under discussion, and the important and difficult question which prevents me agreeing altogether with my right hon. friend is this: Shall we say, because parliament cannot see its way clear to vote public moneys for the construction of a line that therefore that particular area of country shall be left without railway transportation? That is a difficult question, and it is rendered still more difficult in its relation to general policy by the other fact which I mentioned, that every provincial legislature in Canada has the power to grant railway charters within its own borders.

In connection with the present case, inquiry was made of the government of the province of Ontario, and I understand that the premier of that province indicated that the government of Ontario had no objection to the granting of this charter.

Mr. HEAPS: Were similar inquiries made of the province of Manitoba?

Mr. DUNNING: I cannot say whether the committee made any inquiries of Manitoba, but I can say this: At the last session of the Manitoba legislature, I believe I am correct in saying, a number of charters—at least two—were granted to private parties for the building of railways. Therefore I presume that so far as the province of Manitoba is concerned it would have no objection to the granting of private charters as a matter of principle; and it is the matter of principle that I am discussing.

Mr. HEAPS: Is the minister aware that Manitoba intends to guarantee the sum of $25,000 per mile for the building of a railway from Winnipeg into the Red lake area?

Mr. DUNNING: I am not aware of that fact. That would be a consideration, of course, which, if it is correct, would affect this committee in arriving at its decision in respect to this particular charter. But I do submit to my hon. friend that that is not a question which affects the principle of the whole matter that we are now discussing. If anything, it lends force to the principle and illustrates the difficulty of deciding now, once for all, whether we shall have no more private charters granted in Canada. I am personally doubtful if we have yet reached the point where we can definitely say that no more private charters shall be granted. With regard to this particular application, the committee can give consideration to it as it sees fit. The minister and the Department of Railways do not recommend. We merely say, having examined the proposal from the point of view of the nationally owned system, that we cannot urge any objection from that point of view, for the reason that the nationally owned system is not presently prepared to propose the expenditure of public money for the construction of a branch line into the district affected.

Mr. SUTHERLAND (South Oxford): Has the government of Ontario or the premier of Ontario had any communication with the Department of Railways with respect to this road? If so, why not place the matter before the committee?

Mr. DUNNING: I am informed by the railway committee that no communication with the department was had, but I am also informed that there was communication from the premier of Ontario to the committee on railways.

Mr. MACLEAN (York): I have listened to what the Minister of Railways has said. He is trying to get away from a decision that was practically reached by parliament and this country that we are over-railroaded in this country. It is the present over-railroading that is one of the causes of the great railway problem we have upon our hands, and the Minister of Railways ought to be on guard to prevent a further aggravation of that con-

dition by the frequent granting of charters to private companies. It is something we must stop.

There is no hurry for this road. As a matter of fact Red lake is being supplied to-day by communication from the air, and a good service is being provided, with people and supplies getting in and out of that area with little trouble. If there is anything in this Red lake proposition it will show itself during this summer; then the Canadian National Railway may be prepared to build into that territory and Manitoba would be in a position to decide whether or not it would do so. There is no hurry for this proposition at all, except on the part of certain gentlemen who want to follow the example that was set in this House by the government a very short time ago in connection with the building of a line into the Rouyn gold field in the province of Quebec. A local company was incorporated in that case to build from Amos into the Rouyn gold field; that private road is now being built; the company is issuing bonds and will get the benefit that comes to such a company in the exploitation of such an entreprise. We want to stop that. The minister has not yet explained why it was necessary to employ a second company to build an extension from Amos into Rouyn. To-day the whole mining belt of northern Ontario and this new mining belt in Rouyn is being supplied by one or other of two great public owned roads. The Canadian National is serving the Rouyn territory, and the province of Ontario, by its enterprise, has covered the whole gold and silver fields of Ontario with the Temiskaming and Northern Ontario railway, which has a dozen branches through all that territory.

Mr. DUNNING: My hon. friend is forgetting the Algoma Central.

Mr. MACLEAN (York): I know, but the mining country of northern Ontario is being absolutely served now by public owned railroads, either the Canadian National which goes through Sudbury and all that mining district, or the Temiskaming and Northern Ontario railway, which goes through Cobalt, Kirkland lake, up to Timmins, and through all the great gold fields in the province. We are only beginning to develop the mining camps in Ontario; they are growing every day. Gowganda is coming back, and all we want to do is to keep that country for the two publicly owned lines. I believe these two lines will eventually co-operate in some way to cover the whole of that country. If we have made a success of the Canadian National covering the whole continent, cannot we do better by building our own railway into this territory, into the mining fields of Ontario and Quebec, of Manitoba and the whole west? We are supplying these fields to-day either by the National lines or the provincially owned lines of Ontario, and the people are getting extensions just as fast as they are warranted. I am convinced the Temiskaming and Northern Ontario will build this summer from a terminal called Elk Lake into the Gowganda mining camp, on to Leonard and Shining Tree, and from there to Westree, where they will connect up with the Transcontinental. We do not want any more of these private companies. We have had enough of them. We have had to take up the mess they left, and pay for it. We have got far more miles of railway than we want in this country, simply because we have been over-railroaded and over-exploited by private individuals who came to parliament and got charters. So I intend to move, Mr. Chairman, that this bill be sent back to the committee and in that way taken off the order paper. We shall then see what the developments will be in the Red Lake district. If it is shown that there is necessity for this railway it will be built; I have no doubt the Canadian National will build it if the occasion arises. In the meantime the aeroplane service will supply the necessities of that camp in every way. It is already giving a mail and express service, and taking in passengers. They can go in very quickly by aeroplane, whereas the journey now takes from two to three days by railway and waterways. I am also told that the Ontario government now have before them plans for the building of a roadway from Hudson right into Red lake. In the meantime let us stop this over-exploitation of railway charters by private individuals. Accordingly I move that we refer this bill back to the committee for further consideration, and that will end the matter for this session.

Mr. HEAPS: I second the motion.

Mr. HEENAN: The hon. member (Mr. Maclean) said the Ontario government has a plan before it at the present time to build from Hudson into the Red lake district. That is not a fact. Let us stay with the facts at any rate, even if we do refuse to pass the bill. One of the reasons the bill was referred back from the Railway committee was to ascertain whether the Premier of Ontario had any objection to this railway, and he has written a letter stating that he has not. I could not conceive of his writing

such a letter if the Ontario government had any such intention as my hon. friend stated. The initial point of the proposed line of railway is over three or four hundred miles away from the Temiskaming and Northern Ontario railway, so that there is no doubt that that railway is not going to extend to the territory in question for quite a number of years, if ever.

One would think from the discussion which has taken place this evening that private investors ought to be debarred from developing this district. I notice, however, that only applies where the district is unorganized and without boards of trade or councils that could make representations to this House. For instance, in the Railway committee this morning we had under consideration a private undertaking for the tunnelling of the Detroit river. No one in that committee ever suggested that such a tunnel would take away traffic from the Canadian National Railways, and yet as a matter of fact it would. However, no objection was raised to it. Then, too, there seems to be no objection as to private concerns operating in Winnipeg, Toronto or Montreal; but when it comes to a remote district, where the population is scarce, and where the proposition is one that everybody can block and make a political football of, private investors seem to be debarred. What we want is a railway in the Red lake district, and we care not whether it is built by the Canadian National, the Canadian Pacific, or a private corporation. The Canadian National Railways have already announced, through the minister or his deputy, that they have no intention of building immediately into that country.

Now what is the worst that can happen if this bill carries? A private corporation can invest their own money in the building of a railroad that will be a feeder to the Canadian National railway if it is a success. If the enterprise is not a success, it is the investors that will be out; they will have lost their money. I have received twenty-one telegrams from clubs, municipalities, and development boards in the northern part of the country asking that this railway charter be granted, and I hope the House will see to it that that part of the country is not held back from development. So far as the Ontario government is concerned, they granted a charter the session before last to a private concern for a railway right north of the twin cities of Port Arthur and Fort William. Evidently therefore the Ontario government are not blocking avenues to private investors. The hon. member for North Winnipeg (Mr. Heaps) stated that the Manitoba government have granted a charter to some private concern to build into the Red lake district, and are backing the enterprise to the extent of $25,000 a mile. Let me point out to my hon. friend that it is impossible for the Manitoba government to do that; they cannot grant a charter for a railway to build into Ontario, they can only charter a railway to the Manitoba boundary. What we need in that part of the country is transportation for carrying supplies and people into the Red lake territory, to which hundreds of people are flocking daily. The hon. member for South York (Mr. Maclean) advises people to go in by aeroplane. Well, the aeroplane may be a quick method of transportation, but there are a lot of people who prefer travelling by railway to travelling in the air. On behalf of the people in that part of the country I appeal to the House to grant this charter.

Mr. SUTHERLAND (South Oxford): Before the hon. member sits down, would he inform the committee as to the mileage covered by the charter asked for in this bill, that is to say from a point at or near the village of Quibell to a point on the Hudson Bay division of the Canadian National railway at or near The Pas?

Mr. HEENAN: It is about 125 miles from Quibell to Red lake, and I think it is 450 or 500 miles from the point on the Canadian National Railway at Quibell to the junction with the Hudson Bay railway.

Mr. NICHOLSON: To me there seems to be some little misunderstanding with regard to the application that is before the House in reference to this Red lake charter. In the first place such a branch line cannot be a competitor of the Canadian National railways. Whatever else it may become, it cannot compete with that system. The only line to which it can deliver any traffic it may gather is the Canadian National Railways. It is running at right angles hundreds of miles away from any other branch line whatsoever. When this bill was first before the committee I asked that it be held up until we got further information with respect to those who were promoting it, and the reasons why the charter was being asked for. Having inquired into the matter I came to the conclusion that parliament could safeguard itself and still allow this charter to be granted, it being clearly understood that people putting any money into the enterprise are doing

so with their eyes wide open and will lose that money if the line is unsuccessful. My understanding, after making inquiries, is that in the first instance the people who are going in there in an effort to develop the country are desirous of building a light railway or tramway in order to get in the machinery and equipment necessary for development purposes. If the country proves to be what those who are interested hope and believe it will, the promoters, having built a light railway or tramway, would have a vested right and could go ahead and build a line that would serve as a feeder to the Canadian National railways. Or the road itself might be taken over by the Canadian National Railways if they so desired; but that system would be under no obligation whatever to take the line off the hands of the promoters. If this charter is refused it simply means, unless the Canadian National Railways are prepared to go ahead and build the line, that the men who are in that district endeavouring to develop the country have no means by which they can get their equipment in. It is all very well to talk about bringing in supplies by aeroplane. Some people and mail matter can go in by aeroplane; but you cannot take diamond drilling outfits and hoisting machinery, with all the things that go to equip a mine, by areoplane. There is provision in connection with this charter by which the line can ultimately be extended, but they must do everything they are going to do this year, as I understand it. If the country did so develop that they could go right straight across from the line of the Canadian National to the Hudson bay, they would then be serving the Canadian National as feeders at both points. If the proposition is examined I do not think there can be any real objection to allowing the charter to pass and permitting these people to build the line this year as they desire to do.

The CHAIRMAN: The member for South York (Mr. Maclean) has moved that the bill be referred back to the committee on Railways, Canals and Telegraph Lines. I have to rule that that motion is not in order, as the only time such a motion can be put is when the chairman of the committee rises to report progress.

Mr. O'NEILL: Before the hour passes and the usual burlesque with reference to this road is repeated, I desire to put myself on record as being in favour of this project, in view of the fact that there are some three or four thousand prospectors in that district, ninety per cent of whom are from my constituency. To my mind the statement that Canada has been over-railroaded will not bear investigation. The main problem before the statesmen of to-day is to deepen the country. This road runs at right angles to the Canadian National, and any contention based on the dog-in-the-manger attitude on the part of either of the two large railroads in the country is no argument against the granting of a charter for the construction of this road. I know the people behind the project; I know that they have large commitments in that district, and it is in their interests and in the interests of the people in my constituency that the road should be constructed. I am in favour of the undertaking and I appreciate the remarks of the Minister of Railways in this connection. I did not have an opportunity to discuss the matter personally with him, particularly because I was not connected with the introduction of the bill, but I am much interested in it; a great number from my riding now have holdings in that country.

The statement has been made that the Backus interests are behind this project. I have absolute knowledge to the contrary. The statement of the hon. member for North Winnipeg (Mr. Heaps) to the effect that Manitoba is backing up a project to build a road into Red lake was refuted by the hon. member for Kenora (Mr. Heenan) who stated that that was merely a provincial charter. The province of Ontario has always been anxious to keep its mining country alive. If we have recourse to the same process that they have adopted in Manitoba our mining fields will be at a standstill and in the same position as they are in Manitoba. I might go further into the details of the matter, but at present I simply put myself on record as being very much in favour of the bill.

Mr. EVANS: On former occasions I have opposed this project for well defined reasons, and I have had no cause to change my mind. I believe this project to construct a railway into the Red lake district is not in the interests of either that part of the country or the country at large, and it cannot but prove detrimental to the welfare of the Canadian National Railway. The Red lake district can certainly be more efficiently served by a branch line from the Canadian National than by having a separate company owning and operating a short line of railway. One point that strikes me is that no one from that district has asked for a line of railway into Red lake. A few prospectors, it is true, are behind the project.

Mr. HEENAN: I stated that I had received twenty-one telegrams from the people of that country.

Mr. EVANS: The hon. gentleman, if he wishes, can speak again when I am through. These people ask for a charter. As soon as they obtain it they will have something for sale, and for sale it will be sooner or later, when either the Canadian National or the Canadian Pacific will have to take it over. When the need for a railway is made known in that district I shall be one of the first to advocate its construction by the Canadian National Railway. This country is commited to government ownership, and since we have over fifty per cent of our railways under government ownership and operation, the reasonable thing to do is to go forward and develop a complete system of government ownership and operation of our railway services. These roads must be operated and controlled by the people in the interest of all the people. It is a public utility and therefore should never pass out of the hands of the people. If we grant a charter in this case it will be a precedent for granting further charters for like branches, and in the future we shall have a railway problem even greater than that which is on our hands at the present time. Why should Canada take a step backward and create a precedent in this instance? Out of sixty-five countries of the world, fifty-one own and operate their railways. It is interesting to note that of all the countries Belgium is the only one that has owned and operated her railways from the beginning. It has often been said that government ownership is not a success when applied to public utilities, but I do not think there is even one advocate of private ownership who will say that our postal service should go back into private hands. The greatest argument for government ownership of railways is the fact that out of all the countries of the world fifty nations have found private ownership a failure. I am giving the House this information on the authority of one Mr. E. B. Biggar, who wrote some articles on this subject some years ago. All the great dominions, apart from Canada and India, operate their railways through government ownership and control. In addition to that, out of seventeen crown colonies and protectorates in the British Empire, twelve have government ownership of railways. Surely therefore the reasonable thing for Canada to do is to go forward with government-owned and operated systems of railways. These countries and colonies are among the most highly developed and civilized in the whole world. They have adopted government ownership, and not through lack of private enterprise either. I think it can very well be said, particularly since the war, that the people of all countries are coming to realize that public utilities should be owned and operated by the people in the interests of the whole people, and not as a source of private gain for private companies. Indeed it would be just as reasonable, in my view, to have our highway system owned and operated by private concerns as to place our railways in private hands with the one idea only of private gain. Shall Canada now take a step backward and grant a charter to a company which has no other idea than to exploit the public and our natural resources for private gain? Surely we have done with that policy regarding our railways. Since we have more than fifty per cent of our railways under government ownership and control, I say again it is the reasonable thing to go forward towards a complete system. It does not take much imagination to see the immense unearned increment that will in the future, through growth of population and industrial development, accrue to our private railway companies. All this must be appropriated from now on for the use of the state and not given away for the enrichment of a particular class in the community or a particular company which has no other idea than to exploit the people for its own private gain.

The whole sum of life is no doubt composed of trifles, and it is of such trifles as this charter represents that the great sum of over $2,000,000,000 is made up which represents our railway debt. This little charter, according to one of the promoters, represents just the beginning of another transcontinental railway. It is only part of a scheme to tap the tremendous resources of our hinterland and to exploit the people by so doing, to exploit the public in railway service and deplete our natural resources for private gain. Mr. Biggar, to whom I have already referred, has laid down a few well-defined rules regarding the public utilities of a country. Of the railways he has this to say:

1. The railways of a country are its main highways and therefore should not pass out of the control of the people.

2. There is no source of revenue for a railway other than the rates imposed for carrying persons and goods.

3. This revenue is raised, not from any hidden fountain of wealth within the railway itself, but from the proceeds derived from the economic activities of the entire people.

4. By the division of labour in the modern state everyone who earns and spends money contributes to the cost of railway service, and this cost enters into practically every article used by the people.

5. The maintenance of a nation's means of communication is a function of sovereignty, which should not be permitted to be exercised by private individuals for their own benefit.

6. Since all the people contribute to the cost of railway service, railway rates become essentially a national tax. And in all highly developed countries,

railway rates make up the largest element in taxation. It is of fundamental importance that the people should retain control of the machinery through which they are subject to taxation.

The people of Canada have only the satisfaction by taxing themselves of making good the yearly deficit on the railways that we have at present. It seems unreasonable to add to our burden by projects of this kind. The granting of this charter will mark the beginning of a system calculated to cripple the National system. Efforts have already been made to create in the minds of the public an attitude that will prepare the way for complete private control of our railway service. The privately-owned system is often pointed to as such a wonderful success in comparison with the nationally-owned system, which certainly from the very beginning consisted of just so many mistakes from a utility standpoint. The Canadian Pacific to-day is held up as an illustration that private ownership is the only successful way of operating a railway. That is not just the way to look at it. We are all supposed to jubilate when this great private company makes known its annual earnings and dividends and the great surplus earnings that are yearly carried over to its reserve. But the fact is that the public should come to realize—

9 p.m.

The CHAIRMAN: Order.

The hour for private bills having expired, the Speaker resumed the chair.

## CUSTOMS INQUIRY

REPORT OF SPECIAL COMMITTEE—MOTION FOR CONCURRENCE AND AMENDMENT THERETO.

The House resumed consideration of the proposed motion of Mr. Mercier (St. Henri) for the adoption of the third and final report of the special committee appointed to investigate the administration of the Department of Customs and Excise, and the proposed amendment thereto of Hon. Mr. Stevens.

Mr. BOIVIN: Mr. Speaker, when the House rose at six o'clock I had almost concluded my remarks. I had, I think, refuted, in a manner that would convince any hon. member or any citizen of Canada, the charges and allegations made against me personally in connection with the two matters mentioned by the hon. member for Vancouver Centre (Mr. Stevens). It was at that time my intention to reply to the allegation contained in the amendment to this effect:

The Prime Minister and the government had knowledge for some considerable time of the rapid degeneration of the Department of Customs and Excise, and their failure to take prompt and effective remedial action is wholly indefensible.



I intended to reply to that, but I will not take the time to cite the correspondence exchanged between Mr. Sparks, president of the Commercial Protective Association, and the Prime Minister. It is all of record; it speaks for itself. It will show that from the very moment that the Commercial Protective Association was organized, they received the most hearty co-operation from the different members of the government with whom they communicated. It will show that both from the Prime Minister and from the Minister of Finance (Mr. Robb) they received the utmost aid and assistance. The preventive officers that they chose themselves as being the best available men to prevent the nefarious offence of smuggling were engaged and paid by the government. They were later placed upon the staff of the preventive service, but still left at the disposal of the Commercial Protective Association. These officers, while they were paid by the government, remained practically in the employ of the association until late in the autumn of 1925, when the political situation changed matters considerably and when one of the officers of the Commercial Protective Association deemed it advisable—and I have no complaint as to that—to stump the country on the same platform with the leader of the opposition (Mr. Meighen). He devoted his talents and his energies to the interests of the Conservative party and did his utmost to defeat the government now in power; and not only did he exert his efforts during the campaign, but as results will show he pursued them more or less successfully thereafter, from the very moment the votes had been counted until the present occasion. As I observed this afternoon, however, I desire to pay tribute to Mr. Sparks to the extent that the report which was submitted to the committee in printed pamphlet form by himself on behalf of his associates is well worthy of note is free from political considerations and will receive careful consideration at the hands of the government.

The Prime Minister (Mr. Mackenzie King) will be shown in this correspondence, and especially in the evidence of Mr. Sparks before the committee, as having done all he possibly could to meet the situation at that time, and I wish to assure the House emphatically that there is no reason for hon. gentlemen opposite to attempt to place responsibility for the conduct of the Department of Customs and Excise upon the Prime Minister or any other member of the government since

my entry into the cabinet. Neither the Prime Minister nor any of my colleagues have at any time attempted to interfere with the discharge of my duties. For that reason, if the words "political associates" embodied in the amendment are intended to include my right hon. leader and my colleagues in the proposed motion of censure, I wish to dissociate them from the amendment and bear alone the censure it implies.

I wish to make one observation for the benefit of hon. gentlemen opposite who shortly will be called upon to support this amendment:

> Your committee deplores the practice, as revealed by the evidence, of certain men influential in public life to direct appeals to the minister to relax and depart from the proper administration of his department for reasons of political expediency.
>
> Your committee is of the opinion that this practice is detrimental to the best interests of the country and prejudicial to the administration of the department.

I trust that hon. gentlemen opposite will bear in mind this fact, that since the commencement of this session members of parliament have come to me with the request to intercede in behalf of some of their electors in cases which in some respects were similar to that of Moses Aziz. Only the other day certain hon. gentlemen were in my office asking that I refrain from imposing a fine on a dealer who unfortunately had exposed his tobacco on his shelves without having revenue stamps affixed to the box; while others have approached me in the interest of civil servants who have been short in their accounts but who have subsequently made amends. I hope that those hon. gentlemen on the opposite side, before voting on the proposed amendment, will reflect for a moment, that the life of the Minister of Customs is perhaps, to use a popular expression, not all that it is cracked up to be. I do not pretend to be at the head of one of the most important departments of government; far from it. I do however claim to be at the head of the department which is probably the most difficult to administer. I would remind hon. gentlemen opposite that when men are obeying the customs and excise laws of the country they never appeal to the Minister of Customs; there is no necessity for so doing. They deal directly with the officials of the department and their way is made easy. But the moment any member finds that an elector has transgressed the law, though sometimes unwittingly, sometimes unwillingly, the tendency inevitably is to come to the minister with a request for clemency. Occasionally the offender is a doctor who is called across the line in his automobile to attend a patient and who is obliged to cross at a point where there is no customs office, so that he is unable to report. Or, it may be, he finds it imperative to cross the line after nightfall. Sometimes it is an American citizen who does not know that he has crossed the boundary and is therefore on Canadian territory without having reported his car. There are various cases of a technical nature in which a judge, applying the strict letter of the law, would in all probability impose the entire penalty; and such cases are submitted to the minister by members of parliament day after day. One case was laid before me the day before yesterday in which possibly it might be a hardship to exact the fine. A young girl who had recently been employed in a certain store, while the person in charge was absent through illness, failed to open a box of tobacco in the proper manner and so exposed the article on the shelves without having put the excise stamps upon it. If I had granted the request which was made in that case, and had refrained from imposing the fine, I would have been accused, in the event of the matter having been brought before the committee, and if the member of parliament applying to me for consideration had been a Liberal member, of having acted with a view to obtaining political party advantage.

I hope, Mr. Speaker, that I shall be believed by hon. members on both sides of the House when I declare that, if it is my privilege to remain in charge of the department, members not only of the Conservative party but of the Liberal party as well, and my Progressive friends and the Independent members of this House will all be treated alike and that whatever discretion may be left to me will be exercised on the merits of the case. I do say, however, that if this House of Commons were to remove that discretion it would be rendering the greatest service possible to the Minister of Customs. If it were possible for the minister to direct the general policy of the department, without any power to exercise discretion in any instance, the charge in the Moses Aziz case, which will be launched against me in a few moments by my hon. friend from Hamilton (Mr. Bell), would not be before the House to-night. But I submit that if discretion is to be left to the minister, then the circumstances surrounding any case must be taken into consideration. If it is felt that he should not exercise any discretion at all, then let that discretion be removed. But when that discretion is removed, do not hold him responsible for his inability to settle cases nor convey to the people of Canada the impres-

sion that cabinet ministers in Ottawa are all-powerful and that they are clothed with the functions of a judge.

I do not want to detain the House a moment longer, but again I wish to dissociate my colleagues from the motion of censure contained in the amendment moved by my hon. friend from Vancouver Centre. As I tried to explain this afternoon that since the moment I became a member of the government I have renounced my private affairs and abandoned my family life. I have devoted sixteen hours every day, and an occasional Sunday, to the service of this country; and if as a reward I am to be voted out of office to-night, either alone or with my colleagues, I am willing to attribute the action of parliament to the payment of the debt of service that I owe the country I love most, our own country, Canada.

Mr. C. W. BELL (West Hamilton): I do not know when there has come to me as a member of, shall I say, the late Customs committee, a moment filled with quite so much gratification as that which I experienced this afternoon when my hon. friend from Vancouver Centre (Mr. Stevens) rose to his feet and was greeted as he was by this House. I could conceive of nothing more fitting, more reasonable and more just than that he who has shown such great courage, such great loyalty and such great devotion to the affairs of this country and to all whose responsibility he has undertaken to see through, should render to the House an account of his stewardship. I am glad to be able to add to the remarks that he has made, as well as to those of the hon. gentleman who has just taken his seat (Mr. Boivin), the expression of our appreciation of the loyal, kindly, splendid service that has been rendered in this inquiry by the chairman of the committee. I can only say of the chairman, not having had the privilege of his acquaintance until coming here this term, that I feel the experience gained in my association with him has been such as to command a lasting friendship which, for my part, I shall be very proud to hold.

And, Sir, there is one other of those who laboured in connection with the work of this committee who, I think in simple, common justice, should be mentioned to this House to-night; I refer to Mr. R. L. Calder, K.C., who acted as committee counsel. The Conservative members of this committee were severely criticized in certain quarters when they readily agreed to the selection of Mr. Calder as counsel for the committee, because it was felt that he who had been the political opponent of the present member for Mount Royal (Mr. White) in the last election would perhaps have such a coloured viewpoint in the inquiry to be conducted that there would be a large measure of partisanship in his work. It is justice and not generosity to Mr. Calder to say that the element of partisanship was, from beginning to end, totally lacking. Therefore I deem it all the more unfortunate that this afternoon the Minister of Customs should have said that there was an effort made extending over some four months to attack and blacken the Department of Customs. If such an effort was made, with that loyal counsel exercising his functions and performing his duties in the most impartial way, I should like to know from what source it came. Unhappily the evidence adduced before the committee leads to but one conclusion, that the department has been blackened by those in charge, and not by this party.

The minister spoke truly when he told the House this afternoon that I, to whom has been delegated the task of saying something to the House dealing with the minister's conduct in connection with the Aziz case, would engage in that task most reluctantly; he has never spoken a truer word. It is with the greatest reluctance that I begin my task now, and I will go further and say that it is with a feeling of deep regret that I lay before the House certain facts and circumstances, unhappily both many and important, which go to show that the minister, however ready he may be to assume responsibility for the delinquencies of his party, is not one whit behind the leading members of the cabinet, including the Prime Minister (Mr. Mackenzie King) himself.

As one might well believe, Mr. Speaker, I listened with the greatest of interest to the defence made by the minister this afternoon of his colleagues and of his own conduct in office, and I am bound to say that, with my familiarity with these facts of which he was speaking, if I had any doubt before of the delinquencies which had occurred, the minister's own defence resolved those doubts for me. That is why I feel that we on this side of the House approach and deal with the facts as they stand by themselves without any spirit of partisanship or prejudice. Unhappily these facts, considered even in the most favourable light, are such as to render it impossible for any self-respecting government and any self-respecting minister to remain longer in office.

The minister is surely master of his own method of procedure in this case, and he found it necessary to begin his argument by reading a letter which he had received from a man who was named as having been de-

linquent in his duty. This man was unanimously so named by the committee, because the evidence permitted of no other conclusion. If I am wrong in saying that the minister had the opportunity, if he so desired, of placing that man's position more favourably before the committee than it actually was placed, I know the minister will correct me. The minister approached the matter in such a way as to indicate some sympathy on his part for this man who, according to the unanimous decision of the committee, had utterly failed in his duty.

The minister has told us that during his term of office he at least had the advantage of enjoying the confidence of the Prime Minister of Canada. Let me say, Sir, that it is fair comment after listening to the evidence given before the committee that some do not apparently find it very difficult to enjoy that confidence.

The report brought in by the committee, as the House already knows, dealt with a number of ways in which the department has been degenerating for the past three or four years, and made a formal finding to the effect that the degeneration, through the lack of appreciation of responsibility on the part of the preceding minister, Mr. Bureau, had been greatly accelerated. Perhaps it is worthy of comment here that the majority of those who sat on that committee, although this degeneration had been continuing for some time and had recently been accelerated to a very large degree, refused to find that this degeneration had continued under the regime of the present minister. If there was any effort made before the committee to show that in the regime of the present minister anything was done to bring the department back to its former high estate, I would be glad to have that evidence pointed out to me. I think the facts point undoubtedly to the conclusion that so far from in any way rehabilitating the department, under the present minister it has sunk to a depth never touched before.

A considerable issue has been raised in this House as to whether or not the Minister of Customs, as he wishes to put it himself, stood alone in any delinquencies with which he has been connected. I want to say that the facts show irresistibly—as I propose to demonstrate to the House by reference to these facts—that long before the present minister took up the reins of office the degeneration of that department and of the whole cabinet had set in. When the Minister of Customs took office he simply fitted into a place already prepared for him by those whose one creed had been to protect and encourage smugglers as against the interests of honest people.

The first official reference in the evidence given before the committee came when Mr. Sparks, who has been already referred to for his earnest work in endeavouring to remedy these bad conditions, sought an opportunity of laying before the Prime Minister the facts connected with the smuggling operations which were being conducted to the great detriment and loss of honest Canadian merchants. Referring to the first positive statement that occurs in the evidence taken before the committee, may I point out that on June 23, 1924, Sparks, not acting alone but as representing a very large number of associations of merchants, manufacturers and importers who were being robbed and plundered by the conditions that existed through the smuggling that was then rampant in Canada, sought an opportunity of getting the assistance of the government in some effort that might be made to put down that smuggling. On June 23, 1924, Sparks wrote to the Prime Minister, on behalf of the Businessmen's Association asking for a meeting and pointing out that smuggling had reached such appalling proportions in the Dominion of Canada that in the Rock Island district alone the sum of over $10,000,000 was annually being lost in revenue to the Canadian people. On the 6th of August they got their meeting, and according to the evidence that was given before the committee there were present at that meeting, representing the government: the Right Hon. Mr. Mackenzie King, Hon. Jacques Bureau, Hon. Mr. Lapointe, Hon. Mr. Macdonald, Hon. Mr. Graham and Hon. J. H. King, Minister of Public Works. On the side of those who came to protest against these conditions that had grown so intolerable, were the representatives of thirteen associations of businessmen in this country, and a large number of men who did not represent any particular association but who had decided that their only course was to come before the government and beg for assistance in order that the conditions might be remedied and, if possible, that their livelihood might be saved. They saw those members of the cabinet, and on that very day they asked for a parliamentary committee to investigate those conditions and to endeavour to find a remedy. What did they get? They got nothing at all except the indifference of the government, because this government from that day on, as is shown by the record, never exerted itself on behalf of anybody but the thieves and smugglers who were pestering the businessmen of Canada. But these

businessmen persisted in their entreaties and in their efforts, and finally, on the 1st of October, Walter Duncan was loaned to them to investigate conditions particularly in the Rock Island district, and to assist them in putting down this smuggling.

It is said that Walter Duncan was told by the Prime Minister: Pursue the smugglers closely; do not allow them to continue their operations if you can help it; put them in gaol. Duncan went out, and he ran down some of the notorious silk smugglers, a number of people operating in and out of Montreal. Then what happened? As soon as he began, as a result of his investigations, to lay facts before this government which would justify, nay, which would demand, that prosecutions should take place, the friends of the smugglers came up to Ottawa, as they had been doing consistently from time to time, and saw the ministers of the crown, and they called off every prosecution that was suggested as a result of Duncan's investigation. But these manufacturers and businessmen had no other remedy. They had been defrauded and plundered; they had no other source than the government to which to turn for relief, so again on December 12, 1924, Sparks wrote to the Hon. Jacques Bureau, again stressing conditions at Rock Island. The hon. member for Vancouver Centre (Mr. Stevens) referred to that letter this afternoon, but I wish briefly to direct the attention of the House to it. At page 120 of the evidence appears the letter that was written by R. P. Sparks to the Hon. Jacques Bureau, dated December 12, 1924, in which Mr. Sparks, on behalf of all these associations of businessmen whom he represented, said this:

> Another matter to which reference was made was the situation at Rock Island, Quebec.

Sparks was at this time endeavouring to recall to the Prime Minister and the members of his cabinet the promises and expectations that had been held out to the merchants at the time they approached the government in the August previous. The letter continues:

> It is generally known in the trade that vigorous action was taken by your department, and that your officers found evidence of smuggling on a large scale. It is further well known that the smugglers who were detected came to Ottawa, interviewed members of the government, with the result that no prosecution was made. The information to this effect has come direct from Rock island. These people have always claimed to have influence at Ottawa, and, in the minds of those who are affected by this illegal traffic, the events of the past few weeks demonstrate the truth of their boasts.

Did that bring any favourable result? It did not. There was not even any response that was put on the record, no more than there was any response to the earlier correspondence. But these people still kept on trying to get some relief, and again through Mr. Sparks they wrote to the Prime Minister on the 4th of February, 1925, six months after they had first appealed to him, six months after they had begged him, without result, for a parliamentary committee, six months after they had laid before the government their distress and wretchedness and the fact that their businesses were being pounded into the ground by the illegal competition which they had to face, during all which time the conditions, Mr. Sparks pointed out, instead of in any sense improving had steadily grown worse. Mr. Sparks writes to the Prime Minister—I am referring now to page 122 of the evidence:

> It is respectfully submitted that the conditions herein set forth are sufficiently well known to the government and to its departmental officers and the requested forms of relief so necessary and reasonable as to justify the government to take immediate action by instituting the required departmental changes and submitting to parliament bills providing for necessary legislative enactment, or, if the government is not satisfied as to the necesity of action and the action which should be taken, it is respectfully submitted that a parliamentary committee should be appointed immediately to inquire into the necessity of departmental and legislative changes.

Once again they laid in vain their plea before the government of this country. Who were the people who made this latter plea? The business men who appealed to the Prime Minister of Canada six months before had had their ranks augmented by the most influential associations of merchants and manufacturers in this whole country, including, I notice by the last paragraph of Mr. Sparks' letter the Canadian Manufacturers' Association, the Canadian Wholesale Drygoods Association, and the boards of trade of Montreal and Toronto.

Mr. MACKENZIE KING: My hon. friend says that these persons whose names he mentions made their plea in vain. I would ask my hon. friend if their representations were not followed up by legislation introduced into this parliament and framed on the basis that they themselves laid down.

Mr. BELL (Hamilton): My answer to that—and I shall proceed to demonstrate it in a moment, I think, to the satisfaction of the House—is that it was followed by legislation such as the Prime Minister speaks of, but the system of corruption which prevailed in the department, and in the government and in the cabinet itself, was such that the legislation was valueless.

Some hon. MEMBERS: Order.

Mr. MACKENZIE KING: My hon. friend is using words rather freely. He talks about corruption in the cabinet. I will ask him when he makes statements of that kind to substantiate them by evidence.

Mr. PARENT: Put your seat at stake.

Mr. BELL (Hamilton): I will say this to the Prime Minister: In a few minutes, when I come to the circumstances which had to do with the activities of Bisaillon and the then Minister of Customs, the Hon. Jacques Bureau, it will be abundantly evident, to most members of this House at least, that there was corruption in the cabinet. But, Sir, the difficulties that were existing then, the difficulties that were crying out for remedy, were still unnoticed and still without action on the part of the Prime Minister; and following what had occurred before it was found that when smugglers were detected in their work, when the miserable, dishonest scheme had been disclosed in a number of quarters, another agency intervened to nullify and render useless any efforts that were being made by the honest men of the country to get justice.

The Prime Minister has himself put to me the query that leads to the introduction of the most sinister figure in the whole history of these affairs. That is the figure of the notorious Bisaillon, at that time chief preventive officer at the port of Montreal and, as it subsequently developed, a crook, blackmailer and swindler such as has never been heard of in the recent annals of this country.

Now, Mr. Speaker, on February 21, the Commercial Protective Association, again through Mr. Sparks, wrote to the Prime Minister, and in that letter, appearing at page 124 of the evidence, to which reference has already been made by my hon. friend the member for Vancouver Centre this afternoon, the very direct attention of the Prime Minister was drawn to the fact that Bisaillon being the centre of the keystone to the whole smuggling system, set at naught any efforts that could possibly be made to remedy the situation. Let me, with the indulgence of the House, repeat that paragraph in the letter of February 21, 1925, which begins:

> The acquittal by the Quebec courts of J. E. A. Bisaillon, the Chief Preventive Officer at Montreal, who was charged with conspiracy, creates a new situation in reference to the prevention of smuggling. I think you should be in possession of certain information which we have in reference to this matter, as he is the key to the whole smuggling situation.

Moreover, may we not reasonably say that there was but one course open to the Prime Minister? When it was thus directly put up to him that there in the employ of the government as chief preventive officer was the man who was making those smuggling operations so enormously profitable, so enormously successful, was it not the least he could do to institute then and there an inquiry into the activities of that man?

Mr. MACKENZIE KING: Did he not do that very thing? May I ask my hon. friend if the stand I took at that time was not this: That if Mr. Sparks, or any member of the Protective Association, would lay any charge of any kind against Bisaillon or anybody else—

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING—I would appoint a royal commission—

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: Wait a moment —I would appoint a royal commission to go into the whole question?

Mr. MANION: Appoint a royal commission!

Mr. BELL (Hamilton): Yes, Mr. Speaker, the Prime Minister is indeed right. He who had appointed Duncan to investigate as the official investigator of the government, who had sent Duncan down to that district to discover what the conditions really were and lay them bare to the cabinet and to this parliament, when he discovered that Duncan had learned the details of so many of the smuggling operations went to Sparks—as the Prime Minister has just stated to the House —and said: "You make definite charges and we will appoint a royal commission to investigate them."

Mr. MACKENZIE KING: My hon. friend is just a little wrong there. Duncan did not come into this matter until months after the part to which he is now referring. When Mr. Sparks drew my attention to these allegations against Bisaillon I had not had any conversation with Duncan. I had Duncan go into this work some time later, and as soon as he went into it the government acted on his report.

Mr. BELL (Hamilton): Does the Prime Minister wish so to mislead and deceive this House as to say that he did not know Duncan was operating at that time? Is the Prime Minister unaware of the fact that Duncan began his investigation on the first October, 1924.

Mr. MACKENZIE KING: I said and I repeat that Duncan did not come into this matter for the government—

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: Yes, for the government—until on toward the fall, and as soon as Duncan made his report and gave us any evidence we acted on it immediately. I knew that Duncan was retained by the Commercial Protective Association and I said to Mr. Sparks: "Let Mr. Duncan or anybody else make this charge and I will give you a royal commission."

Some hon. MEMBERS: Oh, oh.

Mr. BELL (Hamilton): Will the Prime Minister now rise and assure this House that Duncan did not come to him within a few weeks after his appointment on October 1st, 1924, to aid these people, and complain that under the law as it then stood he could not get any assistance?

Mr. MACKENZIE KING: Yes, Duncan came to me and said—

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: Duncan came to me and said that he had to make a report before he could make an arrest, and that that was impeding his endeavours in the matter of the investigation. I said to him: "You make your arrests and do not make any report. I will assume the responsibility for the action you take," and Duncan so stated in his evidence.

Mr. BELL (Hamilton): Yes, and the Prime Minister having said "Make your arrests and I will take the responsibility" put that responsibility so fully that instead of acting through his proper officers when Duncan made his report he said to Sparks, "You will get no action at all unless you lay specific charges."

Mr. MACKENZIE KING: No, I did not say anything of the kind. I made no statement that he would get no action at all. My hon. friend will not find that anywhere in any letters of mine.

Mr. BELL (Hamilton): Mr. Speaker, one thing that is perhaps very helpful to the Prime Minister is that from the time when these efforts were being made by the decent people of this country in August, 1923, no statements of that kind appear in his letters, because he was too prudent to write any letters. But, Sir, these details may be adduced from the correspondence which took place with the Prime Minister; they may be adduced from a letter which Sparks wrote to the Prime Minister on February 26th, 1925, in which he says:

I took the liberty of writing you on Saturday last suggesting an appointment at which I could lay before you certain information in reference to J. E. A. Bisaillon and other matters in connection with smuggling in which I thought you would be interested. However, if the statement of the Minister of Customs in the House of Commons on Tuesday last is to be accepted as an indication of the government's policy, I think perhaps, there is no use taking up your time in this regard.

A Canadian Press despatch reads as follows: "In speaking of smuggling Mr. Bureau said: I don't believe any human power can stop it", although his department had done a great deal to decrease smuggling at the border.

Might I take the opportunity of stating that, after four months investigation by a staff of trained criminal investigators, we are convinced that at least half of the smuggling now going on could be prevented within a month by an energetic policy on behalf of the department, and further that, with necessary amendments to the act, ninety per cent of the smuggling could ultimately be prevented.

Might I further express the opinion that smuggling is increasing at an alarming rate rather, than decreasing, as the minister states.

He goes on from that point to refer to the report the officers had turned in, and he says:

I might point out that last August a large representative deputation put the whole matter of smuggling before yourself and members of your cabinet. It has been kept constantly before the government since that time, and the statement made by the Minister of Customs in the House on Tuesday is the first public statement of any character as to the government's attitude.

Again there was no response, and finally these people, driven to desperation, took up what they never were obligated to take up, the challenge of the Prime Minister that they should lay charges against these criminals, which the government itself should have laid. On the 20th of March, 1925, Mr. Sparks again, on behalf of those whom he represented, wrote to the Right Hon. W. L. Mackenzie King as follows:

In reference to my conversation with you on Monday last my understanding was:

That if this association or any individual was prepared to make definite charges against the above customs officer, you would appoint a royal commission to investigate such charges.

And then he goes on and makes charges, although he was under no obligation to do it. He sets out here four different charges, the case of Rex vs. Lortie, in which it was stated by the presiding judge that Bisaillon had committed perjury; the case of the arrest of certain parties in connection with the seizure of the barge Tremblay, in which it was charged that Bisaillon had himself been responsible for the escape of two prisoners from custody, and in connection with the barge Tremblay case that Bisaillon had deposited at Farnham in his own private account $69,000 belonging to the government; and a fourth charge to the effect that he, Bisaillon, the chief preventive officer of the government in his own

district, maintained boundary properties between Canada and the United States where he not only connived at the efforts of those who desired to smuggle property into Canada, but was himself a smuggler to a very considerable extent.

Mr. DONAGHY: Is the hon. member not aware that it was conclusively proved in the evidence before the committee that not one cent of government money went into the private account of Bisaillon?

Mr. BELL (Hamilton): The only answer I think that might be given to that is this; that Bisaillon having sworn to four different accounts of what became of that money, no one of them was established.

Mr. DONAGHY: Does the hon. member not recollect evidence brought before the committee that the chief accountant of the Customs department of Ottawa was sent down to investigate and to find out whether any moneys belonging to the government had gone into Bisaillon's private account? Does he not recollect that the chief accountant certified that all the moneys collected by Bisaillon had gone into the government account at Farnham and not one cent into his private account?

Mr. BELL (Hamilton): I do not recollect that, but whether I recollect it or not, does the hon. member for North Vancouver not know that we are not dealing with what actually became of the money, whether Bisaillon took some money from the government or not, but the fact that Sparks was told, "You must get a royal commission to investigate charges. If you will go out of your way and make charges which you never were obligated to make, you will get that royal commission and the government will find out the truth." The point I am making is that Sparks took upon himself that unnecessary burden, that he did definitely make those charges, and that the royal commission promised by the Prime Minister has never been granted.

But Sparks and those associated with him, Mr. Speaker, still tried to be of good heart. Sparks wrote a letter on the 13th March, 1925, and I think I passed over that letter without intending to do so. In that letter he enclosed some reports which showed there had been some activity and some investigation; and, Sir, I say to this House that the more the matter was investigated and the more the rottenness and corruption that existed at Rock Island was disclosed, the greater became the obligation of the government to take action in respect to it, and, as my hon. friend says, the less they did. I am at a loss to understand, when Sparks and those associated with him had complied with every requirement laid upon them for action on the part of the government, why it was that all their efforts were disregarded and set at naught. I am at a loss to know why the Prime Minister felt that he must still take the statement of his then Minister of Customs, the Hon. Jacques Bureau, that it did not amount to anything, that there was a lot of fuss being made for nothing, and ignore it all.

As the Prime Minister himself has pointed out, all these matters went by with no response, no letters, nothing to put on record in any way, and Sparks and his associates were without any encouragement, without any hope or prospect of their being granted those investigations that were sorely needed. Twice they had asked for a parliamentary committee and did not get it. Once they asked for a royal commission. and it had been promised but was not given. At last, on the 16th April, 1925, the miracle happened. Sparks got a reply from the government to all these long protests and pleadings for help and assistance. The government actually gave him a reply, and that reply was the one set forth by my hon. friend from Vancouver Centre, this afternoon. The government rose to the occasion and met the importunities and troubles of these people by replying to Mr. Sparks in a letter of the 16th April, 1925, as follows:

DEAR SIR:

I am, by direction of the right hon. the Prime Minister, to acknowledge your letter on the 20th instant, with reference to Mr. J. A. E. Bisaillon; and to say that the same will receive due consideration.

"Hope deferred maketh the heart sick," nevertheless there was no other avenue open, and all Sparks could do was to keep on pressing for action. On April 5 he wrote to the Prime Minister again along the same line, and that time he did not even get a promise of due consideration. But that was not the situation in which all the people of Canada found themselves. Oh, no. It was all right for the Board of Trade of Montreal to apply and get no answer. It was all right for the Board of Trade of Toronto, the Canadian Manufacturers' Association and other reputable associations of prominent men to ask help from the government and never even get a response. But there were some who found the government's response ready at the time of trouble. On March 31, 1925, a letter was written by Mr. Baldwin to Hon. Jacques Bureau. The letter was signed M. W. Baldwin—well, the initials are in doubt. It has been suggested that this letter was written by one of the hon.

members opposite. If I suggest that the wrong initials have crept into the record and that he did not actually write the letter, perhaps he will be good enough to rise and inform the House of the fact, otherwise we may be reasonably justified in assuming that this was his letter:

OTTAWA, March 31, 1925.

The Hon. J. BUREAU,
Three Rivers, Que.

My DEAR SIR,—You may remember that I spoke to you in regard to removing the specials along the border in my county. It is now six months since they went there, and many of them representing people who are not smugglers and never were, are wondering why these specials are chasing every boy and girl, old and young, for a bunch of celery or a loaf of bread, and making it frightful for people, as we were elected for economy and efficiency. The electors who have not been touched are asking me who is paying the bills? We think that we are being very overburdened by taxation, and that the officers are trying to frighten the above-mentioned people.

If you remember, I spoke to you with regard to removing these specials, and really hope you will do it, and I want to tell you that the propaganda of two Montreal lawyers who formerly lived in my county, and Senator Pope, to upset the county and to bring it back into the Tory fold, and it would take very long to tell you the propaganda.

It is true that we carried the county by a large majority, but that they might possibly outdo us.

Does the House realize who those "specials" referred to in that letter were? They were the men put on the border line between Canada and the United States by the government to prevent smuggling into this country, the only safeguard that we had to prevent that nefarious traffic from being carried on. This suggestion that even they should be taken away in order to advance the future interests of the Liberal party in the election was being made by the hon. gentlemen opposite to the then minister of the crown. Perhaps it is a matter of congratulation to feel that there are some people at least who can get some response from this government, who can get not only some correspondence in reply, but actually action. At all events, instead of being embalmed as the correspondence, Sparks to King, seems to have been for so many months, we find the letter hurried over to Springfield, Massachusetts, where the Hon. Jacques Bureau was, and we find him writing to Bisaillon on the 7th April for advice as to the situation.

Will the House bear in mind the dates when Sparks had already placed in the possession of the government information to the effect that Bisaillon was himself a smuggler and a crook, and at this time the Minister of Customs—will the House pause to appreciate this?—refers to that man, himself a crook and smuggler, the question whether or not the special contables appointed and delegated to protect the boundary of this country shall be taken off, leaving the boundary bare in order to help the Liberal party in an election? The suggestions were not without their ready response. On the 16th April, 1925, the same day when the Prime Minister of Canada was assuring Sparks and boards of trade of the various cities that their representations would receive due consideration the preventive officer Bisaillon writes thus to the Hon. Jacques Bureau:

Montreal, April 16, 1925.

Hon. Mr. Jacques Bureau,
Minister of Customs and Excise,
Ottawa, Ont.

Dear Mr. Bureau,—I have the honour to accuse reception of your letter dated 7th instant, accompanied by that of Mr. Baldwin, relative to the officers who work the frontier at Rock Island.

Mr. Baldwin exaggerates; the officers have received instructions, at the beginning, to keep busy with important things only and not with bread, celery, etc. . . . .and I do not believe that the people of Rock Island have become so fearful as wishes to say Mr. Baldwin; only he is pushed by Jenkins and Wilkinson who are the greatest smugglers of Rock Island, but the latter are his friends.

I also believe that, in the interest of the party, it would be preferable to discontinue to watch the frontier, but one must also think of the revenues of the department, for you know that the organization on the Merchants' Association awaits the occasion of the return of my officers to place some of their own people. The famous Knox and Sparks are trying to discredit all the department does; it is also said, right and left, that they have no instructions to receive from you nor from Mr. Farrow. Mr. Bureau, this question is very delicate; but if you prefer that I recall those officers or else that I talk the matter over with Hon. Mr. Cardin, I shall do so with pleasure. A new advice on the matter will oblige me greatly.

Not only could they get response in regard to the correspondence, but unlike the decent merchants, importers and business men of this country, they got action. The Prime Minister a little while ago asked me what it was that indicated corruption on the part of any member of the cabinet. I say this, that following that correspondence, some of those specials, and one in particular, were removed from the border and not sent back until after the election. If the Prime Minister does not call that corruption I do not know by what term he would prefer to call it. There was a man named Paul Jensen and another man named Brosseau; but Jensen I refer to particularly because he was assigned to duty later on in April of the same year, and as shown at page 2849 of the evidence, the official report as to the movement of the officers at Rock Island indicated that Jensen had been doing duty at Rock Island and that he was called back to Montreal by former

inspector Bisaillon on August 31, 1925. What happened then? Mr. William F. Wilson, chief preventive officer at Ottawa, an honest official, asked when Jensen was going to go back to his duty, and the reply of Bisaillon was:

That Jensen was doing special work in Montreal and that he would be returned to duty at Rock Island after the 29th October, 1925.

Mr. MANION: What was the date?

Mr. BELL (Hamilton): It seems to me an election was on then. I suggest this, that when the only action that could be got was by people of such personalities as those who had such interests to serve, the charges that Sparks made with respect to the administration of justice in this country, and particularly the administration of the preventive service of the Department of Customs and Excise, were amply borne out. I suggest that long before the present Minister of Customs came into his position this pernicious practice of deferring to and looking after smugglers and crooks as against decent and honest business men of the country had become well established and was being practised by hon. gentlemen opposite.

10 p.m.

With no royal commission, no parliamentary committee, nothing that ever would have been appointed at any time, but by the efforts of the hon. member for Vancouver Centre (Mr. Stevens), the present Minister came upon the scene. There was, I believe, something in the nature of an interregnum during which the duties of Minister of Customs and Excise were looked after by an acting minister, the Hon. P. J. A. Cardin, who has been referred to before. But I think this is undoubted—and I am prepared to listen to any contradiction hon. gentlemen may feel disposed to make—that all the events which relate to the active part taken by the Minister of Customs (Mr. Boivin) in connection with the Moses Aziz case took place after that minister had assumed the active conduct of that case, regardless of whether or not he was handling other matters in the department.

Mr. WOODSWORTH: Before the hon. gentleman passes to the actions of the present minister, I should like to ask whether the committee made an effort to secure a statement from the late minister, and if not, why not.

Mr. BELL (Hamilton): I do not know whether Mr. Bureau was invited to appear before the committee or not. Personally I made no effort to have him appear, but I would suggest that the one best qualified to explain the failure of Mr. Bureau to appear before the committee would be the chairman of the committee and not myself.

Mr. MERCIER (St. Henri): Would my hon. friend allow me to answer that statement?

Mr. BELL (Hamilton): I wish you would.

Mr. MERCIER (St. Henri): The only procedure that could have been adopted would have been for one of the members of the committee to request me to make an interim report to the House asking that a message be sent to the Senate begging for leave to have Mr. Bureau appear before the committee. As one of the members of the committee the hon. gentleman must share the responsibility for any failure to take that course.

Mr. BELL (Hamilton): If the hon. gentleman suggests that any responsibility was made known by himself to me, I should be glad to know what it was. I think the answer he has just given the House probably explains the situation to the hon. member for Winnipeg North Centre (Mr. Woodsworth).

The Aziz case came into the files of the Customs department first with a reference to the events of May 14, 1925, when the seizure of liquor was made on the premises of one Moses Aziz of Caraquet, New Brunswick. This man Aziz was an Assyrian smuggler and bootlegger. He had been for some time notorious in that locality, having dealt with a particular vile and poisonous brand of moonshine whiskey, and he had been convicted and punished some time prior to the spring of 1925 for an infraction of the provincial liquor laws of New Brunswick. A record of that did not appear in the material that went to the Department of Customs at Ottawa, but the raid made upon Aziz on May 14, 1925, is recorded, and it is set forth in the documents. Perhaps the House will bear with me a moment while I point out what it amounted to, as it may be of importance presently.

The report sent in on May 14, 1925, was forwarded by the preventive officer down in New Brunswick, and it indicated that Moses Aziz had been in the smuggling and bootlegging business on a large scale, having been previously apprehended. I direct the attention of the House to the fact that this was one of the documents that came before the present Minister of Customs, or at any rate one which should have come before him. I

prefer to believe that it did come to him at the time he began the consideration of this case. I invite the attention of hon. members to the fact that on May 14, 1925, as the record shows, the Dominion officers raided Aziz and cleaned out his stock of liquor so that he had no more on the premises. Then two months later, on July 14, there was a further seizure of liquor on the premises of Aziz, which liquor was valued at something like $650. In consequence of this seizure the man was charged with a breach of the Dominion liquor laws. Then, Sir, very shortly after that there came to the front again the same old influence of which Sparks had complained in vain. Before the case of Aziz was tried, a letter was written to the Hon. Jacques Bureau on August 1, 1925, by the Hon. P. J. Veniot, leader of the Liberal party in the province and at that time Premier of New Brunswick. I shall not read the whole of the letter, but I desire to call attention particularly to two or three paragraphs:

Officer Perley Stewart of the preventive service made a seizure on July 14th, and in laying his charge he fixed a valuation of about $600 on the goods so seized.

The Minister of Customs this afternoon said that the question of valuation was vital, and upon that point I shall have something to say later on.

If, however, the goods are fairly highly valued they would exceed the amount of $200 and therefore fall under the provision of the amended act, and make it an offence of from one to seven years imprisonment.

I call the attention of the House particularly to this:

These goods were in the possession of Mr. Aziz before the act was amended, and Aziz claims that after the amendment was enacted he was placed in such a position that he could not very well conform himself to the law, as he did not know what to do with these liquors.

Will the House bear in mind that on May 14 Aziz had been raided and cleaned out; every bit of liquor he had in stock was seized. And when they raid him in July, when he has a fresh stock in supply, the Premier of New Brunswick writes to the Hon. Mr. Bureau and declares that Aziz had not known what to do with the liquor!

Kindly note that he is not charged with having imported these liquors but simply having had same in his possession, and he can establish that they were in his possession before the act was amended. . . . Mr. Aziz is a very well known man in the country and has a wide circle of friends, and he has been a strong worker for the common cause, and I honestly believe he has acted honestly throughout this affair, and that if he will be sufficiently punished if the matter is brought within that section of the act which makes this offence punishable by fine. This case is to be heard on August 6.

[Mr. C. W. Bell.]

Of course it was but the merest coincidence that there was to be an election in New Brunswick on August 10.

Trusting that this case will receive your immediate attention, and thanking you, I beg to remain.

Was the Hon. Mr. Veniot, intervening for this Assyrian smuggler and bootlegger, in the unhappy position of those whom Mr. Sparks represented? He was not. A telegram was sent from Ottawa on August 7 to the Hon. Mr. Veniot:

Hon. P. J. VENIOT,
Bathurst, New Brunswick.

Revalue being made. Attention has been given as stated in your message.

And then an odd thing happened. William F. Wilson, chief preventive officer, and an honest official if ever there was one, must have been out of touch with the real powers moving in this matter, because he was so ill advised as to wire on August 7, the same day, to proceed with the prosecution under a more stringent section. That was done, and as a result, on the eighteenth day of August, Aziz came before Magistrate Sutton and was convicted of unlawfully smuggling liquors into the country and keeping them in his possession, for which offence he was adjudged to forfeit the liquors and pay the sum of $150 by way of fine and to serve a term of three months in the common goal of Bathurst in the township of Gloucester. Did they then despair? Not while there were still politicians to make representations to Ottawa. There was a letter written on August 29, to which the minister referred this afternoon, by Mr. M. F. Gallagher, chief of the Remissions branch. I would ask the House to note the date and purport of this letter:

Representations have been made to the hon. the Minister of Justice by the Premier of New Brunswick on the case of Moses A. M. Aziz, convicted at Bathurst on August 18 of illegal possession of illicitly imported liquor.

The House will see that Moses was determined to have justice.

A fine of $150 was imposed, together with a jail sentence of three months, and the fine has been paid.

The Premier of New Brunswick suggests that the imprisonment be suspended as the offender is a married man, in business for himself, and the term of imprisonment will occasion him much hardship. Moreover, it is stated that Aziz was not aware that the mere possession of smuggled liquor was in itself an offence, and further that the possession dated long before the act was amended.

Then following August 29 there was a letter which appears to have been sent to the Hon. Jacques Bureau, but which a correction afterwards showed actually went to the present Minister of Customs. It is that letter and

the way the minister dealt with it that I would like to consider next. The minister appealed to the House this afternoon and said, "I am being charged because I did not take proceedings to have a warrant of commitment issued." I do not remember the exact words, but that was the effect of his remarks. Is it not abundantly clear that the cause of complaint never was that the minister had anything to do with issuing a warrant of commitment; the complaint is that he stopped its issue.

And when we consider the course of the minister in this respect I would like to pause for a moment in order to place before the House a short record of the man who fell into this error. If we could find that an error had been committed in all sincerity he should get the better construction placed upon it. According to the Canadian Parliamentary Guide, the Hon. George H. Boivin was a successful and brilliant student of law from a very early date in his career. He was president of the Liberal Law Students' Association of Laval; he was called to the bar in 1907; he was crown prosecutor for the district of Bedford in the same year and continued in that capacity for some years thereafter. He entered this House in 1911 and was subsequently returned as a member in 1917, 1921 and in 1925. He was Deputy Speaker of the House of Commons in 1918. The House will plainly see that it was no novice, no young man who could not be expected to realize his obligations, who came into the department early in September and took up this Aziz case. On September 21 Mr. Robichaud, the member for Gloucester, wrote the minister to the following effect:

> Will you please consult Hon. Mr. Lapointe about the proceedings instituted against Mr. A. M. Aziz, Caraquet, for violation of the Revenue Act. I attach the greatest importance to this affair, since in the actual circumstances I need the help of all my friends.
>
> The Hon. Mr. Lapointe will give you all the necessary information. Mr. Aziz is of the highest help for us during this campaign, and we cannot do without his services.

If there ever was a straighter bid to keep a man out of jail, and to help win an election with the assistance of a crook, a smuggler and a bootlegger, I have failed to come in contact with it. Then in answer to that letter we find another letter written on September 29, as follows:

> J. G. ROBICHAUD, Esq.,
> Shippigan, N.B.
>
> DEAR MR. ROBICHAUD,—I acknowledge receipt of your letter of the 21st instant, on the subject of proceedings instituted against Moses Aziz of Caraquet for violation of the law.
>
> Considering your strong recommendation instructions have been given not to execute the warrant of imprisonment until a new inquiry has been made.

And on that same date Mr. W. F. Wilson, chief preventive officer, wired to Mr. Stewart, customs officer at Chatham, New Brunswick, as follows:

> Am directed to request you to stay execution of warrant of commitment against Moses Aziz, pending further investigation. Arrange with magistrate accordingly.

I may say that that letter was stated by the minister on a subsequent occasion to have been dictated by himself. But apparently this did not suit Mr. Robichaud, and he wired back:

> Please refer my recent communications re Aziz. Most important that matter be settled according to my wishes. Preventive service has demanded commitment to be effective at once. Rush action and wire me.

There the matter rested until November 18, 1925, when the minister wrote Mr. Robichaud again:

> I have before me a memorandum concerning the case of Mr. Moses Aziz, who was condemned by the court to a fine of $150 and to three months imprisonment for having had liquor in his possession. . . .
>
> I have examined the case with care, and I can find no reason for which the imposed sentence should not be executed, but I will keep the matter in suspense until I get a reply from you, in the event of your having other representations to make to me.

According to the minister's own statement, he could find no reason—after the election—why the warrant should not be executed, but Robichaud knew of a reason, whatever that reason was, because he wrote right back on November 25:

> Referring to your favour of November 18 on the subject of penalties imposed on Mr. Moses Aziz for having had liquors in his possession, will you please do your best to suspend all proceedings until I see you when I return to Ottawa.

The proceedings continued in a state of suspension from that time until, in the course of the investigation conducted by the Stevens committee, the matter was brought up and became too notorious to await further action, and the man was at last imprisoned.

Now, Sir, what I have to say is this. It must be sufficiently evident to this House that after these various steps had been taken, after these recommendations were made and had proved so successful, there never would have been any imprisonment of Moses Aziz but for the fact that the whole wretched business was exposed before the Customs committee. Mr. Robichaud asked in his letter of November 25 that the matter be further suspended until he had an opportunity of seeing the minister.. November passed; December and January came and went; the

House assembled and Robichaud as a member, was here. January passed, then February and March, and on April 21, 1926, when the whole of these facts came out before the committee, Aziz was still at liberty walking the streets of Bathurst. As I have said before, had it not been for the investigation that was instituted Aziz would be walking the streets still.

Now in connection with this case, why did they not take the regular ordinary course that is properly taken, the only course that may be properly taken in respect to the administration of the courts of justice? Why, in the letter that Gallagher wrote he referred to the fact that the Minister of Justice could do nothing. He referred to the fact that until that man had surrendered himself to the officers of the law, nothing could be done by the Minister of Justice in the way of pardon or parole. He drew attention to the fact, which none knew better than the Minister of Customs himself, that there was no way to keep that man from at least going to gaol overnight except an improper and a corrupt way, and, Sir, that way was taken for the reason which is set out in two, three, four and five letters that were written to the minister—keep this man out of gaol, because we have an election coming on and we cannot afford to have him incarcerated. I suggest, Sir, that although the evidence of the fact is not before us, the conclusion is irresistible that that man was not willing to do what almost any other man in his circumstances would have been glad to do, that is, surrender himself and receive a pardon. He was so important, he was such a precious help, he was such a great worker for the common cause that he considered he should not have his dignity invaded by even being shut up overnight. He must indeed have had something which gave him a hold on this cabinet and on the members of this government that they did not dare take the usual course in regard to him.

Mr. CAHILL: That is all rot.

Mr. MEIGHEN: That is why he is condemning it.

Mr. ROBICHAUD: Does the hon. member wish to imply that Aziz had a hold on the present member for Gloucester?

Mr. BELL: (Hamilton): I would not be so unkind as to except the hon. member for Gloucester from the hold that Aziz has on the whole of that party.

I do not wish to be misunderstood, Mr. Speaker, in the position that I am taking in regard to the conduct of the minister in this respect. Everybody knows, even the hon. member for Gloucester (Mr. Robichaud) knows, that it is a matter of common occurrence for solicitors or for those who are not solicitors, who have friends or clients or people whom they desire to benefit and who are incarcerated as a result of some misdeed, and the case having passed through the proper channels of the court, to go to the Minister of Justice or to the provincial Attorney General and to the parole board and intercede for a man legally incarcerated. Nobody contends for one moment that there is anything wrong with that process; in common with almost every other lawyer I have done the same thing myself. But, Sir, it is new to my experience at least that a minister should be asked to interfere with the process of the courts which we have endeavoured to keep inviolate, and that he should do so for a corrupt and degrading reason.

The hon. Minister of Customs stated to the House to-day that he came into the matter suddenly. He has a most unfortunate faculty for dropping into things unexpectedly. That is the unfortunate position in which he found himself on the night when the hon. member for Vancouver Centre made his charges in this House, when the minister announced that he had no idea that they were coming up, and he was taken so unawares. The position in which the innocent minister found himself in the Aziz case he described to be this: He just walked into his office in the Customs department here one night, and his private secretary told him that there was a letter from Mr. Robichaud about the Aziz case, and in a casual way the minister just dashed off a little telegram and the thing was done. But let me again draw the attention of the House to this fact, that the minister had before him, if he had access to the file at all—and if he had not access to it I do not know who had or would have—the statement of the seizure made on May 14, 1925, when the entire stock of liquor of Aziz was taken away, so he knew that those statements made in the letter of the Hon. Mr. Veniot were false statements, whether they were false to that gentleman's knowledge or not. He knew perfectly well the grounds upon which Mr. Veniot sought for clemency and the intervention of his executive authority.

Mr. MEIGHEN: Is it not a fact that Aziz was convicted under a statute which was in vogue long before the act of last year, and not under last year's statute at all?

Mr. BELL (Hamilton): I believe that to be the case, because the section which was insisted upon for the prosecution in the wire to Wilson changed the original intention to have the prosecution altered

Mr. MEIGHEN: So it did not matter how long he had the goods.

Mr. BELL (Hamilton): No. The Minister of Customs had before him the report that Aziz had been for a great many years a notorious smuggler and bootlegger. He had before him the fact that this was not an application for a pardon, because Gallagher's letter particularly called attention to that circumstance. So I say that having all those records before him at that time, the minister was fully seized of facts which made his action at that time a scandal and an outrage upon the people of Canada.

But, Sir, I think he said this afternoon that he did not have full information at that time. I think he said that at that time he saw his private secretary, and in a casual way suggested to his private secretary that the action that was taken should be taken. Strange, is it not, that if the Robichaud letter was the only information the minister had before him at the time he directed the sending of his letter and telegram stopping the warrant of commitment—strange, is it not, that his own letter dealt with facts which were not contained or suggested at all in the letter which Robichaud had written? Because in the Robichaud letter the writer stated to the minister, "Mr. Lapointe will give you information about this case," and Mr. Lapointe, according to the sworn evidence of the Minister of Customs before the Customs investigating committee, was then out of town and he never saw him at all. So through some mysterious means, having seen that letter telling him simply: There is a man named Moses Aziz, and he is in trouble, but without saying why, and Mr. Lapointe being unable to tell him about it as he was out of town, the minister immediately sent off a letter and a telegram which stopped the issue of the warrant of commitment of which he has never heard.

But there is more than that. The minister came before the Customs committee, and he made his own statement to the committee of the circumstances surrounding that transaction. I think the fairest thing to do in dealing with this case is to look at the minister's own statement and see to what it deposes. The minister went before the committee and he told them, not once but twice, "At the time I signed that letter, at the time I directed that telegram to be sent, I did not think it was worth the paper it was written on." Then the minister comes into the House this afternoon—and this is why I asked him to give us the date on which he got that ex post facto opinion from the Department of Justice that he was entitled to do what he did—and produces an opinion which he gets in June, 1926, and which he wishes the House to accept as authority for his doing what he did in 1925. He told us before the Customs committee—let me give his exact words, because it is surely important that the House should know them:

> I did not think it was within the power of the minister to stay proceedings on a warrant of commitment.

He went on to say:

> I still state that I do not think that the telegram sent in my name or at my request to the officer of the court was worth the paper it was written on.

What I should like the House to consider is this: Did the minister when he wrote that letter to Robichaud, and when he had that telegram sent, expect that it would be effective in stopping the warrant of commitment, or did he not? If he did not expect it would stop the warrant of commitment, then what a despicable trick he was playing on his friend. What almost unspeakably wretched treatment to accord to his own friend in whom he trusted and who trusted in him! If, Sir, on the contrary, the minister, in spite of the statement to which he has sworn, did expect and did think that the statement would be acted upon, then what is his position when he comes before the committee and swears: "I had a letter written stopping a warrant of commitment. I had a telegram sent stopping a warrant of commitment. I believe I had no power to do it, I believe it is not worth the paper it is written on." Is it not clear and perfectly plain that if that was his belief and he expected it to be acted upon, he was perpetrating a gross fraud upon the courts of this country?

Then the minister comes to us this afternoon and says: There is something I believe somewhere in the laws of the province of New Brunswick that would prevent that commitment in any event being put into operation unless the private prosecutor asked for it. Since when, may one inquire, did the province of New Brunswick pass provincial laws that override the statutes of this Dominion? But, Sir, it is sometimes interesting to realize how people get the same idea about the same possibilities that may arise. I was much interested when the minister said this afternoon that he expected "that my friend the member for Vancouver Centre would say in the House that the liquor that was sold in the Tremblay case was potable liquor," and so he had got a letter that covered the case. Oddly enough my hon. friend the member for Kent, N.B., (Mr. Doucet) and I had an idea that the

minister would say something like that, and so with respect to this case in New Brunswick we have a letter for him. In answer to a letter written by the hon. member for Kent, N.B., Mr. J. L. Ryan, Clerk of the Peace at Bathurst, N.B., writes under date of June 9, 1926, as follows:

DEAR MR. DOUCET,—With reference to your letter of the 4th instant in connection with the Moses Aziz case I have looked up the court records at the magistrate's office and find that the conviction is attached to the order itself which is dated 18th day of August, 1925. There is also a minute of the same date stating the penalty was $150 and $38 costs and that sentence was imposed of three months imprisonment. . . . . This conviction has been examined by several lawyers on behalf of Aziz and if it contained any irregularities they must surely have found them, long before this time.

Mr. BOIVIN: Will the hon. gentleman allow me a question?

Mr. BELL (Hamilton): Yes.

Mr. BOIVIN: Was the warrant of commitment issued by the judge on the same date that the conviction which my hon. friend has just read was entered?

Mr. BELL (Hamilton): There never was any warrant of commitment, because my hon friend stopped it.

Mr. BOIVIN: There never was any warrant of commitment? There certainly was a warrant of commitment, because Moses Aziz is in gaol at the present time, and he could not be there without a warrant of commitment. I would like to know when that warrant was issued and upon whose request.

Mr. BELL (Hamilton): If there had never been a member for Vancouver Centre, Moses Aziz would never have gone to gaol.

Mr. BOIVIN: I explained this afternoon why that warrant of commitment had not been issued, and I think my hon. friend should accept my explanation. He is bound to accept it, and he has no right to insinuate, whether he sat on the committee or not, that the warrant would not have been issued if there had not been a member for Vancouver Centre sitting on the Customs committee. I ask him to take back that statement; I insist upon its withdrawal.

Mr. BELL (Hamilton): I do not consider that there is anything that I should be called upon to withdraw, and I decline to withdraw anything I have said in that respect. I am at a loss to understand how the hon. member can make any such suggestion for one moment. He knows perfectly well that the only explanation he sought to give before the committee was the explanation given or



April 26th when he said that he had not seen Mr. Robichaud excepting on the one occasion on January 26, in this building, when Robichaud came to him and discussed another matter in which he desired the assistance of the minister, and the minister stated he was so tender-hearted that he would not take up the Aziz matter with Robichaud because he did not want to refuse him two things on the one occasion. But, Sir, the minister has never told the committee, he has never told the House, he has not told the House right down to this moment, why it was that although he met Robichaud in January in this House and that matter was discussed, he allowed January to go by, he allowed February, March and April to go by, without any further explanation until at our meeting of April 26th he admitted that the man was still at large.

Mr. BOIVIN: Mr. Speaker, I rise to a point of order. The statement the hon. gentleman has just made, that I never told the committee and never told the House why Moses Aziz was still at large on that date, is, as my hon. friend knows, not according to facts. This afternoon I stated that the reason why Moses Aziz was still at large when that case came before the committee was because I wanted to submit all the documents, submit the entire record which had remained upon my desk, absolutely in the way in which they were on the day the committee was formed, that I did not want to take any action in the matter until it had been submitted to the committee. I must again ask and insist that the hon. member withdraw his statement that if it had not been for the hon. member for Vancouver Centre Moses Aziz would not be in gaol.

Some hon. MEMBERS: Oh, oh.

Mr. SPEAKER: Order.

Mr. BOIVIN: I made a statement this aftenoon giving information to the contrary, and I ask that my statement be accepted.

Mr. MEIGHEN: If in the discussion of the conduct of the Minister of Customs and Excise his statement or reason must be accepted why of course, this debate should close. The question in this debate is this: Is the minister's statement or reason to be accepted on the evidence or not? If his say-so ends it, why there should be no debate.

Mr. SPEAKER: I was just about to state that this is a very involved case, and the question is one of appreciation of the evidence which was given in the committee. I do not find that the hon. member for West Hamilton has transgressed the rule. He does

not accept the explanation given by the hon. Minister of Customs and Excise. I repeat that it is a question of appreciating the evidence, and I do not know that any point of order is involved.

Mr. BELL (Hamilton): Now that the Minister of Customs and Excise has introduced the question of what took place on his appearance before the Customs committee, I am going to turn up the evidence, Mr. Speaker, and I invite his further contradiction if he feels disposed to make it. I want, and I know he realizes the fact, to be fair to him in regard to the matter. Let me first call the attention of the House to the fact that the Aziz case came before the Customs committee on the 21st day of April, 1926, and it was not until five days had elapsed that the minister appeared before the committee, made his own statement and was subjected to cross-examination on it. His statement is very short and I would like to read it to the House. I wish to draw the attention of the House to it for another reason, namely, that in spite of the fact that the minister then told us that he did not believe his letter or his telegram were worth the paper they were written on, he gave us this afternoon a somewhat elaborate statement purporting to show why on that occasion he did believe he had the very power he now says he knows he did not possess. The minister on the 26th April, 1926, having had five full days for reflection and recollection as to what had taken place, came before the committee and made the following statement:

> As I happen to be before the committee, if Mr. Bennett will allow me, I might perhaps clear up the question of who signed these letters. At least I would be very glad to do so. If I may be allowed, Mr. Chairman, I saw in the evidence that was given when this Moses Aziz case was first before the committee that a reference was made to a statement of mine at the beginning of the inquiry, that I had been appointed on the 4th September, sworn in on the fifth and had taken over the complete administration of the department on the 31st October. If the committee will look two pages further down in the same evidence they will find that I took good care to say, before leaving the box, that I did not want to mislead the committee, that I had been in Ottawa on two or three occasions to attend council meetings, and when here, had gone to the office and attended to some routine matters. The 29th September, or 28th and 29th September was evidently one of those occasions. I remember very well having seen a telegram, or a letter of the 21st September which was on my desk when I arrived. I might say I was at the office only in the evening. My private secretary, Mr. Ide, was there with me assisting me to clean up correspondence, and when I saw the letter of September 21st, without taking the time to go through the file I was informed by Mr. Ide in a previous message sent by the—I cannot remember.

I will not take up the time of the House by reading further from that statement, but I am going to refer again to page 1407, on which it appears, and draw the attention of the House to the fact that this afternoon the minister gave us a long detailed account of how he had sent for Mr. Farrow, the deputy minister, and had asked Mr. Farrow, whether he, the minister, had the right to intervene to stop the issue of the warrant of commitment or not, and of how Mr. Farrow had assured him that it would be all right to go ahead. I draw the attention of the House to this fact; that if that were so it had completely passed from the mind of the minister when he made that detailed explanation on April 26 of what had occurred, because there is not the slightest reference to Mr. Farrow or anybody else being present. It passes my understanding, even if the minister could have conferred with Mr. Farrow on that point, why he, the crown prosecutor for years, the star legal man in his own division, should have consulted Mr. Farrow, who was not a lawyer, to know whether or not he, the keen legal mind, had a right to intervene.

Hon. members will note that here and there throughout the evidence taken before the Customs committee the same sort of thing kept cropping up. I do not refer to the appeals for clemency, but to this sort of political interference which prevented the laws of the country being enforced. I refer to the case of Byron Brown in October, 1923, when Hon. Jacques Bureau was still Minister of Customs. Brown was convicted of transporting liquor illegally, fined, and given a month in jail. Was the fine ever collected? It was not. Was the time ever served? It was not. Hon. J. E. Sinclair and Hon. B. C. Prowse came to Ottawa, and they were the men responsible for the fine not being collected and the imprisonment not being carried out to this day.

There was also the case of Gelfard Harnish, against whom a seizure was levied on 11th June, 1925. The report shows that Harnish was one of the biggest smugglers in Nova Scotia, and when apprehended he offered to plead guilty. But with this tenderhearted government in office they would not let him plead guilty, they hung the matter up to the 4th of December, and then this minister sent word that proceedings were to be withheld. Did he just walk in, look at this file, and go out again without making inquiry? The Minister of Customs stated that proceedings in that case were to be withheld; they were withheld and have been withheld until this day. It was suggested in the course of the com-

mittee investigation—and I think it has been suggested outside this House—that there were others who had applied for ministerial clemency in the case of persons convicted, and if there were other cases such as this—and I have not heard of them—would the House for one moment tolerate the plea of a man or three men who came before us and said, "Yes we were guilty, but you have got to declare us innocent because there are half a dozen others who are just as guilty as we are." That is the only argument advanced in extenuation of the conduct of the minister and his associates.

With this situation before us, what is this parliament going to do? When there is a settled course of conduct persisted in month after month, year after year, and when conditions are getting worse instead of better, are we going to say that we are so lost to all idea of decent obligation that we will pass it over because the minister is a good fellow and we would like to see him keep office, whether he has done these things or not? Is that to be the argument by which the decision of parliament is to be governed? Let me point out to this House that every member who votes against the present amendment subscribes to this creed: "I believe in the protection of smugglers and crooks against all honest merchants. I believe that high office may be prostituted to low purposes, to serve political ends. I believe that we may violate every obligation and every tradition of the courts in order to advance ourselves and win elections." If that is going to be the decision of parliament to-night or to-morrow, let us know it, for just as much as the minister himself, just as much as the Prime Minister who ignored the honest man and responded to the appeals of the crook, this house of parliament is itself on trial in this matter. The whole country will watch to see whether this matter is disposed of as it should be, and some of the keenest of the watchers will be the crooks down at Rock Island, namely, Gilmore, Telford, Pike, Jenkins, Wilkinson and all the rest of the miserable gang. They want to know what the House is going to do. Bisaillon wants to know, and every man who hopes to carry on in future that course of crookedness that has disgraced this country will want to know whether or not he is to be free to pursue it in future.

I often think, Sir, as I come up to this House, either by those winding paths that skirt its grounds on both sides, or by the broad avenue that leads to the front door, that this House stands here as symbolical of all that is best and most dignified in our national life.

[Mr. C. W. Bell.]

I think too that here, where we have set up the high court of parliament, above all places must right, honesty and justice sit enthroned, and with that thought there comes this in addition, that better far we had seen this splendid building levelled to the ground till not one stone remained upon another than to endure the infamy of subscribing to those things of which we have read and heard. The results of this vote will extend far beyond our own time into the time of generations yet to come. When the vote is recorded on this amendment every man within this chamber will be confronted by his own personal and individual responsibility, for, say what any hon. member may like about the matter, it is not a question of fiscal policy; it is not a question of political expediency; it is the old, old question of right against wrong, the question of straightforwardness as opposed to disgraceful intrigue, the question of national honour as against national dishonour. That is the question upon which each one of us must take his stand.

There is no alternative. I say to this House that in the fulness of time when this building in the natural course shall have crumbled away and everyone here is dust again with the ages, there will be indelibly engraven on the records of this country the stand taken by every man, whether he stood in favour of condonation of those things that have thrown down and defiled our altars of justice in this land, or whether he remained steadfast for those traditions and those high ideals which alone can make Canada great.

Mr. DUGALD DONAGHY (Vancouver North): Mr. Speaker, I have listened with interest to the address delivered by the hon. member for West Hamilton (Mr. Bell). He is one of the few members of this House whom I have known for many years. I have a great respect for his skill and ability as a pleader, and I think that from the standpoint of hon. gentlemen on the other side he has put forward as strong a special plea as any lawyer in the House could. I am not going to follow his example; I propose to take a somewhat different course. I intend to discuss intelligently if I can what was brought before the Customs committee, the evidence which we considered, the report which we made and the grounds upon which we made it. I do this because I think what the country is interested in is not so much personal recriminations or an attempt, in the slang phraseologly, to "get" a political opponent, but in knowing what this House and this parliament are going to do to remedy conditions that have existed for some years

with regard to the smuggling of goods into the Dominion of Canada.

The Department of Customs and Excise has grown to be a somewhat important department in the last few years. Originally the minister had under his control merely the administration of customs. Later on the Department of Excise was amalgamated with the Department of Customs and he was charged with that responsibility as well. In 1920 further work was thrown upon the minister of this department when he was charged with the collection of the sales tax, and in 1924 the collection of income taxes for the Dominion of Canada was placed under the Department of Customs and Excise.

From the evidence brought before the committee it was quite apparent that there were many difficulties in the way of preventing smuggling. There is the long boundary line thousands of miles in extent between Canada and the United States. This boundary line is crossed in numerous places by roadways, arteries of various kinds, some of them in obscure districts. There are also the bridges, ferries, rivers and lakes. The difficulty was great originally, but it has been increased within the last two years to a remarkable extent by reason of the adoption of the 18th amendment to the constitution of the United States and the legislation following that for the purpose of enforcing prohibition in that country.

The enactment of the prohibitory law in the United States resulted in the building up of large liquor smuggling organizations. Such organizations are to be found in the Old Country and in other countries of Europe, all bent upon smuggling liquor into the United States and reaping the huge profits of that operation. Those organizations were also formed in Canada, and they carry on operations on a huge scale. The committee had every reason not to doubt that United States customs officials were susceptible to corrupt influences on the part of those liquor smugglers. The Canadian customs officials saw what was going on when liquor was being smuggled from Canada into the United States. The fact of their seeing their brother officers of the United States, under undue influence and possibly corruption, admitting liquor into that country and perhaps getting rich by giving way to the bribes of the smugglers would naturally have a bad moral effect upon our own officials. I have no doubt that that large trade in smuggling liquor from Canada into the United States has had a reflex action; it has a tendency at the present time and has had for some two or three years to increase smuggling from the United States into Canada of those articles of commerce and manufacture which we purchase in that country for use in Canada.

The advent of automobile transportation in recent years has also greatly added to the difficulty of the customs enforcement officers. At those various roadways which cross the boundary fast travelling automobiles loaded with merchandise quite often easily evade the watchful eye of customs officers. So that after all the work of the enforcement officers in the Customs department is not a bed of roses by any means. From the evidence brought before the committee we were rather inclined to the opinion that the three worst points at which smuggling was carried on were Rock Island, Quebec, the Niagara bridge, Ontario, and Windsor, Ontario. We made no investigation whatever into smuggling operations in the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, and we inquired very little into the state of affairs in Ontario. Our investigations were directed largely against the province of Quebec.

I have mentioned Rock Island in Quebec because the conditions there are interesting. Rock Island is a small village, straddling the international boundary line, half in Canada and half in the United States. It is a small, rather unimportant looking country place and the people of the village wander indiscriminately back and fro across the border line without knowing that they are doing so. The housewife in Canada walks across the street into the United States, buys a pound of butter and brings it back into Canada, thinking nothing of it. Many years ago some gentlemen, having an eye to the profit to be made by smuggling merchandise from the United States into Canada, went to this obscure village and built there factories for the manufacture of clothing such as shirts and overalls, and others for the manufacture of bolts, nuts and things of that sort. Some of these factories are built straddling the boundary line so that half the building is in one country and half in the other. A bale of goods on the south side of the building would be in the United States, and the owner would need to roll it only twenty feet across the floor and it would be in Canada. That condition has existed for years. Stores in that small village are built in the same way upon the boundary line. You could enter a store on the south side of the building and purchase goods in the United States, and stepping across the floor to the other counter you could buy goods in Canada. The people of that village were not averse to smuggling; at any rate, they were not opposed to it. The customs collector had been there for

about fifteen years and we brought him before the committee to get his views on the subject and to ascertain what he had been doing there all that time. We found that he had borrowed a few thousands of dollars from one of the factory proprietors engaged in smuggling, and we wondered how he could watch the owners of factories and prevent them from smuggling under such conditions. We found one of our customs officers there doing a large insurance business with these same factory proprietors who were engaged in the smuggling traffic. In other words, there was a sort of family compact in this little village and there was no attempt, so far as we could see, rigorously to enforce the law. I may observe, by the way, that in our report we have recommended that the customs collector who has been asleep there for fifteen years be discharged. That is one of the recommendations which the House will be asked to consider.

In 1914 the conditions were as I have described, and three officers were sent by the government of that day to clean things up. They made many seizures, in those factories of goods which they thought had been smuggled. Several of these seizures resulted in forfeiture of the goods themselves and the imposition of penalties. That had the effect of putting the place in semi-order for a short period. Then there was a lapse of ten years during which nothing was done. From 1914 to 1924 there was no preventive service patrol along the border in Rock Island. Things were allowed to remain stagnant. The only time anything was done was on such occasions as complaint was made. If someone was smuggling in Rock Island and a complaint was submitted, a man was sent from Montreal to look into the matter. But that was not effective. In 1924, one J. E. Bisaillon, concerning whom I shall have something to say later on, sent eight or ten of his preventive force down to Rock Island to stop the smuggling, but like many other efforts of that gentleman this did not prove highly successful, and later on this force was withdrawn. However, as a result of the expedition which he sent to that place, several consignments of smuggled goods were seized and forfeited and some heavy penalties imposed. He has that at least to his credit. When the committee began its sittings, or rather after we had got well under way, we sent for some of these manufacturers.

Mr. MEIGHEN: Was it not 1924 that Bisaillon sent his force down there?

Mr. DONAGHY: I said that in 1914 the government of that day sent three men to Rock Island to make a clean-up—

[Mr. Donaghy.]

Mr. MEIGHEN: I thought the hon. member said Bisaillon did.

Mr. DONAGHY: —and the government left things stagnant from 1914 until 1924, when Bisaillon went there with his small contingent. As I say, we were rather interested to see the gentlemen who were carrying on this very lucrative trade of smuggling cottons from the United States for manufacture in these factories that straddled the boundary. As you may suppose, some of them were not anxious to appear. Some bucked rather strenuously when we put the halter on them and tried to lead them, and others refused to obey summonses. We asked them to produce their books, and by this time they had become somewhat alarmed, so that some of them mutilated their books or hid or destroyed them. This rendered very difficult the work of our auditors in checking up the quantity of goods these men had smuggled. There was one firm in particular whose members came forward to the committee with the allegation that the books had disappeared. They swore they did not know what had happened to them; they had no idea. Apparently the books had taken it into their heads one night to walk out. We had able counsel assisting us, but Mr. Calder, K.C., found these gentlemen rather hard nuts to crack. They fought him off for two days, but in the afternoon of the second day, much to the surprise of the whole committee, one of them broke down and made a complete confession. He admitted that he had destroyed the books and he promised to give every assistance he could to the auditors and to our counsel in making a full disclosure of the sins of which he had been guilty. I do not know whether the auditors have succeeded in extracting very much information from him since then, but I am inclined to think that fear of contradicting the evidence he gave on oath before the committee will be a rather strong inducement to him to tell the truth in future.

Another manufacturer who appeared before us refused point blank to give authority to our officers to look into a warehouse he had on the American side of the line a few yards over the border. We wanted to look into that warehouse, because we suspected that he had it filled with merchandise and that in the night time he slipped the goods across the boundary. He placed himself in contempt of the committee and his case seemed hopeless. However, he was arrested about two o'clock

in the morning, taken out of his room in the hotel here and placed in gaol on a charge of smuggling. He appeared before the committee in custody the next day, a somewhat repentant sinner I may say, looking very much the worse for wear after his night's incarceration in gaol. This had a very good effect upon him; he gave in and agreed to take the officers down, open his warehouse on the United States line and show what was there. The officers went with him and saw the warehouse, which they discovered to consist of two compartments, one of which was filled with prison-made shirts with the labels torn off, together with cotton goods of various kinds. These were stored within a few feet of the boundary line ready to be smuggled into Canada in the dark or at any favourable opportunity.

These conditions were all revealed to the committee, and after considering them carefully the committee recommended that the law as set forth in the Customs Act be enforced. That law provides that where smuggled goods are found in any building within one hundred yards of the boundary, the authorities may demolish that building. We recommend that that be done in order to get rid of these buildings which straddle the line. We also recommend that an effective patrol be put in force there, where some six or seven country roads all lead to the United States, making it impossible for one customs house to guard them all. This is going to cost some money, but it will protect the revenue of the country if an effective preventive patrol is inaugurated there.

The committee spent a great deal of time, some weeks in fact, investigating the very large question of cars stolen in the United States, smuggled into Canada and sold here by the thieves. Apparently there was a considerable trade in that line carried on in the city of Montreal. If hon. members will read our report they will find a recommendation suggested there to cover that situation.

Mr. Speaker, I observe that it is after eleven o'clock, and if it is the pleasure of the House I would be glad to move the adjournment of the debate.

Motion agreed to and debate adjourned.

On motion of Mr. Lapointe the House adjourned at 11.15 p.m.

14011—309½

## Wednesday, June 23, 1926

The House met at two o'clock.

### DETROIT AND WINDSOR SUBWAY COMPANY

Mr. FRANK S. CAHILL (Pontiac) moved:

That in accordance with the recommendation contained in the fifth report of the select standing committee on Railways, Canals and Telegraphs Lines, the sum of seven hundred dollars be collected from the promoters by the Clerk of the House as the fee chargeable on the capital stock of the Detroit and Windsor Subway Company, as fixed by section 7 of Bill No. 174, incorporating the said company.

Motion agreed to.

### CUSTOMS INQUIRY

REPORT OF SPECIAL COMMITTEE—MOTION FOR CONCURRENCE AND AMENDMENTS THERETO

The House resumed from Tuesday, June 22, consideration of the motion of Mr. Mercier (St. Henri) for concurrence in the report of the special committee appointed to investigate the Department of Customs and Excise, and the proposed amendment thereto of Hon. Mr. Stevens.

Mr. DUGALD DONAGHY (North Vancouver): A great deal of time was consumed by the committee and by the auditors engaged by the committee in checking up the books and records of some of the Canadian distilleries. Two questions of considerable importance were brought to our attention in that connection. The first question was as to the liability of these distilleries for sales tax on liquor exported to the United States, and the second question was as to the liability of these distilleries for excise duty on exports presumably made under somewhat peculiar circumstances to foreign lands, such as Cuba and Mexico.

With regard to the payment of sales tax on the shipment of liquor from Canada to the United States, as a general rule the distilleries have not paid this tax. It is quite true that the law and regulations as they now stand covering exports of liquor or manufactured articles of any kind, from Canada to foreign countries do not call for the payment of sales tax. We may always entertain a doubt as to these liquors actually reaching the United States; they are shipped and smuggled into that country by such secret methods that the exporters are probably unable to produce proof to the government that this liquor ever reached the United States. In the absence of proof of the liquor having reached the foreign country it may well be and probably is the law that they will be liable for this sales tax.

In regard to their liability for excise duty on shipments fictitiously billed to Cuba and Mexico it is a matter of common knowledge that boat loads of whiskey will clear from Vancouver, British Columbia, for Ensenada, Mexico. The cargo of liquor is released from bond with no excise duty being paid, and it is placed on board this ship. As security for payment of this excise duty the exporter gives a bond to the government that he will prove that this liquor reached Ensenada, Mexico. If he is unable to prove that, the bond calls for a penalty of double the amount of the excise duty. If, however, he then proves that the liquor has reached Ensenada, Mexico, the bond is cancelled and under our law there is no excise duty paid, our law providing that in the case of liquor manufactured in Canada and shipped to a foreign port the payment of excise is not required on proof of landing being furnished. Now, the question arises as to whether or not these exporters have furnished sufficient proof of the landing of this liquor in Ensenada, Mexico. In many cases they have brought back and left with the collector of customs at Vancouver certificates signed by the Mexican government official at Ensenada to the effect that this liquor was landed there. There is not much doubt in my mind that these certificates are false. I am quite satisfied that practically all of this liquor was unloaded off "rum row" opposite San Francisco, and found its way into the United States; I think a checking up of the records in Ensenada will prove that fact. The same circumstances are to be found on the Atlantic coast where shipments of liquor were cleared, presumably and on the face of the documents, for Nassau and Havana but never reached those ports. The excise duty will not be payable on these shipments if it can be proved the liquor reached the ports in question. The question is whether satisfactory proof has been furnished to that effect, and as to what the real facts are. The committee realized that this question is extremely important because it runs into hundreds and hundreds of thousands of dollars of revenue. After giving the matter as careful consideration as we are able in the time allotted to us, we brought in a recommendation. It is to be found in paragraph 10 of our report, the first part of which reads as follows:

> The committee finds that it is the common practice of the department to grant clearances to vessels wholly or partly laden with liquor for the United States, or allegedly bound for a foreign port, but admittedly sailing to "rum rows," and that false landing certificates have been produced to obtain cancellation of bonds given for foreign export of cargoes so cleared.
>
> The committee further find that a strong presumption is raised that some proportion of the liquor so shipped and cleared finds its way back into Canada for consumption. The committee, therefore, recommend that excise and sales tax be levied on all Canadian made intoxicating liquors released from bond, no matter where they are carried and consumed, and that duty and sales tax be levied on all alcoholic liquors entering Canada, whether in bond or otherwise, irrespective of their ultimate destination.

Allied with the question which I have just been discussing is the treaty made between the United States and this country for the prevention of smuggling. A treaty for that purpose was also negotiated between Great Britain and the United States. The treaties are not alike; the principles are quite different. But Canada is bound by the British treaty, its vessels being British ships. Shortly put, the British treaty provides that the American government shall have authority to board any British vessel suspected of an attempt to smuggle liquor into the United States, and to examine that vessel provided the ship is within one hour's sailing distance of the American coast. Further, if, on examination of the ship, evidence is found of an attempt to smuggle liquor into the United States, the treaty provides that the American authorities may seize the vessel and bring it into an American port to be dealt with according to American law. Now, Canadian ships being under the British flag are British ships; they are all bound by that British treaty. However, a separate treaty for the prevention of smuggling was negotiated between the Dominion of Canada and the United States in June, 1924. That treaty provides for two things. It does not go as far as is popularly believed to be the case. The first thing it provides is that each government shall notify the other government of all clearances and transportation of goods starting from one country into the other where such goods are dutiable. In the second place it provides that clearances shall not be given to boats containing a cargo of liquor clearing for a distant or foreign country where it is evident from the size of the boat that it would not be able to make the voyage or weather the seas. The latter provision would prohibit our government from granting a clearance to a gasoline launch, loaded with whiskey, sailing from Windsor, Ontario, to Mexico. Obviously such a launch could not reach its destination. But let me point this out to you: The treaty does not deal with nor prohibit the granting of a clearance to a gasoline launch loaded with whiskey clearing from Windsor, Ontario, for Detroit, Michigan. I know the popular conception is to the contrary. That fact, when it was ascertained from an examination of the treaty, caused

some surprise to a few members on the committee. Nevertheless it is the case, and those exporters of liquor who are smuggling it to-day into the United States are acting within the law and the statutes of this country when they get a clearance for a gasoline boat, loaded with whiskey, to sail from Windsor, Ontario, to Detroit, Michigan. The only thing the treaty provides in regard to that is, that our government shall notify an official of the American government that the boat has sailed. The United States having that warning are then given the opportunity, by policing the lakes and rivers, of intercepting and capturing the craft. Now in the judgment of the committee that state of the law is not satisfactory, and we have brought in a recommendation dealing with it. That recommendation, which is part of paragraph 10, reads as follows:

> The committee further recommends that, as soon as possible, regulations be made to prohibit clearances being granted to vessels carrying liquor as cargo, sailing from a Canadian port to a United States port, such regulations to make an exception in favour of liquor being imported into the United States in accordance with the laws of that country.

The last clause deserves some explanation. We are told that under the American law provision is made for importing into the United States liquor to be used for medicinal and sacramental purposes, under a permit issued by the government of that country. That is why the saving clause is at the end of the recommendation.

In our investigation of Canadian distilleries the most of our time was directed to a small distillery in Montreal named the Dominion Distilleries. Very little of our time was directed against the large distilleries of Canada; in fact in the majority of the largest combination of distilleries in this country known as the Consolidated Distilleries our examination amounted to nothing. The Dominion Distilleries was incorporated two or three years ago and opened a distillery in Montreal. The brains of the concern appeared to be Mr. James Cooper, Walkerville, Ontario. Mr. Cooper for fifteen years had been the selling agent of Walker's whiskey manufactured by Hiram Walker & Sons, Limited. When the prohibition laws came into force in the United States, and when it became an offence in the United States for any one to import liquor into that country, Mr. Hiram Walker, who lives in Michigan, had some fears that he might be prosecuted in that country for conspiracy to violate its laws if he were a party to his distillery in Walkerville, Ontario, smuggling whiskey from Canada into the United States. We find the Dominion Distilleries was incorporated and that all the whiskey manufactured by Hiram Walker & Sons, Limited, and destined to be smuggled into the United States, was sold by Hiram Walker's distillery to the Dominion Distilleries of Montreal. There is some doubt as to whether those sales were bona fide or merely paper sales. The suspicion is that they were paper sales for the reason that the Dominion Distilleries' profit was fixed at a commission of $1 a case. That would indicate that the Dominion Distilleries was the selling agent. However the sales were put through on paper as genuine sales to all appearance. Hon. members have heard of the mysterious method by which liquor was shipped from Walkerville, Ontario, to the Dominon Distilleries at Montreal, Quebec, in carloads, and how these cars without unloading were returned over the same track, back along the same line through Walkerville to Ford and Windsor, Ontario. The public was curious as to the cause of this unexplainable expense in railway freight. The matter was very simple when it was explained to us before the committee by Mr. Cooper. He told us that Walker's distillery decided that it would not be a party to the smuggling of its liquor from the distillery into the United States. Accordingly the Dominion Distilleries was formed for the purpose of doing that work, and it did that work, and would appear to be a selling agency of Hiram Walker. Although that may strike the public as being somewhat mysterious, permit me to say that it was not against the law of this country, and further that on these sales from Hiram Walker and Sons of their liquor shipped to Montreal the sales tax was paid in every instance. As to whether the law fully provides for what the people of Canada think the law should provide is another question, but I want that fact distinctly emphasized, that in this transaction which I have just outlined the law gave full authority for these transactions.

Allied with this subject comes up the question of denatured alcohol. The hon. member for Vancouver Centre (Mr. Stevens) referred to this subject. I intend to make a few remarks to explain and make fully clear just what the law is in regard to this matter. First let me say that alcohol in bond in a distillery when mixed with drugs and chemicals under the supervision of a customs officer, such drugs being of a kind, quantity and proportion prescribed by our law, pays no excise duty. It is called denatured alcohol. There are two principal kinds of denatured alcohol; one kind is mixed with poison and drugs of such characteristics that the mixture cannot subsequently be separated into

its original ingredients. The alcohol cannot subsequently be extracted from the mixture so as to be safely consumed by human beings. There is a second kind of denatured alcohol called specially denatured alcohol. It is generally used for medicinal purposes, largely used for rubbing in case of sickness. It has this striking peculiarity, so far as its chemical composition is concerned, that chemists can separate the ingredients of this mixture into their original elements, placing the pure alcohol in one vessel and the drugs in another. The alcohol thus redeemed is like first hand distilled liquor, and may be used for human consumption.

Dominion Distilleries manufactures a great deal of this specially denatured alcohol. We examined very carefully witnesses, government officials and records, to ascertain whether or not Dominion Distilleries complied with the law and regulations in that respect. It was abundantly proved by the customs officers who superintended the denaturing of this alcohol that it was done in accordance with the regulations. That being the case, this alcohol no longer remained subject to payment of excise duty. Most of this alcohol was then exported by Dominion Distilleries to the United States. It was as lawful to export denatured alcohol as it was to export whiskey to the United States. It was not contrary to the laws of Canada as they stand to-day to export either or both to the United States. I mention these things because, as I said in the beginning, a great deal of time was consumed by the committee in investigating Dominion Distilleries. We have not given them a clean sheet; we have recommended in our report that a suit be brought against them for the purpose of ascertaining what sums, if any, are owing by that concern and if any are found owing, for the recovery thereof. What that may be, the result of the litigation will prove.

Let me further say at this point in regard to the dispute between Canadian distilleries generally and the government of Canada concerning the liability of distilleries for sales tax on liquor exported to the United States, that the government has instituted actions at law in Toronto against two or three of those distilleries for the purpose of making a test case as to the law and the liability of those distilleries to pay sales tax on liquor so exported. Those lawsuits have been instituted and the cases will come up for trial in due course, so that that subject is being safely taken care of.

In my remarks last night I had occasion to mention the name of Mr. J. E. Bisaillon and



I said that I should have something further to say regarding him later on. We spent days and weeks investigating this man, investigating transactions with which we suspected he was connected. He was on the witness stand dozens of times. He was subjected to the most severe and gruelling cross-examination that I have ever heard giver a witness in any court of law. He was cross-examined by an able counsel who had previous knowledge of many matters that came before the committee and who was well armed to perform his task. I think we were all satisfied Mr. Bisaillon was probably one of the cleverest witnesses at side-stepping and evasion that we had ever heard. There is a large volume of evidence given by him. Whether or not the attempt to catch him in the web has been successful would be improper for me to say at this stage, for this reason. We have recommended that the evidence given by this gentleman should be forwarded to the proper authority, the proper authority under our constitution being the Attorney General of Quebec who is charged with the administration of criminal law in that province. I take it that if this recommendation is adopted by this House, that evidence will in due course reach the hands of the Attorney General of Quebec; that it will be considered by him and his officers, and that if the evidence warrants a prosecution against this man, such prosecution will be duly instituted and he will be tried. It is for that reason I say that it is quite improper at this stage for any man to express an opinion as to the guilt or innocence of this man as he may be tried later on.

But we are quite free to examine his career as a public servant. He was appointed a customs officer about fifteen years ago. He has been a long time in the service of Canada. In 1920 while acting as customs officer he carried on a side line, namely, that of a dealer in liquor. His business ran into a turnover of a million and a half dollars, as was brought out during the inquiry held by our committee. I take it that the government in power in 1920 did not know that this servant of the people, enforcing the customs laws of this country, was carrying on as a side line a large business as a liquor dealer, otherwise they should have disciplined him. As a matter of fact this did not come out until the matter came up before the committee. There are many things concerning this gentleman that came out for the first time before our committee.

In 1924 the Civil Service Commission of Canada appointed this man, as lay in their

power and jurisdiction, to the office of chief preventive officer of the district of Montreal. This gave him charge of the customs officers whose duty it was to prevent smuggling in that area. He entertained at his home in Montreal a member of the Civil Service Commission who has since resigned. During our investigations, which by the way were very thorough, regarding this man some remarkable cases were ventilated before the committee and I am going to mention one or two of them by way of illustration.

One of the most notorious is known as the Lortie-St. George case and deals with the smuggling of narcotics. This case was mentioned by the hon. member for Vancouver Centre (Mr. Stevens) in his speech in this House on February 2 last when he made his charges against the present government. As a matter of fact this smuggling took place in 1919 and it is one of the worst cases that we have to deal with. The facts are simple. In 1919 a boy drove up to the station of the Canada Steamship Company in Montreal with a wagon drawn by one horse. He had two trunks which he unloaded. He produced to the baggageman two first-class tickets to Cornwall, Ont., and he asked to have the two trunks checked on those tickets. The baggageman checked the trunks and gave the boy the checks. As he rolled over the trunks he noticed something was shaking inside them and he asked the boy what the trunks contained. The boy said, "Personal effects." The boy went away. The baggageman was suspicious and called the customs officer who subsequently procured a key and opened the trunks which he found full of narcotics. In a short time two ladies arrived. They were looking after the baggage and they inquired as to the checking of the trunks. The customs officer asked them if they had the key for the trunks, and they said they had not and he opened them in their presence. The women declared that the trunks did not belong to them, being the property of a Doctor Lortie in France. This doctor had requested them to have the trunks forwarded to Cornwall and, according to their story, they were checking them. The trunks were seized and confiscated, but unfortunately the two women were not arrested. This was a somewhat remarkable circumstance. Mr. Bisaillon was present when the two women were being interrogated—he was customs officer at that time—and they were allowed to go. After a considerable search, however, they were arrested and brought to trial, and it was necessary at the trial to establish their identity with the two women who had been at the station when the trunks were opened. Bisaillon was called as a witness and was asked whether these were the two women who had been at the station some weeks previously. His memory failed him, and he was unable to say anything about it. The two women, however, were fined $500 each, and the two trunks of narcotics worth $35,000 were ordered by the judge to be confiscated. They were placed in the custody of the court, and that night the custody of the court was violated and the two trunks were stolen. They have not since been found.

The other case of some interest which I desire to mention is that of the barge Tremblay. In November, 1924, word was sent to the officers of the Quebec Liquor Commission that a certain barge was sailing up the St. Lawrence river. It was watched and it was seen to sail past the port of Quebec without entering. The officers of the Quebec Liquor Commission endeavoured to keep track of it, and at midnight of the following day they found the barge in a secluded spot along the banks of the St. Lawrence at a place called St. Sulpice. There were eight motor trucks at this place unloading the barge, which contained about 16,000 gallons of alcohol, brought from a foreign country, on which no duty had been paid and which it was sought to smuggle into the country. The officers of the Quebec Liquor Commission compelled the men to restore to the vessel that portion of the cargo that had been removed. They took charge of the barge, arrested the captain and the entire crew, and proceeded with the barge to the port of Montreal. There were on board two Americans who professed to be the owners of the cargo, and they too were placed under arrest. Before the barge left St. Sulpice a customs officer named Duval arrived on the scene. This officer in his evidence informed us that he had been sent by Bisaillon to watch the vessel, and he arrived in a Ford car with his wife. This struck the committee as a rather small contingent to send out to seize a barge of this size containing a cargo of such considerable value. We doubted the bona fides of Officer Duval and consequently we have recommended his dismissal from the service. On the arrival of the barge at Montreal one of the first men to appear at the wharf was Bisaillon who claimed, by virtue of his authority as an officer of the Dominion, to have the right to supersede the officers of the Quebec Liquor Commission. Accordingly he drove them off after they had informed him that the captain, the crew and the two

Americans were under arrest. Bisaillon proceeded to unload the barge and he took the cargo to the bonded warehouse of His Majesty. The two Americans were allowed to escape and we have been unable to find out who they are. They have never been prosecuted for this attempt to violate the laws of this country.

Following this rather singular incident Mr. Bisaillon was arrested for conspiring to violate the laws of the country in connection with the barge Tremblay, and some others were apprehended along with him. In due course he appeared for hearing before the courts, but at the preliminary trial it was found that there was no evidence against him. He was travelling in very good luck. He was released At that trial his bank account was produced and it appeared that over a period of three years his turnover in the bank had amounted to $69,000. He did not have $69,000 actually in the bank, but his turnover during that period had totalled that sum. He was asked to account for these moneys, and in a very rambling way, not at all clear, he intimated that he had deposited some money belonging to the government, moneys which he had collected as a part of the revenues of Canada, in his personal account from time to time overnight, pending an opportunity to transfer them to government account. That of course would be a singular thing to do, and when the Customs department read in the press this statement of Bisaillon's, they proceeded to hold an investigation to ascertain whether the revenues of the country were being deposited by any of the collectors of customs in their private banks. Now the hon. member for Vancouver Centre (Mr. Stevens) in his speech on February 2 emphasized as one of the main charges against this administration the allegation that the administration had allowed customs collectors to take tens of thousands of dollars of the revenue of the country and deposit it in their private banks.

Mr. STEVENS: I know my hon. friend does not want to be unjust and he will allow me to correct him. I said on that occasion that Bisaillon had either deposited the money in his own bank or he had perjured himself in his testimony in Quebec. My hon. friend will admit that the evidence now shows that in all probability Bisaillon did perjure himself. I said that one or the other was the case.

Mr. DONAGHY: I am sure the hon. gentleman will not object to my reading from Hansard at page 687, just what he said:

[Mr. Donaghy.]

I purpose to show that this man Bisaillon the chief customs preventive officer, raised to that position after the government had knowledge of his rascality and his criminality, received moneys of the crown, some $69,000, discovered in several cases, including $14,000 referred to in this examination which I shall read in a moment; that he received moneys of the crown to the extent of tens of thousands of dollars, deposited them to his own account, and this examination will disclose that he never remitted those moneys to the account of the Receiver General.

Mr. STEVENS: That was according to his own evidence.

Mr. DONAGHY: I pause to hear my hon. friend read that part of his speech wherein he says he declared the other alternative. I cannot find it in his speech. What are the facts in regard to that? As soon as an account of that came out in the press, the day after Bisaillon's trial, the government proceeded to investigate, and no charge can be laid against this administration in connection with that matter, notwithstanding the vehemence and the force with which the hon. member from Vancouver Centre rang out that accusation on February 2 last.

I am now going to refer to page 179 of the evidence taken before the committee, where I find the following letter:

February 19, 1925.

To Collector of Customs and Excise,
St. Johns, Province of Quebec.

Sir,—During the period April 1, 1922, to July 31, 1922, revenue collected at the outport of Farnham in your survey was reported to the Department of Revenue on revenue returns K-10, numbers 9, 14, 18, 24, 33, 39, 43, 52, 56, 61, 69, 75, 94, 95, 96 and 99. A report is required from you showing the manner in which these collections were remitted to you by the acting sub-collector during that period. Were they covered by cheques? If so, were the cheques marked "Department of Customs and Excise Official"? Or were they personal cheques? On what bank were they drawn or to be presented for payment? Also state if you have information as to where these collections were on deposit up until the time the cheques covering them were presented. A reply is requested as early as possible.

Deputy Minister of Customs and Excise.

Here is the reply to that letter:

Customs and Excise, Canada
Port of St. Johns, Que.,
February 24, 1925.

R. R. FARROW, Esq.,
Deputy Minister,
Customs and Excise,
Ottawa.

Sir,—In reference to your letter of the 19th inst., asking to report to the department on revenue returns K-10, Nos. 9, 14, 18, 24, 33, 39, 43, 52, 56, 61, 69, 75, 94, 95, 96 and 99, in which were included the revenues collected at the outport of Farnham, Que., during the period April 1, 1922, to July 31, 1922.

In reply I have the honour to report that yesterday afternoon, the 23rd, I went to Farnham; there I found the cheques that were issued to remit the collections made at that outport to the chief port of St. Johns

P.Q., during said period; the cheques are all properly marked, "Department of Customs and Excise—Official", and all are drawn on the Canadian Bank of Commerce, Farnham, where the various collections are deposited, and same are all signed by J. E. Bisaillon, with the exception of the two first ones dated 5th and 12th of April, 1922, that were signed by officer J. L. Sevigny, as officer in charge. I brought the cheques with me, in order to enable me to submit them to your examination; a receipt for same was given by me to the said collector.

The following is a list of said cheques enclosed herewith:

April 8, 1922, $935.44; April 15, 1922, $1,533.86; April 22, 1922, $1,676.26; April 29, 1922, $1,146.98; May 8, 1922, $3,565.60; May 15, 1922, $988.63; May 22, 1922, $2,232.32; May 31, 1922, $2,951.18; June 8, 1922, $1,676.82; June 15, 1922, $1,747.10; June 22, 1922, $2,146.39; June 30, 1922, $1,650.48; July 8, 1922, $1,363.01; July 15, 1922, $1,874.45; July 22, 1922, $1,898.85; July 31, 1922, $2,076.61.

I have the honour to be, Sir,
Your obedient servant,
J. A. LATOUR,
Collector of Customs and Excise.

We had those cheques produced before the committee and found they were for the account of the government of Canada in the bank at Farnham, and were signed, "Department of Customs and Excise, official, per J. E. Bisaillon." His authority to sign was then limited to cheques made payable to the government of Canada. That is the common and safe practice as followed by the department for years and years.

Mr. STEVENS: Will my hon. friend permit me at that point? Will he not admit that the cheques to which he now refers were paid into the account in the Canadian Bank of Commerce? The deposits referred to by Bisaillon in his sworn evidence before the Quebec courts amounted to $69,000, and were placed in his own bank, the Bank of Hochelaga.

Mr. DONAGHY: My hon. friend is quite wrong in that. These are the cheques which were under discussion at the time.

Mr. STEVENS: The cheques paid into his own bank.

Mr. DONAGHY: My hon. friend is quite wrong. The department was not quite satisfied even with that report, and the chief accountant of Customs and Excise at Ottawa was requested to investigate the matter. On March 2 he wrote to the deputy minister as follows:

Referring to the attached newspaper clipping—

That is the newspaper clipping of Bisaillon's evidence.

—and to your request for information pertaining to the manner of depositing and remitting collections at the outport of Farnham during the period for which auditor J. E. Bisaillon—

That should be officer.

—acted as sub-collector there.

I find that under date of October 28, 1921 (File 95809) the Department of Finance approved use of the Canadian Bank of Commerce at that point; for the purpose of making deposits and collections, that the collections taken at that outport appear to have been deposited in the Canadian Bank of Commerce at Farnham as the regular sub-collector, as well as officer Bisaillon during his period on relief duty, have remitted their collections by cheque on the Farnham branch of the Canadian Bank of Commerce. These in turn were deposited by the collector at the chief port of St. Johns paid at Farnham, and the amount included in the collector's draft and deposit receipts covering remittance for each period concerned. The collections thus deposited and remitted by officer Bisaillon during the period he served Farnham total $29,463.97. I attach hereto the returns K-10A from the outport, the covering K-10's received from the chief port, the relative deposit receipts from the chief port, and cheques from the outport. Will you kindly return those to me when they have served your purpose in order that they may be redistributed to their respective files.

3 p.m.

(Sgd.) F. A. RORKE,
Chief Accountant of Customs and Excise.

Now, whatever may have been the crimes, if we may so describe them, of Bisaillon, there was one thing he was careful not to do—to steal the money of the Dominion of Canada. You have now, Sir, a very fair outline of this gentleman's characteristics, and you may be curious to know how he eventually met his Waterloo—how we got rid of him. It is a very simple narrative. I read from page 83 of the evidence. The present Minister of Customs has been sworn and is in the witness box. The examination is as follows:

Q. Mr. Boivin, you are the Minister of Customs and Excise?

A. Yes.

Q. When did you assume that office, Mr. Boivin?

A. Speaking from memory, I was appointed on the 4th day of September, 1925, sworn on the 5th of September, 1925, and took over the administration of the department from the then acting minister, the Hon. Mr. Cardin, on the 31st day October, 1925.

Q. It was about the end of October when you assumed active duty?

A. Yes.

Q. We have had produced by you here a large volume apparently of evidence, being the examination of a great number of witnesses on an investigation held by Inspector Duncan?

A. Yes.

Q. How did Inspector Duncan come to examine those witnesses?

A. Very shortly after my arrival at Ottawa on the 31st of October, 1925, I repeated to the Hon. Mr. Robb, the then Minister of Finance, some of the rumours which had reached my ears in the city of Montreal during the general election campaign, concerning inefficiency and maladministration on the part of the preventive service, in the city and district of Montreal. I remember that I mentioned Mr. Bisaillon's name, but I cannot remember the other names of the officers who were complained of in those rumours. Mr. Robb immediately said that the proper thing to do would be to have an investigation. I told him that that was my idea too, but that I did not know

exactly to whom I could turn to secure a competent investigating officer. He told me that he had in the employ of the Department of Finance as investigation agent Inspector Walter Duncan, who had been with them for several years and who had always given them complete satisfaction. If I remember correctly, he told me that Inspector Duncan was engaged upon some particular work for the Department of Finance, but that he would send him to my office in a day or two, in order that I might arrange with him to make this investigation. As near as I can remember, it was about ten days later.

Q. Later than what?

A. Later than this conversation, which took place about two or three days after my arrival at Ottawa, and therefore it would be about the 15th of November when Inspector Duncan came to my office and spent several hours in consultation with me.

Let me pause here to say that within two or three days after the present Minister of Customs arrived in Ottawa to take over the duties of his office he called upon the Minister of Finance, told him of the rumours he had heard in connection with the preventive service in Montreal, mentioned Mr. Bisaillon's name, and asked Mr. Robb if he could suggest a competent investigating officer. Now we will see what follows; the examination continues:

Q. That is the middle of November, you mean?

A. About the 15th of November. I asked him if he would undertake to investigate the administration of the preventive service office or staff at Montreal; he said that he would, but unfortunately he could not go at once because he had some work to terminate for the Department of Finance, but that he would go just as soon as it was possible for him to do so. He reported later, but I cannot remember whether it was personally or through my secretary, that he would proceed to Montreal and commence his investigation on the 1st of December. A few days after the 1st of December he was in Ottawa; he came to my office, and I asked him if he had yet discovered anything worth while.

Q. By the way—pardon me for interrupting you—in this evidence which Inspector Duncan took of the various witnesses, I see that the 1st of December is the date upon which he examined the first witness?

A. Yes.

Q. Go ahead?

A. A few days after the 1st of December he was in Ottawa; I asked him if he had discovered anything worth while, and he told me that the only convincing and absolute proof he had at that time was that Mr. Bisaillon had been guilty of inefficiency and maladministration to such an extent that he should be dismissed. I asked him for an interim report, and told him that I could not go before the council with nothing but a verbal statement from an investigator, and explained to him that while I did not want to delay matters long enough to have him transcribe the evidence and prepare a formal report, I would be very glad if he would give me an interim report. An interim report was handed to me either on the 10th or 11th of December.

Q. Is this the interim report?

A. That is the interim report, which I have already produced.

Q. The report we have on file here is dated December 10th?

A. Yes.

Q. That is his report to you?

A. That is his report to me.

Q. The report is dated the 10th, but you may have got it on the 11th?

A. I may have got it on the 11th. I would like to point out, however, that the report, as I understand it, is produced but not filed.

Q. On receiving this report on the work of some of the officers of the department, what did you do?

A. I immediately communicated with the Prime Minister, and asked him if he would be kind enough to call a special meeting of council, for the purpose of considering a recommendation to council from my department for the dismissal of Mr. Bisaillon.

I shall revert to this a little later on, when I intend to make some references to the present Minister of Customs. I turn now to paragraph 6 of the report, which is as follows:

The evidence submitted to the committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency and that the process was greatly accelerated in the last few years. Apparently the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office and as a result there was a lack of efficient, continuous and vigorous control of subordinates by the headquarters staff at Ottawa.

Let me pause to say that there was not one dissenting voice raised in the committee against the adoption of that paragraph, to every word of which I heartily subscribe. I am also going to read paragraph 13 of the report, which some people may call drastic but which, in the discharge of their duties, the committee felt bound to insert. It is as follows:

The committee finds that the following officers have been delinquent in their duties and recommends that their services be dispensed with:—

1. R. P. Clerk, Inspector of the port of Montreal;
2. A. E. Giroux, Superintendent of Customs and Excise, Montreal;
3. W. Duval, Preventive Officer at Montreal;
4. John Landy, Customs Officer, Montreal;
5. Collector E. Brownlee, of Beebe, Quebec;
6. Marvin A. Sawyer, Customs Officer at Rock Island;

and that in the interest of the public service arrangements should be made for the retirement of the following persons:—

1. R. R. Farrow, Deputy Minister;
2. W. S. Weldon, Collector of Customs at Montreal;
3. Henry McLaughlin, Surveyor of Customs at the port of Montreal.

Some of these officers are more blameworthy than are others. Bisaillon is not mentioned in that list because he was discharged in the middle of last December by the present Minister of Customs through an order in council. Inspector R. P. Clerk of the port of Montreal is mentioned; it was he who debauched several servants of the government and caused the resignation of two of the most important officials in this country. I do not know that anything useful would be served by making bitter comment upon any of these

men whose services we hope will be dispensed with immediately after the adoption of this report by the House.

The system of appraisal or valuation of goods imported into this country was given long and serious consideration by your committee. If the system of valuation, the fixing of the amount upon which the assessment of duties is to be paid, is not done properly, great losses to the revenue may occur. Many devices are resorted to for the purpose of deceiving the officials of the customs department in matters of this kind. I regret to say that many of the appraisers appointed by the Civil Service Commission would probably fail in a practical test if goods were placed before them and they were asked to assess their value. You will easily appreciate how that might happen. Take for instance the importations of silks, one of the many valuable articles that are brought in here and pay a high duty. There are many grades of silk, and it is only a silk expert that could tell their value. Our appraisers in that department are not silk experts; they may have been grocers, they may have been anything. The committee has made a recommendation on that matter. It is contained in paragraph 18 of the report which reads as follows:

> The evidence adduced before the committee disclosed two outstanding facts, namely,—
>
> First, the methods of appraisal are exceedingly careless and fail to safeguard the interests of the importer or the revenues of the country from being defrauded by undervaluation, and
>
> Secondly, persons appointed as appraisers are in many instances untrained in the branch to which they are appointed.
>
> The committee recommends that the appraisal branch be reorganized and that all appraisers be chosen because of their competency to estimate the values of the class of goods they are appointed to appraise.

I am going to mention two instances of the devices used to deceive the officers. One is known as the Keith-Vaughan-Harrison case. There arrived in the port of Montreal by steamship from Europe six packing cases invoiced as cocoa. The Royal Canadian Mounted Police, who were acting for the Customs department at that time, were suspicious of these packing cases and examined them. They found that three of the packing cases had a blue cross marked on them; the other three had not. They opened the cases and they found that the three with the blue cross marked on them did contain cocoa; the three cases that had no blue cross marked on them were filled with narcotic drugs. The scheme which the smuggler had devised was very simple He intended to so manipulate it that when the customs examiner came to examine these boxes he would examine one with the blue cross mark. The one he would examine would be a case with the blue cross marked on it and it would be a case of cocoa. He would then pass the whole six cases and collect duty on cocoa; and three cases of narcotic drugs would enter this country surreptitiously. This seizure of drugs was worth about $160,000. Of course no blame attaches to the customs administration in connection with that; but the efforts of the committee in bringing out devices of this kind are not only enlightening to the public but, no doubt, will be useful to the enforcement officers of the Customs department in future.

Another very interesting case is known as the John W. Gaunt case. John W. Gaunt was an importer of German toys; he imported tens of thousands of dollars worth of these toys. For some years he was in business by himself. In 1923 he committed an offence against the Customs Act. He brought into Canada and had in his office at Montreal invoices from Germany without any list of goods written on them. They were blank invoices, but they contained the signature of the German manufacturer certifying to the fair market value of the goods. But the invoices were blank; they were to be filled in later on. That was an offence against the laws of this country, and for that offence John W. Gaunt, upon being prosecuted, was fined $500. A suspicion arose that this man had been defrauding the customs, and officers of the department went to his warehouse and made a seizure. Right here we should bear this fact in mind; before the customs officers had made any seizure on this man he had induced a very estimable gentleman named Colonel Porteous, a returned officer and a man of unimpeachable honour, to buy half an interest in his business. Colonel Porteous had paid, I think, about $20,000 for the half interest. Then they incorporated a company and the company owned the stock of goods. Right after that the customs officers seized this stock of goods, and professed to hold them for some offences or defaults of Gaunt of the year before. That, of course, is not justice. There is no reason why the goods of an honest man like Colonel Porteous should be seized and forfeited to the people of Canada for any fraud which had been committed by another man the year previous, before Colonel Porteous had any interest in the business. The matter came before the Minister of Customs for consideration. As I say, Gaunt was fined. He was also compelled to put up a cheque for $3,200 odd, pending investigation as to whether or not he had defrauded the government in the

days when he had carried on business alone. I think the hon. member for Vancouver Centre (Mr. Stevens) said in his speech yesterday that "the minister had made a settlement with this man, Gaunt." The evidence is not to that effect. The committee had before it the receipt for the $3,200 and the receipt read "Received from John W. Gaunt & Company the sum of $3,200 on account." Gaunt was before us as a witness and we asked him if he had a full settlement and release from the government, and he said "Not by any means." I should not have mentioned this feature of the case had it not been for the implied criticism directed by the hon. member for Vancouver Centre against what to my mind is a proper action on the part of the Minister of Customs in connection with that case.

We proceeded to have our auditors go over the books of this man Gaunt for the purpose of ascertaing whether or not he had defrauded the customs. Our examination revealed one of the cleverest manipulations I have ever heard of. The manipulation had to do with the falling value of the German mark. We found that in Germany, on January 1, say, Gaunt would buy toys of a value of 100,000 marks. He would get an invoice made out showing the price and value of 100,000 marks, and to buy the marks would cost him so many dollars, varying according to rate of exchange. His goods would not arrive in Canada for three months. He would pass these goods through the customs office as having been bought for 100.000 marks, but during that interval of three months the mark had fallen in value perhaps 35 or 40 per cent, and the value of his goods depreciated accordingly, but were entered in the customs at the reduced value. The customs duty is calculated on a percentage basis. He bought at one value for the dollar, but at the time the goods arrived three months later the mark had depreciated, and it was worth very much less to the dollar, and he entered it at the low value. He took advantage of what is known as the process of the tobogganing of the mark, and he got by with it.

Mr. WOODSWORTH: Is it not a very common practice that we are paying interest on bonds that were issued at a time when money was worth an altogether different amount from its value to-day?

Mr. DONAGHY: I think the hon. member is quite correct in that observation. The reason I have given these details is that the hon. member for Vancouver Centre made a charge against the Minister of Customs that he had allowed this man Gaunt to defraud the government of Canada out of $58,000 of revenue. The charge is refuted by the evidence adduced before the committee, and I think the lawyers on that committee, on both sides of politics, had very grave doubts as to whether a civil action at law would succeed against Gaunt, except for one thing; the wooden packing cases in which these dolls were shipped into Canada were not entered by him for customs. He neglected to put them on his customs invoice and he had not paid any duty on the wooden boxes. I think that amounted to $200 or $300.

Mr. STEVENS: Would the hon. member justify the action of Gaunt in bringing in somewhere about 1,000 certified blank German invoices?

Mr. DONAGHY: I think I have already stated that Gaunt had in his office, brought from Germany, blank certified invoices. I cleared that up to start with. It was an offence. He was punished for it. I do not know how we are going to punish him again for the same offence.

Mr. STEVENS: He was only fined for having them in possession. He was never fined on the other charge. The charge against him of using these blanks was never brought to trial.

Mr. DONAGHY: The offence with which he was charged was that he did bring into Canada and have in his possession blank certified invoices, contrary to the laws of the country.

Mr. STEVENS: The minor charge.

Mr. DONAGHY: If there is any other charge in connection with this man which can be proved in the criminal courts, no one will stand up and say that proceedings should not be taken against him. Nobody has any sympathy with Gaunt or his manipulations. I am not addressing myself to the question for the purpose of justifying any action of this man Gaunt. It is for an entirely different purpose that I have presented the true details of this transaction. It is to refute the accusation made by the hon. member for Centre Vancouver that the government had improvidently made a settlement with a man who, he alleged, owed this country $58,000 in duty.

Mr. STEVENS: Hear, hear—duty and penalty.

Mr. DONAGHY: The evidence refutes that charge.

Mr. STEVENS: No.

Mr. DONAGHY: My hon. friend says no.

Mr. STEVENS: Absolutely no.

Mr. DONAGHY: My hon. friend cannot follow the intricacies of the delicate manipulations of this man Gaunt—manipulations which I do not attempt to defend, but which apparently were within the four corners of the letter of the law.

Mr. STEVENS: Perhaps I cannot follow the intricate circumlocutions of the legal mind.

Mr. DONAGHY: Unfortunately for my hon. friend, however, the greatest court in the world is composed of legal minds. I wonder if the hon. member will suggest that men with legal minds should not sit in the courts to interpret the law.

Mr. STEVENS: No, not at all, but they should be free from political bias.

Mr. DONAGHY: Does the hon. member suggest our courts are afflicted with legal bias?

Mr. STEVENS: No. I say they should be free from political bias.

Mr. DONAGHY: We all believe our courts are free from political bias. That suggestion is gratuitous and unwarranted.

I now come to the consideration of conditions in regard to the Customs department which have existed from the time of confederation up to a year ago. The Customs Act as it has stood for years and years is based on this principle; that when an offender is caught smuggling goods into this country it shall not be the policy to prosecute him in the courts. That may seem rather singular. However singular as it may be, it has been the policy ever since the time of confederation. The standard policy of that department in cases of offences for smuggling has been to bring the matter up before the Minister of Customs and the Deputy Minister of Customs for consideration. That is in the statute which has stood for years. It was then left for the Minister of Customs to decide what punishment was to be meted out. To my mind that policy was wrong. Offences against the statute known as the Customs Act should be punished in the same way as offences against any other statute of Canada, namely by information in the court and a trial in court. The practice established by that statute and carried on since confederation, which sent this matter up for consideration before the Minister of Customs, was unwise. It resulted in the minister being importuned, perhaps, to minimize and ameliorate offences. Out of that statute and that practice which has existed since confederation has grown the abuse concerning which we have heard so much in the last four or five months. The granting of favours by the minister on the importunities of members of parliament on both sides of the House, on the importunities of influential men in the country, on the importunities of friends and relatives of those caught in the toils, was a great strain upon any Minister of Customs. It is a strain that it is unwise that he should be subjected to. It is out of that practice that these evils have grown as the accumulation of years whereby favours have been granted by one Minister of Customs after another on the importunities of members of the House of Commons, members of the Senate and other influential men in this country. In saying that I am not putting forward any excuse for any weaknesses that Ministers of Customs may have shown in the past, but it is quite proper that I should call the attention of the country to the causes in order that we may seek the remedy.

That being the case, we find that in 1924 a large and influential group of business men from various cities of this country were brought together and formed into an association called the Commercial Protective Association, Limited. Their object was to establish a clearing house for procuring information regarding smuggling. They approached the government. The Minister of Finance (Mr. Robb) lent them his best investigator, Inspector Walter Duncan. Within a year they had accumulated a vast amount of useful information. In the session of 1925 they came before this government and informed them that as a result of the investigations they had made and the information they had acquired, it was desirable that the law, as I have indicated it stood since confederation, should be repealed and that an amendment should be introduced during that session to force the trial of offenders into the courts of justice instead of sending them up to entreat the Minister of Customs. The government gladly accepted the suggestions of that group of business men. That legislation was introduced last session and it became the law of Canada on the 27th June, 1925.

Under that law a dividing line is drawn making two classes of offences. First of all if a man is caught coming back from New York with a new hat of the value of ten dollars, he is not ordinarily arrested under this act. That is a case which may be settled by the department. He may be made to pay double duty on the hat or something like that. If a very severe penalty were

provided by law for an offence of that kind the people would defeat the law. If a man is importing an article under the value of $200 he is not necessarily arrested and sent to gaol; but if goods amounting to $200 or over in value are being brought into this country by a man, he commits an indictable offence, a criminal offence, for which he must be prosecuted, for which he is liable to arrest and imprisonment. He receives a preliminary hearing before a police magistrate. If the evidence is sufficient he is sent up for trial before the assize courts of this country, and he has the option of being tried by a jury if he so desires. The consideration of cases of that kind no longer rests in the discretion of a Minister of Customs; they go where they belong—before the judges and the courts of this land. To that enactment this government lent its full support last session.

I am going to give the House a little of the history leading up to that. On April 8, 1925, the Commercial Protective Association wrote to the Prime Minister of this country. This was at the time when this bill was before the House. The letter contains this extract referring to the amendment to the law making it an indictable offence to smuggle anything over $200 in value:

> While these suggested amendments may appear drastic, I would like to point out that legislators have never before been called upon to deal with such a situation. The condition exhibited by the United States, a nation with about 16,000 miles of border or coast line, along practically all of which smugglers (commonly called bootleggers) by the hundreds of thousands are endeavouring to evade the laws of the country, created a situation entirely unprecedented in the history of the world. Smuggling on this continent has become a huge industry. Along the international border between Canada and the United States thousands of men are making their living by illicit trade.

This is signed by the Secretary of the Commercial Protective Association, Limited. Those were strong representations that were made to the government and the government gladly accepted them in its desire to increase the efficiency of the revenue collecting department of this country. That act became law at the end of June, 1925. The Toronto Board of Trade wrote the following letter to the Prime Minister on the 13th July, 1925:

> Right Hon. W. L. Mackenzie King,
> Prime Minister, of Canada,
> Ottawa, Ont.
>
> Sir,—On behalf of the executive and council of the Toronto Board of Trade, I desire to express appreciation of the action of the government in introducing legislation at the recent session increasing the penalties for the smuggling of goods into Canada and including in the estimates a substantial sum to enable the preventive service to be so strengthened and improved as to be able to cope with this illegitimate traffic.
>
> [Mr. Donaghy.]
>
> We are also gratified that the House of Commons and Senate have accepted the government's recommendations and that the new law is now in force.
>
> You will remember that a deputation from this board waited upon you and your colleagues in the cabinet last fall and discussed the seriousness of the smuggling situation with you. You then expressed the desire of the government to do everything in its power to combat the inroads which the smugglers were making into the legitimate trade and revenues of the country and you welcomed the co-operation to this end of an organization of business interests which it was then proposed to form. Acting on this assurance, the members of this board comprising the delegation organized the Toronto branch of the Commercial Protective Association. We were very pleased to note from your remarks in the House with respect to the proposed new legislation that you appreciated the vast proportions of this traffic and the need for drastic action. We have been in close touch with the association's work and it has been a great pleasure for this board to learn that the government has co-operated to the fullest extent with the result that adequate machinery to deal with the smuggling menace will, we undersand, shortly be in operation. We are informed the fact that the new penalties are already in force has had a very deterrent effect upon the traffic and we sincerely hope that in connection with the reorganization of the preventive service which is now under way, the dominant note will be the strict enforcement of the law in the interests of the lawful commerce of the Dominion and an increased national revenue which in turn will be reflected in an improvement in economic conditions generally.
>
> We congratulate and thank you for your efforts in the solution of this problem and assure you of the continued co-operation and support of this board in curtailing the smuggling traffic with the aid of the new powers now available, I am,
>
> Yours very truly,
> (Sgd.) S. B. Gundy,
> President."

Now I come to a very interesting question: Did the new Minister of Customs (Mr. Boivin) who was appointed last fall, following that letter of congratulation from the president of the Toronto Board of Trade, immediately set about making a cleanup of smugglers and crooked officials in the Customs department? That is the pertinent question under consideration to-day, and I shall consider the answer to that question. I will give you dates and facts. On September 5, 1925, the new Minister of Customs was sworn in. He did not take over the active duties of his office until October 31, and inside of fifteen days he had an interview with the Minister of Finance (Mr. Robb). Was he acting quickly enough? The Minister of Finance was told by him that he had heard alarming rumours regarding the preventive service in Montreal, and the Minister of Customs mentioned the name of Bisaillon. He said, "I want an investigator but I am at a loss where to turn to get one." The Minister of Finance replied: "I have an excellent man who has been in the service of the Finance department for many years. I will lend him to you." The offer was

accepted and Inspector Duncan was directed to report to the new Minister of Customs. At that time Inspector Duncan was finishing some work he had been doing for the Department of Finance and it was ten days or a week before he was able to complete it and undertake the investigation which the Minister of Customs was anxious to have him carry out. On November 27 Inspector Duncan was in the office of the Minister of Customs where he received instructions to begin immediately with an investigation for the purpose of cleaning up all smugglers and crooked officials in the Department of Customs. Three days after that he left for Montreal and the day following his departure he was examining witnesses under oath. In his possession he had a writ issued by the Exchequer Court of Canada empowering him not only to compel witnesses to give evidence but also to break open doors, locks, safes and to seize books, records and documents—the most extensive powers that could be delegated to anyone in this Dominion. This is what the Minister of Customs armed his investigation officer with. Was that action prompt enough? Was it efficient enough? Inspector Duncan was told by the minister to secure evidence against Bisaillon, and in ten days the inspector was back with that evidence. Is that expeditious enough? The minister then observed, "I cannot go before the cabinet with a verbal statement. You must set down your findings in writing." The inspector did so; he committed his report to writing. The Minister of Customs then asked the Prime Minister (Mr. Mackenzie King) to call a meeting of the cabinet and this was done immediately. An order in council was then passed for the dismissal of Bisaillon. This was necessary inasmuch as no civil servant may be dismissed otherwise. That order in council was passed on December 15. Again I ask, was that action quick enough to suit hon. gentlemen? After Bisaillon was dismissed Mr. Duncan was called in again, and given this order by the Minister of Customs: "Proceed with your work of investigation. Spare no one, no matter how high his rank." That is sworn to by Inspector Duncan in his evidence given before the committee and, as well, by the Minister of Customs in his testimony: "Spare no one, no matter how high his rank." In face of that will any hon. gentleman rise in this House and impugn the honour, the integrity or the efficiency of the new Minister of Customs?

Was the order of the new Minister of Customs obeyed? By the eighth day of February, after two months of consecutive work, the minister's investigator had examined over forty witnesses under oath and had seized various documents and records. He had an expose of fraudulent and corrupt officials of the government which was simply bewildering. I shall show you some of the things that were exposed by the Minister of Customs through his agent. They comprise practically everything that was brought out before the Customs committee. Before that committee ever met, before it heard a word of evidence, practically all of these charges of corruption, maladministration and defrauding of the revenues had been brought out by the order of the new Minister of Customs and were in writing, sworn to. Let me point out some of the things that were exposed. It was upon the record of the evidence which the inspector had secured under the direction of the Minister of Customs that we proceeded, and we called forty or more witnesses who had already been examined in his investigation. We went on repeating the same story, getting it all told the second time, for weeks and weeks.

Now what was exposed by the new Minister of Customs through his investigator? It will startle some of you to discover how wonderfully extensive the list is: (1) Bisaillon; (2) Officer Duval; (3) smuggled and stolen cars from the United States; (4) Officer Giroux; (5) The Lortie—St. George case; (6) Inspector R. P. Clerk, of gauger's whiskey fame; (7) The civil service commissioners who resigned under the circumstances disclosed in their evidence—the carrying of whiskey from the gauger's office to the Deputy Minister of Customs, to the Hon. Jacques Bureau, Minister of Customs, and to the two civil service commissioners. That was all brought out under the investigation ordered and carried on by the direct authority and instructions of the Minister of Customs whose conduct is now a matter of inquiry before this House. Further, there was brought out in the investigation ordered by the minister the Gaunt case, the barge Tremblay case, the theft of goods from customs bond and the Dominion Distilleries affair. Is not that enough to occupy our attention for some time?

Now, while this investigation was proceeding there was no beating of drums, the minister was not proclaiming from the housetops what he was doing, and the country did not know the service he was rendering. The members of this House, Mr. Speaker, with one or two exceptions, were ignorant of it on the 2nd day of February when the hon. member for Vancouver Centre made a very remarkable speech in this House, concerning which I have something to say. What was the result of that speech? The arm of the new Minister of Customs, through his investigator, was

paralyzed—Duncan was superseded by a committee appointed by this House. I repeat, Sir, that the arm of the minister, which had been so powerful in smiting the enemy, was paralyzed by the action of the hon. gentleman. We did not know that we were paralyzing the very efficient arm of the law when we voted on that resolution, and I am quite satisfied that many hon. members are aware of this now for the first time. Further, I say this, and I say it deliberately, that the statements and charges made by the hon. member for Vancouver Centre on February 2, last, were based on information which had already been gathered by the agent of the new Minister of Customs in that investigation, and before I sit down I think I shall be able to convince this House that a great deal of that information was revealed to the hon. member to enable him to make his speech, the facts which he then submitted as grounds for ordering an investigation being the facts that had been brought out by inspector Duncan under the order of the new Minister of Customs. I should not mind that at all if in his address and in the debate that followed the truth had been exposed and this House had been told candidly, as it had a right to know, that for two months the new Minister of Customs had been conducting a most vigorous campaign against corruption in customs matters, and that he had brought out all the evidence upon which the hon. member for Vancouver Centre had based his speech. But this information was concealed from the House on that occasion. Very few hon. members outside of the minister and the hon. gentleman from Vancouver Centre knew those things. Now that the motion of criticism of the actions of the new minister is before the House the opportunity should not be let pass to give him credit, even though it is somewhat late.

I say there is reasonably strong ground to suspect that the hon. member for Vancouver Centre was furnished with the information which Inspector Duncan was getting for his minister, and I am going to read some documents in proof of what I say, and then leave it to the judgment of hon. members as to whether or not I have convinced them. I now turn to the motion placed on the order paper by the hon. member on January 20 last.

4 p.m.

Mr. STEVENS: May I interrupt my hon. friend a moment? I can save him a lot of trouble by telling the House that I had a good deal of the information, but I did not get it from Inspector Duncan. Certainly I had information, masses of it, or I would not have presented it to the House as I did on February 2.

Mr. DONAGHY: Mr. Speaker, I thank the hon. gentleman for his admission. I now ask him, why did he not take this House into his confidence on February 2 when he launched those charges against the new Minister of Customs, why did he not give him credit for the work he was proceeding with and the good he was doing?

Mr. STEVENS: My hon. friend asks me a question; I will answer him very frankly. Simply because the minister was not carrying out what the hon. member insinuates. As to the dismissal of Bisaillon, it was just simply a little stage play because the minister knew my resolution was about to be placed on the order paper. That is why.

Mr. DONAGHY: Mr. Speaker, I am more than surprised at the extreme partisanship shown in that answer. Nothing the new minister could do, no matter how useful in cleaning up his department, can be construed as good by the hon. gentleman from Vancouver Centre. I now proceed with my proof. On January 20 the hon. member for Vancouver Centre put this motion on the order paper:

> For a copy of report of Walter Duncan on the administration of the customs service at the port of Montreal made during the month of December, 1925, together with a copy of all testimony and documents in evidence received by the said Mr. Duncan—

And hon. members will note these words:

> —also interim report covering eleven definite charges.

Mr. STEVENS: That was before I made my speech, by the way.

Mr. DONAGHY: At that time the interim report was made confidentially to the minister by his confidential investigator respecting Bisaillon for the purpose of having him discharged. It had not been published yet, although action had been taken. Now I propose to show that the hon. member for Vancouver Centre secured secret information which should not have been given out beyond the minister himself. I turn to the report itself to show that, strange to say, this confidential document contains exactly eleven definite charges. The hon. member for Vancouver Centre either knew what was in the report or he is the best guesser in this whole Dominion. Now I turn to the report itself at page 1453 of our evidence, and I will be very glad indeed to pass it to any hon. member who doubts my statement. It is here, numbered from 1 to 11; anyone can see the record.

Mr. STEVENS: No one doubts it; why all the excitement?

Mr. DONAGHY: The hon. member does not yet see my point. I am charging him with lack of candour in his failure to tell the truth to this House, the whole truth, as to what the new Minister of Customs had been doing to clean up the officials of the Customs department who were guilty of corruption.

Mr. STEVENS: If my hon. friend would permit me, on January 20 by his own recital I placed on the order paper of this House a resolution calling for all this information with which he is now dealing. That was two full weeks before I made the speech in which he accuses me of not being frank. All this information was requested and could have been laid on the table by the minister two weeks before my speech was delivered.

Mr. DONAGHY: I regret to say, Mr. Speaker, that that statement is not strictly accurate. The report which the hon. gentleman called for, the only report existing on January 20,—because the complete report was not made until February 8—was this hurried interim report suggesting that Bisaillon should be discharged. It did not relate to these other matters which Duncan had investigated and heard evidence on. No credit whatever was given to the new minister while under fire and being charged, on that occasion, when in fairness to him, the whole truth should have been told and credit given where it was due for his actions, which showed that he was alive to the duties of his office and was energetically and efficiently carrying them out without fear or favour, with orders to spare none no matter how high his rank.

I am not through with this thing yet. We were really quite interested to know whether our confidential agent, Mr. Duncan, was a traitor. He was a man who had been many years in secret service work for corporations, cities and governments. He was held in high esteem by the Minister of Finance; he fully appreciated the confidence reposed in him, and was quite alive to the enormity of violating that trust. So I say we were somewhat astonished to find that there had been a leak, and we asked Inspector Duncan when he was under oath before the committee in regard to this matter. I am going to read what he said as further proof of my allegation. At page 508 Mr. Elliott, then a member of the committee, introduced this very interesting subject while Mr. Duncan was on the stand. The particular part is as follows:

Q. Can you give me any information of why Mr. Stevens had the contents of your interim report before anybody else but the minister?

Mr. Bell: Presuming that he did.

The Witness: I don't know that Mr. Stevens had it.

Q. I did not ask you whether you knew he had it or not. Can you give any explanation of how he got it?

A. I did not give it; somebody working for me may have given it.

Q. Who was working for you who could give it?

A. There was one person in a position to know very well what would be in that report.

Shall I read further?

Some hon. MEMBERS: Yes, go on.

Mr. DONAGHY: The evidence continues:

Q. Inspector Duncan, I want to ask you this question. With your experience as an investigator, do you not know how your report got to Mr. Stevens?

Hon. Mr. Stevens: I never saw the report until it was produced here.

Q. Or the contents of it?

A. No; only what I believe.

How about the eleven definite charges; where did that knowledge come from?

Q. Let us have what you believe.

A. My belief is—

He names a man then, but I do not think I shall read the name because it was denied, and I want to be fair.

Mr. STEVENS: My hon. friend might read in addition the later evidence which was given in correction.

Mr. DONAGHY: To do that I will have to expose the name of a man who presumably did not give the hon. gentleman the information. I want to be fair to everyone; I do not want to bring in the name of any man who probably had nothing to do with this leak. I am only interested in doing what I feel I have now accomplished, that is to establish the fact that there was a leak and that the hon. member for Vancouver Centre was in receipt of the information coming through that leak; that he used this information to build up a speech in this House of Commons dealing with transactions in the Department of Customs which had been exposed through the action of the new minister and his officer Duncan. That information was secretly obtained, and the hon. member built up a terrific and vitriolic speech in this House in which he tried to unhorse this government by an onslaught brought on without notice. I leave it to hon. members if those are fair tactics; I leave it to hon. members if that treatment was fair play to the new minister, having regard to what he was accomplishing then.

I have said that the attack on February 2 was made suddenly, without due notice, without candour, with a suppression of the truth

of very essential and material matters, and for the simple purpose of unhorsing the government. It was more for that purpose than an attempt to do good to the Customs department. When the hon. member made that speech he knew that investigations were then being carried on by a strong and powerful man. He knew the interests of the country were being taken care of by the new minister; the hon. member for Vancouver Centre was not alarmed for the safety of the country having had knowledge of what the new minister was doing. But there was one object he had in view in that speech, and that was to surprise the members of this House by charges of the gravest character, to get a snap verdict and to unbalance the government.

Mr. STEVENS: Mr. Speaker, it is not very often I rise to a point of order but I feel it necessary, in justice to myself, to do so now. The hon. gentleman has stated that I deliberately suppressed the truth in my speech of February 2. He also states that the speech was altogether lacking in candour. Both these terms, I submit to Your Honour, are entirely out of order, under the rules of the House, and I ask Your Honour's consent, before you give your ruling, to make by way of privilege, a very brief statement in connection with this matter.

Some hon. MEMBERS: No.

Some hon. MEMBERS: You are out of order.

An hon. MEMBER: Take your medicine.

Mr. STEVENS: I presume the Speaker is in the chair.

Mr. SPEAKER: The hon. member for Vancouver Centre has raised a point of order. While the hon. gentleman was speaking I was looking up the rules and practices of the House on that very point. I have already ruled that the expression "lack of candour" applied to an hon. member is not parliamentary. Hon. members will find in Beauchesne's Parliamentary Rules and forms, rule 19, paragraph 240, the following:

> Bourinot (page 361) gives the following examples of unparliamentary phrases:
> No member will be permitted to say of another: That he could expect no candour from him.

As to the other statement of the hon. member for North Vancouver that the hon. member for Vancouver Centre had suppressed the truth it goes without saying that such an expression is unparliamentary and should be withdrawn.

[Mr. Donaghy.]

Mr. DONAGHY: I bow very gladly to your ruling, Mr. Speaker. No doubt the hon. member for Vancouver Centre is subject to lapses of memory.

Mr. STEVENS: Mr. Speaker, I am not very touchy about these matters, as Your Honour knows very well, because I have been a member of this House for fifteen years, but I again submit to you that regard for the dignity of the House compels my hon. friend to accept your ruling without reserve.

Mr. SPEAKER: According to my understanding the hon. member for Vancouver North has always accepted the ruling of the chair. I do not regard the latest phrase referred to as unparliamentary, or as reflecting upon the hon. member for Vancouver Centre. However, I wish to say this: So far the debate has been maintained on a high plane. I ask hon. gentlemen to continue to adhere to that high standard, and not give occasion to invoke the rules of the House against expressions which are not parliamentary.

Mr. DONAGHY: I now ask the hon member for Vancouver Centre why he did not on the 20th day of January take the House into his confidence and make known to hon. members that the new Minister of Customs against whom he was preferring charges had investigated and uncovered at that time the following matters:

1. Bisaillon and his record and doings.
2. Duval and his record and doing.
3. The stealing of autos in the United States and the smuggling of them into Canada and their sale in Canada, particularly in Montreal.
4. Giroux.
5. The Lortie-St. George narcotic case.
6. R. P. Clerk, who handled the gaugers' whiskey and corrupted officials low and high.
7. The connection of two civil service commissioners with liquor received from Clerk.
8. The John W. Gaunt case.
9. The barge Tremblay case.
10. The theft of goods from government bonded warehouses.
11. The Dominion Distilleries case.

Nearly all these were mentioned by the hon. member for Vancouver Centre as the ground and meat of his charges against the new minister.

Now I come to another very interesting matter. That speech of February 2 will go down in history. It was full of fire. It exploded bomb after bomb and threw this House, figuratively speaking, into a state of consternation. Was it followed up by the hon. member for Vancouver Centre in regard to some of the fiercest things charged in it?

Mr. MOTHERWELL: He never mentioned them.

Mr. DONAGHY: I am going to mention one or two things and I will leave it to the judgment of the House to say if the hon. member in a bona fide way followed them up in every particular. I am going to read to you what he said about files that were stolen. The hon. member on that point said this:

> I wish to say right now that already nine filing cabinets filled with records containing damaging evidence have been removed from the custody and the care of that institution known as the government, taken away down to the home of an ex-minister and there destroyed.

That is a high criminal offence. Again the hon. member said:

> I made the statement that documents had been destroyed, that nine of the filing cabinets had been taken away and the documents destroyed; I said further that I would not disclose the source of my information and one of the reasons was that I feared the destruction of further evidence now in the custody of the government.

That was the strongest criminal charge that was brought in that speech. If the hon. gentleman had any ground for making the charge he should never have stopped short of investigating it before the committee. If he did so without any reasonable ground he failed to take this House fully into his confidence, and his conduct is deserving of some very caustic comment to say the least.

Mr. STEVENS: My hon. friend sought for nearly five months to disprove a lot of these charges but he has failed to do so.

Some hon. MEMBERS: Oh, oh.

Mr. DONAGHY: I am sorry for the distorted view the hon. member for Vancouver Centre takes of a very important matter. It cannot be passed off with any trifling remark such as he has addressed to us. I do not intend to leave the matter there; I am going to follow it through. If the hon. member had not had an opportunity to call evidence on that point I should say he would be honourably excused from doing so. If he did have an opportunity to call evidence on that point, and deliberately refused and neglected to do so, I say again that his conduct is open to very severe comment by members of this House. Did he have the opportunity? Perhaps it will be said that the Hon. Jacques Bureau, being a member of the Senate, could not be compelled to appear before the committee. That is not the truth in its full sense. There is a method by which even a member of this House, with all his privileges or a member of the Senate, with all the ancient rights and privileges of that body, can be compelled to appear and testify before a committee. The action the committee takes in that matter and which the hon. member for Vancouver Centre could well have taken before that committee, would be to make a motion that the Hon. Jacques Bureau be first invited to appear. Was that done No. Was there any challenge thrown out to the committee by any member of the public to do that? Yes. I have not the page of the report but hon. members will remember the incident to which I now refer. It caused considerable comment at the time. Hon. members may possibly remember when the editor of the Citizen newspaper was summoned to appear before the Customs committee. Apparently he had written an editorial which implied that some members of the committee were not bona fide trying to bring out all the evidence, and he was brought before the committee; he was examined by the hon. member for West Calgary (Mr. Bennett) and asked to say who were the witnesses that the committee was neglecting to call. He replied, "Well, it is not for me to say this publicly. You know as well as I do." But upon being repeatedly pressed he said, "I suggest to you that you invite the Hon. Jacques Bureau to appear before you." The suggestion was never acted upon or entertained for a moment. Perhaps the hon. member for Vancouver Centre will say the onus was on me of performing that duty, and not upon himself. I should not be surprised if he attempted to do that. It was not my duty to do it.

An hon. MEMBER: Why?

Mr. DONAGHY: To start with, I did not believe the statement which he made in his speech on February 2, that nine filing cabinets had been stolen and taken by the minister to his home and destroyed. I did not credit that. But on whom did the onus to support that charge rest? It rested on the man who made it, and he failed.

Mr. MOTHERWELL: He took to the woods.

Mr. DONAGHY: Let me tell you, Mr. Speaker, why he failed. Perhaps the hon. member will say that Senator Bureau would not accept the invitation to appear before the committee. That is not an answer.

Mr. STEVENS: Does the hon. member want an answer?

Mr. DONAGHY: Wait until I get through.

Mr. STEVENS: The hon. member challenged me to answer and I will answer

Mr. DONAGHY: Wait until I get through

Mr. STEVENS: My hon. friend—

Some hon. MEMBERS: Order, order.

Mr. DONAGHY: The hon. member will have ample time to answer.

An hon. MEMBER: Do not back down.

Mr. SPEAKER: The hon. member may not interrupt without permission of the hon. member who has the floor.

Mr. STEVENS: You appreciate the position, Mr. Speaker. The hon. member asked me a question and challenged me to answer. I offer now to answer. Do I make my position clear?

Mr. DONAGHY: I have not finished, and when I have finished the hon. member may answer.

An hon. MEMBER: Swallow the challenge.

An hon. MEMBER: Crawfish.

Mr. DONAGHY: I do not fear the hon. member's answer. I have not finished making my point. When I have done so, I will welcome the hon. member's answer. Perhaps the hon. member will say that Senator Bureau might not accept the invitation of the committee. That is not a complete answer. As the hon. member for Vancouver Centre well knows, there is a process by which a member of the Senate may be brought before the committee, namely upon a request being made by this House, asking the Senate to take action in the matter and to grant permission for the committee to examine an hon. senator. In that way he may be brought before the committee. But neither by invitation, which should have been tried first, nor by procedure provided by law, was any attempt made to bring the hon. senator before us. Further than this, even if we could not have brought the hon. senator before us, there was another method of investigating the matter. Why did the hon. member for Vancouver Centre not ask to have the Hon. Jacques Bureau's secretary summoned before the committee? Now I pause for an answer.

Mr. STEVENS: The answer is a very simple and a very plain one—yes, very simple. The answer is this, that the Duncan report, to which my hon. friend refers, and upon which he bases his question, was for a long time suppressed. Later on, on the insistence of certain members of the committee and the public press, it was finally read before the committee, but during the reading of that report and the evidence certain portions of it were deliberately suppressed and not read. These portions were of an intimate and most unfortunate personal character. They were of a character, together with the evidence adduced thereupon by Mr. Duncan, that would cast most serious reflection upon the personal character, the actions and activities of the ex-minister. There was a unanimity of opinion in the committee that it was undesirable to drag out what might be termed matters of low type, that it was thought better to confine the public exposé to matters affecting the public, and not introduce matters of intimate personal character. It was for that reason that the Hon. Jacques Bureau was not called before the committee, because it would have entailed the dragging of that whole business before the committee and the public.

Mr. MOTHERWELL: Very considerate. Tell that to the marines.

Mr. STEVENS: I challenge now the production of that report on the table of the House.

Mr. ARMSTRONG (Lambton): Is the hon. gentleman not sorry he spoke?

Some hon. MEMBERS: Order, order.

Mr. DONAGHY: I again express my great disappointment at the failure of the hon. member to understand or to appreciate the point. Let me make this plain beyond peradventure. The Duncan report was published.

Mr. STEVENS: No, it was not.

Mr. DONAGHY: It is printed in this book.

Mr. STEVENS: In part only.

Mr. DONAGHY: It is the hon. member's fault as well as anybody else's if the dirty part is not in it.

Mr. STEVENS: It was unanimously agreed by the committee to omit it. Put it all on the table.

Mr. DONAGHY: I am quite agreeable to that. It was through no desire on my part that any part of it was not put on the table.

Mr. STEVENS: The hon. member consented to its suppression.

Mr. DONAGHY: As my hon. friend knows the part that was omitted has nothing to do with the stealing and destruction of nine government files. It relates to some matter of an indecent nature, unconnected with those files. For that reason I said when I rose to reply to the hon. gentleman a moment ago that I am sorry that he fails or is unable to understand the point I am making. It is the destruction of these files that we are speaking about. I asked the hon. member for Vancouver Centre if he could explain why he did not move in

the committee that we invite the Hon. Jacques Bureau to appear for examination before the committee in regard to that.

Mr. STEVENS: The hon. member has his answer.

Mr. DONAGHY: Or why, failing that, he did not move in the committee that the secretary of the former minister be made to appear and be examined in regard to that.

An hon. MEMBER: Why did the hon. member not make the motion?

Mr. DONAGHY: The hon. member opposite suggests that the onus is on me. Are they going to take refuge in that theory so as to shirk the responsibility which lay upon the man who said that he had the knowledge? I repeat that the charge of stealing files, the property of the government of Canada, taking them to the province of Quebec and destroying them, is the most serious charge that was made in that speech of the 2nd February. It was so grave that the hon. member reiterated it and added that he was afraid that if he told the source of his information more files would be stolen and destroyed. What was the source of his information? Let him tell the source of his information. Why did he not bring that witness, document, or whatever it was before the committee?

I am now going to pass from that very sensational day, the 2nd February last, to yesterday when the hon. member for Vancouver Centre threw another bomb into this House. Fortunately the documentary evidence is in the House and I am going to base my statements on written documents when I address myself to the charge which the hon. gentleman brought against this government in connection with the prosecution of a smuggling case in Regina, Sask. In the letter which the hon. gentleman wrote to the Prime Minister on the 19th of this month he made these accusations. I am going to read them and then I am going to answer them. He said first:

> I submit to you, Sir, that in this instance where it was a vital "police case", political preference should not have interfered in the bringing of these men to justice.

By the way, it is the smugglers to whom he refers.

> My information is that the frauds affecting the excise revenue in the city of Regina and the surrounding district over a period of years would amount to hundreds of thousands of dollars.
>
> The facts as disclosed to me reveal a continuance of a practice of political interference, which cannot now be justified, and which would seem to indicate a continuance of the very practices which brought about the breakdown in the Customs department.

Let me proceed to analyze the truth and the facts after hearing these generalities. I turn now to the report of a gentleman of unquestioned honour and integrity who occupies the high position of Commissioner of the Royal Canadian Mounted Police, Colonel Cortlandt Starnes. This is his written memorandum under his signature dated the 21st of this month. He says:

> With regard to the retention of Mr. Bryant, K.C., of Regina, to handle this case, and the alleged excuse for the removal of Secret Agent Cahill from Regina, the undersigned begs to report as follows:
>
> It is always customary to apply to the Department of Justice for the appointment of counsel.

I ask if the hon. member for Vancouver Centre thinks that is a bad practice.

> The police agent had without authority, engaged Mr. Bryant—

I pause here to ask: On whose suggestion was the president of the Conservative Association engaged by this police agent? I pause here to ask another question. What explanation can be given why the regular solicitor of the department in Regina was not continued in this service? Let me read:

> The police agent had without authority, engaged Mr. Bryant, and he was instructed that Mr. P. Meudell Anderson, of Regina, had been appointed to conduct the case by the Department of Justice.

At this point I want to read to the hon. member for Vancouver Centre a recommendation which he cordially endorsed in the report of this committee and which deals with the question of the appointment of counsel to prosecute cases. We find this in paragraph 23, and I want to make an observation as to why we made this statement in our report. We were rather favourably impressed in our investigation with objections brought before us against inexperienced counsel being engaged to prosecute smugglers. John Jones who had never before prosecuted a case might be employed to-day to prosecute one and next month Sam Smith who had also never before prosecuted a case might be employed to prosecute one in the same locality. We realized that picking a lot of novices to do specialized work was not good for the service and sometimes enabled smugglers to escape on technicalities. For that reason we endorsed this recommendation which the hon. member for Vancouver Centre heartily approved:

> The committee further recommends that the Department of Justice—

the same department.

> —be requested to select at once capable and experienced counsel in important centres, and retain them to act for the Department of Customs and Excise in all future cases.

Continuity of retainer whereby experience and skill are gained. What are the facts? Mr. Anderson is the regular solicitor who has been doing the work of the department for years now, and our recommendation was that the practice should be observed of retaining lawyers already in the service and not changing them for purposes of political patronage. In every case that comes up we should have the benefit of experience. Who is the first to break the rule? Who is the first to object to its being carried out? I leave that to the judgment of the House.

Mr. LAPOINTE: Will the hon. gentleman permit me to add that the name of Mr. Anderson was sent to the mounted police by officers of my department without my knowledge, for the reason that he is the regular legal agent of the department.

Mr. DONAGHY: I come now to the next charge which the hon. member for Vancouver Centre made yesterday in connection with the Regina case—I leave to the judgment of hon. members the one relating to the solicitor. That charge is that by political interference this government, to use a slang expression, pulled off the mounted police detective who had been sent to Regina to prosecute, and despatched him to Montreal in order that the prosecution might be abortive, so that this supposed smuggler would go free. Let us look at the facts. I again turn to the report of the Commissioner of the Royal Canadian Mounted Police:

> Secret Agent Cahill has not been removed from Regina; his absence is only temporary and merely to enable him to give evidence in a very important case in Montreal on which he worked for over six months, involving the forgery of certificates for the release of liquor from American bonded warehouses. Secret Agent Cahill is the principal witness in the latter case which comes up on the 22nd instant and in connection with which a large number of witnesses have been brought from different parts of the United States. He will be returned to Regina as soon as his evidence has been given in Montreal.
>
> There has been no interference whatever in connection with Secret Agent Cahill's work. He knew before he went to Regina that he would have to appear in Montreal on the 22nd.
>
> Arrests in the liquor excise frauds at Regina were made on the 17th of June; the courts fixed the 23rd instant for the hearing of the case and Assistant Commissioner Knight of the Royal Canadian Mounted Police, Regina, was instructed to ask for a remand of seven days in order to give Cahill sufficient time to return.

Has any member of this House ever heard a more ridiculous charge than the one advanced by the hon. member for Vancouver Centre in this particular? Has it not all fallen to pieces? Why, it is exposed by the incontrovertible evidence of the documents.

[Mr. Donaghy.]

Why therefore should attempts be made to alarm the House with charges of that kind dramatically sprung upon parliament without notice?—sprung with all the ability, all the eloquence, all the condemnatory tone and gesture for which the hon. member for Vancouver Centre is so well known.

I shall now develop another line. There were brought before the committee a couple of cases which I feel it my duty to mention to the House. First of all I refer to the case of Daivey Waisberg which relates to the smuggling of silk into the town of Barrie, Ontario. The facts of this case are very simple. In the year 1922 a gentleman of the Jewish faith named Waisberg—

Mr. JACOBS: Is this gentleman's religion in question? And was Mr. Bisaillon's religion brought up in the committee?

Mr. DONAGHY: This man's religion was mentioned in the committee; otherwise I should not refer to it, for I do not think it is relevant. Waisberg returned in 1922 to the town of Barrie where he had previously been engaged in business, having failed to pay his creditors. He had been the client of a well known firm of lawyers during his first residence in that place and he returned to Barrie hoping to re-establish himself. Hopping off the train he looked around the town and, after sizing things up, approached a young man named Charles Kendall, who held a subordinate position under the collector of customs at Barrie. Kendall was the man who examined baggage coming in on the railway. He was married and his wife was sick, having been in ill health for a considerable time. He was poor, he was having a hard time, and luck was against him. Daivey Waisberg had ascertained all these facts regarding Kendall before approaching the young man. He then met him and said, "I know you are poor and your wife is sick. You don't get much here from the government. You can, however, make $2,000 a year extra if you wish. I will pay it to you and no one will be any the wiser. I will give you $50 a week if you will pass one trunk a week as baggage coming in here." Let me pause for a moment to observe that Mr. Sparks of the Commercial Protective Association when giving evidence before the committee said, "The professional smuggler generally tries to select a small town so as to get by more easily. Evasion of the law is more easy in such a place than it is in large cities." That was his evidence. That Waisberg was a professional smuggler and a confederate of professional smugglers there can, I think, be no doubt.

Mr. BOYS: Can the hon. member refer to any evidence that establishes that fact?

Mr. DONAGHY: I have not got it here, but I will refer to what has been said, and the hon. gentleman can check me up at his leisure. The evidence shows that this man Waisberg said to Kendall, "This is being done regularly." It is therefore a fair inference that he was associated with professional smugglers, for that is how such knowledge is acquired. In addition to this, Daivey Waisberg had a drygoods store at 184 Queen street, west, Toronto. During the customs probe we have all heard of Queen street, Toronto, in connection with the smuggling of silks at various establishments there. After this attempt at bribery had been made by this professional smuggler from Queen street, Toronto, the young man Kendall resisted, notwithstanding the strong temptation to which he was subjected by reason of his sick wife and family and lack of funds. He said to Waisberg, "I cannot do that, Waisberg." Waisberg replied, "Oh, I will be in next week with a trunk." Kendall said, "No, Waisberg. I will have to arrest you if you do that. Don't do it." However, he does not seem to have convinced Waisberg. The young man went to his superior officer, Collector Young, and reported what had happened, and he also sent a full report to the Deputy Minister of Customs at Ottawa. I have a copy of the report, which is so interesting that I will read it for the benefit of hon. members:

SIR,—While attending a meeting last night, October 16, I was called out by a person who stated he wished to speak to me on business and alone. I told him I could not leave the meeting, and he asked that I talk with him in a side room. I took him into a committee room, where he suggested I should permit him to receive baggage without examination, and for thus neglecting my duties he would give me $50, and that I could make $2,000 per year this way if I wished. I warned him that he was asking something foolish, and he stated it was being done all over—

That is what I said before.

—and that he would come here with a trunk, adding that he always carried certified invoices anyway. I have every reason to believe that he will bring baggage here and that he will again offer the bribe before producing invoices. On questioning him, I found out he intended to bring silks into this country in this way. He would not give information as to whether he had obtained merchandise or not in this way before, other than it was being done all over the country. He is a Jew, and gave his name as Daivey Waisberg, living at 184 Queen street west, Toronto. He also suggested he would get his goods this way in Toronto, but he could not "get next to the officers there," in answering my question as to why he came to Barrie for this specific purpose. I realize the danger of this practice and report the matter to you as it happened.

I have the honour to be, Sir,
Your obedient servant,
CHARLES R. KENDALL.

An honest boy. A few days later Mr. Waisberg hopped off the train again at Barrie, and this time he had a trunk with him. He saw the examiner of baggage again, told him what he had, and tried to press the money on him. I think he raised it to $100, as a matter of fact. The officer stood firm. He placed Daivey Waisberg under arrest, taking him to the collector's office and placing him in charge of the collector. Kendall then left the office. In a few minutes Waisberg walked out and laughed in Kendall's face. Shortly after this incident, according to the evidence, Mr. W. A. Boys, K.C., M.P., of the firm of Boys & Murchison, barristers and solicitors of Barrie, called at the customs office and saw Collector Young. In the meantime Kendall had sent a report of this likewise to the deputy minister at Ottawa. It is an illuminating document, and I am going to read it:

Barrie, October 23, 1922.

R. R. FARROW, Esq.,
Commissioner of Customs and Excise,
Ottawa, Ontario.

Sir,—I am instructed by Mr. Young to report further regarding A. Waisberg, who made an attempt to bribe me as per letter of October 17. Waisberg arrived in Barrie with a trunk on the evening of October 20 at 8 p.m., and immediately tried to get in touch with me, but did not find me at home.

Waisberg went to Kendall's house.

When he again offered me the bribe, on the following morning, I asked him to come to the customs office and talk the matter over.

The boy was leading him along.

Mr. Young, who was working in the back office, unbeknown to Mr. Waisberg heard the conversation. I asked Waisberg if he was not afraid of being caught, and he replied that he was not, that it was being done regularly, and if I was wise I could soon make lots of money because this was going to be a regular thing, not just once.

In answer to my question as to why he chose Barrie to defeat the customs, he replied, that it is quiet here, that I did all the examining, and no one could possibly be aware of what was in the trunk, and that he knew I had had hard luck with sickness in my home, and this would more than set me up. I asked him if this had been done before, and he replied, "no," that others were doing it, and he could not make things go unless he did.

Mr. BOYS: Does not that show that the man was not a confirmed smuggler?

Mr. DONAGHY: If the hon. gentleman is credulous enough to believe what that smuggler said, I am not.

Mr. BOYS: I am taking the statement the hon. gentleman is reading from Mr. Kendall's report.

Mr. DONAGHY: Mr. Kendall does not say the statement is true, but that Daivey Wais-

berg said this to him. I do not for a moment suppose that Waisberg would feel
5 p.m. himself under any obligation to disclose to Kendall anything except his own version of what would suit his interest, and I hope my hon. friend is not more credulous than I am in regard to the workings of smugglers of his type. I proceed with the letter:

The following are some of the questions and answers:

This was a smart boy, and when the conversation was over he apparently wrote down the questions and answers from memory:

Q. Are you aware of the penalty you are liable to?
A. Yes, but you are white, you would not let it out.
Q. There has been a lot of this going on? It seems to me there is a gang working, and you are most likely one of them?
A. No, I am working myself.
Q. You have in this trunk some valuable merchandise, what is it worth?
A. $1,140.60.
Q. If I would accept your bribe I would be liable to imprisonment.
A. Here, take this $50, I have it all counted ready, and nobody will be the wiser. Barrie is the easiest place because you are alone in examining.
Q. Why did you not go to Mr. Young?
A. I knew he would not let it through. You need the money, he does not. It would be no use asking him.
Q. Do you think I have no conscience, and hold my oath of office as a joke?
A. Oaths are nothing. You need the money. Here it is. It is easy for you and easy for me. You are white, and can be well off in a few months. Remember this is a steady thing.

The letter then proceeds:

I seized the trunk, and had it locked in the bond room after resealing it. When I told Waisberg that I was not here all the time, but was out relieving sometimes, he replied that it would be easy for me to go away if I wished, or he would wait until I came back to Barrie.

I have the honour to be, Sir,
Your obedient servant,
C. R. KENDALL,
Customs Clerk-Examiner.

I want to emphasize this point. These two original communications were received by the Deputy Minister of Customs and apparently later brought to the attention of the Hon. Jacques Bureau. I said that Mr. W. A. Boys, K.C., M.P., appeared at the Customs office and saw Collector young. The following letter was then written by Mr. Boys to the deputy minister at Ottawa, under date of October 25, 1922:

R. R. FARROW, Esq.,
Commissioner of Customs,
Ottawa.

MY DEAR MR. FARROW:

Re D. Waisberg

I would like to see you herein. Kindly delay proceedings—

[Mr. Donaghy.]

This reminds me of another case of which we have heard. Shall we make the welkin ring with condemnation of that phrase? Perhaps not now.

Kindly delay proceedings until Friday morning, the 27th, when I will be in Ottawa, and I will call and see you at 10.30.

Sincerely,
W. A. BOYS.

P.S.—I presume you are familiar with the matter, if not, I think Mr. Taylor is.

Now we will see what happened next, and you will have to read between the lines of the next letter. On November 7, 1922, the Hon. Jacques Bureau, Minister of Customs, wrote the following letter to Mr. Boys:

Re Waisberg

W. A. BOYS, Esquire, M.P.,
Barrie.

MY DEAR BOYS,—After your visit to my office with reference to the above, I sent for the file and went through it very carefully. I presume that Mr. Waisberg did not represent to you the facts as they were, so that you might judge for yourself.

I am sending you a copy of part of the file which will explain itself.

If he sent for the file he would read these two letters from C. Kendall:

Under the circumstances I do not think I would be justified in exercising any special leniency towards Mr. Waisberg.

That is the considered opinion of the minister, and we will see later on if the minister was persuaded:

You will see by this part of the file which I enclose herewith that the case is more serious than you thought or than you represented it to me. If Mr. Waisberg has been the man you represented him to be, I am afraid he is not now of the same calibre and that it will be dangerous to in any way condone or show leniency before further action is taken.

I will wait till I hear from you.

Yours very truly,
Minister of Customs and Excise.

Then on November 13, Mr. Boys wrote the Hon. Mr. Bureau as follows:

Hon. JACQUES BUREAU,
House of Commons,
Ottawa.

MY DEAR MR. BUREAU,—I have to be in Ottawa on Friday and will call and see you re Waisberg, so kindly let the matter stand till then.

Sincerely yours,
W. A. BOYS.

Mr. BOYS: I believe my hon. friend wants to be fair, so why does he pass over the letter which I wrote before that

Mr. DONAGHY: I will be very glad to read it; it would be only fair to read all the letters.

Mr. BOYS: I do not want you to do that but I would like this previous letter to be put in.

Mr. DONAGHY: I will be very glad to read this letter; it is undated.

Mr. BOYS: It is not undated.

Mr. DONAGHY: Mr. Bell asked the question:

The date is what?

Mr. Calder, K.C.: It is undated, but it follows immediately upon the letter dated November 27th, and it precedes the letter dated November 13th.

Mr. Bell: I am trying to get the year.

Mr. Calder, K.C.: 1922.

The letter is not dated, but I will read it:

Re Waisberg

Hon. JACQUES BUREAU,
House of Commons,
Ottawa.

DEAR MR. BUREAU,—I have just received your letter and naturally regret that you feel disinclined to adopt the suggestion you made during our interview. I note you think the case more serious than presented by me. I really do not think this conclusion is justified.

As far as I know, I told you Waisberg had attempted to bribe a customs officer and I intimated he had been persistent, and I also told you he had pulled out $50 in money and offered it.

I d d say I was of the opinion he was not making it a business and his crude effort in my opinion warrants that conclusion.

Mr. BOYS: Do not be too dramatic.

Mr. DONAGHY: Mr. Speaker, the simplicity of mind displayed in this letter is really amusing:

Aftr all, the offence of which Waisberg was guilty was exactly as I stated.

As you know, I did not ask that he should go scot-free and I felt now, having to pay double duty and sales tax, he is being severely penalized, and unless you think he is a confirmed smuggler or one of a gang, I am still of the opinion that for this, his first offence, the penalty suggested is very severe.

I reported the result of my trip to him and to his wife, and it will certainly come as a serious blow if criminal proceedings are now taken, and I trust, upon further consideration, you will see your way clear to carry out the arrangement made when I was with you.

Some hon. MEMBERS: Oh, oh.

Mr. MANION: Would the hon. member please explain the joke?

Some hon. MEMBERS: Order.

Mr. DONAGHY: I did not catch my hon. friend's remark.

Mr. MANION: I asked if the hon. member would be pleased to explain the joke.

Mr. DONAGHY: I have a very high opinion of the perspicacity of the hon. member for Fort William (Mr. Manion) when he wants to see the point.

I do not think you should lay too much stress upon the question and answer portion of the interview. No stenographer was present, and it is purely from memory.

It is true, it seems very impressive, but after all it it a case of attempted bribery and I definitely presented it as such, and I would be sorry to have you think I did not represent it according to the facts.

In view of the incident alleged and in view of Mr. Young's letter requesting you to deal leniently, and in view of the fact that it is his first offence, I think justice will be done by carrying out the arrangement made, and if you do not feel free to so dispose of it, I would be glad if you would let it stand until I again see you.

I think I will be in Ottawa next week on other business and at the very worst, will be there on the 27th or 28th, at which time I am to interview the Acting Minister of Railways, and in the meantime the only person suffering is Waisberg, for his goods are under seizure.

Yours sincerely,

W. A. BOYS.

Mr. SPENCE (Parkdale): Tell us what happened to Waisberg.

An hon. MEMBER: Ask your own whip.

Mr. DONAGHY: I will now proceed with the reading of a letter that I was requested to read. On November 13th Mr. Boys wrote to Mr. Bureau as follows:

My dear Mr. BUREAU,

I have to be in Ottawa on Friday and will call and se you re Waisberg so kindly let the matter stand till then.

On December 13th Mr. Boys again wrote Mr. Bureau as follows:

Hon. JACQUES BUREAU,
Minister of Customs,
Ottawa.

Dear Mr. BUREAU,

Re Waisberg

I have had no word herein as yet, and unfortunately the silk in question is still being held. I saw Mr. Young, customs officer, and he told me he had received no word. I would be excedingly obliged if you would give the necessary instructions to the local officer to release the silk on receipt of the amount payable.

Sincerely yours,

W. A. BOYS.

The Hon. Jacques Bureau was eventually pursuaded and he did order the release of the silk.

Mr. BOYS: On payment of how much?

Mr. DONAGHY: Wait a moment until I find the amount.

Mr. BOYS: The amount was $813.60.

Mr. DONAGHY: Now I have it here. This trunk of silk was returned to Waisberg on the order of the Hon. Jacques Bureau—

Mr. BOYS: Two years afterwards.

Mr. DONAGHY: Yes, two years afterwards on payment of $813.60. I am now going

to read to you the evidence of Mr. Blair, departmental solicitor and assistant to the deputy, as to how that came about. Mr. Blair's evidence is set out at page 1666 of the evidence and will be found very interesting reading. I quote as follows:

Q. Mr. Blair, at that moment, you knew this attempt at bribery could be proven?

A. Yes. I would like to explain with regard to that. You will see the date—

Q. Yes, 7/3/24.

A. Away in the fall of 1924. The matter had stood all that time. I know from conversations with the deputy minister concerning it, that he was very anxious Waisberg should be prosecuted on both charges, and that the goods should be forfeited, and there is no question but that is what should have been done. It dragged along, as you will see. The goods were lying there, and depreciating, and he finally called me into his office, and said "You had better prepare a report."

This is one of those "instructed" reports which members of the committee have severely condemned. Instead of departmental officers being allowed to prepare their own reports, they are instructed from those higher up as to what to put into their recommendations. That is what happened in this Waisberg case I continue to quote:

Q. Who told you that?

A. The commissioner. He said "Because it is the intention of the minister to release these goods upon payment of double duty," according to a promise he had given Mr. Boys. I should never have signed that. You will see that is a carbon copy. That is not my recommendation.

That is the report as to release on payment of double duty. I continue quoting:

Q. But the recommendation was prepared by you at Mr. Farrow's request?

A. His instructions.

Q. But Mr. Farrow, at that time, was very strongly disinclined to abandon prosecution?

A. Yes, that was the cause of all the delay.

Here were these poor subordinate officers in the department trying to get a prosecution for bribery under the Criminal Code against this man and they could not get it, they were held back.

Mr. BOYS: That is not a fair statement.

Mr. DONAGHY: I will read the quotation again, and the hon. gentleman will judge if it is not a fair statement:

Q. But Mr. Farrow at that time was very strongly disinclined to abandon prosecution?

A. Yes, that was the cause of all the delay.

I hope I have satisfied the hon. gentleman.

Mr. BOYS: The hon. gentleman will admit the evidence shows there was not the slightest effort in any way to settle the attempt at bribery?

Some hon. MEMBERS: Order.

[Mr. Donaghy.]

Mr. BOYS: I suppose hon. gentlemen want to be fair?

Sir HENRY DRAYTON: No, they do not.

Mr. DONAGHY: The whole circumstance will have to speak for itself. In this case there was no prosecution for bribery or no prosecution for smuggling or attempted smuggling as there should have been. All that was done was that the Minister of Customs at the request of, and as the result of an agreement made with, Mr. Boys, prevented the law from being carried into effect as it should have been and in the most flagrant case that was brought before the whole committee—this most outstanding case of criminality, of an attempt to take advantage of a poor boy with sickness in his family—punishment was thwarted. Under these circumstances the facts will have to speak for themselves; I make no comment upon them.

An hon. MEMBER: What about Moses?

An hon. MEMBER: Moses is all right.

Mr. DONAGHY: I continue quoting from Mr. Blair's evidence:

Q. And it was against his recommendation, and his desire to prosecute, that the goods were released on payment of double duty and sales tax?

A. Yes. He was very anxious for the man to be prosecuted from the start.

And he was thwarted in trying to discharge his duty.

Mr. RYCKMAN: Have you any condemnation for the minister?

Mr. DONAGHY: I am now going to deal with another very interesting case.

Mr. BOYS: Will you permit me one question?

Mr. DONAGHY: Undoubtedly.

Mr. BOYS: I do not want to interrupt my hon. friend but if he is through with the Waisberg case I should like to ask him this question: Does he suggest to the House that there was anything in my conduct which warranted the reporting of the evidence to the House. and if so why he did not vote in favour of it in the committee?

Mr. DONAGHY: In order to answer that question, I have to give the reasons why we brought in a report without condemning members of parliament. If the hon. member wants that explanation I am prepared to give it now.

Mr. BOYS: My hon. friend knows that I appeared before the committee without any summons and made my statement. I invited

the committee—and he was present at the time—to make any charge they thought fit against me and to report it to the House if they saw fit, and they did not do so.

Mr. DONAGHY: The hon. member has not answered my question as to what he desired me to do, and I am going to exercise my own discretion in the matter now.

Mr. BOYS: I will invite the hon. member to go as far as he likes.

Mr. DONAGHY: I propose to tell this House why, in that report, we omitted to bring in any condemnation of members of parliament or to mention their names. Personally I felt that in the interests of this country a report should be brought in that would have the support of both sides of the House in reference to all its recommendations for improving conditions in this country. I felt that the people were more interested in the welfare of the country and the revenue of this country than they were in a discussion in that committee of party politics and personal differences.

An hon. MEMBER: When did the hon. member change his mind?

Mr. DONAGHY: The remark of the hon. member discloses amazing ignorance. I fancy he has not read the report. The report is as I have stated and I have not changed my mind; but I had in view the bringing in of a unanimous report in the interest of the country and to satisfy the demands of the House; and the evidence having been reported to the House, it was then open to discuss, in connection with that evidence, any matter reflecting upon ministers, members, or whoever it might be. I have not made any charge against the hon. member, as he well knows. I have refrained from doing so, and I have taken this position: I have stated the facts, and if these facts do not carry conviction it is not my fault. It is my duty to give the facts. These facts and circumstances speak for themselves.

Now I turn to the case of Moses Aziz, which I am sure will bring smiles of joy to the countenances of my hon. friends opposite. We find that Moses Aziz, of the province of New Brunswick, was charged with importing into Canada and having in his possession some kegs of liquor. He was convicted on the 18th August last. This all occurred before the new Minister of Customs had any idea that he was ever going to be Minister of Customs. Some question was raised last night as to whether or not the charge laid against Moses Aziz was as severe a charge as should have been laid. I do know that the present Minister of Customs had nothing to do with it and is not responsible for it. On the 29th of August, 1925, Mr. Gallagher, the solicitor in charge of the Remission branch which deals with clemency and pardon for offences, wrote a letter to the Customs department regarding the Moses Aziz case. I point out to hon. members that that was in August, prior to the new Minister of Customs having been sworn in or appointed. The letter is from M. F. Gallagher, Chief of the Remission branch. It does not say to what officer it is addressed, but presumably it is to some official in the Customs department. The letter reads:

DEAR SIR,—Representations have been made to the hon. the Minister of Justice, by the Premier of New Brunswick on the case of Moses A. M. Aziz, convicted at Bathurst on August 18, of illegal possession of illicitly imported liquor. A fine of $150 was imposed, together with a jail sentence of three months, and the fine has been paid. The Premier of New Brunswick suggests that the imprisonment be suspended—

I do not know whether or not that has been called to the attention of hon. members.

Mr. NICHOLSON: It was read last night.

Mr. DONAGHY: The suggestion originated with the Premier of New Brunswick, and under our constitution the administration and enforcement of laws of a criminal character are in the hands of provincial governments. The letter proceeds:

The Premier of New Brunswick suggests that the imprisonment be suspended, as the offender is a married man, in business for himself, and the term of imprisonment will occasion him much hardship.

From my experience as a lawyer I can safely say that that plea is very frequently advanced as a ground for exercising clemency, namely, the hardship the sentence will impose upon a man's family. It has often been advanced in cases of liquor conviction, and often acceded to. The letter proceeds.

Moreover, it is stated that Aziz was not aware that the mere possession of smuggled liquor was in itself an offence, and further that the possession dated long before the act was amended.

As this man is not imprisoned, the Minister of Justice cannot order his release; it therefore, is a matter for your department to decide whether or not the magistrate should be asked to issue a warrant of commitment.

Yours truly,

M. F. GALLAGHER.

The suggestion came from Mr. Gallagher that it was a matter for the Department of Customs to decide.

Mr. ARTHURS: Read the remainder of the letter.

Mr. DONAGHY: I have read it all. The only thing I did not read was the words, "Chief of Remission branch" below the signature. I could not go any further down, much as I would like to oblige my hon. friend.

Mr. ARTHURS: The letter I refer to was the one from the Premier of New Brunswick.

Mr. DONAGHY: I was not reading that. If my hon. friend wants me to read two letters at the same time he will be sadly disappointed. At the time that letter was written the new Minister of Customs had not been appointed. He is not responsible for that letter in any shape or form and he is not responsible for the recommendation of the Premier of New Brunswick, nor is he responsible for the suggestion made by Mr. Gallagher, the chief of the Remission branch. He does not come into the scene until away on in September; he was sworn in on the fifth of that month. He did not assume the active discharge of the duties of his office until the end of October. As the House will remember, many ministers were absent from Ottawa during those two months. The minister, however, attended a cabinet meeting about the 21st September, 1925, a long time after this man had been convicted. He went from that cabinet meeting to his office in the Customs department and he was there for a very short time. The accumulation of months of work and files was on his desk, neglected. Those of us who have had to do with large offices will appreciate what that means. During the short time he was there and knowing that he would be staying there only a few hours, he dealt with what matters he could as presented to him by the officials under him, his deputy and others. The Aziz file was presented and it was explained to him that this man had been convicted a month ago; that he had not been imprisoned, and that apparently the Premier of New Brunswick had asked that the case be held up in the meantime.

What did the new Minister of Customs decide then? If this man was convicted over a month ago and some steps had been taken to hold up his imprisonment in the meantime at the request of the Premier of New Brunswick, any man would feel satisfied that that step must have been taken legally. We know how these things are handled in Ontario. I know how they are handled in British Columbia. When a man is convicted and he stands in the dock and sentence is imposed for three months' imprisonment, one officer hangs on to one arm and another on to the other and he is taken down below to the cells. If the next day you find him on the street you would never suspect that he had escaped. You would suppose, as any lawyer would suppose, that his solicitor had taken the necessary legal proceedings either by way of appeal and getting the man out on bail pending appeal, or in some other manner. Had I gone into the office of the Minister of Customs in the middle of September last and been informed by officials there in a hurried interview that this man had been convicted a month ago and that his imprisonment had been held up in the meantime, I say frankly as a lawyer that I would assume, without further question, that the usual procedure had been gone through to have that man released pending appeal or whatever proceedings had been taken, or pending certiorari proceedings which might also be taken. There were two ways in which he might have been out. The minister told us that while this was called to his attention he did not take the time to read the letter which had been written to the Hon. Jacques Bureau by Mr. Robichaud. He said: "I gave this matter what consideration I could. I said: If representations are being made and there are some circumstances connected with the case, my order is to let them stand as they are until they can be investigated." It was an exercise of judgment.

The minister appeared before the committee. He told us: "I do not want to shield myself in any manner, shape or form. I want to tell you the worst about myself in connection with this case." That statement carried to me at least an air of conviction, of sincerity, of proof of his high sense of honour. The sting in the whole thing is contained in the letter which Mr. Robichaud wrote. We cannot hold anybody responsible for writing a letter like that other than the man who writes it. Nobody with any sense of public honour would attempt to justify the expressions used by Mr. Robichaud in that letter and I am not going to attempt to justify them. My self-respect will not permit it. The sting, I say, is in that letter and it is contained in these words in the letter which Robichaud wrote to Mr. Bureau, not to Mr. Boivin:

> Mr. Aziz is of the highest help for us during this campaign, and we cannot do without his services.

That is the sting. I think there is another letter with a similar sting. Mr. Speaker, I ask you and I ask parliament as the highest court in this country, if it can, in the fairness which parliament will exercise, condemn the new Minister of Customs because an expression of that kind was contained in a

letter written by a gentleman who, to speak charitably, was most indiscreet, and addressed to the Hon. Jacques Bureau. Parliament, I say, will be fair in exercising its judicial function as the highest court in the land. As a result of that hurried consideration which the minister gave to the Aziz case the deputy minister or Mr. Wilson, the chief preventive officer, sent a telegram to the lawyer acting for the department in New Brunswick asking him to hold the case up in the meantime.

The new Minister of Customs did not return to take over his duties until the end of October, and I now proceed to inquire: What did he do in regard to this case when he got it under his hand? Let me read from page 1324 of the inquiry, and I crave the careful attention of members while I read the judgment of the minister. The new Minister of Customs writes this letter:

Ottawa, November 18, 1925.

Mr. J. G. ROBICHAUD, M.P.,
Shippigan, N.B.

Dear Sir:—

I have before me a memorandum concerning the case of Mr. Moses Aziz, who was condemned by the court to a fine of $150 and to three months' imprisonment for having had liquor in his possession.

The fine of $150 was paid, but the execution of the warrant of commitment was temporarily suspended.

I have examined the case with care, and I can find no reason for which the imposed sentence should not be executed.

That is the judgment of the minister when he had time to bring his mind to bear upon the case.

I have examined the case with care, and I can find no reason for which the imposed sentence should not be executed, but I will keep the matter in suspense until I get a reply from you, in the event of your having other representations to make to me.

The officers of the department contend that the efforts made to prevent smuggling of liquors will be much lessened if this man is let go without further punishment.

That is the judgment of the minister, exercising a high sense of duty in the performance of his office.

Some hon. MEMBERS: Oh, oh.

Mr. DONAGHY: Hon. gentlemen laugh at that, but I fail to see the reason. Now what happened following that? Remember, that was November 18 and parliament was summoned for December 10. It is not necessary for me to picture to the House with what matters members of the cabinet were concerned immediately succeeding that date, nor is it necessary for me to tell you what crisis faced the government. It was well known in the country at the time and I have no doubt that frequent, probably daily meetings of the cabinet were being held. Apart from that I need hardly say that hundreds of other cases calling for decision by the minister awaited consideration in the office of the Department of Customs. Can parliament regard this Moses Aziz case as the only matter that was before the Minister of Customs at that time? It is suggested that he should have disposed of it promptly; he should have brought Mr. Robichaud here the next day if possible after pronouncing that judgment. But let us look at the circumstances as they existed at the time. The Aziz case did not fill the whole picture in the country's eye, for more serious matters demanded the attention of the government. Parliament, although summoned for December 10, did not meet until January 7, and in the interval we can readily conceive what matters the members of the cabinet were called upon to consider. And when the House did meet on January 7, according to hon. gentlemen opposite, the Minister of Customs should have sent immediately for Mr. Robichaud, who had come up from New Brunswick. Why, it is asked, did not the Minister of Customs get into touch with Mr. Robichaud immediately and deal with the case? Have we, Mr. Speaker, no just sense of proportion regarding the importance of matters of public concern? When parliament met on January 7 there were other and graver and more vital interests occupying the attention of ministers, as they had occupied their attention for weeks. We all know the debate which followed for a month, and the uncertainty as to whether this government would remain in power or be voted out any day of the week. We know with what unremitting attendance members of the House were obliged to be here. They dared not leave the building, and pairs for most of the time were refused. When every member was in attendance day and night in this chamber, do hon. gentlemen insist that the Minister of Customs could have disposed of the Aziz case more expeditiously than he did? Let us be reasonable in these things. Let us as the high court of parliament sitting in judgment in this case be fair in the treatment we mete out to the minister against whom this charge is made. Shall we, for any political advantage, sitting here as the highest court in the land commit an injustice on a British subject? The eyes of all Canada are on parliament to-day. The people are wondering what the House will do with the Customs report, a report which has met with the universal approval of the business element of Canada. The business men of this country are wondering whether we are going to proceed with business and carry out the

recommendations of the report or sit back in this House and play politics and try to "get" one another.

A great deal of fuss has been made about the Aziz case. Now, in the province of Ontario last year 252 remissions of sentence were granted bootleggers and violators of the Ontario Temperance Act. I am not criticising that. These applications for clemency had no doubt been supported by persons influential in the community. Offenders generally call upon the local member to help them out when their familes are in distress and when they want to get out of gaol. These things are not new in Canada, but the Moses Aziz case is now brought out and an attempt is made to create a great political issue upon it. Smuggling has been going on for years; it has been going on under the administrations of both parties. The condition in which we found the administration of the customs, in the investigation we made, was the result of years of accumulated neglect. It is not a sudden growth, as everyone knows. Had time permitted, and had the Liberal members of the committee so desired, we might have made efforts to delve back into the administration of the Customs department during the past ten years, and I have no doubt some things could have been unearthed. For my part, these tactics do not appeal to me. If the administration of the Customs department under the Liberal party had not been properly carried out it would, to my mind, be no excuse to say, "Neither was it properly carried out under the Conservative government." I do not want to take that stand. No attempt was made to go back into the Conservative regime.

The press of the country has been free in its criticism of the display made by the two political parties during the present session. There is a strong suspicion in the mind of the public that political parties are wearing a mask of hypocrisy, and that behind many of these attacks and manoeuvres there is simply the design to play the game of beating the other side.

At six o'clock the House took recess.

## After Recess

The House resumed at eight o'clock.

## PRIVILEGE—MR. FORKE

### ALLEGED INTIMIDATION OF MEMBERS

Mr. ROBERT FORKE (Brandon): Mr. Speaker, on a question of privilege I wish to read part of a letter which has come to my hand, and which is headed "House of Commons. The Press Gallery." I will not weary the House by reading the entire letter, which deals largely with the actions of a certain gentleman in regard to past affairs of the Progressive group in the House of Commons, what he had done and the results obtained. I intend to read the part dealing with myself personally, which is as follows:

> In common with many others who have wished you well, I have ceased to accept at their face value your professions of disinterested independence but I have clung to the belief and hope that on a real issue of political morality you would lay aside partisan prejudices inherited from earlier political associations and exercise a fair and honest judgment and vote. But if you disappoint my expectations, I warn you that you will have to alter certain habits of life recently acquired, or expose yourself to mirthful ridicule. You will have to cease lecturing the older parties upon their imperfections and delinquencies; you will have to stop addressing Canadian clubs on the need for higher political ethics, you will have to spare Rotary organizations further expositions of your theoretical ideas of political morality and you will also have to pick and choose carefully what rural audiences you address, or at least be prepared to answer pointed inquiries and reconcile your part in degrading political and administrative standards with your persistent professions of a zeal to improve them. The Canadian public is long-suffering but its patience with humbug and hypocrisy can be exhausted.
>
> In the history of our native land there is a roll of noble names beginning with William Wallace and coming down as the centuries rolled on through John Knox, Patrick Hamilton and the reformers Muir and Palmer, to Sir Henry Campbell-Bannerman in our own time who did not hesitate, in some cases at the dire peril of their lives, to take a valiant stand by word and deed for the right and their reward is imperishable fame. You to-day are not even required to brave popular obloquy; you are merely required to exercise an honest trusteeship for the voters who put you in a place of influence and distinction and cast an honest vote on the evidence available.
>
> If you do otherwise, then a vast and unbridgeable gulf will forever yawn between you and the finer spirits of your race and Scotsmen will never be able to think of Robert Forke as faithful to the best traditions of his blood.
>
> I shall await your speech and vote with interest and if they are in accord with the information conveyed to me, I propose to send copies of this letter to the Ottawa Journal, the Winnipeg Tribune and the Brandon Sun immediately thereafter.

I wonder if members of this House must sit in their places and be intimidated by members of the press gallery in any vote they are likely to cast. I have great admiration for the press gallery; I believe in their fairness and honesty, but I do claim, Mr. Speaker, that a member of that gallery who has undertaken to make any such statements as those contained in this letter, in which he warns me and dares me that under certain conditions he is going to do so and so, has exceeded his position and privilege as a member of the press gallery. This letter is signed by J. A. Stevenson, and written from the press gallery. I

want to know exactly what is to be done under the circumstances, as I do not intend to lie down under it.

Mr. MACKENZIE KING: Mr. Speaker, I would suggest that the letter be tabled. I think this is a serious matter involving certainly the freedom of members of parliament, and the members of the House should have an opportunity at an appropriate time to decide what action should be taken in this connection.

Mr. SPEAKER: There is a well known procedure in connection with cases such as this where the honour of a member is attacked, and when he is subjected to threats as a member such procedure should be followed in this case when the letter is tabled.

Mr. MEIGHEN: I shall be interested indeed to follow the procedure the Prime Minister proposes with relation to a letter sent by a citizen to a member of parliament.

Mr. FORKE: Mr. Speaker, I suppose the right hon. leader of the opposition (Mr. Meighen) wants to be fair. This letter is written from the press gallery and signed by a member of that gallery in his position as such.

Mr. MEIGHEN: Very well; is he not a citizen?

Mr. DUNNING: Has he a right to intimidate a member of this House because he is a member of the press gallery?

Mr. MEIGHEN: If it is illegal intimidation to send a reasonable letter to a member of this House I shall be interested indeed in following the procedure of the government. I shall wait to see what they will do.

Mr. SPEAKER: The letter will be tabled.

Mr. BLACK (Yukon): I would suggest that the government follow the same procedure as they have followed in regard to Senate reform.

Mr. YOUNG (Saskatoon): I would like to ask the right hon. leader of the opposition (Mr. Meighen) if he approves of a letter of that kind.

## CUSTOMS INQUIRY

### REPORT OF SPECIAL COMMITTEE—MOTION FOR CONCURRENCE AND AMENDMENTS THERETO

The House resumed consideration of the motion of Mr. Mercier (St. Henri) for concurrence in the report of the special committee appointed to investigate the Department of Customs and Excise, and the proposed amendment thereto of Hon. Mr. Stevens.

Mr. DONAGHY: I have only a word or two to say in conclusion. Why does the amendment moved by the hon. member for Vancouver Centre conceal all reference to those concerned in the notorious and scandalous Daivey Waisberg case? Is it true that the reference to the Moses Aziz case, to the exclusion of the case of Daivey Waisberg, is proof that hon. gentlemen opposite are actuated and moved very strongly by loyalty to the party with which they are affiliated and nothing else? This may deceive those who wish to be deceived, but it will not deceive the public of Canada. The only name mentioned in the amendment moved by the hon. member for Vancouver Centre is the new Minister of Customs who set out to clean up that department. In conclusion I desire to commend to the careful and serious meditation of hon. gentlemen opposite an extract from that well-known sermon on the subject of hypocrisy which says:

> Or those eighteen, upon whom the tower in Siloam fell, and slew them, think ye that they were sinners above all men that dwelt in Jerusalem?

Mr. A. J. DOUCET (Kent, N.B.): Mr. Speaker—

Mr. EVANTUREL: Before the hon. member for Kent proceeds with his speech I should like to know from him what his nationality is?

Some hon. MEMBERS: Order.

Mr. SPEAKER: Order.

Mr. DOUCET: The question asked by the hon. member for Prescott is very interesting indeed. When the House rose last evening and the hon. member who has just resumed his seat (Mr. Donaghy) had adjourned the debate, I asked him, knowing I had to follow, about how much time the remainder of his speech would occupy? He said "Friend, about half an hour." You can well realize, Mr. Speaker, that one who was prepared to deliver a speech at two o'clock and was waiting for such a length of time has had time to forget it. Why the hon. member for Vancouver North consumed about five hours in saying what could have been uttered in about one-fifth of the time, no one can conceive, but later revelations will, I have no doubt, disclose the reason.

The hon. gentleman occupied the greater part of the afternoon in defending the noted J. E. A. Bisaillon of Montreal, the man who was dismissed by the present Minister of Customs, the man who has been condemned by public opinion throughout Canada. My hon. friend spent some time also in stating that the ex-Minister of Customs had debauched the

public service of this Dominion; but he forgot to tell the House that for so debauching the public service the Prime Minister, desirous of reforming the Senate, had appointed the gentleman in question to the upper House. I do not intend to dwell at length upon the speech of the hon. member for Vancouver North. I had come to the conclusion that I should occupy but a very short time in this debate.

An hon. MEMBER: So much the better.

Mr. MEIGHEN: So much the better for you.

Mr. DOUCET: I know it will be pleasant to hon. gentlemen opposite if I do not dwell too long upon the various questions that arose during the customs inquiry which lasted some four and a half months. When the Minister of Customs and Excise (Mr. Boivin) spoke at Sherbrooke on March 21 last and said that this inquiry would cost the country something like a half a million dollars, with no good results, it was the opinion of the members of the committee that the hon. minister had erred somewhat. He admitted that yesterday, and for his admission we are grateful. He said yesterday, Mr. Speaker, that politics had crept into the inquiry during the first few weeks. If politics were brought in I ask who was responsible? The first clash that came in the committee was when we asked on March 3 that the Duncan report be placed in evidence, and that Inspector Duncan himself be called into the witness box to testify as to the accuracy of that report. The first division in the committee occurred then, and had it not been for the hon. member for West Calgary (Mr. Bennett), the hon. member for West Hamilton (Mr. Bell), the hon. member for Vancouver Centre (Mr. Stevens), the hon. member for Peace River (Mr. Kennedy) and myself voting together to have the Duncan report placed in evidence, thus securing a majority, that report would not have been produced. Listening to the arguments of the hon. member for North Vancouver this afternoon one would imagine his party were entitled to all the credit for conducting this inquiry because forsooth they had produced the Duncan report. Do hon. members of this House realize that on April 21 we made a motion to have the Duncan report included in the evidence? The chairman of the committee then invoked, as he had a right to do, a rule which had not been invoked during a period of six or eight weeks. He asked that notice of motion be given and that the question be deferred for decision until the following Tuesday. It was not until the hon. member for Peace River supported our motion that the supporters of the government yielded to our wishes.

Now, Sir, I turn to other phases of the question Certain rumours are afloat, and in view of that fact I am not surprised at the question that was directed to me before I had even begun my speech. I can foresee by the rumours to-day that if the questions of conscription, the war with Turkey, and all the other familiar election cries of the past cannot be resorted to, one issue that will be raised at the next election will be that this committee focussed its searchlight only upon the port of Montreal in the province of Quebec. Let me say that if the committee focussed its searchlight upon the port of Montreal there are very many reasons for that First of all, Montreal is the largest port in this Dominion. In the next place it is the second largest port on the North American continent. Furthermore, Montreal is the fifth largest city on the continent; it is the metropolis of the Dominion, it is the chief manufacturing centre, and owing to its geographical position it serves approximately seventy-five per cent of the country's population.

Mr. RINFRET: I would ask my hon. friend to impress those facts upon the mind of the hon. member for South Winnipeg (Mr. Rogers).

Mr. DOUCET: I am convinced, although I am not boasting about it, that my remarks this evening will make much more impression on my friends on this side than if the hon. member had himself spoken.

With reference to the conditions in the port of Montreal and the province of Quebec since 1922, the attention of the commercial interests of the country was focussed upon that section. On the 13th of January, 1922, the ex-Minister of Customs caused the detachment of the Royal Canadian Mounted Police stationed at Lacolle to be removed from there, thus making easy the way of the transgressor in defrauding the public revenue. On the 25th of March, 1922, the same Minister had the Royal Canadian Mounted Police detachment removed from Philipsburg, Quebec, thereby opening the highway crossing the international boundary, providing an opportunity for the smuggler to import contraband goods into this country. On the 6th of May, 1924, the same Minister of Customs instructed the Royal Canadian Mounted Police force in Montreal to do nothing but report to Bisaillon. On the 24th of October, 1924, the same gentleman, occupying the position of Minister of Customs and Excise, removed all authority as customs and excise officers from the Royal Canadian Mounted

Police force at Montreal. Do you know, Sir, that the removal of Chief Inspector Busby from his inspectorship of the division of Montreal and the substitution of an inefficient and incapable successor, made the way much easier for wholesale corruption of the public service? Notorious cases arose in this district. Let me cite the Keith-Vaughan-Harrison case, referred to by my hon. friend from Vancouver North (Mr. Donaghy) this afternoon; the famous S. S. "Borden" drug case, the famous barge "Tremblay" case, and again the Denise Larde silk smuggling case into the port of Quebec. There were very many cases of this kind, and the commercial interests of the Dominion were affected. They centralized on the Commercial Protective Association, and they asked that special men be sent to Montreal to investigate. And let me say that the steps taken by the Finance department in sending men to inspect the port of Montreal, and the information gathered thereby, were the basis upon which this inquiry was conducted. The fact, again, that the counsel chosen for the committee had intimate knowledge of the way smugglers were carrying on their nefarious traffic in this section gave him first-hand knowledge as to how to proceed with the inquiry. That he was a clever gentleman and that his work was done in an efficient manner no one will deny, and that he was likewise appointed by this government is admitted by all. Then I ask, Mr. Speaker, how is it that the inquiry was focussed at first on Montreal, to the detriment of that city? Respectable citizens of Montreal and respectable citizens of the whole province of Quebec have welcomed this inquiry, and the facts revealed by it will be the means of cleaning out the smuggling gang operating in that section, will give a fair chance to the legitimate business interests of the province to conduct business, and will also bring additional revenue to the treasury of this Dominion.

During the first addresses made on the charges preferred by the hon. member for Vancouver Centre (Mr. Stevens) on the 2nd of February last, and referred to, it is true in a very small degree, by the hon. member for Vancouver North this afternoon, the Civil Service Commission was practically accused of having made a poor selection of the Customs officers in that section. I hold no brief for the Civil Service Commission, but the revelations made by that committee were such that two of the commissioners were asked by the Prime Minister to tender their resignations.

Mr. MACKENZIE KING: I beg pardon; I did not ask them to tender their resignations. I suggested that they should ask to be relieved from their duties pending the time that the committee made its report to this House. That is a very different thing from asking for their resignations.

Mr. DOUCET: I accept the explanation of the right hon. gentleman. It is satisfactory to me. It meant the same thing, and in fact it was the same thing. I hold no brief for that commission, but I want to say that the files and the evidence produced before the committee clearly show that every man who was neglectful in his duties was appointed to the force before the Civil Service Commission appointed men to the outside service. Furthermore, every promotion made by the Civil Service Commission was recommended by the department itself before the promotion went through. The inspector of the port of Montreal was recommended as 100 per cent efficient, 100 per cent capable, and by whom? By officers of the department; and if he did not get a reclassification last year, was it the fault of the department? We have in evidence, Mr. Speaker, that the deputy minister harassed the commission for six months to give this man Clerk a reclassification, and the reclassification would have gone through if it had not been objected to by the chairman of that commission. It is useless to try to blame the Civil Service Commission for the negligence in the customs service. Do hon. gentlemen want any further proof? You remember, Mr. Speaker, when the vote for $350,000 passed this House last session, the plea was made by the Prime Minister himself. If we refer to page 3778 of last year's Hansard, we will see that he said that it is most important that steps should be taken to protect the revenue of this country. There was a loss in revenue of possibly fifty to a hundred million dollars per year owing to the conditions that existed, and the Minister of Customs himself said, "You cannot get efficient officers by applying to the Civil Service Commission. These men must be appointed outside of that commission altogether." With what result? The records of sixty-seven special men were placed before the committee, and I am going to quote a few of them this evening for the purpose of showing that they got poorer results than they would have obtained if they had asked the commission to make the appointments.

In the fall of 1924 there were some 123 cans of alcohol seized at St. Leonard in the county of Madawaska, New Brunswick. That

alcohol was placed in the customs house for safe keeping. The man in charge of that warehouse left the place about thirty minutes after midnight on the 21st of December and went to a pool room where he played cards until about six o'clock in the morning. When he returned he found that the place had been broken open, the alcohol was gone and he had no excuse to offer. That is in substance the report given by the inspector of customs stationed at Woodstock, New Brunswick. The man, as would be expected, was retired; but when it came to the appointment of a special preventive officer in October last, the same man was appointed at a salary of $1,200 a year.

I come to the case of a man at Chester, Nova Scotia, a man who was fined in October 1922 for having sixteen gallons of smuggled rum in his possession. The files of the department show that he was appointed as a special preventive officer on the recommendation of the member for the constituency, and when the chief of the preventive service said: "Why, this man is a noted smuggler," this member, (Mr. Duff), wired back, "collect" as per usual, stating: "He is a good man."

I come to the case of three men appointed in the county of Gloucester in the month of October. One of them is eighty-four years of age.

Mr. ROBICHAUD: Would the hon. member name the man who is eighty-four years of age?

Mr. DOUCET: I do not think it can serve any good purpose to name those gentlemen in this House. I have the files of the department before me.

Mr. ROBICHAUD: I rise to a point of order.

Mr. SPEAKER: What is the point of order?

Mr. ROBICHAUD: My point of order is this: I recommended the three men appointed in Gloucester and I state before this House that no man above fifty years of age was appointed.

Mr. SPEAKER: That is not a point of order.

Mr. DOUCET: His name is on the list certified by the department and produced before the Customs inquiry committee.

Mr. ROBICHAUD: Produce it.

Mr. DOUCET: My hon. friend can deny it if he wishes. Either my statement is correct or the files produced by the department are incorrect. But one thing I do know—and in passing let me say that a man eighty-four years of age would hardly be a reasonable preventive officer to send after smugglers after dark in the months of October to December—

Mr. ROBICHAUD: I rise again to a point of order.

Some hon. MEMBERS: Sit down.

Mr. ROBICHAUD: I rise to a question of privilege.

Mr. SPEAKER: Will the hon. member state his question of privilege?

Mr. ROBICHAUD: My hon. friend stated that in my constituency a special preventive officer whose age was about eighty years had been appointed on the recommendation of the then member for the county of Gloucester. The fact is—

Mr. SPEAKER: There is no question of privilege and no point of order. I may say that no interruptions may take place except with the permission of the hon. member who has the floor. The hon. member will be at liberty to speak afterwards.

Mr. ROBICHAUD: I rise to a question of privilege.

Mr. SPEAKER: Order.

Mr. DOUCET: I have no objection to having questions put to me, but I wish the hon. gentleman when rising to a point of order would have something to talk on. I can give him my assurance now that I do not propose to treat him as badly as the hon. member for Vancouver North (Mr. Donaghy) treated him this afternoon. I did not intend to use any harsh language in this connection and I do not intend to do so now.

I wish to finish my point with this observation. When the three men were appointed to the force of Gloucester in October last, the man who took them to the magistrate to have them sworn in was the famous Moses Aziz who had been convicted. On the files of the department produced before the committee there are letters to the department from officers in good standing down there who claim that Moses Aziz had been the medium through whom those three officers were reporting to the Customs department. Why, this question of going outside the Civil Service Commission to appoint preventive officers is considered in the Maritime provinces to be a huge joke. No later than three weeks ago a customs officer had to be appointed to the outport of Chartierville in the county of Compton, Quebec. Who was appointed? A man who has violated the cus-

toms law and has been fined therefor, a man who is a noted smuggler in that part of the country.

Need I say anything in connection with the appointment of Captain Zinck of Lunenburg? I do not wish to say anything detrimental to him because he has passed to the great beyond, although he had not when the inquiry was being held. But when in 1924 the hon. member for York-Sunbury (Mr. Hanson) put on Hansard a question asking what salary Captain Zinck was getting, the hon. member was told that Captain Zinck did not receive any salary. Can hon. members imagine a man such as Captain Zinck working day and night surveying the liquor-laden vessels coming into the port of Lunenburg, without salary? He did not. When it was found by an inspector of the department that he had to refund over $2,600 of the moneys of this Dominion, then the department gave him a salary of $100 a month. In connection with the special preventive service, one Mr. Trask was appointed on October 1, 1925, to the position of customs preventive officer, and on the 14th of that month he made two seizures of liquors and of one schooner. That man was discharged on October 19. In fairness to the member for the constituency it must be said that a charge was made against this officer, but I would point out that the information on the files shows that an affidavit or a declaration made by a well known smuggler was taken in preference to his. And by the way, these seizures which Mr. Trask had made were abandoned and no prosecution was pursued by the department.

I come now to the appointment at Mahone bay on September 1, 1925, of an officer whose selection was made upon recommendation by collect telegram despatched by the representative of the constituency, the member for Lunenburg, (Mr. Duff). This officer took his instructions from the member of the riding and reported to Captain Zinck, and when questioned by the preventive service in the month of January, 1926, as to why he had done no work, he replied, "Why, gentlemen, in September and October I was occupied with the election."

To show how sincere the government were in their desire to appoint proper officers I would refer to inspector G. H. Barbour of Charlottetown. This man, a provincial prohibition officer, was appointed without salary on April 23, 1923, and during his short tenure of office he had more seizures to his credit than all the other men on the whole island. That is to say, he had made six seizures within the space of six months. But because he was too efficient he was dismissed on December 15, 1923, for which dismissal no reasons have so far been advanced.

There is in the waters of the gulf of St. Lawrence to-day a motor boat known as the Bernice which is costing the department $664 per month. That boat is supposed to be engaged in the work of surveying the shore. And who are on board her? One man on board has been for years rum-running to St. Pierre-Miquelon, and he abandoned that enterprise only when he lost his schooners on the rocky shores of Cape Breton in a storm. Thereupon he proceeded to sell liquor contrary to law and shortly after the new government of Nova Scotia came into power, finding no doubt that it was a rather dangerous business to carry on, he transferred it to his son. He is now working on this motor boat which is, as I say, ostensibly engaged in survey work, and it is common talk in that section of the country that the motor boat conveys liquor from vessels beyond the three-mile limit to this man's son on shore for him to sell by the glass.

Can this government claim that they have made reasonable efforts to enforce the customs laws? Why, that vote of $350,000 last year was nothing more than political camouflage: some men had to be rewarded prior to the election and they got their reward.

I turn now to another phase of the subject. I was sorry indeed that the Minister of Customs should attempt, as he did yesterday afternoon, to excuse everybody else and take the whole blame upon himself. I do not think he is doing himself justice. I did intend to say that we regret personally having been obliged to take the present step, but I fear the hon. gentleman might give me the same reply he was good enough to make to the leader of the opposition (Mr. Meighen) yesterday. And as I have no wish to crucify anyone I shall not express that regret. No, Mr. Speaker, the minister need not take the whole blame. The blame for the neglect of properly enforcing the customs laws of this Dominion must rest with the entire cabinet. The Prime Minister (Mr. Mackenzie King) was himself on the 22nd day of January, 1925, aware of the situation so far as it relates to liquor activities in the Maritime provinces. I have under my hand a copy of a letter addressed to him by the Social Service Council of Nova Scotia, which letter, by the way, is among the files produced by the department for the information of the inquiry. The Social Service Council of Nova Scotia represents all the churches of that province, and other organizations, as follows: Church of England

Synod, Roman Catholic Church, Presbyterian Synod, Methodist Conference, United Baptist Convention, Lutheran Synod, Congregational Union, Disciples of Christ, Salvation Army, Young Men's Christian Association, Women's Christian Temperance Union, Society for Prevention of Cruelty, League of the Cross, Nova Scotia Temperance Alliance, Grand Division Sons of Temperance, International Order of Good Templars, Young Women's Christian Association. Owing to the increasing activities of rum runners in the Maritime provinces, the general president and the general secretary of the council wrote to the Prime Minister on January 22, 1925, asking that conditions in that province be looked into They brought to the attention of the government the fact that Halifax was being used as a port of clearance for the export of contraband liquor from Canada. Liquor being cleared from the port of Halifax for foreign ports was apparently coming back into Nova Scotia, as I intend to prove before I get through. That letter was replied to by the Prime Minister's secretary on January 28 and on the 4th day of April the Prime Minister wrote to the Reverend Mr. Grant, the general secretary, to the effect that the matter was being attended to. What means were adopted I know not, but I do know that on August 18, 1925, the Reverend Mr. Grant inquired of the Prime Minister what had been done in the matter. On September 2 in the same year the Prime Minister replied that they had made inquiries as to the bona fides of the landing certificates and that some of them were in doubt. The correspondence practically ended there between the Prime Minister and the representative of the Social Service Council of Nova Scotia.

Now, hon. members may ask, why did the Rev. H R. Grant bring the question of liquor smuggling in the Maritime provinces to the attention of members of the government. It was because in 1923 thirty-six vessels were granted clearance from the port of Halifax and sixteen from the port of St. John for foreign ports, a total of 530,032 gallons of intoxicating liquor being so cleared. In 1924 ninety-six vessels cleared from Halifax and twenty-nine from St. John with a total of 1,913,796 gallons of intoxicating liquor. The Social Service Council of Nova Scotia, realizing in January, 1925, that this increase was abnormal and that something should be done to stem this enormous traffic in liquor from Canadian ports ostensibly to foreign ports, but which liquor really came back into the Dominion without paying excise or duty, took action. But nothing was done by the government. In 1925, 261 vessels left those ports with a total of 3,387,432 gallons of liquor. In three years, Mr. Speaker, no less than 5,831,260 gallons were cleared in bond from those two ports, ostensibly for foreign ports, but, as I intend to show, Sir, not a gallon of it left the shores of the Maritimes. And because it did not, at the rate of $9 a gallon excise on that liquor, the treasury lost $52,481,340.

I may be asked, how do I know that those vessels never reached a foreign port. I do not intend to weary the House by quoting at length the statements under my hand taken from the schedules published in No. 63 of the minutes of proceedings of the Customs inquiry. I shall take only a few examples illustrative of the facts that I have been giving the House. The schooner Dorin cleared from Halifax on September 17, 1925, destined to Lima, Peru, with 3,110 cases and 500 kegs of liquor. Lima, Peru, as is known to every hon. member, is on the west coast of South America, and I am safe in saying—and no marine man would contend otherwise—that no vessel can make the round trip in less than four months. But, lo! Sir, on September 21—four days later—she returned to Halifax and cleared again for Lima, Peru, with 4,110 cases and 500 kegs of liquor for Havana.

Now I take the schooner Ena A. Moulton; she cleared from Halifax on October 5 for Nassau in the Bahamas, roughly speaking about 1,500 miles from Halifax with a cargo of 7,940 cases. I doubt if anyone would claim that she could make the trip in less than sixteen or eighteen days. But she was back in the port of Halifax on the 7th—two days later—and cleared the second time with a similar cargo for the same destination. Five days later, on the 12th, she cleared again for Nassau with 2,400 cases of liquor. She made her fourth clearance on the 16th, within four days, for Havana, with 1,401 cases of liquor. I ask you, Mr. Speaker, and I ask this House, with that information before the department and the government, contained in a letter dated January 22, 1925, from the Social Service Council of Nova Scotia to the Prime Minister, why were not steps taken to stop this camouflage of shipping liquors in bond from Halifax and St. John ostensibly to foreign ports but really to be landed on the shores of the Maritime provinces. The schooner Ellice B., whose port of registry is Lunenburg, Nova Scotia, cleared from Halifax on September 5, 1925, with 11,665 cases of liquor for Nassau She was back in Halifax on September 16 and

9 p.m.

cleared again with 12,265 cases of liquor for Nassau. Then on October 9 she cleared again with 10,465 cases for Havana. In six days she was back for an additional cargo of 6,965 cases for Havana, and on October 22 she was back again and cleared for Havana with 7,643 cases.

Mr. GUTHRIE: Was excise paid on that?

Mr. DOUCET: No excise, customs duty or sales tax was paid on any of those cargoes. I need not weary the House any more in that connection, Sir.

Mr. ARTHURS: Read them all.

Mr. DOUCET: I might quote the Maria A. Howes, which cleared from Halifax on October 5, 1925, with 17,300 cases of liquor for Lima, Peru. She was back two days later and cleared again with 17,000 cases for the same destination. Then the schooner Catherine M. Moulton cleared from Halifax for Havana on August 11, 1925, with 6,607 cases and 4 kegs of liquor. Four days later she cleared again for the same destination with 6,507 cases and 104 kegs. Not even an airoplane could make the trip from Halifax to Havana and be back in four days. That must have been known to the Customs officers.

Now I come to the schooner Morso, with registry at Lunenburg, Nova Scotia, which left Halifax for St. Pierre, Miquelon on August 13 with 2,652 cases and 185 kegs of liquor. In two days she cleared Halifax again; she must have made the round trip of 1,000 miles in 48 hours, allowing no time for unloading and loading. Then she cleared for Guanaija with 300 kegs of liquor in addition to her first shipment. Where did she get the liquor? Through the 260 odd vessels which cleared Halifax and St. John in 1925 you have the whole story.

Before I leave the question of liquor smuggling in Nova Scotia and the Maritime provinces generally I wish to say that there is conclusive evidence on file that these vessels never reached Nassau, Havana, the Azores, Lima, Peru, Porto Coles, Venezuela or Nicaragua, to which places they cleared. They inevitably found sale for their goods on the shores of the Maritimes or in "rum row" off the United States coast. I want to emphasize the point, Mr. Speaker, that no excise, customs or sales tax was paid on over 5,750,000 gallons of liquor shipped in the course of three years from these two Canadian ports and there are, at least, seven other ports in Canada where this is practised.

I asked a moment ago why the present Minister of Customs assumed all the responsibility in connection with the administration of customs laws; there is such a thing as adopting an heroic attitude at an uncalled for time. Members of the government were aware of the fact that smuggling of liquor had been going on. Members of this House will remember that in the spring of 1925 there was a coal strike in Cape Breton, and that in response to a plea for help the militia were sent to Glace Bay. In June, 1925, a seizure of liquor was made in the quarters of the Royal Canadian Dragoons at Glace Bay. That liquor was transported there in two motor cars from the motor boat Kiora, which boat had landed the liquor from a vessel outside the three mile limit. The House may ask if a prosecution was made then, and my answer is no. Why? Because the Minister of National Defence (Mr. Macdonald) intervened and said, "You cannot prosecute these men."

Mr. EVANTUREL: What about August of that year?

Mr. DOUCET: If my hon. friend has anything to say about August of that year he can say it.

Mr. EVANTUREL: I am asking you.

Mr. DOUCET: I expect the hon. member to ask a sensible question. This liquor was unloaded from the vessel operating in "rum row"; landed by one of the fastest motor boats in that district and transported to the barracks, and neither the owners of the motor boat, the motor cars or the officers connected with the landing of that liquor were prosecuted, because a minister of the crown, a member of this present government, intervened and prevented prosecution.

I come now, Mr. Speaker, to a motor boat known as the Cozy, of 10 tons, not registered. She left St. Pierre, Miquelon, on July 22, 1925, with 250 cases of whiskey; she arrived at Main-a-dieu, Cape Breton, on the morning of the 25th with nothing on board. There was no report inward and no report outward; she remained in Main-a-dieu until July 30, and was seized in Halifax on August 5, the date to which my hon. friend was referring. She was seized for having unloaded liquor on the shores of Cape Breton without making a report inward or outward. One of the friends of the government in Halifax wired the department and the present Minister of Customs released the boat, or authorized a refund of the fine which had been paid on August 28th, and the fine was thereupon returned.

Now I come to the schooner Rising Sun, which left Canso on September 23, 1925, with

a clearance for Nassau. I hope hon. members know the direction which would be taken in going from Canso to Nassau, but this schooner was in Charlottetown on September 26 and cleared again from Charlottetown for Nasau with 770 cases of liquor. She was hovering around the shores of the Northumberland strait, making no report to the customs and arrived at the out port of Canso on October 1 in ballast, empty. This schooner was seized and one of the sailors made an affidavit confirming every suspicion of the officers in that territory, but would you be surprised to learn that while the officers of the preventive service were making a close scrutiny of the district to get additional evidence the hon. member for Lunenburg (Mr. Duff) wired the department to release the vessel, and she was released before the officers of the department working on the ground had a chance to report to their chief.

Now, Mr. Speaker, during the whole of the inquiry when we discussed this question of ocean going vessels the question of territorial waters was always to the fore. That was brought about because for at least thirty-five years to the knowledge of the officers of the department who testified at that inquiry, what is known as the strait of Northumberland, the Baie des Chaleurs, and the gulf of St. Lawrence, inside of Cabot strait, were known to be Canadian waters and recognized as such, and every seizure made inside Cabot strait was recognized by the department who were sustained in that position by the courts in every case of appeal. In the month of June, 1923, we find that the schooner W. C. Kennedy, owned by the W. C. Kennedy Company of Lunenburg—which by the way was not known by the postmaster of Lunenburg when a registered letter was sent there by the department after the seizure, but whose secretary, apparently, is one Mr. Adams, who is also secretary for the Lunenburg Outfitting Company—left St. Pierre et Miquelon with 994 cases of liquor. She reached Halifax and remained there ten days waiting for orders. She cleared from Halifax on June 18, 1923, and took a clearance for Nassau in the Bahamas. She was next reported in the strait of Northumberland, seven miles off Pictou island, on June 26. That, as hon. gentlemen know, is in the opposite direction to the course for Nassau. The vessel was seized by the customs cruiser Margaret, and before the master had a chance to communicate with his fellows on shore, he replied to questions by Captain Alfred Lacouvee, of the Margaret. He stated it was true that he had a clearance for Nassau, but he had been told by the supercargo to lie off Pictou and there take orders from the supercargo who had gone by land to make the necessary arrangements for the landing of the cargo. He further testified that when the seizure took place he had only 806 cases of liquor on board. He said that after leaving Halifax he had unloaded 188 cases of liquor in open motorboats outside of the three-mile limit on the Dartmouth shore. The schooner was seized, the cargo transferred to the steamer Margaret, and taken to Quebec. But, Sir, the hon member for the constitutency of Lunenburg, (Mr. Duff), realized that there was a possibility that by invoking the territorial water question he might have his schooner released.

An hon. MEMBER: His schooner.

Mr. DOUCET: I said "his schooner," because if you look at Lloyd's register you will see that the W. C. Kennedy was registered in the hon. gentleman's name. Furthermore the captain of the vessel said that he was hired and his wages were paid by the hon member; but he had to take orders from the supercargo. Now the cargo was valued at $35,000 and the vessel at $20,000, and it was in the hands of the customs officers. The question may be asked now: What steps were taken to secure that seizure in the interests of the department? The answer is no steps whatsoever. The master of the schooner made three different affidavits to suit the needs of the occasion. These three affidavits, varying with each other in quite a degree, are to be found on the file. Counsel for the owners of the cargo and the schooner made a claim that the strait of Northumberland were not territorial waters, consequently the department would not hold the seizure and did not think of getting the opinion of the Department of Justice. Furthermore although the Department of Marine and Fisheries maintained that under the treaties that had been entered into those waters were considered as Canadian waters, they submitted to the claim advanced by counsel for the defendant without asking for an opinion from the Department of Justice. They ignored the affidavit made by the master of the ship before he had been in touch with his fellows on shore; they ignored the report made by the captain of their own cruiser; they released the vessel on the payment of $400; they returned the cargo of liquor which had been sent to Quebec back to Halifax to be loaded on another rum-running schooner going out of Halifax; and they refunded the sum of $400 which had been made as a deposit in the first instance. I understand the Minister of Marine and Fisheries is to speak in this debate, and I want him to answer this

question for the benefit of myself and my constituents: if the waters of the strait of Northumberland are considered territorial waters for the purpose of deep sea fishing, how can they be anything else but Canadian waters for the purpose of preventing the smuggling of goods into Canada? The men whom I represent in this House claim, and rightly so, that if the waters of the strait of Northumberland, outside of the three-mile limit, are to be considered as international waters for the rum-running schooners of the Lunenburg crowd they can also be considered international waters in the interests of the lobster fishermen.

Now I come to the motorboat Jeanne d'Arc. This was an open boat 40 feet long and unregistered. She left St. Pierre et Miquelon and took a clearance for Nassau in the Bahamas, a distance of at least 2,000 miles, in the fall of 1923. On September 19 she was seized within three miles of the shores of Prince Edward Island. Her cargo of contraband liquors was transferred to the schooner Margaret, taken to the port of Quebec, and placed in the custom house there. On December 17, 1923, a telegram was sent by the department to put the Jeanne d'Arc in winter quarters. A copy of that telegram is on the file. On December 19 an additional telegram was sent arranging for a release and not to proceed with the order of placing the vessel in winter quarters. There is absolutely nothing on the files to show why the department changed its mind between December 17 and December 19. There is a memorandum on the file stating that a letter from the Hon. A. B. Copp for the Minister of Customs and Excise was attached, but that letter is not to be found on the file. At that time there was a by-election on in the county of Kent, the boat being owned in Buctouche. The owners of that boat, who ordinarily are very active partisans, refrained from taking part in the election. There were two members of the government in that county and a gentleman who became a minister of the crown later on. Shortly after these men had made a pilgrimage throughout the country, the owners of the boat Jeanne d'Arc became enthusiastic supporters of the government, and the question is how could they change their minds overnight? The telegram of the 19th December shows the reason why. The vessel and the cargo being released, some excuse must be found. What excuse did they invoke to release the vessel three miles from the shore? They asked the captain of the cruiser a question, and they found the vessel was 5,770 yards from shore. If they had used a nautical mile in their calculations, it would have meant more than 6,000 yards. But someone acquainted with mathematical problems in the department used the land mile and they found that 5,770 yards would be sufficient to get her outside the three land mile limit. Just as though you would proceed to measure molasses by a yardstick instead of measuring by the gallon measure, they used the land mile instead of the nautical mile; on that basis they found she was outside the three-mile limit, and they released the vessel. The question now is, how is it that they do not enforce the customs laws of this country?

I believe I have discussed at sufficient length the activities of the liquor fleet of Nova Scotia and the Maritime provinces, aided by the government in every respect. They granted clearances for the foreign ports when they knew the boat would never reach there. They granted a clearance to a port in South America where the trip would take about four months, but the boat was back in forty-eight hours and the liquor was landed on Canadian shores by motor boats. The ministers of the crown intervened and no prosecution resulted. The people of the Social Service Council of Canada asked the Prime Minister and the government to provide swift running motor boats for the purpose of watching the bays and inlets of Nova Scotia, and when the boat called the Rambler was seized in the fall of 1924, the speediest motor boat to be found on that shore, the preventive service wanted to get it for its own service. But because one rum-runner of Sydney wanted the boat for his own purposes in rum-running, and because his request was supported by the chief Liberal whip at that time, Mr. Kyte, representing Richmond, Cape Breton, the minister, in the month of January, 1926, said, "We can not handle the Rambler; sell it at once to the man in Sydney; make a sale without any loss of time."

The hon. member for Vancouver North this afternoon cited a number of cases. He failed to cite or forgot to cite the case of the famous Denise Larde case in which a seizure took place in the port of Quebec, but the goods were subsequently released without penalty, by the Department on a payment of $1,500, when the duty and sales tax amounted to $2,567.29. Why my hon. friend never referred to it, I know not. Is it because the man who was instrumental in bringing this revenue into the treasury was subsequently dismissed? And was it because he had arrested this party that an order issued from Ottawa a few days later that no arrests were to be made before reporting the cases to Ottawa?

I ask you, Sir, how can smuggling be prevented in this Dominion? When you find a notorious smuggler you cannot hold him, you cannot arrest him, you cannot stop him from going on his way until such time as you telephone to Ottawa or send a letter and wait three days for a reply. The facts brought out in the inquiry have shown conclusively to the public that there has been a lack of supervision in safeguarding the interests of this Dominion and the public treasury. The fact that all this violation of the law was known to every member of the cabinet, that this was going on aided and abetted and helped in some instances by members of the government, is shown conclusively by the evidence given in that inquiry. When appeals were made by responsible and even by distinguished persons of this Dominion asking for relief, the appeals fell on deaf ears. The Social Service Council of Nova Scotia asked the Department of Customs, and on the 22nd January, 1925, asked the Prime Minister of this Dominion, to remedy the situation which had such a demoralizing effect on that section of the country, which was ruining the population, and was making it impossible to enforce the prohibition laws of the provinces in question, with the result that the public revenues were being cheated out of millions of dollars annually. That, Sir, was eighteen months ago, and were it not for the inquiry proposed as a result of the charges made in this house by the hon. member for Vancouver Centre (Mr. Stevens) on the 2nd of February last, no steps would yet have been taken by the department to clean up this state of affairs.

In the month of September a distinguished member of the clergy of the diocese of Gaspé wrote to the Minister of Justice complaining of the illegal importation of liquor into that section of the province. The minister referred that letter to the Acting Minister of Customs and Excise, but with what effect I do not know because the same conditions continued.

I have throughout this debate endeavoured not to resort to cases such as those referred to by the hon. member for Vancouver North He would refuse to vote to bring names up in this House and then he would refer to those names after refusing to vote for the motion. He violated a gentleman's agreement with members of the committee not to expose certain information mentioned in the Duncan report. In the evidence and exhibits certain matters were referred to which had nothing to do with the customs and members of the committee decided, and I believe wisely and well, not to make them public. The hon. member, however, violated a gentleman's agreement in bringing that matter before the House and challenging the hon. member for Vancouver Centre to say why the Hon. Jacques Bureau had not been brought before the inquiry. Did I wish to resort to citing case after case, I could do so I submit to the intelligence of members of the House that the case of the hon. member for North Simcoe (Mr. Boys) is on a par with that of the hon. member for Charlevoix-Saguenay (Mr. Casgrain), chief whip of the Liberal party, who appeared before the department on behalf of the owner of the barge Tremblay.

Mr. EVANTUREL: Would the hon. gentleman repeat that statement? I did not catch it?

Mr. DOUCET: The hon. member appeared before the department in defence of his client. He wanted a minimum fine imposed upon the owner of the barge Tremblay. He appeared not as a member of parliament, I believe, but as a professional man. and in the same way as a lawyer the hon. member for North Simcoe also appeared before the department to have his client's case settled. No favours were granted to the hon. member for North Simcoe because his client paid double duty and sales tax, and he stated he did. But if you read the evidence you will find that the hon. member for Charlevoix-Saguenay received consideration, because the man who was guilty of violating the customs laws of the Dominion, whose vessel valued at that time at $20,000 had been seized by the authorities, who was making $5,000 by transporting contraband goods from St. Pocras in the lower St. Lawrence to Montreal, paid the sum of $1,700 and placed $3,300 clear money in his pocket on the one trip.

When responsible people of this Dominion, when members of the Social Service Council of Nova Scotia, representing every church and fraternal organization of that province, when prominent clergymen of the lower St. Lawrence appeal to this government for redress against that army of liquor smugglers who are invading our shores, demoralizing our population, and striking consternation into the hearts of the people, I believe there is sufficient political honour and decency on the part of members of this parliament to rise and say: A stop must be put to this. Why, Sir, if this motion is lost on the division you will be penalizing the smaller fry, the men getting the lower salaries, and the men higher up will go scot-free. The complaint that is being made throughout the country to-day that the man higher up, holding a title of some kind or away up in society, can do

anything he likes and get off scot-free while the man who steals a loaf of bread goes to jail, will be true. If those who were debauched, if those who failed in their duty because the department was wrongly administered with the knowledge and connivance of ministers of this government are to be penalized to the extent of losing their positions and their pension money, I say that this government deserves the condemnation of this House because, with the knowledge of the facts in their possession, they should have months ago, aye, years ago, taken precautionary measures so that these things could not happen in this fair land of ours.

Mr. J. J. DENIS (Joliette): Mr. Speaker, since this debate has originated, we have heard a number of speeches delivered that are really political speeches. The hon. member for Kent (Mr. Doucet) has delivered a political speech and I do not intend to follow him along that line. The times are momentous enough, the people of this country are eager enough in the administration of public affairs to warrant hon. members in pausing for one moment, forgetting political speeches, and addressing themselves to the reason, intelligence and integrity of their fellow-members as well as to the country at large.

The question now before parliament is not one of small importance; it is a most important issue because without doubt on the decision that will be rendered on the issue now before parliament serious consequences must arise. May I be permitted in opening my remarks to examine the amendment moved by the hon. member for Vancouver Centre (Mr. Stevens)? His amendment is in part at least in direct contradiction of the speech which he made in this House yesterday. Speaking on June 22, at page 4819 of Hansard, the hon. member for Vancouver Centre (Mr. Stevens) said:

> With the report I am in accord, with one reservation, namely, the failure of the committee to report a finding on the evidence referring to the conduct of the ministry,

This amendment goes very much further, containing as it does reproaches which are not voiced in the speech itself of the hon. gentleman. For the sake of brevity I shall refrain from analyzing these reproaches and shall confine myself instead to the general issue and try to demonstrate to the House that the case at present before parliament is not that which hon. gentlemen opposite have seen fit to argue. There are two aspects to this case, the political and the administrative, and hon. gentlemen opposite have devoted their entire attention to the former. Hardly any practical suggestions have they vouchsafed from the administrative standpoint. I submit, Mr. Speaker, that this is too important an issue to be made a political football on either side of the House. In the course of my few remarks to-night I shall endeavour as best I can to show that if abuses have occurred the responsibility rests not with the present Minister of Customs (Mr. Boivin), nor with the minister who acted in the department, nor even with the ex-minister. Rather the trouble lies with the very system itself and the conditions which have grown up of late years under that system.

Hon. gentlemen opposite have been arguing for hours to establish the fact that smuggling has been going on in Canada on a large scale. To this no one takes exception; we all know perfectly well that of late years there has been a good deal of smuggling in this country. But I submit that in all countries where there is a tariff smuggling follows as a natural consequence. In the United States, during the past few years particularly, millions and tens of millions of dollars have been spent to prevent smuggling and in spite of these precautions enormous quantities of liquor have been smuggled into that country. In Canada also there has always been smuggling to a large extent. True, smuggling during the last few years may have increased, but I respectfully suggest that if it has increased the fault is not with any minister of customs either past or present. As we all know, in 1917—I think it was in that year—the government of the United States by the eighteenth amendment brought prohibition into force, and this law has been in existence in that country since that time. And ever since that amendment to the constitution of the United States that country has expended tens of millions of dollars to prevent liquor coming within its borders. Yet liquor has gone there in enormous quantities. Is not this enough to prove that it is by no means an easy task to prevent smuggling? Does it not show that not only has smuggling occurred in the past, as it is occuring to-day, but that it will prevail in the future as well? It is true that it is the duty of the minister to do his best to prevent it; towards this end he must adopt the best possible means at his disposal. But let us examine, before we condemn him, just what means he has at his disposal.

The report declares that there has been degeneracy in efficiency. That seems to be true, but if there is degeneracy in efficiency does the responsibility rest with the minister or with the system? I submit that it is a

consequence of new conditions which have arisen since 1918. I go further: I say that whether the minister be active or inactive, efficient or inefficient, such action as he may take does not amount to more than 5 per cent of the whole force that should be brought to bear upon the operations of smugglers. Now, what are the conditions? Until 1918, as we know, we had in Canada a Civil Service Act in relation to what is known as the inside service, and that service alone. In other words, the Civil Service Commission could appoint civil servants in the city of Ottawa, but outside of that, in Toronto, Montreal, Vancouver, and in all ports where customs revenues are collected, the Minister of Customs had the right and the duty to select his employees in the various offices. If, therefore, the employees were inefficient the fault was the minister's; he having chosen them, he alone was responsible. By the Civil Service Act of 1918, however, this condition was changed. Now it is not my purpose at the moment to discuss the merits or the demerits of the Civil Service Act; I do not propose to argue the question whether that act ought or ought not to have been passed. The merits of the act, generally speaking, I leave aside. I contend, however, that mistakes so flagrant might never have been made had the appointment of detectives been left outside the scope of the Civil Service Commission. The Customs department comprises two distinct branches, one of administration and the other the preventive service. But even in the administrative branch officials may be dishonest; even in that branch they may be bought. So that if dishonest officials are bought, the minister cannot be held responsible inasmuch as they are not his appointees. They are the appointees of the Civil Service Commission.

Now, Sir, think of it, an institution that collects something like two or three hundred million dollars a year whose minister has not the privilege of appointing its employees. The most important of our chartered banks is the Bank of Montreal. What would you think, Sir, if to-morrow the president should be told that henceforth all the employees of the institution would be chosen by a board independent of his board of directors—the Civil Service Commission? Do you think for one moment that the bank could carry on satisfactorily under such circumstances?

Mr. CAMPBELL: Is it not a fact that even in a corporation like the Bank of Montreal only certain of its officials have the right to choose the employees, as in this case the Civil Service Commission has the right to choose employees for the government? Is there very much differnce?

Mr. DENIS (Joliette): In the case of the Bank of Montreal the high officials—the president, the board of directors and the managers—choose the employees, and those high officials are directly responsible to the shareholders. In a word, they are part of the organization of the bank. But in this case the Civil Service Commission is not a part of the government, it is not a part of any department in the government, but is altogether independent of it.

Mr. CAMPBELL: Surely my hon. friend would not state that the Civil Service Commission is not a part of the government? It was created by the government for that specific purpose.

Mr. DENIS (Joliette): The Civil Service Commission is not a part of the government inasmuch as it is absolutely independent of the government; while the directors of the Bank of Montreal are under the direct control of the shareholders and can be replaced by the shareholders at the annual general meeting. The directors of the bank are directly responsible to its shareholders; the Civil Service Commission is responsible to no one. What I have said of the Bank of Montreal will apply as well to the Canadian Pacific railway. Surely anyone who would propose to the Canadian Pacific Railway Company that their employees should be chosen by a commission would be treated with contempt. The Canadian Pacific Railway Company's employees are responsible to their superiors, and those superiors in turn are responsible to the board of directors, which in turn is responsible to the shareholders; in short, it is one organization.

Mr. CAMPBELL: Might I ask the hon. gentleman if in this case the employees of the government service are not responsible to the government? The minister of each department has the right to dispense with any employees whose services are not satisfactory.

Mr. DENIS (Joliette): I do not agree with my hon. friend. Technically the minister has the right, but in practice he cannot dispense with the services of any employee without cause or without reason.

Mr. CAMPBELL: Why should he desire to dispense with the services of any employee without cause or without reason?

Mr. DENIS (Joliette): My hon. friend's objection only makes my case so much stronger. This is my answer to him. During the course of the inquiry of the Customs committee, extending over four or five months, certain officials have been found delinquent in the discharge of their duty and it is recommended that their services be dispensed with. Now I ask my hon. friend, does he not think in view of the wholesale smuggling that has been going on for several yeears that there are not many other officials equally blameworthy, but whose delinquencies could not be brought home to them by the committee within the time at their disposal? Undoubtedly—and unfortunately—there are. If it took four months for the committee to discover six delinquent officers, how can the minister, without continuing the investigation, bring to book those other guilty men? It is impossible. Very seldom indeed are departmental officials found guilty of wrongdoing, and it is only when this is amply proved that the minister dispenses with their services. The minister is not independent of his officials, and as long as that unsatisfactory condition continues you cannot expect his department to be thoroughly efficient. I go further; not only so, but you cannot hold him responsible for that inefficiency without doing him grave injustice. This is only by way of illustration in matters of administration.

But more is involved in this case. The preventive service is also under the control of the Civil Service Commission. It is recommended in the report that the preventive service should be reorganized and
10 p.m. strengthened, that in reality it should become a detective agency. Now, imagine a detective agency having to go to an independent body—the Civil Service Commission—for its men. Think of the Pinkerton detective agency, the Field detective agency, Scotland Yard or La Sureté, having to resort to an independent body to provide them with detectives. Could anything be more ridiculous?

Mr. CAMPBELL: Was that part of the service appointed directly by the minister under the patronage system as efficient as that appointed by the Civil Service Commission?

Mr. DENIS (Joliette): We can only judge of the efficacy of any measure from the results obtained, and we know that since the system was changed in 1918 the department has been steadily degenerating.

An hon. MEMBER: Who is responsible?

Mr. DENIS (Joliette): It is all very well to blame the minister. The minister may have had something to do with it—I will come to that in a moment—but I contend that one of the main reasons why this service has been degenerating is that we declared in the Civil Service Act that an organization of detectives must go to a foreign body for their recruits. That is absolutely impracticable and, I submit, absurd. Therefore the first reason why there has been degeneration and inefficiency is the fact that these men are chosen by the Civil Service Commission; they are independent of the minister and he cannot control them. Had the minister control of these men I would say he was responsible for them, but when he has no control he cannot have responsibility.

Mr. STEWART (Leeds): Will the hon. gentleman allow a question?

Mr. DENIS (Joliette): With pleasure.

Mr. STEWART (Leeds): Is it not a fact that any of these officials may be dismissed without consulting the Civil Service Commission?

Mr. DENIS (Joliette): Yes. The minister can dismiss but he cannot appoint, so what is the use of dismissing a man if you cannot appoint another whom you choose in his place?

Mr. STEWART (Leeds): Every time he gets an inefficient official he can be dismissed.

Mr. DENIS (Joliette): Yes, he has the right to dismiss him but it is well known that the civil service is pretty well filled up in some quarters with inefficient men. I am not attacking anyone when I say this; we know that they remain where they are because the ministers dare not dismiss them. They are in the service to stay and they stay.

Mr. STEWART (Leeds): Allow me another question. Is it not a fact, as was stated by the hon. member who spoke just before the hon. gentleman who now has the floor, that the officers found most inefficient in this investigation were those who had been appointed not by the Civil Service Commission but by the department?

Mr. DENIS (Joliette): No official has been appointed by the department. Who was so appointed; was it Bisaillon? Bisaillon was appointed by the Civil Service Commission like the rest. I would like my hon. friend to name one official who was appointed by the department. I do not say this for the sake of discussion, but we must

be plain about these things. Not one official in that department is appointed other than by the Civil Service Commission, and not one promotion can be made except through the Civil Service Commission.

Mr. STEWART (Leeds): Then I ask the hon. member whether or not the statement is true that the most inefficient officials were those appointed before the Civil Service Commission had control of the outside service?

Mr. DENIS (Joliette): Does my hon. friend mean before 1918, when the Civil Service Act was passed?

Mr. STEWART (Leeds): Yes.

Mr. DENIS (Joliette): That is a very broad statement, and I do not know that the inquiry has proven that; I do not think the report says anything in that regard. It is a very broad statement to say that officials appointed before 1918 are less efficient than those who have been appointed since. I would not undertake to give an opinion in that regard, and I think the hon. member for Kent (Mr. Doucet) went a little too far and assumed a little too much when he made that statement.

Conditions have changed, secondly, due to the fact that the United States adopted prohibition in 1918. Can anyone ignore the fact that the adoption of prohibition by the United States, with a boundary line over 3,000 miles in length between the two countries, had the effect of rendering very much more difficult the administration of the Department of Customs. I think any reasonable man will admit that. The difficulties have been so great that the United States, after spending millions of dollars, have been unable to protect their own citizens against smugglers and bootleggers. Since the United States adopted prohibition there has been an incentive to the manufacturers of Canada and other countries to send their products to that country, particularly liquor and what is the result? Once you have an army of bootleggers in a country, in both the United States and Canada if you like, they will not stop at the smuggling of liquor. That fact has been well demonstrated in the course of this inquiry; smugglers or bootleggers take liquor from Canada to the United States and bring back other material from the United States to Canada, and it is only natural that they should do so. Once they are in the smuggling business they are in it for all it is worth; they smuggle from Canada into the United States, then turn around and smuggle from the United States into Canada. Therefore this amendment to the American constitution has had the effect of producing an army of smugglers which did not exist before. There were, of course, some smugglers previously, but their number was greatly increased by this amendment. I ask any reasonable gentleman if it is not true that these conditions have rendered the administration of this department very much more difficult.

We have also a difference in the tariffs of the two countries; on many articles the tariff in Canada is higher than the tariff in the United States, whether it be customs or excise. Let us consider cigarettes; the duty on cigarettes is still considerably higher in Canada than in the United States, and therein lies an incentive to the smugglers to bring cigarettes from the United States to Canada. The same could be said of silks, and of a great many other articles. So, Mr. Speaker, with these new conditions the law became insufficient and inadequate, but these things cannot be discovered in a day. As the army of smugglers increased in size month by month and year by year it came out that more goods were smuggled this year than were smuggled last year, and probably more goods were smuggled last year than in the year previous, but that is a condition absolutely outside the control of the minister or of the government.

I have said that the law has come to be insufficient and inadequate. It was amended last year, and what do we see? I will take no other authority than that of the Commercial Protective Association, which has been mentioned so frequently in the course of this debate. This association published a pamphlet which was distributed to members of parliament, entitled, "Recommendations Made to Special Committee of the House of Commons Investigating the Administration of the Department of Customs and Excise." In this booklet these gentlemen recommend that the law should be amended in twenty-one sections; in some cases the existing law is to be amended and in other cases new sections are to be added in order to render the law efficient. One might say that that is the duty of the government. Perhaps it is the duty of the government; perhaps it is the duty of the minister, but I repeat that these conditions cannot be coped with in a month or even in a year. It takes longer than that when fundamental conditions change, and I submit that in this case fundamental conditions have changed. Then it takes a long time to remedy them. The government had already begun to apply remedies. They caused the law to be amended last year and had it not been for this inquiry, doubtless other amendments would have been

made this year. The government were considering the matter, and the Minister of Customs and Excise had declared his intention to make the law as effective as possible.

Then there is the organization of the department to be considered. The fact that conditions have changed since 1918 necessitates a reorganization of the department. If the present organization is defective the Liberal party is no more responsible for it than is the Conservative party because that organization has been in effect for a great many years. The report of the committee deals with that matter; practically half the report is taken up with recommendations for the reorganization of the department. What do we find in that report? We find some facts of a very startling nature. For instance it is said that in Canada, with a population of 9,000,000 there are 681 ports of entry; that in the United States with a population of 115,000,000 there are 270 ports of entry; and that in Great Britain, with a population of 45,000,000 there are only 80 ports of entry. Now, Sir, it appears perfectly ridiculous to the layman that in this country, with less than one-tenth the population of the United States, we should have almost three times as many ports of entry as they have. Is it surprising that there are abuses, or that there is smuggling? It is not surprising, but again I say why place the responsibility on the shoulders of the Liberal party or on the shoulders of the present Minister of Customs and Excise when these conditions have been in existence for a great many years? The conditions prevailed from 1911 till 1921 when the Conservative party was in power. But they were not accompanied by the same abuses. Why? Because at that time the constitution of the United States had not been changed by the eighteenth amendment; Because at that time we had not the same difference in out ports as between Canada and the United States that we now have; because at that time the existing law was adequate to cope with the prevailing situation; in short the conditions were very different from what they are now. Therefore, if there has been so much smuggling into Canada it is not because of any shortcomings on the part of the minister but because of the conditions I have referred to. It is quite true that the minister is identified with the administration, but when he is tied up by the Civil Service Act he cannot do very much. It is not fair to give the minister a staff that he does not choose himself and say to him, "You will be responsible for that staff." Of course the minister has the power of dismissal, but what minister is going to exercise that power in the case of any official unless it is proved that he has been guilty of dishonesty? And we all know how difficult it is to find an official guilty of dishonesty in the Department of Customs. It is easy for a group of officials to conspire together to defraud the revenue and conspiracy is always difficult to discover. That is the reason why there has been so much smuggling in Canada.

I do not want to throw any undue aspersions on the officials of the department, but no reasonable man can think for one moment that the half dozen delinquents brought to the attention of the House represent anything like the actual number of delinquents that are in the department. The temptation to wander from the path of rectitude is great. When an official can make double, treble or even four times the amount of his salary by dishonest methods, the temptation is very powerful. It is all the more potent when the official is independent of the minister and knows that his job is safe as long as he is not found guilty of dishonesty. We talk of the efficiency or inefficiency of public servants. It is a very difficult question to determine in the case of the civil service. In the case of this department they are placed in certain positions to receive and examine goods, to value them, to collect duties and so on. If dishonesty exists among them it is very difficult to detect; and until the minister has made that discovery he cannot dispense with their services. In theory he can do so, but in practice it is a different matter.

Mr. CAMPBELL: Take the case of the Bank of Montreal. Surely that institution can dismiss an official when found to be dishonest. Is there any difference in the two cases?

Mr. DENIS (Joliette): The Bank of Montreal can appoint their employees on their own volition, without consulting anyone, and can dismiss them without cause. The manager can tell any of his clerks tomorrow, "Your services are dispensed with" and he is not required to give any explanation to them. He has complete freedom of action, and the employees know it. When an employee has been discharged from the bank the manager can replace him by whomever he likes, and should the new appointee be inefficient or dishonest, the manager himself is responsible. A member of the government cannot do that.

I have no brief for Hon. Jacques Bureau, but it is a little strange to hear hon. gentlemen opposite attacking him so strongly when, to my knowledge, year after year they allowed Mr. Bureau's estimates to pass with the greatest leniency and the greatest facility. I do not contend that the responsibility of checking up the estimates of the Minister of Customs and Excise is confined to one side; both sides must share the responsibility. But it is the duty most particularly of the opposition, and if the conditions complained of in this case have existed for several years past, how is it that not more than a year ago the Hon. Jacques Bureau was able to get his estimates through without any reproach on the part of the opposition? Was it or was it not known then that there was something wrong with the Department of Customs? If it was known to hon. gentlemen opposite that there was something wrong, why did they allow the estimates of the department to pass practically without any opposition? If they did not know of the existence of wrongdoing they should have known it. It is the duty of the opposition to check up the doings of the department and if they did not do so then, speaking technically, they failed in their duty. We all know that Hon. Jacques Bureau was very popular with members of the House, most particularly with hon. gentlemen opposite. They were satisfied with it, and the thing was going on for years. The opposition never saw it, never knew it and never objected; but all of a sudden they discovered it. They say that this procedure was going on for years under Jacques Bureau. It is very strange they have only discovered it now.

Mr. RYCKMAN: Does the hon. member say that any of the estimates of Mr. Bureau were cooked, fraudulent, or unjust?

Mr. DENIS (Joliette): No, that is not the point at all. But if there was something wrong in the Department of Customs there were many opportunities for hon. members to bring it to the attention of the House, and one of the most favourable opportunities would be when Mr. Bureau was presenting his estimates. But the opposition never did call attention to it.

I come now more directly to the case of the Hon. George H. Boivin, Minister of Customs. I am afraid, Mr. Speaker, the House might be doing a very great injustice and one that would be long remembered if we condemned the hon. Minister of Customs for his actions in the now famous Moses Aziz case. I have tried to examine the circumstances of this case from an unbiased point of view. I will not repeat the evidence, because it has been explained so well by the minister himself and by the member who spoke at length this afternoon, who was a member of the committee. But there are outstanding facts in this case which no man can deny, which should appeal to the reason and justice of hon. members. One outstanding fact is that Mr. Boivin has been guilty of no misdemeanour, of no breach of the law whatever directly or indirectly, and of no act of dishonesty. The law permitted him under certain conditions to exercise his discretion; he did exercise it, and in doing so he did not remit anything and he did not forget anything. He simply left one matter suspended for a time. It is all very well to acclaim for purity of politics, but let us be just to ourselves. If the law permitted Mr. Boivin to use his discretion in certain matters, and if he did use that discretion, even though, in the opinion of a few or in the opinion of many, he might have used that discretion in an indiscreet manner, that would not constitute a crime for which the hon. member should be arraigned before this House.

The hon. member who spoke at length this afternoon said that in the province of Ontario, in the last year alone, 252 remissions had been granted in the case of contravention of the Ontario Temperance Act. I do not know that the figures are correct, but they have not so far been disproved. I do not know what is going on in that province, but I know that in the province of Quebec, where there is no temperance act but where there is a body known as the Quebec Liquor Commission, remissions are quite frequent, and I do not know that that commission was ever blamed for granting them. I have no objection to telling the House now that if Mr. Boivin is guilty, not of a remission, but of a suspension, I for one would be very much more guilty than he is, because on more than one occasion—and I have no shame in saying it—I got from the Quebec Liquor Commission, or, more directly, from the attorney general of the province of Quebec, remission of penalties for offences. When? When the attorney general thought, under the discretion that the law granted to him, it was right and proper that such remission should be granted. Remission has been given in the case of women, and in the case of men who were poor and had to support their families. These things are matters of public knowledge in the province of Quebec, and no one thought there was a scandal in them. I must confess that more

than once I applied to the attorney general for remission in cases worthy of that remission, and more than once my application was granted. I did not get those remissions because I might have been a friend of the party concerned. Remissions have been given in deserving cases irrespective of politics.

This is not a political issue. But in this case, because the minister suspended the sentence upon information furnished to him, no matter whether the information is right or wrong, we are asked to raise our hands in holy horror and have the hon. member disqualified and censured by the House. We all know that if he is censured his position as minister of the crown will become very critical. It is suggested that we should disqualify the hon. gentleman because he has exercised the discretion which the law allowed him to exercise. Whether this exercise of discretion is right or wrong does not matter; he has the right to exercise it. He did it to the best of his ability and did it honestly, and should not be blamed for it.

Mr. RYCKMAN: I think that is a plain misstatement of the case. It is not a question of discretion or a question of the scope of the minister's authority; it is a question of interference with the course of justice after judgment has been pronounced.

Mr. DENIS (Joliette): My hon. friend is entirely wrong. It is not that at all. After judgment was pronounced Moses Aziz might have been sent to jail on commitment, and the commitment must be issued under the order of the minister.

Mr. MEIGHEN: Has the hon. member read the minister's evidence on oath, stating that that is absolutely untrue, that he had no authority to interfere at all?

Mr. DENIS (Joliette): Yes, I read it very carefully. He might have made a mistake. I am speaking seriously to the right hon. leader of the opposition. The minister gave his evidence under oath. He said, "To the best of my knowledge it might be true that I had no authority at all to do it."

Mr. MEIGHEN: He did not say that at all.

Mr. DENIS (Joliette): What did he say?

Mr. MEIGHEN: He said that he knew all the time he had no authority.

Mr. DENIS (Joliette): I will not quibble as to that, but I do not think he said it in that way.

Mr. MEIGHEN: He said it three or four times.

Mr. DENIS (Joliette): I read his evidence casually and I am not ready to repeat from memory what he said. At all events that does not change the law, the conditions. What he said or what he did not say does not change the conditions which are these, that the minister consented—whether he had the right to do it or not does not matter—that action should be suspended in that case until he should receive more information or meet the hon. member for Gloucester (Mr. Robichaud). I fail to find a crime in that, as I have just stated. It might be reprehensible in a very light degree, but even that I do not admit, because the law permitted the minister to act within his discretion and he so acted.

Mr. MEIGHEN: Does the hon. member contend that after judgment is given and sentence rendered, the minister still has a discretion?

Mr. DENIS (Joliette): I understand it in that way.

Mr. MEIGHEN: Where does the hon. member get that?

Mr. DENIS (Joliette): I understand it in that way.

Mr. MEIGHEN: From what?

Mr. DENIS (Joliette): In the Customs Act.

Mr. MEIGHEN: If the hon. member will produce that I will apologize to the minister.

Mr. DENIS (Joliette): I am not ready to quote the section offhand. That is my understanding of it. If I am wrong, I am wrong. I have not the act before me and I cannot refer to it now. I do not admit that I am wrong. My right hon. friend says "yes" and I say "no," so that we have to stand pat on that.

Mr. MEIGHEN: The hon. member says that there is something in the customs law. I say there is not. If there is, he can produce it. If there is not, I cannot produce it.

Mr. DENIS (Joliette): I know exactly what the right hon. member means. He says: Bring out the act and show me the section. This I am not ready to do now. I have not the act before me, and further I will not take the time of the House now to go through the act.

Mr. MEIGHEN: That is wise.

Mr. BURY: Has the hon. member seen such a provision in the act himself?

Mr. RYCKMAN: Has he seen anybody who has seen it?

Mr. BURY: Unless the hon. member has seen that and knows for himself it is a fact, he has no right to state it as a fact in this House.

Mr. DENIS (Joliette): I have a right to express an opinion just as the hon. member has. I have read the act and that is the construction I have given to it, as I have just said, rightly or wrongly. If I have given a wrong construction, so much the worse for me. But that is the construction I have given and that is the construction which many others have also given. I am not going now to plead the point of law between myself and my hon. friend. The time is too precious for that. But it is my impression and my opinion that under the statute he had the right to do what he did.

Mr. STEVENS: I know from long experience the member desires to be fair and I do not think he wishes to mislead the House. I will say to him, as the one who has perhaps atacked the minister's stand more strongly than others, that if he will produce the section in the Customs Act to which he refers, which authorizes the minister as a matter of his discretion, to intervene or to interfere with a sentence after it has been passed by the courts, I will apologize to the minister and I think I can say for others around me that they will do so also.

Mr. DENIS (Joliette): I think it is agreed that the minister can interfere before sentence is rendered. Does my hon. friend agree to that?

Mr. STEVENS: If the hon. member will permit me, we are speaking about what the minister can do in the way of interference after sentence has been pronounced.

Mr. DENIS (Joliette): The minister was asking simply that the sentence be not now executed but that it be suspended until he should receive further information. That is what he did. The letter written by the Deputy Minister of Justice stated in part:

> All penalties and forfeitures imposed by this act, or by any other act relating to the customs or to trade or navigation shall, unless other provisions are made for the recovery thereof, be sued for, prosecuted and recovered with costs by His Majesty's Attorney General of Canada, or in the name or names of the Commissioner of Customs, or any officer or officers of the customs ,or other person or persons thereunto authorized by the Governor in Council either expressly or by general regulation or order, and by no other person.

I have just read the opinion of the Deputy Minister of Justice.

[Mr. Bury.]

Mr. MEIGHEN: The hon. member will admit that that does not refer in any way whatever to authority after sentence.

Mr. DENIS (Joliette): The minister has authority before sentence. That is admitted.

Mr. MEIGHEN: That is not the question at all.

Mr. DENIS (Joliette): Let us start from that point. He has authority before sentence. The sentence is rendered but it is not executed.

Mr. ARTHURS: Why not?

Mr. DENIS (Joliette): It is not executed because it is not executed.

Mr. RYCKMAN: Because the minister interfered to prevent the execution.

Mr. DENIS (Joliette): That is the state of procedure. The sentence is rendered but it is not executed. Why not? Because it is not executed. The minister says that this sentence be not now executed. Hon. members say: You are interfering in the execution of the sentence. I say that he is not interfering in the execution of the sentence because the sentence has not yet been executed.

Mr. MEIGHEN: If the sentence was executed, how could he interfere with the execution?

Mr. DENIS (Joliette): I should have said: If the sentence was under execution. If the sentence was under execution the Minister of Justice might interfere and the matter would be entirely out of the hands of the Minister of Customs. I did not think I was exposing myself to quibbles. At all events what I meant to say was this, that the sentence was not under execution or in the course of execution.

Mr. MANION: May be the hon. member means: If the prisoner was executed.

Mr. DENIS (Joliette): I will let my hon. friend go with that. Such is the charge against the Minister of Customs. My hon. friends opposite say that it is a charge which should disqualify him and for which he should be censured by the House. If hon. members would divest themselves for one instant of all political tendencies, all political affiliations, and consider this matter clearly and reasonably, I believe very few of them would come to the conclusion that for this particular action the Minister of Customs should be so judged. A man is not to be judged for a single action in his life. If that were so I know that a few members of this

House would possibly regret some of their past actions. But I do not look at things in that way. It is human and only fair to judge a man by his conduct as a whole and not by any one particular act which, though regarded as reprehensible by some, may be considered in a different light by others. I would rather take the conduct of the Minister of Customs as a whole and judge him on the sum total of his achievements, his activities, and his talents. Let me remind hon. gentlemen that the reputation of a public man is precious, and before it is impugned we ought to weigh the circumstances very carefully. This country has need on both sides of politics of men of the class of the Hon. George H. Boivin. The Minister of Customs has shown in this House a character, an ability and an intelligence second to those of no other hon. member. He is a man of courage, a man of energy; and I believe that in the interests of Canada, in the interests of the department itself, he should remain Minister of Customs. If that department is to be saved no man is better able than he, with his youth, his courage, and his activity, to restore it to the position it should have held long ago.

It is the duty of members of parliament, representing the Canadian people, always to help and encourage and to promote the request of the people for our public men. The responsibilities of public life are not so easy. It is not so easy to spend months in the city of Ottawa, beautiful though it be, to the exclusion of one's personal affairs. And after the Minister of Customs has devoted his energies to the service of his country in work involving sacrifice, is he now to be cited before this House on mere piffle, a matter of insignificance? Are we to condemn him, forgetting the services he has rendered, simply because he is alleged to have done something which although represensible in the opinion of others is not so, in my opinion at any rate?

Numerous recommendations are made in the report, and what in my view is of prime importance is that the Minister of Customs, and he alone, should be responsible for the officials of his department. I am not asking that the Civil Service Act be done away with, but I do say that it should be amended to give the minister the opportunity of choosing his own personnel, so far at least as the preventive service is concerned. Indeed, I would include the officials of the department; I do not refer to ordinary clerks, but to all officials of responsibility. I would allow the minister to make his own appointments and if, then, these officials did not perform their duties satisfactorily, the minister would be responsible to parliament. The minister should also have the right to control his department and its employees. I would suggest that a permanent committee of the House be appointed in relation to customs affairs. We have a Public Accounts committee; why not have a committee on customs so that the department might from session to session be subject to investigation? If such a committee existed those who had charges to make against the department might lay them before that committee instead of waiting for years, as has happened in this case, before bringing up the matter. With the minister solely responsible for the personnel of his department, and with a free hand to manage the affairs of the department as he saw fit, if he failed to discharge his office efficiently, whoever the minister might be, then he should be censured by parliament. But only under such circumstances would the minister be fully responsible for the acts of his officials and be in consequence subject to such criticism as is proposed in this amendment.

Whatever the decision may be, I hope that hon. gentlemen will very seriously review the excellent work of the Minister of Customs before returning the verdict sought by the amendment.

Mr. W. T. LUCAS (Camrose): As we shall shortly be called upon to decide upon the question before the House, and as I shall be required to register what will be the most important vote in my whole parliamentary career, I feel it my duty to state my view of the situation. I want to make it clear at the outset that however I may vote, or whatever remarks I may make, on this occasion, I am moved by no spirit of personal antagonism to any member of the government. During the last four years and in the course of the present session, in any business I have had to transact with members of the cabinet, I have always been treated with the utmost courtesy and consideration. But I should be untrue to the trust reposed in me if I were to let personal friendships come between me and the duty which I feel I owe to the people whom I represent. I was born and brought up in the good old province of Ontario and one of the things I was taught from my youth was to look up to our parliamentary institutions, the highest representative bodies, of our country.

The question before the House to-night is one that transcends personalities or parties. It is a question that strikes at the very fundamentals of our public life. It is therefore

incumbent upon every hon. member to subordinate party considerations to public duty and as a true Canadian to cut out this cancer which is gnawing at the heart of our body politic. I am not going to condemn in any way the hon. Minister of Customs (Mr. Boivin). He is a man of outstanding ability, but in my opinion the greater his ability the greater his sin. But, Mr. Speaker, not only is one minister involved; censure falls equally on every member of the government. When you read the evidence—and I have followed it very closely throughout the sittings of the committee—and on pages 120 to 132 you peruse the correspondence between the Commercial Protective Association and the Prime Minister, it seems to me you can come to no other conclusion than that the Prime Minister at least was conversant with conditions in the Customs department. What strikes me more forcibly than anything else is the fact that the Prime Minister (Mr. Mackenzie King), being conversant with those conditions, subsequently appointed to the Senate of Canada a man who is certainly not entitled to that high position. When I reflect that the Prime Minister toured this country during the last campaign and told the people how he was going to reform the Senate, and afterwards appointed a gentleman who had debauched the very life of Canada by encouraging bootlegging, with its slimy trail over the whole land, I am grievously disappointed, and nothing short of a censure of this government will satisfy the people of Canada on this point.

There are those who think that to-night the fate of the Liberal party is at stake. Mr. Speaker, I am not concerned with the fate of the Liberal party or of the Conservative party, but I am vitally concerned with the fate of the Progressive movement, a movement that many of our people are looking forward to as the one hope of cleaning up our public life and bringing about a better condition of affairs in this fair Canada of ours. I do not think there is an hon. member in this corner of the House that would be in his seat to-night but for that movement which we represent. When I think of those people back in Alberta from whom I come, who had got almost to the point of despair, feeling they could not trust to the party machine-picked candidates to carry out their pledges and their promises, and who said, "We must pick out men from among ourselves, and we will make sacrifices to pay their campaign expenses so they will not be bound to any political party," and when I recall the sacrifices that some of those men and women have made during the past few years to foster this movement, I would certainly be recreant to my trust if I did not stand up for the principles they sent me to maintain and uphold in parliament.

The Prime Minister stated in a recent debate that if the government should be defeated we would be faced with a general election. I want to say, Sir, that I feel I would be unworthy of my position as a member of this House if I allowed any threat of that kind to prevent me from doing my duty. I feel that I have been sent here for a certain purpose, and I intend to try to carry out that purpose. If a general election should come and I go down in the fight, then I shall feel proud that I have gone down fighting for the principles which I was sent here to uphold. I appeal to every member in this corner of the House, to every member of this Progressive party, to stand up to-night for those principles which they have been sent to this House to uphold. I would appeal particularly to the only lady member of this House. All the people of Canada are watching what will take place when the vote is registered. When I think of the misery and suffering which this bootlegging traffic has caused the women and children throughout Canada, I am proud that we have one woman representative, and I feel sure that she will deal justly with their cause. Sir George Etienne Cartier once said: If all the women could be banded together simply and solely for the good of humanity, they would exert an influence such as has never been felt before.

Now, Mr. Speaker, I could have dealt with a number of the cases which have been disclosed in the evidence, but I feel that as they have already been placed before the House anything further on my part would be simply superfluous. I want to say again, Sir, that I feel this is the most important vote that has come before this House this session, and I trust every member will do his duty.

Mr. J. S. WOODSWORTH (Winnipeg North Centre): Mr. Speaker, there are occasions on which I presume most of us would prefer not to have the responsibilities of membership in this House, and undoubtedly this is such an occasion. The more I study this question the more complicated it becomes, and yet as we are all called upon to cast a vote one way or the other, and we cannot very well shirk that vote, it seems to me it is not right to give a silent vote, but rather as far as possible to set before the House and the country the considerations which move one in coming to a decision on an important question of this character.

I would call the attention of hon. members to the fact that this House of Commons, which is primarily a legislative body, is these days turned into a court; but I would add that under existing circumstances impartial justice seems to me to be impossible in this court. Let us look at the situation. We have prosecutors and defendants, and these also are the jury and the judge, for if we really look at this situation frankly we must acknowledge that one party is very largely playing the role of prosecutor to-night, and has been for the last few days, while to a very considerable extent the other party is playing the role of defendant, and yet we are all called upon to act as jury in this case and even as judge. Now, there is not much doubt that in a case of this character hon. members are influenced by partisan bias or partisan consideration. I made a similar statement a few days ago in connection with Peace River election case, and I think my hon. friend from St. Lawrence-St. George (Mr. Cahan) then interjected, "No, no." And yet the vote which was subsequently taken absolutely corroborated my statement, because it was almost entirely along party lines. I cannot conceive that the judgment of the people would again and again in legal matters split along purely party lines. So let us be frank and say that in a case of this character it is extremely difficult for the most honest and honourable men—and I take it that despite some cheap sneers hurled across the floor the large majority of this House are honest and honourable men—I say it is very difficult in such a case for us not to be biased by partisan considerations. We have here a most phenomenal situation. The last vote on a want of confidence motion was in connection with the Kennedy case and yet Mr. Kennedy was the key man, shall I say, in the special committee investigating this matter. We have this situation, that the man who is presumably the most impartial, or in a position to be the most impartial, member will be accused in his vote on such an occasion as this of either inclining towards the government or, as I heard someone who knows Mr. Kennedy put it, of leaning backward in order to be straight.

Some hon. MEMBERS: Oh, oh.

Mr. WOODSWORTH: Well, is not that the situation? Here is a man whose own case recently was before the House, and yet he is perhaps the most important man in connection with the situation we have in review to-night.



In a court there is at least a certain measure of protection against outside influence, but here our newspapers are permitted to make unsubstantiated charges and to resort to all kinds of specious arguments and even to threats. A day or so ago I read the editorials appearing in the two Ottawa morning papers; I think everyone did so. I should like to read a few extracts from the Ottawa Journal. I was tremendously impressed by the statements of the early part of the editorial, but later the writer went on to say:

> Mr. Kennedy may consider that he owes something to Mr. King. He may consider that protection of such an outrage as his sitting for Peace River represents, is deserving of a price.

And later:

> When the Conservatives move their amendment Mr. Kennedy will move his anaemic whitewashing amendment to the amendment.

And later:

> The Progressive party came into being as the champion of political morality. Here, surely, is opportunity for those who have not mocked every vestige of its creed to cast a vote for its principles. Here is the acid test of the sincerity and probity of every genuine Progressive.

That is the plea made to-night by the hon. member who preceded me. Again I quote:

> Pressure, we know, will be brought to bear upon them. They will be subjected, as they have been subjected all session, to cajolery, to false appeals and to dishonest promises, and in the end they will be threatened with an election.

Just fancy that sort of thing, that kind of veiled threat or reference to veiled threats, appearing in our newspapers with regard to any criminal case in our courts. Now I turn to the other paper, the Ottawa Citizen, and here again I may say that I felt greatly impressed by the statements first advanced. But when I came to read the arguments I almost felt as though the Journal must be right. Let me read a short extract:

> Many Pots will rise up on the left of Mr. Speaker to denounce the blackness of the Kettles. On numerous occasions in the past, the similarity of colour on both sides of the House has been proven to the satisfaction of independent observers. But whether the non-partisan members can preserve sufficient humour in the melee to see through it again is doubtful. Some are quite liable to be convinced that the Kettles are blacker than the Pots.

And later:

> Whether this year is the most propitious time to plunge the country into another general election, however, may merit some thought on the part of non-partisan members. Defeat of the government would without doubt mean an election.

I do not think it necessary to go any further in the reading of these editorials to

suggest that in the general outside atmosphere as well as in the political conditions which prevail in this House we cannot hope to secure that impartiality and independence of view which will give us real justice.

I would say also that whilst the defendants if I may use a term of the courts, are materially interested in the verdict, there is no doubt that on the other hand the prosecution, themselves a part of the jury, would directly benefit by a verdict of guilty. The professions of disinterestedness on the part of those who quite legitimately are intent on dislodging the government in order to occupy their seats must necessarily be discounted. I suggest that it is not altogether an edifying spectacle when charges of moral turpitude are advanced against members of the government that there should be such vociferous applause. It seems strange that we should rejoice not in truth but in iniquity; that in this House we are not permitted under the rules of the party game to give very much indulgence or credit to those politically opposed to us.

There is an old saying that those who live in glass houses should not throw stones, yet it seems an exceedingly strange thing that often the people whose houses contain the most glass are the most confirmed stone-throwers. I think perhaps a good many of us feel that after having been in the midst of a mud bath in this House for a while we want to get away into another kind of bath to get cleaned up. There has often been such wholesale condemnation, again I say not arising because the members really believed all these hard things concerning one another but rather through the exigencies of the party game. In this connection I would like to read a paragraph from Burke, which suggests that possibly we should not generally condemn those about us. Burke says:

> Never expecting to find perfection in men, and not looking for divine attributes in created beings, in my commerce with my contemporaries I have found much human virtue. The age unquestionably produces daring profligates and insidious hypocrites. What then? Am I not to avail myself of whatever good is to be found in the world, because of the mixture of evil that is in it?. . . . Those who raise suspicions of the good, on account of the behaviour of evil men, are of the party of the latter. . . . A conscientious person would rather doubt his own judgment than condemn his species. He that accuses all mankind of corruption ought to remember that he is sure to convict only one. In truth, I should much rather admit those whom at any time I have disrelished the most, to be patterns of perfection, than seek a consolation to my own unworthiness in a general communion of depravity with all about me.

Mr. STEVENS: Would my hon. friend permit me? Was it not Edmund Burke who impeached Warren Hastings?

[Mr. Woodsworth.]

Mr. WOODSWORTH: It was, but nevertheless Edmund Burke wrote those lines which I have quoted.

We are asked to judge, Mr. Speaker, concerning the guilt of certain members of this House, but before passing to that I would like to say that there is one party which according to the evidence, stands convicted. I think I am voicing the sentiments of hon. members on both sides of the House when I say that the one party which we can all unite in saying is guilty is that one which we commonly call the liquor interests in this country, which, as an hon. gentleman opposite said the other day, made their money by defrauding the governments of Canada and of the United States. They demoralized this department and attempted to influence parliament itself by contributing to the campaign funds of both parties. I think perhaps the hon. member for Vancouver Centre was putting it a little bit mildly when he answered me the other day. If I read the evidence aright, and I wish he would correct me if I am wrong because he was a member of the committee the auditor, Mr. Nash, swore that Hiram Walker admitted that the Walker Distillery had contributed to the campaign fund of both parties. Now when this condition exists I say that we have in our midst an organized form of debauchery that ought to be pilloried before the people of this country; and I would join with my friend who preceded me in saying that we cannot too strongly denounce the demoralization that has come through this business.

Again we have brought before us the conduct of the former minister, Mr. Jacques Bureau, and let me say, as far as I am concerned, that the worst thing the present government has done in connection with the whole matter was to put that gentleman in the Senate. I cannot let this opportunity pass without protesting against the unequal justice that prevails in connection with our laws. Petty thieves, even young boys, are sometimes given months or years in jail. I had occasion the other day, in looking into the law books in connection with some amendments which were being proposed, to notice the penalties enacted for several different kinds of crime; they happened to be on one page of the statutes. This legislation, I may say, was all passed at the same time in 1919, and there was one law to this effect: that any person who is suffering from venereal disease in communicable form who knowingly or by culpable negligence communicates such disease is subject to a fine not exceeding $500, or to imprisonment for a term not exceeding six months. There are very full

safeguards with regard to what are "reasonable grounds," and there must not be conviction on the evidence of one witness. Another law on the same page provides that for stealing an automobile the punishment is two years and not less than one year without the option of a fine. Then we come to the legislation with regard to sedition—which by the way has been thrown out by the second chamber—and we find that there the penalty at present for what is practically criticizing the authorities is twenty years. For ruining a life, six months with the option of a fine; for stealing an automobile, two years; for criticizing a government, twenty years, a pretty fair indication, let me say, of the relative values according to the standards which now exist. I have given these penalties. What is the penalty for debauching a government department? A senatorship. And the only extenuating circumstance, if it can be called that, is that when the Old Age Pension bill was up the other day, the former minister did not vote against it.

Mr. FONTAINE: That is something.

Mr. WOODSWORTH: Yes, that is something.

Mr. CAHAN: Perhaps he was looking to his future.

Mr. WOODSWORTH: We are asked to condemn the action of certain officials of the department. I notice by reference to the report on page 3066 that the employees are divided into two groups. In the first the committee finds that "the following officers" have been delinquent in their duties and recommend that their services be dispensed with. The penalty is a severe one—that their services be dispensed with. In the second group—and these are doubtless the higher-ups —the recommendation is that arrangements should be made for the retirement of "the following persons". I do not know just what "retirement" means. I presume it means retirement on a pension, and in this case you have a very decided discrimination in the way in which the men are treated. It may be that the higher officials have greater responsibility; it may be that they are not directly cognizant of all the illegal acts of the people beneath them. On the other hand, I would submit that under-officials, subordinate officials, soon get to know what the attitude of their superiors is, and they know that they dare not take any action which is opposed to the opinions and policies of their superiors under pain of dismissal. It does not seem to me that there should be discrimination of this kind, especially when we are told, with regard to the deputy minister at least, that there has been very considerable complicity and that he is very deeply involved. I would not say that no provision whatever should be made for any of these employees. It may be, as in any private business, that if a man has gone wrong after years of service he should have a compassionate grant allowed him. That is not done in the case of the ordinary criminal, and these men are in some ways worse than ordinary criminals in that they have betrayed a public trust. However, I hope that a time will come when ordinary criminals will receive a little bit more consideration than they have been receiving, and that we shall judge crime not so much in view of one particular act but rather in view of the whole course of action and in connection with the motives that apparently have led to that action.

Again we are asked to judge some of our fellow members in this House. There it seems to me is the point at which we begin to feel our duties a great deal more keenly, because most of us find it difficult enough to steer a straight course ourselves without having to turn aside to condemn other people round about us. But I think most of the members here would agree with me that action such as Mr. Robichaud took in writing a letter asking for leniency on the ground that a certain man who was convicted was useful to the party is absolutely inexcusable, and in the interest of establishing what I believe to be a higher standard of political morality in this country I think we are bound to say so. There are others who are mentioned in this report; there are a number of names to whom reference is made, the most prominent among them being, perhaps, Mr. Boivin, Mr. Duff and Mr. Boys. I do not intend to go into any great detail with regard to any of these matters but let me mention the case of Mr. Boys, the Conservative whip. Personally, I am inclined to think, one of the most honourable men in this House. He contends that he acted in his professional capacity in pleading for leniency, but I would ask, "Can a man divide himself in this way and at one moment speak as a member of the House and at another moment speak as a lawyer?"

Mr. BOYS: Has the hon. member read the provisions of the Customs Act dealing with this matter?

Mr. WOODSWORTH: I have not.

Mr. BOYS: I would ask my hon. friend to read those provisions, and if he does he will find that absolutely the only course open to Waisberg or his agent was to approach the Minister of Customs. He had no other forum to go to under that act. I was simply there as solicitor, and pleaded his case. I did not ask for special leniency, but argued the case before the minister, and upon that the minister gave his decision. We could have appealed from the decision if we had wanted to. If my hon. friend has not read the act I would advise him to do so. I believe he wants to reach a proper conclusion, and I think after reading the act he will come to the conclusion that that case is somewhat different from some of the others.

Mr. WOODSWORTH: I am not going into the relative merits of the various cases to-night, and I have no desire to discount any hon. member. But I was pointing out that the hon. member has placed his defence largely on two grounds. The first ground was that he acted in his professional capacity. Suppose some labouring man who could not afford to pay a lawyer asked me to use any influence. Am I guilty because I cannot plead professional standing?

Mr. BOYS: I understand the accusation is not that I did it as a lawyer, but that I did it as a member of parliament; so that if that is correct my hon. friend would be quite right in doing it as a member.

Mr. WOODSWORTH: Quite right. I know I am on dangerous ground, because there are about seventy lawyers in this House, and I may have a general attack from both sides of the House. As I understand it, the hon. member pleads he was quite within his rights in acting as a lawyer for this man. I put the case in this way; suppose a man who cannot afford to pay a lawyer asks me to use my influence, am I guilty because I cannot plead professional standing, and, I might add, because I do not accept the fee?

Mr. MEIGHEN: I have not heard all the speakers from both sides, but if the hon. member will permit me to answer, I will quickly do so. He certainly would not. He has an absolute right to argue anything before a minister sitting as a judge, or a quasi-judge, as long as what he is arguing is worthy of argument and is not based on a political motive.

Mr. WOODSWORTH: I leave the statement of the right hon. member. I suppose it is an arguable point.

[Mr. Woodsworth.]

Mr. CANNON: Very much so.

Mr. WOODSWORTH: And I would point out further that, as I read what the hon. member said, he claimed that as a Conservative he had not any particular influence with the Liberal administration. I would ask this question, is a Liberal then to be debarred from appealing to a Liberal administration?

Mr. MEIGHEN: It depends on what he says.

Mr. WOODSWORTH: Undoubtedly responsible officials should not yield to partisan interference.

Mr. MEIGHEN: Hear, hear.

Mr. WOODSWORTH: The hon. leader of the opposition says, "hear, hear." I think we in all quarters of the House will agree with a general statement of that kind, and yet may I ask, is the practice not a common one?

Mr. GARLAND (Bow River): Hear, hear.

Mr. CAHAN: It should not be.

Mr. WOODSWORTH: It should not be, but if we are honest with ourselves, is the practice not a common one? I would say we are in the midst of a system which has grown up through the years and has certain traditions; these traditions and systems are essentially vicious, and individual members are largely victims of the system. I am personally far more interested in reforming the system than in punishing particular individuals.

We are asked to-night to judge of the record in office of the present Minister of Customs. I think the hon. member for West Hamilton, or perhaps it was the hon. member for Vancouver Centre was quite right in pointing out that the minister undoubtedly has heavier responsibilities than an ordinary member. If I may make a frank confession —although I do not know that it may be regarded as worth anything—I may tell the House that at the beginning of the debate I was of the opinion that I should have to join in the vote of censure against the Minister of Customs. I could not get around Mr. Robichaud's letter. It seemed to me that if the minister had yielded to its importunity he was performing an act which was altogether unjustifiable. But I listened yesterday to the statement made by the hon. minister, and I must say that I was greatly impressed by it. Members may laugh, but I am just stating how it impressed me. I again would remind hon. members of this House

that we are not organized as a court is organized. We have not the same opportunity of cross-examining the witness as we have in a court. I did venture to interject a question, and received of course what was apparently a satisfactory reply, but we have not the same opportunity that they have in a court room of arriving at the real situation. It seemed to me that I could almost visualize —perhaps that was because of the skill with which the case was presented—the situation which confronted the minister when he took office, and from what little I know of administrative affairs, I can understand that it is very easy for a man placed in that position to take the opinion and even the statements of those about him. Let me remind hon. members that there is hardly a man in this House who is not constantly in receipt of letters asking him to do this, that and the other thing, for reasons which perhaps would not commend themselves to hon. members.

Mr. CAHAN: Would the hon. member allow a question?

Mr. WOODSWORTH: Yes.

Mr. CAHAN: What would the hon. member say to the statement of the hon. Minister of Customs which reads:

> But I say now that if I had seen the request—

That is the request of Robichaud.

> —and been cognizant of all the other circumstances my conduct would have been the same.

Mr. WOODSWORTH: I noticed that statement at the time. In my judgment I took it to be one of two things; either a little bit of bravado, which was very unpolitic to say the least at that time, or else a frank statement of his feeling that he would not be influenced this way or that way by such a consideration.

Mr. CAHAN: Would the hon. member allow me?

Mr. WOODSWORTH: I would say, Mr. Speaker, that I am not being examined just now.

Mr. CAHAN: May I ask my hon. friend a question?

Some hon. MEMBERS: Order, order.

Mr. CAHAN: Did the hon. member not regard it as the most serious statement that a man could make upon his honour when defending himself before the House?

Mr. WOODSWORTH: I cannot say that I did. I was listening intently, trying to size it up, and I am just stating how I felt about it.

Mr. CAHAN: It affected me most seriously.

Mr. WOODSWORTH: For example, I received a letter the other day asking that I take up a certain case. The writer stated that the man in whose interest he was appealing was identified with the Independent Labour party in the Old Country and has always given the labour movement support. He asked me on that ground to take up his case. I proceeded to take it up not because he was identified with the Independent Labour party in the Old Country, not because he had ever given the Labour movement support, but because according to the man's own statement, which was more or less endorsed by the man who appealed to me, it appeared to me that he was suffering an injustice that should be looked into. I simply handed over the case and asked that it be investigated. I appeal to hon. members and ask if we have not all had communications of this kind.

Will you let me give a more serious case? It is the only one of the kind which I have had since I have been in parliament, and I looked it up the other day to make sure of the facts. A certain group of people, men that I did not know, asking something from this administration, appealed to me. It was stated:

> They have helped us substantially in the past in election campaigns. In fact they have gone so far as to offer to contribute $1,000 to your next election campaign if you will procure these permits for them.

This does not come from my constituency; as a matter of fact it comes from somewhere down east. Needless to say I wrote back objecting to that kind of importunity; but supposing that letter was discovered on my files and supposing I had taken any action in furthering the interests of this particular group, where would I be if I were charged with a matter of this kind?

Mr. CAHAN: Would the hon. member take any action in the face of such a proposition as that?

Mr. WOODSWORTH: I did not.

Mr. CAHAN: But would he, as an honest and honourable man?

Mr. WOODSWORTH: If these men were appealing for permits that were within their rights as citizens, I might show them how they could obtain their rights, at the same time absolutely repudiating the suggestion contained in the letter. I am not trying to condone anything.

Some hon. MEMBERS: Oh, no.

Mr. WOODSWORTH: It is all right for hon. gentlemen to say: "Oh, no," but one of the first lessons that I had in at least trying to be a little bit generous in interpretation was when I was a boy of fifteen. A murder had been committed in our town and it had startled the whole community. I remember my father coming home one day and recounting a conversation which he had with the judge concerning the matter. I am not sure whether my father or the judge first made use of a phrase by an old French writer but my father used it. It was to this effect that "To know all is to forgive all." Whilst I will not say that in public life there should be full forgiveness of everything, an intimate knowledge of what takes place is absolutely essential to a correct estimation of what a man's conduct really is. I am quite sure the hon. member for St. Lawrence-St. George (Mr. Cahan) agrees with that. I will just reiterate what I said at the beginning of my remarks, that unforunately it seems to me that this House of Commons, with the heated atmosphere that here prevails, is not the most suitable place in which to secure impartial justice.

Let me go further. I recognize perfectly well that in a case of this kind the public demands a sacrifice, but I am not so sure that the public is right. Lloyd George won his election on the slogan: "Hang the kaiser." Lloyd George is to-day a very discredited man. The kaiser is still alive. Strangely enough a number of our property patriots are opposed to the republic of Germany confiscating the kaiser's estates, to say nothing of hanging him. In this matter the business men are right. What we need to do is to clean up the mess. What we need to do is to put in more competent and courageous men to administer our laws.

Some hon. MEMBERS: Hear, hear.

Mr. WOODSWORTH: I am glad that is endorsed. It would seem to me that if we have discovered any honest officials in the investigation which has been proceeding for the last four or five months, it will be the part of wisdom to put those men in positions of greater responsibility. The difficulty is that we are trying to deal with the evils of an economic system that is essentially outgrown, inadequate and vicious. We are dealing with the outer symptoms of a disease which is bound to produce evils of this character. I do not want to get into a controversy over the question of free trade and protection, but it sometimes seems to me that if we would do away with those customs barriers we would save a great deal of trouble.

Mr. CAHAN: Would the hon. member allow all foreign rum in free under those conditions?

[Mr. Woodsworth.]

Mr. WOODSWORTH: As regards allowing foreign rum in free, if I understand the situation aright, it is that we are shipping rum into other countries.

Mr. CAHAN: It is coming into this country as well.

Mr. WOODSWORTH: As I have tried to see daylight through this problem and I think many men have been worrying a great deal—

Miss MACPHAIL: And one woman.

Mr. WOODSWORTH: And one woman, the hon. member for Southeast Grey suggests. Many men and one woman have been worrying a great deal as to what is the right course of action to take at this time. The trouble is that we do not and I think I may say we cannot vote on this motion apart from other considerations. I think that is true not merely of the older parties; I think it is true of the Progressives and also of our Labour group. We cannot vote on this question absolutely on its merits.

Some hon. MEMBERS: Oh, oh.

Mr. WOODSWORTH: Hon. members laugh at that and some of them are inclined to be cynical about it. Let us get down to realities about it and face the facts as they exist. If the amendment carries, presumably the Liberals go out of office.

An hon. MEMBER: Why should they not?

Mr. WOODSWORTH: I am not discussing that. If the amendment carries, presumably the Liberals go out of office and the Conservatives come into office.

Mr. TOBIN (Wetaskiwin): And that would be hell.

Mr. WOODSWORTH: An hon. member suggests that that would be a very bad situation. His expression was unparliamentary, so I will not repeat it. It is a very good thing sometimes that the Speaker is at the other end of the room and he does not hear all that goes on. Let me repeat that because I would like to make that point clear. If the amendment carries, presumably the Liberals go out of office and the Conservatives come into office. Does anyone say that under those circumstances either Liberals or Conservatives can vote dispassionately on such a question as this?

This question which looms so largely to-day and which undoubtedly is one of great importance, need not and should not decide what group is best fitted to administer the affairs of Canada.

That is a point I should like to emphasize. I may be wrong in this; I confess that I have not seen my way to take this position before now, and to be perfectly frank I am only feeling my way through to this. But as I see the situation to-day, and I want to express it frankly, that one particular question such as this ought not necessarily to decide what group is best fitted to administer the affairs of Canada. Some of us have protested during the past five years against the evils of the party system. We are so strongly opposed to the old two-party system that at least two new groups are in this House as a protest against it. We have not hesitated so to interfere with the ordinary working of that old two-party system as to bring about what is very little less than chaos in this House. We have come in and it is our right as elected representatives to play the game as we think fit.

I think I said somewhere, I am not sure whether in this House or outside, that the situation this session was comparable to a football game. There are two teams opposed; there is a goal at one end and a goal at the other; and all of a sudden, into the midst of this game, a third group of individuals makes their appearance and proceed to participate in the fun. Their presence is resented by both the old football teams, because they are constantly in the way and interfere with the established rules. But the trouble is that we, the third group, are on the ground and are determined to do something, and either the two old parties must revise their rules or we will defeat them both at their own game.

An hon. MEMBER: No danger.

Mr. WOODSWORTH: Perhaps not; that remains to be seen. But he is a bold man who predicts what is going to be done in the future.

Mr. MEIGHEN: If, as the hon. gentleman says, each of the old parties has sinned in throwing stones at the other, what is to be thought of the man who throws stones at both?

Mr. WOODSWORTH: I do not know that I have thrown very many stones to-night.

Mr. CAHAN: They were not all bouquets.

Mr. WOODSWORTH: They may not all be bouquets, but I have not said anything very derogatory of the good name of any hon. member of this House. I have been trying as far as possible to discuss general principles and have brought in only such names as were definitely introduced in the report. and of necessity had to be mentioned.

We in this section of the House, Progressives and Labour, have during the past few years again and again protested against certain rules and traditions. For example, we have said that the defeat of a government measure ought not to be taken necessarily as a vote of lack of confidence. Members who were present in the old House will recall that my colleague, Mr. Irvine, then representing East Calgary, introduced this principle in a motion which he submitted to the House, and it was voted down by the combined strength of Liberals and Conservatives because they wished to protect the old party system. But from our point of view—and it is our point of view I desire to give to-night —we believe that the time has come for modifying many of these old traditions and practices of parliament, and among these is the rule that makes the defeat of a government measure the occasion for the resignation of the government. We hold that such a defeat ought not necessarily to be taken as an indication of want of confidence. And it is only going one step further to say that we should insist upon being free to condemn certain actions of the government without of necessity replacing the government by another particular group. I do not know whether that is correct or not.

Miss MACPHAIL: It is.

Mr. WOODSWORTH: My hon. friend from Southeast Grey (Miss Macphail) says it is correct. Well, I am glad to hear her say so, because I had not discussed the matter with her and I was afraid of her criticism. Let me repeat it; I have written it down because I want to be clearly understood. We must insist upon being free to condemn certain actions of the government without necessarily replacing the government by another party or group in the House. I recognize that this may be stigmatized as dangerous doctrine, Sometimes I have been called an impossible idealist, but I like to think that occasionally I am a bit of a realist. Perhaps some people may say that I am too much so to-night, but I want to get behind legal forms and constitutional procedure and try to reach the ends for which these forms and this procedure are supposed to exist and to conserve.

Now government has to do with a great variety of subjects; government policy covers a very wide field indeed. We have been spending, I suppose, almost half the time of the House this session discussing the question of lower or higher tariffs. As I have said

before, I do not believe that either free trade or protection or higher protection will solve the economic problems that face this country. But I would ask hon. members whether a great question such as free trade or protection, or higher or lower protection, is to be set aside without consideration merely because a certain individual named Moses Aziz did something that was wrong, or because a minister in dealing with that case took an action which some do not regard as justifiable. If we begin along that line where shall we stop? On the other hand, someone may ask, if I begin along my line where shall I stop? I frankly admit that I am open to criticism; I am placing myself in a vulnerable position. But I shall state nevertheless what appears to me to be the real difficulty in our deciding such a case as this. I have heard a lot of talk around the corridors about the Alberta resources. I have heard it said that this question could be settled if certain votes were given in this House. I heard a little earlier about the Hudson Bay railway and I heard the suggestion made that if certain votes were given in a certain way that railway would be built. I have also heard something about the Crowsnest pass agreement. I heard it suggested that if, as in the other cases, votes were cast in a particular way there would be no chance for the west having that agreement. I presume there is something in these suggestions. There are all sorts of questions to be considered. For example, I have heard the statement made around the corridors that action in this House was more or less dependent upon action in the other chamber, and vice versa. These statements are heard freely around the corridors, and the undoubted fact is that they influence our decisions. And I do not see that we can avoid being so influenced. Now, among other things in which I am interested is old age pensions. Apparently many hon. gentlemen opposite are not very sympathetic, and certainly the party to which they belong in the Senate refuses to give its sanction to that legislation. Do you suppose I could vote on any question in this House without recognizing the possibility of placing in the seats of power men who defeat legislation of this nature?

I am not quite sure that the action of the minister in this particular instance, which action has been debated pro and con for some considerable time now, is the all-important question which some seem to imagine. Let me read two telegrams that have come to me within the last forty-eight hours. I think I can show how closely related they are to this question. The first is addressed to me from Halifax.

[Mr. Woodsworth.]

Government as represented by King, Elliott and Dunning absolutely refuses to pay labourers in Halifax more than $2.38½ as per wires from them to trades council. Under those circumstances we see no reason why you should not line up with any opposition on any motion to defeat them in the House.

This is signed by Hugh Pynn, president of the Halifax Trades and Labour Council. Here is a direct incitation to line up in opposition to the government. Why? Simply because it is considered that the government is more or less directly responsible for the payment of certain charges to a group of men in Halifax in connection, I presume, with the Canadian National Railways. More or less directly the government is held responsible for the payment of certain wages of a group of men down in Halifax, and because of that those men are going to have me take my share in deciding what the fate of the government of Canada is to be. Could anything be more preposterous? Or again, a telegram was received only to-day from Winnipeg:

Winnipeg motormen and conductors are up in arms owing to delay in appointing chairman. Men threaten to override executive and walk out on strike. The immediate appointment of chairman the only solution. They feel you should compel government—

They have got a big opinion of my power.

—to act within twenty-four hours or vote against them on Customs issue. Men feel government stalling until the House prorogues. Demands for mass meeting to determine strike actions are insistent. Wire reply.

H. JONES.
Secretary.

Mr. RYCKMAN: Read the reply, please.

Mr. WOODSWORTH: Personally I did not reply, but I think the answer sent was that at noon to-day announcement had been made that the chairman had been appointed.

Some hon. MEMBERS: Oh, oh.

Mr. MANION: They were right, then.

Mr. WOODSWORTH: I am glad hon. gentlemen have had their laugh. I read this telegram to drive home, if I could, the very point which they seek to emphasize by their laughter and applause. As I say, I recognize that in regard to this I am putting myself in a vulnerable position, but the point I am trying to make is that hon. members are constantly subject to pressure of this kind, all over the House, and I say it is absolutely absurd that the government's decision as to the appointment of a chairman of a board in Winnipeg is to decide, as far as it can be decided, what the fate of the government is to be. It is ridiculous to think of such a thing as that, and even although some of my labour friends may think it is strong language.

I cannot refrain from so expressing myself. It is simply because they do not realize the larger issues that are at stake.

I would say further, Mr. Speaker, that undoubtedly governments have to deal with great international problems. For example, we had a debate the other day as to the procedure which should be adopted in ratifying treaties, and an important decision was reached by this House in the form of the resolution which was then put forward by the government. The leader of the opposition (Mr. Meighen) although requested to do so, absolutely refused to express himself on this question.

Mr. MEIGHEN: The leader of the opposition had expressed himself many times at the beginning of the session—

An hon. MEMBER: Order.

An hon. MEMBER: Sit down.

Mr. MEIGHEN: —and does not propose to join the time-killers in this House.

Mr. WOODSWORTH: On important matters such as our foreign relations, matters that may involve this country in a war as important as the last, which meant that hundreds of thousands of our men were sent abroad and tens of thousands of them laid down their lives, and we have such a huge debt that we can hardly struggle beneath it —on important matters of this kind, I say it is highly desirable that we should know where both parties stand. My point is that matters of international relations, matters of war and peace—matters on which parties have definitely recognized policies—are equally important with the question of the conduct of the Minister of Customs in this case.

Mr. McGIBBON: Might I ask the hon. gentleman if he disapproves of what Canada did in the last war?

Mr. WOODSWORTH: I do not think it is necessary to answer that question.

Mr. McGIBBON: Pluck up your courage. and answer it.

Mr. SPEAKER: Order.

Mr. WOODSWORTH: In answer to the hon. member's question in regard to the last war, I think it is only necessary to say that every one of the bright promises with regard to what that war would accomplish absolutely failed of fulfilment.

Mr. MANION: Except the defeat of Germany.

Mr. WOODSWORTH: I am not so much concerned to-night about the last war—I think these days we may well forget a great deal that transpired during the last war—but I am tremendously concerned in preventing a recurrence of war.

Mr. RYCKMAN: Do you think with the Solicitor General that the next war will be with Turkey?

Mr. CANNON: Will my hon. friend allow me? So far as my hon. friend from East Toronto (Mr. Ryckman) is concerned, I will speak—

Some hon. MEMBERS: Order.

Mr. SPEAKER: Order. Let the hon. gentleman take his seat.

Mr. CANNON: The hon. member mentioned my name.

Some hon. MEMBERS: Sit down.

Mr. CANNON: I am getting up on a question of privilege, Mr. Speaker.

Some hon. MEMBERS: Oh, oh.

Mr. SPEAKER: Order. I would ask hon. gentlemen to let the hon. member state his question of privilege.

Mr. CANNON: I wish to tell my hon. friend from St. Lawrence-St. George (Mr. Cahan) that he need not yell himself to death. My hon. friend from East Toronto—

Some hon. MEMBERS: Order.

Mr. CANNON: Let me tell my hon. friend from East Toronto that I will speak in this debate and conform to his own custom; I am not going to declare myself until I speak.

Mr. CAHAN: Mr. Speaker, I rise to a point of order.

Some hon. MEMBERS: Sit down.

Mr. SPEAKER: Order. Let the hon. gentleman state his point of order.

Mr. CAHAN: I ask, Mr. Speaker, if a member sitting in his seat, doing nothing and saying nothing, is to be insulted in this way without redress?

Mr. CANNON: The House can judge.

Mr. SPEAKER: I do not know what has been the cause of the statement that the hon. member for St. Lawrence-St. George was yelling. I did not hear him yelling.

Mr. WOODSWORTH: Mr. Speaker, when I was interrupted by this uproar I was going to say one final word with regard to the war question which was injected—that the hon. gentleman should remember that it is only a few months since the Great war

Veterans' Association met in this city and considered a very strong resolution to the effect that it was incumbent upon the returned men to do everything in their power to see that there was no recurrence of war during our time.

Let me come back to my argument for a moment, if I may. I was trying to emphasize the fact that we are called upon tonight, or whenever the vote is taken, to decide the fate of a government. We must not only decide on the question whether or not this or that member of parliament did the right thing, or whether or not the Minister of Customs was justified in taking a certain action; behind that and more than that and as the result of that decision, according to the existing rules and practices of this House we are called upon to say who will carry on the administration of this country, and that is a point, which, very frankly, makes us pause at this time.

A few moments ago the right hon. leader of the opposition was denouncing, as his followers have very bitterly denounced, the Minister of Customs for his leniency with regard to a convicted smuggler. At the moment I am not going to discuss that case; in fact I think it has been discussed pro and con long enough, but the right hon. gentleman and his followers were condemning that action. I want to remind the hon. gentleman—and this is one reason why I am in this House—that a few years ago legislation was passed which still remains on the statute books and which, among other things, had the effect of depriving of the right of trial by jury all persons born outside of Canada.

Mr. MEIGHEN: I am not rising to a point of order because this is the opening of the breach of order by the hon. member, but there surely must be a limit to the privilege or license extended him to debate everything between the sun and the earth on a question quite outside that before the House.

Mr. WOODSWORTH: I submit that I am quite in order.

Mr. MEIGHEN: I ask for a ruling as to whether the hon. gentleman is in order in discussing a subject which has no relation to the matter before the House, and which this House has already decided.

Mr. WOODSWORTH: Mr. Speaker—

Mr. SPEAKER: The hon. gentleman must speak to the point of order.

Mr. WOODSWORTH: I am speaking to the point of order. I have been trying since the beginning of my address tonight to show that this parliament by this discussion has been turned into a court, and that it is impossible under existing circumstances and with the heat which exists to secure an impartial verdict. I have been showing that behind that there is still another difficulty, that owing to the rules and practices of this House it is simply impossible for members to vote solely on the question now before the House, because if the amendment carried it would mean the resignation of the government and the assumption of office by the opposition.

An hon. MEMBER: Hear, hear.

Mr. WOODSWORTH: The hon. gentleman agrees that I am right; he says, "hear, hear." Since that would be the effect and since this is the momentous decision we are required to give, I would suggest that we have to consider whether or not we wish to have a change of government. I was pointing out—

Mr. MEIGHEN: I rise again, Mr. Speaker—

Some hon. MEMBERS: Order, order.

Mr. WOODSWORTH: I think I am in order.

Mr. SPEAKER: The hon. gentleman is perfectly in order; he is explaining the point of order. I will give my ruling immediately he takes his seat.

Mr. WOODSWORTH: I am speaking to the point of order. I have said that I am simply giving certain considerations which must occur to me and to other members of the House in deciding how our vote is to be given. I submit, Mr. Speaker, that I have a perfect right to recite these considerations.

Mr. MEIGHEN: Mr. Speaker—

Mr. SPEAKER: The hon. gentleman has already spoken on the point of order.

Mr. MEIGHEN: All I want to say is that this reasoning would allow the discussion of anything.

Mr. SPEAKER: I have followed very closely the address of the hon. member for Winnipeg North Centre (Mr. Woodsworth), and in my humble judgment I think he has, from his point of view, tried to be very logical on the attitude he intends to take in this matter. I cannot repeat the ipsissima verba, but the hon. member says that he is in a quandary; if the amendment carries it means the defeat of the government and the victory of the other party, and he said he was not ready to support the other party. I

gathered from his remarks that he wanted to lead to another sphere, the judgment to be rendered on the case occupying this House at present. But I would like to point out to the hon. gentleman that whilst this is perfectly in order the branch of his argument must not become the trunk; there must be some limits to those considerations which would prevent him from supporting this or that party, according to the fate of the amendment and main motion.

Mr. WOODSWORTH: This is a mere branch, Mr. Speaker, and I think it is one of the top branches. When I was interrupted I was trying to suggest that hon. members opposite were very severely condemning the Minister of Customs because of his leniency to a convicted smuggler. I must remind the House that there was read only the other day in this House a telegram relating to those troubled times of 1919. On June 17, Mr. Meighen wired to Mr. Andrews:

> Notwithstanding any doubt I have as to the technical legality of the arrest and the detention at Stony Mountain I feel that rapid deportation is the best course now that the arrests are made, and later we can consider ratification.

It may be a serious thing, Mr. Speaker, to show leniency to a convicted criminal but I submit that it is a great deal more serious to deny to an innocent man the right of trial. The right hon. leader of the opposition admitted, inferentially at least, that he had doubts as to the legality of the arrests; he admitted that he had doubts as to the legality of the detention at Stony Mountain penitentiary but he said, "Now that this action has been taken, an irregular action, I think the thing we should do is to have quick deportation, and then, if there is any further trouble, we can regularize"—what were the exact words used?—"later we can consider ratification." If there is danger on the one hand, do you mean to say there is no danger on the other?

I just want to say in closing my reference to that incident that one of the reasons I was sent to parliament was to endeavour to secure the repeal of that vicious legislation of 1919.

An hon. MEMBER: You got it.

Mr. WOODSWORTH: An hon. gentleman says "You got it". It passed this House but it has been again rejected by the Senate where the majority of the members belong to the Conservative party.

Mr. SUTHERLAND (South Oxford): I rise to a point of order. The point of order is that the hon. member has characterized legislation which has been passed by this House, and which is now in effect, as "vicious legislation".

Mr. SPEAKER: I cannot see in what respect the expression, applied in the way in which it has been, is unparliamentary.

Mr. WOODSWORTH: I am glad to be sustained by the Speaker. I should have found myself in a very difficult position had the expression in question been held to be unparliamentary because really I do not know how else to characterize legislation which deprives men in this country of what we thought was guaranteed to every man by Magna Charta and the Bill of Rights.

Mr. MEIGHEN: I rise to a point of order.

Some hon. MEMBERS: Sit down.

Mr. MEIGHEN: I think the government and their followers have no proper respect for the rules of the House.

Some hon. MEMBERS: Order.

Mr. MACDONALD (Antigonish): I rise to a point of order. The right hon. leader of the opposition has no right to make the statement he did and I ask that he be compelled to withdraw it.

Mr. SPEAKER: I do not see why there should be so much heat in debate. This is one of the finest debates we have heard for some time, and I fail to see any reason for disorder. I hope the right hon. leader of the opposition on thinking the matter over will withdraw the expression he used with respect to hon. gentlemen to my right to the effect that they have scant respect for the rules of the House. All members have a great deal of respect for the rules of the House. I am glad to acknowledge that at a time when I am celebrating the thirtieth anniversary of my first appearance in this House.

Mr. MEIGHEN: Whenever I rise to a point of order there invariably arises from the other side a chorus of boos. My retort is very mild indeed.

Mr. SPEAKER: I must ask the right hon. gentleman to withdraw the first expression used, that hon. gentlemen on the government side have scant respect for the rules of the House.

Mr. MEIGHEN: I was unaware that there was any rule requiring me to withdraw it.

Mr. SPEAKER: It is unparliamentary to say that certain hon. members have scant respect for the rules of the House.

Mr. MACDONALD (Antigonish): The right hon. gentleman also said "members of the government."

Mr. SPEAKER: All the members of the House are supposed to have respect for its rules, and as a matter of fact are imbued with that sentiment.

Mr. MEIGHEN: Hon. members are supposed to obey the rules on all occasions. I stated that they do not do so.

Mr. SPEAKER: I am obliged reluctantly to insist that the right hon. gentleman withdraw the expression. In my humble judgment he has no right to say that hon. members have but scant respect for the rules of the House. I say that all members are obliged to respect the rules of the House, and to say they have scant respect, you offend them.

Mr. MEIGHEN: Mr. Speaker, out of deference to your authority as Speaker of this House I obey your ruling, but I hope you will permit me to say that because I ask that hon. gentlemen shall not do what they have no right to do I do not necessarily offend them. My reason for rising to the point of order was this: It was to repeat what I had urged before, and I insist on doing it, that no hon. member has a right in any way to debate in this House a question which already has been decided in the same session. I do not know of any rule more firmly established or more clear. I was overruled by Your Honour then; I hope I shall not be overruled again.

Mr. SPEAKER: I fail to see where the hon. member (Mr. Woodsworth) is infringing the rules. I again ask that hon. members so conduct themselves as to obviate any necessity for a ruling by the Chair.

Mr. MEIGHEN: Mr. Speaker,—

Mr. SPEAKER: I must ask hon. gentlemen to remain within reasonable limits.

Mr. WOODSWORTH: I cannot hear you, Mr. Speaker.

Mr. SPEAKER: I am telling the right hon. gentleman not to dilate too much on branches of the main subject.

Mr. WOODSWORTH: I am glad to know that I am and have been in order. I shall try not to say anything that is out of order.

Mr. MEIGHEN: You cannot.

Mr. WOODSWORTH: The hon. member for West Hamilton (Mr. Bell) for whom I have a very great respect, said the other day, in his eloquent presentation of his case that the vote was a vote for national honour or national dishonour. The implication is that those who vote one way are voting for national dishonour and that those who vote the other way are voting for national honour. A further claim on the part of some of these gentlemen opposite would be that those who vote for honour are the Conservatives only—

Mr. MANION: The vote has not been taken yet.

Mr. WOODSWORTH: —and that all those who do not vote their way are voting for national dishonour. Well that is a very simple line of conduct. Personally I have often wished, at least in my off times, that I had that view of life that enabled me always to divide the world into black and white, into the absolutely good and the absolutely bad, into perfect saints and hopeless sinners, and to say that one particular group is always right and the other group is always wrong. It is a very simple way of looking at life. It helps out in a great many ways, if in this building a man can go into a lobby or up into his room and do almost anything he pleases and then come down to this chamber and cast his vote in the right way. But I submit the question before us to-night is not quite so simple as that. It is not so easy to know just how to vote right; and I do say sincerely that men jealous for the national honour are sitting on both sides of this House. I think it is rather a dangerous practice that perhaps is growing on us, to claim that we and we only have such a policy and are true to our convictions and to our country. I am quite well assured that before this vote is taken some of my hon. friends with whom I have most closely associated during the last four or five years will vote the opposite way to which I will vote, but I want to assure them that although we can not see eye to eye in some matters, I do not for one moment doubt the sincerity of their convictions, I do not for one moment doubt the fact that they are exercising their best judgment. Nor do I doubt for a moment that they have our national honour at heart, and I would respectfully suggest that they ought if possible to extend some such consideration to those who are opposed to them in votes of this character. I feel this particularly because I know that a great many of us are finding it extremely difficult to come to a conclusion how to vote on a question of this kind. Let me repeat what I said in the early part of my remarks, that to me, as I have tried to consider the question, the vote is inseparable from the question of who shall

be entrusted to administer our affairs. The parties must be judged by their policies, and by the records of those who are pledged to carry them out. I am not going into the question of records to-night. A good many people on both sides of the House have gone into the records of members on both sides, and perhaps enough has been said; but in making up our minds we judge in accordance with the policies of these men, and in accordance with their records.

Having in view the entire situation, I would say that I have not seen my way clear on this occasion to cast a vote which would automatically put the Conservatives into the place now occupied by the Liberals in this House. I am free to say that I think the conduct of the Customs department, has been, as the reports clearly state, anything but satisfactory.

Paragraph 6 of the report states:

The evidence submitted to the committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency and that the process was greatly accelerated in the last few years. Apparently the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office and as a result there was a lack of efficient, continuous and vigorous control of subordinates by the Headquarters staff at Ottawa.

That is a very, very sweeping condemnation of the conduct of that department. How far the cabinet as a whole is responsible I am not prepared to say. How far the present minister is responsible I do not know that we have sufficient evidence to determine. We have had one or two cases, and with regard to these cases it does seem to me that there has been absolutely unjustifiable action taken, and that notwithstanding all the defence which was presented by the minister yesterday, and which, as I say, impressed me very strongly. Under these circumstances, as we have only the amendment to vote on, it seems to me that I cannot do better than to try to express, in the form of an amendment to the amendment, some of the views which I hold with regard to this situation. I beg to move, Mr. Speaker, seconded by the hon. member for North Winnipeg (Mr. Heaps):

That all the words after the word "instructions" in the third line of the amendment be struck out and the following substituted therefor:

1. To add to clause 4 the following; Since the enquiry indicates that the smuggling evils are so extensive and their ramifications so far-reaching that only a portion of the illegal practices have been brought to light, your committee recommends the appointment of a judicial commission with full powers to continue and complete investigating the administration of the department of Customs and Excise and to prosecute all offenders.

2. That the following be added to clause 6: Your committee deplores the common practice, as revealed by the evidence, of members of parliament and others appealing to the minister to relax the regulations of the department for personal advantage or political expediency.

3. That in clause 8 all the words after the word "department" in the third line be struck out.

4. That in clause 13 the name of R. R. Farrow, deputy minister of Customs and Excise, be added to the list of those who are recommended that their services be dispensed with.

And that the committee for such purposes be revived.

Just briefly I will give the effect of this amendment to the amendment. The first clause suggests that the inquiry has been very incomplete. I think in that I am simply stating what the committee itself has stated. The committee has examined in a general way the conduct of business at certain points in Ontario. In clause 4 the committee states:

The committee have not dealt, except incidentially, with the middle west and the Pacific coast. To a degree, therefore, this report is incomplete and suggestive rather than final. Full audit and extra-departmental investigation would be profitable in improving the service and recovering a large amount of revenue.

Now in order to complete the investigation, and further because of the impossibility of obtaining justice in a parliamentary committee organized as a parliamentary committee necessarily must be with representatives of opposing parties on it, it seems to me we could not do better than complete the work which has been begun and carried forward for four and a half months, by the appointment of a commission which would be able to go out and survey the whole field of which we have investigated only a part. Further, I hope it may be quite possible to give the commission such powers as will enable them to initiate prosecutions and be definitely charged with carrying on work of that character. I am not very familiar with the appointment of royal commissions, and have not had a chance to consult with legal gentlemen to find out whether it is possible to invest such powers in them. I think it is, and it seems to me this would be the best means of completing the work which has been so well begun by the parliamentary committee. At this point I should like—and I do it sincerely—to pay tribute to the hon. member for Vancouver Centre (Mr. Stevens) who has so earnestly worked on this investigation, without whom the investigation would not have been held, and who, I am informed by more or less independent observers who have attended the committee more closely than I have, has been very definite and earnest in pressing forward the work of the committee

which his action initiated. So I would suggest that we complete the work in this fashion:

2. That the following be added to clause 6—

This is I think the proper place in which to insert the clause, since this is the place where a similar clause is inserted in the amendment.

Your committee deplores the common practice as revealed by the evidence, of members of parliament and others appealing to the minister to relax the regulations of the department for personal advantage or political expediency.

This is more or less of the same character as two of the clauses of the present amendment, but it leaves out the specific censure of the government and the specific censure of the minister.

3. That in clause 8 all the words after the word "department" in the third line be struck out.

That is, that the Minister of Customs be granted no discretion whatever. According to the report he will be given discretion in cases under $200. The clause as amended would read:

The committee is of opinion that the administrative duties of the Department of Customs and Excise should be left to the executive officers of the department.

No. 4 would add the name of Mr. Farrow, Deputy Minister, to those whose services are to be dispensed with. I have not attended many of the sessions of the committee and I have not read all the evidence; but those who have been in closest attendance on the committee have assured me that there is a great deal more evidence against the deputy minister than there is against other officers on that list and that justice would seem to demand that punishment of a more severe type should be administered to him.

In closing I would hope that in his case as in some of the others, while full pension may not be granted, we carry out our ideals of justice in a generous way and that those men who have perhaps done wrong under great temptation should not be too harshly dealt with, but that in some way a grant might be made—especially for those who have been long in the service—so that they will not be thrown out on the street because of their actions in recent years.

Mr. MEIGHEN: Mr. Speaker, I rise only to a point of order again. I contend that this is not an amendment to the amendment. The same relativity which must obtain between an amendment and a motion is not the relativity which must obtain between an amendment to an amendment and the amendment. An amendment to an amendment must deal with nothing but the subject matter of the amendment. An amendment to a motion does not require necessarily to deal only with the subject matter of the motion. This is only too plainly a mere device for getting rid of any decision on the amendment. If this is brought before the House, the House might decide on the merits of it; but if it decided in its favour, that would prevent the House from deciding on the merits of the amendment, which is something wholly different from this.

Although I have not had time to go into the rules thoroughly, the rule is that an amendment to an amendment must necessarily be an amendment to that amendment and not a different amendment. This is a different amendment altogether. This could be moved after the amendment is defeated, but it cannot be moved as an amendment to that amendment. The effect would be, as is indeed evidently the intention, to bring something in to which there is no special objection, get a vote upon it and thereby get rid of the amendment that is before the House. Against that course I protest and in that protest I believe I am supported by the best authorities. It is certainly unfair to have this matter decided adversely now in any case. I am confident this cannot be considered an amend- to an amendment.

Mr. HEAPS: Mr. Speaker, speaking to the point of order, I do not think the point is well taken. I contend that this amendment to the amendment is quite in order because it does deal with the subject matter contained in the amendment. The subject matter contained in the amendment deals particularly with two matters. The first is to refer the question back to the committee, and the second is to give instructions to that committee. I contend that in the amendment to the amendment we are referring the question back to the committee; we are also referring it back to the committee with certain instructions. The difference is that our instructions are not the same as those moved by the hon. member for Vancouver Centre (Mr. Stevens). I claim therefore that the House has the right to refer the matter back to the committee, and consequently the amendment to the amendment is in order.

Mr. LAPOINTE: The point of order is not well taken. As the hon. member for North Winnipeg (Mr. Heaps) has said, the subamendment is in order. The amendment proposes to refer back the report to the committee for the purpose of modifying it in some way, and the subamendment is, in effect, to refer the report back to the committee, changing the modifications which are pro-

posed in the amendment itself. It certainly is in order. I refer Your Honour to May, 12th edition, at page 264:

> Another proceeding may also be resorted to, by which an amendment is intercepted, as it were, before it is offered to the House in its original form, by moving to amend the first proposed amendment. In such cases the questions put by the Speaker deal with the first amendment as if it were a distinct question, and with the second as if it were an ordinary amendment. The original question is, indeed, for a time laid aside; and the amendment becomes, as it were, a substantive question itself. Unless this were done, there would be three points under consideration at once, viz. the question, the proposed amendment and the amendment of that amendment: but when the question for adopting the words of an amendment is put forward distinctly and apart from the original question, no confusion arises from moving amendments to it before its ultimate adoption is proposed.

In other words, the amendment moved by the hon. member for Vancouver Centre (Mr Stevens) becomes the main motion and to that motion there is an amendment modifying it, but derived from the amendment itself. There is no doubt; the point of order is not well taken.

Mr. CAHAN: The Minister of Justice has quoted from page 264 of May. If he had read the concluding paragraph on page 266 he might possibly have modified his opinion. On that page, subsequent to the observations which the minister has quoted, this rule is laid down:

> An amendment to a proposed amendment can not be moved, if it proposes to leave out all the words of such proposed amendment. In such a case the first amendment must first be negatived before the second can be operative.

I submit that the amendment to the amendment leaves out the substantive portion of the first amendment, and therefore cannot be moved until the first amendment is put to the House.

Mr. MEIGHEN: Mr. Speaker—

Mr. CAHILL: I rise to a point of order. The leader of the opposition has already spoken to the point of order, and should not be permitted to speak again.

Mr. SPEAKER: It is true the right hon. member has already spoken, but as a general rule some regard is had for the leaders on both sides. The right hon. member stated his objection, but as he said himself, he had not had an opportunity to consult the authorities, and undoubtedly he will have the indulgence of the House.

Mr. CAHILL: Yes, Mr. Speaker, the indulgence of the House; but he is not entitled to speak as of right.

Mr. MEIGHEN: I do not depend upon the indulgence of the House but I do depend upon the indulgence of the Speaker. The Speaker controls all discussion.

Mr. SPEAKER: I am ready to listen to the right hon. member.

Mr. MEIGHEN: What I contend is this. In the case of an amendment to a motion to adopt a report, with one exception and one only over a long period of years, the practice has always been to move that it be referred back with instructions. There is no other method of procedure if the regular line of practice is to be followed. Then the substantive part of the amendment consists in the instructions only and nothing else, the first portion being merely formal like the word "that." The Minister of Justice argues that because in the subamendment there is the instruction to refer the report back, therefore the subamendment has something in common with the amendment. As a matter of fact it has nothing whatever of substance in common with the amendment. It has nothing in common with the amendment apart from what is embodied in every amendment appertaining to a motion to adopt a report. It is therefore but the purest fiction —it is worse than that, it is a technicality which I hope will be repudiated very promptly —to contend that because that mere formal part is of necessity retained in the subamendment, therefore the subamendment embraces some part of the subject matter of the amendment. It does not. The instructions are wholly different; they are along a different line entirely. The object is just a device to prevent the House having an opportunity of passing upon the amendment.

Mr. CANNON: One word in answer to the right hon. gentleman. There might be some foundation for his contention if the only way of moving an amendment to a report were the one adopted by the hon. member for Vancouver Centre. But that is not the case. The right hon. gentleman knows perfectly well that two courses might have been followed in dealing with the report by way of amendment. The first was taken by the mover of the amendment, proposing that the report be referred back to the committee. The amendment seeks to revive the committee in order that it be instructed to insert a new clause in the report. That is one method of disposing of the report by way of amendment, and such an amendment must contain two fundamental elements, first the reference, and secondly, the instructions to the committee to which the motion is referred

back and for which purpose the committee is revived. Let us now consider the second way of moving an amendment to the report. That method, which any member of the House might have adopted, would be to move an amendment directly to the motion made by the chairman of the committee for concurrence in the report, by adding to that motion words expressing the opinion of the House on the subject matter. I refer Your Honour to a precedent to be found in the journals of the House of the year 1880 in connection with a report of the committee on Printing of that date. If the leader of the opposition will read that report he will see that his contention is altogether erroneous. I argue therefore that inasmuch as the amendment moved by the hon. member for Vancouver Centre must embody two fundamentals, first the reference, and secondly, the instructions, the subamendment does not invalidate the amendment, retaining as it does the reference and merely modifying the instructions given to the committee.

Mr. STEVENS: It is with a good deal of pleasure that I find my original idea quite in harmony with what the Solicitor General has said. The motion which I submitted to the House by way of amendment followed precisely the procedure he has stated. Being desirous of conforming to the rules with exactitude, I submitted my amendment as then drafted to the officers of the House who, I understand, had consulted the Speaker, and I was informed that the form in which the amendment was drawn up was not in accordance with the practice and the rules and that it would have to follow the form in which it now appears. So I changed the drafting of my amendment to conform with the practice and the rules of the House as officially given to me by the officers of the House after consultation with His Honour the Speaker.

Mr. CANNON: If my hon. friend will allow me? There is a distinction. I never contended that my hon. friend's amendment was not in order, but I say it is not the only amendment that could be brought in.

Mr. STEVENS: I am not quarrelling with my hon. friend at all. In fact, I am most happy to find that our minds flow in the same channel.

Mr. CANNON: Let them continue to do so.

Mr. STEVENS: I am pointing out precisely the course that was followed. It is scarcely —shall I say?—playing cricket to tell me now that my amendment is in such a form that it permits another hon. gentleman to move the subamendment which has just been read, thus virtually denying to the House consideration of the main amendment which has been under debate for a couple of days. I feel great confidence, Sir, in submitting to your judgment this contention. For the sake of argument we will assume that there is some ambiguity in the rules, and that hon. gentlemen might be able to argue from those rules that this amendment to the amendment is in order. Then I submit to you, Sir, an argument which I think will appeal to you and indeed to the House: that it is never intended by the rules of parliament to prevent the House giving an expression of opinion on a subject matter that is placed before it in the form of an amendment to a main motion. In other words, the rules of the House are so designed, or at least intended to be so applied, that the House can give a fair expression of opinion upon the subject matter that may be placed before it for its consideration and debate. Therefore, I beg to impress upon Your Honour the thought that inasmuch as the subamendment will effectively and definitely prevent the House giving any expression of opinion upon the original amendment, it should stand and the will of the House be secured on the original amendment. If this amendment is lost, then the subamendment may properly be moved as an amendment to the original motion.

Mr. MARCIL: Mr. Speaker, any member of the House who objects to the subamendment has an easy way of registering his objections—by voting against it. The moment the subamendment is disposed of the original amendment can be voted on.

Mr. MEIGHEN: Supposing a member has no objection to the subamendment, why should he be asked to vote against it?

Mr. STEVENS: Will my hon. friend from Bonaventure (Mr. Marcil) permit me? I know that he has had a wide parliamentary experience. Following up what my right hon. leader has just said, with some of the terms of the subamendment I am in accord, indeed I have already voted in the committee in favour of part of it; but if I vote for the subamendment now, I effectively do away with the main amendment which I myself have moved, and thus prevent any expression of opinion upon it. This I think is not intended by any of the rules of the House.

Mr. MANION: Mr. Speaker, before you give your ruling may I emphasize again what has already probably been stated pretty

fully? At page 266 of the twelfth edition of May, speaking of an amendment to an amendment, the rule is distinctly set forth:

An amendment to a proposed amendment cannot be moved, if it proposes to leave out all the words of such proposed amendment: but in such a case the first amendment must be negatived before the second can be offered.

Now the only words left in this amendment are the introductory words, that is,

That all the words after the word "instructions" in the third line of the amendment be struck out and the following be substituted therefor;

These are the words up to "instructions":

That the report be not now adopted, but that it be referred back to the special committee with instructions—

That is the ordinary form which the hon. member for Vancouver Centre was forced to take by the rules of the House. All the rest of the subamendment as proposed is absolutely different from the original amendment. I think it is absolutely without question that the subamendment is a complete reversal of the original amendment, and certainly is not in accord with the rule laid down by May which I have just quoted.

Mr. LAPOINTE: May I also crave the indulgence of the House for another word in answer to my hon. friend? It is exactly the purpose of a subamendment to do what he has just mentioned—to give to those members who object to vote either for or against the motions that are before the House, and who prefer some alteration to those motions, the right to move a subamendment. I quote again from the twelfth edition of May at page 258:

The object of an amendment may be to effect such an alteration in a question as will obtain the support of those who, without such alteration, must either vote against it or abstain from voting thereon, or to present to the House an alternative proposition either wholly or partially opposed to the original question.

Mr. MEIGHEN: May I interrupt my hon. friend?

Mr. LAPOINTE: Really I do not wish to have a discussion with my right hon. friend at this point. I am closing my remarks.

Mr. MEIGHEN: Go ahead.

Mr. LAPOINTE: This is merely for the purpose of entitling my hon. friend from Winnipeg North Centre in the present instance, he not being satisfied to vote either for the main motion without any addition to it or for the amendment of my hon. friend from Vancouver Centre, to offer an alternative—an alteration of the main amendment that will express what he has in mind.



Mr. GUTHRIE: Mr. Speaker, my hon. friend the Minister of Justice has put forward a case which on reconsideration I am sure he will agree with me will not hold water. The effect of this subamendment is of the greatest importance. The question is: are we entitled to have the opinion of this House upon a definite matter moved by a member in this House? Those hon. members who are opposed to the motion as moved by my hon. friend from Vancouver Centre are in no way prejudiced; they can vote against it if it does not meet with their approval; then it is open to any hon. member to move another amendment that does. But the object of the proposed amendment now—

Mr. MACDONALD (Antigonish): That is no argument.

Mr. GUTHRIE: Will my hon. friend allow me? The effect of the present motion is to deprive the member who has moved the main amendment of any decision on the question which we have debated for two days. Only the framework of the original amendment is left by the proposed subamendment.

Mr. MACDONALD (Antigonish): Not at all.

Mr. SPEAKER: Order.

Mr. GUTHRIE: The substance is entirely removed. Take the case of hon. members who are in favour of the subamendment, who agree with almost all it contains, but it does not go far enough; they say: shall we vote for it, and thus deny ourselves the opportunity of voting upon the main motion?

Mr. MACDONALD (Antigonish): You are arguing as to the effect, not as to the rule.

Mr. GUTHRIE: I am arguing as to the rule. The rule is for the purpose of allowing a definite question properly framed and laid before this House to be definitely decided. I submit that the rule is well established; it is in accordance with all parliamentary practice and usage, and no one should be allowed to circumvent it by merely allowing the framework to remain while the substance vanishes.

Mr. CAHAN: Might I be allowed just one observation? The statements of the hon. member are valid in so far as they apply to a sub-amendment which alters the amendment, which makes some addition to the amendment or subtracts something from it, but which does not substitute an entirely new clause. This is not an alteration; it is a substitution pure and simple, and comes under the rule which I quoted.

Mr. MACDONALD (Antigonish): Hon. gentlemen have been discussing the effect of this amendment as though they had read it with the greatest possible care. I might point out that I heard it read by the hon. gentleman who moved it and by Your Honour, and if I have any sense of what the proposal is it makes several distinct amendments to the amendment of the hon. member for Vancouver Centre (Mr. Stevens) instead of being an absolute substitution.

Mr. CAHAN: It is a complete substitution.

Mr. MACDONALD (Antigonish): Not at all; my hon. friend speaks with a great deal of positiveness, but I do not know where he gets his information.

Mr. CAHAN: I have read it; my hon. friend has not.

Mr. MACDONALD (Antigonish): If the hon. member makes amendments to several clauses of the amendment of the hon. member for Vancouver Centre—

Mr. MANION: But it is proposed to alter the report, not the amendment.

Mr. MACDONALD (Antigonish): If the amendment proposes to change in different respects the amendment of the hon. member for Vancouver Centre it is clear to me that under the citations already given it is well within the rules.

An hon. MEMBER: Who prepared it?

Mr. WOODSWORTH: Someone asks who prepared it. I may say that it was prepared with the help of my colleague and was submitted to the officers of the House before being presented here, so it will be seen that we took reasonable precautions to make sure it was in order. On the point of order I would like to say that it seems to me there must be some reasonable opportunity given others than one group to decide as to what should be changed in a report of this character. Otherwise it would simply mean that an alteration could be made in one particular clause only, and the rest of the report could not be touched. This follows closely portions of the amendment. For example, the amendment itself says in one of its clauses:

> Your committee deplores the practice, as revealed by the evidence, of certain men influential in public life to direct appeals, to the minister to relax and depart from the proper administration of his department for reasons of political expediency.



The clause as we propose it is as follows:

> Your committee deplores the common practice as revealed by the evidence of members of parliament and others appealing to the minister to relax the regulations of the department for personal advantage or political expediency.

Our amendment seems to follow the lines of the original clause very closely, only in my humble judgment it is worded a little better than is the original.

Sir HENRY DRAYTON: There is absolutely no difficulty; all the groups in the House have no difficulty in getting their motions brought forward. The hon. gentleman is in no difficulty, and as his argument was based upon such a difficulty I no longer refer to it. My hon. friend the Minister of Justice (Mr. Lapointe) again is under no difficulty. He wants a chance to vote on this question; he can do it very well and legitimately by allowing the amendment to stand as it is and add this subamendment to it. There is no necessity to strike out the one thing which we have been debating for two days.

Mr. MACDONALD (Antigonish): You are not talking of the rules now.

Sir HENRY DRAYTON: My hon. friend says I am not talking of the rules; I am trying to answer arguments which, possibly by some error, may have been thought to have something to do with the question. That argument was made by the minister and I am trying to answer it. That question can be voted on; this amendment to the amendment could be made an addition to the amendment. But, Mr. Speaker, apart from the fact that possibly the rules are so badly drawn, and possibly because they have been so badly administered sometimes, there is a danger that everything we have been doing for the past two or three days may be thrown away, and I want to pause for a moment or two. I submit to you, Sir, with much deference that the real governing idea of rules is to see that the House gets an opportunity of passing upon questions regularly submitted to it. This question has been submitted regularly and the House has the right to have the opportunity, as I submit, of passing upon the merits of the question which we all know—coming to realities and getting away from shams—to be the real question before the House. We submit that we have followed the practices of the past in this regard. It would indeed be unfortunate, Mr. Speaker, if by reason of the fact that the form adopted here is the form advised by the officials of

the House, the plain right of the House to vote upon this question should be taken away; that is really what this whole argument amounts to. It is perfectly clear that if the subamendment had been put in the regular form followed by the hon. member for Vancouver Centre it would be entirely and absolutely out of order. If it had been put in that way all that would be left would be the word "that," but the advice of the officials of the House, fortified by your decision, Sir, and your direction, means that we put in the words "that the report be not now adopted but that it be referred back to the subcommittee with instructions"—technical words, having nothing to do with the real merits of the case. If the result be that by following that form the right which we would otherwise have is taken away, all I submit is that that result would be extremely unfortunate.

Mr. SPEAKER: Do any other hon. gentlemen desire to speak on the point of order? I have been in the chair since two o'clock yesterday afternoon, and I feel that I would not render justice to the case if I were to give my decision immediately. I would ask, as it is my right to ask, to postpone my decision until this afternoon at two o'clock. I want to give justice to all parties; the arguments on both sides have been very elaborate, and I would not feel justified in giving a ruling to-night.

The hon. member for Vancouver Centre (Mr. Stevens) said that he had consulted officers of the House in drafting his amendment, and I said that the amendment was drafted in the proper form. I was not consulted with regard to the amendment to the amendment. I wish to say this because otherwise some hon. members might think that I had expressed an opinion on matters which are being debated by the House. It is the duty of the officers of the House to give information to all members—

Mr. MEIGHEN: Hear, hear.

Mr. SPEAKER: —who come to them. I may say that I endorse absolutely the view taken by the officers of the House in regard to the drafting of this amendment. But I certainly would not like to have it thought that I had expressed any opinion on the merits of the question before the House. Of course I know the hon. member for Vancouver Centre had no sinister motive in making the statement he did.

Mr. STEVENS: I assure you, Mr. Speaker, that I appreciate always the courtesy of being allowed to consult the officers of the House and it was in that connection I made the observation I did.

Mr. SPEAKER: Certainly, and the officers of the House are there for that particular purpose. I hope hon. gentlemen will not be disappointed if I do not give a ruling on this question to-night. After having been in the chair all day, and the present sitting having been extended to such a late hour, there is not sufficient time to consult the necessary precedents, authorities, and practice. Therefore I ask the indulgence of the House and the courtesy of being granted sufficient time to enable me to consider the question from every point of view and give a ruling which I hope will be satisfactory to all parties.

On motion of Mr. Rheaume the debate was adjourned.

On motion of Mr. Mackenzie King the House adjourned at 1.14 a.m. (Thursday).

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## Thursday, June 24, 1926

The House met at two o'clock.

### CUSTOMS INQUIRY

REPORT OF SPECIAL COMMITTEE—MOTION FOR CONCURRENCE AND AMENDMENTS THERETO

The House resumed from Wednesday, June 23, consideration of the motion of Mr. Mercier (St. Henri) for concurrence in the report of the special committee appointed to investigate the Department of Customs and Excise, the proposed amendment thereto of Hon. Mr. Stevens, and the proposed amendment to the amendment of Mr. Woodsworth.

Mr. SPEAKER: I am now in a position to give a ruling on the point of order raised last night.

On the motion of Mr. Mercier (St. Henri) for concurrence in the final report of the special committee appointed to investigate the Department of Customs and Excise, Mr. Stevens moved that said report be referred back with instructions to add thereto certain clauses purporting that ministerial action had been influenced by improper pressure, with the knowledge of the Prime Minister and government, and that the conduct of the Hon. George H. Boivin in the case of Moses Aziz is entirely unjustifiable; and also deploring the practice of certain public men to direct appeals to the minister to relax and depart from the proper administration of his department for reasons of political expediency; and concluding

that such a practice is detrimental to the best interests of the country and prejudicial to the administration of the department.

To this amendment a sub-amendment is moved proposing that certain words be struck out and replaced by others providing for the appointment of a judicial commission with full powers to continue and complete investigating the administration of the Department of Customs and Excise and to prosecute all offenders; stating that the practice of members of parliament and others appealing to the minister to relax departmental regulations was done also for personal advantage;

Suggesting that the administrative duties of the department be wholly entrusted to the executive officers;

And finally, recommending that R. R. Farrow's services should be dispensed with.

A point of order was raised by the Right Hon. Mr. Meighen on the ground that an amendment to an amendment must deal with nothing but the subject matter of the amendment. It was also argued that the adoption of the sub-amendment would prevent the House from pronouncing on the proposal contained in the amendment.

There can be no doubt in my mind as to the relevancy of the sub-amendment.

According to Bourinot (page 321) the law on the relevancy of amendments is that if they are on the same subject matter with the original motion, they are admissible, but not when foreign thereto.

The only exception to this practice, as the House is aware, is on the question of going into supply or ways and means.

The object of an amendment is to effect such an alteration in a question as will obtain the support of those who, without such alteration, must either vote against it or abstain from voting thereon, or (vide May 13th edition, page 283) to present to the House an alternative proposition either wholly or partially opposed to the original question.

The effect of making an amendment is for the time being to link the amendment with the main motion so that the subject matter of both is thereby placed under the consideration of the House.

Bearing this principle in mind, there can be little question in this instance that both the amendment and the sub-amendment refer to the inefficiency of administration in the Department of Customs and Excise. The hon. member for Vancouver Centre proposes a general censure of the ministerial conduct, and of the failure of the government to take prompt and effective remedial action. The proposal of the hon. member for Winnipeg North Centre would eliminate that censure for the time being at any rate, and while appreciating all the existing evils as to smuggling, he asserts that only a portion of the illegal practices have been brought to light, and therefore recommends the appointment of a judicial commission to continue and complete the investigation. This is an amendment to an amendment, which affords the House the opportunity of voting upon an alternative proposition. There is no reason why such an amendment should be pronounced to be out of order.

It has been represented in the course of the debate on the point of order, that the possible elimination of the amendment would result in depriving hon. members supporting it from the right of directly recording their views by a vote in the House.

This is contradicted by long practice which is inherent to the British parliamentary system. May, page 254, 13th edition, says that it can not be contended that such a practice is unfair. After all, in the last analysis, the decision of the House is supreme. As long as Mr. Stevens has asserted his right to express his views by making his amendment he suffers no prejudice if Mr. Woodsworth using the same right, submits a sub-amendment asking the House to accept an alternative proposition.

My ruling, therefore, is that the sub-amendment is in order.

Right Hon. W. L. MACKENZIE KING (Prime Minister): During the past five months an important committee of this House has been inquiring into the administration of the Department of Customs and Excise, and has made a report to the House which contains a number of far-reaching recommendations looking to the improvement of methods for securing the revenues of the country and for the suppression of the evil of smuggling, which has come to be one of the great evils of modern times, and one of the greatest problems with which this country is faced. The House has before it the report of that committee, with a motion on the part of the chairman (Mr. Mercier, St. Henri) that the report be concurred in. May I say at once that, with respect to every recommendation in that report, the government is in entire accord. The government is prepared to give to the recommendations in the report as made the full force and effect which it was hoped by the members of the committee they would have. We accept the report as it comes, believing that it creates what, in the opinion of the members of the

committee of this House, is most necessary in the interests of our country at the present time.

In addition to the report before the House there are two amendments, one an amendment moved by the hon. member for Vancouver Centre (Mr. Stevens), which I think I might at once classify as a political amendment, as a partisan amendment and as a destructive amendment, and another—a sub-amendment—which you Mr. Speaker, have just ruled is regular in every particular and which I might classify as a constructive amendment, as a non-partisan amendment, as an amendment intended to further the work of the investigation which the House committee has been engaged upon and designed to make more effective the smuggling and revenue laws of our country. The House is called upon at this time to consider to which of these two amendments it will give adherence.

Before I go in any detail into the amendment, may I direct the attention of the House to the nature of the problem with which the committee has been dealing as well as its scope and magnitude? The problem in its essence is one created largely by a new condition that has developed on this continent within the last few years, grown, I think hon. members will agree, out of legal enactments in the country to the south of us and in our own country, which have made extremely difficult, particularly in relation to liquor and narcotics, the matter of protecting effectively the revenue laws of the country and preventing smuggling. May I remind the House that this problem is not peculiar to Canada? The United States of America has had to face this problem, and those of us who have any knowledge of the difficulty which the United States has had to contend with in facing it will be able to appreciate the great difficulty which confronts this country in relation to the same problem. May I draw the attention of the House to this fact: the boundary line between this country and the United States extends over a distance of something like 4,000 miles. We have in addition, as they have, a large boundary line contiguous to the ocean, and part of the boundary line between our two countries is in the nature of lakes and rivers, and part of it is simply coterminus territory; mountains, forest, prairie, and all other phases of physical geography go to make up this boundary line extending, as I say, 4,000 miles across the continent. To enforce the customs laws in this country that entire boundary has to be properly protected. If it is a difficult thing for the United States government to protect its boundary line against Canada, how much more difficult is it for our country to protect its boundary line against the United States? We are a people of nine or ten million sparsely settled and the United States a people of one hundred and ten million, with an infinitely larger production and denser population in their country. Our nine or ten million have to find officials, and have to form an administration which can protect this country against smuggling across that boundary of the Dominion from the larger number of people and the larger production on the other side. The Americans on their part, having a larger number of people, are in a position to afford a much more liberal and extensive preventive service than this country is able to afford, though they have not against their border the same pressure as we have from the other side. I mention this in order that the House may get a correct perspective of the magnitude of the problem.

The United States have found, that in order to cope with the question of smuggling, it has to increase its preventive service enormously. It has had to take measures of a class and character never hitherto contemplated by any other country. When it was my privilege to be present at the Imperial conference in England three years ago, one question that came before the conference was a request from the United States that for the purposes of the suppression of smuggling operations the right of search on ships should be extended to a distance of twelve miles, that the marine league should be extended so to speak, the distance of twelve miles, for the purpose of permitting vessels that were likely to be engaged in the rum-running business to be searched or apprehended by craft of the United States. There was a very important departure from anything which the British government had ever countenanced theretofore. England above all others has prided herself on her control of the seas and on the freedom of the seas, and the demand from another country that England should give up that right, even for any purpose, to extend the marine league from three to twelve miles, to permit vessels to be searched when under suspicion of rum running and the like, shows how considerable in extent and importance the governments of the two countries regarded this problem. I think I am not wrong when I say that the representatives of Canada at that Imperial conference appreciating the magnitude of this problem, helped not a little to bring about the decision which was ultimately reached, whereby the British Empire, with respect to vessels of British

register, agreed to allow the American authorities that extension of the marine league from three to twelve miles, so that the abuse of smuggling might be more effectively combatted. The United States in the effort to combat that abuse and to stamp out the evil have found it necessary to employ part of their great navy and vastly to increase their preventive service on the high seas as well as on land. If the United States, as I have said, having a larger population than we have, have found it necessary to go to the extremes to which they have gone in the matter of seeking to prevent the evil of smuggling, this House will, I hope, appreciate the problem which the Department of Customs and Excise of Canada has had before it within the last few years in seeking to deal effectively with that problem. The number of officials in the Customs department is, I believe, something like 5,000. According to our theory of government the Minister of Customs is responsible for the administration of the affairs of that department, and if we are to judge from what has been said in the course of this debate his responsibility extends to the behaviour of every one of those many officials. I just put this before the House in order that hon. members may see for themselves something of the scope of the problem with which the government is faced.

May I add this further feature? From the days of confederation down to within the last couple of years our customs laws have not been materially changed; they have remained practically the same. Owing to the new conditions that have grown up there have sprung into being new evils which never existed before. When the United States as a great country declared for prohibition it created immediately on this continent a new problem with respect to the smuggling of liquor. That problem never existed in the same manner before; it fell to the lot of the present administration to cope for the first time, may I say, with all the evils that arose out of that situation because hon. gentlemen opposite while they were in office made no change in the laws in any particular; they kept the laws just as they were from the days of confederation down to the present time. This government undertook to face that problem and to seek to meet it. Therefore I contend that instead of being criticised for lack of ministerial attention to this matter, when the facts are known this House will discover reasons for congratulation that the government has been more than vigilant in coping with this menace.

[Mr. Mackenzie King.]

May I invite the attention of the House for a moment to evidence in support of what I have just said? Our attention was first directed to this question of smuggling between the two countries in connection with an effort to negotiate between the United States and ourselves a treaty which would be helpful to both countries in suppressing smuggling across the international frontier. I will not go into the details of the negotiations that were conducted; but I hold in my hand a treaty for the suppression of smuggling operations along the international boundary between the Dominion of Canada and the United States and assisting in the arrest and prosecution of persons violating the narcotic laws of either country and for kindred purposes.

That treaty was negotiated during 1923; it was signed at Washington on the 6th day of June, 1924. That treaty of itself and the convention which supplemented it between His Britannic Majesty in respect of the Dominion of Canada and the United States for the extradition of offenders against the laws for the suppression of traffic in narcotics—those two international agreements are evidence irrefutable of the fact that the government of this country was seeking to deal with this problem of smuggling across the borders in the manner in which it could be most effectively dealt with, namely, by agreement between the two governments as to steps that were to be taken to secure the enforcement of revenue laws.

After the negotiation of those international agreements the attention of the government as a government was drawn for the first time to the growth of the smuggling evil as it affected commercial interests in this country by a group of gentlemen who came to Ottawa to interview the administration with reference to the growth of smuggling in Canada. Mr. Sparks was chairman of the group who came to interview the government. My recollection is that this was in the fall of 1924; it may have been and possibly it was earlier in 1924 that this delegation representative largely of the manufacturing interests of the country, came to Ottawa and drew the attention of the government to the circumstance that owing to the smuggling of liquor coming to be the problem it was, numerous persons had become engaged in that traffic in an illicit way. Having become engaged in it, to all intents and purposes they had become professional smugglers and, while seeking to export liquor in one direction, they were seeking to bring back in the other direction, namely, to Canada, other commodities. Silks, auto-

mobiles, tobacco, narcotics were, I think, the items that were specially mentioned.

The point that was developed in the course of the meeting with that body of gentlemen was this: That in their opinion the matter could be effectively met only if the government were prepared to co-operate with a voluntary association which they were ready to bring into being if that was agreeable to the government. I wish the House to keep this clearly in mind because it lies at the basis of all that has since developed. The government was asked by this association, representative mostly of large manufacturing interests in this country, whether it would be agreeable to having a voluntary association formed to work in co-operation with the government for the apprehension of offenders against the revenue laws, for the suppression of smuggling, and for bringing about more effective legislation to meet that evil.

What was the attitude of the government towards that delegation? Did the government say: No, we have our own preventive service, our own Customs department, our own officers. We ourselves will look after the suppression of smuggling and the protection of the revenue laws. The government did not take that position. It took the position that it would welcome any and every co-operation that could be given in helping to suppress this evil and finding more effective means of preventing it. The government took the position that those gentlemen were all financially interested in seeking to suppress smuggling, and that being financially interested, they were the ones most likely to be able to make suggestions that would most effectively help to deal with the situation.

How did the government show its bona fides in this matter? The association had its own officers. First the government agreed to co-operate and then to assist financially and in other ways. They asked the government if it would place other officers at their disposal. They wanted secret service men. The government undertook to give to them the one secret service man in the Department of Finance, Inspector Duncan, a detective who is known throughout the length and breadth of this country as one who has been for many years inspector of police forces in Ontario. I need not enlarge on Inspector Duncan's standing as a detective in this country. The government said: We will turn over to you Inspector Duncan if he is the one you want. We will lend him to you; we will give him authority to engage other detectives to assist him, and we will co-operate in every way with you and him in seeking to find out where this evil of smuggling is latent, to suppress it in every way and to enact better legislation.

The Commercial Protective Association went to work with Detective Duncan and two or three others whom he employed. They brought criminal experts from different parts of the continent and had them working as a body on this problem day and night. The point I wish to call to the attention of the House is this: Inspector Duncan and his co-operators were to report to the Commercial Protective Association and in this the government did not seek to restrain them. On the contrary, the government strove to give to the association the freest hand to make out its case, and to facilitate the placing at the disposal of the Commercial Protective Association all the information that could possibly be secured, knowing that the association would come to the government again with measures which in their judgment it was essential to have enacted. That was the form of co-operation adopted. One of the first requests made after the detective forces had begun to work in the manner I have described was that power to arrest should be given to these detectives similar to those of the regular preventive officers in the customs service. It was deemed necessary to empower the detectives to make arrests on the spot whenever they found anyone guilty of violating the laws. That power was granted to enable the detective organization co-operating with the Commercial Protective Association to cope with the situation under the most advantageous conditions.

What was the next step? Members of the Commercial Protective Association then waited upon the government in a body, and afterwards, through Mr. Sparks its representative, communicated with the government in writing regarding the need of special legislation. I desire to direct the attention of the House particularly to that point. After the matter had been investigated by detectives and trained criminal experts throughout the course of a number of months, the Commercial Protective Association came to the government and represented that what was most needed was legislation to make punishable, by imprisonment rather than merely by fine, infractions of the customs and revenue laws. Indeed, they went further; they declared that until the law was so amended it was impossible effectively to meet the situation. They stated that 90 per cent of the entire evil could be met provided the laws were amended in accordance with suggestions which they were prepared to submit to the

government. How was that request received? I shall give in a few minutes from the correspondence proof of what I am now saying. The government met that request by asking the Commercial Protective Association to draft such legislation as its officers thought would be most effective. Now I ask, could the government possibly have taken a more effective way of dealing with the problem than by requesting those most concerned to draft the legislation themselves? I was asked by the chairman of the association whether the government would be agreeable to having the association's legal adviser undertake the work of drafting the legislation, and this request was also acceded to. As a matter of fact, every single request made in that regard was met to the full. And not only did the government concede to the protective association and its legal advisers the drafting of the law, but we came to this parliament with the law so drafted, the only intervention on the part of the government being this: that the legislation was submitted to the Department of Customs in the first instance for any criticism of a technical character and then transferred to the Department of Justice to be put into proper shape for presentation to the House. In every respect the law brought down in this House at the last session was the law which the Commercial Protective Association suggested would meet 90 per cent of the evil.

I need not recall to those who were in the House during the last session that I stood up in parliament myself and strongly advocated the enactment of that law. I called the attention of the House to the fact that the country was face to face with a condition in relation to smuggling of a magnitude such as few could comprehend, and I urged from my place here that that legislation should be immediately passed. When the legislation was before the House it was opposed by some hon. gentlemen opposite as being too drastic, as going too far. One has only to refer to the debates to find that more than one hon. gentleman opposite complained that it was too drastic and was going altogether too far. But the position which the government took in that regard was that all along they had promised co-operation with the Commercial Protective Association, having indeed asked that association to draft the legislation. The government was therefore prepared to give the proposed legislation a fair trial and if it was too drastic it could be amended.

[Mr. Mackenzie King.]

Mr. MANION: I do not remember anyone on this side opposing the legislation at the time. I may be mistaken and perhaps the Prime Minister will mention an instance.

Mr. MACKENZIE KING: Possibly I could give my hon. friend the pages of Hansard at which hon. gentlemen opposite are reported.

Mr. MACLEAN (York): I do not think the minister made it plain whether or not the association accepted his offer of co-operation. If there is any document to that effect it might be well to have it.

Mr. MACKENZIE KING: The association accepted the proposal and thanked the government very much for it.

The hon. member for York-Sunbury (Mr. Hanson) was one of the members of the House who objected to the legislation. I find in Hansard, page 3775, the following:

> Mr. Hanson: What is the reason for doing away with the power of remission? I presume it is intended to make it a little more stringent, but I can suggest cases in which it might be out of proportion. Suppose it were a trifling article which might have a certain value of affection; to take away from the minister the power of remission might result in hardship. I presume the object is to prevent the minister being harrassed to death by friends of the smugglers. After all, the minister can use a wise discretion in matters of this kind. I think it is perhaps going too far to provide that there shall be no power of remission. I think it is misplaced and I object to it on that ground.

What was the reply of the Minister of Marine and Fisheries (Mr. Cardin) then Acting Minister of Customs?

> Mr. Cardin: I quite agree it is very severe, but it has been prepared with a view to meet representations made by people interested in legitimate trade. Complaints coming from the trade are very numerous, and they are very insistent in this matter. These amendments have been practically suggested by persons who have been in the trade, and we thought that doing away with the powers of remission would act as a sort of deterrent.

Elsewhere the hon. member for York-Sunbury is reported as saying:

> It developed in the course of the next few days that the American vendor had undervalued the machines. He had got his cheque and passed out of the country and the machines were seized. They were released on the deposit of a large sum of money. I think the Commissioner of Customs demanded $30,000. After a good deal of negotiation we got that sum reduced to about $10,000, which was about double duty, if I recollect rightly.

He cites a case of which he had special knowledge as evidence that the power should not be taken away.

Then I have before me the words of Mr. Baxter, the then member for St. John and Albert the present Premier of New Brunswick.

Mr. STEVENS: Surely the Prime Minister does not suggest that this inquiry by the hon. member for York-Sunbury as to the nature of the legislation could be looked upon as opposition to its enactment? I would remind the right hon. gentleman that this legislation was offered to the House without publicity, shall I say, and we were requested as a whole to give support which my right hon. leader and others of us cheerfully accorded. The inquiry of the hon. member for York-Sunbury was an intelligent one as to the possible working of the act.

Mr. MACKENZIE KING: The words in Hansard speak for themselves. This government brought down legislation proposing to do away with the power of remission. The report at present before the House allows the power of remission up to a certain amount. There is now submitted an amendment suggesting that the power should be done away with altogether. That amendment was moved by my hon. friend from Winnipeg North Centre (Mr. Woodsworth) and I for one shall support it. In that particular it proposes what this government wished to have enacted before. The concluding part of Mr. Hanson's remarks are as follows:

> The rules of the department, the Customs Act, and the regulations under which they work are very rigourous at present, but this seems to me to be going the limit, and in the case I suggest it would create a great hardship.

Then Mr. Baxter, now the Premier of New Brunswick, and who was formerly Minister of Customs in the administration of my right hon. friend, says:

> I want to urge him—

That is, the minister.

> —to strike out the words which deprive the minister of the power of remission. I do not think it is likely to happen that we shall have a minister of the crown who would use the power of remission unfairly.

Then he goes on to say:

> During the very short experience I had in the department which the minister is now administering I came across one or two cases in which, without the slightest representation from the parties themselves, but merely on reading the evidence that accompanied the papers for formal signature to confirm the forfeitures, I felt that it was morally unjust to impose the whole penalty.

That is the former Minister of Customs in the administration of my right hon. friend. Let me repeat his words:

> I felt that it was morally unjust to impose the whole penalty.

He continues:

> In one case I felt it was unjust to impose the penalty at all, while in the other I did not think it should be imposed to the full.

There we have the Minister of Customs in the administration of my right hon. friend very clearly stating that he felt that where penalties had been imposed he should exercise certain discretionary power, and he admits that he exercised it in part in one case and to the full in the other. We were suggesting at that time that this discretionary power should be taken away from the minister. We were prepared to enact that, and the only reason it did not become law was due partly to the opposition of hon. gentlemen in this House, which was not wholly successful, and partly to the bill being amended in the upper chamber so as to exclude the more rigorous clauses that we had introduced.

Mr. MEIGHEN: I ask the Prime Minister if he has been careful to look that up. My recollection is that an amendment was moved by Senator Belcourt and seconded by Senator Beique, and pressed for considerable time. Neither of those gentlemen are Conservative senators. Finally the amendment was withdrawn under pressure from the Commercial Protective Association, and the bill went through.

Mr. MACKENZIE KING: I think if my right hon. friend will look at the legislation as it came back from the Senate he will find it was amended in the particulars I have mentioned.

Mr. MEIGHEN: What particulars?

Mr. MACKENZIE KING: That the bill when it came back was not as drastic as when it went through this House.

Mr. MEIGHEN: In what particular?

Mr. MACKENZIE KING: With respect to remission.

Mr. MEIGHEN: The Prime Minister is wrong.

Mr. MACKENZIE KING: My right hon. friend can speak later. I would refer hon. members to the bill as it passed this House and to the act as it is now in force. They will, I think, find the result is as I have indicated.

Mr. STEVENS: The Prime Minister is mistaken there.

Mr. MACKENZIE KING: I am not mistaken, Mr. Speaker, in the language I have read from Hansard with respect to the debate that took place in this House. The point I want to make perfectly clear is that this government was seeking in the fullest way to meet the requests and the demands of the

Commercial Protective Association, with which it had been co-operating, for the purpose of making as effective as possible the law with respect to smuggling and the prevention of offences against the revenue law.

What I have just told the House, Mr. Speaker, is confirmed by the correspondence, some of which has been read, in part, by hon. gentlemen opposite. The hon. member for Vancouver Centre (Mr. Stevens) read this extract from a letter dated Ottawa, February 4, 1925, addressed to me by Mr. Sparks:

Some months ago a large representative deputation waited upon you and members of your cabinet pointing out that smuggling and under-valuation for duty purposes were causing an immense loss of revenue and seriously interfering with the business of legitimate traders and manufacturers.

On that and similar statements he tries in his amendment which is now before the House to have it appear that the ministry had full knowledge of what was going on in the way of violation of the smuggling laws, and that it ought now to be subject to censure because it did not meet the whole situation. Assuredly the protective association brought to the attention of the government the evils of smuggling as they have described them. I have not to go further than my speech in this House when we were putting through the law, and which has been repeatedly referred to in the course of this debate, to make it clear to hon. members that I accepted everything the protective association said to me with regard to smuggling and sought to meet their wishes in having the law made as nearly in full accord with them as possible. But my hon. friend did not read the next paragraph of the letter from which he quoted:

Subsequent to that time this association was organized—

In other words, a group of men came to the government and asked if we would be agreeable to have an association formed and to work in co-operation with that association. We said yes, and that was the agreement we then made. The association was formed, and the Minister of Customs and Excise undertook to co-operate with its officers in the work they had in hand.

Subsequent to that time this association was organized for the purpose of assisting the Department of Customs and Excise in the prevention of smuggling and under-valuation and to make certain investigations of their own into this problem. In this regard—

This is what my hon. friend did not read.

In this regard we are pleased to say that both the Minister and Deputy Minister of Customs have welcomed our co-operation and have facilitated in every possible way the investigations we have made into the smuggling problem.

[Mr. Mackenzie King.]

Now when hon. gentlemen attack the government and say we were aware of a great deal of degeneracy in the administration of the Customs department, I wish to tell them that on February 4, 1925, the date of this letter, the Commercial Protective Association, which knew more about the situation than any other body, said to the government—let me repeat the passage:

In this regard we are pleased to say that both the Minister and Deputy Minister of Customs have welcomed our co-operation and have facilitated in every possible way the investigations we have made into the smuggling problem.

Then they say:

These investigations have even more strongly impressed the business men who have given close attention to this work with the magnitude of this traffic and the necessity of prompt and drastic action.

Under the present law smuggling is not an indictable offence, although the minister has the right to take cases of smuggling into the civil courts. It has, however, been the practice ever since confederation to settle departmentally practically all seizures for smuggling or under-valuation.

I ask hon. members to notice that phrase, "ever since confederation."

We believe that this practice has had the general effect of what might not be improperly described as contempt for the law in this regard.

There is a practice that has existed from the time of confederation, and it was the practice which we sought to change, and did change, and as a result of our efforts we improved the law governing the Department of Customs and Excise. The letter continues:

We respectfully submit that, in order to maintain respect for the law and to correct the abuse of its infraction, all cases of fraud whether by way of smuggling or under-valuation under the Customs Act should be dealt with by the civil courts, and, in the case of what might be described as commercial smuggling, that is smuggling of goods for resale of a substantial value, say $100 or over, the offence should be made punishable by imprisonment without the option of a fine. The various penalties as set out in the act at present are entirely inadequate. The preventive service as at present constituted is quite unable to cope with the situation, handicapped as they are by existing laws and regulations which interfere with effective preventive work.

Now I ask hon. members, is the government to be blamed for that system which has been in existence ever since confederation? Is the government to be blamed for the fact that, as this letter states:

The preventive service as at present constituted is quite unable to cope with the situation, handicapped as they are by existing laws and regulations which interfere with effective preventive work.

Those are the laws we were working to change, those are the laws we have changed, and we welcomed the co-operation of this

association towards that end. Now may I read another sentence in this same letter:

We believe the only solution of the problem will be found in drastic punishment for smugglers when caught.

That was the one note continually emphasized by this association. Now, to make the position clear, may I say this. If the government had turned a deaf ear to these representations we might well stand here subject to censure by an amendment of hon. gentlemen opposite, but instead of turning a deaf ear we did the very opposite. We co-operated to the full; I do not say we promised to co-operate, we have on the statutes legislation passed last session the evidence of the effectiveness of that co-operation. Let me read one more paragraph:

It is respectfully submitted that the conditions herein set forth are sufficiently well known to the government and to its departmental officers and the requested forms of relief so necessary and reasonable as to justify the government to take immediate action, by instituting the required departmental changes and submitting to parliament bills providing for necessary legislative enactment, or, if the government is not satisfied as to the necessity of action and the action which should be taken, it is respectfully submitted that a parliamentary committee should be appointed immediately to inquire into the necessity of departmental and legislative changes.

The government was satisfied from the representations of the association that legislation was necessary; the government being satisfied introduced legislation and had it passed through this House.

Other passages have been referred to and quoted. Here let me pause to say that while the enactment of legislation was the main objective of this association there was one additional factor brought to the attention of the government by Mr. Sparks. He contended that the preventive officer at Montreal, Mr. Bisaillon, was not discharging his duties properly and should be dismissed. So far as I am aware this was the only official named by Mr. Sparks or the association in any communication to the government either written or verbal, and the correspondence, while it relates to this officer,

3 p.m.

relates also to the larger question of legislation. I will deal in a moment with the case of Mr. Bisaillon, but I mention it now so hon. members may see that when the government was being interviewed by Mr. Sparks the two questions were put to the fore, and the one to which the greatest prominence was attached was the matter of legislation.

On February 26 Mr. Sparks wrote to me as follows; this was also quoted by my hon. friend opposite:

Might I take the opportunity of stating that, after four months investigation by a staff of trained criminal investigators, we are convinced that at least half of the smuggling now going on could be prevented within a month by an energetic policy on behalf of the department, and further that, with necessary amendments to the act, ninety per cent of the smuggling could ultimately be prevented. Might I further express the opinion that smuggling is increasing at an alarming rate, rather than decreasing, as the minister states.

The reason for the comment on the minister is that one afternoon in this House the Minister of Customs and Excise spoke of the difficulty of coping with the situation, and made the remark that he believed it to be impossible effectively to combat the evil, but he believed it to be lessening. That comment was taken up by Mr. Sparks in the manner here mentioned. The meaning of the minister's words was subsequently explained to the House by the Hon. Mr. Graham. I am directing the attention of the House to the fact that what the association was anxious to secure, and what they stated would remedy 90 per cent of the evil, was the necessary amendments to the law.

I will not take the time of the House in attempting to go through the correspondence, but I submit that the correspondence as a whole discloses that in every particular the government was seeking to meet Mr. Sparks and the protective association in the proposals which they made. One hon. member opposite drew attention to the fact that some of these letters were not fully acknowledged. May I say, and I think hon. members will appreciate the fact, that these letters were written and received while parliament was in session. Anyone who appreciates the position I am holding at the moment will realize that it is not possible for a prime minister with the many other matters he has in hand, to keep up correspondence day by day, particularly correspondence as voluminous as this. Especially is this not necessary if a more effective means of dealing with the situation is at hand. During the period of this correspondence, as is shown by the correspondence itself, not on every occasion, but I think on most cases when I received a communication from Mr. Sparks I had my secretary call Mr. Sparks over to my office. He would meet me and we would discuss the matter in my office, and I would make verbal answer to his communications. Of this there is ample evidence in the correspondence. For example, when Mr. Sparks spoke about the necessity of amendments to the law I told him that we would welcome suggestions from the association. Take the letter of March 13:

In further reference to your suggestion that we should put before the committee of the cabinet concrete suggestions as to the amendments to the Customs Act

dealing with the matter of smuggling, I beg to say that we are now prepared to do this at any time that suits your convenience.

If agreeable to you, I would be glad to have Mr. H. D. McCormick accompany me as a technical adviser.

And then he goes on:

I am taking the liberty of enclosing a copy of a resolution passed at the annual meeting of the Canadian Association of Garment Manufacturers, which you will note expressess appreciation of the efforts already made by the government to prevent this traffic and urges further action.

I understand Mr. Sparks at the time was president of the Canadian Association of Garment Manufacturers. Here is a resolution passed at the annual meeting of that association held at the Chateau Laurier, Ottawa, on March 11 and 12, 1925. Let me read the concluding words, in order to show how, from the point of view of Mr. Sparks and his association, the matter stood in March of last year:

This association further desires to put on record its opinion that the only satisfactory method by which this illegal traffic can be lessened and prevented is such changes in the Customs Act as will increase the penalties against those convicted of smuggling or undervaluation, and that, in the case of wholesale smuggling of merchandise for resale, the penalty should be a sentence to jail without the option of a fine.

This association desires to go on record as expressing appreciation of such action as has already been taken by the federal government to lessen this evil, and endorses the suggestion made to the government by the Commercial Protective Association for further action in reference to amendments to the Customs Act and strengthening of the preventive service.

I ask the House to consider whether that resolution indicates that in the mind of Mr. Sparks himself at that date the government was remiss in the administration of the Department of Customs and Excise or in what it was seeking to do to improve the revenue laws of this country. I venture to say that that resolution was drafted by Mr. Sparks himself. The truth of the matter is that the protective association did believe and were right in believing that the government was doing its utmost and was co-operating with them to the fullest possible extent.

Mr. CAHAN: May I ask the date of that resolution?

Mr. MACKENZIE KING: This resolution was passed at a meeting of the Canadian Association of Garment Manufacturers held at the Chateau Laurier, Ottawa, on March 11 and 12, 1925.

I just want to interject a word here, which I will amplify later. Up to that time Hon. Mr. Bureau was actively administering the affairs of the department. His health broke down in the early part of last year, thereafter he was largely absent from the department on the advice of his medical adviser, and the department was administered by an acting minister. I just interject that point at the moment to make clear the relationship, as it was understood by the government, that existed at that time between the Commercial Protective Association and the then Minister of Customs and Excise. A resolution of thanks was passed by the association of which Mr. Sparks was the head, for the co-operation that its officers and members were getting from the department and from the minister.

I will not read at the moment but will quote one passage from a letter of April 8, 1925. In this letter Mr. Sparks says:

I beg to enclose herewith a memorandum covering proposed amendments to the Customs Act, as recently discussed with you—

Showing that while these letters were not answered he was coming to me as Prime Minister. I had suggested to him to get his amendments drafted and that I would see that the government would put through the legislation that was requested and I was expediting and facilitating the move in every possible way. In the same letter Mr. Sparks goes on to say:

These suggested amendments have been submitted to the officers of the department, and, while they do not feel it their duty to express an opinion as to their desirability, they do state that they present no administrative difficulties. The object of nearly all of these amendments is to increase the penalties against those proven guilty of infractions of the Customs Act.

Hon. gentlemen may ask why these amendments were discussed with me? I have just given the reason. The minister of the department was away, and I took the responsibility as Prime Minister to see that the evils complained of were as far as might be possible effectively remedied. I was determined that this parliament should go just as far as it could possibly go in the matter of prosecuting those guilty of smuggling and infractions of the customs law. The letter says elsewhere:

While these suggested amendments may appear drastic, I would like to point out that legislators have never before been called upon to deal with such a situation. The condition exhibited by the United States, a nation with about sixteen thousand miles of border or coastline, along practically all of which smugglers (commonly called bootleggers) by the hundreds of thousands are endeavouring to evade the laws of the country, creates a situation entirely unprecedented in the history of the world.

That is the view Mr. Sparks took of the problem the government had in hand—"a situation entirely unprecedented in the history of the world."

Smuggling on this continent has become a huge industry. Along the international border between Canada

and the United States thousands of men are making their living by illicit trade. The step between smuggling from Canada into the United States and from the United States into Canada is a short one, and a large part of the smuggling of commodities into Canada is directly due to the fact that smuggling has become a profession in which there are many adepts.

After months of investigation by trained investigators we have no hesitation in saying that this traffic constitutes a national problem of the very first importance. Our investigations have proved to our complete satisfaction that the only successful way in which this traffic can be discouraged is by the imposition of the most severe penalties. Along a border of nearly four thousand miles the physical act of bringing goods from the United States into Canada will never be difficult. To-day it is neither difficult nor dangerous, owing to the insufficiency of the penalties. We believe that no legislation will add much to the difficulties, but the legislation which we propose certainly will make it dangerous for those who are caught.

We believe there are certain matters of administration in the matter of enforcement which could be greatly improved. However, until the act is amended along the lines suggested the departmental officials, no matter how efficient, will be unable to cope with the situation.

Now there is the note which the Commercial Protective Association, as I said before, was sounding continually. It was impossible for the officials of the government to deal with the matter until the legislation itself was changed, and the legislation, as I have said, was changed in accordance with the methods which this association thought were most advisable. The correspondence goes on to show that the draft bill was submitted first of all to the Department of Customs and Excise for their approval or rather for their comment. I had undertaken to see that the bill would be put through but there were some technical considerations of administration and drafting that had to be met. After a reference to the Department of Justice the bill was drafted and full approval was given to it by Mr. Sparks on behalf of the Commercial Protective Association before it was brought into the House.

Now may I quote in support of this statement a letter, dated April 17, which was addressed to Mr. Farrow and signed by Mr. Lemaire, Clerk of the Privy Council:

Dear Mr. Farrow,

I am directed by the Right Hon. the Prime Minister to forward you the enclosed communication which he has received from Mr. R. P. Sparks, chairman of the executive committee of the Commercial Protective Association, and to which is attached a memorandum covering certain proposed amendments to the Customs Act.

It is the desire of the Prime Minister that you should go carefully into this matter at the earliest moment and forward it with any comment which you may deem necessary to the Honourable the Minister of Justice by whose department as agreed by council the necessary legislation will be drafted.

Yours sincerely,

E. J. Lemaire,
Clerk of the Privy Council.

That course was taken and the bill was brought into the House. I desire to read one other communication which will indicate how Mr. Sparks felt with respect to my own attitude towards the association. This is a letter which was written to the Premier of Quebec, in which Mr. Sparks sets out his view of the manner in which the government at Ottawa was co-operating with him. This letter is dated March 5, 1925 and reads as follows:

Hon. L. A. Taschereau,
Prime Minister and Attorney General of Quebec,
Quebec, P.Q.

Dear Sir,—I am taking the liberty of writing you on behalf of the executive committee of this association in reference to the prosecution of smugglers in the courts of the province of Quebec and with special reference to the case of Abraham and Israel Lenetsky, arrested on March 2nd.

I shall omit the next paragraph but the following is pertinent:

You expressed the view that the most satisfactory solution of the difficulty would be an amendment to the Customs Act making a jail sentence compulsory in cases in which wholesale smuggling had been proven. This recommendation has been put before the federal government, and the whole matter of amendments to the Customs Act is being dealt with by a committee of the cabinet, of which the Prime Minister is a member. Mr. King is taking an active interest in this matter, and I am taking the liberty of suggesting that, if you felt disposed to write him expressing the opinions which you expressed to the delegation in reference to this matter, he would appreciate it. I can assure you it would be greatly appreciated by the whole business community.

I was taking an interest in the matter because in the first place the minister was absent much of the time, but primarily because I regarded this as probably the greatest problem which the country has before it at the present time.

In his speech the other day the member for West Hamilton (Mr. Bell) said that the Commercial Protective Association, together with the boards of trade of Montreal and Toronto, had appealed to this government but had appealed in vain. The hon. member was speaking in support of the amendment of my hon. friend (Mr. Stevens) which says that the Prime Minister and his colleagues have been indifferent in this matter. Well, I happen to have a communication from the Toronto Board of Trade. It is not dated April or May but bears the much later date of July 13, 1925. I will read this communication, which is signed by the president of the Toronto Board of Trade.

Mr. STEVENS: Who is a Liberal.

Mr. MACKENZIE KING: May I say that the delegation that waited on the government was composed in large part of representative

business men of the city of Toronto, members of the board of trade and other bodies, who were watching the actions of this government in every detail in dealing with this matter. So convinced were they of the splendid manner —I use the term advisedly,—in which the government had sought to meet them and carry through their desires that the expression I am about to read came unsolicited from the Board of Trade's president. The communication reads as follows:

On behalf of the executive and council of the Toronto Board of Trade, I desire to express appreciation of the action of the government in introducing legislation at the recent session increasing the penalties for the smuggling of goods into Canada and including in the estimates a substantial sum to enable the preventive service to be so strengthened and improved as to be able to cope with this illegitimate traffic. We are also gratified that the House of Commons and Senate have accepted the government's recommendations and that the new law is now in force.

You will remember that a deputation from this board waited upon you and your colleagues in the cabinet last fall and discussed the seriousness of the smuggling situation with you. You then expressed the desire of the government to do everything in its power to combat the inroads which the smugglers were making into the legitimate trade and revenues of the country and you welcomed the co-operation to this end of an organization of business interests which it was then proposed to form. Acting on this assurance, the members of this board comprising the delegation organized the Toronto branch of the Commercial Protective Association. We were very pleased to note from your remarks in the House with respect to the proposed new legislation that you appreciated the vast proportions of this traffic and the need for drastic action. We have been in close touch with the association's work and it has been a great pleasure for this board to learn that the government has co-operated to the fullest extent with the result that adequate machinery to deal with the smuggling menace will, we understand, shortly be in operation. We are informed of the fact that the new penalties are already in force has had a very deterrent effect upon the traffic and we sincerely hope that in connection with the reorganization of the preventive service which is now under way, the dominant note will be the strict enforcement of the law in the interests of the lawful commerce of the Dominion and an increased national revenue which in turn will be reflected in an improvement in economic conditions generally.

We congratulate and thank you for your efforts in the solution of this problem and assure you of the continued co-operation and support of this board in curtailing the smuggling traffic with the aid of the new powers now available, I am,

Yours very truly,

S. B. GUNDY,
President.

That letter is dated July 13, of last year. I have other communications here, but I will not take up time reading them.

Mr. CAHAN: Is that the Toronto Board of Trade?

Mr. MACKENZIE KING: Yes. I say that if in July of that year the Commercial Protective Association, composed largely of members of the Toronto Board of Trade, had any doubt as to the genuineness of what the government were doing and seeking to do, they never would have permitted a communication of that kind to be sent, but they realized, as I believe the public is prepared to realize, that where a government attempts to cope with a great problem of this kind, if the national interest is to be served, it is better to strengthen the arm of the government than to seek to impair it and destroy it, as hon. members opposite are trying to do by the amendment they have proposed.

I think I have covered all that I need to say with regard to the major effort of the association, namely that of procuring the enactment of laws that would effectively cope with the situation. As I have said, another matter came up in the course of my interviews with Mr. Sparks and members of the association, and that was the advisability of dismissing the preventive officer at Montreal, Mr. Bisaillon. Mr. Sparks mentioned to me that in his opinion this officer was not doing his duty as it should be done and that he should be dismissed. I said to Mr. Sparks, "This is a departmental matter. Have you spoken to the minister about it?" He intimated to me that he had, and that the minister took the position that the officer was performing his duties, that there was no charge made against him of any kind, and if there was a charge he would have it investigated. In regard to that I asked Mr. Sparks if he did not feel that the position the minister was taking with respect to discharging the man was a reasonable position. I have forgotten the answer he gave, but it was to the effect, at any rate, that this one officer should be dismissed, and that if he were dismissed, as far as he, Mr. Sparks, was concerned he would be perfectly satisfied with all the rest. Now I pause here for a moment to ask the House to consider the position of a minister of the crown and the Prime Minister in dealing with officials of the public service. May I say—and I do it without fear of contradiction—that with respect to the different departments of the public service, there is not a department where a man is holding a public position in which sooner or later he does not come in conflict with certain parties. There is scarcely a man holding an important position in the civil service of the country from the Atlantic to the Pacific who does not sooner or later come to have his personal enemies. Hardly a week passes that someone does not come to me personally with

respect to some individual in some department and say, "That man should be dismissed." Let us forget for a moment this particular case. Take the position of my hon. friend the Minister of Finance who is sitting near me. He has in his department officials who are doing their duties I believe honestly and well, but against whom men are levelling charges day in and day out.

Mr. ROBB: Hear, hear.

Mr. MACKENIZE KING: Men sitting in this House have come to me making charges against the officials in the department of which the Minister of Finance is or was the head demanding that certain officials should be dismissed for some reason or another. Is it my duty to say to the Minister of Finance, "You must dismiss this man because you have been told he is a crook?" Or, is it my duty to say to him, "You must dismiss this man because there are all kinds of suspicions concerning him?" Is that the position of the Prime Minister toward his colleague and members of the civil service? So far as the head of the department is concerned I have taken a position that the head of a department is the prime minister of that department, so far as the administration of its affairs is concerned, until there is reason to believe that trust cannot be reposed in him. I believe that is the only way to conduct public business. Turn to the Department of Railways and Canals; we receive communications every few days about officials connected with the Canadian National. I am told these men are favouring this man or that man, or favouring a certain group, or that a lot of them belong to the same political party as hon. members opposite, and that they should be dismissed, that certain officials are restoring favours in one direction and refusing them in another. Is it the business of the Prime Minister to say to his colleagues, "You must dismiss these men?" I venture to repeat, there is not a department of the government in which some man at the head of some branch has not incurred the hostility of some individual or group, and if the public service of the country is to be carried on in any way that the civil service of this country would demand that it should be carried on, I say that the ministers of the departments must protect their officials against general charges and until there are specific charges levelled against them which demand investigation. May I say this, so that the House will understand my position and the position of the government when mention was made of Bisaillon as a preventive officer. There may be at this moment in one or two of the departments that have been mentioned to me officials who, a year from now or perhaps a couple of months from the present time, will be found guilty of offences which they are committing at this moment. Do hon. members of the House say that I should assume that these men are guilty and have them dismissed now before any specific charge is preferred and investigated? That is exactly the position the government was in with respect to Bisaillon. Mr. Sparks said to me, "You have a preventive officer, there are suspicions surrounding him; I believe he is a crook, and I think he should be dismissed." I said, "Mr. Sparks I entirely agree with you that if the man is a crook, if he is not doing his duty he should be dismissed," But the government has a responsibility in dismissals as well as in everything else, and if the government is going to dismiss members of the civil service they have to be mighty careful not to be placed in the position of making martyrs of these men or in the position of dismissing a man without cause. We cannot dismiss men on general grounds.

May I pause here for a moment to say something else. When the government lent Inspector Duncan to the Commercial Protective Association, we asked that association to have these detectives centre their energies on men of whom they were suspicious. We were not trying to defend anyone; we were trying to discover the men in this country who are criminals or derelict in the discharge of their duty. We gave the association government detectives; we paid for those detectives; we said to them: Use those detectives; let them report to you, and if there are in the service men that are corrupt and dishonest, bring your specific charges here and we will speedily get rid of offenders.

One day Mr. Duncan came into my office when the Minister of Finance (Mr. Robb) and I were discussing other matters. Hon. members will realize that with a great public service extending as it does over half a continent there are many problems with which a government has to deal. The government was concerned at that time with some very serious counterfeiting cases which required on the part of the Minister of Finance and myself interviews from day to day with some of the detectives in the public service. In the course of one of those interviews Mr. Duncan said to me that in his work as a detective trying to land certain people whom he thought guilty of offences he was handicapped by the requirement that a report be made to the minister or the deputy minister of the department

before making an arrest. He pointed out that it was impossible to prevent criminals from escaping unless power were given to the detective to make the arrest on the spot without waiting for any report to the government or any word in return.

What attitude did I take towards him? What attitude did the Minister of Finance take? We said to him: This business that you are on is a serious one for the country; we give you full latitude to do anything and everything you want to do or think ought to be done; in the matter of making arrests or landing criminals, we will stand behind you and we will take consequences of your action whether it conforms or not with what is the custom or regulations of the department.

Mr. LUCAS: At what date did that interview take place?

Mr. MACKENZIE KING: Fortunately I have under my hand Detective Duncan's evidence and I believe he gives the date himself. Inspector Duncan was lent by the Department of Finance to the Commercial Protective Association on the 3rd November, 1924; he acted with them until the 30th June, 1925, making his reports to them. It was during that period that he had this interview with me and he gives the date himself. This is the evidence of Detective Duncan before the committee as it will be found on page 496 of the proceedings. The examination was by Mr. Bell:

Mr. Duncan, what was the first time that you had anything to do with the matters now under investigation before this committee?

A. The 27th of November was the first interview with the Hon. the Minister of Customs.

Q. What year?

A. 1925.

Q. What minister, would you say, this was?

A. The Hon. Mr. Boivin.

Q. What instructions or first suggestion did you receive from the minister at that time?

A. I received instructions from the minister to proceed to Montreal, for the purpose of conducting an investigation into the conduct of J. E. Bisaillon.

Q. Now, let me stop you there just for one moment. I do not know that I have made myself entirely clear. Did you not have some investigating to do on behalf of the Protective Association before that?

A. Oh, yes.

Q. The Commercial?

A. Oh, yes.

Q. And when did that take place and under what circumstances?

A. On the 3rd of November, 1924, I commenced discussing matters with Mr. Sparks, re smuggling.

Q. What position did you hold in November, 1924?

A. I was the special investigating officer for the Department of Finance.

Q. In Ottawa, here?

A. In Ottawa.

Q. Yes. And under what circumstances did you begin to discuss any of these matters with Mr. Sparks?



A. Well, I was loaned by the Department of Finance, to assist Mr. Sparks, and the organization which he represented, in getting a look in as to smuggling operations in Canada.

Q. In what way did the information come to you that you were being loaned to that association? Who told you about it?

A. The Minister of Finance.

Q. The Minister of Finance?

A. The Hon. Mr. Robb.

Q. Mr. Robb, himself?

A. Yes, also his deputy, Mr. Saunders.

Q. He told you that you were being loaned to the Commercial Protective Association to undertake an investigation for them?

A. Yes.

Q. Did you proceed immediately to enter on that investigation?

A. Yes. I took the matter up with Mr. Sparks; I attended some meetings; I think one in the Montreal Board of Trade, when the matter was discussed, as to the best methods to find out what was going on in connection with smuggling.

Q. Yes. And did you adopt any particular method thereafter in investigating?

A. Yes.

Q. What was that?

A. On the 17th of November I selected James Knox and George Sloan, engaged them at a salary of $2,500 a year. I got Knox from the C.P.R.; they loaned Mr. Knox, and I got Sloan in Montreal, and on the 15th of December I selected Alexander as another officer.

Q. And then the investigation was pursued where? Any particular place, or did you go from place to place?

A. It was principally Montreal and Toronto.

Q. And you reported to them, did you?

A. Oh, yes.

Q. Those reports were made how?

A. May I say, after we received powers as customs officers, I had some discussion with the Prime Minister and also with Mr. Robb, in connection with a memorandum that was sent along with our appointments, and I drew their attention to the fact that we might as well not try to go into anything with the instructions given us. We were so tied up at the time that we could not operate.

I want to draw the attention of the House to the significance of that statement:

After we received powers as customs officers.

Not only did the government lend these detectives to the Commercial Protective Association, but the association came to us and said: Will you make these detectives preventive officers so that they can go right into the preventive service and sit down alongside of the other members? We gave them that power; we made them preventive officers, and we gave them the power of arrest that preventive officers have. Then Mr. Duncan discovered that there was a certain ruling with regard to preventive officers that had to be observed, a regulation existing in the department evidently in accordance with some general rule there:

Q. What instructions did you tell the minister you wanted?

A. I think that memorandum is dated 1922, signed by W. F. Wilson, and it is headed general directions

re Customs Act: When cases are taken to court, have the information laid in the name of the King. However, in seizures under the Customs Act no proceedings in court are to be taken until instructions have been received from me, after receipt here of a full report from you.

That was the instruction from the chief preventive officer to the other preventive officers:

Q. Was the memorandum dated?
A. Yes. It is dated November 23, 1922.

Evidently instructions had been sent out year after year in that form.

By Hon. Mr. Stevens:
Q. 1922?
A. 1922. This is the original memorandum that I got at the time.
By Mr. Bell:
Q. Yes, but this investigation was being undertaken in 1924?
A. Yes, exactly.
Q. This came to you under what circumstances?
A. Just as soon as we received our appointment as customs officers this memorandum came along. I then took the matter up with the Prime Minister and Mr. Robb and pointed out to them the fact that if we were waching at the roads, when loads came from the American side, and we got a smuggler with a load of silk, what were we going to do about it if we had to wait and receive instructions from Ottawa.
Q. You are now referring to the memorandum?
A. I said the thing was ridiculous. Were we to hold them up on the highway until we could communicate with Ottawa or what were we going to do. After a good deal of discussion the Prime Minister said: "Ignore the whole thing; put them in jail. Any smugglers you get put them in jail." I said, "All right, Sir," so we started out with that intention.
By Mr. St-Père:
Q. The Prime Minister told you that, to put them in jail?
A. The Prime Minister told us to put them in jail and we were asked to make a weekly report to the department, but I drew their attention to the fact that the half of our time would be taken up in making reports, so, I think, Mr. Robb said, "After you make the seizure and have them in jail, then make a report to the department." That is what we did for about six or eight months.

Mr. LUCAS: Can the Prime Minister give the date of that interview in his office when Inspector Duncan referred to his inability to make arrests?

Mr. MACKENZIE KING: I thought it was given in his evidence. It must have been very early in the year, because he says that "just as soon as we received our appointment as customs officers, this memorandum came along." They received their appointments either at the end of 1924 or at the beginning of 1925, and he says that as soon as that occurred the memorandum came along. He goes on to say that he had taken the matter up with the Prime minister and Mr. Robb asking what they would do if they had to wait while they were watching at the roads, and so on. The Minister of Finance reminds me that it must have been before the opening of navigation in view of the fact that some of the counterfeit bills we were concerned about at the time were landed at St. John, vessels not being able to go up the river. It is difficult to recall the exact date but it would be in January, February or March.

Mr. LUCAS: Was Mr. Bureau Minister of Customs at that time?

Mr. MACKENZIE KING: Yes. The Hon. Mr. Bureau was Minister of Customs then and he was co-operating with the Commercial Protective Association. He knew that these detectives were working with the association and he volunteered the co-operation of the officers of his department. I am glad the hon. gentleman has asked that question because I want the House to understand the situation exactly; and it will never be understood so long as it is approached in the spirit of party animosity and personal bias. The only way by which we can clearly understand the whole matter is to forget for the moment any one particular department and assume that we have an identical situation in some other department of government.

I think I have shown conclusively that the government met the association in every request it made. We lent them the services of detectives, gave the detectives ample powers, took them into the preventive service, and endeavoured to apprehend everyone who was guilty of any offence. What position did the government take in relation to Bisaillon? We said that if he was a crook we wanted to arrest, not only himself but all those who were working in conjunction with him. No one man can go very far in this illicit traffic; he is bound to have associates and accomplices. And we were out not for the purpose merely of dismissing one employee, but with the determination to obtain all possible evidence to enable us to stamp out the smuggling business by the most effective means possible. To this end we rendered the association and detectives every conceivable aid the government could afford. That is the point I want to bring home.

Mr. STEVENS: If that is the case, why was it that later on in the autumn of 1925, synchronizing with the date of the arrest of the notorious smuggler Cohen, the power of arrest was taken away from officer Knox and other officers while Inspector Duncan retained that power as a member of the government staff? Why was that power which had previously been given taken away from these other men?

Mr. MACKENZIE KING: I cannot answer that question inasmuch as I never knew that the power was taken away.

Mr. STEVENS: It is a fact.

Mr. MACKENZIE KING: I could surmise a reason for it if I were called upon to give one, but I do not wish to venture conjectures at this stage. I desire to make the facts clear so that the House will understand the situation regarding the secret service work which was going on at that time. At that time the Commercial Protective Association had three or four detectives working around Bisaillon's office in Montreal—because that is where the investigation was being carried out, according to Inspector Duncan's own statement—and Mr. Sparks came to the government with the suggestion that Bisaillon should be dismissed. I agreed absolutely with him on the basis of his representations but I said, "What we are after, as you know, is evidence upon which we may act with confidence. You have detectives and every assistance you require, and our desire with respect to anyone to be dismissed is to apprehend him in such a manner as will enable us to take definite action which we can justify by clear proof." I repeatedly pointed out that we could not dismiss Bisaillon on mere hearsay or general allegations, for if we did so we should only be making a martyr of him in the public mind and putting ourselves in a false position. We could not act on general statements. My hon. friend (Mr. Stevens) endeavoured to have it appear that there were charges, one of these was that because of the acquittal of Bisaillon in a certain case we should dismiss him at once. Surely the House will see that the government could not dismiss the man without grounds which it could maintain. Another general charge was that Bisaillon had a house on one side of the border line and another house on the other side, and that these two places were being used by smugglers. In this connection I pointed out to Mr. Sparks that, with his criminal investigators, he could surely ascertain whether any smuggling was going on between the two places and could secure substantial evidence. I said that the government wanted to be perfectly sure of its ground before making an arrest or dismissing this man. We wanted to be in a position to defend our position in parliament. The Hon. Mr. Bureau was Minister of Customs at the time, he took the position with Mr. Sparks—it will not be denied—that if Mr. Sparks could make a charge against Bisaillon the man would be dismissed. But I went a step further. As Prime Minister, when I saw that there was suspicion in regard to Bisaillon and that a situation might develop in Montreal in consequence, I stated over and over again to Mr. Sparks in my office that all the government wanted was sufficient evidence to justify it in so doing, and I would appoint a royal commission to inquire into the affairs of the Montreal office and smuggling generally.



Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: Hon. gentlemen laugh, but I cannot see the point of their laughter. I said, "Give me a chance to start an inquiry against Bisaillon and I will appoint a royal commission to look into the whole situation and anyone can come before that commission and make any charge regarding customs frauds in Canada." Mr. Sparks himself admits that I offered the appointment of a royal commission. Perhaps I had better read his letter written on March 20:

> In reference to my conversation with you on Monday last my understanding was: That, if this association or any individual was prepared to make definite charges against the above customs officer, you would appoint a royal commission to investigate such charges. My further understanding was that lacking such definite charges no action would be taken.

What reply did I make? I had Mr. Sparks come to my office and I pointed out to him that it was not necessary for him personally to lay any charge. He represented a responsible association and either the association through any of its officers or members or their solicitor could lay a charge. If none of them wished to do so then any one of the three or four detectives which the government had lent to the association could come and lay a charge. I said, "You have three or four detectives lent you by the government—Mr. Duncan, Mr. Sloan and other men. Let any one of them lay the charge. Mr. Duncan is accustomed to laying such charges."

Mr. MEIGHEN: Is this in evidence? Did the Prime Minister go and give this evidence?

Mr. MACKENZIE KING: No, but I am giving the facts to parliament and to the country. If my right hon. friend doubts my word, I am prepared to give it in evidence at any time and at any place he desires.

Mr. MEIGHEN: Where?

Mr. MACKENZIE KING: Here and now.

An hon. MEMBER: In a court?

Mr. MACKENZIE KING: Yes, in any court. I challenge hon. gentlemen to say that what I am saying is not true. I repeat

once more, I said to Sparks: Not only can one of these detectives lay the information, but you talk of having had a body of criminal investigators at work for months; those criminal investigators have nothing at stake so far as their reputation is concerned in laying a charge; therefore if you have any specific charge let one of them lay it, and I will see that this whole business is investigated by a royal commission. But I told him that as Prime Minister I could not lightly go over the head of the department unless a definite charge was laid. It is not permissible to disclose what takes place in the cabinet, but I think I am justified in going this far: The position of the government with respect to appointing a royal commission to investigate this whole business if a charge of any kind was laid was a matter of government policy agreed to by Mr. Bureau himself. He said he would take no exception, if a specific charge were made against Bisaillon, to the appointment of a royal commission to investigate everything in connection with his office or other matters at the port of Montreal.

Now, I ask the House, what position was the government in, with respect to launching a royal commission when the protective association working with criminal investigators and with detectives for months were yet not prepared to make a single charge against that officer? Just let us forget for the moment the Customs department. Suppose an identical situation in the Justice department. Someone comes to me and says: We have a matter with the Justice department in regard to the conduct of certain of the mounted police. People have come to me and said: We believe some of the men in the mounted police are crooks; they are betraying you, they are playing into the hands of the Tory party, they are furnishing information to your opponents; they are dishonest; they should be fired. I tell the House I have had many requests of that kind, requests to dismiss this and that member of the mounted police because he is said to be a crook, because he has done this or that. What course do I take? I speak to the Minister of Justice, who is head of the mounted police, and I put the matter before him. What is his reply? I will dismiss the man? No. His answer is: Let someone bring a charge against the man and I shall see it is investigated; if he is found guilty, I will dismiss him, but I want something specific to go on. The minister has to defend his action in parliament. What would be thought of me as Prime Minister if, when the Minister of Justice takes that position as head of his department, I should turn around and dismiss the man or order his dismissal?

Mr. CAHAN: Would the Prime Minister allow a question? In such a case would the Minister of Justice be wholly deprived of any initiative on his part to ascertain the real facts with respect to the accusation?

Mr. MACKENZIE KING: Certainly not. He would have to exert his initiative. When you come to the case of the Customs department, what was the position? You had detectives working on this man, you had trained criminal investigators, in fact you had a whole network of investigation surrounding him. I think the House will see the wisdom of the course we adopted. If out of that network of investigation it was not possible to find a single investigator or anybody else to lay a charge against the man, does my hon. friend say the government ought then to have dismissed him?

Mr. CAHAN: Would you allow me to answer the question?

Mr. MACKENZIE KING: Yes.

Mr. CAHAN: I should certainly think that in such a case the Prime Minister should not denude himself and his colleagues of all responsibility and place that responsibility in an irresponsible body such as this protective association.

Mr. MACKENZIE KING: We were not denuding ourselves or responsibility; we were taking full responsibility, but we wanted something definite to act on. I say in regard to the officials of the public service generally, that not a day passes when charges of some kind are not made against some official. This man apparently was not doing his duty, apparently he was guilty of some of the charges made against him, but at the time the government could get no evidence of that, although we were determined to keep on until we got evidence if any were to be secured.

Now I ask this House, was Bisaillon dismissed? How was he dismissed? Who dismissed him? The hon. Minister of Customs (Mr. Boivin) who sits here in his seat was the man who dismissed Bisaillon. How was he apprehended? It was by this very process the government was adopting of giving to the detectives a free hand until they landed him. May I go a step further to show what the government had in mind and how it proceeded? The evidence shows that the present Minister of Customs told Mr. Duncan to work on Bisaillon until he got him. The minute the minister had evidence sufficient to justify Bisaillon's dismissal he came into council and said he was dismissing the man. What was the next step we took? We said: We will

not publicly dismiss this man and let him carry everything away with him; we want to get at the inside of this smuggling business, and we are going to find out all we can about it. It was a Saturday afternoon, a special meeting of the cabinet was called to put the order through. It was sent down by special messenger to His Excellency for signature. Then Detective Duncan proceeded to Montreal and took possession of the office, so that when Bisaillon might come in to clear off his files he could be told, "You are no longer a member of the public service of Canada; I am here representing the government of Canada, I have taken possession." That is how the information was obtained on which most of this inquiry was based. There is how the material was obtained that the hon. member for Vancouver Centre comes before this parliament and seeks to indict this government on—the material that this government itself secured in dismissing the official complained of and in its effort to put an end to this smuggling business.

My hon. friend asked me why Inspector Knox had some powers taken away from him. I do not know, but I do know this that Knox was working in collaboration with Mr. Duncan, and that when Mr. Duncan got all this information he gave it to Mr. Knox, and Mr. Knox gave it to the hon. gentleman opposite.

Mr. STEVENS: Mr. Speaker, I rise to a question of privilege, and in justice to a party who is not in the House at all. I never met Mr. Knox until after the inquiry started. I never saw the gentleman. As to the withdrawal of his powers, this took place in October 1925. Furthermore, in evidence Mr. Sparks has stated, in fairness to all concerned, that he, Mr. Sparks, gave me certain information—that is without question—and that he had worked with the Prime Minister—as he has laboured for over an hour to demonstrate—with Mr. Duncan, with Mr. Knox, with Mr. Sloan and others through a long period of time, and certainly this information was legitimately in his possession.

Mr. MACKENZIE KING: If it makes any difference to use the word "through" instead of the word "by" I am very glad to make the change. It was through Inspector Knox that the information came into the hands of my hon. friend.

Mr. STEVENS: I want no excuses and I make none, but I wish to be fair to a man who cannot defend himself.

[Mr. Mackenzie King.]

Mr. MACKENZIE KING: I think the House sees pretty clearly that Inspector Duncan after he had been working with the protective association, when he had all the information he could have collected by them and through them, was retained by the government expressly to try to get Bisaillon where we could dismiss him—not only dismiss him, but along with his dismissal secure such a mass of material that we could clean up this business in the fashion in which it should be properly cleaned up. There is the position and, as I say, the information Mr. Duncan got he got in that way, secured through this government directing him to secure it, and it was secured wholly and solely for the purpose of enabling the government to proceed further in its deliberate purpose to clean up this smuggling business as completely as we possibly could. My hon. friend would never have been in a position to make the charges he did if the very information which our own officers gathered for us had not been put in his possession. But here, in the midst of a great effort on the part of the government to grapple with an evil such as smuggling is, my hon. friend for the sake of party politics comes along and makes charges in this House against the government on matters of which it had knowledge, not one of which he could have had knowledge of apart from the information obtained by officers of this government and given to him before much of it was known to the government itself.

Mr. STEVENS: Apparently the Prime Minister is very sorry that I did get it.

Mr. MACKENZIE KING: I am not at all sorry that my hon. friend secured the information, but I am sorry that in the public service there are apparently men who are prepared to betray those by whom they are employed, because I regard as a base betrayal the transference of this information. My hon. friend says he got the information from Mr. Sparks; I wonder if that was a noble act on the part of Mr. Sparks.

Mr. RYCKMAN: Too bad they said anything at all.

Mr. MACKENZIE KING: Just a moment Mr. Sparks' change of mind and heart is not difficult to see. In September, after a general election was declared, Mr. Sparks was tendered a banquet in the Chateau Laurier here; he was given no end of praise for having

secured the reforms which had been brought about, and I am told that as an additional recognition he was given an honorarium of $1,000.

Mr. STEVENS: That is too small for a prime minister—

Mr. MACKENZIE KING: It was too small; they should have given him $10,000. My point is—

Mr. STEVENS: —reflecting on a citizen who cannot defend himself.

Mr. MACKENZIE KING: The point I am bringing out is that Mr. Sparks at that late date was allowing it to be believed that he had achieved a great purpose, that he had done a great service to the association and to the country. That was in September, just at the time a general election had been declared. And then what took place? Mr. Sparks began to associate with my right hon. friend opposite, just as he is doing from the gallery at the moment. They worked together back and forth during the campaign and when the election was over, just before parliament was summoned, in order to make things difficult and complicated for the government, he supplied the hon. member for Vancouver Centre (Mr. Stevens) with the information brought out in this way.

Mr. MEIGHEN: Will the Prime Minister be good enough to explain what he meant by saying that Mr. Sparks was in association with me from the gallery at the moment?

Mr. MACKENZIE KING: I have not been blind to my hon. friend's eyes.

Some hon. MEMBERS: Cheap!

Mr. MACKENZIE KING: Yes; if my hon. friend wishes to follow these methods I will admit that they are cheap. The whole business is pretty cheap when you get to the bottom of it.

Now, Mr. Speaker, I think I have shown to the House pretty conclusively that the government was determined by legislation, by regulation, by dismissal of officials and in other ways, to do all it possibly could do to put an end to this smuggling business. The question naturally arises as to whether the government is to have the opportunity of continuing this work and carrying out the reforms recommended by this committee, or whether that opportunity is to be taken away altogether.

Before I touch on that point, however, I want to say a further word in regard to the former Minister of Customs whose name has been especially mentioned in this report and of whom the House will naturally expect me to say a word. Here again I ask hon. members to be fair and to recall the situation as it existed at that time. I will take for the moment the three years 1922, 1923 and 1924, the first three of this government in office. I ask hon. members if there is a single one of their number in this House who had not the highest respect for the integrity, the ability and the honesty of Hon. Jacques Bureau. If there is one such member I ask him to reply.

4 p.m.

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: We will see how brave some men are. I say that all the time that Mr. Bureau was in the ministry I never knew of an act on his part with respect to the administration of the Department of Customs which was dishonourable or dishonest in any way. What has come out in this present inquiry is as surprising and painful to me as it can be to any human being on this earth. I am not prepared yet to believe the charges made against Mr. Bureau, charges so fully developed by hon. gentlemen opposite.

As hon. members know, Mr. Bureau's health broke down in the early part of the year 1925; he left on a leave of absence and the department was carried on by an acting minister. I want to ask hon. members who have been in this House for some years how in their opinion a prime minister should treat his colleagues if perchance they happen to be absent on sick leave. Hon. gentlemen opposite have had members of their party and ministers of the crown absent; I think even the prime minister of the day was absent for the greater part of a year through sickness. His position was not taken from him; an acting prime minister carried on. When a minister, under the strain of work or from any other cause, breaks down, I venture to say that every prime minister with any sense of loyalty to his colleagues will see to it that someone else takes his place and carries on for him in the meantime. That is what was done with respect to Mr. Bureau; I asked the Minister of Marine and Fisheries (Mr. Cardin) to take over the department for the time being.

Now may I say that the fact of Mr. Bureau's absence through illness made it additionally difficult on my part to go over his head and institute an inquiry by a royal

commission into the affairs of his department, but I was nevertheless prepared to do so, and that with Mr. Bureau's consent, in the event of any charge being made which would provide grounds for so doing.

Some hon. members will ask why Mr. Bureau was appointed to the Senate; they say that it was his reward. Reward? When Mr. Bureau came back I saw that his health was such that he was not in a position to carry on longer as minister of a department; I told him so and asked him to give me back his portfolio. But I said that in recognition of his twenty-five years of public service to this country I would ask him to accept an appointment to the Senate. Mr. Bureau came into this House in 1900; he was re-elected in 1904, in 1908, in 1911, in 1917 and in 1921; he served as Solicitor General in the cabinet of Sir Wilfrid Laurier and as Minister of Customs and Excise in the present administration. I say without fear of contradiction that no member of parliament sitting on this side of the House was more respected and more liked by hon. gentlemen opposite than Hon. Jacques Bureau. I wish to pay a tribute to my hon. friend the ex-Minister of Finance (Sir Henry Drayton); in a chivalrous way, he nods his head in approval; I know he is always ready to be chivalrous in a case of this kind. I will put the question of chivalry up to other hon. gentlemen opposite; if there is anyone who will deny the esteem in which Mr. Bureau was held at the time he was appointed to the Senate, let him stand up in his seat and say so. Not one! That reveals better than words could do the regard in which Mr. Bureau was held at the time of his appointment to the Senate.

Mr. WHITE (Mount Royal): May I ask the Prime Minister to be good enough to say whether Mr. Bureau, whom I never met but for whom from his reputation I have the highest regard, was a capable and proper administrator of the Department of Customs?

Mr. MACKENZIE KING: I will say this to my hon. friend: I believe that right up until the last year of his administration it was generally conceded throughout this country that a more capable minister had not held the portfolio of Customs in years past. It was generally admitted I think throughout this country that Mr. Bureau was a most efficient and industrious Minister of Customs and Excise. He was at his office from early morning to late at night, day in and day out, and until he broke down in health the affairs of the department were conducted—so far as I was able to learn, and I heard from many sources—in a more efficient manner than had characterized the administration of any previous minister. When his health gave way conditions, I am frank to say, were different. If there is one limitation in the action of the committee that has been investigating this matter, if the committee has fallen short in any particular, I think it is that its members did not ask Mr. Bureau to appear before them. Why was Mr. Bureau not asked to appear before that committee? If hon. gentlemen opposite were going to attack him, why did they not invite him to appear before them? There is a well known procedure which hon. gentlemen opposite could have availed themselves of. All that was necessary was for any member of the committee to request the chairman to ask the Speaker of this House to send a message to Their Honours of the Senate asking their permission for a particular member of the upper house to appear before the Commons committee.

Mr. CAHAN: May I ask the Prime Minister a question?

Mr. MACKENZIE KING: Yes.

Mr. CAHAN: Did the Prime Minister, knowing all the facts that were being brought out in evidence, ever suggest to his former respected and venerated colleague that he should appear before that committee and make a statement?

Mr. MACKENZIE KING: I may say that I have not talked with Mr. Bureau from some time before the day the investigation began until this very morning; I deliberately refrained from so doing, but I would like the House to know that I did have a talk with him this morning and of what was said by Mr. Bureau to me in conversation. Mr. Bureau expressed surprise that he had never been asked to go before the committee. He wished me to say when I spoke this afternoon, that if a judicial body properly constituted, were appointed, a responsible judicial body, not only would he wish to go before that body or any properly constituted tribunal, but he would welcome the opportunity of so doing, and he asks this parliament to grant him that opportunity. I ask my hon. friends, particularly hon. gentlemen opposite who are fond of the use of the word "British," who like to talk about British fair play and British justice: Are you now going to deny to a member of this parliament before final judgment is passed the opportunity of appearing before a judicial tribunal to answer any questions that may be put to him with respect to his administration of the

affairs of a department over which he presided and which has been reflected upon in a committtee of this House and in this House?

Mr. CAHAN: May I ask the Prime Minister another question?

Mr. MACKENZIE KING: Yes.

Mr. CAHAN: Is it not entirely within the discretion of the Prime Minister and his colleagues to appoint at any time a royal commission to inquire into the Department of Customs, or any other department, without any action on the part of parliament?

Mr. MACKENZIE KING: Yes, it is, and that discretion will be exercised if the government is given the opportunity. But if hon. gentlemen opposite succeed in their amendment, which is designed for purely political purposes, the government will be deprived of that opportunity. I stand here and say that if the government is retained in office it will appoint a judicial tribunal to continue the investigation which has already taken place, and in particular will ask that tribunal to have Mr. Bureau appear before it and answer questions with respect to any charges, reflections or allegations that may be made concerning him. Further I will say this: Unless Mr. Bureau gets a clean slate from a judicial tribunal of the kind, if constituted, I will ask him to give up his position in the Senate and retire therefrom. But I am not going to be numbered among those who seek to destroy a man's life and the lives of those that are near and dear to him, and his reputation as well, without affording him an opportunity to be heard in any and every particular before a properly constituted tribunal. If there is one thing more than another which men have to watch in politics it is to see that party persecution is not carried to the point where it ruins human lives and homes; and every hon. member in this chamber owes it to himself and to the position he occupies to see that men who enter public life are not slaughtered for the sake of party ends and party gain.

Now, Mr. Speaker, I conclude with what I started out to say. There are before this House at the present time two amendments to the motion that the House concur in the report which has been presented. I think the report should be concurred in. I think every recommendation in it should be carried out: I think they should be carried out expeditiously. But I say this much further: I do not think the work of that committee should be allowed to cease just at a point that suits hon. gentlemen opposite.

Mr. STEVENS: The committee itself calls for a continuance.

Mr. MACKENZIE KING: The report states that the work has not been completed, that the committee have not reviewed all the matters that were referred to it—

Mr. STEVENS: Hear, hear.

Mr. MACKENZIE KING: —and mention was made of some particular matters that were not concluded. Now I do not say that the action of my hon. friends opposite was designed to prevent inquiry elsewhere, but there is a certain chivalrous attitude that needs consideration in this regard. It so happened that hon. gentlemen opposite sought to focus this whole inquiry on the province of Quebec.

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: They did not go much beyond that province.

An hon. MEMBER: Shame!

Mr. MACKENZIE KING: The facts speak for themselves.

Some hon. MEMBERS: Shame! shame!

An hon. MEMBER: Too small!

Mr. MACKENZIE KING: The port of Vancouver has not been investigated.

Some hon. MEMBERS: Hear, hear.

Mr. MACKENZIE KING: I am told there is more smuggling going on in the port of Vancouver than in any other port in this Dominion. I do not know whether that is the case or not, but I should like to be certain on that point. I should like it to be investigated. The port of Winnipeg has not been investigated.

An hon. MEMBER: What about Lunenburg?

Mr. MACKENZIE KING: The port of Toronto has not been investigated, the port of St. John has not been investigated, the port of Halifax has not been investigated.

An hon. MEMBER: Why not?

Mr. MACKENZIE KING: Because this committee did not take time to do it. They concentrated on the port of Montreal.

An hon. MEMBER: Now you are getting under their skin.

An hon. MEMBER: What about Lunenburg?

Mr. MACKENZIE KING: May I add this point. There are certain distilleries that have not been investigated as yet.

Mr. CHAPLIN (Lincoln): Who appointed the committee?

Mr. MACKENZIE KING: I say that every one of these distilleries should be investigated—

Mr. STEVENS: So does the report.

Mr. MACKENZIE KING: —and will be investigated if the government is sustained. I say that if this House and this country is in earnest about cleaning up the smuggling evil they will stop at nothing until they get it cleaned up.

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: May I say that is the reason why I am prepared to support the amendment which was moved last night by the hon. member for Winnipeg North Centre. It is a constructive amendment which proposes that this investigation should be carried on between now and the next session of parliament so that when parliament reassembles it will have before it the evidence and the findings of a judical tribunal, taking in all the ports I have mentioned, and in regard to the smuggling evil taking account of representations no matter from what quarter they may come. There are other recommendations made in that amendment and in the report which I believe should be carried out. But I do say that these recommendations cannot be made effective if the amendment of hon. gentlemen opposite were to be accepted, designed as it is, and as they well know, to be not constructive but destructive, designed not to enable the government to carry out the great national service it has undertaken—

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: —but to destroy if possible the power of the government to deal with the very serious problem with which the country is still confronted. What is the object of hon. gentlemen opposite? It is that they and their friends may again control the policies of this country; it is another device whereby those who favour higher and higher protection—

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: Hon. gentlemen may laugh but they know it. From the beginning to the close of this session hon. members opposite have sought in one way or another to get possession of the seals of office, in order that they might put their own policies into effect. But, Mr. Speaker, I come back to this point, that what this country is interested in at the present time is not party politics. The country is not interested in the game of party politics with respect to this great problem of reform.



Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: Hon. members shout. Evidently they do not agree with that statement, but the people will. What the people of this country want is some reform, carried out in a manner which will worthily supplement the legislation which this government put through this parliament last session, and which may rightly be described as one of the most important reforms accomplished since confederation. The people want that class of work carried on. That is admitted, and I believe it is also what the vast majority of the members of this House want.

One word in conclusion; I have made no reference, up to the moment, to my colleague the present Minister of Customs and Excise (Mr. Boivin). He has made his own statement in this House. I do not think he requires anyone to supplement on his behalf what he has already said, and I do not intend to attempt anything of the kind, but I do wish to say this: of all the men that I have had the privilege of being associated with in the administration of this country, I cannot recall one who ever took up the work of his department with the same zeal, the same energy or the same industry as my friend Mr. Boivin. I want to say that my hon. friend came into a very difficult position, he was called upon to deal with one of the greatest problems ever dealt with and under most embarassing and distressing circumstances, and I say that until three or four days ago, when his name was mentioned in the amendment proposed by the member for Vancouver Centre and there began to be talk about it, there was not a man in or out of this parliament who was prepared to point a finger at him and to say he should be censured by this parliament—not a man. If Mr. Boivin was to be singled out for censure, why was that censure not brought on weeks ago or months ago, at the time his evidence was given? If he was not fit to be a minister of the crown and carry on business as a minister, why has he been allowed to continue in a position to do so since the time his evidence was given before the committee?

Mr. STEVENS: Because the majority of the committee voted down a resolution to report it to the House.

Mr. MACKENZIE KING: I think I can say to my hon. friend that I believe the majority of the committee voted it down for the same reason as I believe the majority in this House will vote down that censure. I say, Mr. Speaker, the majority of hon. members opposite, whatever their proposed views may be, in their heart of hearts, do not condemn the present Minister of Customs. If parliament stands for anything, it surely stands for fair play and justice, and I ask hon. members, when they are recording their votes on one or other of the amendments or on the main motion, to remember that every man who goes into public life sooner or later is certain to be subjected to the kind of thing to which my hon. friend is being subjected to-day. I say to hon. members, judge by the judgment wherewith you expect to be judged, "for with what judgment ye judge, ye shall be judged; and with what measure ye mete, it shall be measured to you again."

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: My hon. friends may laugh. They laugh at Scripture. They laugh at anything and everything, but they will find the truth of the words I have just uttered, because those words have stood through many centuries and will stand for many centuries to come.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): The House is nearing the close of a debate which is certain to become historic, and nearing decision on a great work and a great problem, perhaps the most important in its bearing upon the future of our country with which parliament has dealt for the last twenty years. By reason of the vastness of the subject and the wide scope of the investigation, it is almost impossible for members even to read the evidence adduced, to say nothing of being in such command of it as to bring to decision upon all its features that full information which the occasion demands. The Prime Minister has just concluded a very laboured defence of the administration and his minister; and I will deal with his remarks with the respect which his office demands, with the respect which I owe to him and have always felt for him. But I commence with this promise, that it will be my endeavour through every sentence which I utter, to keep just as far as I can from his method and his style.

I join with many hon. members who have spoken in a word of recognition of the very great toil which has been given to this work by the committee. I doubt if any committee of parliament in a generation ever had a subject to cover which involved so much real work, so much patience, so much concentration, as the subject to which this committee has given its energies for something over four months. Having read practically all the evidence, and having read part of it many times, while I cannot agree in all the judgments given by the chairman, I believe he yielded to a minimum of party proclivity, and on the whole was fair. I say most unreservedly that he devoted himself with an assiduity to the great task which deserves the commendation of all. The last thing which would occur to me to do would be to allow my speech to be charged with that censure of the committee which characterized the last sentences of the Prime Minister's address. The Prime Minister is very laudatory of the recommendations of the committee, so long as one does not read them or go into the real meaning of the findings and the recommendations, but for the conduct of the committee in general he has nothing but abuse. It has been unfair, he says—unfair especially to his late colleague! That committee, he says, allowed evidence to be adduced against him and never called him to defend himself. He upbraids the unfairness especially, he says, of the Conservative members of the committee for not calling the Hon. Jacques Bureau in his own defence. I have practised law for some years; hon. members have also acquaintance with the jurisprudence of our country, and I never learned of the doctrine that those who are said to be of the prosecution should see to it that the defence is called. Were there no doctrine to the contrary, which is so plain that a child would understand it, were there none at all, those of us who know the Hon. Jacques Bureau know this, that he does not need any instance from us, any summons or suggestion, to come and defend himself at a trial if he feels it is in his interest to come. Whatever may be said of him, no one will challenge his intelligence or his capacity to look after himself.

I wonder what is in the mind now of the five members of the committee who were not Conservatives, the four hon. gentlemen opposite and the hon. member for Peace River (Mr. Kennedy) the majority of the committee; I wonder what they are thinking of now after the castigation they have received from the Prime Minister. If there was onus on anybody to see that Mr. Bureau was called, surely it was on those who were of

the same party faith as he, four of them completely so and one of them so close that I will not attempt to draw the distinction as it is practically negligible. What is to be thought of the present minister (Mr. Boivin) whose department was on trial, the friend and associate of Mr. Bureau, that he did not see that Mr. Bureau appeared before the committee?

The whole thing is humbug. It is such transparent, unspeakable nonsense that it is incapable of discussion. Senator Bureau would have come there if he had felt there was anything in his interests to be served by coming. Senator Bureau would stay away—if he felt it was in his interest to stay away. But to charge those who are not serving Senator Bureau, whose interests are not his but the interests of Canada, with being under an obligation to summon him, and especially to charge those of the opposite party—well it so shocks the intelligence that the sooner the subject is dismissed the better.

I am not here to make any attack on Senator Bureau. The Prime Minister, with great declamation, called across this way to know if we did not respect him, if we did not recognize his ability while he sat as a member of this House, and because no one rose to impugn or to slander him, the Prime Minister felt that he had achieved a great victory. Certainly we respected him, certainly we admired his ability, and I venture to say that very few of us were even under a suspicion that this department was being conducted under him in the way it is found by this report to have been conducted.

The reason I am making no special attack upon him is chiefly this. He is found guilty by the report; the report itself of the committee finds him guilty, the very report which the Prime Minister stands up in this House and says is right. Every sentence of it, he says, is true and sound and we intend to carry it through. Let us look at what those sentences are. Let us see what the findings, not of four Conservatives alone, but of four Liberals, one Progressive and four Conservatives, are in this regard, unanimous findings. Hon. gentlemen know by heart clause 6 of the report which reads:

> The evidence submitted to the committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency and that the process was greatly accelerated in the last few years.

I ask hon. members to note the words "the last few years."

> Apparently the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office and as a result there was a lack of efficient, continuous and vigorous control of subordinates by the headquarters staff at Ottawa.

I ask the Prime Minister: If he believes what he said of the Hon. Jacques Bureau this afternoon, of his record in that department, of his devotion to the public service, of his capacity, if he believes that all the Hon. Jacques Bureau was guilty of was being sick, is he honest to-day with Jacques Bureau; is he standing by Jacques Bureau as a friend, as a citizen, in allowing this report to be adopted? I put it to hon. gentlemen behind him, those who agree with the words of the Prime Minister this afternoon, those who applauded his words that all that was the matter with Jacques Bureau was his illness. Do they consider that clause 6 fair to the Hon. Jacques Bureau? Will anybody reply? If I believed as the Prime Minister says he believes, I would be a member of no government that would submit to the adoption of that report. If what the Prime Minister expects the House to believe this afternoon is true, that report is a calumny on the administration of the Hon. Jacques Bureau and on Jacques Bureau himself. Let me read further. The Prime Minister sought very vigorously to convince the House that the government had done everything in its power; that it was alacrity itself in response to every appeal to purge and purify the service; that Hon. Jacques Bureau especially had been unreserved in his co-operation with the Commercial Protective Association and only too anxious to run down those in the service who were not doing their full duty.

The Prime Minister who gave utterance to those assertions this afternoon wants a report adopted which contains also the following words:

> 7. The procedure provided by the Customs Act in the matter of customs seizures is as follows:—Upon making a seizure the collector or seizing officer forthwith reports the circumstances of the case to the Commissioner of Customs (section 174). Thereupon the commissioner notifies the owner or claimant of the thing seized, stating the reasons for the seizures, and calls upon such owner or claimant to furnish within thirty days any evidence he may desire to submit (section 175). After the expiration of thirty days or sooner, if evidence is forthcoming on the part of the owner or claimant, "the commissioner may consider and weigh the circumstances of the case and report his opinion and recommendation thereon to the minister" (section 176). The minister thereupon either gives his decision and states the terms upon which the thing seized or detained may be released or the penalty or forfeiture remitted or refers the decision to the court (section 177). The committee finds that this procedure was not followed. Although as a rule, the facts are correctly recited in the summary submitted to the minister, the opinion is not infrequently at variance with such facts, and the recommendation is so drawn as to elicit a decision to which such facts are repugnant.

But why?

This discrepancy is accounted for by the fact that the report upon the evidence was in many instances preceded by a conference, and the recommendation was dictated by an intelligent anticipation of the minister's wishes in the premises.

Mr. DONAGHY: Does the right hon. gentleman not think that the statement is justified by the facts in the Daivey Waisberg case?

Mr. MEIGHEN: I presume it is and by many other facts. I am not challenging the statement. The statement is justified by page after page of evidence and the minister is found guilty of having induced officers of the department, after reciting the facts, to add a recommendation repugnant to those facts because he the minister wanted that recommendation. This is found to be true by the very government of which the Prime Minister is head, and having asked this House to approve of that finding he stands up and declares that Jacques Bureau's record as a minister is immaculate.

There is one comment of a general character which I desire to make. When a case has been tried and the evidence has been adduced; when every opportunity has been given, as is given in our courts and before our committees, for all parties concerned to come forward and state what they have to say either in support of prosecution or by way of defence; when all this has transpired then the case is decided upon the evidence so adduced. And if any party affected, having failed to take advantage of the opportunities afforded in the course of the trial, comes forward afterwards and seeks to address the court and establish facts or to correct evidence, which fact he might have established and which evidence he might have corrected when the case was being heard, it is not very likely that he will be heard. If he came forward after the evidence was closed and said to the judge, "All this is wrong. I had a conversation with Mr. Sparks or Mr. So-and-So in my office, which conversation wholly contradicts what is clearly in the evidence, and I want you to find upon what I say now": what would happen? He would be told to sit down or the sheriff would take him by the shoulder and throw him out. It does not become an hon. member of this House to ask for a verdict on the faith of testimony which he seeks to give to parliament now but which he failed to adduce when he might have been subject to cross-examination and contradiction. I say, it does not become any member of this House to make that attempt, and when this intrusion is committed by the Prime Minister of our country, when this is the example he sets, how does he expect other members to act creditably and intelligently in respect of investigations and reports to parliament thereon? The duty of this parliament is to take the reports as submitted and, on faith of the evidence upon which that report is based to render judgment deciding whether the report is right or wrong. If we feel that the report is not right, then it is our duty to have it amended by proper steps in the manner we desire. But parliament should not be influenced, no man carries out his oath of service to his country as a member of parliament who is influenced in the faintest degree, by anything stated in this House by anyone whether it be the Prime Minister or any other hon. member.

Oh! how brave the Prime Minister is now: "I say here and now in parliament this and that and I am prepared to go before a court and repeat it"—when he knows that the court is closed. The Prime Minister supports a motion for one purpose and one purpose only, namely, to amend the report in accordance with the instructions of this House, when he knows perfectly well that there is no possibility of the report ever going before the committee again. He knows that there is no possibility of its being subject to examination so as to affect our finding. But he bravely thunders now the information that he had certain conversations. private conversations, with Mr. Sparks, and he relates these conversations at a time when the other party to them cannot by any possible means be heard.

One would have thought that this government had quite redeemed itself from the maladministration of which it was found guilty in this report by having passed an amending statute last session. I venture to say that two-thirds of the time taken up by the Prime Minister was devoted to an historical account of the great services rendered the country by this government, leading up to the introduction into and the passage through this House of a statute amending the smuggling provisions of the Customs Act. For this he takes great credit to himself and to his government. Well, I am going to review some of the facts connected therewith, but first of all I want to refer to the attempt he made to convey to the House the impression that the government had had a hard time getting that statute through against the opposition of the Tories. The legislation had a perilous passage through this House by reason of the opposition of this party, and it was almost

beaten in the Senate where the Tories were against it. So says the Prime Minister. This is in keeping with the tactics of the Prime Minister in respect of all subjects with which he deals wherever he happens to go from one end of this country to the other. He knew when he uttered that statement that when the bill was before the House I as leader of the Conservative party spoke in support of it in every particular, and that I not only supported it but approved without any qualification whatsoever of the immense appropriation of $350,000 which was asked for the purpose of enforcing the customs provisions of the country. The Prime Minister knows, as well, or he ought to know, that when the bill was before the Banking and Commerce committee of the Senate, an amendment to remove the clause which took away the power of remission was moved in that committee by one of his strongest supporters, Senator Belcourt, and seconded by one of the strongest, if not the strongest, representing him there, Senator Beique. The bill was in danger because of that amendment and the evidence—for I speak by the evidence—shows that in view of that danger Mr. Sparks came to the Minister of Marine (Mr. Cardin) and urged upon him that he go back and try his best to get the bill through. That minister offered to make an amendment which in the judgment of Mr. Sparks would have denuded the bill of any effectiveness, and for that reason he refused to accept it. Accordingly he went back to the Senate and by his own efforts, with the co-operation of his association, he got the bill through. I refer hon. gentlemen to the evidence which is to be found in this respect, in pages 229 and 231, of the testimony. But after all, is the passing of this legislation, even with the approval of this side of the House, an approval with which I know the Prime Minister is not satisfied merely because there were certain inquiries as to its character in the course of its consideration in parliament—nothing but blind approval, three cheers and a tiger seems to suit the Prime Minister—is the passing of that legislation, I ask, an achievement worthy of an hour and a half of boasting? When all is said and done, is legislation any more than paper and parchment until it is enforced? And has the Prime Minister looked at the evidence to see what it discloses as to the work of his government in effecting that enforcement? I have that evidence. At pages 229 and 230 I find the following:

Q. How many prosecutions have been had under the amended act—A. The Minister of Customs the other day said six. I am inclined to think he was wrong; I think up to the first of the year only three. I say that because one of the cases the minister mentioned was not under section 219. I think only three.

Q. So far as you have been able to discover, only three?—A. Yes.

Q. You welcomed that amendment last year, Mr. Sparks, and your associates also, according to the rather eulogistic letters that have been written?—A. We certainly did.

These are the letters which the Prime Minister read.

Q. Have you experienced since that was passed, or have you observed the results, the beneficial results from that legislation which you expected?

A. The immediate results were very good. Smuggling stopped, and the deputy minister showed me figures showing an increase in customs receipts at border points, but that improvement did not last.

Q. How long did it last?

A. I wouldn't like to fix the time.

Q. Just approximately will do.

A. I would say it was effective for a month.

Q. That would be up to say the first of August or the middle of August, or around there?

A. I wouldn't like to specify.

Q. Do you infer that there has been a lapse since then back to former conditions?

A. I do not infer it; I state it because I know it.

Mr. DONAGHY: Will the right hon. gentleman permit a question? Has he read the testimony of chief inspector Wilson, where he swore there were 69 prosecutions under the amended act?

Mr. MEIGHEN: There may have been since this investigation was on.

Mr. DONAGHY: Is the right hon. gentleman aware that those prosecutions extended over a period from the time the act came into force?

Mr. MEIGHEN: I know that. Three of them were up to the first of the year—the rest since the investigation.

Mr. DONAGHY: Will the right hon. gentleman be good enough to read Mr. Wilson's evidence to substantiate his last statement?

Mr. MEIGHEN: The hon. gentleman spoke for four hours and a half, and one would have thought he might have read it. The hon. gentleman will not be able to contradict what I have said this afternoon, no matter what evidence he may quote.

Mr. DONAGHY: Read the evidence.

Mr. MEIGHEN: A childish request. I want to make some comment, though, upon this pretension that a tremendous achievement is to the credit of the government in the passing of this legislation. One would think from the Prime Minister's speech that the poor government stood helpless without any legislative arm; that there was a law, doubtless passed by the Tories long ago, and

it was worthless, the government could not stop smuggling under it; but they co-operated with this association, and as a result of that great co-operation—for which he has a letter of thanks from a prominent Liberal of Toronto—we have got this magnificent legislation. What about the Commercial Protective Association—of whose praise he was so proud because at first they approached this matter with confidence in the government, believing they had a pledge that something would be done, and they wrote the letters which the Prime Minister has read—what did this association say after a few months' experience of this administration, what did they say in their recommendations read to the committee? I quote the following:

> In submitting recommendations to the committee urging that the Customs Act be amended, we wish to place ourselves on record by stating that in our opinion the Customs Act, even prior to the amendments of 1925, was sufficiently drastic in its provisions respecting penalties to have enabled the Department of Customs and Excise to cope with the evil of smuggling, and other forms of fraud, if the department had availed itself of the provisions of the act and had prosecuted offenders to the full extent of the law.

If the Prime Minister will look at the evidence of Mr. Sparks—which he did not go into the box to contradict—he will find Mr. Sparks declared—I will not vouch for the exact percentage from memory, but he said something to this exact effect, save the percentage,—that 90 per cent of all the smuggling which was going on could be prevented by a proper application of the law of the land.

A great deal of time was also occupied by the Prime Minister in his attempt to justify the government in respect of Bisaillon. The Prime Minister stated that he was moved by a desire to be fair to this official and to be able to defend himself in parliament. The correspondence is all that is on record, all that was before the committee, and all that is before this House now, and we are bound in justice to that committee and in justice to all concerned to decide on the faith of the evidence alone. It shows that the Prime Minister demanded specific charges should be laid on the responsibility of Mr. Sparks or his associates before he would so much as appoint a royal commission to investigate the conduct of a civil servant. When he was told that this was utterly unreasonable, that the responsibility was not at all on any outsider to make these charges, that their responsibility was discharged when they brought certain facts to the notice of the department sufficient to justify inquiry, and when he was asked definitely if he adhered to the proposal that only specific charges on the responsibility of Mr. Sparks would be considered, his reply to the letter, written almost a month after the letter was received, was merely that it would receive "due consideration". This is the record as shown in the evidence.

Who ever heard before of the doctrine that a civil servant cannot be removed except after specific charges are laid before a royal commission? Who ever heard of any procedure such as the Prime Minister insisted on in relation to Mr. Bisaillon? I ask how many members of the government sitting in front of me this afternoon ever appointed a royal commission before dismissing a civil servant. Not one. I put the question especially to the Minister of Agriculture (Mr. Motherwell). Will he name the party who laid the charges, will he name the royal commission whom he appointed to investigate specific charges before dismissing Dr. Torrance? I ask, why such solicitude for Mr. Bisaillon, and why such brutality for Dr. Torrance? The Prime Minister said, Oh, we had to have a defence in parliament, we could not dismiss Bisaillon without a proper investigation. I ask again, why was the investigation delayed until the end of November, 1925, why was it they could not get any evidence till then? Is any hon. member able to answer? Mr. Walter Duncan had been in their employ for years, he had been loaned to the Customs department from the Finance department, or rather he had been loaned to the protective association and by them loaned to the Customs department, and was a Customs official for over a year before that. Now, I wonder how it was they could not get any evidence till the end of November. Were Bisaillon's offences only shortly prior to the end of November, 1925? The offences upon which he has been dismissed, were they of recent date? Why, they extend back for years. The Prime Minister said: Oh, we are the people, we got Bisaillon, we kept at him until we got him, and only because we caught him and because we had the Duncan report a little later were these charges laid. Has he read the evidence of Mr. Walter Duncan? If he has, he will find Mr. Walter Duncan swore that on the very occasion when the present Minister of Customs sent him to Montreal to get evidence against Bisaillon he told him about Mr. Stevens' resolution to be moved in the House of Commons. Will the hon. member look at page 499 of the evidence? On the last third of the page he will find the following:

> The Witness: I do not recall all that was said at the time—

That is the time of the conversation when he was sent down to Montreal.

—but I know that before I started out there was talk of his dismissal.

An hon. MEMBER: This is Duncan speaking?

Mr. MEIGHEN: Yes.

Q. For what reason?
A. I presume complaints that had reached the minister.
Q. Was anything more than that said to you?
A. Not that I can recollect.
Q. Before you commenced to execute your commission?
A. Well, there was something said about the Hon. Mr. Stevens' resolution.
Q. Who said that?
A. I talked about it, and I think the minister talked about it.
Q. Hon. Mr. Boivin talked to you about that?
A. Yes.
Q. About the Stevens' resolution?
A. Yes.
Q. Do you remember the purport of that conversation?
A. No, only that I was to proceed to Montreal, and as soon as I had sufficient evidence, to report to the minister, which I did.
Q. Was the reference to Mr. Stevens' investigation made on the same occasion when you were told to proceed to Montreal and proceed to investigate Mr. Bisaillon?
A. Yes.
Q. It was?
A. Yes.

I wonder what hon. members now think of the promptitude of the government in this respect. Let me make this remark in passing. It is quite true that Mr. Duncan was sent to Montreal a day or two days before Mr. Stevens' resolution came out in this House, or before notice of it was given in the press. But it was known to those associated with Mr. Duncan, and indirectly to the minister, that this resolution was coming; it must have been so known or the minister never could have spoken of the resolution at the time he sent Mr. Duncan to Montreal. I wonder why the assiduous minister who was only too anxious, if Mr. Bisaillon were guilty, to have him arrested and punished; that assiduous minister of the immaculate record, Mr. Bureau, was never able to get any evidence on Bisaillon. If hon. gentlemen will read the evidence taken before this committee regarding Bisaillon they will find whole series of pages taken up with it. Then ask yourselves how it is that all this was unknown to the minister and unknown to the government until news of the resolution came out and Mr. Duncan hied himself to Montreal at the request of the Minister of Customs.

One would think, to hear the Prime Minister this afternoon, that all Mr. Sparks had done was to say, "I have suspicions of Mr. Bisaillon; I want you to dismiss him." I ask hon. gentlemen to read the letters which Mr. Sparks wrote the Prime Minister on February 4 and again on March 20, 1925. I speak now from memory, but my memory is good; it is not very long since I read the letters, and I speak in the hearing of those who may correct me. In that letter allegation after allegation was recited against Mr. Bisaillon; in that letter the attention of the government was directed to his evidence given at the city of Quebec, together with facts showing that evidence to be false. It is shown that a man with a salary of $2,300 a year had $69,000 on deposit at a certain town, and that the evidence he gave at Quebec to show how that money came to be there was so ridiculous as to be ludicrous; that he had added his debits and his credits together in order to make up the deposit of $69,000. This is all shown in the letter; many other things are adduced and then Mr. Sparks says, "If this it not enough to warrant Mr. Bisaillon being dealt with, then tell me if you still insist that I must make specific charges." That letter was never answered save by an acknowledgement written by the clerk of the Privy Council a month less four days after the letter was despatched, and that reply merely said that it would receive "due consideration."

5 p.m.

Mr. MACKENZIE KING: Yes, but it was answered verbally as well.

Mr. MEIGHEN: Yes; now we are again getting "parliamentary" evidence which was not given before the committee. I am informed by the hon. member for Vancouver Centre—and this will be in the evidence without a doubt, although I cannot recall it myself—that Mr. Sparks was asked in the committee to disclose these conversations with the Prime Minister, and was refused the privilege of doing so.

Mr. MACKENZIE KING: I do not know why the privilege should have been refused.

Mr. MEIGHEN: I made a mistake; he was not refused the privilege but he declined to do so because he felt these conversations to be confidential. But Mr. Sparks gave this evidence; if the Prime Minister felt that the evidence was not a fair representation of the whole truth it was his duty to go before that committee and so correct and modify that evidence by his own that the truth would be faithfully revealed. When he has failed to do that he cannot be heard in parliament; he

cannot in a speech to this House say, "No, the evidence is not right; it is not a just reflection of the facts, I will tell the facts now when I cannot be cross-examined and when Mr. Sparks cannot contradict me." I leave this point, as to the knowledge of the government, merely with a request to hon. members of this House who want to deal with this subject on the evidence and on the facts to read the various communications which passed between the government and the Commercial Protective Association. They will find there, it is true, commendation of the early course of the government; they will find a friendly disposition on the part of the association and its president, Mr. Sparks, towards the government; they will be convinced without doubt that Mr. Sparks and his association approached this task in the friendliest spirit to the administration. But they will soon be convinced also that Mr. Sparks and the association came to the conclusion that the ministry was either powerless or wanted to be powerless, and would do absolutely nothing to enforce the law and so purge the service of those who were engaged in its prostitution. The Prime Minister says Mr. Sparks was against the government in the last election. So he was, and I venture to suggest that if any hon. member of this House, be he as strong a Liberal as Mr. Sparks has been all his life, had the same experience with this government as Mr. Sparks had, he would probably turn against the administration also.

Now I wish to proceed to a discussion of the evidence which peculiarly affects an hon. gentleman who is in this House, and who has already made his defence and may do so again. I am going to speak on this matter not without kindness, I hope, and certainly with no personal animosity; I am also going to speak with all the frankness in my power. When I sought to assure the minister of the good opinion personally which hon. gentlemen on this side of the House have always held of him he was pleased to hurl back what I thought a rather coarse gibe, but in what I have to say I shall not be influenced at all by any recollection of that incident. The minister is in the House, and one always feels more free to speak of hon. gentlemen who are in the House and able to defend themselves.

May I first make a few personal references to the minister. He entered this House some fifteen years ago after a brilliant record at the bar, a record which maintained its brilliancy in parliament. So highly was he regarded that under the late administration, there being unfortunately no French speaking member on our side of the House, he was entrusted with the honour and charged with the duties of the position of Deputy Speaker. I recall this by way of tribute, because my purpose is to give the House some idea of his ability. I doubt if the chair was ever filled with as great capacity as respects to complete command of the rules of parliament as was the case with the minister; certainly in the efficiency of his discharge of that work he never was exceeded. He is a man of extraordinary ability; on that score no stone can be cast against him, and no excuse can be made of his conduct on the ground of simplicity or inexperience. If he has done wrong he has done so knowing the right as perhaps very few hon. members of this House would know it; if he has sinned against the light it is not because he did not see the light. There is none more capable and none of a clearer mind.

Now, what is alleged against the minister which, in our judgment, it is the duty of parliament to pass upon? There is much but chiefly—and I dwell on those which are chief only—his conduct in connection with the barge Tremblay liquor and his conduct in connection with Moses Aziz. These have been most to the front, but I do not want the House to come to the conclusion that the evidence of the degeneration of the department in so far as the present minister is affected is confined to the barge Tremblay and the Moses Aziz case. The evidence is multitudinous. There is not a sign of reform upon the accession of the minister so far as the evidence discloses. But I want to take what the minister has said in his two addresses in this House, and in the evidence, as respects these cases. I will deal first with the barge Tremblay case. I am not going to deal with it from the aspect of the treatment of Captain Tremblay, the appeal made by the hon. member for Charlevoix-Saguenay (Mr. Casgrain) the light fine imposed, and the fact that the captain was allowed to get away with a gross offence against the laws of this country at a profit of something over $3,000—this feature is bad enough—but I am going to come to the feature which deals with the disposal of the alcohol seized.

Mr. DONAGHY: Will the right hon. gentleman permit another question?

Some hon. MEMBERS: Sit down.

Mr. DONAGHY: Will the right hon. gentleman be fair enough to state at what time the barge Tremblay was seized and when that offence was committed, and whether it was before or after the new Minister of Customs and Excise was appointed?

Mr. MEIGHEN: It is true the barge Tremblay seizure was made before the minister was appointed, and a very considerable time before, and that the guilt of this does not attach to the present minister; but the guilt of which I am going to speak does attach to the minister. I was wondering when the hon. member interjected his question why he had not thought of the appropriateness of putting that question when the Prime Minister was on his feet; when such a high eulogy was passed upon Mr. Bureau and upon his associates, and the House was being regaled with the fairness with which the department was administered. I wondered why he did not think then that it was at this particular time that Captain Tremblay was allowed to get away with a crime at a profit? Would that not have been an appropriate interruption to the Prime Minister rather than to me?

I come now to the disposal of this liquor. Some 16,000 gallons, I believe, of what is known as special denatured F alcohol was seized and remained for some considerable time in the possession of the government on some wharves in Montreal. But not long after the accession of the minister he sold that liquor without getting in touch with the officer who, at the time, had charge of its disposition. Indeed, without the knowledge of that officer, it may be said behind the officer's back he came to a bargain with a political associate—only about a month or two or three months before a member of this House—to dispose of that at some 36 cents a gallon. He made the sale, that political associate and his friends got the liquor, and the contract apparently was embalmed in some sort of a document, on a regular form of the department which stipulated certain conditions. On February 2 last allegations respecting this matter were levelled by the hon. member for Vancouver Centre (Mr. Stevens). The minister was charged with having failed to safeguard the public interests in his disposal of this seized liquor. By way of defence the minister stated that he had got a good price for it; that he had got 36 cents a gallon although it could have been manufactured by the purchasers for 32 cents; but inasmuch as they were in a hurry and needed the alcohol for blending purposes they paid 36 cents a gallon and thereby he made some money for the treasury of Canada. The minister went on to say that that liquor was sold under such conditions that not a gallon, not an ounce of it could be used by the purchasers save upon the payment of an excise duty of $10 a gallon. Ten dollars a gallon would amount to $160,000 in addition to the sale price of the liquor. The minister admits now that his representations to parliament at that time were not correct, but in his speech the day before yesterday he said: "I was taken by surprise. I did not know that speech was to be delivered by Mr. Stevens, and I was not ready." Hon. gentlemen will remember that we had offered to adjourn the debate and the offer had been refused by the other side. They could have had time had they wanted it. That is not very pertinent now but what I want to emphasize is this: The resolution of the hon. member for Vancouver Centre had been on the order paper for weeks. The Department of Customs knew of the charges, knew of the action the hon. member intended to take, with respect to the Department of Customs, and the minister, as hon. gentlemen will remember came into this House with quite a number of papers whatever they were. From these papers, evidently departmental, he read, and sought to have the matter all settled with the assertion that this liquor was for blending purposes and that $160,000 was to come to the treasury, the statement invoking immense applause from his followers. It transpired in the evidence that the liquor was not sold for blending purposes at all and that not a dollar was collected, and that the time had gone by when one dollar of excise could be collected into the treasury of Canada out of the disposal of the liquor for 36 cents a gallon; that the stage had been passed when collection of duty could be made and the matter had gone out of the control of the government altogether. Well, we have reached that point. But the minister now says: "This was denatured alcohol; it was not fit for potable purposes."

Mr. STEVENS: Denatured after it went to Dominion Distilleries.

Mr. MEIGHEN: Denatured after it went to Dominion Distilleries, and that it was sold for export to the United States. Is not that the minister's assertion? I read his speech very carefully and I ask him now if he did not intend that inference to be given to this House by his statements? If I am wrong I want to be corrected.

Mr. BOIVIN: I shall be very glad to repeat the statement for my right hon. friend so there will be no misunderstanding. What I said on February 2 was that I was under the impression that this alcohol was purchased by the Dominion Distilleries for blend-

ing purposes, and that not one gallon, not one bottle, not one ounce of that liquor could leave its distillery without the payment of excise duty upon it. That is exactly my statement on February 2nd. Speaking in the House the day before yesterday, I said that I was mistaken in one respect—that the liquor which had been purchased by Dominion Distilleries was used not for blending purposes but for denaturing purposes, and that when it left the distillery it left as denatured alcohol. My hon. friend knows, and every hon. member in this House knows, that denatured alcohol leaves the distilleries without the payment of any excise tax—that there is no excise tax upon it.

Mr. MEIGHEN: That may be all very true, but it is not an answer to the question. I am asking the minister if he did not give this House to understand that this alcohol was sold for denaturing purposes to be exported to the United States?

Mr. BOIVIN: At the time the alcohol was sent to the Dominion Distilleries the minister did not know. The proof that I did not know was that I made the mistake of saying that the alcohol was for blending purposes. I did not know what purpose it was purchased for. It was purchased by the Dominion Distilleries Limited, at 36 cents a gallon, brought into their distillery at that price and it could not leave their distillery without paying $9 a gallon, unless it was sent out as denatured alcohol, when it had no duty to pay.

Mr. MEIGHEN: The minister stated the other day:

> If it is true that the Dominion Distillers succeeded in evading the law; if it is true that two or three carloads of that denatured alcohol did not reach the United States—

Mr. BOIVIN: I said that, it is quite true.

Mr. MEIGHEN: It being an evasion of the law.

Mr. BOIVIN: The hon. member for Vancouver Centre stated that three carloads of that alcohol did not reach the United States, and he also said that it might have been used for potable purposes in this country, although it was marked poison and denatured.

Mr. MEIGHEN: The breach of the law, according to the ministers' statement, was failure to export it to the United States. He said so. He said three carloads were kept in Canada. The purpose of the purchasers, as known, was to export it to the United States, and the minister knew that for denaturing purposes this class of alcohol could not be sold, under the regulations of his own department, in Canada except to very limited licensed purchasers. I want to ask in what position is the government of Canada, selling liquor for export to the United States? Because this liquor cannot be imported into the United States under the laws of that country, as known to the Customs department and to the minister. I am not one of those who contend that it is the duty of the government of Canada, or the duty of the people of Canada specially, to go to the extent of making themselves responsible for the enforcement of the revenue laws or any other laws of the United States. The United States will attend to that themselves, but I do say that the government of Canada should not itself become a party to a breach of the American law, and when liquor was sold under conditions that it could be used for no other purpose than to be sent to the United States, against the laws of that country, sold by the government of Canada, that is making the government of Canada a party to the breach of the law of the United States.

Mr. BOIVIN: I rise to a point of order. I absolutely deny the statement that when the liquor was sold to the Dominion Distilleries Corporation Limited, it was sold for the purpose of export to the United States, or that there was any such condition attached to the sale.

Mr. MEIGHEN: The minister's speech is strictly in conformity with that inference and nothing else, because he said the breach of the law consisted in not sending it to the United States. He said that in his last speech.

Mr. BOIVIN: I said no such thing. I was answering the remarks of the hon. member for Vancouver Centre who made the assertion without having any proof in the evidence to support it.

Mr. MEIGHEN: The minister said:

> If it is true that the Dominion Distilleries succeeded in evading the law—

Mr. BOIVIN: If it is true that—

Mr. MEIGHEN: It is true that three or four carloads of that denatured alcohol did not reach the United States—

Mr. BOIVIN: If it is true.

Mr. MEIGHEN: Is there any other inference in that than that the evasion of the law consisted in the liquor being sent to the United States? And the minister knows that liquor could not have been sold in Canada, save to licensed purchasers, and for specific and restricted purposes. They would not think of purchasing it for such specific pur-

poses. He knows it could not be exported anywhere else. You could not export that liquor to reach any other country save in violation of the revenue laws of that country. How could we manufacture the liquor here, send it to another country and pay the revenue charges of that country? No legitimate use, therefore could be made of it for denaturing purposes.

Mr. CANNON: Is it not a fact that the minister at that time was discussing with the hon. member for Vancouver Centre, who had assumed that the distilleries were exporting it to the United States—

Mr. STEVENS: No.

Mr. CANNON: And the minister said, "If such is the case—

Mr. MEIGHEN: No.

Mr. CANNON: I may be wrong.

Mr. MEIGHEN: The member for Vancouver Centre will answer this very thoroughly. There is no escape; but the department must have known the purposes, unless it was to be used for potable purposes, and the evidence shows this liquor was used for potable purposes, not only in Canada, but what went to other places was used for potable purposes, and this country was defrauded out of a revenue of $160,000. Is the government to be able to stand in this House and say "That $160,000 was lost but we are not responsible; what could we have done to collect that money?" If we have a government that cannot look after the collection of the revenue is it not worth while suggesting to them that another government take their place? What did the minister of the department do, after selling that liquor, to see to it that it was used for the purposes for which it should have been used? The answer is, nothing at all. Every hon. gentleman knows that liquor was purchased in order that a fortune might be made out of it by the friends of the ministry, and a fortune was made out of it by the friends of the minister.

Mr. BOIVIN: Is it not a fact stated in evidence that the Dominion Distillery Products, Limited, could have bought the same liquor from other distilleries and did buy 60,000 gallons of it at 38 cents a gallon, two cents a gallon more than we sold the barge Tremblay alcohol for. Is it not true that the only fortune, therefore, they could possibly have been made by this purchase was two cents a gallon on the 16,000 gallons? Is it not true that if any fortune was made, it was $320 and no more.



Mr. MEIGHEN: And on the liquor they bought from others as denatured liquor this government should have collected the excise, because it was used for potable purposes, and the government knew it.

Mr. BOIVIN: When it is proved by my hon. friend from the evidence taken before that committee, that the liquor was used for potable purposes, this government will take the responsibility and not before.

Mr. MEIGHEN: This government has the responsibility now. We have the evidence of Mr. George.

Mr. CANNON: Not a word of evidence.

Mr. MEIGHEN: We can easily adduce the evidence. Now the minister says, "This was not good liquor". And he produces a letter from the Quebec Liquor Commission addressed to Mr. Bureau written sometime in January, 1925. I listened in this House yesterday to the hon. member for North Vancouver seeking to upbraid the member for Vancouver Centre for not having proved explicitly that a certain number of files were taken from the department and destroyed. I remember the hon. member for Vancouver Centre making a statement to that effect in his speech on February 2, and I remember the minister saying that what was referred to was just the personal correspondence of Mr. Bureau and that he took such correspondence away. I think it was eight wooden boxes that he took to his home in Three Rivers. It was stated they were his personal property, not public property at all, that they were not destroyed, that they were at his home in Three Rivers, and that he was able to get whatever he had asked for up to that date. The first evidence we have of what is in that correspondence which Mr. Bureau took and still has is this letter of January 25. Will hon. members look at the letter and tell me if they see anything personal about it. If it is "personal" and "private", why is it introduced in the debate? Why, may I ask, was it not adduced in evidence? The first evidence we have of the contents is that these papers constitute documents which are the property of the people of Canada. The former minister takes the position: I will keep these eight wooden boxes here. If I can find in them anything that will help me or the government I will give that to the Minister of Customs, but the rest I will keep as my property and nobody will know anything about it. That is the position of the eight wooden boxes. If that does not amount to destruction as regards the people of Canada,

I would like to know what it is. It is worse than destruction; it enables the party who suppresses them, to use what he likes out of them and to refuse to the country the right to use the rest or any part.

I would not refer to the eight wooden boxes any more if I were a friend of the Hon. Jacques Bureau so far as this investigation goes. This letter says that the Quebec Liquor Commission have examined this liquor and it is not as good as what they buy from Canadian distilleries, although the evidence which was given at the inquiry, and which alone we are allowed to work on, declared it to be exactly the same as the liquor which the Quebec Liquor Commission had bought and on which it paid revenue tax. I can understand the minister selling liquor as denatured alcohol if it is unfitted for use as potable liquor to a private individual who does not pay anything in the way of revenue tax; but if the minister has something which can possibly be sold for use as potable liquor, it is his duty so to sell it because in that way he gets revenue for the country which he is sworn to serve. If the minister could have got a nickel for the liquor from the commission it was his duty to get it, because if the liquor was sold to that commission the revenue tax would be paid.

The only meaning of this letter is this: While they claim, although it is against the evidence, that the liquor is not as good as what they bought themselves, they would have bought it but at a very low price. If they bought it for a cent, the revenue would be paid, the $160,000 would come to this country. But the minister preferred to dispose of it to a political associate and the country lost the $160,000, although we were led to believe by the minister himself in his first speech in this House that this money was still to come into the treasury of Canada.

I want to come to the Moses Aziz case and I shall dwell on this with a little more thoroughness.

Mr. BOIVIN: I hope the right hon. gentleman will be more successful.

Mr. MEIGHEN: I hope I shall be as successful as I was on the last. The minister's success in this House appears to be in such clashing, violent contradiction of himself as has never been witnessed before in parliament and never witnessed before in the case of a minister of his ability. Ask him to put one sentence of his speech of February 2 against any sentence of his speech of the day before yesterday and make them harmonize. Ask him in the Aziz case to put any sentence of his evidence beside his sentences in this House the day before yesterday and make them harmonize. The minister has indulged in the practice which the Prime Minister illustrated this afternoon of reserving for the committee such evidence as he thought he could safely give when subject to cross-examination and then coming to this House with the remainder and telling it here where he knows no cross-examination can take place. The minister sought to justify his course in relation to Moses Aziz by the assertion that he had not acceded to the request of the hon. member for Gloucester (Mr. Robichaud).

It becomes us at this point to inquire what was the nature of the appeal made by the hon. member for Gloucester. Hon. members know it, but its exact terms had perhaps better be on record.

> Will you please consult with Hon. Mr. Lapointe about the proceedings instituted against Mr. A. M. Aziz, Caraquet, for violation of the Revenue Act. I attach the greatest importance to this affair, since in the actual circumstances I need the help of all my friends.
>
> The Hon. Mr. Lapointe will give you all the necessary information. Mr. Aziz is of the highest help for us during this campaign, and we cannot do without his services.
>
> With assurance of my highest consideration.

The appeal was this, that Moses Aziz, convicted for a second time on the prosecution of this government, convicted for the third time altogether of being a bootlegger and a violater on a wholesale scale of the revenue laws of Canada, having been convicted and sentenced, should be kept out of gaol because he was necessary to the hon. member for Gloucester in the election then ensuing; that he was a precious help; that the hon. member could not do without his services. This was the appeal of the hon. member for Gloucester. It was characterized yesterday by his political associate the hon. member for North Vancouver—and I would not ask that a more severe characterization be applied—as such a letter that no man who had any sense of public honour could write and that the self-respect of the hon. member for North Vancouver was such that he would not attempt to defend it.

It follows that if an appeal of this dishonourable character was made to a minister, and that appeal was acceded to by the minister, the offence of the minister was greater than the offence of the appellant. The duties of the minister are higher; his responsibilities to the whole public are higher and more direct. If the minister acceded to that appeal his offence was worse than the offence of the hon. member for Gloucester. Did the min-

ister accede to the appeal or did he not? I put that question in the mind of all hon. members. It is always better in these matters to get down to evidence, facts and details. Let us try to understand the matter. I want now the best friend the minister has in this House to answer me when I put the question again: Did the minister accede to that dishonourable appeal or did he not? Every hon. member and none better than the minister himself knows that he did accede to that appeal, not only acceded to it at the time, but persisted in his compliance with that appeal over a space of many months.

When the hon. member for Winnipeg North Centre (Mr. Woodsworth) asked the minister: Had you, at the time you answered the appeal of Mr. Robichaud, read Mr. Robichaud's letter? Mr. Robichaud's letter is dated the 21st September; the answer is dated the 28th or 29th September. The minister said that he either dictated the answer or it was ready there dictated for him when he went in. He answered the hon. member for Winnipeg North Centre with the statement that he had not read the letter and that it had not been read to him. He went on to explain that he came to his office, found a large number of letters, about 150, with the answers there ready for him to sign. When he came to this he asked his secretary about the subject and his secretary said that it was an appeal from Mr. Robichaud to withhold the issuing of a summons for Moses Aziz. He asked the secretary whether Moses Aziz had been convicted. The secretary said yes. He asked him what the reason was and the secretary said that there was to be a revaluation and there was not. Then he asked him if he had power to withhold the execution of the warrant and he was told yes. Thereupon he said: Withhold it.

Speaking last night the hon. member for Winnipeg North Centre said that he was very much impressed by this reply. Perhaps it animated him to move this subamendment. If the hon. member for Winnipeg North Centre would associate less with those who are vitally concerned with the result of this verdict and read the evidence itself, read the former speeches of the minister, he would not be quite so much impressed with a reply of this kind. I want to point the hon. member for Winnipeg North Centre to at least three answers of the minister in the evidence, when he was under oath. I believe, that he had seen that letter of Mr. Robichaud. After I have done that, I will point to something else; but before I do this, let me put a thought in the minds of hon. members. Do they think that any private secretary should be retained for five minutes who would permit a minister to sign an answer to a letter of that kind without knowing its contents? A minister's duties are multifarious, as I ought to know; I have had charge myself of as many as three and four departments at a time. But I know, as the minister knows, that no letter of that character would ever be answered by any minister or any minister's secretary without its contents being known, and if the secretary permitted an answer to be made under such circumstances he has no business to be in the service one hour longer. Had the minister denied when giving his evidence having seen the letter or having been told about it by his secretary, then the secretary could have been called, and if he was delinquent the public of Canada who pay him would know it. But the minister reserves that assertion for parliament, at a time when he knows the secretary cannot be called nor he himself be subjected to cross-examination. The minister in his address the day before yesterday said in reference to this point, as will be found at page 4838 of Hansard:

> Now what are the facts? Why did the minister, even at that late date, consider it advisable to hear the member representing the constituency before this man was sent to jail? There were several reasons. A letter from Mr. Stewart, the customs preventive officer at that point, which unfortunately was not filed, but which I have here, shows that Moses Aziz had turned king's evidence and had convicted his own brother and another person of smuggling.

The minister says that the reason he gave that answer and authorized his deputy to wire to Mr. Stewart, telling Mr. Stewart to see the magistrate and make sure that the warrant was not executed, was that he had a letter from Mr. Stewart stating that Moses Aziz had been tried in another case and had given King's evidence against his own brother, and that he had been given a vague promise by Mr. Stewart that he would be tried summarily and not on an indictable offence. This was one reason, and I ask hon. members to reflect that, to know of such reason, the minister must have examined the contents of Mr. Stewart's letter. And it is reasonable to assume that he would inquire into the contents of Mr. Stewart's letter and not acquaint himself with the contents of a letter upon the basis of which he was to take action? There is another reason also. I quote again:

> That is one point.

This illustrates the mathematical definition that a point has no dimensions.

> The next point is this: there is an assertion in the record, it is read into the record in a letter from Mr. Veniot, that the smuggling operation complained of

took place before the twenty-seventh day of June, 1925, the date upon which the new law was adopted. Previous to that date no jail punishment was obligatory, and the smuggling in this case had actually taken place before the new law went into force.

The minister must have known of the contents of Mr. Veniot's letter in which Mr. Veniot contended that there was an extenuating circumstance that Aziz had the liquor before the new law of 1925 went into effect. The minister proceeds to refer to the claim for revaluation:

The law, however, provides for imprisonment for a term of one year, and he was sentenced to three months' imprisonment only. The judge therefore must himself have made a mistake.

I admit that up to the point we have reached it is possible, though very highly improbable—so highly improbable that I do not think the minister should ask us to accept the suggestion—that he would make these inquiries in order to find reasons for acceding to the appeal of his fellow member from Gloucester without knowing what was contained in the letter which that member had written. It is hardly likely that he would inquire into all these other matters which, as he says, he had in mind and not inquire into the reasons given by the member himself. It is exceedingly improbable that he would not read the letter or have it read to him. I stop here to make a few comments on these reasons advanced by the minister. The first is that there was evidence in a letter from Mr. Stewart that Aziz, because he had turned king's evidence in another case, was given a vague promise that he would be tried summarily and not on an indictable offence. The House will be surprised when I tell them that Aziz was tried on summary trial and not on an indictable offence. He was never tried on an indictable offence and the minister knows it.

Mr. CANNON: My hon. friend knows that under the criminal law a man may be tried for an indictable offence and elect to have a summary trial.

Mr. MEIGHEN: Yes, but will the hon. gentleman read the charge in this case? Has he read it?

Mr. CANNON: The nature of the offence makes no difference. Whether the trial will be summary or whether the accused will be prosecuted on an indictable offence is a matter that is left to his option.

Mr. MEIGHEN: The nature of the offence makes no difference whether it is indictable or summary? What does make a difference?

Mr. CANNON: A man may be tried for an indictable offence any day and have a summary trial.

Mr. MEIGHEN: Let the hon. gentleman read the offence in this case. He will find it in the evidence at page 1316. He will see that the man was tried under section 219 of the Customs Act and convicted of a summary offence. He was not tried on an indictable offence; he appeared before a magistrate. Consequently that reason wholly falls to the ground. The next reason is that there was an appeal from Mr. Veniot on the ground that the man had liquor in his possession before the new act was passed under which we are led to understand that he was tried. But I inform the House now that Aziz was not tried under anything new in the act at all; he was tried and convicted of an offence which has been in the law for decades. Again, therefore, the reason advanced by the minister falls, as appears on the record. But the House knows, just as the minister does, that even if all these circumstances existed as they have been described they were open to Aziz in his own defence. These were matters he should have pleaded; but he pleaded nothing. The fact is that with these things before him the minister must have known that there was nothing in these allegations. And he did know it; for later on, when he had nothing more before him other than he had on September 28, he said there was no reason for interference.

Now I come to the minister's evidence. In three places he states on oath that he actually had seen the letter, and although he does not swear that he read it the clear inference open to the committee was that he had read it. Surely he would not say that he had seen the letter and wish to convey the impression that he had not read it. The committee would have a right to assume, as beyond any doubt it did assume, that the minister did read the letter.

Mr. STEWART (Leeds): If he had not read it he should have said so.

Mr. MEIGHEN: Certainly, if that was his defence. But I will show that the minister's defence before the committee was wholly different from the defence he made in this House, both in manner and as to the facts he sought to establish. He took an entirely different position.

Mr. BOIVIN: I am very sorry that I did not know at that time that the committee would attach so much importance to that letter. Had I known that I would have followed

before the committee the same line of defence I adopted here, after becoming acquainted with the facts.

Mr. MEIGHEN: Surely the minister knew what importance the committee attached to the letter. It was made clear enough to him in the questions he was asked. Does he stand here now and suggest that he did not appreciate the importance of a communication of that kind? Can any hon. member conceive for a moment that the committee would not attach the utmost importance to a letter which the miniser had received and which is described by one of his colleagues as stamping the writer with dishonour and something no self-respecting man would defend? Of course the minister fully understood the importance of the letter. It was impressed upon him by the questions which were put to him by the hon. member for West Calgary (Mr. Bennett).

An hon. MEMBER: He was under oath.

Mr. MEIGHEN: Yes, he was under oath. And what is more, the defence he assumed before the committee was wholly inconsistent with what he said in this House the day before yesterday. The two could not possibly be harmonized. I want to come, though, to what the minister stated in evidence. Hon. gentlemen will find it in many places, but chiefly at pages—

Mr. BOIVIN: Pages 1406 to 1413.

Mr. MEIGHEN: I thank the hon. minister. I read first at page 1407. He uttered two sentences before he used the following words:

If the committee will look two pages further down in the same evidence they will find that I took good care to say, before leaving the box, that I did not want to mislead the committee—

Evidently the minister had been in the box before.

—that I had been in Ottawa on two or three occasions to attend council meetings, and when here had gone to the office and attended to some routine matters. The 29th September, or 28th and 29th September was evidently one of those occasions. I remember very well having seen a telegram or a letter of the 21st September which was on my desk when I arrived.

How does the minister say he was right in stating that to the committee if he had not read that letter? Everybody would assume from that answer that he had read the letter. Then he goes on:

I might say I was at the office only in the evening. My private secretary, Mr. Ide, was there with me, assisting me to clean up correspondence, and when I saw the letter of September 21, without taking the time to go through the file, I was informed by Mr. Ide in a previous message sent by the—

[Mr. Boivin.]

and so on. Twice there he states he saw it. I turn to the next page, 1408:

Q. The fact is Moses Aziz has not yet been imprisoned?—A. No, he has not.

Q. And so far as the records show he has not been imprisoned because of the intervention of the Minister of Customs and Excise?—A. Well, I would not like to admit that the intervention of the minister was the sole cause of his not being imprisoned.

Now I ask hon. members to listen to this:

Q. It is the causa or causan, speaking as a lawyer,—

said Mr. Bennett.

—of his not being imprisoned?—A. Possibly. I am sure the committee will appreciate—

said the hon. minister:

—that seeing this letter as I did on the 28th or 29th of September, having just entered into my duties and not knowing the rules and regulations, I was asked to consult the Hon. Mr. Lapointe who was not in Ottawa at the time, and whom I could not consult.

Now, the hon. gentleman will remember that in the body of that letter he was asked to consult the Hon. Mr. Lapointe, and he explains that he did not see him, because Mr. Lapointe at the time was out of town. So far I have quoted from the minister's evidence, but now I want to direct the attention of hon. gentlemen to what the minister himself said in this House before the question of the hon. member for Winnipeg North Centre (Mr. Woodsworth) was posed. I ask hon. members to look at page 4837 of Hansard containing the speech of the minister delivered the day before yesterday, and I direct special attention to this because the minister knows this address was revised by himself, and very rightly so. I read:

Sitting at my desk in Ottawa, on or about September 28, I was approached by my secretary who had several hundred letters to dispose of—the accumulation of a month. He was trying as rapidly as possible to deal with them, and reading this one to me he remarked, "This is a request from Mr. Robichaud—"

and so on. The minister in his own speech before the question was put declared to this House that that letter was read to him by his secretary before it was answered, and previously three times in three sentences in his evidence he declared that he had seen the letter which asked him to consult with Mr. Lapointe. I wonder if this impresses the hon. member for Winnipeg North Centre. Are we to hear now the minister say he did not see it or read it, that he had not it read to him, that he did not know its contents when he made and directed that reply, in face of the fact that three times on oath he swore he saw it, again in his speech he said it was read to him, and in face of the further fact that the reasons given in this House for acceding to the request were reasons which involved considerable inquiry on the part of the minister,

inquiry which it is certainly not reasonable to assume he would undertake without making inquiry into the contents of the letter itself. I lay these matters before hon. members, and I venture to say that all who will read this evidence will never accuse me of having presented unfairly the position of the minister.

Now he says: I was justified in directing that despatch and in writing my reply of September 28 or 29. I ask hon. gentlemen to keep closely in mind what that reply was. The minister said: I did not stop this man going to jail. I had to order him to jail—that is the only inference; I am not putting it in his own words, I admit—under the custom of New Brunswick, unless the private prosecutor interferes and sees that a warrant of commitment is issued after sentence, the warrant will not be issued; "That," he says, "is the custom in New Brunswick; I did not keep him out, all I did was to say to Mr. Stewart, 'Don't interest yourself to see the warrant is issued'." The fact is that is not what the minister did at all. The minister directed Mr. Stewart to go to the magistrate and see that the warrant was not issued.

Mr. BOIVIN: I never communicated with Mr. Stewart at all.

Mr. MEIGHEN: No, but he directed his chief preventive officer to do it.

Mr. BOIVIN: He did not.

Mr. MEIGHEN: He swore it in evidence.

Mr. BOIVIN: I never spoke to Mr. Wilson until a long time after the Moses Aziz matter came before me, when I instructed him to send a message and have Moses Aziz incarcerated. You will find the instructions given through Mr. Blair, or through the chief preventive officer.

Mr. MEIGHEN: I do not know how many intermediaries there were, but I know that what was sent was sent by the direction of the minister, according to the evidence. The number of intermediaries is for the minister to explain, I do not know how many there were.

Mr. BOIVIN: The minister had only been in his office a few days and did not know the method of procedure.

Mr. MEIGHEN: Very well. This is what is shown in the evidence to have been his instructions. If the minister will stop to look, I think he will find he himself said a telegram was sent at his request or direction. I am satisfied the minister will find that to be the case. Certainly it is shown by other evidence that it was sent at his direction, and the telegram was to the effect that the minister desired to make further investigation before the warrant was issued, and that Stewart was instructed to go to the magistrate and see that the warrant was not issued. But I ask hon. members, I put it to the minister: Does he think at this hour that he has any right to intervene after sentence is pronounced by a court of justice?

Mr. BOIVIN: It all depends on the merits of the case.

Mr. MEIGHEN: Who tries the merits, the minister or the judge?

Mr. BOIVIN: My right hon. friend has asked me a question. He asks me now if I am under the impression that I have a right to intervene between the condemnation of an accused and the execution of the sentence. I say that it may not be expedient for a minister to intervene, but that under the law as it stands to-day and in the opinion of the Deputy Minister of Justice as embodied in my speech the assertion is made that the minister has the right to issue a warrant of commitment or to not issue it as he sees fit.

Mr. MEIGHEN: After hearing the minister now I feel like saying that reprehensible as was his conduct in relation to both the barge Tremblay and Moses Aziz, I would rather be guilty of it than of certain statements the minister has made in this House. Does the minister stand before his fellow lawyers in this House, before a layman or before anyone and say that after conviction he has the right to interfere? Imagine him doing so! The law of the land is there; the man was convicted under a Dominion statute, and not under any provincial law. Are hon. members of this House to accept the assumption of the minister that after the merits of a case are tried before a judge there is still jurisdiction in the minister to prevent execution of the sentence? Is British law in that condition? Will the minister repeat that he believes in his heart that he had the slightest right, after the judge gave his judgment in the case, to step in between that sentence and the prisoner?

Mr. CANNON: Certainly he had.

At six o'clock the House took recess.

## After Recess

The House resumed at eight o'clock.

Mr. MEIGHEN: The last words the House was treated to as it rose at six o'clock were an assertion by the Solicitor General, concurred in by the Minister of Customs, that

that minister had the right, under the law of Canada, to step in between a sentence and its execution. It is one of the sad features of this House that hon. members can be found who will make assertions of law of that character. The law is written in the Criminal Code, its provisions are there; the duty of the magistrate is there. Surely it is the common knowledge of every British subject that whatever may be the rights of a prosecutor, and they are very limited, up to the time of a conviction, the moment the conviction takes place those rights, whatever they are, are closed, and the prisoner is in the hands of the court, subject to no jurisdiction but the jurisdiction of the court. If it is to be assumed that the Department of Customs has control and discretion—and it has in very large degree—during the progress of the prosecution, but that after the merits are tried, the verdict given and the sentence pronounced, it still has control, then I ask what are our courts of justice more than mere machinery of government departments? The minister said just before six, and these words are in line with what he said in his speech of the day before yesterday, that under the law as it stands to-day and in the opinion of the Deputy Minister of Justice as embodied in his speech, the minister has the right to issue a warrant of commitment or not to issue it as he sees fit. As I said before, it is really something of a shock to hear a minister of the crown—yea even a member of parliament—make an assertion of that sort. The minister issue a warrant of commitment? He never issues a warrant of commitment. It is the magistrate who issues the warrant of commitment, and the magistrate's duty to issue it is imperative and final, subject to the intervention of none whatever save a higher court. Aziz might have appealed to a higher court had he wished; but if he does not, no department of this government and no minister of the crown, has the right to sit in appeal over a judge and pass judgment on the merits of the sentence, or as to whether it is right or wrong.

I have before me the form of the conviction and the form of the commitment. I do not wish to labour the record with too much in the way of quotations, but if hon. members will look at Crankshaw's Criminal Code, fifth edition, at pages 1286 and 1287, they will see what the duty of a magistrate is, and will see very clearly that no one can intervene between the magistrate after sentence and the prisoner himself. Now an attempt was made—

[Mr. Meighen.]

Mr. CANNON: Will my hon. friend allow me a question? As I said this afternoon, it is probable that I may follow the right hon. gentleman, so in order to understand one thing may I put this question: Is it not a fact that the Criminal Code also has a clause to the effect that after sentence the Minister of Justice can interfere?

Mr. MEIGHEN: The Minister of Justice can recommend parole or clemency to His Excellency as to imprisonment or as to fine, undoubtedly. There is a jurisdiction in clemency in His Excellency the Governor General, but that duty he never can depute to anybody. Here was a case where an attempt was made not only to get the Minister of Customs to interfere, but to interfere even before the man went to gaol; and so great was the confidence of the friends of Aziz—this "precious help in the election"—that they believed they could get the man out of gaol before he got in, by intervention of the Minister of Justice. Do not let anybody be confused. The question is as to the right of a minister of the crown, or of anybody at all, to step in and pervert a court of justice after the prosecution has wholly passed out of his hands and rests in a court of law. I do not think I need labour the subject more in order to convince any member of this House; but I want to say a few more words in order to put the Minister of Customs in the position he is bound to occupy in relation to this matter.

He states that he produced an opinion of the Deputy Minister of Justice to the effect that he had a right to interfere after sentence was pronounced. I beg all hon. members—I do not need to say this to lawyers; every lawyer knows that no deputy minister of justice can sign any such thing—but I beg all others to read, and read carefully, what the Minister of Customs read from the Deputy Minister of Justice. I have it before me and I am afraid I will have to burden the record by reading it again. I ask hon. members to watch carefully and see if the Deputy Minister of Justice says one single word, expresses one single thought, on the subject of jurisdiction after conviction. I ask hon. members to follow the reading and they will find what the Deputy Minister of Justice says is that in the conduct of the prosecution—under the law it can be done, and as a matter of convenience it is done—instead of the Department of Justice conducting a prosecution it could be conducted by the Department of Customs. That is what the Deputy Minister of Justice says. He shows that under the

law that could be done, so that whatever could have been done by the Department of Justice in conducting a prosecution can be done by the Minister of Customs. That is quite true, but neither the Deputy Minister of Justice nor anyone acting under him can step over the threshold of the conviction and stand between a prisoner and his sentence. Now I read this memorandum which the minister would like hon. members to confuse with the opinion that he had the right to do that act.

Referring to your inquiry as to the practice in the handling of customs and excise prosecutions—

Hon. gentlemen will note that:

I may say that there is a custom of long standing whereby the instructions to legal agents of this department or to the Royal Canadian Mounted Police in certain classes of cases are given direct by the department whose minister is charged with the administration of the particular statute under which the proceedings are being taken.

The conduct of the prosecution is given to the department whose minister is charged with the particular work in respect of which there is an infringement: The memorandum proceeds:

The classes of cases referred to are principally prosecutions under the Customs and Excise Act, the Income War Tax Act, the Opium and Narcotic Drug Act, the Food and Drugs Act and other statutes relating to health and agriculture. The reason for this practice, which has had the approval of successive ministers of justice, is that in the large majority of cases belonging to any particular one of these classes the points of law and the other considerations which arise are similar, and do not require to be specially considered by this department in each case. In order to keep the business in connection with these prosecutions running smoothly it is essential that the procedure should be so far as possible free from red tape. The practice referred to eliminates a great deal of unecessary correspondence between the departments concerned, resulting in a saving of time, labour and expense in the handling of this work.

So far as the customs and excise cases are concerned, the practice seems to be not inconsistent with the desires of parliament for at least two reasons, first because the administration of the Customs and Excise Act is given to the Minister of Customs, and secondly, because it is provided by section 266 of the Customs Act that:

"All penalties and forfeitures imposed by this act, or by any other act relating to the customs or to trade or navigation shall, unless other provisions are made for the recovery thereof, be sued for, prosecuted and recovered with costs by His Majesty's Attorney General of Canada, or in the name or names of the Commissioner of Customs, or any officer or officers of the customs, or other person or persons thereunto authorized by the Governor in Council either expressly or by general regulation or order, and by no other person."

Under the practice the proceedings are taken in the name of the Attorney General of Canada, but they are instituted upon instructions from the Department of Customs and Excise, and are carried on, adjourned, discontinued, abandoned or pressed to a conclusion as that department may direct.

There is the end of the whole opinion. Of course the Minister of Customs knows that the direction of prosecution, instead of being in the hands of the Attorney General, is only in his name, and it is in the hands of the Department of Customs—the direction of the prosecution to a conclusion. But once it is concluded his jurisdiction ends. To intimate to this House that after a conclusion is reached the minister could stop a warrant of commitment is a suggestion which does no credit to the minister and is something which should shock the conscience of parliament.

Now I turn to the minister's contention that the reason he did this was that he had the right to do so. I have argued, and I think shown conclusively, that he had not, that no deputy minister of justice or any other minister ever gave him such an opinion—and I may say parenthetically that, labouring as hon. members have to get an opinion, if they could have got such a statement from the deputy minister of justice they would have had it. They would be here in parliament with it. They might have brought it even to the committee, but they could not get it, so they produce just a long harangue in order to confuse the members of the House.

I now proceed to show that the minister knew he did not have the right, not only on the 28th and 29th October, but that he knew it ever since. He stands here and gives his reasons. Why did he not give these reasons when examined by the hon. member for West Calgary (Mr. Bennett), the hon. member for Peace River (Mr. Kennedy) and the hon. member for West Hamilton (Mr. Bell)? I ask hon. members to ponder again and ask themselves why he did not give these reasons then. Did he believe he could stand cross-examination? If he did so believe, would he not have given the evidence? He sought to intimate this afternoon that the reason was that he did not know the committee regarded seriously this letter from Mr. Robichaud. What has that to do with the question? Nothing in the world. I now affirm and stand prepared to prove that the minister swore in evidence that he had no right at all to issue that retardation of the order of commitment, no right at all to interfere with that sentence, and not only that he had no such right, but that he knew so from the beginning—knew so at the time he gave his evidence. This is the minister who stands now before the House and says he had the right. If hon. gentlemen will turn to page 1408 of the evidence they will find verbatim the letter of Mr. Robichaud. They will also find verbatim a telegram sent at the request

of the minister to Mr. Stewart, their officer, which telegram reads as follows:

Am directed to request you to stay execution of warrant of commitment against Moses Aziz pending further investigation. Arrange with magistrate accordingly.

Now we proceed a little further and we get to the evidence of the hon. the Minister of Customs. He said something about taking the place of the acting minister and being responsible alone. The evidence reads:

Q. That may be, although it seems that there is a difference between staying proceedings against a man, that is holding up prosecution, and interfering with commitment after sentence has been pronounced.

A. I am quite willing to admit that. I admit I did not understand this case very thoroughly, as I did not think it was within the power of a minister to stay proceedings on a warrant of commitment.

I will undertake to give six definite and distinct repudiations on the part of the minister of his right to interfere with that warrant. On the next page the examination proceeds:

Q. The question is still open, and I think you from the files satisfied yourself that the man should go to jail, but you held it up until Mr. Robichaud came to see you, and still the man is walking the streets and defying the laws of the country.

A. I want to be fair to Mr. Robichaud and I want the committee to be fair with me. I wanted to keep the promise with Mr. Robichaud, but I am willing to admit there may have been negligence on my part in not bringing Mr. Robichaud to my office. I want the committee to realize that since parliament opened the Minister of Customs has been exceedingly busy.

That is preliminary only. The examination proceeds:

Q. Why not issue the writ of commitment now?

A. I will be very glad to after I have heard Mr. Robichaud. If he has nothing further to say, there is no reason why it should not be issued.

The only reason he ever gave was that he had the right. Then the next question reads:

Q. What right have you to interpose yourself between a warrant issued by the court and its execution?

A. I do not pretend to have that right, but whether right or not I promised Mr. Robichaud I would hear him before I withdrew the order.

Mr. CANNON: If I understand the question aright, it is: What right have you to interfere between a warrant of commitment and its execution? Is that not correct?

Mr. MEIGHEN: The minister will not rise again after I have read a few more answers. The question was whether he had a right to interfere when he did interfere, and he admitted that he had no such right. I continue:

Q. Surely, you realize this, that you are a minister, and have your duties to perform as Minister of Customs and Excise?

A. I do not think for a moment I have a right to withhold it.

[Mr. Meighen.]

To withhold it merely. Will the minister rise now? He had no right to withhold the warrant, although the telegram was to withhold it.

Mr. BOIVIN: I shall be very glad to rise and reply to my right hon. friend if he will permit me.

Mr. MEIGHEN: He will be sorry.

Mr. BOIVIN: Perhaps not so sorry after all. What I said under oath in my evidence was the absolute truth. When the contents of that letter were communciated to me I did not think I had the right to withhold the warrant, and when I came before the committee I was not convinced that I had that right. What I said in my address in this House and what I might have said before the committee, although I will not assert that I did, is that I called in the senior officer of the department and asked him if I had the right, and he told me I had. There is a difference between what an officer tells you and what you think. My experience is in the courts of Quebec, where it is not necessary for a private prosecutor to apply for a warrant of commitment.

Mr. MEIGHEN: Nor anywhere else, and no one knows that better than the minister. The criminal law is the criminal law of Canada.

Mr. BOIVIN: Will my right hon. friend allow me one question?

Mr. MEIGHEN: He is making a lot of the speech.

Mr. BOIVIN: If the criminal law is the criminal law of Canada, will my right hon. friend tell me why a man who was sentenced on the 18th day of August had not been incarcerated when I first became aware of the case on the 28th September?

Mr. MEIGHEN: I will give a good surmise—because for that length of time the influence of the hon. member for Gloucester (Mr. Robichaud) was sufficient in itself, but as he could not succeed any longer, he called for the assistance of the Minister of Customs and he got it. Whether that was the whole reason or not I do not know. Am I called upon to answer why a peace officer in New Brunswick does not do his duty? The magistrate has since retired. Hon. gentlemen know the circumstances in the province at that time and they can surmise the reasons themselves. Read the letter of the then Premier of New Brunswick, Mr. Veniot, and perhaps that will give some idea of how justice was

administered under him in that province. The fact is that the magistrate delayed the warrant; the fact is that the magistrate was ordered by the minister further to delay it, without any shadow of right and when the minister knew he had no shadow of right.

Mr. BOIVIN: Once again I emphatically deny, as I have a right to do, that I ever communicated with the magistrate or with the peace officer in New Brunswick.

Mr. MEIGHEN: I will read where the minister said that the telegram was sent to him at the "request" of the minister.

Mr. BOIVIN: I said to send a telegram.

Mr. MEIGHEN: To send a telegram to withhold the commitment and to see that the magistrate was approached with a view to making sure that the warrant was not issued.

Mr. BOIVIN: The minister did not sign that telegram.

Mr. MEIGHEN: No, he did not sign it, but the minister ordered it and that was the telegram that was sent. That shows that the officers of the department knew that they had to interfere with that magistrate or the warrant would issue. The telegram is signed by Mr. Wilson. I will ask hon. members to remember that only half a minute or a minute ago the minister said that at the time he gave his evidence he still was not convinced that he had that right. I should like hon. members to remember that answer as I proceed to read this evidence:

Q. Surely, you realize this, that you are a minister, and have your duties to perform as Minister of Customs and Excise.

A. I do not think for a moment I have a right to withhold it. I stated very clearly in my letter that I think the man should go to jail. I said that on the 28th of September or the 29th.

Right at the time the letter was written and the telegram sent, he declares that he said then that the man ought to go to gaol. Do hon. members have any doubt in their minds why that man did not go to gaol? Let us go on:

Q. Mr. Boivin, you are exceeding your power?

A. I do not believe the minister has the right to withhold execution of a warrant.

This will be very interesting to the Solicitor General who a minute ago was clinging to the straw that the warrant was perhaps somewhere on the road and had not been executed on the person of the man.

Mr. CANNON: If the minister said that he was wrong.

Mr. MEIGHEN: I would think so, but I thought that was in the mind of the Solicitor General:

Q. Mr. Boivin, you are exceeding your power?

A. I do not believe the minister has the right to withhold execution of a warrant but the bald fact remains that I promised Mr. Robichaud that before I took action I would hear him. Surely there is no harm in hearing him.

This is reminiscent of the speech in the House. One would think the minister was being charged with hearing or making an appointment with a member of parliament. Certainly there is no harm in hearing a member, but there is harm in stepping in beyond the jurisdiction of the minister, perverting and prostituting the courts of justice, waiting till the member appears to be heard. Let us go on:

Q. Mr. Boivin, your position is a very unhappy one. —A. It is very unhappy.

Q. You are placing yourself in between a sentence of the court of this land and the execution of the sentence and you are doing it for one reason, and that is that an individual member of the House has asked that you do so. That is a very serious position for any minister to take, and I say now, this is something which you have no right to do as minister. —A. I do not pretend that I have, and I have made the statement three times.

Impatient that he should have to make it again. Still he went on and made it:

Q. He has been doing it—

That is Aziz.

—since the 18th of August and you are preventing the application of a just sentence because of your interference. You admit now you have no right as minister to interfere. I say to you, in the face of these facts, should not the writ of commitment be issued at once?—A. I think it should. I do not think it ever should have been withheld.

Q. I must admit I cannot understand the persistent delay. It is pretty serious.—A. I still state that I do not think that the telegram sent in my name or at my request, to the officer of the court was worth the paper it was written on.

I pause there just to call the attention of the minister to the fact that he had been seeking to convey the impression by interruption of my speech that he did not send or intend any message to go to the magistrate. Here in his evidence it is clear that he was under the impression that the message went directly to the magistrate.

Mr. BOIVIN: Not at all.

Mr. MEIGHEN: Or to an officer of the court, which is the same thing.

Mr. BOIVIN: There is a great deal of difference.

Mr. MEIGHEN: The minister's conduct would be excusable if he sent a telegram to

the officer of the court, but wrong if he sent it to the magistrate. One is impatient and cannot bear delay over a suggestion of that sort. The minister swore in this evidence that he did not think the telegram to the officer of the court was worth the paper it was written on. On the next page we have this evidence:

Q. Speaking to you as one professional man to another you realize as minister of the crown, of Customs and Excise, that you have not the right to arrogate to yourself, the power of His Excellency, the Governor General to change or deal with the findings of a court. You say, you propose to further exercise these powers, and you think you have that right, but I cannot understand it, or cannot understand your mental process.—A. But Mr. Bennett, I do not say that, I do not say that.

Q. I am sorry, Mr. Boivin, I followed you with great care.—A. I realize, Mr. Bennett, you are a very, very able attorney. I realize that. I state as one professional man to another, or as a minister of the crown, that I never thought at any time I had a right to withhold the execution of the sentence. I have made that clear very, very many times. When the original order was given to withhold the sentence, it was given without thought and without consideration on my part, and when I was only in the office as minister for about eight hours.

If the minister had been a layman one might possibly excuse an error of that kind, he having come to his office very recently, but one could never excuse it even in a layman after the statement the minister has made in the House as contrasted with the evidence he gave before that committee. But the minister is no layman. He knows that the criminal law passed by this parliament is the law of Canada and he knows that it applies to every magistrate and judge throughout the land. He has known that for the last twenty years or quarter of a century. He has practised as crown prosecutor for years. Yet he, a skilled lawyer and a former crown prosecutor, asked a man who was not a lawyer at all whether he had the right to step in between a conviction and the sentence and keep a criminal out of gaol! What does the minister really think must be the opinion of this House as to a suggestion of that kind? If the minister went to the trouble to inquire into the contents of Stewart's letter; if he ascertained the contents of Mr. Veniot's letter; if he saw fit to take all these precautions, did he do so without knowing the reason for which the hon. member for Gloucester (Mr. Robichaud) wanted the execution of the sentence deferred?

The minister stands here, after the hearing is over, after the cross-examination is concluded and there is no opportunity for reply, and declares that he had a letter from the Minister of Justice indicating that he had a right to do what he did—a letter which does not touch the subject at all. The minister knows that the letter from the Deputy Minister of Justice has no bearing on the subject. And that is all he produces or can produce. Further, he makes that statement after he has declared several times on oath that he had not, and knew he had not that right. The letter from the member for Gloucester dated September 21 the minister says he did not read; that is the evidence he seeks to give now after the hearing is over. But even if that were true he has no right to make such a statement at this time inasmuch as it conflicts with his evidence given before the committee. The evidence there shows that he three times declared that he had seen the letter; and even in the House in his speech he admitted that the letter had been read to him by his secretary.

Now I put the question I asked at the outset. If the conduct of the member for Gloucester is, as stated by the hon. member for North Vancouver (Mr. Donaghy), dishonourable and impossible of perpetration by any man with any sense of public decency, so gross that the hon. member would not dare to defend it out of self-respect, are we to condone the conduct of the minister who accedes to such a corrupt appeal? The minister says that if we go against the government in this question it means that members of parliament can never again make appeals to the department. No member, he declares, either on this side of the House or in any other part of the chamber may dare to interview the minister again and ask for any favour. No member need go and ask that someone's fine be remitted for any reason whatever if the conduct of the minister is not condoned to-night. And hon. gentlemen who have spoken opposite have endeavoured desperately to save the minister. Desperation is written on the page of every appeal that has come from hon. gentlemen opposite, gleaming in letters of fire in every sentence uttered by the Prime Minister this afternoon. Those hon. gentlemen have sought to impress upon the House that the practice of making appeals to ministers for anything will be for ever stopped if the conduct of the Minister of Customs (Mr. Boivin) in this case is not condoned. Whoever heard before that it was wrong for any member of parliament to make an appeal to a minister of the crown, whether on this side of the House or opposite, where such an appeal is made on worthy grounds. We are here to make appeals with relation to our constituencies and our constituents in relation to any whom we consider worthy of such appeal. Any appeal on an honest ground, any bona fide argument which is

advanced in good faith is legitimate. But there are other appeals which are distinctly not legitimate. In the first place no appeal may be made to a minister of the crown unless the merits of the case warrant it; and what never can be permitted is that members of this House shall make appeals from unworthy motives, for base, selfish, and corrupt reasons. Such appeals never can be tolerated. And such is the appeal which was made by the member for Gloucester and to which the Minister of Customs acceded.

Hon. members will turn their minds at this hour to what has occurred in Great Britain in the last few years. There we have as an example to Canada a case which is eminently pertinent, where a man issued an invitation to sedition—an offence described, by the way, by the hon. member for Winnipeg North Centre (Mr. Woodsworth) as merely "criticizing a government"—through the medium of a newspaper which he happened to be temporarily editing. Prosecution was instituted by the attorney general's department of England and the case was in its hands. The discretion of that department still subsisted and would continue to subsist until conviction. And while that discretion remained with him the Attorney General of England acceded to appeals to discontinue made on behalf of the accused. What was the nature of those appeals? Were they that the accused should be released in order that some politician in his county might be helped in an election? Were they appeals based on any selfish motive whatever on the part of the appellant? Not at all. Those appeals were made on the ground that this accused had fought for his country in the war, had lost both feet, was at present a cripple maimed for life having sustained his injuries in the service of his country. For these and other reasons, not wholly though very largely similar, the Attorney General of England was moved and the course of justice was diverted. Now, compare that case with the one under review to-day. Here is a case in which, when discretion no longer remains in the hands of the minister, the direction of prosecution having passed absolutely from his control, appeals are made to pervert justice—appeals based not on any ground of personal service so far as the culprit is concerned, but on the ground that the man accused, if he is kept out of gaol, will help some other interested person to get into parliament. That is the sort of appeal to which the Minister of Customs yielded, and that is the appeal on which he is indicted to-night. Can hon. gentlemen compare the two cases? Is the parliament of England to be forever honoured throughout the world because, by reason of the temper of the people of that country, the course of justice never can be turned by any appeal unless it is shown to be in the interests of the public, while we in Canada deliberately allow it to go forth that justice in this Dominion may be perverted after judgment has been pronounced by a judge, and that a minister of the crown, for political purposes and none other, may step in and save a prisoner from the execution of sentence?

The mover of the motion for the adoption of the report, the chairman of the committee (Mr. Mercier), says that if we are not to condone this government and the minister in this case, then there must be a better education of public opinion in this country. I ask him particularly, and this House in general as well as yourself, Mr. Speaker: What is this parliament going to do to educate public opinion if to-night we release the government and release the minister from all culpability? If we condone the minister and the government we shall contribute to the education of public opinion the knowledge that justice in Canada to-day stands at the mercy of the politician, whose conduct must be condoned when he yields to corrupt appeals. That will be the measure of our contribution to the education of public opinion if we fail to censure this offence—these long series of offences.

Now I turn to the position of the government itself. I have been compelled to make these remarks because of the conduct of his defence in this House by the Minister of Customs himself. Had the minister left the case as it was after the investigation, then this speech of mine would have been wholly unnecessary.

I want now to bring home to the administration this responsibility. I ask, is the administration not responsible with the Minister of Customs? I ask hon. members again to reflect on the Campbell case in England. Was the vote of censure on the attorney general alone? Did hon. members of the government of that day in England seek to say, "Here is a mistake of the attorney general's, he made it himself; do not hold us responsible." Every man of them in the Labour government stood up and took his full responsibility for the conduct of the attorney general, and that government fell because the attorney general had dared to interfere with the course of justice. Is Canada to follow that example? What is to be the name of Canada before the world if to-night, while we have the courage to attack Mr. Giroux, an underling, while we have the courage to attack Mr. Farrow while

we have the courage to put our strong arm on the shoulder of Mr. McLaughlin, to compel these men to pay the penalty of their delinquency, we show by our vote that we have not the courage to bring home even censure to those who are responsible to this House for the administration of our affairs? Here is a document we are asked to accept, whose every word we are asked to adopt as ours, here are long series of findings that we are asked to make the findings of this House, and those findings declare that for years the Minister of Customs allowed a rapid degeneration of his department to ensue—

Mr. KING (Kootenay): The minister before him.

Mr. MEIGHEN: No, they do not say anything about "the minister before him."

An hon. MEMBER: For a good reason.

Mr. MEIGHEN: Perhaps so. I am now dealing with the report as it stands. That report says that the degeneration in efficiency was greatly accelerated in the last few years.

Mr. KING (Kootenay): Yes.

Mr. MEIGHEN: Not since the minister was sick, but "in the last few years." Hon. gentlemen cannot put less than three for those years of rapid degeneration. That minister is declared to have failed to appreciate the duties of his office altogether and he is further declared to have directed his officers to make reports and recommendations to him, repugnant upon the recited facts, in order that he might do something which the facts did not warrant. We are asked to approve of that report, to approve of every particular, and then we are asked to find that the government itself is guiltless of the malfeasance, so described.

Mr. KING (Kootenay): May I interrupt? Does not the report also show that when the present Minister of Customs came into office he immediately started the machinery which brought about the cleaning up of the department, and that the inquiry which he instituted was the basis of this debate and the success—

Mr. MEIGHEN: It shows this, that immediately the minister got information that the member for Vancouver Centre had a resolution on the order paper, he told an officer of the department, Mr. Duncan, to proceed to Montreal to see if he could not get evidence.

Mr. KING (Kootenay): And he got it.

[Mr. Meighen.]

Mr. MEIGHEN: Yes, he got it. I wonder why he started it? That same officer had been in the employ of the department for months back and his efforts had been wholly sterile. The moment he was told to go to Montreal on the mission that proved effective, at that very moment he was informed by the minister and discussed with the minister the Stevens resolution in this House.

Mr. KING (Kootenay): No.

Mr. MEIGHEN: Does the minister say "no"? I read the evidence this afternoon, and there is no evidence to contradict it. I do not doubt that now the case is closed, and we have to accept the word of hon. members in this House, we will get evidence yet; but I am arguing this case on the testimony before the committee, and no hon. member has any right to come to any conclusion save on the testimony there adduced. And what is more, this government would not be arraigned before this parliament to-night seeking to give evidence from the floor of this House if there was evidence they dared to give before that committee.

Now there is an amendment before this House moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth)—an amendment to the amendment. The purpose of that amendment the merest tyro in parliamentary life can easily discern. In itself it is comparatively harmless. It seeks to destroy, and if it is passed will destroy, every word and sentence of the original amendment; it seeks to destroy every word and sentence which passes the judgment of this House that the conduct of the government in permitting this state of affairs to exist is indefensible, that the conduct of the minister is utterly unjustifiable in relation to the Aziz case; it seeks to eliminate this wholly, and will do so if it is passed. Then it says that you ought to amend clause 4 so as to provide for a royal commission to continue the investigation. I wonder if the hon. member ever read the report, or did he who collaborated with him to prepare this amendment ever read the report. The report itself advises the continuation of this investigation, not merely departmentally but extra-departmentally, and leaves it wholly to the government to say what form that investigation shall take. There is the body of the report. But in order to get something to put in a subamendment, in order to get a bridge upon which timid members of parliament could pass over and get away from the main amendment—in order to do that, the amendment to the amendment says: you must appoint a royal commission to continue this

investigation. And the Prime Minister stands up and says that unless we vote for this and oppose the other resolution, thus defeating the main amendment, there cannot be a continuation of the investigation. Imagine the Prime Minister of Canada suggesting such a thing to the members of this House! The investigation, if this report is adopted, must go on by order of this House. The investigation can proceed by royal commission or by any extra-departmental machinery that to the government may seem fit.

The amendment to the amendment continues:

That the following be added to clause 6:

Your committee deplores the common practice, as revealed by the evidence, of members of parliament and others appealing to the minister to relax the regulations of the department for personal advantage or political expediency.

May I ask the hon. member why he did not go on and say, "and of acceding to those appeals?" Why did he not say that? The member is very much absorbed. Do hon. gentlemen recall that the loudest assertion of his speech, that upon which he seemed to have the deepest conviction was a declaration that the most astounding fact of the whole thing was the appointment of Mr. Bureau to the Senate; that is what he denounced most. Will the hon. gentleman tell me where that is in his amendment? His amendment is a lot of eyewash, purposely eyewash, froth and foam, and he knows it. His only purpose was to—

Mr. WOODSWORTH: Mr. Speaker, as a matter of privilege—

Mr. MEIGHEN: I have the floor.

Mr. WOODSWORTH: I rise to a question of privilege.

Mr. MEIGHEN: I am accustomed to some of these privilege matters on the part of hon. gentlemen opposite.

Mr. WOODSWORTH: The right hon. gentleman undertakes to state what my purpose was in moving this amendment to the amendment.

Some hon. MEMBERS: Order.

Mr. WOODSWORTH: I assert that the purpose which I had in view was not that which the right hon. gentleman says it was. I tried last night—

An hon. MEMBER: That is not a question of privilege.

Mr. WOODSWORTH: I tried last night in the course of my address to state as clearly as I am capable of stating the reason that led me to propose this amendment to the amendment, and I submit, Mr. Speaker—

Some hon. MEMBERS: Order.

Mr. WOODSWORTH: I submit, Mr. Speaker, that it is absolutely against all the rules of this parliament for any hon. gentleman to deliberately accuse me of having in view a purpose other than that which I myself stated.

Mr. MEIGHEN: What I had stated was that this was froth and foam, mere words, and I stated that its purpose was to save the government by giving a bridge for hon. members to cross who wanted to avoid a straight vote on the amendment. Now the hon. member says I cannot attribute to him an unworthy motive. I can, but if he considers it an unworthy motive—

Mr. WOODSWORTH: Mr. Speaker—

Some hon. MEMBERS: Order.

Mr. WOODSWORTH: I was speaking a moment ago on a question of privilege, and I submit that already, in what the hon. gentleman has continued to say or attempted to continue to say, he is not repeating what he said a few moments ago. I urge that I have the right to say what my purpose was, and no man has a right to question that statement.

Some hon. MEMBERS: Order.

An hon. MEMBER: You talked last night.

Mr. SPEAKER: Order.

Mr. WOODSWORTH: I talked last night and set out my reasons, and while the hon. gentleman has always the right to say what the effect may be he has no right to say what my purpose was if that purpose is other than the one I stated.

Mr. MEIGHEN: If the hon. gentleman would prefer that instead of saying it was his purpose I should say it was its obvious, manifest and only effect, and that a child ten years of age could see it, I will put it in that form.

The last clause goes on to say that in clause 8 all the words after the word "department" in the last line be struck out and a clause inserted suggesting that Mr. Farrow, instead of being retired, should have his services dispensed with. This cannot be said to be without some effect; this does alter

the amendment in material degree. I believe I express the mind of the government as well as my own when I say it is not usually considered necessary to amend reports on grave subjects involving great principles in the mere matter of a single detail, but if it is to be done I am disposed to the view that the evidence, which I have read, justifies that treatment of Mr. Farrow. This I say with the greatest reluctance and the greatest regret. I think that is what should be done and that the evidence would justify that action more than the action recommended. If the hon. member will add this, and for that matter add the entire subamendment to the amendment which we have moved, I will support it all; eye wash does no good, but it does not hurt. This last sentence does something, and I will support it. I would willingly support the whole added to the original amendment; then the hon. member can have his way and this House will have the opportunity of voting on the question of the responsibility of the government in this matter, while if the hon. member has his way now the House will never have that opportunity. It is not, Mr. Speaker, because of objections to the wording of the amendment; not because of what the Prime Minister calls the constructive, but for what is actually the destructive feature of the subamendment, which destroys the whole purpose of this debate and makes impossible the performance of a duty by this House; it is because of that feature of the subamendment that I am compelled to oppose it. And I say to hon. members of this House that all those who want to give a vote on the position of the government and its responsibility for the degeneration of its own department and the malfeasance of its own ministers; those who want to give a vote of that kind will be compelled to vote against this subamendment, whatever its terms. All who vote for that subamendment vote, in ambush it is true, but nevertheless directly, against this House even expressing an opinion upon the conduct of this administration in relation to the facts set out in the amendment. Hon. members who want to take that responsibility should vote for the subamendment moved by the hon. member for Winnipeg North Centre.

An attack was made in this House this afternoon upon a citizen of this country, the president of the Commercial Protective Association. The Prime Minister sought to depict him as a partisan, blinded by partisan malice, and seeking only to injure the government—after having read the most flattering letters from him in the opening of the work of that association. All I rose to say is this. I remembered as the Prime Minister was speaking that I had received a request from that very gentleman not long ago to make no partizan issue of this matter at all and to keep it out of party politics. I hunted through my files in the meantime, and I now have the letter written me by that gentleman.

9 p.m.

Mr. CANNON: Will my right hon. friend permit a question? If his argument this afternoon concerning the Prime Minister was right, why did he not produce that letter before the committee instead of waiting until to-day?

Some hon. MEMBERS: Oh, oh.

Mr. MEIGHEN: After the House gets over its hilarity I will give my answer. This letter has nothing in the world to do with the subjects the committee had to deal with, but it has to do with an extraneous matter brought in by the Prime Minister, namely, motive of the president of the protective association. I hope that answer sounds to the point to the Solicitor General. Before reading this letter I want hon. gentlemen to recall that in the course of his last few ponderous sentences, with their flamboyant appeals, the Prime Minister said that if we were in earnest about this thing, about the accusation of the Minister of Customs, we would never have waited until now to bring it up; we would have done it long ago, when the facts came up. I appeal to you, Mr. Speaker; had we the right to discuss this subject while the matter was before the committee? Will any hon. member of this House suggest that we had that right, save by breaking the rules of parliament? Because we did not so break the rules the Prime Minister stands up and says we are insincere. It is true that members of the committee moved that the facts in relation to this matter be brought before the House, but the Liberal majority, assisted by the hon. member for Peace River (Mr. Kennedy) voted it down. Therefore we were debarred from bringing up this subject until now. This was not known, I doubt not, to the president of the protective association, who is not a member of parliament, and he wrote me on March 20 having in mind the election which was then proceeding in the county of Middlesex. The following is his letter:

DEAR MR. MEIGHEN:

I am taking the liberty of writing you in reference to certain matters arising out of the inquiry into the administration of the Department of Customs and Excise.

A by-election is now in progress in West Middlesex, and there appears to be a possibility that the Customs inquiry may become a matter of public discussion.

I would appreciate it very greatly if you would endeavour to prevent the association of the name of the Commercial Protective Association, or my own name, with any campaign literature or speeches, or the use of evidence given by me as a basis for criticism of the government. As you are aware, this association, which is absolutely non-political, has, for nearly two years, been endeavouring to have conditions improved in reference to the prevention of smuggling. It was only after all our efforts to have effective action taken by the government failed that we decided to go before the committee appointed by parliament at the instigation of the Hon. Mr. Stevens. In order to establish beyond question our entire freedom from any political consideration it was necessary that we should lay before the committee a complete record of our activities during the past two years.

Just at present we are arranging for the appearance before the committee of about twenty-five leading business men, both Liberal and Conservative, for the purpose of giving evidence as to the extent of this traffic and its effect upon legitimate business. If our activities became a matter of political controversy it might create an entirely erroneous impression and might prejudice the minds of some who are to appear as witnesses.

I believe that it is in the public interest that this investigation be kept as free from politics as is possible, and for that reason would respectfully request that your influence might be used towards that end. Of course, when the committee has concluded its work, the whole matter, no doubt, will be, and should be, a matter for the most full public discussion, but, from the standpoint of the business community, discussion of this matter during the heat of a by-election might tend to interfere with the proper functioning of the committee.

Trusting that you will favourably consider this suggestion.

I remain,

Yours truly,

R. P. SPARKS,
Chairman, Executive Committee.

Mr. MACKENZIE KING: May I ask my right hon. friend why Mr. Sparks did not address him in a similar letter for the general election instead of for a by-election?

Mr. MEIGHEN: Because the committee was not sitting then. I am quite prepared to read my reply to that letter but I do not think it is worth while; I wrote acceding to his request. Hon. members smile. Very well, I will read it. It is as follows:

Ottawa, March 22, 1926.

Dear Mr. SPARKS,

I have your letter of the 20th March. So far as your letter refers to the work of the Commercial Protective Association and to your own evidence before the Customs and Excise committee, I am in entire agreement with the statement of the situation as made by you. Undoubtedly the activities of your association have been entirely non-political and I am equally certain that your own efforts have been actuated only by a desire to carry out your duty to the committee in the most thorough and efficient manner. Having this in mind I had already before receiving your letter suggested to members of our party who are to take part in the West Middlesex election that no attempt be made to drag either yourself or your association into political controversy.

 Yours very truly,

Now this concludes the substance of what I have to say; I leave the case so far as I am concerned in the hands of parliament. If parliament believes it is in the interests of Canada to condone this conduct, parliament should condone it. If parliament conceives that a public investigation conducted under the auspices of this government by a committee appointed by this government, and from this House, after finding rapid degeneration in a great department of state involving millions of the money of the people of Canada; if parliament conceives that that can be found and be known to have gone on and the government be entirely wanting in guilt then parliament should vote for the amendment to the amendment, which means voting against all censure of the administration. If hon. members believe that a minister of the crown has a right to use property which becomes public property for the benefit of his political associates to the loss of scores of thousands of dollars of the money of the people of Canada and still be utterly without blame, though several accounts and reasons are given to this House of a contradictory character, parliament then should vote for the amendment to the amendment. If this House believes that one of the functions of the departments of state is to pervert the course of justice and step in after conviction, after judgment, to see that sentence is not executed, and to do these things on the appeal of a member of parliament in order that the guilty, convicted man may help in an election, then parliament should vote for the amendment to the amendment. The amendment to the amendment of the hon. member for Winnipeg North Centre will effectively exculpate everyone connected with the transaction, and will declare that a ministry which allows a great department of state so to degenerate is to be held without blame before the parliament of Canada. But if, on the other hand, there is concern on the part of hon. members of this House, aside from all party proclivity, for the good name of our country; if we want to-night to show to our constituents, to the people, to the citizens of this Dominion, that we have some regard still for the honour of this nation, that we have some sense of our duty to hold ministers responsible for malfeasance, that we are not afraid—while visiting condign punishment upon officers of this government who are at our mercy, making them pay the full penalty of their deliquency—at the same time to bring home their guilt to men in high places even if they are members of this House and this government, then they will vote for the amendment. But if we are going to yield to this insidious appeal that

every time an hon. member seeks to hold those in the seats of the mighty responsible, then he is playing politics, he is seeking to "get" his enemy, if we yield to such insidious appeal, then parliament is paralyzed and is no longer the guardian of the honour of the state. Between these two positions I place every hon. member of this House to-night, and I put my fellow members there with confidence that parliament at this momentous time will fufil its high purpose in our land and vindicate its name to the people of Canada.

Hon. LUCIEN CANNON (Solicitor General): Mr. Speaker, I wish very frankly to express my sincere feeling of hesitancy in addressing the House, following the very strong appeal which we have just heard from the lips of the leader of the opposition (Mr. Meighen). As is realized in all quarters of the House, the question which is now being debated is a question in itself of great moment, and besides, the consequences of whatever decision may be reached by the House will be very far-reaching. My hesitation is also increased because of the fact that to-night, making an address which I consider of some importance, I will have to use language which is not my own, and therefore I am not at liberty to express my thoughts as freely as I might if I were to speak the French language.

Mr. MEIGHEN: Pretty good.

Mr. CANNON: During these remarks, realizing the seriousness of the occasion, I will endeavour to restrict my consideration purely to the judicial or legal aspect of this matter, and leave aside altogether anything which might narrow the issue or make the question petty; I wish to avoid any question of personality. I have been a member of the parliament of Canada for a period of nine years, and have taken part in many debates. I have disagreed with my opponents; I have always expressed as forcibly as I thought fit the opinions which I held to be right. On the other hand—and this is a very favourable feature of parliamentary life—if on the floor of the House I have had political opponents, outside the walls of this chamber I have had even among my opponents, very warm personal friends. The friendships which have been formed here in Ottawa amidst the battles and struggles of political life are very dear to me, and I do not wish by any remarks of mine to impair in any way the friendships which I hold so dear. As I said I shall speak simply from a legal viewpoint, leaving aside the smaller and narrower aspect of the question.



The speech delivered by the right hon. gentleman who has just preceded me can be divided into two parts, and I will endeavour to answer as briefly as possible the two main arguments that he advanced. This debate has lasted a long time. I realize the anxiety of every member of the House to have it brought to a conclusion as soon as possible, and I shall endeavour to be as concise as I can.

The first argument brought out by the right hon. leader of the opposition is that the government should be held responsible for the bad condition of things discovered in the Customs department, as reported by the committee, and being held responsible as a whole, should be put out of power. His second argument is that, should the House reach the conclusion that the government or the administration as a whole should not be held responsible, at least the Minister of Customs should be held responsible for certain things, and the House should pass a vote of censure upon him.

Before I enter into the merits of the question, allow me, following the example set by the previous speakers, to offer my most sincere congratulations to the chairman and to the other members of that committee. Their work has been arduous and their task difficult, and although very often political sentiments have clashed, they have endeavoured to introduce during the course of their proceedings an atmosphere of judicial impartiality, and they have brought in a report which contains many recommendations most useful in the public interest. The members of the committee, whether of the Conservative, of the Liberal or of the Progressive party, deserve not only the thanks of this House but the thanks of this country at large, and especially the thanks of the commercial community.

When the report was introduced, and it was stated that that report contained the unanimous conclusion reached by the members of the committee, I was hoping—I am quite sure in common with the majority of the members of the House—that we would have, in so far as the report was concerned, simply to deal with a business matter; that politics would not be introduced into the discussion of the important question which has been before the committee for over four months. Unfortunately our hopes were not realized. Politics were introduced, and I am sorry to say that that feature was brought into the debate by the hon. member for Vancouver Centre (Mr. Stevens) when he moved the amendment. The hon. member had conferred with his colleagues in bringing

down a report which contained recommendations and suggestions which were received by the press of Canada with the greatest commendation. If the hon. member had only in mind the improvement of conditions in this country, if he had only in mind the disclosures of certain abuses and their remedy, his role would have ended and he would have been satisfied when that unanimous report was presented. But such was not his aim; such, unfortunately, was not his object.

Mr. MEIGHEN: I think the hon. member should not describe the report as unanimous. The findings so far as they go are unanimous, but the report was not unanimous.

Mr. STEVENS: It was carried on division.

Mr. CANNON: The right hon. member presented the argument more than once that the report was unanimous.

Mr. MEIGHEN: No, I said the findings. It is nonsense for the hon. member to speak as he does. The report was not unanimous, for the reason that there was one subject not dealt with in it.

Mr. CANNON: I was pointing out that after a report had been brought in which had been approved by every member of the committee, the suggestions which had been discussed having been concurred in, the political factor or element was introduced in this House when the hon. member presented his amendment. I was disappointed, because I thought that the hon. member, with his ability, his talent and the very high motives which actuated his conduct, would remain on that high level and would not descend into the plane of party warfare to try to destroy the good effect and beneficial results of four and a half months of arduous work. But on the other hand, I know the hon. member is not responsible. He acted under pressure from his own party. If the hon. member had been left to his own counsel, no such amendment would have been brought in. But no doubt he was told, "We have been here six months trying to overthrow this government; we have adopted every possible device; we have used every method that our most vivid imagination could suggest, and on every occasion the government has succeeded in securing a majority in the House. Let us introduce a moral question; let us claim in the dying days of this session that we are not thinking of the manufacturers, we are not thinking of the commercial interests who always guide our politics; we are not inspired by St. James Street, Montreal, or King Street, Toronto; let us try to have a majority in this House for one moment and believe that we are as sincere as moral preachers and missionaries." We may fall on this question; but to those who listen to me I say that the defeat of the government may be brought about by these gentlemen putting on masks and wearing the new appearance of moralists. Before, however, they achieve their purpose I will put up a defence showing that we are justified in saying that this subamendment should be adopted. The right hon. gentleman said that the government ought to be overturned. It is very easy for him to make that assertion, but let us briefly examine the facts.

Smuggling did not start in Canada with the advent of the Liberal party. When my right hon. friend was Prime Minister of Canada a great deal of smuggling was going on, and he knows that. When his colleague the hon. member for Vancouver Centre was a minister in his cabinet, a great deal of smuggling was going on, and not far from his own home. Let those who wish to give us a moral lesson to-night, those who wish to ask this House to teach us public morality, think for one moment of the situation as it existed, not only during the four months that the committee sat, but as it existed throughout the country at large for many years.

First, can any gentleman, reading the evidence as it was given before the committee, say that this government in 1921, 1922, 1923, 1924 and 1925 was in any way responsible through its legislation for the conditions which have increased smuggling in Canada?

Mr. BURY: What about its administration?

Mr. CANNON: One moment. Can we say for instance that this government, no matter how far and wide we want to stretch our imagination, can be held responsible for the passing of the Volstead Act in the United States? That act was passed when the Conservative party were in power. Are we responsible for the increase in the number of automobiles? Are we responsible for the improvement of roads so that communication is much easier now and smuggling therefore more extended?

Some hon. MEMBERS: Oh, oh.

Mr. CANNON: This is a consideration. Hon. gentlemen on the other side seem to answer my argument by a laugh or a sneer. I am not addressing my remarks to those who wish to answer me in that way; I am addressing them to members of the House who wish to reason out the situation and to give a de-

cision to the best of their ability and good faith according to the facts. I am not appealing to partisans; I am not appealing to those who are willing to vote against us no matter what we may say; I am appealing to those who want to give justice in this matter.

What did this government do to prevent smuggling as much as possible before even the beginning of the investigating committee? First of all—and I am going to deal with this very briefly—we negotiated a treaty with the United States. Why did my right hon. friend not do so when he was in power if he is so keen on preventing smuggling? If these gentlemen are sincere in their new campaign of moral uplift, why were they so derelict in their duty when they were in power and had authority to do something?

Mr. MEIGHEN: Conditions were not so bad as to cause the United States government to appeal to us for a treaty.

Mr. CANNON: The answer of my right hon. friend must be compared with what a doctor once remarked. He said that he was satisfied the patient had lost only one leg and before he attended him he was waiting until he had lost both. Let us come to the legislation which was passed. What did we do? It cannot be denied that we had amendments passed to the Customs Act. Mr. Sparks has been mentioned very often in this debate. I have nothing to say against him, and I have very little to say in his favour, because opinion seems to be divided. There is no doubt however, that Mr. Sparks, as regards this investigation, represented certain commercial interests who wanted to have changes made in the existing legislation. Let these gentlemen examine the evidence either oral or documentary given by Mr. Sparks, and they will reach the conclusion that Mr. Sparks wanted two reforms: first, an increase in the penalties imposed for infractions of the Customs Act and, second, an increase in the preventive service of Canada. That is all he wanted.

We can go through the whole of the evidence given before the committee and we can reach only one conclusion, namely, that before Mr. Sparks had anything to do with the right hon. gentleman in his campaign, when he was simply president of his commercial association and not at the same time a politician, he wanted only those two reforms. What did we do? It is easy for my right hon. friend, speaking with his usual facility, to try to get the minds of hon. gentlemen sitting in this House away from the main object. He talked about different correspondence and conversations that Mr. Sparks might have had with him or with others. If we examine the evidence given by Mr. Sparks we shall find that these two are the only things he wanted. And he got them. This is something that must not be forgotten.

We amended the act last year, and what happened then? These hon. gentlemen who are asking the majority of the House to put us out because, as they say, we are unworthy of the confidence of our fellow members, themselves opposed the amending legislation, some of them declaring that it was too drastic. I must say in fairness to my right hon. friend (Mr. Meighen) that he spoke in favour of the amendments, but we may surmise now the reason for his supporting them in view of the disclosure he has made of his relations with Mr. Sparks. His support of the amending legislation might have been an anticipation of future developments.

Mr. MEIGHEN: I speak pretty certainly from memory when I say that I had never met Mr. Sparks at the time that the amendments were introduced save at an Ottawa exhibition.

Mr. CANNON: I am sorry the right hon. gentleman wants to throw his friend overboard. I do not see why he should. But what about hon. gentlemen sitting around him? I have here extracts from Hansard which will show exactly what attitude hon. gentlemen opposite took when the legislation was being discussed. Those hon. gentlemen have changed that attitude since the report of the committee has come in, but it is interesting to know what their views were last year, two years ago, three years ago, now that their eyes are fixed upon the mirage of possible power. How did they act then? I would refer the House to the position taken by the hon. member for York-Sunbury (Mr. Hanson), who opposed the bill on the ground that it was too drastic. He said that we should draw the line somewhere and that the minister should retain discretion. That was the attitude taken by that hon. gentleman when we were trying to amend the law to keep down smuggling.

Let us pass on to something else. When we voted money to meet the second demand of Mr. Sparks to increase the number of preventive officers in Canada, what did hon. gentlemen opposite do? In order to render absolutely useless the appropriation of $350,000 which was voted, they suggested that all officials be appointed by the Civil Service Commission after examination. What would have been the result of that? It would have

meant that a list should be published throughout the country of officers who were supposed to engage in secret service! That was what hon. gentlemen opposite wanted us to do; yet this year they are asking the House to put us out on the ground that we have been helping smugglers.

I go further. I am pleased to see the hon. member for Vancouver Centre here. The government made a third attempt to put down smuggling—and how? As has been explained in the House, one of the reasons why there is so much smuggling of liquor from Canada into the United States to-day is the facility with which liquor can be shipped either from the Pacific or from the Atlantic coast. Well, we introduced a law, Bill No. 43, to amend the Canada Temperance Act. Every hon. gentleman will remember that bill. It was intended to suppress the illegal export of liquor from British Columbia, Vancouver included. What happened in that case? Let any hon. gentleman consult Hansard. That bill passed this House, because naturally the leader of the opposition was too clever to have it defeated here. It got through this House but was murdered in the Senate. At whose request was it defeated in the other chamber? This party which to-night claims to engage in moral uplift, which is eager and keen, violently keen, to put down smuggling or any other unlawful practice, put up the former Minister of Customs, Doctor Reid, in the Senate to kill that bill.

Mr. MEIGHEN: Will the hon. gentleman do two things? First of all will he accept my word when I tell him that I never spoke to any senator nor did any senator speak to me? And secondly, will he give the objections to the bill urged by Liberal senators?

Mr. CANNON: My answer to the first question will be brief. I will be more generous to the right hon. gentleman than he was to my leader this afternoon; I will take his word. His word is to the effect that he did not speak to any member of the Senate. Well, if he did not he failed in his duty as leader of his party. If the right hon. gentleman wishes us to go out of power in order to enable him to form an administration to prevent smuggling, and if he was as sincere last year as he wants us to believe he is this year, why then as leader of the Tory party did he not prevent the bill from being killed by Senator Benard, Senator Fisher, Senator Gillis, Senator Robertson, Senator Laird, Sir James Lougheed, Senator Mulholland, Senator Ross, Senator Webster, Senator Sharpe, Senator White, Senator Willoughby and Senator Reid? Those senators killed that measure which was intended to put down smuggling.

Mr. CAHAN: Does the Solicitor General seriously suggest that it is the duty of members of this House, whether they support the government or the opposition, to lobby in the Senate with a view to influencing senators personally as to how they shall vote?

Mr. CANNON: The right hon. the leader of the opposition is not an ordinary member; he is the leader of a party.

Mr. CAHAN: In this House, but not elsewhere.

Mr. CANNON: Well, the hon. gentleman from St. Lawrence-St. George (Mr. Cahan) at the opening of the session expressed his loyalty to his leader, in answer to certain rumours to the contrary that had been spread.

Mr. CAHAN: I stand by every word I said in this House.

Mr. CANNON: Yes, provided his leader confines his leadership to the four walls of this room. My right hon. friend had his warning from Montreal: the moment he steps into the passage he is no longer the leader. In the Senate his own followers can kill any legislation, he can see it cast aside, and my friend from St. Lawrence-St. George will say: it is true there has been murder going on in the Senate, but my leader cannot be an accomplice because his leadership ends at the door of the Commons. It is ridiculous.

Now, Mr. Speaker, when the hon. member for Vancouver Centre made his charges on February 2 last I was absolutely startled. Every member of the government, even the most modest—that is myself—was guilty of having taken part in murders in Montreal. I remember him pointing his finger across the floor to the Minister of Justice, to myself and to the other French-Canadian ministers in the government as he accused us of having been accomplices through our misconduct in murders committed in the Back river at Montreal. He accused us of being the friends of dope peddlers, of public poisoners. Every crime contained in the criminal code, every offence that could have come to his mind at that time was hurled across the floor into the faces of ministers, who could not give an immediate answer because the charges were so exaggerated, so excessive in their nature and scope. The motive behind the words of the hon. gentleman was so obvious that we

said: We will wait, we will give the hon. gentleman every opportunity of proving his allegations before a committee, where he shall get freedom of access to every record in the Customs department, confidential and otherwise. I said confidential documents. What proves the honesty of this government—and I may say my personal opinion is that it is an exaggerated honesty—is that files were produced before that committee which could have been very easily withheld. If we had had anything to hide, if we had been criminals, the companions of murderers and poisoners, as the hon. gentleman said, we would not have opened wide the door of the Customs department and laid before that committee every file, confidential and otherwise. Do you think for one moment, Mr. Speaker, that if we wanted to deceive the country at large, and the members of the committee in particular, the letter written by the member for Gloucester (Mr. Robichaud) would have been put before that committee? I am sure of one thing, that if the Minister of Customs had been my right hon. friend that letter would have remained in his pocket. We have had investigations before in this parliament. I recall when I was a member sitting on the opposite side, I asked on behalf of my constituents, on behalf of what I considered the sacred interests of this country, for information. When did I ever get it? Files disappeared, papers vanished.

Mr. MEIGHEN: Nonsense.

Mr. CANNON: We never could have any enlightenment, any information or any particulars before the Public Accounts committee. The only fault with the Minister of Customs is that he is too honest to deal with his opponents.

Four months and a half my friend from Vancouver Centre has had to prove his allegations. To-night, on behalf of those who sit around me, on behalf of the members of my own family, I tell him: You have a duty to perform before this parliament and this country; perform it in a manly way, as you should; get up and say that what you have said against men who are just as honest as yourself you now find was not true. Four and a half months you have had with the documents put at your disposal by this government, we have given you every possible means of making your case, and having failed, you should stand up like a man and own it. You should admit that when you made those declarations—no doubt prompted by an excessive zeal for your party, by the hope of obtaining power which was then within your grasp—in a moment when your better judgment faltered, you insulted men who to-day are entitled to an apology from you.

The hon. member for Vancouver Centre now takes the credit for this investigation. His friends talk of him as the champion who has cleaned up this awful mess in the Customs department. What has he done? He has done only two things. First, putting on the mask that Mr. Sparks passed to him, he walked into that committee room and laid before the members the information that Duncan had already gathered. During those four and a half months the only thing he did of real advantage to this country was to keep the investigation from being general throughout Canada; he simply confined it to our province. In Montreal the searchlight was thrown in every corner; for weeks and for months everything was searched. But what did my hon. friend who led the investigation do with the sections of the country represented by his friends? What evidence did we have of what took place at Windsor? What evidence did we have of what took place in Vancouver or New Brunswick or Nova Scotia? Before I close on this point I will make an appeal to my fellow members. If we, the Liberal party, are the friends of the bootleggers how is it that we were defeated wherever bootlegging goes on?

An hon. MEMBER: How about Lunenburg?

Mr. CANNON: Are you going to make a speech? If not, keep quiet. Mr. Speaker, if we, the members of the Liberal party, have forgotten our duty to the public interest of Canada as alleged by our opponents; if we are the creatures, the slaves always in obedience to the smugglers of Canada, how is it that every Liberal was defeated around Windsor, where bootlegging is going on? How is it that in the Maritime provinces where, according to the hon. member for Kent (Mr. Doucet) bootlegging and smuggling flourish, we only returned one unfortunate member, the remainder being Tories?

Mr. MANION: Perhaps they hoped some members who would stop the smuggling would be elected.

Mr. CANNON: The hon. member for Fort William (Mr. Manion) might have found some reason to convince him, because I think he wishes to be convinced, but it does not convince me.

Now, Mr. Speaker, before I go any further I wish to ask the hon. member for Vancouver Centre another question. It is not for me,

although many years of friendship and interest have united us, to say anything to condemn or to absolve the former Minister of Customs, Hon. Mr. Bureau. He has his own responsibilities as disclosed by the findings of the committee, and I am quite sure that he is capable of protecting his own interests and will do so at the first opportunity. But to show that very often an honest man may be carried away by party spirit to do something he would afterwards regret, I heard with the greatest surprise the hon. member for Vancouver Centre make an assertion last night which will be found at page 4890 of Hansard, where the hon. gentleman used the following words:

10 p.m.

> The answer is a very simple and a very plain one—yes, very simple. The answer is this, that the Duncan report, to which my hon. friend refers, and upon which he bases his question, was for a long time suppressed. Later on, on the insistence of certain members of the committee and the public press, it was finally read before the committee, but during the reading of that report and the evidence certain portions of it were deliberately suppressed and not read.

I have asked members of that committee sitting on this side of the House if it were true that one word, one sentence, one line of the Duncan report had been suppressed and the answer was no, that the report as made by Mr. Duncan was read before the committee and printed in the report which we have. As I say, I have no brief for anyone; a public man may be attacked in his way of administering a department, but when it comes to attacking a former fellow member who is united to the hon. member for Vancouver Centre by a friendship of many years, and insinuating anything as to his private conduct by saying that the report is incomplete when it is complete, I say that unless the hon. gentleman withdraws that insinuation, as I hope he will, members of this House will listen with some hesitation to anything he might tell us later.

Mr. STEVENS: Will my hon. friend permit me?

Mr. CANNON: Certainly.

Mr. STEVENS: The hon. gentleman is quite correct in saying that that section of the report termed a report was printed, but he will note that I refer to the report and the evidence. If he will read a few lines further down he will see that his colleague whom I interrupted and who kindly gave me the floor for a moment, also recognized the point by referring to the portion which was suppressed, which was a portion of the evidence. The report consisted in toto of two reports, the exhibits and the evidence, all of which was laid on the table.

Mr. CANNON: The hon. gentleman said, and his words are here—

Mr. STEVENS: At least do me the courtesy of reading them.

Mr. CANNON: I was startled, as I have already said, because as a rule the hon. gentleman uses other methods.

Mr. STEVENS: Will my hon. friend please read the words?

Mr. CANNON: The hon. gentleman said:

> But during the reading of that report—

Mr. STEVENS: "And the evidence."

Mr. CANNON: Yes.

> —and the evidence certain portions of it were deliberately suppressed and not read.

Mr. STEVENS: Will my hon. friend now do me the justice of reading what his colleague said in commenting on my action at the time?

Mr. CAHAN: It is at page 4890.

Mr. CANNON: I know, but I am saying that the hon. gentleman said that the Duncan report and the evidence attached to it had not been placed completely before the committee. That was his contention, and I am informed by every member of the committee on our side of the House that the report and the evidence were put completely in the report we have.

Mr. CAHAN: Will the hon. gentleman allow me a question?

Some hon. MEMBERS: Sit down.

Mr. SPEAKER: Order.

Mr. CAHAN: At page 4890 does not the hon. member for Vancouver North (Mr. Donaghy), who was on that committee, admit that a part was not published?

Mr. DONAGHY: Read what I said.

Mr. CAHAN: I will certainly read it:

> It is the hon. member's fault—

Some hon. MEMBERS: Order.

Mr. SPEAKER: Order.

Mr. CANNON: I say, therefore, Mr. Speaker, that it has been conclusively proved that this government has done more for the putting down of smuggling in the last two

years than any former government, and that my hon. friends opposite when they were in power did not do anything at all. So I conclude my argument as to the first point of the right hon. gentleman that the government as a whole should be held responsible, and I say that I do not believe the majority of the House will reach that conclusion.

Coming to the right hon. gentleman's second point, he says that the present Minister of Customs and Excise acted in such an extraordinary way in the Aziz case, and that he should not remain in this House five minutes longer. Let us examine this. I interrupted the right hon. gentleman when he was speaking by asking him to tell me if his contention, as the leader of a party and as a lawyer, was that the Minister of Customs and Excise had no authority to do what he did, and in both capacities my hon. friend replied that he had not. That is the attitude taken by the right hon. leader of the opposition, and I want every hon. member to remember it. The right hon. gentleman said that the Minister of Customs and Excise had no right to do what he did; having done what he did he committed such a terrible crime against justice and against everything that is sacred that we ought to put him out. Again I say let us examine this. First of all we have got to lay down the general principle,—and this is not to be forgotten in reaching a conclusion on this point—that customs offences up to the last amendments passed in 1925 were not criminal offences but simply penal offences. That is the principle my right hon. friend should not have lost sight of. Read the evidence given by Mr. Farrow, read the evidence given by Mr. Taylor, read the document placed in evidence by Mr. Gallagher, read the official opinion of the Deputy Minister of Justice, and you will come to the conclusion that the minister has a perfect right to interfere in such cases, and I will tell you why. Notwithstanding the usual positiveness of his assertions, the right hon. gentleman did not dare deny it when I asked him—laying some ground for the argument that I am making now—if it was not a fact that the Minister of Justice had power of remission. In all cases, penal, criminal and otherwise, the power of remission exists; nobody can deny that. The Minister of Justice can remit a fine, can remit imprisonment, can change a sentence; and a clear, striking example of this is the case a few days ago of Mr. Smith. The power of remission, if it is to be exercised with ordinary logic and sense, implies the power of suspension. If I have a right to remit imprisonment I must evidently examine the case; I cannot reach a decision unless I know what I can base my decision on. But while I am examining that case, while I am deciding whether the fine is to be paid, or the penalty imposed, or the imprisonment served; while I am deliberating and trying to form my judgment, the fine is paid, the penalty is imposed, the imprisonment is served, and the power of remission becomes absolutely purposeless, because the object of remission has disappeared and the sentence has been served or the penalty paid. Therefore I say that the power of remission implies the power of suspension. And here I join issue with my right hon. friend. In this case the right hon. gentleman has tried to impress the House with the idea that the Minister of Customs and Excise interfered in favour of Aziz when the judge had issued his warrant of commitment. He said: "Why interfere with the judge when sentence has been given?" First there was no warrant of commitment issued. Why did the right hon. gentleman speak as if there were one?

Mr. MEIGHEN: It did not make a bit of difference.

Mr. CANNON: It made no difference? That is where my right hon. friend shows he is not serious.

Mr. MEIGHEN: Not a bit.

Mr. CANNON: The whole point lies right there and my right hon. friend knows it. That is why he did not represent the facts as they are.

Mr. MEIGHEN: Talk sense.

Mr. CANNON: There was no warrant of commitment issued.

Mr. LENNOX: If there was no warrant of commitment issued, why was the telegram sent?

Mr. CANNON: I will come to that in a minute. I am making my own argument. I say that when Mr. Boivin for the first time had any dealings with the Aziz case he did not prevent the execution of the sentence. Aziz was just as free as I am; there was no warrant issued against him. If you examine the sentence you will realize that the sentence was suspended at first—not through Mr. Robichaud, as the right hon. leader of the opposition tried to insinuate, but through the magistrate himself; the magistrate suspended his sentence for six weeks. These are the facts. Not only was this man free, not only

was there no warrant issued against him—although my right hon. friend erroneously stated to the contrary—but the magistrate had said "My sentence is not going to be executed for six weeks".

It is all right to talk about the Moses Aziz case as if it were the most important case that ever took place in Canada, but we have got to reduce things to their proper proportions and examine the facts in their right light. Here was a man who had been arrested in New Brunswick. Why? I would like my hon. friends to follow me at this point. Not for smuggling, but for having in his possession goods upon which duty had not been paid or goods which had been smuggled. That was the offence. Is Aziz to be regarded as a professed murderer, or guilty of rape, as the hon. member seemed to insinuate? If Aziz is a murderer, how many people not far from this parliament could be found guilty of having in their possession goods imported into this province illegally? Let us have the same standard of justice for ourselves as for everybody else. Why should an hon. member on the floor of this House, appealing to the thousands of people who are listening to this debate and to the millions who to-morrow will read the debate, try to distort the facts in this case to such an extent as to make the people believe that Aziz is a gross criminal and an offender of the worst kind? He was no guiltier than many a man within my hearing. He was accused of having in his possession goods that had been brought into New Brunswick unlawfully. If he lived in Ottawa he would have been charged, perhaps, with bringing goods from Hull. These are the true facts. Let us judge this case as it should be judged and not be carried away by appeals such as have been made by the right hon. gentleman, who does not even know the facts.

I said the power of remission implied the power of suspension. I said, secondly, that there was no warrant of commitment issued against Moses Aziz when the minister took action, and I say, thirdly, that the offence of which he is accused is an offence of a minor character.

An hon. MEMBER: Was the conviction wrong?

Mr. CANNON: Certainly it was wrong; instead of having a year he only had three months. Now, Mr. Speaker, the man was at liberty and there was no warrant; the minister was called upon to give a decision. Immediately we hear these new apostles of morality saying that the minister could not obstruct that case, and that the moment he gave instructions he encroached upon the very basic principles of the administration of justice. Hon. members heard that statement a moment ago. Read the evidence and get the real facts; do not simply listen to speeches. What are the facts? Mr. Taylor was not appointed by the Liberal party. Mr. Farrow was not appointed by the Liberal party, and I wish hon. members of this House to remember that every official at the head of the Customs department, where things are supposed to be so rotten, was appointed by our opponents. If the system is vicious and its conditions are bad, that system was inherited from our predecessors.

Now I come to my last point. In 1925, on the demand and at the request of Mr. Sparks, notwithstanding the opposition from the other side in many quarters, we amended the law to provide that whenever a man was found in possession of smuggled goods the value of which exceeds $200, he should be liable to one year's imprisonment. I should like hon. members to bear in mind that up to 1925 these offences were not punishable by imprisonment. Never, according to what Mr. Farrow said, for offences under the Customs Act was imprisonment imposed. In 1925 we made a new departure; we said that when the smuggled goods exceeded in value the sum of $200, a term of one year's imprisonment would be imposed. What does Aziz say? I have examined the record carefully, and I tell hon. members that he says the goods are not worth $200, but the complaint says that he had in his possession goods to the value of $600. If he had goods of the value of $600, and the complaint mentioned that fact, then, contrary to what my hon. friend contended this afternoon, he came under the new law and not under the old act. My hon. friend should read the complaint, and he will not contradict me. He had these goods in his possession before the passing of the act. Here is another principle that any lawyer in this House will have to acknowledge—

Mr. STEVENS: I know that my hon. friend is speaking with absolute sincerity, but he is overlooking one point and I will draw it to his attention. Under the amendment to the act, section 219, having in possession goods over the value of $200 becomes an indictable offence. That was the original complaint.

Mr. CANNON: I know all that.

Mr. STEVENS: But subsequently it was changed to another section.

Mr. CANNON: I had that in mind all right. I will deal with that. The original complaint was under the new law, and the goods had fallen into the possession of Aziz before the passing of the act. There is one principle of criminal justice that has to be observed in every country, namely, the non-retroactivity of a criminal statute. Even in civil law, when a new act is passed, we say that it is not to affect any interests or pending cases. In civil and in criminal matters are we going to send a man to jail for having committed an offence which did not exist in law when the offence was committed?

Mr. STEVENS: Oh, yes.

Mr. CANNON: My hon. friend says: "Oh, yes." I am not surprised. The only example to be found in history is the typical example given when the enemies of the Prime Minister of Charles I brought Lord Strafford before the House of Commons and he was then, under an attainder based upon a retroactive law, beheaded. But every historian—and after my hon. friend has done with the Customs department, I would ask him to read English history on that point—has said that that was a crime and a worse crime than any that might have been committed by Strafford himself. If therefore he was brought under a new act, I say that there was the principle of non-retroactivity that should have guided the minister in his decision and, second, there was the question of revaluation. My right hon. friend said: There is nothing in that; the Premier of New Brunswick does not know what he is talking about. If the goods were worth $600, he might be condemned to jail under the new law; but if the goods were not worth $200, he could not be jailed. Therefore that man had an interest in knowing what the goods were worth. It is easy to talk about Mr. Robichaud's letter.

Mr. MEIGHEN: Does the hon. member say that if the goods were worth less than $200 the man could not be gaoled?

Mr. CANNON: According to the custom established before. If my right hon. friend would stay in the House all the time he would follow me better.

Mr. MEIGHEN: Read the act.

Mr. CANNON: I am talking not about the act but about what exists in the department and what is in the evidence. I have no objection to being interrupted; but I would ask my hon. friends, if they interrupt me, please to remain in the House so that they will follow my argument.

[Mr. Stevens.]

It was vital to have a revaluation. Could that be refused? The answer to that is that there should be no intervention in the administration of justice. We heard that fifty times to-night. But let us examine the evidence. I have under my hand records of which I can give a list starting in 1914, 1915, 1916, and in every one of those cases there was an intervention by the minister according to the custom existing. Is the Aziz case the only one? Is it the only time that a minister has suspended a sentence? If my right hon. friend wants to form a proper opinion of the Aziz case, I ask him to read the Plamondon case, and I am going to explain it to him in a minute. It is in the evidence, and if hon. gentlemen want to find out what existed in the department, what was the custom, what were the rights of the minister when he was a Tory, they will find it there. My right hon. friend to-day says: The minister had no right to do that. It is easy for him to say that, but I am telling him that when his friends were in power they did it all the time.

Mr. MEIGHEN: I will ask the hon. gentleman to produce from the evidence, outside of which he has no right to speak—

Some hon. MEMBERS: Oh, oh.

Mr. MEIGHEN: That is what hon. gentlemen want. Come along with the evidence now.

Mr. CANNON: I knew beforehand the usual generosity of my right hon. friend. He wants to tell me that I cannot talk outside of the record. I am not going to talk outside of the record. My right hon. friend might be disappointed, but follow me in No. 50, of the minutes of evidence. Plamondon was a gentleman who lived in Quebec. One day the customs officials—not under the wicked Liberals, those who are unworthy of the confidence of the House but under a Tory regime, under those new angels who were in charge—arrested Plamondon.

Mr. STEVENS: What page?

Mr. CANNON: Page 2148. Plamondon is arrested, not for having $600 worth of liquor like Aziz. That was bad enough, but let us see what Plamondon had done:

I beg to enclose herewith—

That is the usual report.

—report 699 of three red copper stills and one galvanized tin still of the capacity of about thirty gallons, three lead worms, about 2,000 gallons wash, forty-five gallons' spirits, 1.7 U.P and a large quan-

tity of other articles as enumerated on seizure report No. 699, excise form No. 4, executed on the 11th instant against Mr. Olivier Plamondon, jobber and manufacturer.

Mr. DUNNING: What date?

Mr. CANNON: This is on the 12th August, 1920. I think my right hon. friend was Prime Minister then. This gentleman is arrested. Who were the lawyers at that time representing the department? A gentleman by the name of Sevigny who, I think, was a colleague of my right hon. friend, ceases to be the lawyer of the department and becomes the lawyer of Plamondon. Two other gentlemen are appointed to represent the department, namely, Moraud and Alleyn. The minister has no business with these things now that he is a Liberal, but when he was a Tory he was consulted in these matters. This is what the representatives of the department write to Ottawa about Plamondon:

We were informed this morning—

This is dated August 18, 1920.

—that Plamondon intended to plead guilty—

Please follow me.

—and as we feared that the magistrate might be too lenient towards the accused—

Dangerous man, no doubt about that.

—we took it upon ourselves to have the following complaint sworn to before the magistrate.

Please listen to this:

(a) For manufacturing spirits illegally;

(b) For having had in his possession spirits which he knew had been illegally manufactured;

(c) For having had in his possession an empty barrel of spirits on which the marks have not been obliterated;

(d) For having sold spirits which he knew had been illegally manufactured.

This is a dangerous man. The representatives of the department are so fearful that he may escape through the leniency of the judge that they decide to lay another complaint with four counts against him. Plamondon appears before the judge. He pleads guilty. The judge says "I will fine you $200 and in addition to that will sentence you to three months in gaol." Plamondon says, "If you sentence me to gaol I will plead not guilty"—the same thing as Aziz wanted to do. No one wants to go to gaol unless he has to. As crown prosecutor I am called in and the judge wishes to know whether I will accept a change of plea. As any lawyer would do, representing the crown with dignity, as the crown ought to be represented, I reply, "Let the Customs department take their own responsibility; they have their own lawyers. I will not be mixed up in this mess." The judge persists in the sentence and the minister through his officials intervenes. Talk about interfering with the administration of justice!

Mr. MEIGHEN: Where does the minister come in?

Mr. CANNON: The minister is represented by his officials and his lawyers, and the lawyers of the department appear before the judge and say, "You must not send that man to gaol." The judge says, "I have convicted him and have sentenced him to gaol." They insist, "Even so, he must not go."

Mr. MEIGHEN: Read the evidence.

Mr. CANNON: Let the right hon. gentleman read the evidence himself. I am stating the facts.

Mr. MEIGHEN: It is not in the evidence.

Mr. CANNON: I will not be interrupted.

Mr. MEIGHEN: It is all imagination.

An hon. MEMBER: They did what the lawyers are paid for doing.

Mr. CANNON: It depends on the kind of lawyers, and the lawyers of the department told the judge that he must change the sentence.

Mr. BURY: Will the Solicitor General allow me to ask a question?

Mr. CANNON: Yes.

Mr. BURY: Does he not know that very often the magistrate allows a man who has pleaded, to change his plea? Will he tell the House why the Department of Customs intervened? Was it to allow the defendant in this case to change his plea?

Mr. CANNON: The attorneys of the department appeared in court and said to the judge, "Although you have condemned this man he must not go to gaol."

Mr. MEIGHEN: They did not.

Mr. BURY: Will the Solicitor General—

Some hon. MEMBERS: Order.

Mr. BURY: Will the Solicitor General—

Some hon. MEMBERS: Order.

Mr. CANNON: I will not allow hon. gentlemen to interject remarks about matters in regard to which they know nothing.

Mr. BURY: Mr. Speaker—

Some hon. MEMBERS: Order.

Mr. BURY: I asked the Solicitor General a courteous question, whether he would tell the House the ground on which the Department of Customs interfered. Was it—

Some hon. MEMBERS: Order.

Mr. BURY: If the Solicitor General's friends do not want to hear the question and do not want to have it answered, I have no desire to press it. But if the hon. gentleman is prepared to answer it I will put the question.

Mr. CANNON: What is the question?

Mr. BURY: I want the Solicitor General, if he will be good enough, to inform the House on what grounds the solicitors of the Department of Customs intervened in this case. Was it to allow the accused to change his plea?

Mr. CANNON: Not at all. They intervened in order to prevent the man from going to gaol.

Mr. BURY: You are not answering the question.

Some hon. MEMBERS: Order.

Mr. CANNON: That interference with the administration of justice occurred under the premiership of my right hon. friend (Mr. Meighen). Now if we are to be put out of office let us at least be replaced by people who have not sinned in a worse way than we have. Under the right hon. gentleman's premiership the Plamondon case was tried, if I mistake not, and there was submitted to the judge from the Justice department an opinion which is unbelievable.

Mr. MEIGHEN: Read it.

An hon. MEMBER: Let the hon. member read it.

Mr. CANNON: They brought to the judge an opinion to the effect that the words "fine and imprisonment" in the Customs Act should be interpreted "fine or imprisonment".

Mr. BURY: Are you afraid to read the evidence?

Mr. MEIGHEN: Read it.

Mr. CANNON: I am making this point to show that when hon. gentlemen opposite talk about interfering with the administration of justice they are simply trying to make fun of us. Are we to confide the administration of justice to these same gentlemen? The judge persisted in his sentence and the department gave instructions to their attorneys—mark you, the man was defended by the Hon. Mr. Sevigny—not to oppose any appeal; and to keep the sentence from being executed an appeal was launched. While that appeal was pending the Governor General, through the government in the ordinary way, pardoned the accused so that he never went to jail. Is that interfering with the administration of justice? Remission of sentence was granted in that case by means of pardon.

Mr. STEVENS: Will the Solicitor General permit a question? Is it not true that the accused in this case turned king's evidence, and three or five others were convicted?

Mr. CANNON: I was waiting for this, I was hoping it was coming. Now I have got my friend where I want him.

Mr. STEVENS: Go ahead.

Mr. CANNON: In the Aziz case there is a report from officer Stewart that Aziz turned crown evidence. My right hon. friend says: Oh, crown evidence, piffle; don't listen to that, it is stupid. Let me tell hon. members what happened in the Plamondon case. That gentleman did not go to gaol, although the judge had sentenced him; he was relieved of that painful necessity by the representatives of the department.

Mr. MEIGHEN: No.

An hon. MEMBER: Through a pardon.

Mr. STEVENS: Yes.

Mr. CANNON: The reason they gave was that he turned crown evidence—crown evidence on his own self; he pleaded guilty. Moreover, if you examine the record you will find that this department, administered under the leadership of the right hon. gentleman when he was at the head of affairs—he who to-night has such great respect for justice, who is so indignant and scandalized—had three unfortunate men, who had been hired by that scoundrel Plamondon, sent to jail in order to give to the department a pretext to say that he turned crown evidence. These were poor, unfortunate carters, who had been his hired men, poor fellows who did not have any influence—their lawyer had been no former minister—and to gaol they went without any leniency. And do you know that this government in 1920, under the leadership of this model of morality—

Mr. SPEAKER: Order. No hon. gentleman can refer to another hon. gentleman without using the word honourable.

Mr. CANNON: Certainly I said it, and if I did not I should have. I say that in the Plamondon case, if you examine the record you get an exact idea of the moral standard of our gentlemanly opponents when they are in power. After having sent these

poor unfortunates to gaol, they paid Plamondon his share as an informer against his own self, and it was with the money he received as such informer that he paid the fine that had been imposed against himself. As if the Aziz case, Mr. Speaker, was an isolated case! My hon. friend knew what I was leading to a minute ago, when, getting up, he recalled the rules of the House by telling me I could not go outside the evidence as printed in the report. I have records here, and he is welcome to read them. Hon. gentlemen who wish to form an unbiased and honest judgment by perusing these records—and they are only a few—will find that the custom of suspending sentences and of remitting fines has always existed, and that Mr. Boivin never did anything else but what all his predecessors have done. If hon. gentlemen of the opposite side wanted to mete the same amount of justice to the Minister of Customs as should be given to every member of this House, they would admit that in doing what he did in the Aziz case, while it may have been a mistake, yet he only exercised his judgment within his ministerial authority and according to the custom established for many long years by his predecessors. Are we going to overturn and throw out a government on the Aziz case? Are we going to turn over the reins of power to the gentlemen who manœuvred the Plamondon case? I have here another record—I will pass it to my right hon. friend if he wants it—which discloses that at the request of a former minister in his government, the Minister of Customs at the time, 1916, did worse as to suspending sentences and remitting fines than Mr. Boivin ever did, in this petty Aziz matter.

Are we as judges in this House to say to Mr. Boivin, who is a young man at the dawn of his career: We will waste your talents, we will stop your ascending march in public life, we will ruin your future, we will cast a shadow of suspicion not only upon yourself but upon those who are around you and the members of your family, because at the opening of your administration, confiding in the advice of the old officials who had been there for forty years —officials who told him that the custom was, as I have explained, that ministers always had done what they were asked to do—you did what your predecessors had done, and because the Conservative party are hungry for power, because they are thirsty and wish once more to drink at the well of government, listening to their howls, we will refuse to pay heed to the call of common, ordinary justice, and we will break your career—the career of one of the most brilliant young men in this House? It can be done; this parliament has full authority, but coming to my last argument I say this. The government is not responsible for any wrongdoing; Mr. Boivin may have made a mistake, but he simply acted on the advice of his officials and according to customs long established in his department.

Finally, who is going to judge this case; who are going to be our judges; who in this House has the right to decide whether the Minister of Customs was right or wrong? I said that I did not wish to resort to personalities, and I will not do so. My friends opposite need not be afraid; I will name no names, but the records of many scandals are strewn on the banks of the Ottawa river; we can see them on the other side. As crown prosecutor in the province of Quebec, when a man stood in the dock with his liberty and sometimes his life in jeopardy, in justice not only to society which I represented but also to the accused whose interest I had in hand, I made it a sacred duty that no man should sit on the jury who did not have the moral qualifications to do so. I hear that this division is going to be close; I hope not, because the issue is so clear. But if it is to be close I give fair warning that we are not going to be given a certificate of moral turpitude by some gentlemen on the other side.

Now, Mr. Speaker, I have done. The task was a rather tiring one at this late hour and especially so in answering my right hon. friend, who is a very able lawyer. But I did it in justice to my colleague, for whose talent I have great admiration and in whose integrity I have great confidence; I did it thinking of our leader, whose spirit of true Canadianism he has voiced many times in this House. I may say very frankly that notwithstanding the warm personal friendship and admiration I have for the leader of the Tory party I did it because I thought it was a sacred obligation on my part to prevent, if possible, repetition of his administration; I did it because, after six months of hard work against all the obstacles and difficulties imagination could put across our path, we have succeeded in writing in the statute books of Canada some liberal, progressive legislation. I want if possible, Sir, to see that our efforts do not remain without result after all this work; we should at least have the reward of seeing the legislation for which we have fought triumph in the end and not be annulled through this very indirect way adopted by the opposition of killing Liberal principles and having Tory principles triumph.

11 p.m.

I hope the vote on this question will allow us to continue on the road we have started, so that next year we will be able to do more than we did this year. This is my last word. As to this new court of King Arthur, the Knights of the Round Table, those who valiantly and with great courage always fight for noble causes—Lancelot from Winnipeg; Galahad from New Brunswick—I leave these knights in their armour and say to them that you may don your new shining armour of virtue, but unfortunately that armour does not fit; we see through it.

Mr. A. M. BOUTILLIER (Vegreville): Mr. Speaker, when I rose to address this House for the first time some days ago I neglected the courtesy due Your Honour, and at this late moment I wish to express my regret and to make amends; I desire to convey to you, Sir, expressions of my highest respect and esteem.

After listening to the learned exposition by very able members of this House it is somewhat presumptuous for me to ask hon. gentlemen to listen to any remarks I may have to make. I rise with a deep sense of responsibility; I may or may not make another address in this House, but I shall be ever grateful to the electors of the constituency of Vergreville for the privilege of being present on this important occasion and having the opportunity of presenting my views.

In speaking on this matter all personal feeling is absolutely divorced; I wish to assure the House on that point. I have received very courteous treatment from the Prime Minister (Mr. Mackenzie King), as well as from every member of his cabinet, and I appreciate that extremely.

In looking over the columns of this morning's Citizen, I find these words as part of an editorial:

> The Woodsworth amendment should have the support of every free member in the House.

Well, Mr. Speaker, I am a free member but I am not prepared to support the amendment in its present form. I understand that the principle of the subamendment as proposed by the hon. member for Winnipeg North Centre (Mr. Woodsworth) has been accepted by the right hon. leader of the opposition. If I am not right I wish to be corrected.

Mr. MEIGHEN: Quite right.

Mr. BOUTILLIER: Well, if the hon. member for Winnipeg North Centre is sincere, I presume he will allow his subamendment to be incorporated into the amendment as presented to the House, and I am sure it will facilitate matters; it will show a sincerity on his part that will be entirely admirable. I for one want that judicial inquiry, and the introduction of that part of the subamendment into the amendment will, I am sure, make for a more efficient inquiry and be more satisfactory to all concerned. As I said before, I am perfectly free—perfectly free to pronounce on the issue before the House. And I am proud of the fact that I am free. It would be a great deal easier for me to give the matter no thought but let somebody else do my thinking, and to make my decision and to vote with the crowd or with the majority. But I would not be true or faithful to the electors of my constituency if I followed that course. If being free is merely to get up in this House and declare that a public department has been debauched; that certain political conduct is inexcusable; that the lives of men and women have been ruined; that the people of Canada have been plundered of large sums of money; that certain evidence respecting the conduct of an ex-minister of the crown was so indecent that the Customs inquiry committee had to leave it out of the records; that the man to whom these remarks apply, had, in order to reform the Senate, been rewarded and elevated to that august chamber as a shining example to the youth of our land and as in indication of what they might expect in the way of gifts from this government as long as they served it faithfully—if to rise in my place and merely express my disapproval and hold no one in a position of trust responsible, if that is to be free, if that is my duty, then, Mr. Speaker, I misunderstand very largely the meaning of the word. It is nothing to the taxpayers of this country that the treasury of Canada has been defrauded of large sums of money? Canada has been suffering from a heavy burden of taxation which might have been relieved easily had the administration of the Department of Customs been honest and effective, and had not a man sworn to guard the interests of the people of this country disregarded his solemn oath of office. I consider, Mr. Speaker, that the moral welfare of this country transcends every other issue; compared with it other issues fade into insignificance. Since 1921 I have been combating political immorality of the blackest type. Such disgraceful occurrences as took place in the constituencies of Athabasca and Peace River are not unknown in the district of Vegreville. I will not weary the House with details, but court records and newspaper clippings and files can be produced to verify my statement.

My experiences in this regard have been most interesting.

In 1921 I found myself in the ranks of the United Farmers of Alberta, a band of men and women pledged to bring about better economic conditions in Canada and to work for higher standards in public life and higher standards of citizenship. I believe, Mr. Speaker, that there is now a concrete opportunity to put these tenets or principles into effect, and to strike a real blow for Canada and all who reside within her borders.

I fully agree with all that has been said as to the thanks of the whole country being due to the hon. member for Vancouver Centre (Mr. Stevens) for his splendid efforts, and to the hon. member for Peace River (Mr. Kennedy) and other members of the committee who so ably assisted him. No one can come to any other conclusion, after reading the evidence, even with much of the famous Duncan reported omitted, but that a most serious and disgraceful state of affairs exists as it affects our public life. In that regard may I be allowed to read a short extract from the Toronto Globe of June 19? This is but a small portion of that editorial, Mr. Speaker, but it refers to the report brought in by the Customs inquiry committee:

> The country will be fortunate if it is not termed departmental culpability with governmental connivance. The committee is generously lenient in attributing the conditions which have prevailed to slow degeneracy in efficiency accumulated over a number of years. It may be so, but the evidence points with damning clarity to disregard of official responsibility on so many occasions that the department is made to appear too often as little less than a clearing-house for political adventure and personal ambitions.

It seems, Mr. Speaker, that the time has come when our parliamentary standards should be raised, and those who are sent here for that purpose would be derelict in their duty if they did not do everything in their power to contribute to that result. I used a very unfortunate word some time ago; it is a word I do not like to use, but it happened to come into this matter, and that was the word "indecent". I found that word on the pages of Hansard and it refers to the Duncan report. In this connection, may I quote a dialogue which occurred yesterday between the hon. member for Vancouver North (Mr. Donaghy and the hon. member for Vancouver Centre (Mr. Stevens):

> Mr. Donaghy: It is printed in this book.
>
> Mr. Stevens: In part only.
>
> Mr. Donaghy: It is the hon. member's fault as well as anybody else's if the dirty part is not in it.
>
> Mr. Stevens: It was unanimously agreed by the committee to omit it. Put it all on the table.
>
> Mr. Donaghy: I am quite agreeable to that. It was through no desire on my part that any part of it was not put on the table.
>
> Mr. Stevens: The hon. member consented to its suppression.
>
> Mr. Donaghy: As my hon. friend knows, the part that was omitted has nothing to do with the stealing and destruction of nine government files. It relates to some matter of an indecent nature, unconnected with those files.

It seems to me it is very unfortunate that such a word should be used in connection with any public servant of this country.

Now every phase of this matter has been referred to very fully, and I just wish to touch on one matter that is quite interesting to me, namely, the bootlegging of liquor and its allied activities. This traffic, along with its allied activity, must have material to feed upon. There must be a place to go to get recruits to repair the wastage or to replace those whom they destroy. May I ask where these recruits come from? Are they not supplied from the ranks of such fine lads as we have around this chamber, from upstanding young men like those who made such a splendid display before this House a few days ago. The youth of Canada, the finest asset which the country possesses, are the fodder needed for the capacious maw of this monster. This traffic—and now we speak of it in a larger sense—does everything it can to drag our young men, aye even our young women, into its net. It would soon cease to exist if these came not forward to pay toll.

Should we not, Mr. Speaker, do everything in our power to protect the young people of this country, the next generation of Canadians? The evidence does not indicate that this administration gave a thought to our young people. In time of war we call upon our young men to go forward and fight for those who are at home, the children and the older men and women of the nation. This they willingly do. Is it then not meet and proper that we of this country with age and experience should in time of peace contend as valiantly as those who go forth to fight our battle, to protect our boys and girls at home from influences that are so terribly dangerous? Is not this serpent, this traffic, rearing it slimy head in this country in a most menacing way? Does it not strike at the heart of our country? Is it not gnawing at the vitals of parliamentary institutions? Has it not brought disrepute upon one of our greatest governmental departments? What are we going to do? Stand idly by and do nothing, or are we at this time by our action to give notice to smugglers and bootleggers that Canada will be an unpleasant place for them to live in? This enemy is not in Europe; it is here. Many of our best

fall by the wayside. Some are rescued and restored, while others miserably fail.

I would that I had the eloquence of many hon. members so that I might place this matter properly before this honourable body, that I might do it justice, that I might plead forcefully in behalf of those who suffer from this traffic. The bootlegger deserves the utter contempt of every law-abiding citizen. He treats laws enacted by this honourable body with utter disregard. In other words, he is a law breaker of the vilest kind and a wretched example to all with whom he comes in contact. Apparently he has no conscience, or, if he has, it is skilfully concealed. He not infrequently causes death and disaster with the poison he peddles. Follow him and what do we find? Broken hearts, the tears and sighs of mothers, wives and sweethearts, ruined homes, disease, separations and sorrows of all kinds. He is associated in his villainous work with smuggling dope smuggling included, burglary, gambling, perjury and bribery, in fact every form of dissipation and evil. Let me say here that statistics collected by our various health departments indicate that ninety per cent of new cases of our most terrible social evil are traced directly to alcoholic stimulants. It is believed that many of these cases can be traced to the activities of the bootlegger. He respects not his neighbour, his mother, his wife, his sweetheart or his child. The children of his neighbour are not secure. They are nothing to him. He is responsible directly or indirectly, through his product, for blindness and deformity in many of our Canadian children, with all the suffering and heartache that these involve. He has no patriotism. He thinks only of himself. To add to his ill-gotten gains he would ruin his native land and those who inhabit it. He has no regard for body or soul; he is just as ready to destroy the soul as the body. He apparently pays no respect to those solemn words and I repeat them with all reverence, Mr. Speaker:

**What shall it profit a man if he gain the whole world and lose his own soul, or what shall a man give in exchange for his soul?**

Does a being such as I have described deserve much consideration at the hands of hon. members in this House? Is any treatment too severe for him? What then shall we think of those who, either directly or indirectly, have countenanced or protected such enemies of our country? How would hon. gentlemen feel if this influence touched their homes? What then of the homes of others? Shall we not remember them at this time? I ask hon. members to pause—to stop, look and listen.



Reference has been made to the ex-Minister of Customs, the Hon. Jacques Bureau, under whose administration the bootlegger and smuggler flourished like green bay trees, who was culpable of gross negligence and responsible for the loss of much money to this country. Yet this man is taken into the bosom of the Prime Minister of this Dominion and protected by him by an appointment to the Senate, the haven of refuge. Is there no sense of responsibility, Mr. Speaker? At the opening of each day's session, Sir, you most reverently repeat certain beautiful petitions. In one of these you ask—I say it with reverence—our Creator, "That peace and happiness, truth and justice, religion and piety be established among us for all generations." It seems to me, Mr. Speaker, that the conduct of this administration as revealed has not helped greatly to contribute to the consummation of these desires. Where is the peace and happiness, in the homes of those invaded by this nefarious traffic? Where is the truth and justice in permitting a man, unworthy, to be elevated to the highest chamber in this country? If there is little regard for the peace and happiness of so many Canadian homes, and if there is so little regard for truth and justice, are religion and piety likely to abound?

There is nothing personal in this, Mr. Speaker. It is away and beyond a personal matter. I am here as an elector of the province of Alberta as representative for the district of Vegreville, and a servant of the people of Canada. I speak on behalf of our Canadian boys and girls, and I ask most respectfully that this parliament see that every action is taken to protect them from the evils that have been brought to light. If I have been sent here by the electors of Vegreville to apologize or make excuses for, or to attempt in any way to whitewash, the political transgressions of hon. members of this House, either singly or collectively, no matter, Mr. Speaker, upon which side of the House they sit, or to what party they belong, I mistake my mission. I do not believe it is my duty to do so, or that my electors expect it of me.

I believe that this administration has not not been careful in important matters affecting the moral and material welfare of this country; that this administration is entirely responsible for negligence in not taking steps of a sufficiently active nature to prevent bootlegging, to prevent recurring infractions of the law, and for appointments to high office of unworthy persons. For these reasons I cannot support the subamendment except under the condition under which the leader of the opposition would accept its purport.

Mr. A. W. NEILL (Comox-Alberni): Mr. Speaker, we are supposed to be discussing the report of a committee appointed to investigate conditions in the customs. We have not been discussing that report for the greater part of the time; we have drifted off into a discussion of an amendment calculated to give a political aspect and slant to the whole discussion and incidentally to the whole report. This illustrates the initial mistake we made in entering into this matter when we confided the investigation to a political body and consequently a partisan body, because a political body will sooner or later make a political report.

I decry in no way the sterling services rendered by these hon. gentlemen. They have given intensely of their time and energy. I would not have pretended to do it; I do not think it is fair and right that they should have been asked to do it. But the work would have been as well done by a commissioner with the assistance of the very able counsel that was engaged and hon. members would have been free to attend to their parliamentary duties. Further, when the report was brought down it would have been considered entirely on its merits and not have had a political bias imparted to it.

The amendment immediately gives it a political slant by moving a vote of want of confidence in the government and more particularly in the minister at the head of the department. We then have the subamendment moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth) last night. I wish to compliment him upon the very able manner in which he handled the subject. I thought he put the debate on a higher plane than it had yet reached. I was particularly grateful to him for the lucid way in which he brushed aside the superfluities, the details, that appear only on the top and got down to the essentials and to a discussion of those principles which should really govern members voting on this question to-night.

There was in his subamendment one point with which I do not entirely agree and that is the suggestion to put the deputy minister in the class of those who ought to be more severely dealt with. I know nothing about the gentleman myself and I have no brief for him at all. It is for that very reason that I hesitate to support a condemnation of him so-to-speak unheard. I know this committee of nine men have gone thoroughly into the subject and I rather hesitate, without any further evidence than that which the hon. member for Winnipeg North Centre furnished last night, practically to reverse that decision as regards this one man. Otherwise I am in full accord with the sentiments expressed in the subamendment.

I would like briefly to refer to the report. Section 13 claims that six men whose names are given should be dismissed. I was going to say that it shows there are six crooks in the service, but that is too strong a word. The language used in the report is only that they have been delinquent in their duties, and it may well be that there is no great censure attached to some of these men. They may have been incompetent, careless or inattentive; but for that they have to suffer because perhaps they have allowed smarter crooks on the outside of the service to take advantage of their laxity of duty. In that way they are not so much to blame as those who operated outside of the service. I am glad to think that this long investigation has so far resulted in pointing the finger at only six men in the service. It is rather a good record for the service which consists of thousands of men, men of good character and working under great temptation as we all know. I presume, although the fact has not been emblazoned abroad, that these gentlemen whose discharge is recommended, are not appointees of the present government. It is reasonable to suppose from their positions that they have been some years in the service and have therefore been appointed by hon. gentlemen opposite.

The report makes various recommendations, all of which I may say have been given very little heed to in this discussion on account of the political slant which it has taken, but all of which are good and have been arrived at unanimously. Nearly all of them deal with recommendations looking to a better enforcement of the liquor regulations, more particularly as regards the exportation of liquor to the United States, a condition that as we all know has enormously increased since the United States went dry and the temptation of bootlegging into the United States was greatly increased. That of course is what you might call a new crime or series of crimes, and therefore possibly the machinery adopted in years gone by has proved inadequate to cope with the growing increase of crime in that regard. That in some measure explains the failure of the department at the present moment.

I should like to deal briefly with the political aspect of the amendment which is entirely political and designed of course to overthrow the government. On the amendment will depend the fate of the government of the day. I would like to address myself more particularly to the Progressive members in this House; they are the jury in this case and the full responsibility lies upon them. It has lain upon them throughout the whole session so I am not

saying anything more than what we all know; nor am I in making my remarks to them putting myself into the position of dictating to them in any sense at all because, with the other minor groups in the House, we must share the responsibility of having kept this government in office for the last six months.

If I might for a very few minutes turn aside, I should like to imitate the example of the hon. member for Vaudreuil-Soulanges (Mr. Wilson) who speaking a few weeks ago, hinted that he might retire from the House. I wish to take the same attitude and to say that possibly this is my last public appearance, and to take the opportunity of expressing to my fellow members my appreciation of the courtesy and kindness which I have invariably received at their hands. It has been my fortune or ill-fortune to go into politics on two occasions when times were in a condition, shall I say, of extreme flux. When I entered local politics in British Columbia conditions were even more chaotic than they have proved to be here. After I had run three elections in five years I decided that politics was no game for a poor man. If the government is defeated to-night there is no doubt that an election will be held, if not this fall, certainly before another House is called together.

Possibly suggestions have been thrown out, possibly even promises have been made that if the government is overthrown there will be no need for another election; that the House could carry on for another session or more. Anyone credulous enough to believe that deserves to be pitied. I am as certain if the government suffers a defeat to-night that an election will take place before we meet again, as I know it is impossible to stop the sun from rising to-morrow morning. In that case I will retire from politics because running an election in my constituency is a heavy and arduous task, involving three months of very hard campaigning. In addition to the duties of being here and the necessity for looking after the district at home, if one is to have the physical, not to say the financial, strain of a campaign every year, then I for one have no particular desire to undertake such burdens in the future, more especially as, being independent of party funds, my financing is a matter entirely for myself. So much for the personal aspect, and I will not allude to the matter again.

Now the issue to-night we must face squarely, so far as the groups at the lower end of the House are concerned. We are being asked to vote a Liberal government out of power and put in the Conservative party—and, by the way, I notice that the hon. gentlemen now in power are referred to exclusively as the Liberal party. We are told to turn the Liberal rascals out; that is the cry. A few days ago, however, it was not the Liberal party; that party was not functioning, for the government was said to be dominated by the hon. member for Brandon (Mr. Forke). Just a few short days ago the party in power was the Progressive-Labour-Liberal party with the Liberal very much in the background. Now, however, these other groups are forgiven their sins and if we vote the right way we are to be taken into the Conservative paradise, or, at least, be given the privilege of turning out the Liberal party.

Now I will ask one important question which cannot be put more opportunely than here and now. In return for voting the Liberal party out—and I am speaking generally for these groups at the lower end of the chamber—what is there in it for us? What shall it profit us if we defeat the government? This is the proper time and this is the proper place to ask that question. This is the highest court of the land, as we have frequently heard, and here the greatest publicity is possible. I am a firm believer in publicity; anything that cannot be told on the platform had better not be told at all. I repeat the question, therefore: If we turn the government out what shall we get in return? By that I mean, what benefit will accrue to the people whom we represent? I am not of course speaking of any individual advantage. That is the question I want to discuss for a few minutes.

We have reached in this debate the occasion which comes up about once a month when a vote of want of confidence is moved, when the Conservative party turn their eyes once more longingly towards the lower end of the House. Hon. gentlemen opposite listen to our speeches and hear us with courtesy and attention while the expectation and the hope exist that we may lend our assistance to have them regain the treasury benches through a vote against the government. So far, however, it has been our experience that after a vote has been taken and the government has been sustained in power a change has come over the spirit of the dream; the flag of truce comes down with a run, and hon. gentlemen opposite have not hesitated, indeed they have been quite frank, to express in no measured terms the contempt they entertain not only for ourselves but, as well, for our principles and all who belong to our parties. I have been wondering to-night, in the event of hon. gentlemen opposite climbing into office on our shoulders, whether—or rather I should

say, how soon, for there is no doubt as to what would happen—how soon, I say, the same conditions would again prevail. I recall once in the local house of British Columbia three socialists had kept the Conservative government in power for a whole parliamentary term. Now, I never heard any suggestion that it was scandalous for these socialists to maintain that government on the treasury benches. There was no talk about any unholy alliance. It was all right because the socialists were supporting a Conservative government. In return for the support they gave that government, possibly as is the case in this parliament, those socialists got certain concessions in the shape of labour reforms, which were enacted. But time went on, and as the result of an election the Conservative party came back with a majority so large as to make them independent of the socialists, who were returned in the same numbers as before. I remember hearing the leader of that Socialist party, an able man now in a prominent position in British Columbia, saying in his soft Welsh voice, "Yes, Mr. Speaker, the hon. gentlemen opposite when in power during the last parliament used to throw bouquets at us. They still throw bouquets at us, but there is a brick concealed in them." In other words, having kept the Conservative party in power for four years, these socialists, after the Conservatives had been returned by a clear majority, were ignored as utterly as they had ever been. Possibly there is a lesson there for us too.

There is some advantage in having been in local politics in times of chaos. The occurrences in the local House are to my mind a moving picture of what has been going on here; I have recognized every phase as it has come up from time to time. I recall an incident which made quite an impression on my mind. An hon. member got up in the local House on one occasion and disavowed his party. He was a Liberal and he expressed his intention thenceforward of supporting the Conservative government of the day. Now I have no fault to find with any man who takes that stand, for it requires strength of character in a man to take up a position against his party. He must be animated by a strong conviction and sense of duty. In this particular case however it was not so; this man's abandonment of his party was prompted by petty motives of a very trivial nature. But, as I remember, the Conservatives in the House and the newspaper the next day, proclaimed the bold step he had taken. Great headlines in the press, three inches deep, described him as the saviour of the country, another Daniel come to judgment, a brand plucked from the burning. He was everything that was good and great and intelligent and holy. It is many years ago but I remember saying to my wife at the time, "This man has committed suicide; now watch his finish." Time passed and an election came around. He had been carried along on a wave of popular enthusiasm for his heroism on going back on his party. He had been promised that all he had to do was to show himself at the convention and he would get the Conservative nomination. Well, he was received with the glad hand; there was still a good deal of adulation for his bold independence. He was proposed for the nomination and just as a matter of form he was asked if he had any objection to going before an open convention; and as he could not logically object he agreed. The vote was something like four for him to eighty-four for his competitor. However, he had been treated with the greatest courtesy and he got what was coming to him. I am not saying that he was wrong in changing his party if he had been animated by proper motives, but he was not. The point I make is that all is not gold that glitters.

So in this case we must answer this question: If we put hon. gentlemen opposite into office, when the shoutings die down, when the cheering is over, when the kings and princes of the Conservative party are safely installed on the treasury benches, what will be left for us? We of course can go home; there will be no bands for us, no acclamation, no $14,000 positions. I say we can go home, and when we do go home the first person who will meet us will be old Bill Smith. He may have one name in one member's constituency and a different name in another's, but he is the typical voter. Bill Smith we will call him for convenience sake. While our ears are still filled with the applause that will follow our turning the government out, while there is still lingering around us like a halo the eloquence of hon. gentlemen opposite for turning the government out and putting them in, Bill Smith will shift his chew of tobacco from one side of his mouth to the other and will say to us, "You say you have turned those rascals out. What did you turn them out for?" "Have you not heard? Why, we turned them out because of corruption in the Customs department which was proved to be directly connected with the Minister of Customs (Mr. Boivin). Here is his record.

He postponed a man's gaol sentence for several months and we turned him out." Bill Smith will take another chew and he will say, "Yes, I see you turned those rascals out but whom did you put in?" Why, we will say, "We have put in the Conservative party. They will start with a clean sheet." Bill Smith will then want to know whether the Conservative party too have not a record. And then is when we shall begin scratching our heads!

Now, Bill Smith is not the man he used to be. He is not a Liberal or a Conservative because his grandfather was a Liberal or a Conservative; he is becoming more intelligent; he is taking a keener interest in politics although from a different angle. He is no longer interested merely in hearing of the success of this or that party; he is taking a keen interest in his own interest. In other words he is becoming class conscious and he wants to know what there is in any form of government for him. He is keeping a sharp eye on changes at Ottawa affecting the interests of his class. Presently he will want to know about the new party that we put in—if we put them in— "What about their policies?" For we must not forget that many of the policies of the Conservative party are diametrically opposed to those which we in these groups in the lower part of the House were elected to support when we came here. He will want to know what we have done about that. He is apt to ask us: "Well, in this change have you advanced in any way the principles, the policies and the interests of the people who sent you there?" "If not, why not?" That is the question we have got to ask ourselves, and perchance, Mr. Speaker, it would be well if we ask ourselves that question now, and have the answer ready before we go home. Therefore before we do the spider and the fly act and walk into the parlour of our friends opposite, let us ask ourselves: Is it a question of putting purity into politics, or of putting politics into purity? Or, to put it another way: Are we being asked merely to be the stepping stones, the tools, we might say, of an adroit office-seeking body of men in this House? I was very much struck by an hon. gentleman's naiveté. He does not generally display any, but in talking of something that happened in the Customs committee he said: Of course, the hon. member for Peace River (Mr. Kennedy) gave the deciding vote. He took it for granted as a foregone conclusion that as there were four Conservatives and four Liberals on the committee the casting vote must fall upon the other man, it not being possible in his conception of political life that even in that Customs committee the Liberals or the Conservatives would be voting other than against each other. I suggest, then, we should ask ourselves, as we will be asked by our constituents: Well, what guarantees have we got to justify a change of government? I use the word "guarantees" rather than the word promises. Promises can be written in sand, Mr. Speaker. As Tennyson says:

> Like the snowfall in the river,
> A moment white, then gone forever.

Mr. FORKE: I will not allow that from a Scotchman.

Mr. NEILL: Well, it has been my experience through life that all great poetry originated with Burns, but my modesty forbids me proclaiming it. We want guarantees, not promises. When the party opposite, whose policies in many cases are diametrically antagonistic to our own, get into power what guarantee do we have that they will carry out such legislation as we desire or as we were elected to support? We do not want to be in the position of France at Versailles. Her one ambition was not to get promises from Germany. She had pages and pages of them, and France had had a bitter experience of their inefficacy. What she asked for, what she schemed for, and what she prayed for, was a guarantee. She asked Britain: Will you guarantee all these promises made by Germany? Britain did not care to do it. She then tried the United States, and if she could have got the United States and Britain to guarantee her security she would not have worried the least bit about Germany's promises. When Mahomet and the mountain come together, we want to know which will show up the bigger in the picture. When the lion and the lamb lie down together, we want to know which is going to get the better meal. These things we want to know before we go too far.

I think I am justified in saying that the amendment will convert the report practically into a political report. Now, by the shrewdly drawn amendment, the whole blame is fixed on the hon. Minister of Customs. The hon. member for Vancouver North (Mr. Donaghy) the other night drew my attention to the question and in some measure went into it, so I need not deal with it at length; but he did direct my attention to the fact of the great discrepancies between the charges made on February 2 by the hon. member for Vancouver Centre (Mr. Stevens) against the administration of this department and the results shown by the report which we are now considering. It may be said: Why bother

about that? That is a thing of the past. Charges are generally more or less vague and exaggerated. Let us deal with the facts as we have got them now. Well, there is another side to it. Not only were the charges very extravagant in their language, they were exceedingly positive and were widely circulated. I have in my hand a letter from a constituent who says:

> Practically every voter in this district has been supplied with Conservative literature, especially the charges by the Hon. H. H. Stevens concerning the Customs department. I enclose a slip bearing the initials of the member forwarding some of them.

This slip bears a rubber stamp, such as we use for franking our letters, with the initials "W. K. E., M.P." Consultation of the House of Commons Guide shows me that the only gentleman whose initials are W. K. E. is the hon. member who represents the constituency of West Kootenay, which is in British Columbia. May I say that not only one of those speeches has been sent around in the manner I have indicated, but a whole assortment, like a parcel of sweet peas, was distributed. You could take any variety you wanted. It was a sort of Aladdin's lamp business, you could take what you did like and discard what you did not like. The hon. gentleman who represents that district—I do not see him in his seat, and I should like to give him an opportunity of contradicting this—apparently used his frank, or allowed it to be used, to circulate this thing. His constituency is not in any way in the neighbourhood of Comox-Alberni, it is at the extreme other end of the province, and I must thank him cordially for the kindly interest he has taken in the education of the electors of my district. I must assume that he sat up night after night with 7,000 envelopes high in front of him while he kept this little stamp with the initials, W. K. E., going in his zeal to spread the glad gospel of Conservative propaganda among the electors of Comox-Alberni. But methinks, Sir, I smell a scandal. Did he sit up night after night to do that; or was his stamp stolen from him; or did he give it to someone? If he gave it to somebody, then there is a scandal of such magnitude that that of which the minister is accused sinks into insignificance. And it is not simply one scandal; there are 7,000 scandals at your door. It is a well-known fact, and I think I am justified in saying that it is part of the law under which these franks are issued, that they are strictly non-transferable, they are not to be used by anyone other than the members of parliament in whose favour they are issued. I may be wrong, but I do not think so. I think these franks are something like railway passes, which you know will be immediately taken up by the conductor and retained by him if somebody other than the members themselves are ever detected using them. This literature containing the charges made on February 2, has been circulated far and wide throughout Canada. I presume that other gentlemen, inspired by like zeal, helped to circulate the propaganda in other districts. Now there will be the idea given out through the press in one vague, general, sweeping statement, that these charges were proved. The man out in the backwoods will reflect back upon these sweeping, horrible charges and say, "Good gracious; if they are all true it is certainly time the government was out."

Now let me deal for a moment with this man Bisaillon. It seems that Bisaillon was discharged by the government of the day before the charges were made by the hon. member for Vancouver Centre. I would like to quote a few of the remarks of the hon. gentleman in making those charges. Here is the opinion of the hon. member concerning this man Bisaillon, which is found at page 684 of Hansard:

> The worst of crooks. . . . a typical debauched and debauching public official; . . . . a criminal and a known crook. . . . if I can judge by this man's character I doubt if he lived a straight day during that whole period.

That is, for ten years.

> He is the head, the chief smuggler of the ring, a perjurer and a thief.

And on page 687:

> I purpose to show that this man Bisaillon. . . . received moneys of the crown, some $69,000 . . . deposited them to his own account, and never remitted them to the Receiver-general.

Then on page 696 we find a reference to a man named Gaunt:

> —the exchequer had been defrauded of $60,000 odd in duty.

That is, by this man Gaunt. Then again, speaking of him:

> Why don't you prosecute him now? Why haven't you prosecuted him since you started this investigation? . . . . The arch conspirators, the chief smugglers, the men who deal in millions will not be prosecuted—not if the government can get away with this adjournment . . . . there will be an odd official dismissed here, a fellow perhaps like Giroux who ought to be behind the bars, and Bisaillon who ought to have a life sentence.

Then again at page 698:

> I am asking for action on the part of this government. Let them arrest this man Bisaillon. . . . let them arrest Giroux. . . . Let them prefer a charge of fraud and the grossest kind of fraud against Gaunt . . . . I could put my finger on dozens of them tomorrow—let them go after the hosts—

Mark that word.

—of others as to whom they have abundant evidence in their possession, and arrest them, put their liberty at stake and then there will be disclosures that will surprise the House and the country.

At page 699 again he asks:

Why was he (Bisaillon) not prosecuted?

Brave words full of meaning, especially if they are to be circulated to the extent of 30,000 or 40,000 copies among the electors of Canada. That was the statement of hon. gentlemen opposite on February 2, but now let us see what happened. One would suppose after the language I have read that when those who had been accusing this man Bisaillon got him there would not have been much of his reputation or indeed of his person left; you could almost imagine him crawling away, ashamed and degraded, with his reputation utterly gone. But what was the situation? It appears that Bisaillon was not that kind of girl at all. What really happened was that when they were through with him he put on his hat at an angle, wished them good-day and said he would see them later, then strutted out. It was supposed that once they got hold of him they would turn him inside out, but perhaps the inside looked even better than the outside. It might be that he had such a strong personality that he was able to put it over the members of this committee. I would not suggest that, but it seems to be the only solution. On February 2 he had been described as a thief, a crook and all the rest of it, but we find that the only reference to him in the report is as follows:

12 m.

The committee recommends that the evidence of Mr. J. A. E. Bisaillon given before this committee. . . . be transmitted to the Attorney General for Quebec—

To be compared with the evidence he had given on some previous occasion. But I would like to point out that this is all new stuff; this is something which happened when he was before the committee, and they had reason to suspect, I presume, that he was perjuring himself. So they recommended that his evidence be taken and compared with the evidence given in a court somewhere else, but there is not one word about this perjurer, thief, criminal, who should be in gaol for the rest of his life, with that exception. I think perhaps it is a good thing that the law of criminal libel does not attach to a member of parliament making statements in this House, or Mr. Bisaillon would have added something to that $69,000 which he is supposed to have swiped from the government, but which investigation showed had not been stolen, at least from the government. In other words, he was practically whitewashed and turned out into the world as a man sans peur et sans reproche.

Mr. MEIGHEN: Will the hon. gentleman give an indication of where there is any evidence that that money was his own?

Mr. NEILL: I think it was admitted in the debate yesterday.

Mr. MEIGHEN: Yes, I know it was.

Mr. NEILL: Admitted?

Mr. MEIGHEN: No, not at all. If it was, why does the committee recommend that its origin be investigated?

Mr. NEILL: I was just going to deal with that. I remember the hon. member for Vancouver North saying yesterday without contradiction that crook and all as this man Bisaillon was, the one thing he did not appear to have done was embezzle the country's money. The right hon. leader of the opposition speaks of the recommendation of the committee, and I am just going to read it:

The committee recommends that the following firms and companies should be proceeded against in the proper forum to recover the sums, if any, now owing by them to the crown.

The first name mentioned is the John Gaunt Company. Yes, but that is a very different thing from the charges made on February 2. Then it was not a question of the possibility of this man owing money to the crown; it was charged that he had embezzled the sum I have mentioned, the amount of which I forget, but it was a large amount at all events. And the hon. member challenged the government at the time, asking why it was they did not arrest this man and make him talk. In the committee they had every opportunity; they cross-examined him to a finish and now their only recommendation is a somewhat meagre one, to try to collect any moneys—if any—which may be found due from this man.

These are only two occasions which I have used as examples of the wide divergence, after an investigation extending over five months, between the charges made by the hon. member for Vancouver Centre of February 2nd, and the facts brought out in the investigation. I hope the hon. member for West Kootenay (Mr. Esling) will do the Martha act and ponder these things in his heart. Perhaps in the fulness of time it will bring forth fruits meet for repentance. I hope then he will be found sitting up at night stamping another seven thusand envelopes to correct the errors of his previous propaganda, and I shall be glad to furnish him with copies of my speech at cost price. It turns out after

all that a very small percentage of these statements is true, and what makes it worse is that, as the hon. member for Vancouver North pointed out, there should have been a large measure of results obtained from the charges made on February 2, because the hon. member was playing with loaded dice; he had information—someone called it smuggled information—but at any rate it was information that had been gathered by the very man he was accusing. Certainly the results should have been to have obtained a greater number of bull's eyes than were actually scored.

Now a great deal was made in the course of the debate from time to time by various other hon. members of this phase of the "booze" question, to put it vulgarly. I saw the trend of it in the speech of the hon. member who preceded me, who thought the whole country is being devastated by this influx of illicit liquor, and so on; and the suggestion was advanced—it was not specifically stated because it could not be—that the government were a party to the spread of this booze in Canada and the traffic that has grown up, admittedly grown up. Then there was the suggestion that with the wish and consent, so to speak, of the government, multi-millionaires were being created out of a traffic that was sapping the life of the young people of Canada. Much was said about the loss of revenue to Canada. Now I would point out in that connection that the traffic, immoral and improper as it was, involved no loss of revenue at all to Canada. If there was loss of revenue it was that of the United States and not of Canada, as of course the stuff was manufactured in this country. Is this a new cry? It is as far as hon. gentlemen opposite are concerned, but is it a new condition? I think not. My memory goes back to the year 1922 when the government of the day brought down an amendment to the act by which the export houses in British Columbia would be put out of business. Not one step could ever be taken so far as the province of British Columbia was concerned that would do more to crush out the evils sugested by the hon. member for Vegreville than that simple bill as introduced by the Minister of Justice. It was passed almost without comment by this House but rejected by the Senate. The Commons declined to accept the rejection of the amendment and there was a conference between representatives of the two houses. I was a member of that conference and we found that we were up against a dead wall. We could not get a compromise in any way at all, the dead wall taking the shape and form of the Brewers' Association of the province of British Columbia. The bill was rejected entirely that year. It was introduced, I think, another year and again rejected. Then what happened in 1925? Hon. members—not the Conservative member for Vancouver Centre or his associates, prominent in the House and prominent in the party as they are, but two insignificant members from the backwoods of British Columbia, the hon. member for Cariboo, Mr. McBride, well known and esteemed in this House, and myself—had to go to the government, and I suppose the Minister of Justice ought to be impeached for listening to us when we beseeched him to give us once more this law that was so badly needed in British Columbia. He yielded to our pleading. The bill was once more introduced into this House, and Mr. McBride and I had to bear the whole brunt of the opposition, led for the most part by one of the Vancouver members of the House who is still in parliament. About that time there had been two men just recently convicted of murder. They had been hi-jacking, that is stealing the other fellow's illicit booze. Those robbed could not squeal because it is an illegal traffic. The victims were murdered and these two men were sentenced to be hanged. I pointed out that it was technically and perhaps legally correct for us to allow this booze to go over to the States, but I said it was anything but a friendly act toward the United States and sooner or later it would involve us in responsibility and friction with the United States that we would be very sorry indeed to incur. I got no support from the hon. members of the Conservative party. Instead of that I got their active opposition, in the case of one or two at least who seemed more faithful to the brewers' interests of British Columbia than to the interests of the province. This booze question is not a new thing. It is brought up now in order to attack the Minister of Customs, but is not a new thing at all. Let us begin at home. Let us consider who is to blame for the situation in British Columbia. Owing to the existence of these export houses and their proximity to the water and to the neighbouring towns of the United States, the situation is ten times worse there than any revelation contained in the report we have been considering. Then do not let us talk in too careless a manner about blaming the government for allowing this liquor trade to grow up in the east.

Another feature of this amendment is the utter condemnation of the Minister of Customs and Excise. The language used is that his actions are utterly unjustifiable.

Such language to a man in an ordinary sphere of life might not seem very strong but in the case of the Minister of Customs it means his complete condemnation, just as much as if the mover of the amendment had used the word "criminal" or employed the language used to describe Bisaillon. Because in view of his position as a minister of the crown if he is convicted of doing something that is very unjustifiable it means that he must vacate his cabinet position and possibly even his seat as member. But let me compare the language used to describe this minister, whose fault was most trivial compared with that of the Hon. Jacques Bureau who, it was admitted, was responsible in very large measure for a great deal of the corruption that has gone on and for the downfall of men who, perhaps, if they had been left alone would have been in office respectable and respected to-day. What is the language used in Mr. Bureau's case? Let me compare the two. The actions of Mr. Boivin are described as being utterly unjustifiable. The language used in regard to the other gentleman—and apparently that is the only allusion made to him in this report—is:

Apparently—

"Apparently," Mr. Speaker—

—the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office.

And then the report goes on to say that there was a lack of efficiency. "Apparently" is the strongest term they can employ after five months' investigation of the department of which he was the head. Every trail sought apparently led directly to this man, and yet the strongest language the committee can employ is "apparently." Now I have looked up the term in the dictionary and the meaning given there of "apparently" is "seemingly but without actuality." Seemingly the hon. senator was guilty, but not with actuality. That is the language used to condemn this man as compared with the language used in the case of the minister. Could anything be more gentle or more suggestive of a Sunday-school picnic? Why was not Senator Bureau called by the committee? That question has already been asked but I am going to ask it again. It was suggested that he was not called because there were personal reasons, there were matters that it was undesirable to go into. That is no excuse, none whatever. He could have been called, he should have been called and cross-examined without any reference to these personal matters. It was not his personal record that was on trial at all, it was his official record and that could have been inquired into without entering upon any personalities whatever. Why not have called his secretary, admittedly an honest man, to make any revelations as to what transpired? It was not the duty of Hon. Jacques Bureau, an accused man, to go on oath and incriminate himself. It was the duty of those who accused him to make good their case; to call him and make him certify to the facts that the country wanted to know and which the committee indeed was created to find out. I see a parallel between the case of the Hon. Jacques Bureau and that of Samson of olden times. By the way, the hon. member for Vancouver Centre alluded to the buccaneering spirit of the Hon. Mr. Bureau; and if we cast our minds back into the pages of biblical history we find that Samson was a man somewhat of the same character; he had the buccaneering spirit. He was a man of great stature and enormous strength, and he had the convenient habit, when he needed a change of raiment, of going down into the camp of the Philistines, slaying a number of them, and getting his raiment at a very cheap rate. That was better than smuggling prison goods from the United States, because there was not the same risk and trouble. That was his attitude and course of life. He had the buccaneering spirit, and in that regard the cases are analogous. Time went on and he was betrayed by a woman. His hair was cut off, his eyes were put out and he was a horrible sight and a pitiful spectacle. But in course of time his hair grew again. He was brought out on some gala day to a place where the Philistines had assembled, and with true Jewish guile—which is exhibited among his descendants to-day—we find him saying to his attendants, "Where is the pillar of this building?" An enormous number of people were gathered in that place. They showed him where the pillar was. His strength had come to him, and he exerted all his power, with a call to his God to help him once more; he pulled down the pillar of the temple, and it is said in the Scripture that the number of the Philistines that he slew at his death was greater than all those whom he slew before in his lifetime. Now here is the comparison: There is a chance that the spirit of the buccaneering senator, when he heard there was talk of calling him, came into prominence and perhaps he said—not in the committee, no; such things are not written on visiting cards, not published through a loud speaker—but perhaps a bird whispered in the air that he had said to himself, "If I go down I will not go down alone. I will be like Samson and

the Philistines, and those who fall with me will be greater than all those who have gone down before." Perhaps for that reason he was not called on to give evidence before this committee, where every suggestion of propriety and urgency demanded that he should be called.

Now, Sir, perhaps it would be well for hon. members opposite to soft-pedal when they blame the government for the petty charge made against the Minister of Customs with which I will deal in a minute. Although these men went to the committee animated with the greatest idea to keep out of politics, the smear of politics shows itself all through the proceedings. If the proceedings had been before the Supreme Court or before a royal commission, there would have been no considerations of that kind.

I want to deal with two other cases, those cases cited by the hon. member for Vancouver Centre in connection with Montreal and Regina. When the hon. member for Vancouver Centre was making his statement the other day, prior to moving the amendment, I do not mind saying that I was strongly impressed with the force of his argument, and before he had half finished I turned to the hon. member sitting behind me and I said, "If Mr. Boivin cannot answer those charges I am going to vote against him."

Some hon. MEMBERS: Oh, oh.

Mr. NEILL: Hon. gentlemen seem to doubt my statement. Nevertheless I say I did make that statement, and I can produce the hon. member if necessary. It was one of the Ontario members. But it matters not. If they will not take my word, then they would not believe if one rose from the dead.

I was going to say that after the minister made his statement I believed he had made good his position, and I was convinced that he was worthy of support. I am coming to the stage in the remarks of the hon. member for Vancouver Centre when he introduced these cases from Regina and Montreal. I could not help feeling that he had very materially and almost fatally weakened his case, because I cannot but think it was a great error of judgment. I was reminded of the old saying that you can judge the future by the past. That is an old saying and a very good one, and I want to apply it in this way. If I were buying a motor car—I may say that my knowledge of motor cars only extends to ten per cent, and that is a liberal allowance—and a shrewd salesman was holding forth about the merits of the car and the engine and all the parts, as long as he kept off the ten per cent with which I was acquainted I might be favourably impressed with his statement, but when he entered the field of which I had some knowledge and began to lie to me, I would realize that his statement could not be correct. I would not say to him that his statement was ninety per cent true and ten per cent false, because that is not the way any reasonable man would argue. I would say to him: I have found you lying with regard to the features of the car with which I am acquainted, and therefore I cannot believe your statement in regard to the other features. I would be convinced that he was lying one hundred per cent on account of the fact that I knew he was lying as to the ten per per cent. I am not using that literally, but simply as an illustration of the principle. When you find an hon. member putting forth an argument in regard to the complicated and complex matters reviewed by that committee with which you are unfamiliar, you cannot judge whether or not his statement is correct. You have to take his word for it, and to some extent we are glad to do so. But when an hon. member introduces such cases as those I have under my hand, which we can check up, and when we find he has not been so straightforward in his presentation of those cases as he should be, it leads us to suggest the same argument would apply to his statement in regard to the other features of the case with which you are not acquainted. We would say his statements were overdrawn and the matter was overstated. I think the letter to the Prime Minister was framed for a certain purpose, not to give information. The very language of the letter will show it. The purpose of the whole suggestion would have been very far-reaching if it had been successful. The purpose of the resolution was to catch us at the lower end of the House and to say to us, "Now you have heard the records of the crookedness and corruption of this department, and you should form your opinion of the matter on that record. But here is the feature: who is to continue the work and who is to turn over the new leaf? Listen to these revelations. They are proceeding at Montreal and Regina with the same corrupt practices and interferences as have been the whole cause of trouble so far." These statements have been made to us, and it is argued that therefore we could not trust them further. Had that argument succeeded we would have been justly entitled to say that these men cannot be trusted with the reins of power and continue the administration. I quote from page

4829 of Hansard some of the remarks the hon. member made. This is from a letter to the Prime Minister:

I have now before me information regarding two cases, a recital of the facts concerning which would indicate that, in spite of the disclosures of the last four months, there still remains within the ranks of the government those who are willing to submit to outside influence in order to prevent the ultimate result of illegal and criminal practices being arrived at through the regular courts of justice.

If that is true, then let us vote against them. Then in the same letter he says:

It appears however—

Dealing with the Montreal case—

—that certain influences in the government ranks are exercised to prevent this case from being successfully handled.

Again we find that "the police operative at Regina is recalled, on the excuse that he is required to give evidence on a case in Montreal." If that is true that is a very vital and important thing, as if the Minister of Customs was to take that man away from Regina the government should be condemned; and that is a statement made with the knowledge of the fact before him. He says:

The police operative is recalled on the excuse that he is required to give evidence on a case in Montreal, and Bryant is removed—

He was a Conservative lawyer employed by a policeman, a peculiar method to hire a lawyer.

—and one Anderson, secretary of the Liberal Association of Regina, is retained.

The hon. member was asked—I would hesitate to make the statement if I had not seen it in Hansard—if he did not know that Bryant was a Conservative and leader of the Conservative organization. He said that the man that the government ordinarily used and employed to prosecute cases in that district was the secretary of the Liberal Association. But he said that he did not know that the man whom the operator hired, on some sudden inspiration from heaven itself, I suppose, was the president of the Conservative Association.

Again we find—and this is my closing quotation:

The facts as disclosed to me—

This is a solemn letter written on a solemn occasion to the Prime Minister and intended to be brought into this House:

—reveal a continuance of a practice of political interference, which cannot now be justified, and which would seem to indicate a continuance of the very practices which brought about the breakdown in the Customs department.

If that letter is true I repeat: It is the bounden duty of every decent man to vote



against the government. But along comes this letter from the respected head of the Royal Canadian Mounted Police which knocks the whole thing into a cocked hat. It says:

It is always customary to apply to the Department of Justice for the appointment of counsel.

He said that the police agent had no authority to hire another counsel. He said that the secret agent had not been removed from Regina; that his absence was only temporary. Then he went on to explain that the secret agent was working on a very urgent case in Montreal and the arrangement had been made that he should immediately go back to Regina and prosecute the work there. The letter goes on:

There has been no interference whatever in connection with Secret Agent Cahill's work.

That is signed by the commissioner of the mounted police. But supposing the commissioner had been a man of a different type; supposing that when he was asked for this report he had shilly-shallied and said he did not know; he would see about it later on. Where would the reputation of the Prime Minister and the Minister of Customs have been in these two cases? It would have been another nail in the condemnation of their conduct. One of these cases was dealt with in the committee; the other was not. They were being vigorously prosecuted and there was no necessity and no design at all in bringing them into the House except for the purpose I have suggested, namely, to suggest that the government were proceeding in the same way as had been done by certain officials in the past.

By the way, if I may refer for just one moment to the Cohen case in Montreal, a great deal was made of the fact that this bootlegger or criminal had turned king's evidence. Yes, many a man turns king's evidence to save his neck. Many a man condemned to the gallows will give away a great deal in the hope of extending his life a little longer. The word "frame-up" was used against the government. It seems to me that Mr. Cohen with all his national ability rather slipped up a cog. It appears that it was he who was framed up. He gave evidence against certain smugglers, but he apparently was not smart enough to have a legal adviser so that he might get protection for himself. If there was any frame-up it was not against the interests of justice. But these two cases were used to prop up the idea that the government were not worthy to prosecute any further. Instead of weakening the position of the government, it has weak-

ened the confidence we must place in the arguments adduced by hon. gentlemen opposite in this connection.

Let me give just one illustration more and I am done with this phase of the matter. The suggestion was made that there was a paradise of smugglers down near the border at a place called Rock Island. The suggestion was made with very great subtlety, subtlety worthy of a better cause, that the constituency of the Minister of Customs was in that neighbourhood. It would not have done to say that he represented those thugs and bootleggers. That could have been contradicted. It would not have done to say that they were living in his constituency, so that the adroit language is used that the district was in his neighbourhood. Another hon. gentleman got up and pointed out that it was not even the next district to the one in which the smugglers were located; that there was a constituency in between. In the same way one might suggest that the hon. member for Vancouver North (Mr. Donaghy) was liable at least for the electoral corruption that went on in the Peace River district because there is only one constituency between that of the hon. member for North Vancouver and that of the hon. member for Peace River. Of course it takes in the whole province of British Columbia, 1,500 miles across, but one could as truthfully say that the constituency of Vancouver North was in the neighbourhood of the constituency of Peace River.

I come now to the famous Moses Aziz case, soon I hope to be known as Moses as was. On this centres the whole crime and crux of the charge against the Minister of Customs. It appears that the hon. member for Gloucester (Mr. Robichaud) was guilty of endeavouring to influence the attitude of the Minister of Customs, and I admit frankly that the hon. member for Gloucester did what he did for entirely improper purposes. But his motive is not of so much importance because there is no charge against him, there is no vote of want of confidence being moved against him. The charge is against the Minister of Customs who, in ignorance of the improper motive of the hon. member for Gloucester, gave heed to him and postponed action until the member could have an opportunity of being heard. In other words, the hon. member used his influence. If a member is to be condemned for that, how few of us indeed can go unscathed! I spend half, yes more than half of my time using my influence such as it is for the benefit of my constituents in every walk of life. More than that, I have done it with every department of the government and I have done it and am willing to do it again to the extent I have done it with the Department of Customs. I claim it is my perfect right and duty to do so. The Minister of Customs in these matters has a discretion allowed him by law, a very proper discretion.

I am not quite clear what the amendment moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth) means. It says something about taking away that discretion. I hope if he takes it away from the minister he will leave it in the hands of some officials, because it is essential for the ordinary and decent carrying on of the law that someone should have some discretionary power. If you make one fixed arbitrary rule, one fine for one offence, you are going to inflict unheard of hardships on many practically innocent people.

The criminal law, the greatest law we have dealing with these things, in almost every page records the fact that it is necessary to give the magistrate or the judge a margin on which to work. I was a magistrate for many years and under the act the penalty, if I remember correctly, for vagrancy gave a justice of the peace power to impose a fine of not more than fifty dollars or not more than six months in gaol. But he can impose as small a fine as he likes or as short a time in gaol as he likes. It is very essential that this should be so. Cases came before me time and time again when I would have been doing absolutely wrong on a technical conviction if I had given anything but the most trivial penalty possible. That is so particularly in the Customs department. We must have somebody using that discretion and it is the privilege and duty of every member to appear on behalf of his constituents in that regard.

Even while this investigation was going on I had the temerity to apply to the department. I think I even intruded on the minister himself in the case of a man in my district. This was a large respectable firm doing a big business, importing a lot of stuff. Inadvertently they had made a mistake to the extent of some $200 in the value of some articles they were importing. It was a pure accident, a pure mistake. They showed me how it had occurred and asked me to explain the matter to the department. More particularly they did not mind paying any appropriate fine, but they did not want the officials here to get the idea that the firm was the cheap, shyster kind of dealer who would make a practice of that thing, because they had a high reputation to maintain.

Some hon. MEMBERS: Oh, oh.

Mr. NEILL: Some members laugh at the idea, but men treasure their reputation. There are in British Columbia, if not in Ontario, men who treasure their reputation. This firm is one of that class. They did not want their reputation to be shattered. They asked me to lay these facts before the minister and I was only too pleased to do so.

Another case that comes nearer home is one that I was mixed up in. It was a bootlegging case and I wonder that I am not at the bar of the House to-night, accused of all the crimes in the calendar. The only reason for my immunity is, thank God, the obscure position I hold. Had I been in the position of the Minister of Customs (Mr. Boivin) nothing would have prevented my exposure. Here is my criminal record: a boat was caught bootlegging to the United States and the Customs department seized it along with the liquor. It was discovered that a gentleman in the district I represent had chartered the boat for so much a day, and according to the customs law the boat was going to be confiscated and he would lose the whole value of it. He was as innocent of any desire to bootleg as I could have been. At the previous election he had voted against me but I took the case up as a fair one. I made representations to the department in the matter. I did not ask for anything improper but by putting the wheels in motion I facilitated the settlement of the case. I got the man's boat out on bail, so to speak, by having him put up a large sum of money as deposit by way of guarantee. This enabled him to have the use of the boat in the meantime. Otherwise he would have suffered a considerable loss for many months. Was there anything criminal in that? In the course of time the matter was settled satisfactorily. I merely smoothed things over so that business was accelerated and justice was done.

I want to deal for a moment now with the position of the hon. member for North Simcoe (Mr. Boys). Of his action in connection with the Waisberg case I have no complaint whatever to make. I would have done exactly the same thing in his place, with one distinction, which does not touch anything vital, being perhaps merely a matter of opinion. I may be wrong, and if I am I offer the hon. gentleman my apologies; but I understood his position to be that when he applied to the minister on behalf of Waisberg he did so not in his capacity as a member, but as a lawyer. In that case, in my judgment, he was wrong. I cannot conceive how a man can be these two things at once; I do not understand such a dual personality. Was the hon. member using his friendship



with the minister, his reputation and standing as a member of parliament, in order to secure, in his capacity as a lawyer, justice for this man? I do not think that hon. members who are of the legal profession should allow their respective interests as members and lawyers to conflict. I remember once a man, not a constituent of mine, asking me to present his case before a certain department. I said I had troubles enough of my own and I asked him why he did not consult his own member. He said his member was a lawyer and he would charge a fee. It would not have been proper for me as a member to charge anything, and I am sure no member wants to do that. If the hon. member from North Simcoe had not been a member there would of course have been no objection to his making representations to the minister in his capacity as a lawyer. I entirely support the view that he was not guilty of any crime any more than I was guilty in the case to which I have referred.

But there is another aspect of the matter that must be considered. I do not attach any blame whatever to the hon. gentleman but I would attach blame to myself—the hon. member for North Simcoe can speak in his own behalf—I should indeed be ashamed if, after having solicited a favour of the minister and accepted it, I then turned round and condemned him for granting a favour in some other case. We all remember, I am sure, the occasion on which the founder of our religion, when a certain woman was taken in sin, and brought to him, uttered those words which it is well for men always to bear in mind when judging their fellow men. A Jewish lawyer was endeavouring to get from the Master an opinion that the woman should be punished according to the strict letter of the Mosaic law, and the reply came:

> He that is without sin among you, let him first cast a stone at her.

He appealed to the best elements in human nature in speaking those words.

I entirely endorse the suggestion of the hon. member for Winnipeg North Centre (Mr. Woodsworth) that we should consult our common sense, our good taste and our good judgment and refrain from any attempts to embarrass the minister or his officials with overdone appeals. A good deal of the fault must be shared by every member, for there is hardly one of us, certainly none of the older members, who have not been guilty—if there is any guilt about it—of applying to the minister to exercise discretion in particular cases. In the Moses Aziz case the minister was asked merely to delay and not

to cancel the penalty that had been imposed, and I see in that a parallel in my own experience. When I was a magistrate charged with the duty of sending men up for trial in a higher court, I was often asked, when it was apparent that I was about to do so, not to sentence the accused immediately, for the reason that he would have to remain in prison until he could appeal to the higher court. Because once a man is sent up by the magistrate the magistrate cannot give bail. I was asked to delay the process of justice for a few hours until arrangements could be made for the man to get bail. I notice that the hon. member for Gloucester requested only such delay as would afford him an opportunity of being heard, whereas the hon. member for North Simcoe appealed for several delays, and that, too, for his own convenience.

Now the minister is accused of interfering with the course of justice, but he has read a statement by Mr. Gallagher of the Department of Justice in which the opinion is expressed that it was for the Minister of Customs to exercise discretion. I believe that a good deal of the contradictory exchanges that have taken place between the leader of the opposition (Mr. Meighen) and members on this side of the House is due to misunderstanding.

I am reminded when considering the case of the Minister of Customs of the incident which was discussed in this House at a previous session in which the Hon. James Murdock, who was then Minister of Labour, was charged with having acted in violation of his oath of office because he had withdrawn certain private deposits which he had in the Home Bank before the failure of that institution, which failure he knew was imminent. We can recall that, according to hon. gentlemen opposite, the very foundation of constitutional government would quiver on its base unless parliament voted a want of confidence in Mr. Murdock. Let me read from the words of the leader of the opposition spoken on that occasion—words that echoed familiarly an hour ago while the right hon. gentleman was addressing the House:

> It will not do for this House to treat these matters lightly. If the House goes on record as stating that in the face of all these circumstances a minister can so act, and be acquitted, then so much the worse for the conduct of cabinets and public men in the years to come; so much the worse for the honour and repute of parliament; so much the worse for the standing of our political institutions throughout the empire and throughout the world.

The whole condemnation of the world was to be gathered around us if we did not cast from our midst the hon. Minister of Labour of that day. The same language, or something almost similar, was used to-night in an exaggerated and magnified form about this trivial case of Mr. Boivin, who delayed a sentence of three months. What happened to the Minister of Labour? We were invited, as I say, by every phrase of oratorical ability to condemn this man. We did not condemn him; this House sustained him by the huge majority of 110. The case was then traversed to the greater court of appeal, to the district of the hon. member who made the charge, and there again the common people of Canada said they did not take much stock in condemning a man who, going down the street, heard that the bank in which were all his little savings was going to break, and he took them out. The man in the street looked at it in that way.

Mr. GOTT: They attended to him on October 29 last.

Mr. NEILL: I have neither time nor inclination to pay attention to such an interruption, and I hope I am a bigger man than to be distracted by it. Here then is a parallel case. The conduct complained of in Mr. Murdock was, in a sense, more serious than that complained of in the Minister of Customs. The latter only exercised delay in his discretion as given him by law. I am convinced, Mr. Speaker, that but for his position we would never have heard of his case. Had it happened to myself or to any other private member it would never have come before parliament. And his case would never have come before parliament had it not been for the exigencies of political war which made it necessary to find a peg to hang a motion of want of confidence on, and a very poor and faulty peg I think it is.

If the government are going to be defeated, perhaps it might be to my advantage, perhaps it might be to our advantage, to chip in with the crowd and turn on the government before it is too late. But, Mr. Speaker, the role of a rat deserting a sinking ship has never been a popular one with me, nor has it ever been with the ordinary member. I have received many benefits of legislation, of policy and of administration from this government for the district which I have the honour to represent; nothing for myself, but everything for my people. They have benefited individually in many cases, in sections and in classes, and though I may have nothing to do with the steering of the ship, yet I think if the ship is going to founder I would prefer to go down with her rather than scurry to

shelter at the eleventh hour. I might lose something in that way, but, Mr. Speaker, I would not lose my self-respect, I would not have with me for all time the feeling of unspeakable meanness that would possess me if I knew I had solicited this man Boivin to do me a favour and was then going to condemn him because he agreed to do it. It is Robichaud and Boivin to-day. It may just as well be Boys and Waisberg or myself and my constituents to-morrow; the cases are practically parallel. It is only a chance that we, too, are not standing in the dock, so to speak, arraigned in the same way.

I do not think, Mr. Speaker, that in the years gone by I can be accused of having been particularly over-enthusiastic in proclaiming the virtues and merits of this government, but I have watched Mr. Boivin for four years as a private member in the last parliament and his career as a member of the cabinet in this, I have watched him handling matters intricate and delicate always with conspicuous ability. Even yesterday at the crisis of his career when he was in this awkward and embarrassing situation, trying to defend himself against charges yet to be made—an unfair position but one assigned to him by our rules—when, if ever, we might expect any man to show irritation and nervousness and loss of control, he maintained his same cool judgment, his same courtesy in debate, and his same careful consideration of the arguments that he wished to make. I have seen him handling bills through this House, and to those of us who were in the older parliament and saw the confusion of some ministers and the way they poked their bills through the House, it was a pleasure to see the hon. Minister of Customs pilot his bills through the House. His knowledge of the subject, his courtesy to his opponents, his ability, his willingness to explain any point, and above all his readiness to accept reasonable suggestions from anybody, made the passage of any bill that he was handling very easy. I submit this as my judgment, poor as it may be, that we could ill afford to spare a man of such outstanding ability.

I wish to express my unqualified conviction, Mr. Speaker, staking on it such poor reputation as I may have gained in this House, that the Hon. George H. Boivin is first of all a capable man, next he is an honest man; therefore we cannot afford to lose him from this House; and though it should be the last act of my political career, I propose to express that opinion by the way I cast my vote.

On motion of Mr. Campbell the debate was adjourned.

[Mr. Neill.]

## PRIVILEGE—MR. STEVENS

Hon. H. H. STEVENS (Vancouver Centre): Mr. Speaker, I rise to a question of privilege. My attention has been drawn by the hon. member for Vancouver North (Mr. Donaghy) to a reference in Hansard at page 4889 which, inadvertently both on his part and my own, may do an injustice to an individual who certainly was not intended to be brought into the discussion. In the course of his speech the hon. gentleman challenged me in these words:

> Perhaps the hon. member will say that Senator Bureau would not accept the invitation to appear before the committee.

Then there was a little passage between us, and he said he would give me an opportunity to speak in a moment. Later on he used these words:

> Why did the hon. member for Vancouver Centre not ask to have the Hon. Jacques Bureau's secretary summoned before the committee. Now I pause for an answer.

I rose and answered in a manner applicable to the ex-minister, not noticing that the word "secretary" had been used. I want to say very frankly, Mr. Speaker, that I had no intention, and it would have been altogether wrong, to apply what I did say to the secretary of the minister. Therefore I desire that this should be corrected in Hansard.

On motion of Mr. Robb, the House adjourned at 12.50 a.m. (Friday).

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# Friday, June 25, 1926

The House met at two o'clock.

## THE DUNCAN REPORT

Mr. DUGALD DONAGHY (North Vancouver): With the consent of the House I should like to move that the Duncan report be laid on the table of the House.

Mr. SPEAKER: According to the rules of the House, two days' notice must be given.

Mr. DONAGHY: Is it not in order to make the motion with the unanimous consent of the House?

Mr. SPEAKER: Bourinot says:

> The documents laid before parliament are presented either by message or by command of His Excellency the Governor General, or in answer to an address or order of the House, in pursuance of an act of parliament.

In such cases two days' notice is required.

Hon. H. H. STEVENS (Vancouver Centre): Speaking for myself and with the authority of my right hon. leader, we would have no

objection at all to the unanimous consent being given, but with one proviso—that is that the report, evidence and exhibits complete, should be laid on the table.

Mr. DONAGHY: That is the way I have drawn my motion.

Mr. SPEAKER: The motion is:

Moved by Mr. Donaghy, seconded by Mr. Jenkins: That the interim report of Walter Duncan, dated December 10, 1925, and the report of Walter Duncan dated February 8, 1926, mentioned in the proceedings before the special committee investigating the Department of Customs and Excise, together with transcript of evidence referred to in the report of February 8, 1926, and all exhibits mentioned in said evidence, and all enclosures accompanying said report or referred to therein, be laid on the table of the House.

I have stated that two days' notice should be given, but if the motion is made by unanimous consent the motion may be put.

Motion agreed to.

Hon. GEORGE H. BOIVIN (Minister of Customs and Excise): I hope I may have the unanimous consent of the House to lay the documents on the table during the course of the afternoon, as soon as I can get them.

Mr. MEIGHEN: I understood the motion was to lay them on the table now.

Mr. BOIVIN: Just as soon as I can get them. I was unaware that this motion was to be made.

Mr. MEIGHEN: I do not know how the motion to lay them on the table can be passed, unless they are laid on the table at once.

Mr. BOIVIN: They will be laid on the table in the next ten minutes.

## CUSTOMS INQUIRY

### REPORT OF SPECIAL COMMITTEE—MOTION FOR CONCURRENCE AND AMENDMENTS THERETO

The House resumed from Thursday, June 24, consideration of the motion of Mr. Mercier (St. Henri) for concurrence in the report of the special committee appointed to investigate the Department of Customs and Excise, the proposed amendment thereto of Hon. Mr. Stevens, and the proposed amendment to the amendment of Mr. Woodsworth.

Mr. M. N. CAMPBELL (Mackenzie): Mr. Speaker, we as members of parliament are now being called upon to adjudicate on what, I think I am safe in saying, is one of the greatest moral and political scandals that ever besmirched the fair name of Canada. The details of the doings of high officials are so disgustingly immoral that the committee through a sense of public decency refuse to allow them to be incorporated in the evidence at all.

Mr. DONAGHY: May I make a remark and ask a question here?

An hon. MEMBER: Keep quiet for once.

Some hon. MEMBERS: Sit down.

Mr. DONAGHY: I take it I have the hon. member's consent.

Mr. SPEAKER: You may proceed, if you have the consent of the hon. member.

Mr. DONAGHY: When the report mentioned in the motion just agreed to is laid on the table it will be found that nothing is excluded from it, and everything is printed in the proceedings of the committee.

Mr. HOCKEN: Will the Duncan report appear in full in those proceedings?

Mr. DONAGHY: It will, and it appears in full in the report of proceedings which is now in the hands of hon. members.

Mr. CAHAN: And the evidence?

An hon. MEMBER: Produce the evidence.

Mr. CAMPBELL: We will have to defer our decision on that to some future occasion. The facts as far as I am aware are as I have stated. I do not propose to go into all the details of the case because they have been pretty well laid before the House by previous speakers. It suffices to say that the chief offender in all these disclosures would appear to be a former Minister of Customs, the Hon. Jacques Bureau. It would also appear that when the condition of affairs within the Customs department became revealed to the country, the government rewarded the Hon. Mr. Bureau for his services in debauching the department by appointing him to a senatorial position and placed in charge of the department a young and active minister in an effort to clean up that department.

I am not one of those who will readily condemn the present Minister of Customs (Mr. Boivin). I have a good deal of sympathy for him. He inherited much of the present situation from the former chief of that department. The whole Customs department was debauched previously and perhaps it was too much to expect that the new Minister of Customs could set things right almost immediately. Therefore I say that I am prepared to be quite tolerant in my judgment of him. I shall be frank in saying that if there were no sins levelled at the government be-

yond that of the charge against the present Minister of Customs, I would be prepared to say to the minister, "Go and sin no more," and to vote confidence in this government.

But the facts would prove that there is a good deal of responsibility on all, or nearly all, the colleagues of the minister besides the responsibility that is placed upon himself. I am not prepared to make him the sacrificial goat for all the inherited sins of the party or the iniquities of that particular department. One of the things that I would hold against the minister—indeed I look upon it almost as his cardinal sin—is the fact that he would rise in his place in this House as a minister of the crown to defend the former Minister of Customs. If I was rather surprised at his action a few days ago, I was amazed when the Prime Minister (Mr. Mackenzie King) did the same thing yesterday. I think the least we might have expected was that these two hon. members should have dissociated themselves from the former Minister of Customs and been prepared to admit that a mistake was made in appointing him to the upper chamber.

Mr. MACKENZIE KING: May I say to my hon. friend: if he will read my remarks in Hansard, as he may have heard them yesterday if he was listening, I made no defence of the former Minister of Customs whatever. I made an explanation with respect to the circumstances attendant upon his appointment and I asked that the former Minister of Customs be allowed to make his defence before a judicially constituted tribunal. I made no defence of him myself.

Mr. CAMPBELL: I have no desire to enter into an argument with the Prime Minister about this because his remarks are a matter of public record and anyone can read them in Hansard. The principal responsibility which I would place upon the government is that of putting the former Minister of Customs in the upper chamber when, according to all the evidence, conditions in that department, the debauchery of that department by that minister, were a matter within the knowledge of most of those ministers.

Mr. DENIS (Joliette): Would my hon. friend allow me a question?

Mr. CAMPBELL: I would prefer that my hon. friend should wait until I have finished.

On February 2 when the hon. member for Vancouver Centre (Mr. Stevens) brought this matter to the attention of the House, he levelled a direct charge against the government. I am going to read the remarks of the hon. member for Vancouver Centre as found on page 681 of Hansard. This is what he said:

> What I am accusing the government of is this: that for a year the Prime Minister, the Minister of Justice, the Minister of Customs, the ex-Minister of Customs, the Acting Minister of Customs, the Minister of Marine, the present minister,—no, I will stop with the others—they knew that this condition existed. The Minister of Customs learned it when he entered office. The Solicitor General entered the government with a knowledge of these things.
>
> Mr. Lapointe: I deny that entirely.

Further on the Minister of Justice continued:

> Mr. Lapointe: If what my hon. friend says is true, and I do not think it is true, I deny entirely the knowledge of any such thing and I throw the charge back into his teeth.

The Solicitor General interjects:

> Mr. Cannon: If my hon. friend will allow me, following my leader, I do the same.

Further on the Minister of Justice again states:

> Mr. Lapointe: Even that I deny. Anything my hon. friend has said as to my knowledge I deny entirely.

Further on the Minister of National Defence as reported on page 713 makes the following statement:

> Mr. Macdonald (Antigonish-Guysborough): As a member of the government I want to say that I have not heard of the hon. gentleman's story.

On referring to the report of this committee, I find in the sworn testimony of Mr. Sparks he refers to a letter dated June 23, 1924, addressed to the Prime Minister and although it is rather long perhaps it is important enough for me to weary the House by reading it. It reads:

> Dear Sir,—Confirming the writer's conversation with your secretary, Mr. McGregor, we would respectfully ask the opportunity for a delegation representing this association to lay before the government certain matters in connection with the wholesale smuggling of various classes of goods into Canada.
>
> We think it would be desirable, should you grant this request, that the Minister of Finance, the Minister of Customs and the Minister of Justice might be present, as the matters which we wish to lay before you affect these three departments.
>
> We believe the Minister of Finance would be interested in the statement of our opinion that the loss of revenue will exceed $10,000,000 per annum.
>
> As the prevention of smuggling comes under the Customs department, certain very important facts which we propose to put before the government in reference to the ineffectual methods now adopted by the Customs department will be of interest.
>
> We shall also call attention to the fact that conditions in the ports, particularly in Montreal, are such that smugglers are practically immune from punishment.
>
> The whole question of smuggling has become a national problem. It is seriously affecting business, and, as pointed out, causing a tremendous loss of revenue. This association for more than a year has studied this problem, and we would like to lay before your government a comprehensive statement covering the matter.

We would respectfully suggest that, if you are able to fix a date, it should be at least a week or ten days forward, as representatives from various parts of the country will require to be notified of the date set.

Trusting you will see your way clear to meet this delegation, and awaiting your early reply, we remain,

Yours respectfully,
Canadian Association of Garment Manufacturers,
per (Signed) R. P. SPARKS,
President.

This is addressed to the Prime Minister under date of June 23, 1924. In the sworn evidence Mr. Sparks states that the deputation appeared before the government on the 6th August, 1924. When asked what ministers were present he answered as follows:

Right Hon. Mackenzie King, Hon. Jacques Bureau, Hon. Mr. Lapointe, Hon. Mr. Macdonald, Hon. Mr. Graham and Hon. Mr. King.

Yet, Sir, we find a number of these ministers denying absolutely on February 2 last that they had any knowledge of these conditions. To my mind that is amazing.

I am not going into many details but in my opinion the government had one opportunity to vindicate itself before the country, and I took occasion to point that out to the Prime Minister (Mr. Mackenzie King) privately. I even quoted an analogous instance in which the Scott government in Saskatchewan some years ago took action to clean up a corrupt state of affairs which was brought to their attention. A great deal of corruption had prevailed among members of their own party and among the civil servants, and the Saskatchewan government took steps to have the whole matter investigated. Did that government evade the issue? Did their members in the legislature stand up to a man and defend the malefactors? Not at all; the Premier said, "We want the fairest and fullest investigation, and we want everything that is wrong exposed."

Mr. MOTHERWELL: By a royal commission.

Mr. CAMPBELL: It does not make much difference what means they took. They got all the facts and punished every man who was found guilty. Among those who were punished were three members of the party supporting the government and they served terms in jail for their crime. The result was that the Scott government was vindicated before the people of Saskatchewan, and when the next election came around they were returned by a larger majority than before. I as a supporter of that government felt proud to be of the same party. Now I say that this government lost an opportunity of vindicating itself by not going on record as being prepared to face the situation fearlessly and courageously. As I have told the Prime Minister, had he taken that course, I would have been prepared to vote confidence in his government and would have been glad to see them still in the treasury benches. If the government had faced the situation as they ought to have done I would have felt that the ends of justice were being satisfied.

Now we are considering to-day an incomplete report; I say incomplete because it is a well known fact that the members of the Conservative party on the committee wanted to add an appendix to have certain recommendations embodied in the report, but the majority of the committee declined to accept that proposal. It is equally true that the hon. member for Peace River (Mr. Kennedy), representing the Progressive group on the committee, desired to have certain recommendations added to the report. His representations were also refused by the majority of the committee. For that reason I say that the report we have received in this House is incomplete.

The hon. member for Vancouver Centre, in order to represent more properly the point of view of the whole committee, moved what I consider a very moderate amendment. If I were to find fault with the amendment I would say it erred on the side of moderation; and I think it expresses, if not in words at least in substance, just what the member for Peace River, the representative of the Progressive group on the committee, wanted to add as an appendix to the report. We in this section of the House have confidence in the hon. member for Peace River. We realize that having sat on the committee and heard all the evidence he is in a better position than any other member in this group to understand the situation, and so far as I am concerned this amendment, meeting as it does in substance, as nearly as we could get it, the actual recommendations of the hon. member for Peace River, our representative on that committee, I feel I can do nothing but support the amendment.

Mr. FORKE: So far as the hon. member for Peace River is concerned, I agree with every word the hon. gentleman has said.

Some hon. MEMBERS: Order.

Mr. FORKE: But I want the hon. member who has the floor to speak for himself and not for the Progressive group.

Mr. CAMPBELL: I may frankly state that the hon. member for Brandon (Mr. Forke) has never been able to speak for the Progressives and is not able to speak for them to-day.

Mr. FORKE: Will the hon. member allow me another word?

Mr. CAMPBELL: I speak with no authority for the Progressive group, but I say that this group has confidence in the hon. member for Peace River. Will the hon. member for Brandon deny that?

Mr. FORKE: No.

Mr. CAMPBELL: Will he say that we have no confidence in the hon. member for Peace River?

Mr. FORKE: I told you we have.

Mr. CAMPBELL: Then why rise to deny the statement I have made?

Mr. FORKE: I simply wanted to say that we did not want the hon. member to speak for the Progressive group; let him speak for himself.

Mr. CAMPBELL: So far as that goes I can speak for the Progressive group. Now I come to a consideration of the subamendment moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth). I am sorry indeed that the hon. member is not in his seat, because I want to make some personal references and I hesitate to do so when he is not here.

An hon. MEMBER: He is here.

Mr. CAMPBELL: I hope he will come in before I am through.

An hon. MEMBER: He is behind the curtain.

Mr. WILSON (Vaudreuil): I am not Woodsworth.

Some hon. MEMBERS: Oh, oh!

Mr. CAMPBELL: Now there is only one useful purpose which can be served by the subamendment so far as I can see, and that is to whitewash the whole filthy proceedings and to prevent the members of this House from having an opportunity to vote on the original amendment, which in my opinion is the crux of the whole debate. If the hon. member for Winnipeg North Centre or those whom he represents want to evade the real issue why do they not stand up and vote directly against the original amendment? That, in my estimation, is the manly thing to do.

There are some things I find difficult to understand in regard to the action of the hon. member for Winnipeg North Centre. Just what does he want to do by this subamendment? Does he object to the recommendations of the committee that a number of civil servants who have come under a cloud in this affair should be dismissed? Does he object to that? Not at all. He does not object to that, because he adds another name to the recommendation for dismissal. He is satisfied that a number of civil servants should be dismissed from their positions; he is content to have them thrown to the wolves for their part in the corruption; but when it comes to members of parliament on both sides of the House what does he say? He proposes to delete from the amendment every single word in condemnation or censure of the actions of the government and proceeds to whitewash the whole thing. But that is not in accordance with what the hon. gentleman said in his speech. I could quite understand the motive of the hon. gentleman in moving this subamendment if he were prepared to vindicate the government, to wash them and leave them white as the driven snow. I could quite understand his action if he were prepared to do that. But the statements in his speech prove otherwise. At page 4922 of Hansard I find the following:

> Again we have brought before us the conduct of the former minister, Mr. Jacques Bureau, and let me say, as far as I am concerned, that the worst thing the present government has done in connection with the whole matter was to put that gentleman in the Senate.

I quite agree with the hon. member in that regard. And by the way, I am glad to see that he is here now. I am sorry to have discussed him while he was absent, but I will repeat some of what I said for his benefit.

> I cannot let this opportunity pass without protesting against the unequal justice that prevails in connection with our laws. Petty thieves, even young boys, are sometimes given months or years in gaol.

He goes on:

> What is the penalty for debauching a government—a senatorship!

Then referring to some other members of parliament, he said:

> But I think most of the members here would agree with me that action such as Mr. Robichaud took in writing a letter asking for leniency on the ground that a certain man who was convicted was useful to the party is absolutely inexcusable, and in the interest of establishing what I believe to be a higher standard of political morality in this country I think we are bound to say so.

Again I heartily agree with the hon. member. Then he makes some other references to Mr. Boivin, Mr. Duff and Mr. Boys. The original amendment does not condemn the government or these members in nearly as strong language as the hon. member does in his speech, and yet in the same breath he moves an amendment to the original amendment, the purpose of which is to delete every

bit of that condemnatory or censuring language from the original amendment. Could anything be more inconsistent?

An hon. MEMBER: Nothing.

Mr. CAMPBELL: No hon. member in this House has talked humanitarianism more than the hon. member for Winnipeg North Centre (Mr. Woodsworth); no one has protested more vehemently in this House and out of it against social injustice than the hon. member for Winnipeg North Centre; no one that I know of in the Dominion of Canada has protested so vigorously as has the hon. member for Winnipeg North Centre against discrimination in the enforcement of our laws—and again I say I honour him for it. But what does he propose to do in this amendment? He concurs in the dismissal of all those civil servants who have been guilty of minor crimes, but he applies the whitewash brush to all the officials higher up who were guilty of the major crimes.

Mr. WOODSWORTH: Does the hon. member characterize the statements which he has just read from my speech as whitewash?

Mr. CAMPBELL: Not at all, Mr. Speaker. I was pointing out the inconsistency of the hon. gentleman in condemning these men in his speech and yet moving to delete from the main amendment every single word of censure on the same men.

Mr. WOODSWORTH: May I ask the hon. gentleman—and I do so because I know him very intimately—if he would mind discussing the points that I was trying to urge in that speech.

Mr. SPEAKER: Order.

Mr. WOODSWORTH: I am speaking with the hon. member's permission.

Some hon. MEMBERS: Order.

Mr. WOODSWORTH: There was the twofold consideration: on the one hand that it was impossible to conduct a judicial inquiry in a body of this character, and on the other hand that in discussing this case—

Some hon. MEMBERS: Order.

An hon. MEMBER: It is another speech.

Mr. WOODSWORTH: —we could not very well disregard other factors.

Some hon. MEMBERS: Sit down.

Mr. SPEAKER: Order.

Mr. CAMPBELL: Mr. Speaker, I was just coming to that when the hon. gentleman interrupted. I quite agree with him as to the necessity for a judicial inquiry, and I may remind him that the right hon. leader of the opposition intimated to him that he was quite prepared to have that incorporated in the main amendment, but the hon. gentleman sat quietly in his seat and refused, by silence at least, to consent to that, thereby leaving his sincerity open to question. There is just one thing I will give him credit for—he was quite frank in saying that he justified his amendment on the ground of political expediency. No one, Sir, in the Dominion of Canada has condemned the old party system more severely than the hon. member for Winnipeg North Centre. With most of what he has said from time to time on that subject I agree, because to a large extent I belong to the same school of thought, and that is one thing that makes it particularly painful for me to disagree with him at this time; but to-day he is prepared to whitewash one of the worst scandals in the whole history of Canada on the ground of political expediency.

Mr. WOODSWORTH: If my hon. friend will permit me? I know he wants to be perfectly fair. I think he will admit that that phrase is his, not mine. I did not say I was justifying my amendment on the ground of political expediency.

Mr. CAMPBELL: Perhaps I misunderstood the hon. gentleman. Let me quote his remarks at page 4921 of Hansard:

> So let us be frank and say that in a case of this character it is extermely difficult for the most honest and honourable men—and I take it that despite some cheap sneers hurled across the floor the large majority of this House are honest and honourable men—I say it is very difficult in such a case for us not to be biased by partisan considerations.

I do not wish to quote further, for it seems to me it is quite obvious from that passage—and I appreciate his point—that he is justifying his action on the ground of political expediency, and the necessity, as he said, of keeping this government in power.

Mr. WOODSWORTH: I think the hon. gentleman will have to read a great deal more of my speech before he will find those words.

Mr. CAMPBELL: Well, Mr. Speaker, the hon. gentleman delivered a rather lengthy speech two days ago and I do not want to read it all. It is of public record, and anyone can convince himself of the fairness of my characterization by reading the speech. But I wonder what some of those poor, distressed working people, for whom he has been pleading so earnestly and so tearfully, in this House for the last five years, will think when he justifies the dismissal from their position of

civil servants because of the mud thrown up by someone bigger falling on them, and at the same time applies the whitewash brush to the real criminals higher up.

Mr. DUNNING: Will my hon. friend permit me a question? Does he describe the Minister of Customs as one of the "real criminals higher up"? Is that what he means? Let the House understand what is intended by "the real criminals higher up."

Mr. CAMPBELL: I think I made myself quite plain at the outset. I have no intention of being drawn into any further argument with the Minister of Railways.

Mr. DUNNING: Will he justify—

Some hon. MEMBERS: Order.

Mr. DUNNING: Is he man enough to justify the term?

Some hon. MEMBERS: Order. Sit down.

Mr. DUNNING: I ask him as a man, will he—

Some hon. MEMBERS: Sit down.

Mr. DUNNING: Mr. Speaker, the hon. gentleman—

Mr. SPEAKER: Order.

Mr. DUNNING: Will the right hon. leader of the opposition—

Some hon. MEMBERS: Sit down.

Mr. DUNNING: I have the floor.

Some hon. MEMBERS: Order. Sit down.

Mr. SPEAKER: Order. The Chair will deal with any point of order. No hon. member can interrupt the hon. gentleman who has the floor without the latter's permission.

Mr. DUNNING: I had the hon. gentleman's permission, Mr. Speaker. I asked him to justify the application of the term, "criminal" to the Minister of Customs.

Mr. CAMPBELL: The hon. Minister of Railways must be possessed of some supernatural power if he is able to read into my remarks some direct reference to the Minister of Customs. I find that on this side of the House we are not alone in our opinion on some of these things. I find the hon. member for North Vancouver made a very direct reference to one of them when, speaking from the Liberal benches and pleading for that application of the rule and for a vote of confidence in the government, he said:

> Nobody with any sense of public honour would attempt to justify the expressions used by Mr. Robichaud in that letter and I am not going to attempt to justify them. My self-respect will not permit it. The sting, I say, is in that letter and it is contained in these words in the letter which Robichaud wrote to Mr. Bureau, not to Mr. Boivin:
>
> Mr. Aziz is of the highest help for us during this campaign, and we cannot do without his services.

And so on. It appears to me that when we have remarks of that kind from the Liberal benches, there is at least some justification for strong language from other parts of the House.

Mr. McLEAN (Melfort): Mr. Speaker, will the hon. gentleman kindly tell us who are the "criminals higher up"?

An hon. MEMBER: Go and read the evidence.

Mr. CAMPBELL: The hon. member knows as much about the evidence as I do.

Several hon. members have referred to this House as a jury. In a sense that may be true, but if I were to go into details I would describe the situation a little differently; I would place the government in the position of defendant, the official opposition in the position of plaintiff, and I would place the jury seats in this corner of the House. After all, we have to face the facts and there they are; there can be no question about that, and even in a larger sense I am not so sure that it is not so. Our party system is based on the principle of competition. We have two major parties competing for the spoils of office; we have a party in power fighting to retain office and a party out of power fighting to get into office. The group in this corner of the House was brought into being through a desire on the part of hundreds of thousands of the electors of Canada for something which would modify that situation, something which would make a definite change there. They believe a system could be worked out on the co-operative principle; they believe a system could be worked out whereby all the parties in the House could co-operate in forming a government and giving to this country the best brain and brawn of all parties. That, I say, was the ideal in the minds of hundreds of thousands of electors, the evidence of which we find in this corner of the House. This group is not looking for power; we never expected to be in power and probably never will be. But I say that in this position we should at any rate be able to judge without partisan consideration, and that is what the people of Canada from the Atlantic to the Pacific are going to expect of us at this time.

I object to the expression, "voting with the Conservatives" or "voting with the Liberals." That is the way the press have dubbed it, but I think we have tried to vote on the

issues at stake regardless of where the chips fall, and in this case I think we should do the same. I think the voting public of Canada are not going to deal very harshly with the government; I think the people understand the party system of government and they will expect the government to hold on to office and probably try to whitewash themselves if they can, while they will expect the official opposition to try to get on the treasury benches.

Mr. CANNON: Will my hon. friend allow me a question? The hon. gentleman says that we would attempt to whitewash ourselves. Can he say that I am guilty of anything more than he is? I would like him to state that like a man.

Mr. CAMPBELL: I am not a minister of the crown; I am only a private member, but as a private member I have certain responsibilities, and I am prepared to face them. If there is anything wrong that I have done I am quite prepared to admit it, if my hon. friend can prove to me that I have been wrong.

Now I want to point out again that the voting public of Canada will not after all expect very much else from the Conservatives or the Liberals than a struggle for the spoils of office. Perhaps I am not fair in saying that, but I think generally speaking the voting public will look at it in that way. But the voting public will expect something different from the group in this corner of the House. Unless the third party stands for something different from the two old parties; unless that party stands clearly for something different, I do not see much justification for the necessity of putting the people of Canada to all the expense of organizing and maintaining this party, because it does mean a good deal of expense to our electors. When this matter is brought before the final court of appeal, the people of Canada, the credit or discredit, whichever it may be, will fall on the members in this corner of the House.

Mr. WOODSWORTH: Has not that system existed for a great many years, to turn one group out and put another group in? Might it not be worked out in a different way?

Mr. CAMPBELL: I do not quite see the hon. gentleman's point. I was pointing out that very fact.

Mr. WOODSWORTH: Quite so—

Some hon. MEMBERS: Order.

Mr. WOODSWORTH: I am quite sure the hon. gentleman is willing to allow a question. We have been discussing the question of affairs of political organization which he undertook to bring forward in his address to-day. I was just going to ask him—

Some hon. MEMBERS: Order, order.

Mr. WOODSWORTH: —with his permission, whether the practice in matters of this kind had not been from time immemorial to simply turn one group out and put the other in, and whether or not a third party might not devise another means of treating such a question as this and insist upon it being considered on its merits.

Mr. CAMPBELL: That is precisely what I was trying to point out; I thought the hon. gentleman understood me. The responsibility is on the third party, and the country has a right to expect something a little different at this time from those who do not agree that the old party system is entirely the proper one.

Mr. DENIS (Joliette): Might I ask a question?

Some hon. MEMBERS: Order, order.

Mr. DENIS (Joliette): When I was speaking the other day the hon. member asked me several questions which I was pleased to answer. I am sure he will now allow me to put a question, and will give me an answer. The hon. member has brought out the point, or has tried to make out that the Prime Minister—

An hon. MEMBER: Put your question.

Mr. DENIS (Joliette): If you want me to put the question, let me put it, otherwise I will sit down. The hon. member charges the Prime Minister with defending the Hon. Jacques Bureau. Might I be permitted to read an extract from his speech—

Some hon. MEMBERS: Order, order.

Mr. DENIS (Joliette): —and ask my hon. friend if that is a defence?

Some hon. MEMBERS: Order, order.

Mr. SPEAKER: This is out of order.

Mr. R. S. WHITE (Mount Royal): Mr. Speaker, I cannot hope to entertain the House for long, but I trust I may be permitted to make a few observations. I do not intend to enter into the whole question, but having some knowledge of the Customs department, having been connected with it for twenty-one years in the city of Montreal, I think I speak with some authority.

The first observation I would make is that the action of the hon. member for Vancouver

Centre (Mr. Stevens) in moving for the appointment of this committee has been justified by results. There can be no question, and there is no doubt throughout this country, but that a public service has been rendered by the hon. member who was instrumental in securing the appointment of that committee. Sometimes we hear mention made of the cost of the investigation. I venture to say, without knowledge but with strong presumption, that the cost of the investigation has already been recovered to the treasury by additional revenue through the lessening of smuggling.

I would like to address the House for a moment on some of the recommendations of the committee. One of the recommendations urges a reduction in the number of ports. I tell hon. gentlemen of this House, and I speak with some experience, that that is impossible. All that the government can do is to refrain from opening more ports. Let any hon. member who has a port in his constituency ask himself if he is going to urge that that port be closed up. If he did, and the port was closed, he would at least lose political strength, as well as probably inconveniencing the commercial community it served. If we were starting all over again, we might follow the procedure of the United States and have only frontier ports; that is all they have, and I think it is a wise and proper system.

Secondly, it is recommended that there be a uniform appraisal of goods for duty purposes, ad valorem. That is a very old story. The ideal system is the specific duty; but with the ad valorem system it is entirely different. I can recall very well that a quarter of a century ago the Board of Trade of Montreal passed a resolution in favour of the appointment of a Dominion board of appraisers who were to go from port to port and see that there was a uniform appraisal of goods for duty purposes. I would say to the Minister of Customs that he should think very carefully over that question of the appointment of a board of appraisers for the Dominion. It would at least help the commercial community of Canada, and possibly help to swell the revenue.

One other word and I am done. In my opinion the report of the committee, unanimous though it was, was unfair to at least two people, and possibly to more. I refer to the present collector of the port of Montreal, Mr. Weldon, and his surveyor Mr. McLaughlin. The minister was good enough to put on record in Hansard a letter that he received from Mr. McLaughlin protesting his innocence. Sir, I believe in his innocence, but I believe equally in the innocence of the collector, Mr. Weldon, and I want to express here publicly my confidence in the integrity of both these gentlemen. Mr. McLaughlin has had forty years' service, and there is no one in the whole of Canada with a more profound knowledge of customs than Mr. Henry McLaughlin. Mr. Weldon is a comparative newcomer, but he has made a reputation for himself, and I say that it is unfair to besmirch a reputation that has been acquired during forty years of more or less public service in the city of Montreal. When, after the session, the Minister of Customs comes calmly and quietly to determine what course he is going to take in carrying out the recommendations of the committee, I would ask him—not to have mercy, because mercy implies guilt—but to see that justice is done to Mr. Weldon and to Mr. McLaughlin, and I will include also Mr. Wilson, chief preventive officer, whom I know well, who has for many years performed faithful service, whose character cannot be disparaged and whose experience is an asset to the department.

Mr. T. W. BIRD (Nelson): Mr. Speaker, before I commence my remarks upon the subject before the House I want to bring to the attention of the House a matter which I attempted to bring up by way of privilege yesterday. It is in connection with a letter that I have received, casting certain aspersions upon myself, and I want to say that I am not reading this letter in order to make any capital out of it, but simply in order that I might, if possible, make the ears of the perpetrator tingle, because I think they richly deserve it.

It is written on House of Commons notepaper, and posted in the House of Commons post office. I shall not read it all, because it is too infinitely childish to impose upon the House, but the first sentence, which is the offensive one, reads:

> If you continue to allow yourself—

I want to remind the House that I have a certain sense of humour:

> —to be bought and sold much longer, the hope for your entry into heaven is small.

I do not take any exception to the doubts cast on my right to enter Elysium, because I have often had great doubts about it myself, but this is an attack upon one's reputation under the cover of anonymity, and I want to submit, Mr. Speaker, that the gentleman who wrote this, and forgot to sign his name is, to use mild language, a contemptible and despicable coward, and if he has a fibre of manhood in his composition he will give me an early opportunity to say so to his face.

With respect to the subject matter under debate, I rise with a good deal of diffidence. I listened to the appeal made by the right hon. leader of the opposition especially towards the close of his speech, and such an appeal is difficult for all serious-thinking persons to lightly withstand, and all the more so, so far as I am concerned, because I have the highest respect for the opinions of that right hon. gentleman. During the five years I have been in this House I have developed an admiration for the abilities and the personality of the right hon. leader of the opposition which I am afraid on some occasions I have only imperfectly been able to conceal. It is with much regret that I have to differ from him and from his conclusions.

3 p.m.

I want to keep out of my address all expressions of a provocative kind, if I can help it, but listening to this debate I have been reminded of a speech, I think from Cicero, which says, "How hard it is to be virtuous, and how difficult it is even to pretend to be virtuous." As I have thought of the government I have thought with Cicero, how hard it is for politicians to be virtuous. As I have thought of the strictures of our friends to my right I have thought with Cicero, how hard it is for politicians even to pretend to be virtuous.

I intend to vote for the subamendment, not because I want to camouflage my underlying intention at all. The right hon. leader of the opposition said it was a bridge over which timid Progressives might pass into an attitude of support toward the government.

Mr. MEIGHEN: My hon. friend has unintentionally misstated what I said. I did not use the word "Progressive"; I said timid members.

Mr. BIRD: I did not think there was any other kind of members in the House thinking of crossing a bridge. I think the right hon. gentleman is a little unfair to the member from Winnipeg North Centre (Mr. Woodsworth). Perhaps he was partly justified in his statement because the member for Winnipeg North Centre possibly made somewhat of an irrelevant attack upon the right hon. member, but I want to refer more particularly to the remarks of the hon. member for Mackenzie (Mr. Campbell). I was somewhat surprised to hear him interlard his speech so much with the word "whitewash", and especially with regard to my hon. friend for Winnipeg North Centre. I think that kind of charge is extremely double edged. The hon. member should be very particular how he treats the motives of other people. Of course there is an obvious retort to that, and one that I would be disinclined to make use of, but the people of the country might be asking what brand of wash is he going to use when he is called upon to support our friends to my right.

Mr. CAMPBELL: I was not questioning the motive of my hon. friend at all, I was dealing with the effect of the amendment.

Mr. BIRD: I must say the hon. member has a very ungraceful way of dealing with the question before the House, when he refers to the action of another hon. member as whitewashing the government. I think it is all very well for the hon. member to take that attitude in defending himself by putting other people in the wrong. Some of us have been quite willing to concede to the hon. member the highest motives in the attitude he is taking, and I think the hon. member ought to be willing to concede to others similar motives. Two or three persons yesterday suggested to me that the decision before the House was one that was very simple. They could not understand why we Progressives had been worrying day and night in order to come to a decision upon this point that was so manifestly clear. I, Mr. Speaker, have been a student of moral questions for a good many years, and it is the first time I have ever been told that questions involving human decision of importance were matters of simplicity. It may be on some outstanding occasions in our experience the line between right and wrong is so clearly defined that even fools might not err in their decision; but a question of this kind is fraught with all kinds of questions bearing in upon it, questions of public enlightenment, the thought of what the public will think, the thought of the capability of the public of forming an opinion upon our action, the question of expediency versus principle, the line where the two meet or where they seem to clash. These things make it impossible for any person who understands the situation, as they do, to say it is a simple question which we are called upon to decide. I may say that I do not think there is one Progressive no matter on which side he is going to cast his vote, who would say that it is a simple question to decide. I think every individual in the group has realized that he has been called upon to decide upon a question the difficulty of which has no precedent in the experience of the last five years.

While I support the amendment, and thus by implication support the government, I do not want to mislead anyone in that respect. I desire to say that in taking this action I am not for one moment condoning any one of

those things which have been laid at the door of the members of the government.

An hon. MEMBER: Oh, yes, you are.

Mr. BIRD: Here is another hon. member who takes the simple view of morals, one of these minds of pristine simplicity that looks out upon a great complex world and sees nothing but black and white, no fine gradations at all, no shading, but simply glaring black and white. I am sorry I am not in that enviable position of the right hon. member. But I want to say that I am not condoning this action on the floor of this House and I will not condone it on the platforms of my constituency. What are these charges that are laid at the door of the government which are inexcusable and admittedly damning? In the first place we have a minister of the crown in one of the highest positions of the land demeaning himself to use his high position for purposes which no right-thinking man could possibly palliate, and the irony of the situation is this, that the hon. member is now hanging on the horns of the altar in the sanctuary beyond, where public opinion cannot touch him, where the avengers of blood cry out in vain. I do not mind much about the avengers of blood, but I do about public opinion. It is an ironical thing that here we have a member of our community who has debased his high office, who has brought shame upon the government of this country, and yet to-day he is in a place which is immune from public opinion. I do not think that position can be condoned or palliated for one moment.

As to my hon. friend the Minister of Customs (Mr. Boivin) I would agree with many of the expressions of opinion that have been given that the faults and the mistakes of my hon. friend were of such a character as not to be an adequate foundation of a motion for general censure upon the government, I want to say that I am second to none in my admiration of his great ability. I believe in my heart that he is a man of soundness of character. What did he do? He showed a regrettable disposition to fall into the rut that his predecessor travelled in, that his predecessor had travelled in and that his predecessor had travelled in. In public life we need to treat the reputations and characters of other hon. members tenderly, considerately and carefully. But there is such a motto as "noblesse oblige" and "To whom much is given, of him shall much be required."

I am optimistic enough to believe that the hon. gentleman has realized the full import of the mistake he made in not fully meeting the demands of an arising public opinion in this country. The obligation rests upon every hon. member not supinely to follow in the traditional ruts of laxity that have prevailed in our parliamentary system, but to rise up and if possible to strike out new courses of probity, to set new standards of rectitude in our public life. His alacrity in rising under the sting of the whip of public opinion is somewhat praiseworthy. There was no disposition to dally and hedge, but rather an earnestness to start out afresh. I am optimistic in saying so but I believe what I am saying. I believe the hon. gentleman has long ago made up his mind that in regard to the administration of public departments, not only of his own, but of others, new standards are long overdue.

What about the government? What about the Prime Minister and his attitude towards these matters? What about his attitude towards his delinquent minister? It is a very difficult thing, on the evidence that we have, to characterize just what his attitude was. According to his speech, which I am prepared to accept as I would the speech of any other hon. gentleman, the conclusion we come to is this: that he was more or less conscious of an undesirable state of things in that department which was presided over by a man whom we all knew, one of his own friends, a man of long standing in this House, and that his disposition was not to stay proceedings in the process of cleaning up, but rather if possible to let down his colleague as lightly as possible.

We are not living in the old patrician days of Rome when stoic doctrines ruled the minds of senators and sometimes of people, when a Roman patrician would order his son to death because in some thoughtless and rash way he had tampered with the peace of society. We have wandered a long way from those days of stoic sternness when they were willing to sacrifice their own flesh and blood for the sake of principle. I am afraid we are living in very Christian days when we are all willing enough to forgive ourselves—and to exact the last pound of flesh from the other man. But is that Christian? I know it would be a good thing if we had some of the iron of the old stoic morality in our blood; but we do not want to go back to stoic days when that unnatural condition prevailed that a man would sacrifice his friend in cold blood. We have too far advanced into the Christian era to want to do that. There is a higher standard set for men and women of to-day; that is, that in respect of things connected with one's personal conduct there shall be stoical stern-

ness and in regard to the conduct of all others there shall be Christian consideration. If I am going to be condemned for any expressions of leniency as to the conduct of any hon. member, I am prepared to be condemned; but if I pass from public life with a stain on my own conscience that in any respect I have fallen short of my personal duty here, that is the thing that will follow me to my grave and not the other.

I said that I was not going to condone this kind of conduct. What does this arise out of? It may have arisen out of the humanity of these men. It may have arisen out of the fact that they are very much like ourselves; that is there was a readiness to respond to the solicitude of a fellow member; that there was a tendency to hide, to shield and to protect a friend. There may have been that; but added to it was this effete, exploded idea of cabinet solidarity that we as a Progressive party came here to protest against, an idea of solidarity which encourages a weak member of the cabinet, that man who is morally weak to say: I will take the plunge because I am a member of a clique with a traditional esprit de corps; nothing serious can happen to me; they will all defend me, stand by me to the last extremity. Can hon. members see the mischief of it? Look at the influence upon the other members of the cabinet who are compelled, almost by the rules of the game, to condone, to glaze over, to veneer absolute corruption in the administration of individual members of the government.

I want to say a little about the defence that has been made. There are always two sides to a question. First of all, I want to give certain weight to points that have been made on the other side, but certainly not the weight that I have heard given to them by some members on the other side. In the first place it is maintained that the system was effete, out of date; that it was brought face to face with new circumstances of an overwhelming character and that in an attempt to meet them it went to pieces. That is one of the points in the defence, but I do not attach much weight to that from my standpoint as a Progressive member. What business have governmental systems to become effete? What are ministers bound to do but to keep them in condition? I cannot attach any great weight to that, but it applies equally to one government as to another. Through all these years the people have been led to think that by voting one way or the other they would eventually get a perfect system of government administration. What have we after all these years? We have a system that we are almost ashamed to describe lest it should get abroad and we should become a laughing stock to other countries.

Another argument which has been made—and this is a more serious question for discussion—is that the attitude of members in general has been such as to make it difficult for ministers to carry out their duties with rectitude. That is contained in the amendment. There is a sort of moral haziness existing in the rank and file. After all the black and white distinctions do not prevail amongst private members so much as private members imagine they do. There is a kind of blurring, a kind of uncertainty, about the moral standards that ought to apply to individual members, with the result that individual members go hat in hand to ministers of departments and ask those ministers to do things which they have no right to do.

The cabinet after all very much reflects the House and the House reflects public opinion back home. The public have been listening to this debate for the last two or three days and I am afraid they have been listening to it with an air of mere curiosity. But they are as much concerned in it as the members sitting on the floor of this House. Every man, every woman in the gallery this afternoon, everybody back home is concerned about this. They too have elementary conceptions of what is right in the life of a public man, and they too have made upon us demands which should never be made by the people upon their representatives if they wanted to keep their representatives clean and straight.

I come now to the most serious argument of all and that is that the other group are just as bad. That is not an argument at all. It is good English common sense that two blacks do not make a white and the people of Canada will so decide. It is not the morality of this or that party that I am concerned about this afternoon; it is the fundamental rottenness that has grown up from the very system that underlies them. You know the parable of the unclean spirit that went out of a man, wandered through dry places seeking rest and finding none, came back to his house and found it empty, swept and garnished, then went away and brought back seven other devils worse than himself and entered in and the last state of the man was worse than the first.

Some hon. MEMBERS: Hear, hear.

Mr. BIRD: Hon. gentlemen opposite are applauding me, thinking I am getting one in on my friends to the right. That is not at all the point I am making, because hon. members will observe that it was the same devil—the same devil reinforced. The same devil, not another devil, went out and brought in seven other devils worse than himself.

Mr. BURY: Does the hon. gentleman not recognize that the seven devils came into the so-called purged party?

Mr. BIRD: No, I do not.

Mr. BURY: That is what it is.

Mr. BIRD: I am not so highfalutin as to think I came into paradise when I became a member of the Progressive party. At the beginning of this session our sympathizing friends came to us and said: "You are between the devil and the deep sea." I replied, "No, that is not right. We are between two devils, two deep seas." In saying this, I am not casting any reflections upon the personnel of the parties at all—I never have.

An hon. MEMBER: Yes you have.

Mr. BIRD: My hon. friend apparently has the elementary ethics of the stone age. He has not yet risen to that plane of intelligence where mankind can draw a more or less fine distinction between one course and another. My hon. friend from Mackenzie gave the House some idea, according to his own light, why the Progressive party came into existence. I am sorry to say I think the hon. member has not grasped the reason why we came into existence, or the spirit in which we began this session. My hon. friend talks of co-operation. All that he knows about co-operation is to try to reap its benefits without accepting its responsibilities. There has been a lot of talk about expediency, and about the morality of expediency. What about the expediency of morality? What about the spirit of Pecksniff, which says: Let us be moral, let us contemplate the universe. You cannot be moral by saying so. You cannot be moral for political purposes. It has been said that some people's morality is in the piece, and has not yet been made up into a garment. We do not want piecemeal morality. We want a morality that goes down to the very depths of a man's personality and affects his outlook on life, not now while the government is in danger but all the time.

In dealing with the attitude of my hon. friend from Mackenzie, let me state what my conception is of why the Progressive party came into existence, and of the ideal that it has been trying to maintain ever since; and I guarantee that nine out of every ten Progressives will accept my conception. I go back to the last election. Up to then I myself had an inveterate repugnance to co-operating with any party in this House, and I think most of my colleagues had. I think it was the results of the election that caused a change in our ultra-idealism. Back home I fought a straight fight with a Conservative —so-called. Now it might be thought that therefore I was supported by the Liberals, but I tell the House that for two elections now I have fought my constituency and snapped my fingers at both Liberals and Conservatives. At the last election I was urged, not only by Liberals but by some of my own friends, to approach the Liberals, to be a little more agreeable to them. But without hesitation I refused to do so, and my course has been justified by what is happening now.

Mr. MULLINS: Was T. A. Burrows responsible for the hon. gentleman's candidature in Nelson? He is the outstanding Liberal there?

Mr. BIRD: The hon. gentleman is trying to make a joke.

Mr. MULLINS: No, I am asking a question.

Mr. BIRD: Mr. T. A. Burrows had no more to do with my nomination than the hon. gentleman for Marquette (Mr. Mullins) had. Mr. Burrows may have supported me, but I have never acknowledged any support I may have got from him.

An hon. MEMBER: Very ungrateful.

Mr. BIRD: I am not ungrateful at all; but I tell the hon. gentleman that if I had acknowledged such support and governed my course accordingly, he would have been the first to cry me down for it, he would have said, "Here is a man with strings on him." I do not say it boastfully, because I think every Conservative in my riding would agree in my declaration—I have no strings on me whatever, except my own Progressive organization, which is an organization of farmers and business men in my riding. And I want to say now that that is the attitude I am going to maintain.

When we found the position was such that though few in numbers we had yet the balance of power, we were astonished at our own importance. It is something difficult for ordinary human nature to withstand, to think that twenty-five of us held the balance of

power. Personally I was never very much carried away with the idea, and I have since learned that I was right. It is not a desirable position to be in. But what happened? My executive met after the election to discuss the situation. Members of that executive wanted me to enter into an agreement with one or other of the parties. This was repugnant to my notions at that time and I refused pointblank. I hope the House will pardon me for giving this history, because I think it illustrates the experience of many of us. I consulted several prominent individuals in western Canada and in eastern Canada, concerning the course that it was desirable for me to take, and for the party to take. I came down here and met fellow-members of my party, and ultimately I could see that it meant co-operation with one or other of the old parties or else a course of futility, that is, another election and perhaps still another election. So at the beginning of the session I undertook with my colleagues to support the Liberal party. Why?

An hon. MEMBER: Old ties.

Mr. BIRD: Not at all. It is on record that in the last election I criticized the Liberal party throughout my riding just as I did the party to my right, and on the same basis—out of my firmly established belief that the system that we have at the present moment can be productive of no good for the democracy of this country.

Mr. LUCAS: Would the hon. member have continued supporting that party if they had failed to live up to their promise respecting the Hudson Bay railway?

Mr. BIRD: The hon. gentleman has asked me a very pertinent question. I certainly would not have supported them if they had failed to live up to their agreement.

Mr. LUCAS: May I ask another question? Would you put in that class a member from another province who would not support the government because of their failure to give Alberta its natural resources?

Mr. BIRD: I am not attributing any blame to the hon. gentleman, and he knows it. He knows that I have as much respect for him as I have for any other member, and I have no reflection to make upon the course that either he or any other member has taken. I want to say this, in regard to the natural resources of Alberta as in the case of any other item of the agreement of co-operation which we had with this government: I would certainly have used my influence to turn the government out if they had ever considered going back upon their promises. I take the same attitude in regard to rural credits, the same attitude in regard to the Hudson Bay railway, the same attitude in regard to the amendments to the Grain Act, in spite of the fact that I have had communications from many people expressing doubt with respect to some of these questions. Hon. gentlemen ought to give those who entertain a different opinion the same credit for sincerity of purpose which I am prepared to accord to them. We decided as a group to support a government that we had denounced during the elections, a government that we had no more confidence in then than we have now. How is that procedure to be characterized? Was that acting from highfalutin motives? I think it was acting straightly and unabashedly from motives of political expediency; and we did it with our eyes open.

An hon. MEMBER: That is right.

Mr. BIRD: It is right; and it was just tou h and go that we did not make the same arr ngement with our friends to the right.

An hon. MEMBER: You are lucky, though that you did not.

Mr. LENNOX: You would have lost your four thousand dollars.

Mr. BIRD: No, we would not have lost it because hon. gentlemen on the floor of this House promised us they would not go to the country for two years. Two years ago our group acted from motives of expediency, and no individual more so than the hon. member for Mackenzie (Mr. Campbell), because expediency is stamped all over the epidermis of that gentleman. Yes, we acted from motives of expediency, and I am here to-day to defend expediency, an expediency that is open and aboveboard. We Progressives came down here to represent ourselves. We are not interested in the garbage cans of the old political parties; we are not going to waste our time nosing round their records—we are only too glad to forget that. I think I have never in all my political history laid a finger on the reputation of any old party individual although I might have done so. What is to be gained by it? It just deflects us from the ends that we have set before ourselves; and those aims are designed as exactly as we can frame them, to represent the rights and the opinions of the people who sent us here. Yes, I say it was expediency; and this is not an opportune time to reproach any of us with trifling with moral issues. Some hon. gentlemen are like one of Steele's characters, one of those ladies of exceedingly high style

and dubious morality who adorned the society of the eighteenth century, and of whom that author said, "They are outrageously virtuous." It seems to me, although I hope I am mistaken, that there has been a lot of outrageous virtue expressed in this debate, irrelevant virtue. We are all driven by necessity or expediency, and the only question is whether that expediency is of a right kind. Is it actuated by personal motives or by motives of the highest public utility? I claim that my expediency in choosing the Liberals against the Conservatives at the beginning of this session had no personal animus at all. I considered it—and I am fallible—as expediency in relation to what I deemed to be the good of the public of Canada.

Some hon. MEMBERS: Oh, oh.

Mr. BIRD: If the hon. gentleman will look me in the eye and repeat that remark I will answer him

Mr. GOTT: I said oh, oh.

Mr. BIRD: That is about all the hon. gentleman ever says. I wonder if the hon. member for South Essex ever thinks of the crudity of his conduct in this House. He sits there—

Some hon. MEMBERS: Order.

Mr. GOTT: It will compare very favourably with yours.

Mr. BIRD: The hon. gentleman sits there all the time making inarticulate remarks concerning other members when they are on their feet. He should be reminded as a new member of the conduct which is expected from a member of this House towards his fellow members.

I was proceeding to say, Mr. Speaker, that my attitude in deciding to support the Liberals at the beginning of the session was purely one of expediency, and I am not ashamed of it. For a good many years, nay, for a generation or two, the parties of this country have periodically gone before the people and asked their support because the other party was corrupt; that is all. They have fooled the people for all these years into supporting one party or the other because one of the two was not fit to maintain office. As a Progressive five years ago I admonished my people that that sort of thing must cease, and that is what brought the Progressive party into being. The people were no longer prepared to be interested in these nauseous muckrakings of the old parties, because they had been fooled for so long.

What are we doing to-day? It seems to me we are doing the very thing which we condemn in our people; we are in danger of being stampeded by one of these old parties attacking the morality of the other party. That is all, as I see it. My address to-day concerns no individual; I have learned to respect the leading men on both sides of this House since I have been here. My personal opinion is that very few countries of the world have leading political lights shining quite so brightly as those in our Canadian House of Commons.

Hon. GEORGE H. BOIVIN (Minister of Customs and Excise): With the unanimous consent of the House which was given a short time ago I would like to lay upon the table the interim report made by Inspector Walter Duncan on December 10, 1925; the official report made by the same gentleman on February 8, 1926; the file containing the enclosures mentioned in the official report; the evidence taken in the investigation held by Inspector Walter Duncan from December 1, 1925 to February 1, 1926 at Montreal, and the exhibits A to Z referred to in the said evidence.

Hon. CHARLES A. DUNNING (Minister of Railways and Canals): I only desire to take a very small portion of the time of the House in speaking to the amendment to the amendment. We have been told, Sir, that this is the high court of parliament, and we are on this occasion assembled as a court to pass judgment upon one of our members. So for a few moments I want to examine the nature of this court.

This is a court, Sir, unlike any other; considerations affect our actions which affect the actions of no other court in the world other than a similar parliamentary court. My hon. friends opposite will not deny that their judgment as to the innocence or guilt of the Minister of Customs is influenced by their desire to turn this government out of office. They know they are not sitting here as unbiased judges of the conduct of the Minister of Customs (Mr. Boivin); the very nature of the amendment is proof of that, because it is carefully worded to involve not only the Minister of Customs but the fate of the government as well.

A high court! Will someone tell me, Mr. Speaker, what the fate of the amendment to the Grain Act now before the Senate has to do with the guilt or innocence of the Minister of Customs? Will anyone say that action or lack of action in the other chamber is not being used at the present time as an argument to influence the votes of members of this chamber as to whether the Minister of Customs is innocent or guilty? I believe, Mr. Speaker, that it is high time considera-

tion should be given to the independence of members of this chamber from coercion from whatever source.

Mr. MEIGHEN: Mr. Speaker, the minister owes it to the House to state more specifically what he means. If he means that any coercion has been exercised from this side of the House in respect of any bill before the other chamber I give it an explicit and firm denial.

Mr. DUNNING: I will advance the reasons for my language. Is it not well known to every member of the House that by parliamentary devices, under the rules, it is possible to adjourn consideration of a particular matter; and is it not well known to every member of the House that the Conservative majority in the other chamber has adjourned consideration of a particular matter for a very considerable time?

Mr. MEIGHEN: Mr. Speaker—

Mr. DUNNING: I am willing to be interrupted on a point of order, but not otherwise.

Mr. MEIGHEN: I am speaking to a point of order. It is inconceivable that any member of this House should deem it his right to refer to the conduct of the upper house or of any committee of the upper house, especially when that house is sitting. It is still more inconceivable that a member of the government should do so and should be allowed to proceed.

Mr. DUNNING: I referred not to the upper house as such, not to any committee of the upper house as such, but to the Conservative majority in that upper house, a Conservative majority which no more than one year ago was asked by my right hon. friend to co-operate more fully with the party in this House.

Some hon. MEMBERS: Hear, hear.

Mr. MEIGHEN: Mr. Speaker, I take the first point of order and ask for a decision.

Some hon. MEMBERS: Order, order.

Mr. MEIGHEN: I do not think we are going to be overawed by noise.

Mr. SPEAKER: Under rule 19:

> No member shall speak disrespectfully of His Majesty, nor of any of the Royal Family; nor of the governor or person administering the government of Canada; nor use offensive words against either House, or against any member thereof; nor speak beside the question in debate. No member may reflect upon any vote of the House, except for the purpose of moving that such vote be rescinded.

I call the hon. gentleman's attention to those words:

> —nor use offensive words against either House, or against any member thereof; nor speak beside the question in debate.

Bourinot, at page 357, states that it is the well known practice that no reference shall be made in this House to what takes place in the other House. I take it that the point of order is well taken. If one refers to the debates of the other House or characterizes the actions of any member or group of members of that House, he is infringing the rule.

Mr. DUNNING: Mr. Speaker, I shall, of course, be happy to obey your ruling. I may be permitted however to ask this question—

Mr. MEIGHEN: The only obedience to the rule is to withdraw the remarks objected to.

Mr. SPEAKER: There were no offensive words used, but the references of the hon. gentleman to the debates or action that was taken in the Senate were against the rule, and I have ruled them out of order.

Mr. CANNON: If I may be allowed, Mr. Speaker, for the future guidance of the members, is it not a fact that the rule should be interpreted as follows: That members should not refer to anything which has taken place or is taking place in another place, the Senate, during that session, so that we shall not interfere with the proceedings in the other House. But surely we can make a reference to what has taken place there in a former session.

Mr. SPEAKER: I gathered from the remarks made by the hon. Minister of Railways (Mr. Dunning) that he was referring to the action of the Senate or a group of senators during the present session. It is better to live up to the rule I have just cited.

Mr. DUNNING: I shall do my utmost to do so, Mr. Speaker. I think, however, it is within the rules for me to ask if it is right and in accordance with the independence of this parliament for action in another place to have a bearing upon the votes of hon. members of this House as to the innocence or guilt of the Minister of Customs. Surely that is in order, Sir, and I may add to it the well known fact that Conservative senators and Conservative members of the House of Commons meet in caucus together to concert their plans.

Mr. MEIGHEN: Mr. Speaker, I rise to a question of privilege. I cannot express my amazement at the conduct of the min-

ister. I want to give the most explicit denial to any concerting of plans whatever, near or remote, of any character or of any kind. The hon. member's remarks are unworthy of a member of this House.

Mr. DUNNING: I am content to let the facts speak for themselves.

Mr. MEIGHEN: Hear, hear.

Mr. DUNNING: They are sufficiently known to members of this House, regardless of what my right hon. friend may say.

Some hon. MEMBERS: Order.

Mr. DUNNING: I wanted to make a few remarks, Mr. Speaker, with reference to the address of my hon. friend from Mackenzie (Mr. Campbell). I am sorry he is not in his seat. I advised him that I intended to make some reference to his remarks, and I must therefore proceed in his absence. I understood the hon. gentleman to say that if this government and this parliament followed the practice of the Scott government in Saskatchewan, when certain of its ministers and others were thrown under suspicion, he would support such action and support the government in so doing. Now I want, if I can, to get my hon. friend's support for the amendment to the amendment upon the basis of his own professions, because the action taken in that case—both myself and the Minister of Agriculture (Mr. Motherwell) have reason to be very familiar with it, because we were there at the time—that action was what? Investigation by a parliamentary committee, a committee of the legislature, and upon that committee reporting its findings, there was a decision made by the government and the House to appoint royal commissions to investigate further those matters which the committees themselves were unable to go into. If my hon. friend from Mackenzie is honest and sincere, and I believe he is, in saying that he supported the action of the Scott government at that time because of that procedure, how then can he justify a vote against the amendment to the amendment moved by my hon. friend from Winnipeg North Centre (Mr. Woodsworth)? I can put on Hansard, if it is necessary, the proof of my statements from the journals of the Saskatchewan assembly.

Here is the report in the Saskatchewan journals concerning the personnel of the three royal commissions that were appointed:

> The first for the purpose of inquiry into all contracts and other works under the control of the highways commission, to consist of ex-Chief Justice Wetmore and Messrs. Mason and Smith.
>
> The second for the purpose of inquiry into the charges of bribery against certain members of the assembly, to consist of Messrs. Justices Brown and Elwood, and
>
> The third for the purpose of inquiry into the charges concerning the erection of certain public buildings, to consist of Sir Frederick Haultain, Chief Justice of Saskatchewan, and Messrs. Justices Newlands and Lamont.

I would point out further that a former leader of the opposition was asked by the Saskatchewan government to take the chairmanship of the committee of inquiry into its own actions.

With regard to the matter mentioned by my hon. friend from Mackenzie in connection with which he characterized the Minister of Customs as a criminal, and refused, when asked by myself, to withdraw the word in relation to the act of the Minister of Customs, what was that act? After all the arguments that we have heard in this House during the last two days, what was that act? Was it not in fact the withholding of a warrant of commitment to gaol at the request of a member of the House? My hon. friend from Mackenzie condemns the Minister of Customs, and used the word "criminal" in relation to that action, when he well knows that within the last two months he has requested action of that same Minister of Customs that would have exactly the same effect—the withholding of a warrant of commitment to gaol.

Mr. MOTHERWELL: That is putting them over the plate.

Mr. DUNNING: My hon. friend wrote, as he had a perfect right to do, to the Minister of Customs—this file has been supplied to me by the Minister of Customs as an evidence of what has been pointed out right along, that this is a common and usual practice in the department—and he asked for what? The leader of the opposition was very careful to say when the Solicitor General (Mr. Cannon) attempted to introduce argument of this kind: Oh, you cannot go outside of the evidence which came before the committee. There is a good reason for that, and my right hon. friend well knows it. In this particular case a constituent of my hon. friend from Mackenzie gets into trouble for making home brew, and if there is any offence that I know of that is worse than smuggling, it is the making and selling of that vile stuff known as home brew. A fine was imposed, with imprisonment as an alternative to payment—imprisonment, of course, if the fine was not paid. My hon. friend from Mackenzie writes to the minister, as he has a perfect right to do, to point out to the Minister of Customs or the Minister of Justice that this man cannot pay the fine,

and he thought he ought not to be sent to gaol, but ought to be given till the fall to pay his fine. There is only one way for the Minister of Customs to accede to that request, and that is to withhold the warrant of commitment. My hon. friend shakes his head.

Mr. MEIGHEN: Certainly; all the difference in the world.

Some hon. MEMBERS: Order, order.

Mr. DUNNING: My right hon. friend has made his speech. Let me make mine. I have the floor.

Mr. MEIGHEN: The hon gentleman is very brave.

Some hon. MEMBERS: Order, order.

Mr. DUNNING: If my right hon. friend desires to ask a question, all right, but if he wishes to rise to make a statement, no.

Mr. MEIGHEN: I only wish to inform the hon. member—

Some hon. MEMBERS: Order, order.

Mr. DUNNING: Does the right hon. member desire to put a question?

Mr. MEIGHEN: I rose to ask a question, but I do not propose to be treated discourteously by the hon. member again.

Mr. DUNNING: I had no intention of treating my right hon. friend discourteously, and I should think he should be the last man in this House to complain of discourteous treatment. I hold in my hand a letter which proves, if anything can be made to prove, the practice of the department in this regard. This letter is written by a man who has been spoken of in the highest terms by the hon. member for Vancouver Centre, Mr. Taylor, Assistant Deputy Minister of Customs and Excise and relates to a case that was evidently dealt with as a matter of course. This is a memorandum addressed to the chief of the customs and excise preventive service as a result of the representations made by my hon. friend from Mackenzie (Mr. Campbell) and reads:

It appears desirable that warrant of commitment be not executed against him at the present time in view of the fact that he is a farmer and the seeding season is at hand.

An hon. MEMBER: He would be a great help in an election!

Some hon. MEMBERS: Order, order.

Mr. DUNNING: My hon. friend appears to have some doubts as to the bona fides of this matter. I shall be very pleased to read the letter of the hon. member for Mackenzie, and in reading it I want to repeat now what I said a few moments ago that he was perfectly within his rights in writing it, and that the action taken as a result of the letter was a perfectly proper one. It had the result of carrying out my hon. friend's request, the withholding of the warrant of commitment against a man found guilty of an act similar to the act for which my hon. friend from Mackenzie condemns the Minister of Customs in terms such as "criminal."

Mr. CAMPBELL: I did not use the word "criminal" as applied to the Minister of Customs at all, and I think the Minister of Railways should retract that statement.

Mr. DUNNING: I endeavoured to give my hon. friend an opportunity to take back the word "criminal."

An hon. MEMBER: He took it back.

Mr. DUNNING: He did not take it back. If he takes it back now, I shall be happy to accept the retraction.

Mr. CAMPBELL: I will say quite frankly that the use of the word "criminal" was too strong. I should have used the word "offender." The minister had no right to make the statement he did make, because I made no direct reference to the Minister of Customs.

Mr. DUNNING: The hon. member takes it back, and that is quite sufficient for my purpose. This letter is addressed to the Minister of Justice, dated April 11, 1926, written by the hon. member for Mackenzie, and reads:

I understand that some time ago Mr. John J. Chernankoff of Pelly, Sask.—

This is not the only peculiar name in the Dominion of Canada. There are others which sound strange to English ears, but they may be very decent people, whether their names are Chernankoff or Aziz.

Mr. RYCKMAN: Did my hon. friend say that letter was addressed to the Minister of Justice?

Mr. DUNNING: Yes.

Mr. RYCKMAN: And not the Minister of Customs.

Mr. DUNNING: I can deal with that feature later. The letter was addressed to the Minister of Justice, and because it related to a customs offence, it was, as the file later reveals transferred to the Minister of Customs to deal with, because it involves the matter of withholding a warrant of commitment. I should have said it was trans-

ferred to the deputy minister. It did not even go to the Minister of Customs, and this is a practice that has occurred in dozens if not hundreds of similar cases throughout the country. I will read the letter:

I understand that some time ago Mr. John J. Chernankoff of Pelly, Sask., was fined $200 the charge being the making of home brew. I may say that Mr. Chernankoff has paid $50 on this account and is not at the present time able to meet the balance.

As the seeding season is approaching it would be a very serious matter for his family if this man were obliged to go to jail and I believe it would serve the ends of justice if you could extend the time of payment of the balance of this amount sufficiently to enable him to meet it, as it is impossible for him to raise this money at the present time. I am given to understand by people who know this man thoroughly that he has never made this stuff for sale.

How often have I had that plea presented to me. The letter continues:

Under the regulations, had he known so, he could have notified the Minister of Customs that he was making home brew for his own use, in which case he would not have been guilty of an offence against the law.

I do not know where my hon. friend gets his law for that. But that is what he says.

Some hon. MEMBERS: That is right.

Mr. DUNNING: The letter continues:

I think this might well be taken into consideration when his case is dealt with.

Then there is an acknowledgment sent to Mr. M. N. Campbell by the Minister of Justice. Mr. Campbell's letter is written on the paper of the House of Commons. Surely it is quite clear that my hon. friend does not deny writing the letter. I do not question for a moment his right to write the letter.

Mr. WOODSWORTH: I think it is only fair to the hon. member for Mackenzie to point out that he is not putting that request on the basis of any service rendered to him in the constituency.

Mr. DUNNING: No, Mr. Speaker, but are we to say that because one man is foolish enough to put in a letter the statement that this is a political friend, as the hon. member for Gloucester (Mr. Robichaud) did, that he is to be condemned and that the ministry is to be condemned for it and on the other hand a member who is clever enough to know that it is not the proper thing to put in a letter and who simply leaves the minister to read between the lines is to get off scot free? None of us can be so incredulous. I do not want to labour the point, but hon. members will understand that men who have served as ministers of the crown at least will realize that while it is decidedly improper to urge political consideration regarding matters relating to one's constituents, is there a man in this House who will say that a letter from a friend, political or personal, with regard to a particular matter does not receive consideration outside of the borders of its literal contents, and to some extent in deference to the relationship which exists personally or politically between the writer of the letter and the recipient of it? That is common sense.

Mr. BURY: Does the minister infer that the hon. member for Mackenzie had that motive or intention when he wrote that letter? The minister is reading it between the lines and wanting the House to read it between the lines.

Mr. DUNNING: I was merely replying to a question addressed to me in that regard.

Mr. BURY: And the minister's reply implied that.

Mr. DUNNING: I am not drawing any inference with respect to that letter; I am making a statement which is within the knowledge of every hon. gentleman facing me. When letters are written it is not necessary to state, in the terms stated by hon. member for Gloucester (Mr. Robichaud), that this man is a supporter and so on, to get consideration from a personal or political friend. Let us take the case of the hon. member for Simcoe (Mr. Boys). There was no political friendship, but the evidence indicates that there was considerable personal friendship, which I have no doubt exists still and which is no discredit to my hon. friend. He writes a letter. It would have been foolish for him to put into that letter: Please do so-and-so because this man will help me politically. It would not have been good sense for my hon. friend to do that. But my hon. friend did urge every consideration he was capable of urging; he did take the fullest advantage, proper advantage possibly, of his friendship for the Minister of Customs, and certainly the man concerned—Daivey Waisberg was it not?—received generous treatment. What a Godsend it is that the hon. member is not a Liberal member. If he had been, how the welkin would have rung from the other side with reference to the correspondence and his action!

To pursue the matter of the member for Mackenzie a little further, the Minister of Justice transmitted the letter to the chief of the Remission branch and he in turn transmitted it to the Department of Customs because it was a matter with which the Depart-

ment of Customs had to deal, the withholding of a warrant of commitment for more months of time in order to enable John J. Chernankoff to pay the fine. According to my understanding of the file he had to go to gaol for seven months if he did not pay the fine. The hon. member for Mackenzie, very properly I have no doubt, from his knowledge of the man and his case urged that the minister should extend the time. There was one way of doing it and that was to withhold the warrant of commitment until the fall. If the man at that time did not pay the fine, he would go to gaol. May I point out that that was exactly the thing which the Minister of Customs requested to know from his deputy on that famous day when he first came into the office, namely, whether he had power to withhold a warrant of commitment? This is a letter—

Mr. MACKENZIE KING: Read the whole file.

Mr. DUNNING: I will read the whole file, although it will take time to put it on Hansard. I want again to emphasize that I am not condemning the hon. member for Mackenzie with regard to this matter, but this shows the practice and the injustice of my hon. friend's attitude this afternoon towards the Minister of Customs.

Mr. MARCIL: Did the man go to gaol or is he still at large?

Mr. DUNNING: He is still out.

Mr. CAMPBELL: I again rise to a question of privilege. I want to point out to the Minister of Railways—it seems impossible to make him understand it—that I dealt very tolerantly with the Minister of Customs.

An hon. MEMBER: That is not a question of privilege.

Mr. CAMPBELL: If the charges against the Minister of Customs were the only sins of which the government were guilty I would be quite prepared to vote confidence in the government.

Mr. SPEAKER: Order.

Mr. DUNNING: My hon. friend indicated very plainly that he was prepared to vote for a resolution which would have the effect of driving the Minister of Customs out of public life. That is how tolerantly he dealt with him.

This is the letter of transmission from the chief of the Remission branch to the deputy minister of the Department of Customs and Excise under date of April 17, 1926:

Dear Sir:

In further reference to the case of John Chernankoff, I herewith return your file No. 130028, which you were kind enough to forward to this department for consideration. I thank you for your courtesy herein.

I now forward you copy of a letter from Mr. M. N. Campbell to the Hon. the Minister of Justice, and would draw your attention particularly to the second paragraph of the same. As Mr. Campbell is asking that the time for payment of the balance of the fine imposed be granted the defendant, and as this is a matter rather for your department than this—

For Customs, rather than for Justice.

—I submit it to you for such consideration and action as you think advisable in the premises.

Then Mr. Taylor, a man of whom the hon. member for Vancouver Centre spoke so highly, writes this letter in reply. I am saying nothing against Mr. Taylor; I am merely pointing out that this business of keeping men out of gaol after they have been sentenced is in various ways a fairly common practice in this department or letters of this kind could not have been written. This is a letter written by Mr. Taylor, Assistant Deputy Minister of Customs and Excise, to Mr. M. F. Gallagher, chief of Remission branch, Department of Justice under date of April 22, 1926:

Sir,—Replying to your letter of April 17, (File 18052), I am enclosing herewith copy of a letter addressed to the chief preventive officer, from which you will observe that the department has agreed to extend the due date for payment of the balance of this man's fine until October 10, proximo.

I venture to say that the Minister of Customs never saw that; that it was handled as a routine matter in the department. What does this letter contain? This is a letter addressed by Mr. Taylor to Mr. Wilson, chief of the Customs and Excise preventive service. Ottawa, under date of April 22, 1926:

Sir:

Re. P.S. Excise Seizure No. 6548,
John Chernankoff, Pelly, Sask.

The department is advised that the above offender has paid fifty dollars on account and is unable at the present time to pay the balance. It appears desirable that warrant of commitment be not executed against him at the present time in view of the fact that he is a farmer and that the seeding season is at hand.

In the circumstances I would state that, provided the justices of the peace are willing, the department will raise no objection to the balance of the fine and costs being allowed to stand until October 10, proximo. If not promptly paid by that date the department should be advised.

But even on October 10 apparently he would not go to gaol until the department was advised. The discretion would still continue.

Mr. MACKENZIE KING: By whom is that signed?

Mr. DUNNING: By Mr. George W. Taylor, Assistant Deputy Minister of Customs and Excise, and it is apparently in conformity with the general practice of the department. All of this correspondence took place while the committee was sitting, while the Moses Aziz case and all those other cases to which reference has been made, were before the committee. The final letter on the file is from Mr. M. F. Gallagher chief of Remission branch of the Department of Justice, to Mr. Campbell:

Dear Sir:

With further reference to your letter of the 9th instant to the Honourable the Minister of Justice with regard to John J. Chernankoff, recently convicted for a breach of the Inland Revenue Act, I beg to advise you that this case was at the time referred to the Deputy Minister of Customs and Excise who now informs me that instructions have been issued to extend the due date for payment of the balance of the fine imposed in this case until the 10th of October proximo.

And the man will not go to gaol until the 10th October.

I would call attention to the fact that I am asking for the support of the hon. member for Mackenzie on the basis of his own professions in the matter of the Scott government to which I referred this afternoon before the hon. member came back to his seat. The additional point I am now endeavouring to make is this: the language used by Mr. Gallagher, the chief of the Remission branch of the Department of Justice, in the letter signed by Mr. Gallagher which I have just read, was exactly the language contained in the letter on file in the Aziz case from the same Mr. Gallagher—exactly the same. There are other cases I could quote in which members of this House asked for consideration and wound up with the request not that this case be given consideration because the man was a political friend, but saying very properly at the end, "I make no recommendation as to what shall be done." Enclosed with a letter of that kind is a letter from one pleading on behalf of the individual concerned and winding up with the statement "This man is a political supporter of yours." The member making the recommendation did nothing wrong. I am not saying there was anything wrong at all; he made no recommendation in the case, he merely transmitted a letter to the government and said—not only for self-protection but because he did not know enough of the facts—"I make no recommendation in this case." That is the proper kind of a letter to write to a department or a minister when a member is transmitting information of that kind. But you see, Mr. Speaker, how difficult it is for any man who represents the people to deal with matters of this kind, particularly if he happens to be a Liberal, without subjecting himself to all kinds of accusations. Oh! I can imagine what would have been said by hon. gentlemen opposite in connection with the Daivey Waisberg case if the hon. member for North Simcoe (Mr. Boys) had only been a Liberal. We have no doubt at all what they would have said then.

What are we asked to do after all in this matter? This House is asked not only to condemn and drive out of public life the Minister of Customs (Mr. Boivin)—

An hon. MEMBER: Hear, hear.

Mr. DUNNING: Somebody says "hear, hear"—"As ye judge so may ye be judged."

Some hon. MEMBERS: Oh, oh!

Mr. DUNNING: Among the jury are men who should, for very conscience's sake, hesitate to cast a vote condemning as a political outcast the Minister of Customs for the offence with which he has been charged, the offence in question, stated at its worst, being that of being too lenient, as was within his discretion, with respect to a man who should have been and now is in gaol. The hon. member for Winnipeg North Centre (Mr. Woodsworth) made, I think, a very strong point when he asked if this House should displace this government because one of its ministers exercised too great leniency and put in its place a government the head of which would be the man who sent that telegram to Winnipeg which was quoted by my hon. friend and which had for its effect the approval of putting men in jail illegally. The gentleman in question stated his own doubts of the legality of the proceedings but said: Put them in jail and deport them as quickly as you can, and if there is anything wrong about the proceedings we will consider ratification later. I submit, Sir, that from the point of view of the public good the minister who is even rightfully accused of being too lenient is not so great a danger politically in Canada as the man who would sign such a message implying such an awful invasion of the liberties of the subject in this Dominion. And then we are asked, Sir, to vote out this government and to put in another government from across the way, remembering as we all must remember, that the reason why smuggling is profitable is because there is a customs tariff which is high enough to enable those breaking it to make money, and to be able to afford the taking

of the risk involved. We are asked to put in a government a cardinal point of whose policy would be the increasing of the premium on smuggling.

Some hon. MEMBERS: Oh, oh!

Mr. DUNNING: My hon. friend surely understands that the reason smugglers make money is because there is a customs tariff, and by smuggling they are enabled to put that tariff into their own pockets. That is why smuggling exists, and everyone knows that if you increase the premium it will constitute an ever-increasing attraction for the law breakers, who are inclined to enter that business. And so we are asked to turn out this government and put in another one which will say through its policies to all the smugglers in the country: We will increase the profits of your business. That is the position exactly.

Mr. STEVENS: Would the same argument apply equally to the excise duty and the sales tax?

Mr. DUNNING: Of course there is a difference.

Some hon. MEMBERS: Oh, oh!

Mr. DUNNING: I was speaking of smuggling, which means the bringing in of goods from a foreign country without the payment of a customs duty. Will my hon. friend argue for a moment that increasing a customs duty will not increase the premium to the smuggler if he is successful in getting his goods in?

Mr. STEVENS: My hon. friend did not quite catch my question. I am speaking quite seriously. I say smuggling is an evasion of the customs law. Now I ask will the same argument apply to the evasion of the excise duty and the sales tax which is involved in our report just as much as smuggling is?

Mr. DUNNING: That is one of the reasons why we reduced some of the excise taxes. We decided to reduce the premium on law breaking.

Mr. BELL (Hamilton): We want to get an honest government.

Mr. DUNNING: My hon. friend says he wants to get an honest government. I have always said that honesty was not the peculiar prerogative of any political party, least of all the political party which has within its ranks—

Some hon. MEMBERS: Oh, oh!

Mr. DUNNING: Yes, hon. gentlemen would like to drown my voice. I was going on to say this—least of all the political party which has in its ranks at this moment men who, while their country was engaged in war, grafted out of the public purse.

Mr. CLARK: What did you do in the war?

Some hon. MEMBERS: Stand up.

Mr. CLARK: All right, I will stand up. What did any one of you do?

Mr. DUNNING: Mr. Speaker,—

Mr. SPEAKER: Order. Let me pour a little oil on the troubled waters. I must remind hon. members that this is a debate.

Mr. MEIGHEN: It was.

Mr. DUNNING: It is very strange, Mr. Speaker, that my right hon. friend the leader of the opposition can on all occasions stand up and pour his vitriol over this House while we sit and listen, but when anyone on this side stands up and hands him back some of his own medicine there is an uproar from our friends opposite.

Some hon. MEMBERS: Oh, oh.

Mr. RYCKMAN: You plume yourself overmuch.

Mr. DUNNING: My hon. friend from Burrard asked what I did in the war.

An hon. MEMBER: Or any one of you.

Mr. SPEAKER: Order.

Mr. DUNNING: I would refer my hon. friend to his leader; I do not discuss those matters.

An hon. MEMBER: Then why did you bring it in?

Mr. SPEAKER: Order.

Mr. DUNNING: Mr. Speaker, I have done. I started by arraigning this court which is trying this matter. This whole proceeding, Sir, is an indication of the unfitness of this body to act as a court in the trial of an individual who is a member of it. That is why in the evolution—

Mr. SUTHERLAND (South Oxford): Speak for yourself.

Mr. SPEAKER: Order.

Mr. CANNON: Get some Australian butter.

Mr. SPEAKER: Order.

Mr. DUNNING: That is why, Mr. Speaker, many years ago parliament tried, or purported to try, many offences which do not now come

before parliament—there are many instances—because it was found better to transfer such cases to a judicial tribunal, which I submit this body never can be with respect to a matter of this kind. When I say so I am saying no more against my hon. friend from South Oxford than against myself. I say that he and I, in connection with a matter of this kind, are influenced not only by the facts of the case but by political considerations. Yes, all of us are so influenced. Perhaps I should except some hon. members in the far corner who describe themselves as jurymen in this case. I will not pursue that suggestion for it would lead to endless debate. But I do urge, Sir, that it is possible as a result of the amendment moved by my hon. friend from Winnipeg North Centre to take this matter out of the atmosphere of political partisanship with which we are all surrounded, and to have it examined in the cold, independent atmosphere of a judicial tribunal.

Mr. CAMPBELL: Mr. Speaker, I rise to a question of privilege. I think it is unnecessary for me to apologize to this House or to my constituents for my action in connection with the case related by the Minister of Railways. The very fact that the Minister of Justice acceded to my request proves I was right.

Mr. DUNNING: Mr. Speaker, I rise to a point of order. The Minister of Justice did not accede to my hon. friend's request. The Minister of Customs, or the Department of Customs, did exactly as in the Aziz case.

An hon. MEMBER: That is not correct.

Mr. CAMPBELL: Mr. Speaker—

Mr. SPEAKER: Order. Let the hon. gentleman state his question of privilege. He is not allowed to make another speech.

Mr. CAMPBELL: I think I have a right to explain my purpose.

An hon. MEMBER: No.

An hon. MEMBER: Sit down.

Mr. SPEAKER: Order. He has that right if a question of privilege is involved, but I do not see any. The hon. gentleman is answering the hon. Minister of Railways.

Mr. CAMPBELL: In this particular case, Sir, I might say—

Some hon. MEMBERS: Sit down.

Mr. SPEAKER: Order. I do not consider the fact of an hon. member writing a letter asking what the hon. gentleman is said to have asked constitutes a question of privilege. It happens every day. I do it myself.

[Mr. Dunning.]

Mr. HENRI BOURASSA (Labelle): Mr. Speaker, I should like, if possible, to introduce into this debate, in as few words as I can make use of, the so-called judicial spirit which we are supposed to have in order to pass judgment in this case. Not being a lawyer, and therefore having no chance of becoming a judge one of these days, perhaps I can afford to make use, now, of some of that legal spirit in discussing this matter. It seems to me that some of the numerous lawyers who have been pleading for the adoption either of the amendment or of the report have not contributed much, in the last few days, to convince us that this parliament has really been transformed into a court of justice. I entirely agree with the closing words of the Minister of Railways (Mr. Dunning): it has been made quite clear that this House is not in a mood to pass cool and impartial judgment upon the matters referred to it by the Customs committee.

May I suggest something more, Mr. Speaker? By the very nature of things, it was unreasonable to expect that this matter could be dealt with, not only in this House but likewise in the committee to which it was referred, without any political considerations. I have followed this debate pretty closely—as much as I could stand of it,—I have read a good deal of the evidence brought before the committee. It seems to me that we should, first, make a division of matters. First, we should consider the matters that are strictly before the House as a result of the report of the committee, and thereupon consider the three motions that we have to deal with—the motion to concur in the report of the committee, the amendment of the hon. member for Vancouver Centre (Mr Stevens) and the subamendment of the hon. member for Winnipeg North Centre (Mr. Woodsworth).

Then, there is something else. I do not want to be offensive; but there is what I would call influence brought to bear upon this debate and upon all questions of this nature by public opinion outside that has become very nervous every time some question of liquor smuggling arises. That public opinion is not always exactly judicial; and when expressed by speeches and votes in this House it very often comes near to what I would call hypocrisy, if the term were parliamentary. I learn from members on all sides of the House that it has become almost impossible to deal with liquor control or smuggling without raising such prejudices as tend to warp one's judgment. Thirdly, we have to consider the broad political issue; and here, I join hands with

my hon. friend from Winnipeg North Centre in his statement, that this whole matter demonstrates once more the absurdity of a system under which, first of all, committees of this House—composed of members designated by political parties whose main object is either to keep or to attain power— cannot divest themselves of those considerations, and secondly, that when the matter is brought before the House there is no choice other than to vote for either this motion or that motion, and thereby bring about a change of government. This situation should be brought home to the thinking men, both in and out of parliament, as frequently as possible, to show the imperative necessity of modifying the habits of our parliament in this respect. It stands in contrast with the wisdom of this same parliament in connection with matters of electoral contests, for example, when it divested itself of the power of passing judgment upon these matters, in order to leave them to impartial tribunals.

The question at issue in this debate should have been brought before a judicial commission at the start; the whole inquiry should have been conducted by such a commission. For my part, I say quite frankly and openly that I do not feel prepared to pass judgment, in an impartial manner, upon the matters referred to in this report. I will not take advantage of the compliment paid to a few members at this end of the House by the Minister of Railways; I will not say that I feel more virtuous or more disinterested than any Conservative or Liberal member; I only say that there is not here the same consideration of party which may animate the Conservatives or the Liberals. But I cannot dissociate this question from the political consequences which will follow the vote. In justice to my constituents, in justice to the people who believe in me in my own province, and even outside of that province, I cannot consider this sole issue of whether or not the Minister of Customs was right in the Aziz case or any other case. I cannot dissociate these "great" issues, now before the parliament and the people of Canada, from those "minor" considerations which the right hon. leader of the opposition says are not worth mention in this House—matters of war and peace, matters of foreign relations, questions upon which the decision taken by the House to-day may mean, in five or ten years, the loss of 50,000 lives. Of course, that is a trifling matter for the right hon. leader of the opposition. It is "time-killing" to think of the future of our country; it is "time-killing" to talk about the foreign affairs of this country, or to talk of great constitutional principles. But if you can find one little fault in this man—if he is a Liberal and you are a Conservative—if you can catch this minister at fault and in so catching him gain power, here is a great constitutional issue!

I do not blame hon. gentlemen opposite for doing a few of these things. But is this what the great Conservative party has come to? It may be that it will give them power, I do not mind; whether they are in power and the Liberals in opposition is not my main concern. Likewise, the fact of one Liberal minister or two or three Liberal or Conservative members having committed errors of judgment in order to serve some political ends, would not appear to me as sufficient to bring about a political crisis and make a change of government without considering what the effect would be on the whole legislation of the country, on all the principles of government and administration. On this point I entirely agree with the hon. member for Winnipeg North Centre: it is absurd for this House to pretend to transform itself into a tribunal of adjudication, when every time judgment has to be passed that judgment will be influenced by political or party considerations, rather than by considerations of justice. The time will surely come when it will be possible to vote for or against a certain action taken by one minister, or for or against certain pieces of legislation, without being forced to say: "This means a change of government." Even in the great Mother of Parliaments, of which we hear so often from members who like to quote British precedents when they suit their views and purposes, where the principle of ministerial responsibility is the basis of the system, they have been forced by circumstances to come to the conclusion that many questions which here, with our old views and narrow spirit, we consider questions of confidence, are not such questions at all. Ministers are censured, government motions are defeated, but the government is not called upon to go out of office. The result is that they can deal in a much broader and more effective manner with the many problems confronting the government than we in Canada can do, because of that old inherited habit of fifty years ago which says that upon every question which may crop up, or almost every one, we must vote the government down or keep them in office.

With regard to the various questions mentioned or raised in the report, I shall not dwell upon them at length. I do not think we are

in a position to pass judgment upon the various matters brought before the committee. We are not in a position to say that the findings of that committee, with regard either to individuals or to administrative methods, are necessarily just and right. In the report itself, what do I read: "The matters referred to have not been completely reviewed" and "to a degree, therefore, this report is incomplete and suggestive rather than final." So it is upon an incomplete report from a committee, the members of which declare that they have not been able to review the whole question, that we are called upon to pass judgment; to put out of public life this man or that man; to blame or excuse this one or that one, to endorse either the recommendations made by the committee or the suggestions contained in the amendments also before us. We must decide all this in half a week, after a hurried debate in which I failed to see on either side the disposition or the will to remedy the real evils that have been disclosed before that committee. The one single dominating thought is: Which party will carry the vote?

Let us be true to ourselves. For my part, I am not capable of voting upon this matter without coming back to the position in which I found myself, five or six times, during this session.

Mr. MANION: Are not the recommendations of the committee designed to remedy conditions?

Mr. BOURASSA: I will deal with that.

Rather than throw down this government and bring into power the other party, whose policy I do not approve, and approve still less after the six months session we have had than I did at the beginning—I am bound to give my vote dominated by that thought, which has nothing to do with the administration of the Customs department, and has nothing to do with the moral guilt or innocence of the Minister of Customs or any of the other officers named in that report. This is absurd; and, for that reason, I am entirely in agreement with the first part of the sub-amendment of the hon. member for Winnipeg North Centre, that this inquiry should be turned over to a judicial commission, which would cover the whole ground and come back with a report. Then, at last, of course, we would have to take some action; but it would be action preceded and directed by the findings of an impartial body, safer and much better preserved from political interference than the committee was. In this respect, again, let us be frank.

[Mr. Bourassa.]

I heard a large part of the very able speech delivered by the hon. member for Vancouver North (Mr. Donaghy). It was, I think, the most complete analysis of the report; but he used one sentence which made me shrug my shoulders. He said, in effect: If we had delved into the years gone by we could have opposed to the findings with respect to the administration of the last four years, some acts of maladministration on the part of the opposition, dating back ten or twelve years, and in that way we could have put the opposite party in an equally bad position. I say boldly that the committee did wrong in not doing that. Either of two things: Either that committee was a political body working for the benefit of one party or the other, or it was a judicial body looking for real reforms in the administration of the Customs department. If it was a political body, the Liberal members on that committee were foolish to leave the matter entirely in the hands of their opponents. If it was a judicial body, and if they wanted to gain the confidence of the people of Canada in their findings, they had to show up every misdemeanour of all governments for the last ten years; and that would have made things equal as between the two parties. From the highest point of view, the government had no right to allow the members of the opposition to make of this inquiry a political propaganda duel.

Mr. NICHOLSON: They could not help themselves. The government members could not produce any other evidence.

Mr. BOURASSA: I think they could have.

Mr. NICHOLSON: Why didn't they do it?

Mr. BOURASSA: I think they were foolish in that respect; they were very weak. The whole documentary evidence was prepared by the hon. member for Vancouver Centre in conjunction—perhaps I should not say that, for I do not know their relations—with that so-called Commercial Protective Association of Montreal. It was not the business of the hon. member for Vancouver Centre to dig up everything that could go out against his own party; just, as the right hon. leader of the opposition said yesterday, it was not for the Conservative members of that committee to call upon the Hon. Jacques Bureau to come and give evidence.

Mr. STEVENS: I think the hon. member desires to be fair. If he will permit me, the original request was for a committee to survey recent years; I think I named, originally, the last four or five years. Then another motion was suggested by the minister, which

was accepted by my right hon. leader and everyone on this side, that the committee should go back with their inquiries as far as they liked. So it was open to the committee.

Mr. BOURASSA: Precisely, but they confined their inquiries to the last five years, and did not go beyond that.

Mr. BELL (Hamilton): Is the hon. member aware of the fact that inquiries into matters dating beyond the last two, three, four and five years were invited by the members of that committee?

Mr. BOURASSA: That proves again that the Conservative members on the committee did not find their match in the Liberal members of the committee. The Liberals were far too anxious to prove that they were not acting from political motives.

Mr. BELL (Hamilton): Or they were asleep.

Mr. BOURASSA: Perhaps; I do not know what the cause was; I am simply stating the fact as it is. But, after all, this is only what I would call the least important point. The more important point is this, and I ask every hon. member to ponder on what I am going to say now. Being given those facts, you will not get a consensus of the moral opinion of this country at the back of the vote that will be given to-night one way or the other. Why? Because the force of circumstances has turned this matter into a political bone of contention; and if there is an election upon this question, the Conservatives will go around the country to demonstrate that the Liberals are rotten, that they have brought the Department of Customs to such a state of corruption that they cannot be trusted with office; and the Liberals will reply with equally true things, which, however, they will have to take from the past records of the Conservative governments,—and they will find plenty of them. The result will be that you will have a mud-slinging election of the first order, or of the last order, with one-half—

Mr. BELL (Hamilton): Will the hon. gentleman specify those things which he says they will find plenty of?

Mr. BOURASSA: Yes, I would take the whole war administration. I would take all those facts upon which Sir Andrew MacPhail has reported in his very interesting book dealing, for instance, with the manner in which the unionist government organized that comedy—I cannot use the word, because the results were so abominable—that orgy of peculation and exploitation of patriotism for the basest objects, and which cost the lives of so many Canadians.

Mr. BELL (Hamilton): Will the hon. member point to that "plenty of things" in the evidence that was taken before the Customs committee, and not simply in any book by Sir Andrew MacPhail?

Mr. BOURASSA: The hon. gentleman, who has a very keen mind, and who is a very intelligent and courteous member of this House, must remember that I have just stated that one of the faults of the Liberal members of the committee was precisely to have put themselves in the position where the whole evidence that was given in that committee conncerned a Liberal administration; they made little or no effort to pierce to the bottom of things and show what had been done under past Conservative administrations.

Mr. BELL (Hamilton): That does not answer my question.

Mr. BOURASSA: Yes, it does. I say that if the Conservative party, as they evidently wish to do, are going to carry on a mud-slinging campaign against their opponents, using the findings and evidence of this committee, their opponents, having let themselves be put in this position, will refer back to some other scandals; and you will have the people of Canada listening for months to that kind of accusations, right and left, and having to choose between the two, and they will say, as they very often have to do now: Let us try to find out which is the less crooked of the two. That is a great danger to the moral and political stability of the country, and to a large extent it is unjust to both parties.

5 p.m.

Mr. MANION: The hon. gentleman has just made a general statement about the bad administration of the government during the war. Would he mind telling us, for the information of the House, of any charges that have been made against the government that was handling the affairs of this country during the war?

Mr. BOURASSA: You have only to read the pages in which Sir Andrew MacPhail describes, for instance, the organization of Valcartier camp, the thirst of the late Minister of Militia to send as many men as possible to the other side without proper equipment, without proper weapons, so that the Canadian soldiers threw their guns into the ditches rather than make use of them, because they were more dangerous to themselves than to the enemy. Guns were forced upon the department by the minister of the previous

Liberal government, Sir Frederick Borden, then by Sir Sam Hughes, who were both hand in hand—I mean in a very friendly sense—with Sir Charles Ross; and this entailed a cost of millions of dollars to the government of Canada and resulted in the loss of the lives of hundreds of Canadian soldiers. It was improper to use these guns in that warfare, but they had been forced upon the soldiers.

Mr. MANION: Is the hon. member not aware that Sir Andrew MacPhail was an A.D.M.S.—I saw him there myself—and would not know anything about the cases of the soldiers dying in the front lines?

An hon. MEMBER: You were a Liberal then.

Mr. MANION: That has nothing to do with it.

Mr. BOURASSA: The Ross rifle was so well known to everybody connected with the militia that my hon. friend would surely not ask me to bring evidence to substantiate my statement. He has only to interview the officers and soldiers who were engaged in the war and he will ascertain the truth. The unanimous finding was to the effect that the government were obliged to destroy every one of those discarded guns because they were unfit to use. Those guns were put into the service to please the friends of the former Minister of Militia.

Mr. BELL (Hamilton): Will my hon. friend inform this House what on earth the charges against the Ross rifle have to do with the charges now levelled against the Department of Customs for corruption in office?

Mr. BOURASSA: I would not have brought up the matter at all, if it were not for the question put by the hon. member. I was making the point that the first error had been committed by confiding this issue to the findings of a committee which was bound to become a political body; secondly, that since it was found to become a political body, the Liberal members of that committee and the ministers at their back made a great mistake in permitting the inquiry to be confined to these issues which tell against their friends. I made my point there, because, as I said, the moment the Conservative candidates begin exploiting the findings of that committee for their electoral purposes, they are sure to have the candidates of the other party reply by making counter charges against the other side. I gave that as an example.

Mr. BELL (Hamilton): The Ross rifle as an example?

[Mr. Bourassa.]

Mr. BOURASSA: Yes, among other things. I have given that merely as an illustration of the false principle upon which this whole matter has been based.

Now I come to the other position, demonstrating what I would call the absurdity of the parliamentary situation. I have demonstrated the absurdity of the suggestion that we are acting as a judicial body. The manner in which the "gentlemen of the jury" in this House have deliberated for the last few days is sufficient to show that we are not in a judicial frame of mind, and not in a position to render a judicial decision upon this issue from any point of view. Let there be no Pharisees among us. My hon. friend from Hamilton (Mr. Bell), who asked me a question, feels just as I do in regard to this matter —not perhaps as a lawyer, not perhaps as a Conservative member, but as an honest and clever gentleman.

Let us consider now the absurdity of the parliamentary situation. My hon. friend from Winnipeg North Centre spoke of the quandary in which he found himself in reference to casting his vote, and he explained the situation in a manner which, I may say, corresponds with nine-tenths of my own feelings—except that he made the matter worse for me by bringing in a subamendment. I must tell the House frankly that neither the subamendment, nor the amendment, nor the main motion to accept the report, accords with my views. Nevertheless, I have no other opening and I propose to give my support to the subamendment merely because it provides for a reference of this matter to a judicial commission and for no other reason.

Mr. STEVENS: The report itself contains a recommendation unanimously arrived at that there should be an extra departmental investigation, leaving it to the government to determine what form that should take.

Mr. BOURASSA: I will explain my position on that point. I am accepting the subamendment of the hon. member for Winnipeg North Centre (Mr. Woodsworth) solely on account of that recommendation which it makes. I may say that I approve also of the second paragraph of the subamendment, because it is a declaration of opinion, which practically is the same as one of the paragraphs in the report, though couched in somewhat different words. It reads:

2. That the following be added to clause 6: Your committee deplores the common practice, as revealed by the evidence, of members of parliament and others appealing to the minister to relax the regulations of the department for personal advantage or political expediency.

But I cannot approve of the other portion of the subamendment of the hon. member. That is to say, I agree that it is wrong, "for personal advantage or political expediency" to intervene with the minister, or for the minister to intervene with the ends of justice; but I have no hesitation in saying that it would be still more wrong to prevent the minister from exercising his judgment and taking his responsibility upon the application of the law, and it would be equally wrong for members of parliament to be remiss in their duties, if they did not call to the minister's attention such cases as deserve clemency, indulgence and the application of mere human intelligence. This brings us back to what I stated at the beginning of my rambling remarks. We have come to the point that every time smuggling and liquor is mentioned we seem to have lost all sense of propriety and proportion. I hope I will not scandalize anybody, when I state what is in the minds of a large number of the members of this House, and that is, that there are many worse things than smuggling and drinking which are treated with much greater leniency by governments, parliaments and tribunals. We are reversing the basis of morality and the sense of justice. Not content with the amount of crime and weakness which our poor human nature contains and evidences every day, and against which laws divine and human are incapable of accomplishing perfection in a day, we have been going on in Canada as in the United States, much more so than in Europe, creating crime and enacting penal laws for matters which have never been and will never be considered as crimes by any right thinking individual or by any community which has preserved the proper sense of things.

Therefore, apart from the reasons which I have just given—that the report is incomplete, that the House is not in a mood, in a position and in itself constituted to pass upon that report—I cannot agree to concurrence in the suggestions of that report, because, in my opinion, they tend towards increasing the evil rather than remedying it. The Minister of Railways and some other hon. gentlemen have touched upon one aspect of the question when they spoke of customs dues; but I am afraid they were more concerned with trying to impress free traders of the west with the importance of voting with the government. No doubt, customs dues are to a large extent the main cause of smuggling.

Mr. McLEAN (Melfort): The only cause.

Mr. BOURASSA: I would not say it is the only cause.

Mr. McLEAN (Melfort): Why smuggle if there is no duty?

Mr. BOURASSA: If you have an excise duty which applies to goods sold in our country and not to goods sent into another country, you have again a question of smuggling from Canada into the United States bringing back, for instance, narcotics. If we were not so much concerned with the liquor question and a little more concerned with narcotics, we would be doing more service to the young people of whom the hon. member for Vegreville (Mr. Boutillier) spoke with so much fervor yesterday. That is one point on which the effort of the police force should be directed.

But as regards liquor, as long as you preserve the present excise and customs duties, you are inviting smuggling to such a degree that no parliament, no government, no laws and no regulations can prevent it. I take the very argument that was made yesterday by the leader of the opposition (Mr. Meighen) with regard to the great matter of state, much more important to call for the thoughtful reflection and great enunciation of principles of a great statesman than the mere matter of a few thousand Canadians being killed or not in the next war. I refer to the selling of those 16,000 gallons of alcohol. He said that it would have been better to sell them for one cent a gallon to the Quebec Liquor Commission as potable or possibly potable alcohol in order to get the $10 a gallon in revenue. I ask any sensible business man in this House: If you take an article of merchandise which you value at one cent a gallon and you make it worth artificially $10 a gallon because you impose an excise duty upon it, are you not inviting the ingenuity, the activity and all that can be done to produce that article at what it is worth, namely, one cent a gallon, and sell it at an enormous profit if you avoid paying the $10 of excise duty?

One recommendation of the committee which is worth considering is to impose the excise duty at the distillery, whatever the destination of the liquor may be. In that respect, if we were in a position to enter into the merits of the case, I would say boldly to the government: Lower the excise and Customs duties against all alcoholic beverages. Apply the attention of your officials to the introduction of the right kind of beverages. So far as that is concerned, you will find a great

help in the working of the Quebec Liquor Commission, because, however faulty it may be in some respects, it has at least this advantage that it looks after the quality of the products that are imported into this country. But if you desire to maintain the customs duties as you have them at present against all articles of luxury, to maintain the excise duties or even to put them higher, as you have them in the case of alcoholic beverages, to prevent all smuggling of liquor into Canada and then to look after the smuggling of liquor into the United States because of the return smuggling, you might just as well make up your minds that you will have to devote all the revenues of the Customs and Excise department and perhaps the whole income tax, before you prevent one-half of the smuggling that is going on.

I heard the leader of the opposition read a letter from another gentleman who has been very closely connected with this matter. I refer to Mr. Sparks. By way of parenthesis, the right hon. gentleman opened his speech yesterday by saying that this was to be a great historic debate. I have been tempted at times to think it is rather an hysteric debate. But supposing it goes down in history, the funny thing is that you will have two monuments that will stand in the annals of Canada, one to Moses Aziz and the other to Mr. Sparks. I think the Conservative party, the moment they get into power, should devote their first contribution to the fine arts of Canada by having a beautiful monument erected to Mr. Sparks with Moses Aziz, for instance, in the position of one of those little devils who play in the corners of medieval cathedrals; because no doubt they will owe their advent to power largely to the efforts of Mr. Sparks, and also to the martyrdom of Moses Aziz.

I come back to that great pillar of virtue, of economic reform, who has received so much attention from both sides of the House. I feel at ease in speaking of him in this great historic debate because, my knowledge of history being very limited, I have never before heard of Mr. Sparks in any capacity whatever. But if he wrote this letter to the leader of the opposition, and if the leader of the opposition expects to become Prime Minister and to accomplish what Mr. Sparks told him could be done by adding a few words to the law and a few policemen, namely, the suppression of 90 per cent of the liquor smuggling in Canada and out of Canada with its return smuggling, I say that Mr. Sparks does not know the first elements of human nature and economic conditions.

[Mr. Bourassa.]

Mr. STEVENS: As Mr. Sparks of course cannot speak for himself, would the hon. member permit me to say that in all Mr. Sparks' activities he never once touched the smuggling of liquor. He and his association dealt with matters within their own knowledge and range of activities, namely, the smuggling of merchandise other than liquor. I say that merely in justice to him.

Mr. BOURASSA: But you cannot disconnect the two things.

Mr. STEVENS: I am merely making a statement of fact in fairness to Mr. Sparks.

Mr. BOURASSA: I was not trying to be unfair to Mr. Sparks; I was referring to him merely as interpreted by his first lieutenant, the leader of the opposition, or if you prefer it, as interpreted by his counsel before the cool, judging tribunal that we are. I think the leader of the opposition, who is a great lawyer, is quite capable of interpreting Mr. Sparks or anybody else or even of twisting anything in connection with the case.

But supposing this refers only to other merchandise than liquor. There are two points I want to make. First it is all very well to look after the contraband of smugglers as against legitimate trade, but I would like to know what has been done in the last thirty years against false declarations made by so-called legitimate traders in the customs house?

I will give a brief example of my incidental knowledge of the matter. One day, I was coming back from Europe where I had left some luggage behind me. The luggage came two months later, with what the French call "slow speed". I went to the Customs house of Montreal, then under the very able jurisdiction of the hon. member for Mount Royal (Mr. White). Of course, I did not see at first the member for Mount Royal, or the superintendent, or the chief inspector; but one of the officials presented me with a certain form. I looked at it and I said "That will not do, it does not correspond to my case. I cannot swear to that",—because we have to swear to everything at the custom house. Well, they handed me another form and I said "That will not do either; it does not meet my case at all". The official replied "Those are the only two forms we have." Then I said "I am not going to make a false oath; I am not going to commit perjury". So I went to the chief and it was then I made the charming acquaintance of Mr. White. After I had explained my case he looked at me—he is not here at the moment so that I can speak

with more freedom—in his quizzical fashion over his eye-glasses; apparently in that way he sees more clearly; and with a smile of irony, he said: "You are the first man I have seen in fifteen years who hesitates at committing perjury." He added "Between ourselves, this is the greatest manufacture of perjury there is in Canada." That impressed me at the time and the impression has remained. I am, in some respects, very old-fashioned. I believe that perjury is a much worse offence than smuggling or taking liquor. I do not know, perhaps my morality is not up to that of Vegreville, but I consider that when you accustom young boys of fifteen and sixteen years of age to go to the customs house and make false declarations for the benefit of their employers in order to have false entries made and thus pay less duties—and that is the practice of a large number of so-called legitimate houses of commerce—it disquiets me much more than the question of whether Moses Aziz should stay out of gaol for three or four months—much more.

In the second place, you cannot, in our days, disconnect the smuggling of various articles of merchandise which enter into competition with the goods of the regular trading houses, from liquor smuggling. That has been already explained to the committee, and the committee reports on that fact. The committee points out that with the adoption of the Volstead Act, with the development of the means of communication between the two countries, there is such an export of liquor from Canada into the United States that it pays to engage in a return trade in other commodities. The man who goes into the United States from Canada with an automobile loaded with liquor tries to bring back some things that will give him as much profit on the return trip as on the outgoing trip. He will bring back narcotics, he will bring back silks, he will bring back jewellery; he will bring back articles that will take up limited space and yield great profit. What was done on a very small scale, when the trade communications between the United States and Canada consisted practically of a few trunk lines of railway, is now multiplied, I do not know how many times, as a result of the building of highways and the use of automobiles. And I repeat: you cannot put a stop to the smuggling evil, taking it as it is, without any exaggeration, you cannot put a stop to it to the extent of 90 per cent, or 50 per cent, or 25 per cent, or even 10 per cent, unless you treble, and increase even to a far greater extent, the expenditure of your Department of Customs and Excise. Therefore I say: Why not diminish the incentive to smuggling? Why not endeavour to alleviate the causes which make it pay to smuggle? I am not referring especially to the customs duty, I have reference also to the excise duty. That is one of the points, it seems to me, upon which the committee has not deliberated at all. I have not read anything in the report that would indicate that the committee has paid any attention to it. Of course the traders of Canada are rather disposed to include the entire country and its social and economic interests within the four corners of their special sphere. Mr. Sparks, or Mr. So-and-So, will come here and tell you that unless you correct this or that, it will mean the end of the world, because as matters stand their individual profits are lessened. I do not blame them for entertaining that view but we have to take a broader outlook and consider what can be done to diminish in reasonable degree, all over, the evils of smuggling. We should start first of all from the point of view that it is far better to diminish inducements to smuggling than to increase the punishment for engaging in it. In the second place I say it is wrong—although that is not the view of traders generally—to make penal laws of such a character that you will put administrators or other high officials in the position of not being able to consider every case on its merits and exercising some degree of leniency. I repeat, you cannot enforce penal legislation unless you have the honest opinion of the people at your back. You will never make them believe that it is right to punish with a heavy fine and imprisonment acts that are and have always been considered by the public and individual conscience as minor offences, whereas offenders against real moral laws escape more lightly. If we want to correct evils of this sort we must begin by putting on a proper basis our standards of public morality and of penal legislation.

There is something in this report which I regard as very dangerous. It suggests that there should be an increase in the inducement to detectives and officials to arrest smugglers by increasing their share of the proceeds from fines and seizures. In the second place, it is proposed to give them the power to arrest anybody without a warrant; and, here I cannot agree with my hon. friend from Winnipeg North Centre (Mr. Woodsworth), the third section of whose amendment would deprive the minister of the power to exercise any leniency. If you enact this into legislation you must be prepared to multiply the

number of gaols in this country in order to accommodate the number of people that will have committed merely technical offences, and the gaol wardens will have no time to think of the real criminals. Then the hon. member for Vegreville, ten years from now, will see whether public morality has been improved.

Mr. WOODSWORTH: Did not the Minister of Customs (Mr. Boivin) the other day suggest that if he were relieved of this right of discretion it would solve a great many of his problems and leave him free for general administrative work?

Mr. BOURASSA: The hon. member is perfectly right and it shows how absurd the position is. May I slightly correct my hon. friend. The minister said it would relieve him of much of his troubles and give him more time for administrative work. But you would have to find somebody else to do that. If you did not, you would create a state of tyranny in this country that would simply be intolerable or you will give a further premium to smuggling, to hypocrisy, and to evasions of the law. It will be one or the other; it cannot be otherwise. You will get more and more people thinking: How is it? There have been denunciations of this man and that man because he brought a few bottles of whiskey from Montreal to Ottawa to distribute to his friends. A minister has been denounced because he prevented a man from going to gaol after he had been fined, or rather he took action to delay his going to gaol.

Mr. BELL (Hamilton): To prevent.

An hon. MEMBER: To delay.

Mr. BOURASSA: Suppose it had been the other way,—as is done every day in every province, including the province of the hon. gentleman, where sentences are suspended or are not enforced. I must admit that I have not the legal mind. But to say that it would be right for the Minister of Justice to let a man go out of gaol the day after he went in, but that it is a crime for the Minister of Customs to prevent that same man going into gaol that day, is something that, while to the very delicate consciences of lawyers it may appear very big, yet to the less cultivated consciences of commonsense people, seems a very fine distinction without any substantial difference. The moment you do something to relieve a man from paying the penalty for a wrongful act, whether it is done on Monday or Wednesday, or whether it is effected through the action of this hon. gentleman or that other hon. gentleman, it comes to the same thing. You have thousands of Canadian citizens who realize that there are some people who go to gaol and there are some who do not.

There is more than that involved. Our whole economic system in the last twenty years has put a premium on theft—theft organized by some of the leading men of this country, bank directors, railway promoters, men who have been rewarded by senatorships, men who have received decorations from the king—not that the king knew anything about them, but because they had paid enough money to a decoration agent to be entitled to those decorations in the name of the king—those men have been crowned as captains of industry, they have been acclaimed as makers of Canada, while they were making their fortunes by extorting capital out of the gullible people of this country, by levying tribute upon the consumers and the travellers of this country because of the conspiracy of parliament and of governments. This evil calls for much more denunciation than the petty action of a small smuggler, or the neglect of a minister to see that a petty smuggler goes to jail. Let us take our lesson now, Sir, from the subdued indignation in the sub stratum of society against the power of the ruling classes, against kings, aristocrats or plutocrats, based upon the accumulated injustice and hypocrisy that have built up the socialism of Europe and its extreme form, the Bolshevism of Russia.

Let us make no mistake, let us not narrow our minds, let us not increase the incentive to legal misdemeanours, let us not show a scandalized conscience in regard to minor acts of neglect on the part of responsible administrators of departments and conspiracy with real criminals, let us look at the question from a broad point of view. Every one of these problems is connected with some other similar problem, and until we have a sense of the whole fabric of social justice and economic order I say that, for a third reason, we are disqualified to settle this problem in the manner that is suggested to us. At least I feel that I am. Perhaps I know a little too much and not enough to feel positive in regard to this matter. I envy the position of those who, because they possess an intimate knowledge about certain matters connected with the merchandise they sell, or because they hold at the tips of their fingers all texts of law, imagine they are in a position to settle all these things. No. That is where lawyers and business men lose their sense of humanity,

their sense of the social order. You cannot settle everything from the dollar point of view, nor from the legal point of view.

Now, Sir, that is the situation as I view it. Perhaps it is because I have not read every word of the evidence adduced before the committee.

Mr. BELL (Hamilton): Hear, hear.

Mr. BOURASSA: I have endeavoured to keep my mind free and broad, instead of overfeeding it at the risk of losing the proper sense of things and getting an indigestion of small matters that would entirely disturb the balance of my mind.

Mr. BELL (Hamilton): You mean, of facts.

Mr. BOURASSA: No. I recognize my own limitations. I admit that I am one of the least instructed and enlightened members of this House.

Mr. BELL (Hamilton): Hear, hear.

Some hon. MEMBERS: No, no.

Mr. BOURASSA: But perhaps also there are in this House members who do not know everything, perhaps there are a few men, even on the side of the great Conservative party, who have not mastered all those great problems of social order as they connect with economics, with fiscal laws, with the application of the customs laws, with the balance between various kinds of taxation—all those things have to be considered. Therefore I say we are not in a position to pass judgment. My inclination, if I could find support in this House, would be to throw out the three motions. I would throw out the motion moved by the hon. member for Winnipeg North Centre, (Mr. Woodsworth), although I agree with nine-tenths of it, because it is connected with concurrence in the report. I would throw out the motion of the hon. member for Vancouver Centre (Mr. Stevens) because it is on its face a small and narrow political manoeuvre that will defeat the object he has in view. I want to be fair, I credit him with the idea, when he started, to arrive at the truth, I believe that he wanted to do justice to legitimate trade; but I am afraid that by the force of circumstances—I would probably have done the same if I had been in his place and a member of a party—there grew a tendency to forget more and more the interests of legitimate trade and to think more and more of the illegitimate thirst of the Tory party to get into power. Of course, that is quite legitimate from his point of view, just as it is legitimate for the other gentlemen of the jury, sitting on this side of the judge, to differ from him in that respect and to think that they ought to defeat his political object. I tell him frankly, and it is just as sincere as everything I have just said, in itself the fate of this party or that party is absolutely indifferent to me, as a party.

Mr. BELL (Hamilton): Oh.

Mr. BOURASSA: Yes, absolutely. But being given the conditions in which we are at present, being given the mentality that has been shown by the Conservative opposition during these six months, not to speak of the past, I would give ten times as many bad votes as I might give to-night to prevent them from coming into power. But of these three motions I take the one which comes nearest to my point of view. The amendment suggested by the member for Winnipeg North Centre has as its necessary consequence that no legislative action will be taken hastily upon the findings of the committee. It means, if carried, that the report of the committee will be inoperative—not to prevent the department from adopting this or that measure for diminishing the evil of smuggling—but that no radical measure or so-called remedy will be adopted. In other words, the general conclusions of the report will not be acted upon until after the evidence is complete and we have a report, not "incomplete" but final, a report given by a body in which, even though they are judges, there may be some trace of political spirit, there are very few in Canada among the men of all races who have not some political tinge—but a body of men who, by their position and by the very power that will be given to them, will be in a position to deal with this matter in a much more impartial way than either the hon. member for St. Henri (Mr. Mercier), the hon. member for West Hamilton (Mr. Bell), or the hon. member for Vancouver Centre. They may have done the best they could, but still there are a few things which should commend themselves to the delicate conscience of some members of the Progressive party, who seem disposed to vote with the Tory party in order to avenge virtue and make all vice impossible. When it came out before that committee that the distilleries, those infamous dens of vice which the hon. member for Vegreville (Mr. Boutillier) painted in such dark colours yesterday, when it came out that these agencies of vice were helping the Tory party as well as the Liberal party, the hon. member for Peace River (Mr. Kennedy) wanted to have the accounts opened in order to find the proportion of funds which went to the party of virginity and to the party of vice. But we are

not in a position to know which cost the more, to get the favours of the Tory virgin or the caresses of the Liberal—well, I will not qualify it. The remainder of the committee, Liberals and Conservatives, the virtuous and the vicious, the avengers of moral right and justice as well as the depredators of public conscience, all joined together so that the people would not know how much more it cost to purchase the Conservative party than to purchase the Liberal party. Therefore, how can members of the Progressive party, whom I credit with a sincere desire to protect the morals of this country, justify a vote for this party more than the other? How can they justify themselves, any of them, in voting against the only possible suggestion so far made to keep the findings of this committee from the devil of political partisanship? This is just as bad for the morality of the country as the alcohol described by the hon. member for Vegreville, upon which a large number of the members of both sides do not show such horror when they are not making speeches; a number of hon. members even show in their speeches that they are not altogether convinced that whiskey is in itself vicious and illegal, even when it is drunk in contravention of the temperance laws of the virtuous province of Ontario.

One more point and I am finished. Another reason for which I think this inquiry should be pursued in every part of the country by a judicial tribunal instead of being passed upon by the House at this stage was pointed out by the Prime Minister. It brought shouts of protest from the other side when the Prime Minister said it was not sufficient to inquire into the province of Quebec. Let us have a real understanding; I have never stood for the protection of any crook in Quebec or elsewhere; I have perhaps denounced more malefactors of my own blood and race than any other public man in Canada, and I have taken them as they came, from both parties. But, on the other hand, using the same argument I made a few moments ago, if you want to have the public opinion of the people of Canada back of this attempt at reform, it must not be suspected that this inquiry was started or conducted—and I will not exaggerate anything—with as one of its objects, the idea of lowering the chances of the Liberal party in the province of Quebec, or if that did not succeed, enabling Tory candidates elsewhere to denounce Quebec as a den of thieves, of smugglers and of immoral public men protecting vices and violations of law. I know that is not in the mind of the hon. member for West Hamilton; I know it is not in the mind of the right hon. leader of the opposition; but they know also that there are around them men prepared to do that sort of thing just as, if the situation were reversed, there would be camp followers of the Liberal party prepared to do the same thing.

The moment the inquiry was coming to the end of its investigation of Montreal affairs, one of the Tory papers of Montreal, I do not remember whether it was the Gazette or the Star, published a communication from Ottawa saying that the committee would soon end its inquiry because it had found sufficient evidence to demonstrate the system.

Mr. BELL (Hamilton): Might I ask a question? Would the hon. gentleman for one moment be prepared to suggest that it was on the responsibility of any member of this committee that that paper should publish any such statement?

Mr. BOURASSA: No, not at all; I have just stated the contrary, and I have not corrected myself. I do not think it has ever entered the mind of any hon. member of the Conservative party whom I know; but circumstances are such that, if we adopt this report, the lower camp followers of both parties will be put by this House in a position to use that argument and counter-argument; and that should be avoided. Whether it means retaining this party in power or putting that party in power, the hon. member for St. Lawrence-St. George (Mr. Cahan) knows that I always speak my mind, and I say that it is my earnest desire to prevent, if I can, a question of this nature being used to stir up racial prejudice and hatred.

Mr. CAHAN: I certainly have the same earnest desire.

Mr. BOURASSA: I know my hon. friend has the same desire. There is no man in the province of Quebec, perhaps, who suffers more than the hon. member, at times, from the fact that he does not always find the same sympathy, from a purely social and individual point of view, amongst French Canadians as he would otherwise find if it were not for these base processes which have been resorted to time and again by both parties. If you create a political crisis of this issue without having completed your evidence, without having probed Toronto, Vancouver and any other town east or west in the same manner as has been done in the case of Montreal, without having brought before the bar of that committee all the miscreants, to whatever race or province they belong and whatever their political affiliations, you can-

not avoid it. I will not do it; the hon. member for West Hamilton will not do it in Ontario; the leader of the opposition will not do it as the head of his party, but it is bound to come. I have heard it said three hundred times at least since this committee first started: Yes, they are going to find out all about vice in Montreal, but they will not touch holy Toronto. I have heard that said in Montreal by honest people. There are a few things that have been said, and that are still being said, which justify some people in believing that there is some truth in that—not in the sense that the hon. member has rightly protested against, but truth in the sense that there are members of his party who are prepared to do that kind of thing. Already you see in various organs of opinion tentative suggestions to prepare the way for an anti-Quebec campaign, unless, of course, Quebec makes up its mind to help the Tory party, and then, of course, Quebec will be blessed just as it was blessed when it helped to throw down the Liberal party in 1911. I am not ashamed of having taken my share in that, but I admit that I felt ashamed afterwards of some of the men who made that fight with me. I have finished on that, but I repeat what I said the other day on war and peace issues, that it is far better now to face all the aspects of a position like this than to wait till the devils of racial discord are unleashed.

I sum up the whole thing. In the name of social justice and economic order, and for the sake of the proper administration of public affairs, the question whether this man or that has been indiscreet or not is a very small issue. The real issue is, since parliament has decided to get to the bottom of this, let us go to the bottom and let us come back next session, either under a Conservative or a Liberal administration; and in cool blood and after due reflection, let us pass such legislation and adopt such regulations as will command the confidence of the public conscience of the people of Canada at large, and not simply of one party or the other.

At six o'clock the House took recess.

## After Recess

The House resumed at eight o'clock.

## PRIVATE BILLS

Mr. WILLIAM DUFF (Lunenburg) moved:

That owing to the late period of the session all the private bills received from the Senate and not yet referred to a select standing committee be read a first and a second time and referred to the select standing committee on Miscellaneous Private Bills.

He said: There are certain bills yet to be referred to the select standing committee on Miscellaneous Private Bills.

Motion agreed to.

### FIRST AND SECOND READINGS

Bill No. 206 (from the Senate), for the relief of Ethel Clementina Craig-Williams.—Mr. McClenaghan.

Bill No. 207 (from the Senate), for the relief of Frederick George Jones.—Mr. McClenaghan.

Bill No. 208 (from the Senate), for the relief of Ida Lula Dupuis Murchison.—Mr. McClenaghan.

Bill No. 209 (from the Senate), for the relief of Gladys Andrea Boyle.—Mr. Lennox.

Bill No. 210 (from the Senate), for the relief of Edward Barker.—Mr. Ross (Kingston).

Bill No. 211 (from the Senate), for the relief of Joan Henderson.—Mr. Ladner.

Bill No. 212 (from the Senate), for the relief of Vina Kennedy (otherwise known as Vina Dorothy Kennedy).—Mr. McClenaghan.

Bill No. 213 (from the Senate), for the relief of Sadie Joy Downey.—Mr. McClenaghan.

Bill No. 214 (from the Senate), for the relief of Aimée Glenholme Young.—Mr. McClenaghan.

Bill No. 215 (from the Senate), for the relief of Alberta Lutz.—Mr. Mewburn.

Bill No. 216 (from the Senate), for the relief of George Frederick Adams.—Mr. Anderson (Toronto).

Bill No. 217 (from the Senate), for the relief of Edward Saville.—Mr. Anderson (Toronto).

Bill No. 218 (from the Senate), for the relief of Leslie Ellis Noble.—Mr. McClenaghan.

Bill No. 219 (from the Senate), for the relief of Cecil Chester Richardson.—Mr. Arthurs.

Bill No. 220 (from the Senate), for the relief of Manford York.—Mr. Harris.

Bill No. 221 (from the Senate), for the relief of Robert Fisher.—Mr. Jacobs.

Bill No. 222 (from the Senate), for the relief of James Alfred McCabe.—Mr. Church.

Bill No. 223 (from the Senate), for the relief of Dorothy Terry.—Mr. McClenaghan.

Bill No. 224 (from the Senate), for the relief of Lillie May Brown Nichols.—Mr. McClenaghan.

Bill No. 225 (from the Senate), for the relief of Hazen Pearl Clarke Pearcy.—Mr. Geary.

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Bill No. 226 (from the Senate), for the relief of Edith Swartz.—Mr. Hocken.

Bill No. 227 (from the Senate), for the relief of James Gibb Erskine.—Mr. McClenaghan.

Bill No. 228 (from the Senate), for the relief of Ernest Johnson.—Mr. McClenaghan.

Bill No. 229 (from the Senate), for the relief of May Elizabeth Chambers.—Mr. McClenaghan.

Bill No. 230 (from the Senate), for the relief of Maxime Demers.—Mr. Garland (Carleton).

Bill No. 231 (from the Senate), for the relief of James Edward Barnaby.—Mr. McClenaghan.

Bill No. 232 (from the Senate), for the relief of Joseph Azarie Handfield.—Mr. McPhee.

SECOND READINGS

Bill No. 194, for the relief of Gwendolen McLachlin.—Mr. McClenaghan.

Bill No. 195, for the relief of Jessie Evis.—Mr. Arthurs.

Bill No. 196, for the relief of Max Gertler.—Mr. Garland (Carleton).

Bill No 197, for the relief of Florence May Hicks.—Mr. Anderson (Toronto).

Bill No. 198, for the relief of Ruth May Harrington.—Mr. Edwards (South Waterloo).

Bill No. 199, for the relief of Edith Maude Bull.—Mr. Kaiser.

Bill No. 200, for the relief of Joseph Bernard Hoodless.—Mr. Garland (Carleton).

Bill No. 201, for the relief of Amelia Chester.—Mr. McClenaghan.

CONSIDERED IN COMMITTEE— THIRD READING

Bill No. 174, to incorporate The Detroit and Windsor Subway Company.—Sir Henry Drayton.

THE BRONSON COMPANY

Mr. STEWART McCLENAGHAN (Ottawa) moved the second reading of and concurrence in amendments made by the Senate to Bill No. 113, respecting The Bronson Company.

Motion agreed to; amendments read the second time and concurred in.

RED LAKE AND NORTHWESTERN RAILWAY COMPANY

The House resumed, from June 22, consideration in committee of Bill No. 95, to incorporate the Red Lake and Northwestern Railway Company.—Mr. Heenan—Mr. Duff in the chair.

[Mr. Duff.]

On section 1—Incorporation.

Mr. HEAPS: I wish to make one or two remarks arising out of some statements made by me when we last had this bill under consideration. I stated on a previous occasion that Manitoba was guaranteeing bonds to the extent of $25,000 a mile for a railway to go into this area. That statement seems to have been challenged by some hon. gentleman. Therefore I have tried to confirm this statement and I find it is correct. I have been unable, as I said before, to obtain an actual copy of the bill; but looking up the files of the Manitoba Free Press in the Parliamentary Library I find that the day before the Manitoba legislature prorogued a bill to that effect was passed. This House would be creating a very bad precedent if it were at the present time to give its consent to the construction of another railway into the same area when one of the provinces of the Dominion has already agreed in some way, shape or form that I am unable to state to-night, to guarantee $25,000 per mile for the construction of a railway into that same area.

Mr. CAHILL: What does the hon. member mean by a guarantee of $25,000 per mile?

Mr. HEAPS: I believe a company was to be incorporated in Manitoba to build as far as the Manitoba boundary. If we look at a map of the Red Lake district we shall find that for the purpose of being able to get to a large centre of population for its supplies, the nearest point is the city of Winnipeg. On account of that fact I believe a company was to be incorporated to build a railway and Manitoba agreed to guarantee bonds to the extent of $25,000 per mile as far as the Manitoba boundary. That bill was passed during the last session of the Manitoba legislature which closed about the end of April.

This is something more than a mere branch line that we are asked to sanction the construction of to-night. I think we were told the last time the bill was under consideration that the charter was for a line to be built a distance of from 350 to 400 miles. A line 350 miles in length is more than a mere branch line. This bill has had very little consideration in committee. Another reason that was given for the construction of the line was the fact that there were 3,500 prospectors in the particular area that the railway was going to traverse. If this government is going to give charters for the construction of railways in every place in Canada where prospectors go in, we shall be doing nothing but issuing charters in all parts of the Dominion. I would prefer to wait in regard to this charter until

another year, until we see what happens regarding the proposed connection with the Red Lake area from the city of Winnipeg.

Another reason why I think there is good ground for objection to this particular bill is that if we grant this charter, this railway will be given the right to traverse the same line and area as the Canadian National Railways traverse in northern Manitoba. It was stated here the other day that the Premier of Ontario had given his consent or voiced no opposition to this particular measure. I wonder why the promoters of this bill have not consulted Manitoba, which is vitally interested in the development of the northern part of Manitoba.

Manitoba is vitally interested in the completion of the Hudson Bay railway; yet this charter is to be given for a railway to go into The Pas and in the direction of the Hudson bay itself. In other words, although there are members in different parts of this House who doubt the feasibility of completing the railway to the Hudson bay because they think it will be a white elephant, yet there are others who come along at this juncture and want to build another railway into the same area. In other words in an area where some hon. members think it is impossible for one railway to pay, we are asked to grant another charter with the result that two lines may be built in the same area where it is contended that one line cannot pay. We should not be in too great a hurry to grant charters, because every time we grant a charter for a railway into a particular area we give the stamp of approval of parliament for the construction of that railway. I do not think it is a wise policy for this House to give the stamp of approval on railways until we have far more information before us than we have at the present time.

I object to this charter being granted for the additional reason that Manitoba has not as yet had an opportunity of saying whether it is in favour of this railway or not, and until such time as I know what the opinion of the Manitoba government is I feel bound to voice my opposition to this measure. Those who are interested in the passage of this bill through this House would be doing no hardship to the promoters of this company if they had to withdraw it at the present juncture and bring it before the House again at the next session of parliament. Very little would be lost because those who feel bound to voice opposition to this bill would perhaps be in some way convinced as to its feasibility. In the second place it would give Manitoba an opportunity of determining whether or not it should oppose the bill.



Another reason is the fact that it would enable us to see whether the company which is about to be incorporated in Manitoba will go ahead with its project, and whether Manitoba will be liable for the $25,000 per mile guarantee in accordance with the bill which was passed at the last session of the provincial legislature. I feel I would have to voice my opposition this evening even to the extent of talking this bill out.

Mr. HEENAN: I have already spoken on this bill a couple of times, and I had it in mind to say just what the hon. member for North Winnipeg (Mr. Heaps) has said for me, but I hesitated to say it. I think anyone who has followed his remarks will now be of the same opinion that I am, namely, that this is a fight between the interests of Manitoba, which is desirous of building into Ontario, and the people of Ontario who desire to develop Ontario's own natural resources. That has always been the situation regarding the northern part of Ontario. Every time that we have endeavoured to develop northern Ontario we have obstruction from Manitoba, guardedly or unguardedly. The hon. member, contrary to some of his friends on the other side, has not argued in favor of public ownership in this regard, although he is a public ownership man, but he has argued that a private concern which has gone to the government of Manitoba and induced them to give a guarantee of $25,000 a mile for the building of a railway should receive consideration ahead of a concern in Ontario which desires to build a railroad into the Ontario mining area without any government guarantee. I think we have now a sufficiently strong case to show that no hon. gentleman opposite who has any regard for the province of Ontario and its development should vote against this measure. There is no question in my mind, any more than there is in the minds of the people of the part of Ontario affected that interests in Manitoba desire to tap the mineral wealth of Ontario and direct it into Manitoba channels.

Mr. HEAPS: If that is the case will the hon. gentleman explain why the same interests are seeking to build a railway which will tap the natural resources of Ontario?

Mr. HEENAN: The "same interests" are not asking to tap the natural resources of Manitoba.

Mr. HEAPS: I beg to contradict the hon. gentleman. Authority is asked for in the bill to go to The Pas in the province of Manitoba.

Mr. HEENAN The object is to build into the Red lake area first. In order to carry out that purpose they have to go through another province than Ontario. In view of that fact they have to get a charter from this government.

Mr. HEAPS: Why did they not go to the government of Ontario?

Mr. HEENAN: You had better put that question to the promoters of the bill. I cannot conceive that the rules of this House will permit the hon. member to talk out this bill, although he threatens he will do that. Surely the fate of the bill ought to be settled on its merits. If the rules of the House permit a bill to be talked out, without its being discussed on its merits, then those rules should be altered. When the measure was being considered in the Railway committee all kinds of obstacles were raised to its passage. First of all it was said that the opinion of the government of Ontario should be obtained with respect to it. This argument was urged by Ontario members and I have no complaint to make of that. Those hon. gentlemen wanted to know what the policy of the Ontario government was in connection with the bill. That information has been vouchsafed. Then a desire was expressed to know what the policy of the Dominion government and Sir Henry Thornton was in the same connection. That information has been given also. Finally the measure was remitted to the House, and now that we are in committee on it, instead of considering each clause of the bill on its merits there is discussion once more as to the principle embodied in the bill. Surely we ought to consider on its merits a bill which was passed by the Railway committee on a vote, I think, of nineteen to nine and been given a second reading by this House.

Mr. HEAPS: I cannot let some statements made by the hon. member pass without contradiction. He says that Manitoba interests are opposing this bill. Such statements are entirely out of place.

Mr. HEENAN: I did not say that.

Mr. HEAPS: I wrote down the statement made by the hon. member and he said it was "obstruction coming from Manitoba interests." I am not obstructing the bill on behalf of any Manitoba interest; I am acting entirely in the interests of the province of Manitoba as a whole. It may be true that I am opposing some interests in the province of Ontario, but I really do not know at this hour what interests are behind the bill. For all I know those interests may be interests of Backus and if that is the case I would oppose the bill a thousand times more strongly than I intend to do at the present time. So far as I know there is no obstruction from any interests of the province of Manitoba. Certainly I have received no instructions from anybody in that province to oppose the measure, but I do know this: a bill was passed at the last session of the Manitoba legislature giving a guarantee of $25,000 a mile towards constructing a railway to the provincial boundary; and unless there is some representation from the government of Manitoba agreeing to this bill I think I am perfectly justified in opposing it. What does the bill contemplate? It distinctly states that it is for the construction of a line to a point at or near Red Lake, a distance of about 100 miles, then in a generally northerly and westerly direction to a point on the Hudson bay division of the Canadian National Railway at or east of The Pas in the province of Manitoba. Now, if I am to take the correct inference from the statements of the hon. member, the only reason this clause was put into the bill was in order to obtain a Dominion charter. I think the statements of the hon. gentleman afford sufficient reason for the House to reject this bill. In other words, there is absolutely no intention on the part of this company of building into the province of Manitoba; there is no intention to build into the district of The Pas, and the granting of this charter would prevent the development of that district by others at some future time. Certainly no bill should be passed containing provisions which are not likely to be carried out. If the promoters have no intention of going to the province of Manitoba as the hon. member states, such a provision is merely camouflage.

Mr. HEENAN: I did not say anything of the sort.

Mr. HEAPS: I did not say my hon. friend spoke of it as camouflage; that is my own statement. But he did say that the provision was put in for the purpose of getting a Dominion charter.

Now if the promoters are going to confine their operations purely to Ontario, why did they not go to the Ontario government and get a provincial charter? Then there would not have been any necessity for introducing the present bill in this House. The bill has been before the Railway committee on two occasions. The first time it was thrown out, I do not know for what reason. When it

came back to the committee a second time it was passed and now comes before this House. We have as yet received no information as to who is behind the bill or who is going to finance the contemplated work; we have no information except what is contained in the clauses of the bill. I felt impelled to rise in order to contradict the statements of the hon. member, which statements, in my opinion, contain sufficient reason why this bill should be rejected.

Mr. EVANS: I rise again to oppose this bill, not because of any personal or private interest but simply on general principles. I believe with the advocate of the measure that it should be accepted or rejected on its merits. I intend to speak briefly on those merits once more, but I would have thought that those who have this project in hand would have seen fit to withdraw the bill, seeing that it has been considered so many times by the Railway committee and by the House and has failed of acceptance. I am rather glad that this discussion has taken place because I believe it will result in the establishment of a railway policy for the Dominion which ought to be a guide for us in future applications for railway charters. The people of Canada have loaded themselves with a railway burden; they have plenty of trouble to ponder over for another generation or two owing to the indiscriminate granting of charters of this kind in the past throughout th[illegible]ion. The people of this country are already sufficiently burdened with a debt of considerably over $2,000,000,000 through our railway system, and this has been brought about simply by small beginnings such as this charter represents.

Regarding railway service, this country is obligated to do two things. In the first place, we have been repeatedly told by financiers, stockholders of the Canadian Pacific Railway, and many others who favour private ownership, that a 10 per cent dividend must be paid on the capital stock of that company to maintain the financial credit and integrity of Canada. If the present railway rates are not sufficient to do this, they must be raised, as they were in war time and since by the modification of certain statuory protection which the west enjoyed under the Crowsnest pass agreement. One thing is certain, we have been paying a handsome dividend to the privately owned Canadian Pacific Railway, while the government system has involved us in a deficit year after year, running all the way from $30,000,000 to $60,000,000. We have been trying to make a great transportation system out of these scattered branches of our Canadian National Railways. All these branches were indiscriminately chartered by past governments. The other obligation is to provide a service which, because of vested interests created by such indiscriminate railway construction, causes an overhead expense which cannot be met out of earnings, yet on the other system we are, through the people's industry, creating big dividends for private shareholders. This, I might say, is one of my chief objections to granting a charter for a railway which begins nowhere and ends nowhere, and is bound to be a burden to the country later on, when we shall have to take it over and perhaps purchase the charter from those who are now seeking it. The dividend on the privately owned system and the deficit on the government owned system is a super tax on the earnings of the people. Both are the result of past mistakes, which this Red Lake project seems to repeat. I believe, Mr. Chairman, that had there been one complete system of government railways the railway year of 1925 would have shown a surplus instead of a deficit. That is, the people in primary production and through our export trade have paid for railway service over $60,000,000 more than was necessary had there been a complete system of government ownership of railways. This added to the saving which the elimination of duplication of service would have effected would have greatly lightened our burden of taxation to the extent, I believe, of about one-third of what is required for administration purposes this year, or about $120,000,000.

I have said that this parliament will have to formulate a railway policy. In confirmation of this let me quote a paragraph from a report of a royal commission on which Sir Henry Drayton and Mr. Acworth sat some few years ago. Regarding the ownership and control of our railway systems they advised:

> That henceforth there shall be in Canada only two railway systems, the one consisting of the Canadian Pacific under its present management and control, and the other made up of the present government railways, the Grand Trunk system, including the Grand Trunk Pacific, and the Canadian Northern.

That the promoters of this wildcat scheme —for it is nothing more—for the exploitation of the people for private gain persistently push this project is evidence of the profits they expect to make when the charter is obtained. When this bill was before the House the last time the Minister of Railways (Mr. Dunning), I think, told us that the Premier of Ontario had no objections to it, and that the Canadian National Railway

board was not even interested. But this is the people's business, and it is parliament that should decide whether or not this charter shall be granted, not the Minister of Railways or the board of the Canadian National Railways. I would ask hon. members to consider this bill very seriously and not grant a charter which will aggravate our railway problem, for we are bound to be faced with heavier deficits if we indiscriminately grant charters of this kind.

Mr. HEAPS: Clause 1, Mr. Chairman, which is now under discussion, gives the names of the gentlemen seeking incorporation as John H. Cassidy, Charles B. Hibbard, and Frederick R. Brown, all of the city of Montreal, and D'Arcy Scott, of the city of Ottawa, "together with such other persons as may become shareholders of the company." I am wondering who is behind this scheme. I have become a little more suspicious since being informed a few moments ago that there is no intention of building this railway into the province of Manitoba, but merely from a point somewhere in the township of Wabigoon to a point touching Red lake somewhere in Ontario. If such is the case I think we should have a little more information than is contained in clause 1, and I would like to know if those promoting this bill can give us that further information.

The CHAIRMAN: Shall clause 1 carry?

Mr. HEAPS: Could I have the information I am asking for?

Mr. HEENAN: I cannot give any information other than what was given by the lawyer, Mr. D'Arcy Scott, when he was before the Private Bills committee; he gave the names of the bankers who were behind it. My hon. friend said a while ago that if he thought Mr. Backus was behind it he would oppose the bill. I want to point out that Mr. Backus now has authority to build a railway through the province of Ontario, and this proposed railway will be in competition therewith. I did not say, as the hon. member suggests, that it was not intended to build into Manitoba; I said it was necessary to go into two provinces before coming to this House for a charter. The committee was given full information as to the people behind the bill by the lawyer who had it in charge and by the promoter himself. I have nothing more to say; I am not going to talk my own bill out. If there are any questions, I will be glad to answer them.

[Mr. Evans.]

Mr. HEAPS: The only information the hon. member can give is that Mr. Backus is not behind the bill, together with the additional statement that the committee was told of the bankers who were behind the bill, but that is not sufficient information. I think we should be given more than the name of the lawyer who appeared before the committee and the names of three individuals of whom we know nothing. I see the lawyer's name mentioned here as one of the promoters of the bill; I believe it is quite usual in an application for a charter to have the name of the lawyer appear, but there is nothing to show that this charter if granted will not subsequently be disposed of to the highest bidder, and there is nothing in this bill to compel the company to actually construct one mile of a railway.

If it were only intended to construct this railway in Ontario that would be a very good reason for the bill being withdrawn and the required power obtained from the Ontario legislature. There would be very little time lost, because I understand that the Ontario legislature meets early in the year and continues in session for several months. Under this charter a period of twelve months is given in which construction must be commenced, and if that is not done the charter automatically lapses. But let me point out to the committee that the twelve months really amounts to two sessions of this House; after granting the charter we will not know definitely whether or not anything has been done until after next session and the probabilities are that the charter would not be allowed to lapse but that this House would be requested to extend that time. It is stated in one of the clauses that the sum of $100,000 must be spent by this company during the twelve months, but it does not mean that that amount must be spent in actual construction. That money can be easily spent in lawyers' and promoters' fees and in other matters of that kind; then the company can come back to the House and say they have spent the required amount of money and ask for an extension of the charter. That would establish a very bad precedent and I think we should demand something more than that.

In addition, no good reason has been presented as yet why a charter should be granted to cover the Manitoba area. A good case could be made out for a railway to enter the Red lake area and possibly I would not oppose the bill, but when power is requested to go for a distance of 400 miles when 150 miles would be ample, I feel bound to offer my op-

position, not merely because I am in favour of the principles of public ownership but because I feel that the promoters are asking for far greater power than they actually require. Unfortunately the promoters of this bill cannot give us the information we asked for, and I think that information is very germane to the whole bill. We have no assurance in any way that those behind the bill will proceed with the construction of the road, and I think under the circumstances we should not allow the bill to proceed at all until they first go to the Ontario legislature and have the measure passed there.

I wish, Mr. Speaker, the letter from the Premier of Ontario to the committee in which he stated that he had no objection to this bill had been read to the House. I have not seen that letter nor have I heard it read here. It is rather strange that although the Ontario legislature began its session about the time this House met those responsible for this bill did not see their way clear to go to the Ontario house and secure the rights they are asking for here. It is one of the unfortunate things in our legislative structure that two bodies should have the power to grant charters for the construction of railways; that is another reason in addition to those enumerated by the hon. member for Rosetown (Mr. Evans) why we are in such difficulties at present. Here on the one hand we have all the provinces with authority to grant railway charters and give guarantees, and on the other hand we have the Dominion parliament granting exactly the same privileges. It has been stated that the only intention of the promoters is to tap the Red Lake mining area, and to give the prospectors there railway facilities. I think this is a purely provincial matter and should not have been brought before this House. From the statements submitted here it appears that the reason this charter has been asked for in this parliament is to overcome probably some legal technicalities, and if that is so I think it a very good reason why parliament should not grant a charter of this description. When the bill comes before the House we are informed by the hon. gentleman in charge of it that this is only put into the bill in order to overcome certain technicalities, in order that the House itself might provide this company with a charter to construct the road, which is to be purely within the province of Ontario. If it is going to be entirely within the province of Ontario, the promoters of this railway had a perfect right to go before the Ontario legislature at its last session and secure a charter from that legislature, and then it would not have been necessary for them to come to this House at all. We have had this bill before the House three times now, and several hours of valuable time have been taken up discussing it; it has been twice before the committee, and there does not seem to be much chance of it passing to-night.

Mr. McGIBBON: You are deliberately obstructing it.

Mr. HEAPS: I may be in a sense, but that does not mean to say that I am not within my rights. One of the reasons why I am obstructing this bill—I am perfectly frank to admit it—is that the House has not the information to enable it to pass intelligently upon it.

Mr. HEENAN: Is the hon. member a member of the Railway committee?

Mr. HEAPS: Yes.

Mr. HEENAN: Then if he had attended the meetings of that committee he would have got all the information he desires.

Mr. McGIBBON: He does not want it.

Mr. HEAPS: It has been stated that I did not attend the Railway committee meetings. Another hon. gentleman has stated that I did not want the information. Unfortunately, Mr. Chairman, I cannot be in two places at the same time. I am a member of the committee on National Railways and Shipping, and also a member of the Railway committee, and if I could have managed to have cut myself in two and have one-half of me attend the Railway committee and the other half the committee on Railways and Shipping, I might have been able to attend both committees at one and the same time. The Chairman of the committee on National Railways is here, and he can tell you that I did not miss one of the meetings of that committee. It so happened that the Railway committee, when this bill came before it, was holding its meetings at the same time as the other committee, and consequently I found it impossible to attend the meetings which my hon. friend from Kenora says I should have attended. I want to assure him as well as other hon. gentlemen that I have not refused to attend a single meeting of any committee this session which I have found it possible to attend, but some mornings there have been meetings of three committees of which I was a member meeting at one and the same time, and I thought it better, as a member, to understand thoroughly the workings of one committee—

Mr. McGIBBON: My hon. friend is deliberately obstructing this bill after he admits that he does not know anything about it. How much longer is he going to continue to talk of something he knows nothing about?

Mr. HEAPS: Three minutes. I did not say I did not know anything of what I was talking about.

Mr. CHAPLIN (Lincoln): It is about true.

Mr. McGIBBON: You admitted it.

Mr. HEAPS: What I said was that the House did not have sufficient information before it.

Mr. McGIBBON: Speak for yourself. You are not the House.

Mr. HEAPS: I have the floor, and I am expressing my opinion. You can express yours when I am through.

Mr. HEENAN: I think you could save five minutes of the time of the House, Mr. Chairman, if you would call it nine o'clock.

Mr. McGIBBON: We will get even with the hon. gentleman on some other occasion.

Mr. HEAPS: That is a threat.

Progress reported.

## CUSTOMS INQUIRY

REPORT OF SPECIAL COMMITTEE—MOTION FOR CONCURRENCE AND AMENDMENTS THERETO

The House resumed consideration of the motion of Mr. Mercier (St. Henri) for concurrence in the report of the special committee appointed to investigate the Department of Customs and Excise, the proposed amendment thereto of Hon. Mr. Stevens, and the proposed amendment to the amendment of Mr. Woodsworth.

Mr. C. H. CAHAN (St. Lawrence-St. George): Mr. Speaker, in entering upon a discussion of the resolution, the amendment and the sub-amendment now before this House I feel a deeper sense of personal responsibility than I have felt on almost any other occasion in my life, which has been one of varied experiences and of grave responsibilities.

I represent, Sir, in this House a constituency in the province of Quebec, and it has been suggested that a vote against the sub-amendment and a vote for the amendment may be deemed to be a reflection upon the honour and reputation of that great province. That, Sir, I specifically deny. I 9 p.m. have had intimate acquaintance with the leading men of that province during the past forty years. I have had the esteem of a number of my fellow-citizens in that province, and I have given to a greater number my esteem and personal affection, and therefore, although I am an English-speaking citizen of that province, and although I think there are a few in that province of its English-speaking citizens who are better acquainted than I am with its language, its history, its literature and its traditions, I feel a sense of jealousy for its good name and reputation, and for that good name and reputation I am prepared to stand at all times and on all occasions.

I also have, as I stated in an address which I delivered to this House on February 5th of the present session, a personal esteem not only for many of the members representing that province in this House, but for the members of the ministry who represent that province, and I think I can say, after a pretty careful reading of the evidence, that I do not find in that evidence any fact reflecting upon the personal honour of those members of whom I spoke on February 5th—the hon. Minister of Finance (Mr. Robb), the hon. Minister of Justice (Mr. Lapointe), the hon. Minister of Marine and Fisheries (Mr. Cardin), the hon. Solicitor General (Mr. Cannon); nor do I suggest that the facts reflect severely upon the personal honour of the Minister of Customs (Mr. Boivin), at the present time. In regard to the Minister of Customs, I felt all through this debate, having read the evidence, a measure of personal sympathy, in view of the facts which he had stated to the House: that he had just entered upon his duties as a member of the government at the time that the Robichaud letter, so-called, had been received from the hon. member for Gloucester; that he had but a day or two in this city; that he was pressed with the business of his new department; that numerous letters had been placed before him, and that it could not be expected that he could give that time and attention to the reading of letters that he might have done in less busy times and calmer moments. Although there were numerous discrepancies between the statement he made in that respect, as pointed out by the right hon. leader of the opposition (Mr. Meighen), and the evidence which he had given personally before the Customs committee, and some discrepancies between his later statement and the statement he gave to the House when the motion for the appointment of that committee was made, yet after many years' experience in the courts, having been myself called upon to give evidence on many occasions, I am pre-

pared to believe that the most intelligent witness in the witness box may at times be unintentionally guilty of inconsistencies and verbal contradictions in his evidence. But what impressed me most, and what finally decided my opinion, was the statement of the hon. minister himself to this House in the debate on June 22. The member for Vancouver North (Mr. Donaghy), who sat on the committee and who is a political friend and associate of the hon. Minister of Customs, said in reference to the Robichaud letter:

> The sting in the whole thing is contained in the letter which Mr. Robichaud wrote. We cannot hold anybody responsible for writing a letter like that other than the man who wrote it. Nobody with any sense of public honour would attempt to justify the expressions used by Mr. Robichaud in that letter and I am not going to attempt to justify them. My self-respect will not permit it. The sting, I say, is in that letter and it is contained in these words in the letter which Robichaud wrote to Mr. Bureau, not to Mr. Boivin:
>
> Mr. Aziz is of the highest help for us during this campaign, and we cannot do without his services.

That is the sting. I could well believe that if I had been in the position of the hon. Minister of Customs, with all the cares and distractions upon my mind which he had at the time, I might justify, on account of the conditions prevailing at the time, the instructions given through an officer of his department in the Aziz case. But the hon. Minister of Customs, in making his statement on June 22 to this House, said:

> But I say now that if I had seen the request—

There had been discrepancies in his statement previously as to whether he had seen the letter and as to whether seeing the letter meant that he knew its contents:

> But I say now that if I had seen the request and been cognizant of all the other circumstances my conduct would have been the same; I will say further that if this request had come to me from a Conservative member of parliament, my conduct and my reply would have been absolutely the same.

I do not say, I would regret to say, that the incidents of that case reflect severely upon the personal honour of the Minister of Customs, but the spirit which he showed in that vaunting statement to this House, sitting in judgment on this case, shows that at the present time, at least, he is not actuated by that spirit which should actuate a minister in his high position in the administration of the acts, matters and things that come from day to day before the Minister of Customs. I think the attitude he should have taken, in view of the facts that are before him now, and I think the attitude he should take now in view of that statement, is to withdraw from the ministry, to send in his resignation, to relieve, so far as he can, the members of the government and the Prime Minister from the responsibility for approving the statement which he now makes—that even if he had been fully cognizant of the facts he would have acted in the same way as he did act under the circumstances. I have not lost my personal respect for the Minister of Customs. I know he is a younger man than myself, of great talents in many respects, talents which might be used to assist in the administration of the government of this country, talents which might be used in the public service, in other relationships and other spheres. But I do hope that a temporary absence from the ministry of this country will somewhat reform his spirit, will give him time for reflection, and that the time may come when he will withdraw those words and be in a position to resume again his high place in a position of public trust in this country.

The position in which the House finds itself to-night is this: A committee appointed by this House has heard the evidence and has made its report, a report which has met with the express approval of the Prime Minister, a report which the Prime Minister says he and his government and his party are prepared to endorse by their votes to-night. Paragraph 10 of the report so approved and so submitted contains this statement:

> 6. The evidence submitted to the committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency and that the process was greatly accelerated in the last few years. Apparently the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office and as a result there was a lack of efficient, continuous and vigorous control of subordinates by the headquarters staff at Ottawa.

Dealing with the administration of that department, the report also finds that in cases where a report was required from subordinate officers to comply and to conform with the well understood wishes of the minister, although in contravention of the facts then on the files of the department, subordinates were induced to make reports in order to sustain or to vindicate the action of the minister. That shows a thorough demoralization of that department at headquarters. On the other hand, with regard to the administration of that department in the matter of excise it is stated that orders in council had been passed, beginning on April 17, 1924, under which in the opinion of the committee unmatured spirits unfit for human consumption were freed for public consumption to the injury of the public health. Further this

is what the committee find in the administration of that department at the customs ports of the country:

10. The committee find that it is the common practice of the department to grant clearances to vessels wholly or partly laden with liquor for the United States, or allegedly bound for a foreign port, but admittedly sailing to "rum rows", and that false landing certificates have been produced to obtain cancellation of bonds given for foreign export of cargoes so cleared.

In the evidence adduced before that committee and as showing that the reflections, such as they are, contained in the evidence and in the report, bear upon other provinces, bear with terrific force upon my native province of Nova Scotia, we have the evidence adduced that vessels laden with thousands of cases of liquor would leave the port of Halifax for ports in South America, in the United States or in the West Indies, in many cases voyages requiring weeks and months for their completion, and would return within twenty-four hours to the port of Halifax with landing certificates to release their bonds, landing certificates which never could have been obtained from Lima, Peru, from Nassau in the Bahamas or from any other port to which they sailed; and that officials and officers of the Customs department knew that in accepting those certificates they were giving facilities for forgery, fraud and perjury and admitting those fraudulent, false and perjured certificates as reliable documents on which and receiving which the Customs department could relieve the parties of the bonds which they had given to the department for the faithful export and landing of those liquors at the port at which they were alleged to be destined.

Those facts must have been known to every official of that department; they were current in the press of the country. I know during the past summer when I was engaged before the courts in Halifax and in some proceedings there it was a gibe on the streets, a gibe of which you heard in the recesses of the courts of the city, that fraud, forgery and perjury were being committed with the knowledge of the customs officials of that great port. Although I regret to say it, and although I believe the general reputation of my native province is equal to that of Ontario or of Quebec, if there is any reflection upon a province in this report and in the facts adduced before the committee and found to be true in the report, it reflects as greatly upon my native province of Nova Scotia, where public morality as a whole is as high as in any other province of Canada.

[Mr. Cahan.]

Why did the facts which were alleged come from the city of Montreal? Montreal is not the province of Quebec. Montreal is a great commercial city, it is true; but the high public morality, the virtue of private living and life which characterize that great province, may not be so well exemplified in some of the worst quarters of the great city of Montreal. But because we have wrong-doing in some of the purlieus of Montreal I defy any intelligent man to say that the bringing of those facts to light from the purlieus of that city casts a reflection upon me or my fellow citizens of Montreal.

In addition, the report of the committee which has been approved by the Prime Minister and by the government, as I said, asks for further investigation into the facts, and I as a citizen of Quebec wish to know what are the facts with regard to Windsor, Vancouver and other ports of entry in the western provinces. The committee, headed by one of the most intelligent young men representing my city in this House, reported as follows:

12. . . . With reference to the distilleries, the committee has not had time to investigate them all. The committee recommends that a thorough audit and examination be made of the records and accounts of all the distilleries.

14. The committee recommends that the conduct of the officers at the port of Windsor, Ontario, and other important ports, should be further investigated and that the services of such of them as are found guilty of evasion of duty should be dispensed with.

The committee knew well that having been engaged for some five months in this inquiry they had not completed all the evidence available, and they urgently demanded, so far as they could, that this House and the government should insist upon further inquiry and investigation being made. But the government has the full duty and responsibility with regard to that investigation. The government has the authority, without any further legislation or direction from this House, to appoint a royal or other commission under the Inquiries Act to make full, careful and complete inquiry into all these transactions at other ports.

Now in regard to the amendment proposed by the hon. member for Vancouver Centre (Mr. Stevens) the House is asked to approve of the following:

The evidence further discloses that ministerial action has been influenced by the improper pressure of political associates and friends of the minister, or acting minister, administering the department, resulting in the suspension and in some instances the abandonment of prosecutions against those charged with violation of the statutes, and in the loss of revenue to the country. Moreover, successful appeals have been made to

the minister and acting minister administering the department to improperly interfere with the course of justice between the conviction of the offenders and the execution of judgment thereon.

With regard to that I wish to say that the argument that under previous administrations there has been wrongdoing, where corrupt acts have been committed by members of the ministry or employees of the department, is not convincing to me. Under the conditions which prevail in Canada to-day—and I will leave the province of Quebec—under the conditions which prevail in my native province of Nova Scotia the rum traffic, unhindered, is ruining homes and ruining lives, and steps should be taken to enforce the law in that province. As to the appeals which have been made under previous administrations, all I have to say is, that although the evidence adduced by the hon. Solicitor General (Mr. Cannon) is not convincing to me until I have read and analysed it, previous wrongdoing does not justify the action of this House in refusing to condemn similar practices to-day. If we are coming to the stage that the public honour of this country is not to be maintained, that the moral spirit of this country is not to be maintained, because in times past there has been wrongdoing by Conservative administrations which justifies wrongdoing by a Liberal administration to-day, then I say I am prepared to abandon every other political relation I have in life and join some independent party in this country who will see that the law is properly administered, irrespective of what has been done in the past either by Conservatives or Liberals.

The amendment further declares that:

The Prime Minister and the government had knowledge for some considerable time of the rapid degeneration of the Department of Customs and Excise, and their failure to take prompt and effective remedial action is wholly indefensible.

I think it has been shown by the letters produced by the Prime Minister (Mr. Mackenzie King) himself that his government were very fully informed, as I will show in a few minutes, of the material facts of the case. Then the amendment declares:

The conduct of the present minister of the department, the Hon. George H. Boivin,. . . . is utterly unjustifiable.

His action was unjustifiable if he had been thoroughly informed of the facts; and now that he, before the high court of parliament, has declared that his action would have been the same if he had known the facts in all their ramifications and all their bearing, I have no hesitation in saying his conduct was not justified. And yet when I say that I make this reservation; I do not believe that is a finding, as hon. gentlemen opposite have said, to the utter dishonour of the Minister of Customs. I hope and believe that when he has had time to reflect upon his admissions before this House he will regret such admissions and regret the spirit which prompted them as much as I, standing in my place in this House to-night, sincerely regret them.

Next the amendment declares:

Your committee deplores the practice, as revealed by the evidence, of certain men influential in public life to direct appeals to the minister to relax and depart from the proper administration of his department for reasons of political expediency.

Your committee is of the opinion that this practice is detrimental to the best interests of the country and prejudicial to the administration of the department.

Now, the sub-amendment, which Your Honour has declared to be in order, in the main asks that clause 6 in the amendment be deleted and in lieu thereof the following inserted as an addition:

Your committee deplores the common practice, as revealed by the evidence, of members of parliament and others appealing to the minister to relax the regulations of the department for personal advantage or political expediency.

I entirely agree with that statement, but why, by inserting that, should we remove all reflection upon ministers of the crown who give effect to such appeals, and without whose definite action such appeals would be entirely in vain? Why is it that the hon. member for Winnipeg North Centre (Mr. Woodsworth), who proposed that subamendment, wishes to remove that reflection upon the government of the country, and every reflection upon a minister of the crown who had given effect to sordid, personal appeals of that character? Therefore my position is this: that with respect to the contents of the subamendment proposed I would be prepared to vote in favour of those in the main, but they can and should only be given effect to as an addition to and not as a substitution for the amendment proposed by the hon. member for Vancouver Centre (Mr. Stevens). And if the government wish to give full effect to the opinion of this House I believe they will now agree and will solicit the hon. member for Winnipeg North Centre to withdraw the subamendment as a substitution for the amendment and add it to the amendment in order to give it full and complete effect. In so far as the subamendment proposes that a royal commission should be appointed in order to continue the investigations, that is a matter entirely within the discretion of the government; it has full power and authority to appoint such a commission.

But, Mr. Speaker, although the Prime Minister has declared his approval and the approval, I understand, of his government, of the general recommendations and the statements contained in the report of the committee that:

> The evidence submitted to the committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency and that the process was greatly accelerated in the last few years.

Nevertheless he suggested, and in fact quite frankly stated, that it is not within the competence of this House, as a political and partisan body, to judge of that report and to render a verdict upon it. No man in this House or in this country is more fully informed than the Prime Minister of the great agitations which were carried on from decade to decade in order to achieve responsible self-government in the provinces of Canada; no man is better informed than he of the principles which underlie responsible self-government in this country. And we are sitting in judgment to-day because there is no other court in this country, and no other court can be constituted without an almost complete abrogation of the constitution, which can be empowered to take the place of this House in judging of that report and finding a verdict upon it. In September last the Prime Minister appealed to whom? To the general electorate of this country for their support by returning to this House of Commons, if it was possible to be obtained, a majority supporting him and the party which he has led for so many years, and with which he has been identified for almost the whole of his later life—the party of which, I might say he has been a distinguished member, and in which he has rendered to this country many eminent services. The parliament assembled here to-day is the result of the recent verdict of the people, and the government, the members who form the administration, are responsible to this parliament and must justify their acts before it. Parliament is vested with the right of legislation, of enactment by statute, for the government of the country. Parliament enacts the law under which the administration is carried on, but the Prime Minister and his colleagues are responsible to this House, and to this House alone, when it is in session, for the efficient and faithful administration of those laws. In the earlier weeks of the session I sat in this House and heard such discussions as would lead members to believe that the making of our laws is of paramount importance, of more importance than their administration; but I submit that the administration of the laws after parliament has enacted them is a duty and responsibility of this government, and that those laws will be utterly ineffective and inoperative unless that administration is duly and faithfully performed.



Now, this theory and practice of the constitution is endorsed, in part, by the right hon. Prime Minister in his recent address. He says:

> According to our theory of government, the Minister of Customs is responsible for the administration of the affairs of that department.

But the Prime Minister failed to state that he himself and his colleagues in the ministry are responsible to this House and to this country for the efficient administration of each and every department of government. That responsibility and that duty cannot be denied by the Prime Minister and those associated with him. Now, did the Prime Minister have knowledge of the conditions existing in this country, conditions which were known generally throughout the length and breadth of Canada? Not knowledge, I suggest, of every specific detail, but did he have knowledge of existing conditions sufficient to put him and his colleagues upon inquiry and upon investigation? If he had such general knowledge and notice, I say he is responsible to this House for not ordering such an effective inquiry as would have brought the details more directly to his notice. The Prime Minister admits that after the negotiation of the agreement between this government and the government of the United States in 1923—

> —the attention of the government was drawn for the first time to the growth of the smuggling evil as it affected commercial interests in this country.

That was in 1923, nearly three years ago. Yet I say to-night—and I do not think my statement can be denied—the Prime Minister cannot point to one single fact in evidence in this case which discloses that the government took effective measures to render administration of the customs more effective. A delegation representing a number of the large manufacturing and commercial interests of the country informed the Prime Minister and his colleagues of the existence of these great evils in the Customs administration.

Mr. MANION: What date was that?

Mr. CAHAN: After 1923, the minister says. What attitude did the government take? Let me read the Prime Minister's own statement of the government's attitude. Referring to this delegation that came to meet the members of the government, he says:

> Did the government say: No, we have our own preventive service, our own Customs department, our own officers. We ourselves will look after the suppression of smuggling and the protection of the revenue laws.

I submit that is what this government are elected to do, that is what they must do to carry out their oath of office, in order faithfully to perform the responsibilities and duties which rest upon them. That is what they must do if they are to maintain a good account with the parliament and with the House of Commons of this country. And what does the Prime Minister say? The Prime Minister says the government did not take that position, and I say that in not taking that position the government were recreant in their solemn trust and duty.

Mr. MACKENZIE KING: I think my hon. friend is drawing an entirely wrong inference from those words.

Mr. CAHAN: I do not want to do an injustice to my hon. friend, but I am going to elaborate my argument and I think he will see that I am not straining his words unduly. If I do so I regret it very much, but I am going on. The government entirely abnegated their responsibilities and duties; the government under the direction of the Prime Minister took the indefensible position of placing upon those very men who formed the delegation the duty and responsibility of what? First of making suggestions which would most effectively deal with the situation. The delegation asked among other things for more effective legislation and the government, feeling no particularly urgent responsibility, asked the delegation to draw up the measures which in their judgment it was essential to have enacted. And then further he says:

> The government met that request by asking the Commercial Protective Association to draft such legislation as its officers thought would be most effective.

Then the Prime Minister says to this House:

> Now I ask, could the government possibly have taken a more effective way of dealing with the problem than by requesting those most concerned to draw up the legislation themselves?

Mr. RYCKMAN: Let George do it.

Mr. CAHAN: Yes, let George do it. What were the existing conditions at that time? The Prime Minister has quite fully and frankly informed us; he says:

> The country was face to face with a condition in relation to smuggling of such a magniture as few could comprehend.

But the Prime Minister leaves us to understand that he fully comprehended it. He had all the agencies of government at his command and yet failed by one single administrative act, one single effort, to administer the existing laws pending further legislation which would tend to mitigate these evils; he left it to a private association of business men to draw up and submit the additional legislation. More than that, he left it to this private association to supplant the Department of Customs in the administration of the law at the outports. Was not this a complete or almost complete abnegation by the Prime Minister and the government of the duties and responsibilities of the high offices which they respectively hold?

Mr. MACKENZIE KING: Does my hon. friend wish the House to infer that in his view the government should have declined to co-operate with the protective association?

Mr. CAHAN: No, certainly not. I am going to deal with that in a moment. But when before in the history of this country did a government abnegate their duties and responsibilities; when did they ever fulfil the high trusts of their office by placing the administration of a department of government in the hands of a private association of business men? Again in the letter of February 4, 1925, which the Prime Minister read, Mr. Sparks informed the government that:

> Smuggling and undervaluation for duty purposes were causing an immense loss of revenue and seriously interfering with the business of legitimate traders and manufacturers.

Yet no active administrative efforts were made to protect the treasury by checking these evils. And the Prime Minister adds:

> Assuredly the protective association brought to the attention of the government the evils of smuggling as they have described them.

But it was not only additional legislation which was urged by this delegation who approached the Prime Minister. The Prime Minister quotes a letter from Mr. Sparks dated February 26, 1924, as follows:

> Might I take the opportunity of stating that after four months of investigation by a staff of trained criminal investigators—

Referring to investigators employed by the merchants and manufacturers association.

> —we are convinced that at least half of the smuggling now going on could be prevented within a month by an energetic policy on behalf of the department.

But in the record of evidence taken by that committee I submit there was not one single effective administrative measure taken by the government in the course of these three years to mitigate these evils and to protect the commerce of this country. Again on April 8, 1925, Mr. Sparks wrote to the Prime Minister as follows:

> Smuggling on this continent has become a huge industry. . . . After months of investigation by trained investigators we have no hesitation in saying that this traffic constitutes a national problem of the very first importance.

Then the Prime Minister himself says:

I regarded this as probably the greatest problem which the country has before it at the present time.

Again let me state that on July 13, 1925, almost a year ago, the president of the Toronto Board of Trade wrote the Prime Minister urging upon him and his government that in the reorganization of the preventive service the dominant note, to quote his words, should be the strict enforcement of the law in the interests of the lawful commerce of the Dominion and an increased national revenue which, in turn would be reflected in an improvement in economic conditions generally. Yet still not a single direct effort was made by the Prime Minister and his colleagues to secure a more effective administration of the law, although at that time they had secured from this House an amendment to the law with more stringent provisions, and a vote of this House supplying all the necessary funds to carry that law into effect. The returns brought down recently in the public accounts show that they so neglected their duty that they did not even make use of the appropriation which this parliament had placed at their disposal for the efficient administration of the law passed in 1925. "But," the Prime Minister says, "We gave the association government detectives; we paid for those detectives and told them to use those detectives and let them report to you"—to Mr. Sparks. Yet in this House, if I understood the Prime Minister correctly—and I am prepared to withdraw the statement if he denies it—he spoke of disloyalty to him and to his government on the part of one of the officials loaned to Mr. Sparks, and who was instructed to report to Mr. Sparks.

Mr. STEVENS: And by the way, who were paid by Mr. Sparks and his association.

Mr. CAHAN: Were they? And so the Prime Minister and his colleagues disregarded their responsiblities as members of the government of Canada, and proved, I repeat, recreant to the trust which was imposed on them, and left the administration of the custom laws of this country in the hands and under the control and direction of a private mercantile association. Then to this body of private gentlemen who, at the government's request, were in fact usurping the functions of the government of the country, the Prime Minister describes his attitude as follows:

What attitude did I take towards him?

[Mr. Cahan.]

He is referring to Mr. Duncan, who was then in the employ and under the direction of this private association of merchants:

What attitude did I take towards him? What attitude did the Minister of Finance take? We said to him: This business which you are on is a serious one for the country. We give you full latitude to do anything and everything you want to do or think ought to be done.

What was that but the re-establishment in this country of an irresponsible body to whom some of the chief functions of administration in this country had been assigned and entrusted by the Prime Minister of the country? And so I say that the government of this country by a responsible cabinet, under a responsible prime minister, ceased to function in Canada, and the system of responsible government, the system of parliamentary institutions, which are the only hope and stay of Canada, were degraded, step by step, until they have reached the contemptible position in which some members of this House would by their speeches place them to-day.

What are we told to-day? We are told that although this ministry is responsible to this House and to this House alone, although there is no other body in this country, judicial or otherwise, to which they can submit themselves and still maintain responsible government in this country—we are told by them, now that parliament has so degenerated, that we are unfit and incapable of judging of the merits of a report submitted after six months of investigation by members of a committee on which the government controlled the majority. We are told that we are unfit to consider and decide upon that report. When, I would like to know, was there ever a precedent in the history of any province of Canada since responsible self-government was granted, when was there ever a precedent in the history of the proceedings of this parliament, when the only prospect held out to the country was, on the one hand, government by a private committee of mercantile men, or on the other, authority being vested in some judicial committee or commission appointed by the government themselves to judge of their own conduct, because parliament is unfit to so judge, as parliament has done ever since we have had responsible government?

The Prime Minister appealed to this country, and a minority of this House were returned pledged to support him. He has appealed to this House now, and this House alone can decide. There is no other tribunal, judicial or otherwise, that has or possibly

could have jurisdiction to decide in this matter. Upon this House, and upon this House alone, rests the responsibility, and the sole responsibility, and no matter what may be our individual capacities we are derelict in our duty, we forswear our oaths of office and our pledges to the country, we are recreant to that duty which is placed upon us by our institutions, if we decline to-night so to decide.

Mr. D. M. KENNEDY (Peace River): Mr. Speaker, it is not my intention to take up the time of the House at any great length. I merely wish to state what my position will be when the time comes to vote on the amendment to the amendment, and on the amendment.

I have listened with a great deal of care to most of the debate. My position has changed somewhat since I moved the amendment in the committee. The majority of the committee was unable to agree to it. The Conservative members of that committee moved a certain amendment, and I also moved an amendment representing my views at that time. After listening to the debate I not only think that my position in the committee was justified, but I feel that when the opportunity presents itself I must vote for the amendment that has been moved in this House.

10 p.m.

In section 6 of the report, which has been referred to quite often in the debate, I find the following—and to this, of course, every member of the committee agreed:

> The evidence submitted to the committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency and that the process was greatly accelerated in the last few years. Apparently the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office and as a result there was a lack of efficient, continuous and vigorous control of subordinates by the headquarters staff at Ottawa.

In addition, Mr. Speaker, I moved that Mr. Farrow, the Deputy Minister of Customs and Excise, should be discharged. The majority of the committee recommended that he should be retired. My reason for objecting to that was simply this: We had recommended that a number of the officials in the Department of Customs should be discharged, and I could not see any difference between the position of some of these officials whose names are mentioned in the report and that of the deputy minister under whom the department had so rapidly degenerated during the last few years. I am very much opposed to the distinction that is drawn between individuals who practically are all guilty of the same kind of conduct and the same inefficiency in performing their duties, simply because one happens to draw $2,000 a year and the other $10,000.

That very position leads me still further. I find that while the position of a minister in the government is somewhat different, I have to vote for as near the same kind of censure of him as I am constrained to vote for with regard to Mr. Farrow. Certainly if the deputy minister was guilty he should be held responsible, in a large measure at least, for the degeneration in efficiency of the department. This is much more true of the ex-Minister of Customs, Hon. Jacques Bureau. I submit, Mr. Speaker, that the government itself has to accept responsibility for the degeneration in efficiency of that department. This, of course, I regard as a very serious matter for the government, and it is the chief reason why I feel that I must vote for the amendment after the subamendment is disposed of. The Department of Customs is practically as important a branch of government as the Canadian National Railways, if you like to call them a branch of the government. The total revenues of the Canadian National Railways amount to a little over two hundred million dollars annually. Under the Customs department, taking the various branches together, we obtained a revenue in 1924 of nearly three hundred million dollars. Does anybody believe that we would be justified in voting confidence in the government if it could be said that under the management placed and left at the head of the railways there had been or was a rapid degeneration in efficiency during the last few years? That is the thing that appeals to me as being so serious in connection with this matter. The whole evidence bears on this question and justifies that conclusion.

We have been told that the government is bad, that it has made some very bad mistakes, and that it is true of previous governments that we have had. That may be. We have not the privilege of dealing with the previous government to-day, but we have the responsibility of dealing with the present government. We have been told what will happen if the hon. members who form the official opposition come into office. Well, I wonder if we are going to be able to keep them out of office. They very nearly succeeded in defeating the government during the last week or two, and I do not want, Mr. Speaker, to establish a precedent here that any government can expect the confidence of this House even if it has allowed the chief revenue collecting department of the government to degenerate rapidly

in efficiency. It seems to me—and that is the reason I differ with most of my colleagues here—that the government that allows that to happen must face something more than a severe tongue-lashing in the House of Commons, and the only weapon we still have, and the only weapon that governments fear, is a vote of want of confidence.

I would trust that if the amendment to the amendment does not carry, it can be moved as an addition to the amendment. As it stands at the present time I find that it will be necessary to vote against the amendment to the amendment and support the amendment, not that I disagree with the amendment to the amendment so far as its form is concerned, but because of its position and relation to the amendment. Not that I altogether agree with the terms of the amendment, but I do agree with it in so far as it is a vote against the government, and having regard to the evidence and to what has happened in the department during the last few years, I can conscientiously cast my vote only in that way.

Mr. JEAN-FRANCOIS POULIOT (Temiscouata): My speech, Mr. Speaker, will be very short. I am sorry my hon. friend from West Calgary (Mr. Bennett) is not in his seat, because he would have been very glad to hear the hon. member for Peace River (Mr. Kennedy), making the same speech as Collins would have made.

Hon. E. M. MACDONALD (Minister of National Defence): Before the motion is put I rise to speak more of a matter of privilege than otherwise. My hon. friend from Kent, N.B. (Mr. Doucet), in his address the other night, referred to me as being one of those who participated in the stopping of prosecutions for smuggling. I want to mention a circumstance that occurred in June 1925. A portion of the permanent force were in Glace Bay, Cape Breton. They had an officer's mess there. These officers had some liquor. This liquor was seized, I do not know by what authority, whether federal or provincial. Everybody who knows anything about the life of officers, on active service or otherwise, knows that the mess is an institution which has been maintained by them from time immemorial. When the liquor was seized one of the officers happened to be going to Montreal, and came on to Ottawa. He reported the matter to the department and stated—and the officers of the department sustained the point—that under the king's regulations the mess supplies were immune from seizure by civil authority. I simply transmitted to the department the position these gentlemen took in regard to this officers' mess. I never inquired what the decision of the department was, and I never knew what it was. Further than that, I had nothing whatever to do at any time with regard to this question of the smuggling of liquor or smuggling of any kind. I merely wish to say that if the innuendo which was contained in my hon. friend's reference to me was of the same character as was made to some of my colleagues, then there have been a great many innuendoes in this discussion that are without foundation.

Mr. MALCOLM McLEAN (Melfort): I do not intend to take up much time of this honourable House, but I wish to make some remarks before the vote is taken. If I might be permitted to digress a little bit, I would like to tell hon. members a story. I am reminded of two boys who were working in a law office. They met one day and one said to the other, "Johnny what do they pay you at the office?" Johnny said, "Four dollars a week, what do they pay you"? The other boy said, "$1,000 a week". Johnny says, "Aw go on, you're talking." The boy said to him, "No, I am not, they pay me $3 a week in money and $997 in advice." I feel something like that boy. As a new member of this House I am bewildered by the flow of legal lore and the advice that has been given particularly during the past few days, but generally through the session. The legal advice and information that have been given us are enough to bewilder an ordinary, plain person trying to solve problems coming before this House on the basis of experience and common sense and by assiduously studying them. So to-night, as I look over the debate of the past few days and the issue at stake herein, I find that I must endeavour to differentiate between the material that has been displayed and the legal verbiage that has been thrown around it.

Time after time in this House I have heard clever lawyers such as the hon. member for St. Lawrence-St. George (Mr. Cahan) argue the case as if they were prosecutors in a court-house prosecuting some law breaker. I appreciate much the excellence of the wisdom and learning given to us by the hon. member for St. Lawrence-St. George and the plane on which he spoke. But habits of the court room are hard to break, and apparently the intention on his part and on that of many hon. members opposite was not to make the matter plain and clear to us, but to ensure that a verdict would be given against the defendant.

When first these charges were made in this House some months ago, I was surprised that the hon. member for Vancouver Centre (Mr. Stevens) should in his laudable desire to suppress smuggling in this country, go all the way to Montreal, Rock Island, to Beebe and these other places of which many of us had never heard before and tell us about the lamentable conditions existing in the customs administration there. I would have thought that the hon. member for Vancouver Centre, coming from the city of Vancouver, a city which through the press and other methods of spreading information has been notorious for smuggling, booze running and dope peddling for many years back, would have first started to clean up near his home where we are told that charity begins. I would have thought, I say, that there where it was easier for him to get information he would have endeavoured to start the cleaning up process.

I found, however, that there was something else to it than that. I found that in addition to the smuggling of liquor out of Canada and other commercial goods into Canada, there was the smuggling of something worse, something that in my opinion the Canadian people will feel less like forgiving even than the smuggling of liquor out or the smuggling of other commercial goods in. I refer to the smuggling of secret information, secret reports, confidential reports, prepared by trusted employees of this government for the benefit of the public and the administration generally in enforcing the observation of the law and in bringing evildoers to justice. These reports, according to all the information that has been given us in connection with this matter during the past few days, were smuggled from their rightful place in the possession of the government into the hands of the chief political attacker of the government at this time. While I am not excusing the smuggling of liquor or other goods into the country and other goods out of the country, these are material things, the value of which can be reckoned accurately in dollars and cents. But when parts of the civil service of Canada, the secret agents of the government who are paid to get information on which the laws can be upheld, are debauched to the stage where they are willing to allow their information to be smuggled to the hon. member for Vancouver Centre or any other hon. member, that is a sad state of affairs and the people of this country are not going to think lightly of it.

Information given out during the course of this debate has shown that all the disclosures in the Customs Inquiry committee on smuggling in two months and a half, prepared for and paid for by the government and handed to the hon. member for Vancouver Centre, was that based on the famous Duncan report. Is there anything so infamous in the history of the department as that this information which was prepared and paid for by the government should be handed over for political purposes and that the service should be debauched in this way? Yet, hon. gentlemen opposite smirk and smirk as they sit in their places and think lightly of it, while they talk of some youngster who brought in some celery, bread and other things.

I notice another hon. gentleman of the legal profession making notes, and I know he will get after me in good style; but I am satisfied that to-night I have in mind the outlook of the people of Canada rather than the heated and biased outlook that it is almost impossible to keep away from after six months of political warfare in Ottawa, where intrigue runs strong, where lobbying has been developed to the fine art at which it stands, where efforts have been made such as we had an inkling of in the debate—yes, desperate efforts made to swing members this way or that but generally I think to swing them away from the thing their constituents in many cases want.

This attack on the government through the Customs investigation and now through this report is not a new thing at all. All during this session and the session of last year hon. gentlemen opposite have been making these attacks on the government. The government have been accused of almost everything under the sun. If they were not accused of anything that was bad, it was because their opponents apparently overlooked it. At the start of the session they were accused of paralyzing industry, bringing the country to the brink of ruin.

Mr. SPENCE (Parkdale): That is right.

Mr. McLEAN (Melfort): The hon. member says that is right. Yet he has helped to hold the House here for six months and has not suggested anything to assist in remedying that state of affairs. All through this session attacks have been made on the government. First hon. gentlemen opposite tried economic attacks. This House was well fitted to deal with that, because of the fact that the House had gathered in members from 245 seats throughout the country who knew the exact conditions in their constituencies and were thus able to compare them with those of last

year, the year before and six months ago. So the economic attacks on the government failed.

They brought political attacks on the government and again for the same reason members who had gathered from all parts of the Dominion were able to judge of their value and they failed. They accused them of being a government held in office by bribery, barter and many other terms that might not be parliamentary so that I will not repeat them. These political attacks were made on the government time after time and they failed. So they decided on another form of attack and, true to Tory traditions, they decided to bring it on moral and uplift grounds. This is not a new thing at all, but it is something that would almost make the angels weep to hear of a Tory opposition in the city of Ottawa in the year 1926 attacking the government of the day on high moral grounds. This is a form of attack that they have made on different Liberal governments at various times throughout the Dominion and people have reached the stage where they very easily discount such methods. But when they brought this new moral attack on the government they coupled with it an extremely strong barrage of legal argument, and in this I will admit the remainder of the House is at a disadvantage over members of the opposition. They have now spent days and weeks at different times during this session giving us legal arguments. If we could turn these arguments into good cash value we certainly would be enriched. But we cannot do that, because there is no value in them. If you weigh them dispassionately you will agree that there is no market for these legal opinions that we have been getting. This is an old method, Mr. Speaker, to break down co-operation between the various groups that have combined to carry on the government of the country. When they cannot be broken down directly on the economic or political isues involved, it is a first class plan to use moral and "uplift" arguments. If we cast our eyes back a few years to the Motherland where co-operation has been employed between different political parties, we find the same plan tried; we find that an issue such as we are debating to-night has been interjected in order to try and cause disruption. I remember the government of Mr. Asquith, I think it was, being defeated in 1895. A number of groups were working together, and the government was defeated after a very heated debate, on the cordite question. The Tory politicians made the welkin ring with their predictions of the danger to which the empire was exposed because there were not sufficient supplies of cordite on hand. Well, the government were defeated, they went out of office, and their opponents took their place, and within a few weeks it was shown that no addition had been made to the cordite supplies of the country although it was proclaimed by the Tories that there was a calamitous shortage. However, the Tories achieved their purpose. They got into power and the country got ten years of Tory misrule, including the Boer war, as a result of that famous debate on the cordite question.

Throughout this session hon. gentlemen opposite have been taunting the government with being in a minority and of having to make promises that were not in the interests of the country in order to secure support. Moreover the Progressives have been condemned likewise in the worst possible manner for co-operating with the government. Yet to-night we find hon. gentlemen opposite applauding some of the former allies of the government who have announced that they are going to support this amendment. I say this is all part of the game. From the political point of view it may be a very fine game but it will not be endorsed by the people of this country who have to pay the bills and who have sent members down here in order that they should co-operate in the carrying on of the administration of public affairs; it is a mighty poor game from the standpoint of the interests of the country.

Mr. KENNEDY (Winnipeg): What game are you playing?

Mr. McLEAN (Melfort): My desire is that we should not waste time but that we should put through legislation that will be of benefit to the people of Canada now and for many years to come. That is the only game I am playing. It is the only game that I have ever played politically, and I have no desire to play any other.

Mr. KENNEDY (Winnipeg): Are you quite sure of that?

Mr. McLEAN (Melfort): Yes, quite sure. But let me say this: the courteous thing for any hon. member when asking a question is to rise and not remain in his seat.

We have had some memorable speeches on the legal aspect of this question. I am not going to enumerate them, but I have something to say to the hon. member for Vancouver Centre. That hon. gentleman is not a lawyer but he gave a long address and no doubt,

from his own point of view a very effective one. I noticed, though, that he did not touch on the smuggling conditions in his own city which, as I said before, are notorious from one coast to the other. Smuggling conditions there are worse than they are anywhere else on the continent, not excluding even Montreal, and yet nothing was said about them by the hon. member.

The hon. member for West Hamilton (Mr. Bell) in a very learned speech, also strove to impress upon us the viciousness of the administration of the Department of Customs. When the hon. gentleman was speaking, however, my mind went back to a period early in February when he told us about the hundreds of people in his community, in his own fair city, going out on the hillside in the depths of a Canadian winter and gathering grass to carry home as the only fuel they could get to keep them from freezing. That was a terrible state of affairs in a city where such an enormous quantity of beef, as stated by the hon. member for East Algoma (Mr. Nicholson), is consumed. The hon. member for West Hamilton made a speech such as we might expect from a high class criminal lawyer. But some of it, I am afraid, resembled the product of a member of another profession in which I understand he is engaged, namely, that of playwright. In view of these two roles in which the hon. member has distinguished himself, and bearing in mind also the picture he painted of the dismal conditions in Hamilton, we may be pardoned if we do not take his arguments too seriously on the present occasion.

The right hon. leader of the opposition (Mr. Meighen) has a highly trained legal mind. He applied his well known critical faculty, his great dialectical power, to attacking the government. I have often thought, while admiring the skill displayed by the right hon. gentleman in building up his case, that that case is often laid on poor foundation. He reminds me of a critic who wishes to examine a picture, and who, instead of standing back from the painting and trying to view it in its proper perspective and proportions as the artist intended, goes right up to the picture, pulls out a thread from the canvas with a pair of pincers, examines that thread under a high-powered microscope and tears it completely to pieces. I have no complaint to make of that; it is the usual style of the right hon. gentleman, but it is regrettable that instead of taking a broad view of national conditions he limits himself to a very narrow and very sectional view. Therefore I am sure that his fine legal argument, spun out in great detail as it was, will not affect public sentiment to the extent desired by my right hon. friend.

As regards smuggling and other crimes of a similar nature in this country I desire nothing more than to see the law thoroughly enforced; I desire nothing better than that there should be a thorough investigation into the administration of the Customs department, or any other department that may come under fire, at this or at any other time. It seems to me that it would be far better to have a judicial investigation, such as contemplated by the subamendment of the hon. member for Winnipeg North Centre (Mr. Woodsworth) into such matters than to throw the issue into a partisan assembly such as this. It is true we have power to try this and other matters except where they have not been handed over to the jurisdiction of the courts. In the last couple of weeks we had a striking reminder of this House, in an electoral case, having divested itself of its power and conferred it upon the properly constituted courts of the country. In the present instance, I think the same procedure should be followed. It is true that the House of Commons has a right to judge the government of the day on its merits. But when men are accused of law-breaking as distinct from unwise or inexpedient administration or leadership, surely the proper way to determine their innocence or guilt is by judicial procedure. Here we have charges made and the accusers are also the grand jury and the petty jury. Such a condition of affairs in any other transaction would be considered most unreasonable, and I know hon. members will agree with me, even though they may be prevented from expressing their views, that this is a most unreasonable course to take.

There is another consideration that I think should be kept in mind when discussing the relative merits of an investigation by a judicial body or by a partisan committee of the House. To-night we are putting ourselves in the position of sitting in judgment while only part of the evidence is in our hands. The city of Montreal, Rock Island, Beebe and a few other isolated points have been investigated fairly thoroughly, but the rest of the Dominion from coast to coast has not yet been investigated. I am not criticizing the committee on this account, but I do say we should not sit in final judgment on this case, even if it be conceded that it is legal for us so to do, until all the evidence is before us. For that reason, if for no other, I think a judicial investigation should be proceeded with.

The fundamental causes of smuggling have been already touched on. Undoubtedly when you make it profitable you will find a certain class of men ready to take the risks incident to smuggling. During the Napoleonic wars and for a few years afterwards smuggling was one of the greatest troubles of the British authorities, and men took desperate chances of fine and imprisonment because of the big profits which attended successful smuggling operations. Not until the duties were reduced, and in many cases abolished, did the illicit traffic die out. Once the incentive to smuggling is removed, smuggling ceases. I have not heard during this investigation of anyone having been found guilty of smuggling farm machinery, coal oil, binder twine or similar commodities into this country of late years, simply because the duty is so low it is not worth the risk. Usually only high-priced commodities of small bulk are handled by smugglers.

To-night, Mr. Speaker, I should like to ask hon. members to keep in mind that the things which loom so large before us at this time and seem so important to us in the heat and mist of partisan debate will in a few years shrink to their right proportions and appear of little account. I am satisfied that then we will have forgotten who Moses Aziz was. His name will not be so much remembered as the name of the man mentioned by the Solicitor General when speaking yesterday. But one thing we will remember, whether the result of this debate was good or evil for the country as a whole. By that time, however it will be too late to change our decision.

During the debate I heard it charged that the Customs department deteriorated very rapidly in the last few years. I hold in my hand volume 52, part I of the public accounts for 1916, and I find that even at that time there was rapid deterioration going on in the Customs service. For instance, instructions were given at some ports, particularly at Morrisburg, to allow certain articles to be entered free of duty, and those articles were brought in in car lots. I am not going to read the evidence, but it is at least interesting as showing that the deterioration of the Customs service has been going on for a long time.

The people of Canada to-night are more interested, Mr. Speaker, in seeing that the Customs department and every other department of government is improved and strengthened, and that the administration is conducted in such a way that it will enure to the prosperity and peace of the country, rather than in the case of Moses Aziz or any other smuggler on whose behalf members of parliament have been asking for clemency. Such requests are being made day after day of the authorities in Ottawa, Toronto and every other capital city in the Dominion, and many of them are granted. The people of Canada are not so much interested in clemency being granted or withheld, neither are they so much interested in the legal arguments advanced to-night; but they are interested in the result of this vote. To-night we are making our choice for the people of Canada, who are not able to come here to make it themselves, as to whether the government that has carried on during the past five years, the government that they know has helped greatly to bring back prosperity to Canada and to restore that condition of political and economic satisfaction that we have had in the past few years, shall be sustained.

Mr. A. U. G. BURY (East Edmonton): Mr. Speaker, I should not intervene at this late hour of the debate, but for the fact that on this question I think members generally on both sides of the House should voice their feelings. It is not a question, in essence, of any party issue. It is a question that transcends all party considerations and has to do, as the right hon. leader of the opposition said in his speech yesterday, with the honour of the country. May I say that in listening to the different speeches that were delivered in defence of the action of the Minister of Customs and in defence of the action, or rather the inaction, of the government, I think no one who afterwards reads the pages of Hansard will fail to come to the conclusion that the defence advanced by the ministers, even those most prominent and most interested, utterly failed to accomplish what it was proposed to accomplish. The pleas which were made were ad misericordiam appeals, based on the inexperience of the Minister of Customs (Mr. Boivin) so far as the charges relate to him, and upon the fact that he had only recently come into his office and was not familiar with the duties and powers belonging to it. Such a plea was put forward on behalf of a gentleman who, as has already been pointed out, had a distinguished legal career and a long practice not merely in civil law, because had that been the case we might have found some reason to explain and extenuate his conduct. But this is the conduct, the course of action of a lawyer not only brilliant and learned in his legal acquirements and in the practice of his profession but a lawyer whose practice has been in criminal law, who has been a prosecutor for the crown. The speech of the hon.

minister himself was a poor attempt to justify and explain his conduct; the speech of the Prime Minister, (Mr. Mackenzie King) his leader, was almost equally poor and weak and irrelevant; the speech of the Solicitor General might be placed in the same category for absolute inefficiency, and finally the speech of the Minister of Railways, who was supposed to take this House by storm and be the saviour of his party and of the country, was perhaps the poorest speech delivered by a member of the government that I have heard in the months I have been in this House.

Not merely was there an utter absence of genuine defence or argument but in point of fact there was gross misrepresentation by nearly all the gentlemen whose names I have mentioned, both of the facts and of the law. That statement is easy to make but perhaps not so easy in the time at my disposal to exemplify, but the misrepresentations in connection with the law were perfectly obvious. The Minister of Customs informed the House yesterday evening that it lay virtually with the Minister of Customs to issue his warrant of commitment before a man, found guilty by a magistrate or by two justices of the peace, should be taken to prison and confined there. That, of course, is utter rubbish. The warrant is not that of the Minister of Customs but one issued by the magistrate or justices who try the man. The Criminal Code of this country which, as the Solicitor General very well knew and as the Minister of Railways should have known, regulates procedure in these matters, directs the justices or the magistrate who tried the case, immediately after the conviction of the offender, to fill in the form of conviction according to the code and to issue a warrant according to the nature of the sentence.

Now let me pass on to some of the charges made in this case. I say—and I think the House will agree with me—that the charges have been absolutely proved. The charges which were laid by the hon. member for Vancouver Centre (Mr. Stevens) on February 2, have been proved practically to the hilt, as will be seen by the reports and findings of the special committee. Not only that, but we have the admission of one of the members of that committee, the hon. member for Vancouver North (Mr. Donaghy), in his long speech delivered the other day, that if the hon. member for Vancouver Centre had not taken the action he did these facts would never have been elicited, and the condition of the Department of Customs would never have been brought to light. It follows, therefore, that all the attempts—and they have been many and strenuous and eloquent and vociferous—which have been made to throw discredit on the action of the hon. member, and the attempts to discredit the motives and results of his action are absolutely answered not out of the mouths of members on this side of the House but out of the mouth of the member appointed by the government on that committee.

I wish to say also that in his defence of the government the Prime Minister was very eloquent and very diffuse in laying before the House what the government had done, by reason of which they should be exonerated from these charges and sent back to resume their duties with a clean sheet. If you analyze the speech of the Prime Minister, the speech of the Solicitor General, even the speech of the hon. member for Vancouver North, and the speeches of most of the members who spoke on behalf of the government, you will find that the only defence is that the government placed adequate legislation on the statute books. The Prime Minister took us over one statute after another which was placed on the statute books by this government, directed to meet the needs of the Department of Customs. I submit to this House that the trouble is not with the legislation; the trouble is with the administration, and there was a very significant and very eloquent silence on the part of all government supporters who were so strenuous in their defence of the administration on the one vital matter of how the government administered their own statutes. It would be far better for this country if it had about one-half of the present statutes, and they were administered properly. There is no use trying to cure an evil of this kind by putting statutes on the statute book, to be filed away on the shelves of parliament or of our law societies or in legal offices or even on the shelves of ministers of the government. What this country wants is that the legislation that now exists on the statute books of this country shall be carried out fearlessly, without partiality, with a stern and determined hand, that the ill-doer shall be caught and punished to the last letter of the law, and when that is done the stigma that rests upon the fair name of this country —and that it does so rest, is shown by the facts that have been divulged as a result of this inquiry—will be lifted from that name.

Another thing to which I would like to call the attention of the House is this. The pleas that have been made here have been most absurd. The hon. member who preceded me, the hon. member for Melfort (Mr. McLean)

urged upon the House that there had been continuous efforts by the opposition to swing votes. That was the weight of one of the first charges he made against us, that we had been busy trying to swing votes. Oh, I should like to have the secret history of the last four months of this parliament! I should like to have told here all that went on behind closed doors in ministers' offices and in private members' offices throughout this building. I should like to know who did the trying to swing votes. I venture to say here and now that from the beginning of this session till this very day the government have been trying to swing votes to keep in office, and its tenure of office has been the most precarious tenure of office that any government has ever had. I am not going to take up the time of the House any longer. I see that the hour is late and I am not desirous of delaying the vote which the House is anxious to take.

The House divided on the amendment to the amendment (Mr. Woodsworth) which was negatived on the following division:

YEAS

Messrs:

Baldwin,
Beaubien,
Benoit,
Bettez,
Bird,
Boivin,
Bothwell,
Bouchard,
Boucher,
Bourassa,
Brown,
Cahill,
Cannon,
Cardin,
Casgrain,
Delisle,
Denis (St. Denis),
Denis (Joliette),
Desaulniers,
Descoteaux,
Deslauriers,
Dionne,
Donaghy,
Donnelly,
Dubuc,
Duff,
Dunning,
Dussault,
Elliott,
Evans,
Evanturel,
Fafard,
Fiset (Sir Eugene),
Forke,
Fournier,
Gardiner,
Garland (Bow River),
Gershaw,
Gervais,
Girouard,
Goodison,
Goulet,
Guérin,
Hall,
Hatfield,
Heaps,
Heenan,
Howard,
Howden,
Jacobs,
Jelliff,
Jenkins,
Johnston (Long Lake),
Kay,
King (Huron North),
King (Kootenay East),
King Mackenzie (Prince Albert),
Lacombe,
Laflamme,
Lanctot,
Langlois,
Lapierre,
Lapointe,
Lavigueur,
Letellier,
Lovie,
Macdonald (Glengarry),
Macdonald (Antigonish-Guysborough),
MacLean (Prince),
McLean (Melfort),
McIntosh,
McKenzie,
McMillan,
McPhee,
Malcolm,
Marcil,
Mercier (Laurier-Outremont),
Mercier (St. Henri),
Millar,
Morin (Bagot),
Morin (St. Hyacinthe-Rouville),
Motherwell,
Neill,
Parent,
Perras,
Pouliot,
Power,
Prevost,
Raymond,
Rhéaume,
Rinfret,
Robb,
Roberge,
Robichaud,
Robitaille,
Ross (Moose Jaw),
St. Père,
Sanderson,
Séguin,
Spence (Maple Creek),
Spencer,
Steedsman,
Stewart (Edmonton West),
Stork,
Sylvestre,
Tobin (Richmond-Wolfe),
Tobin (Wetaskiwin),
Totzke,
Vallance,
Verville,
Ward,
Wilson (Vaudreuil-Soulanges),
Woodsworth,
Young (Saskatoon),
Young (Weyburn).—115.

NAYS

Messrs:

Anderson (Toronto-High Park),
Anderson (Halton),
Armstrong (Timiskaming South),
Armstrong (Lambton East),
Arthurs,
Baker,
Barber,
Bell (Hamilton West),
Bell (St. Antoine),
Bell (St. John-Albert),
Black (Yukon),
Black (Halifax),
Boutillier,
Bowen,
Boys,
Bristol,
Bury,
Cahan,
Campbell,
Cantley,
Casselman,
Chaplin (Kent, Ont.),
Chaplin (Lincoln),
Charters,
Church,
Clark,
Cotnam,
Culligan,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Embury,
Esling,
Fansher,
Fish,
Flemming,
Foster,
Fraser,
Garland (Carleton),
Geary,
Gott,
Grimmer,
Guthrie,
Hamilton,
Hannesson,
Hanson,
Harris,
Hay,
Hocken,
Hodgins,
Hubbs,
Johnstone (Cape Breton North-Victoria),
Jones,
Kaiser,
Kennedy (Peace River),
Kennedy (Winnipeg South Centre),
Ladner,
Langworthy,
Lennox,
Lucas,
MacDonald (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
Maclean (York South),
MacNutt,
McClenaghan,
McGibbon,
McKillop,
McQuarrie,
Maloney,
Manion,
Maybee,
Meighen,
Messervy,
Mewburn,
Morand,
Mullins,
Murphy,
Nicholson,
O'Neill,
Peck,
Perley (Sir George),
Pettit,
Preston,
Price,
Quinn,
Robinson,
Rogers,
Ross (Kingston City),

| | |
|---|---|
| Rowe, | Stinson, |
| Ryckman, | Stirling, |
| Ryerson, | Sutherland (Oxford South), |
| Senn, | Sutherland (Oxford North), |
| Short, | Thompson, |
| Simpson, | Tolmie, |
| Sinclair, | Tummon, |
| Smith, | White (London), |
| Smoke, | White (Mount Royal), |
| Spence (Parkdale), | Wilson (Wentworth), |
| Stansell, | Wright.—117. |
| Stevens, | |
| Stewart (Leeds), | |

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

| | |
|---|---|
| Cross, | Bennett, |
| Lacroix, | Edwards (Frontenac), |
| Fontaine, | Chabot, |
| Euler, | Edwards (Waterloo), |
| Macphail (Miss) | Coote. |

Mr. EDWARDS (South Waterloo): I was paired with the hon. member for North Waterloo (Mr. Euler). Had I voted, I would have voted against the subamendment.

Mr. FONTAINE: I was paired with the hon. member for Ottawa (Mr. Chabot). Had I voted I would have voted for the subamendment.

Mr. CROSS: I was paired with the hon. member for West Calgary (Mr. Bennett). Had I voted, I would have voted for the subamendment.

Mr. W. R. FANSHER (Last Mountain): I beg to move in amendment to the amendment, seconded by the hon. member for Macleod (Mr. Coote):

That the words "and that the committee for such purposes be revived" as they appear at the end of the amendment be struck out and the following substituted therefor:—

Your committee deplores the common practice, as revealed by the evidence, of members of parliament and others appealing to the minister to relax the regulations of the department for personal advantage or political expediency.

And also to add thereto the following to paragraph four:

Since the inquiry indicates that the smuggling evils are so extensive and their ramifications so far-reaching that only a portion of the illegal practices have been brought to light, your committee recommends the appointment of a judicial commission with full powers to continue and complete investigating the administration of the Department of Customs and Excise and to prosecute all offenders.

And also to strike out all the words after the word "department" in the third line of paragraph eight.

And also in clause thirteen to add the name of R. R. Farrow, Deputy Minister of Customs and Excise, to the list of those who are recommended that their services be dispensed with,

And that the committee for such purposes be revived.

Mr. SPEAKER: Before putting the amendment to the amendment, I may say that I have some doubts as to its regularity. All the allegations or declarations contained in this subamendment have just been voted upon by the House, and Bourinot at page 318 states:

If the amendment is rejected, it is regular to move another provided, of course, it is different in purport from that already negatived.

Of course if the new amendment had been different in purport it would have been proper to be moved.

Mr. MEIGHEN: The opinion, Mr. Speaker, you have tentatively expressed must arise from a failure to appreciate the amendment and its entire effect. The main clause of the subamendment just defeated was to strike out all of the amendment itself; the subamendment struck out all the words after the word "instructions" and substituted a number of paragraphs instead. The effect of this amendment is not to strike out anything except the very last few words:

And that the committee for such purpose be revived.

Otherwise the first amendment moved by the hon. member for Vancouver Centre (Mr. Stevens) stands, of course making it very substantially different from the amendment just defeated. The last few words are struck out and then all that is in this amendment is inserted including those last few words, those last few words, therefore, coming in their proper place in the end. The difference in a word is this that the subamendment just defeated eliminated the primary amendment of the hon. member for Vancouver Centre. This amendment takes the amendment of the hon. member for Vancouver Centre and adds to it the amendment of the hon. member for Winnipeg North Centre.

Mr. CANNON: The leader of the opposition is apparently more familiar with the amendment just proposed than I am. The question has been raised by Your Honour as to whether or not the subamendment is in order. It is a rather difficult question to decide. The members have not had the amendment in their hands; we do not know the exact contents or terms of it, and I think it would be fair to every hon member that we should adjourn so that we may know exactly what the hon. gentleman proposes. Nobody knows except the leader of the opposition.

Sir HENRY DRAYTON: Mr. Speaker—

Mr. CANNON: If my hon. friend will allow me a moment. In conclusion I would move the adjournment of the debate in order that we might know exactly what is before the House.

Mr. SPEAKER: The hon. gentleman has already spoken. He is speaking for the second time.

Mr. CANNON: If the Speaker will allow me, I spoke on the subamendment which has been defeated, but we have before the House a new amendment and I am speaking on it.

Mr. SPEAKER: I understand the hon. the Solicitor General had spoken on the point of order, had taken his seat, and then rose again to move the adjournment of the debate.

Mr. CANNON: Technically, Your Honour, I did speak twice, but I just got up the second time to add to my remarks that we should adjourn the debate.

Mr. SPEAKER: I shall have to abide by the rules in such a circumstance as this. Otherwise the Speaker might perhaps risk his head. Seriously, if no objection is taken to the motion made by the hon. member, I will put it.

Mr. MEIGHEN: Certainly the hon. membre cannot make a motion to adjourn the debate. He has already spoken.

Mr. CANNON: I had no doubt the right hon. member would make the objection. He is right.

Sir HENRY DRAYTON: I was going to rise merely for the purpose of pointing out to the House that there is nothing new in the present amendment. The present amendment hon. gentlemen have had in their hands ever since it was moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth). The wording is familiar to everybody. Of course the difference is very vital but it is nothing new at all. The difference is very vital as it makes this amendment entirely different from the one we have already dealt with. While it carries into effect the different suggestions made by the hon. member for Winnipeg North Centre as to further action, at the same time it is a motion censuring the government. The censure stands; the whole of the first amendment stands, and the different matters urged by the hon. gentleman which have already been discussed are merely added to it.

Mr. GUTHRIE: I think if Your Honour will look at it in this way it will not take long to decide it. The subamendment moved by the hon. member for Winnipeg North Centre was largely in substitution of the amendment moved originally. The subamendment now proposed is in addition, not in substitution.

[Mr. Cannon.]

Mr. SPEAKER: I am not convinced by that argument. I take the amendment which has just been defeated by the House; I read the various allegations of that subamendment and those of the present subamendment, and I find they are identical. The allegations are the same, and I must be governed by common sense and by precedents. Bourinot says:

But an amendment once negatived by the House cannot be proposed a second time.

All the allegations are so much alike that the French translation which I gave I read from the subamendment which has just been defeated.

Mr. MEIGHEN: Mr. Speaker, will you permit me one minute?

Some hon. MEMBERS: Sit down.

Mr. SPEAKER: Even if I should declare the subamendment out of order, any member may rise and move another amendment provided that it is drafted according to the rule. So that nobody is deprived of his right. I say, therefore, that in my humble judgment, the subamendment is out of order because it is an exact repetition of the subamendment moved by the hon. member for Winnipeg North Centre.

Mr. MEIGHEN: I rise to appeal from your ruling.

Mr. SPEAKER: Mr. Fansher having moved the subamendment which by the Speaker was declared out of order because in his judgment it was a repetition of the subamendment moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth), the Right Hon. Mr. Meighen appeals from that decision. Is it the pleasure of the House that the ruling of the Speaker be sustained?

The House divided on the question: Shall the ruling of the Chair be sustained? And the ruling was negatived on the following division:

YEAS

Messrs:

| | |
|---|---|
| Baldwin, | Cardin, |
| Beaubien, | Casgrain, |
| Benoit, | Coote, |
| Bettez, | Delisle, |
| Bird, | Denis (St. Denis), |
| Boivin, | Denis (Joliette), |
| Bothwell, | Desaulniers, |
| Bouchard, | Descoteaux, |
| Boucher, | Deslauriers, |
| Bourassa, | Dionne, |
| Brown, | Donaghy, |
| Cahill, | Donnelly, |
| Cannon, | Dubuc, |

Duff,
Dunning,
Dussault,
Elliott,
Evans,
Evanturel,
Fafard,
Fiset (Sir Eugene),
Forke,
Fournier,
Gardiner,
Garland (Bow River),
Gershaw,
Gervais,
Girouard,
Goodison,
Goulet,
Guérin,
Hall,
Hatfield,
Heaps,
Heenan,
Howard,
Howden,
Jacobs,
Jelliff,
Jenkins,
Johnston (Long Lake),
Kay,
King (Huron North),
King (Kootenay East),
King, Mackenzie (Prince Albert),
Lacombe,
Laflamme,
Lanctot,
Langlois,
Lapierre,
Lapointe,
Lavigueur,
Letellier,
Lovie,
Macdonald (Glengarry),
Macdonald (Antigonish-Guysborough),
MacLean (Prince),
McLean (Melfort),
Macphail (Miss),
McIntosh,
McKenzie,
McMillan,
McPhee,
Malcolm,
Marcil,
Mercier (Laurier-Outremont),
Mercier (St. Henri),
Millar,
Morin (Bagot),
Morin (St. Hyacinthe-Rouville),
Motherwell,
Neill,
Parent,
Perras,
Pouliot,
Power,
Prevost,
Raymond,
Rhéaume,
Rinfret,
Robb,
Roberge,
Rolvichaud,
Robitaille,
Ross (Moose Jaw),
St. Père,
Sanderson,
Séguin,
Spence (Maple Creek),
Spencer,
Steedsman,
Stewart (Edmonton West),
Stork,
Sylvestre,
Tobin (Richmond-Wolfe),
Tobin (Wetaskiwin),
Totzke,
Vallance,
Verville,
Ward,
Wilson (Vaudreuil-Soulanges),
Young (Saskatoon),
Young (Weyburn).—116.

NAYS

Messrs:

Anderson (Toronto-High Park),
Anderson (Halton),
Armstrong, (Timiskaming South),
Armstrong, (Lambton East),
Arthurs,
Baker,
Barber,
Bell (Hamilton West),
Bell (St. Antoine),
Bell (St. John-Albert),
Black (Yukon),
Black (Halifax),
Boutillier,
Bowen,
Boys,
Bristol,
Bury,
Cahan,
Campbell,
Cantley,
Casselman,
Chaplin (Kent, Ont.),
Chaplin (Lincoln),
Charters,
Church,
Clark,
Cotnam,
Culligan,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Embury,
Esling,
Fansher,
Fish,
Flemming,
Foster,
Fraser,
Garland (Carleton),
Geary,
Gott,
Grimmer,
Guthrie,
Hamilton,
Hannesson,
Hanson.
Harris,
Hay,
Hocken,
Hodgins,
Hubbs,
Johnstone (Cape Breton North-Victoria),
Jones,
Kaiser,
Kennedy (Peace River),
Kennedy (Winnipeg South Centre),
Ladner,
Langworthy,
Lennox,
Lucas,
MacDonald (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
Maclean (York South),
MacNutt,
McClenaghan,
McGibbon,
McKillop,
McQuarrie,
Maloney,
Manion,
Maybee,
Meighen,
Messervy,
Mewburn,
Morand,
Mullins,
Murphy,
Nicholson,
O'Neill,
Peck,
Perley (Sir George),
Pettit,
Preston,
Price,
Quinn,
Robinson,
Rogers,
Ross (Kingston City),
Rowe,
Ryckman,
Ryerson,
Senn,
Short,
Simpson,
Sinclair,
Smith,
Smoke,
Spence (Parkdale),
Stansell,
Stevens,
Stewart (Leeds),
Stinson,
Stirling,
Sutherland (Oxford South),
Sutherland (Oxford North),
Thompson,
Tolmie,
Tummon,
White (London),
White (Mount Royal),
Wilson (Wentworth),
Woodsworth,
Wright.—118.

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

Cross, Bennett,
Lacroix, Edwards (Frontenac),
Fontaine, Chabot,
Euler, Edwards (Waterloo),

Mr. FONTAINE: I was paired with the hon. member for Ottawa (Mr. Chabot). Had I voted I would have voted that the ruling be sustained.

Mr. EDWARDS (South Waterloo): I was paired with the hon. member for North Waterloo (Mr. Euler). Had I voted I would have voted that the ruling of the Chair be not sustained.

Mr. SPEAKER: I shall now put the amendment which I had overruled. Shall I read it again?

Some hon. MEMBERS: Dispense.

Mr. SPEAKER: The question is on the amendment to the amendment.

Hon. W. R. MOTHERWELL (Minister of Agriculture): Mr. Speaker, before we have any more amendments, or subamendments, or any more votes recorded I desire to make

a few observations. True it is that the sub-amendment of the hon. member for Winnipeg North Centre (Mr. Woodsworth) has been defeated, but the battle is never won or lost until the last gun is fired. My mind goes back with some vividness to the night of February 2 last when the hon. member for Vancouver Centre (Mr. Stevens) made his famous charges against the government. Ever since then, however, hon. gentlemen opposite have kept rigidly away from the allegation with respect to the former Minister of Customs and Excise having taken away to his home at Three Rivers nine large boxes of public documents and there destroyed them. At no time throughout the entire investigation has any attempt been made to ascertain whether such an allegation had any semblance of the truth. And yet throughout his speech the hon. member for Vancouver Centre repeated the allegation and asserted that if such a thing were true there was danger of more evidence of a damaging nature being destroyed. The House will recall that the question before us at the time was whether there should be an adjournment. The government was asking for an adjournment of six weeks in order to carry out the reconstruction of the cabinet. The hon. member for Vancouver Centre took the ground that in view of all these documents having been taken away from the files and destroyed, there was a possibility that other documents might be taken away and destroyed in the same ruthless manner if we were given an adjournment. That was the keynote of his statement; I remember it quite well. However, the hon. member for Vancouver Centre did not make his charges applicable to the government on that occasion. He was good enough to absolve the Minister of Finance (Mr. Robb) from any complicity in this terrible crime, and he also absolved the Minister of the Interior (Mr. Stewart, Edmonton) and I remember quite well, too, that he was good enough to absolve myself from any complicity. I think I told my good friend on that occasion that I did not want any absolution at his hands.

Mr. STEVENS: That is right.

Mr. MOTHERWELL: I think the chief charge contained in the amendment has been that this government has been too slow in instituting reforms in connection with smuggling throughout Canada. Well, Mr. Speaker, if we have been slow in this matter, all other governments have been slower still, because no other government since confederation ever took such prompt action to put down smuggling, and no government ever achieved the success that has attended our efforts.

[Mr. Motherwell.]

Let us see what there is in this charge against the Minister of Customs. A few days after the general election last October we went into council and decided to carry on until parliament met and then ask whether we would be sustained in this House, with the result that on some fourteen or fifteen occasions we have been sustained by our supporters and our allies. Two or three days following the election of October 29, 1925 after we decided to carry on, the Minister of Customs consulted the Minister of Finance with regard to the best steps to take to combat this smuggling difficulty. At that time our desks were covered with accumulations of correspondence and papers which we had not been able to attend to during the campaign, but by November 15, the Minister of Customs had got in touch with Mr. Duncan, an ex-Scotland Yard detective whom the Minister of Finance had loaned him for the purpose of investigating conditions in Montreal and elsewhere. At the time Mr. Duncan had other investigatory work on hand, but by December 1 he was in Montreal prosecuting the inquiry that we felt was necessary before we took further action to combat the smuggling evil. No reasonable man can claim that the Minister of Customs could have acted more expeditiously.

In the meantime the member for Vancouver Centre seemed to know exactly what was taking place in the department. On the very day that Mr. Duncan got into harness at Montreal the member for Vancouver Centre, or some of his friends, sent a despatch to the Montreal Star intimating that he intended to take action in the matter—but he was just two weeks behind the Minister of Customs. It is significant that on February 2 the hon. member made allegations and charges against this government respecting the very conditions that are outlined in the report made by Mr. Duncan on the instructions of the Minister of Customs.

We all know the legal axiom that whoever seeks justice must come before the court with clean hands. Let us inquire how the hon. member for Vancouver Centre stands in that respect. First he puts himself in the dual position of investigator and prosecutor. Then when the committee was being formed he allowed himself to be put in the position of judge and juror. Was there any impropriety there? What is the usual custom when one member makes a charge against another? If he is offered the opportunity of going on the committee, very often he declines for good and substantial reasons obvious to all. But the hon. member has no delicacies of that nature; he wants to be prosecutor; he wants to be judge and jury and now, if we

allow him, he would like to be hangman as well. There are no niceties to deter the hon. member from cleaning up this mess and incidentally destroying the government.

There is another triviality; the hon. member gave no notice the night he made his statement. You will remember that the substance of his remarks was on the order paper in the form of a resolution; he took it off in the middle of the night and then, when other assassins were abroad, he launched it in the form of a charge against this government, taking the Minister of Customs entirely unawares and giving him no opportunity for preparation. But I suppose that is only a trivial oversight on the part of my hon. friend; if he were out to kill, why give notice? However, we will pass that up.

Then another thing is the method which he followed in getting his information. Where did it come from? Mr. Duncan in his evidence says it is his opinion that the information came from Mr. Sparks. I did not look it up, but an hon. gentleman informs me that Mr. Sparks swore that the information did not come from him. When the Minister of Customs intimated that he knew where my hon. friend got the information in the Duncan report, my hon. friend denied that. Then the Minister of Customs said:

> Will my hon. friends make the same denial concerning Mr. Sparks?

Then note the hon. member's answer:

> No. Mr. Speaker, so far as the Merchants' Protective Association is concerned it is, as the hon. minister knows, an association of business men which has met the government on several occasions. I have met the Merchants' Protective Association, as I have met Mr. Sparks, both last year and this year. But I want to say to the hon. minister that the information which I used to-day is certainly not exclusively or indeed in large measure that of Mr. Sparks.

He admits inferentially, however, that some of that information came from Mr. Sparks, although he does not say how much. I have not the pleasure of Mr. Sparks' acquaintance; I may meet him some time but just now I must form my opinion from what he has done not only in this regard but in other respects. Mr. Sparks swore that he did not give the information to the hon. member for Vancouver Centre, while the hon. member admits in his speech that he received some of the information from Mr. Sparks. These two gentlemen cannot both be telling the truth, and I leave it to them to settle who is wrong. One thing which we do know, however, is that the hon. member had the substance of the Duncan report before the Minister of Customs ever saw it. That was information dug up at the instance of the minister, and the hon. member used it as a foundation for his charges. He used it to destroy the future political prospects of the minister, and to destroy the government as well. Well, I suppose the question of ethics does not enter very much into warfare, but I think we might examine into what this means. If I know anything at all the information upon which the hon. member based his charges was stolen by somebody from somebody, and the hon. member used stolen goods; that is the way he started to clean up things, but we will see how it finishes.

What was the government going to do with this information when they got it? Judging from the attitude we have taken in the matter of royal commissions, as outlined in the amendment just defeated, we were going to take the course usually followed in matters of this kind. First we were going to have a parliamentary committee to look into these charges, something in the nature of a preliminary hearing before a magistrate. Then, if the allegations were reasonably substantiated, the matter would be submitted to a royal commission which would go into it in a judicial way and get at the real facts. But apparently the hon. member was desirous of precipitating a political issue; hon. members opposite did not want an investigation by a royal commission, because they have voted down a subamendment to that effect.

I remember some experiences I had which the hon. member for Mackenzie (Mr. Campbell) mentioned this afternoon. He took the ground that if this government would only follow the example set by the Scott government of Saskatchewan in 1916, when they cleaned up the rascality found to exist in some departments there, as a supporter of that government he would be delighted to support this government as well. That is exactly the course that we started out to pursue. What was the result of the investigations at Regina? First of all, we had three committees appointed, and these three committees established the fact that great wrongs had been committed, that thefts had been committed by part of the staff. While we were hunting around for the personnel of three royal commissions to continue these investigations, there was a great deal of excitement among the ranks of the opposition, just as there is here to-day. They thought that we were going to leave the matter in the hands of a committee of the House and, as they said, whitewash ourselves. It took us some time to find enough judges available to constitute these three commissions, and what kind of judges did we appoint? Did we appoint judges who would whitewash us? No. Did we appoint judges that we hoped would be

friendly to us? No, and I do not think you could find judges of that kind in this country. In order that we might not even be suspected of trying in any way to pack the commissions of investigation, we appointed two men who, when they were in political life, were absolutely opposed to us, while the third had been opposed to us all the time he sat in the Regina House. I quote from the journals of the Saskatchewan legislature:

> Mr. Calder made a statement to the assembly concerning the personnel of the three royal commissions that have been appointed:
>
> The first for the purpose of inquiry into all contracts and other works under the control of the highways commission, to consist of ex-Chief Justice Wetmore and Messrs. Mason and Smith.
>
> The second for the purpose of inquiry into the charges of bribery against certain members of the assembly, to consist of Messrs. Justices Brown and Elwood, and
>
> The third for the purpose of inquiry into the charges concerning the erection of certain public buildings, to consist of Sir Frederick Haultain, Chief Justice of Saskatchewan, and Messrs. Justices Newlands and Lamont.

As everyone knows, Sir Frederick Haultain had been the leader of the Conservative opposition right from the inauguration of the province, and he had attacked the government of that day just as vigorously as my right hon. friend the leader of the opposition (Mr. Meighen) does this government, and that is saying something. That was the man, Mr. Speaker, whom we appointed chairman of this commission to inquire into the deeds of the government and their officials. Did not that show we wished to be fair in the matter? It is as if the right hon. leader of the opposition had been appointed a judge last year, after having fought us here for four years, and then we appointed him a judge and handed over to him the destinies of this government in as far-reaching an investigation as could possibly be held. That is what we did in Regina in the case of these three royal commissions that were appointed, and that is the kind of investigation we want. That is the kind of investigation my hon. friend from Mackenzie said he would support if he had the opportunity of doing so.

I shall not deal with the Aziz case. The Minister of Railways (Mr. Dunning) demonstrated this afternoon, and it has been demonstrated during this debate a dozen times, that not only had the Minister of Customs (Mr. Boivin) the right to exercise discretionary authority in the Aziz case, but such had been the practice of the department, justified by years of practice, and endorsed by the Deputy Minister of Justice as being the proper and the legal course to pursue. The charges now are being levelled to a great extent, not against the Minister of Customs, because we had this afternoon one of the best exonerations of the minister that could possibly have been given even by one of his friends, and we had it from an opponent, the hon. member for St. Lawrence-St. George (Mr. Cahan). He gave the Minister of Customs and all the ministers from Quebec a clean bill of health and a certificate of good character. Apparently then we come down to the one question of censure of the government. What for? Where are the criminals among the government that it was suggested existed this afternoon? There are only two ministers present just now. Do you see any horns on the Minister of Finance or myself? Which one of us is the criminal? If we wanted to hunt for a criminal, would it be on this side of the House that we would use the X-ray?

Mr. MEIGHEN: You would not need the X-ray there.

Mr. MOTHERWELL: I want to point out that we not only started this investigation as soon as the Minister of Customs had taken office, but away back in 1924 we went out of our way to such an extent that the hon. member for St. Lawrence-St. George said that we have abdicated all the functions of government in working in co-operation with the Commercial Protective Association, which had asked us to endeavour to clean up this smuggling business. We asked them what they wanted, and they said they wanted remedial legislation. We were busy in the midst of a session at the time, if I remember rightly, and we logically and properly answered: You draft the legislation, and if it is reasonable we will put it through. We also increased by a considerable amount the vote for the preventive service, so that the staff might be enlarged. When has there been in the history of Canada since confederation such an attempt to better matters, and yet we are going to be censured for what we did by the men who never did anything but help corrupt the situation and make it worse. If we are going to have a fight, we might as well have it on that as anything else. The one who does most to clean things up is going to be censured. But there is a higher court than this, Mr. Speaker, to appeal to, and that is the country, and we are not afraid to go there.

Mr. MEIGHEN: That is the only place you can go.

Mr. MOTHERWELL: They will not be able to get away with their libellous statements concerning the Minister of Customs

when we go to the country; they will not be able to get away with traducing remarks about Hon. Jacques Bureau taking his files away. Let us examine that file charge.

Mr. SPENCE (Parkdale): What's the use of bothering? It won't do any good.

Mr. MOTHERWELL: Let us examine it, because the ashes of those burned files—they said they were burnt—are rising up in judgment against hon. gentlemen opposite and proving them to be wrong. What about the letter from the liquor commission? That proves it was submitted to the liquor commission. It was said to be burned and destroyed, but I say it is rising up in judgment against hon. gentlemen opposite now. My right hon. friend the leader of the opposition said: Well, if that letter was there, it should not have been there. It was a public document. But he did not tell the House that it was addressed to Three Rivers and never was forwarded to Ottawa. That might very easily happen. For many years when I was in Regina my home was in Abernethy, and sometimes I would have twenty or thirty letters there awaiting my arrival. It was very easy for these letters not to be forwarded to Regina. They might very easily be filed away by someone who did not know their purport, and so with Mr. Bureau. I wonder if the hon. member for Vancouver Centre really believed what he said. He should know that Mr. Bureau, like any other minister, had the right to take away his private files. Was he not a minister himself for three or four weeks in 1921? He must have known that he had the right, and I know he exercised the right of taking away some of these files because there was a file of the Department of Trade and Commerce put on the table during the debate on the contract of Sir William Petersen. The file was supposed to be on the table there. It was noticed by the right hon. leader of the opposition. There was a letter in that file marked "confidential". The Prime Minister indicated that it should not be tabled, and the hon. member for Vancouver Centre (Mr. Stevens) knew he had a right to that letter and took it off the file before our eyes; so that he knew Mr. Bureau had the right to take away his private files. The keystone of his charges was that boxes of letters were taken to Three Rivers and destroyed. He repeated the charge and opposed an adjournment for fear we would cover up our alleged nefarious conduct by the destruction of more files. Do hon. gentlemen think he can get away with that before a royal commission, or before the electors—making charges that the minister has stolen property and also trying to ruin the reputation of an honourable man, the present Minister of Customs, whose shoestrings he is not fit to unloose? I do not quote poetry often, but here is a passage from Othello which I will read.

> Who steals my purse steals trash.

And if we remain in Ottawa much longer, he who steals my purse will certainly steal trash. It reads:

> The good name, in man and woman, dear my lord,
> Is the immediate jewel of their souls.
> Who steals my purse, steals trash; 'tis something, nothing;
> 'T was mine, 't is his, and has been slave to thousands;
> But he that filches from me my good name,
> Robs me of that which not enriches him,
> And makes me poor indeed.

The only difference is that he attempts to filch the good name of the hon. Minister of Customs, but that does enrich him, which makes the offence a thousand times worse. However, it does not seem to affect him, he is as hard as a nail, with a hide on him like a rhinoceros. I remember the night he made those charges. He did it well. He thought he was going to shake the members on this side of the House out of their chairs that night, and he came pretty nearly doing it, but those of us who know the hon. gentleman, the fearless fighter he has been in former sessions, can see the violent contrast between his conduct in former sessions and during this session. Ever since that night he has taken very little part in proceedings, but no doubt he did his work in the committee. As soon as he got through that night, as soon as he saw the hon. Minister of Customs was ready for him—which was not due to preparedness, because he did not know what was coming; it was rather due to his resourcefulness—he was able to meet him. I was reminded of the retreat from Mons; as soon as the enemy had dug in it was only a matter of time till he would be beaten. I want to draw a parallel in the present case. My hon. friend's march upon the Marne was stopped that night.

I forgot to tell the House the result of the investigation of the Regina commission. Some men were put in gaol and one sent to the penitentiary. Was the government ruined? We went to the country the next year, and in a House of sixty members seven Tories came back. Give us a chance to show the heinousness of the hon. member's charges. Let us have a royal commission, such as we had in Regina. Well, there may be more than

seven Tories come back to this House, but they will have a very much smaller number than they have at the present time. If the hon. Minister of Customs and other young men on this side of the House, who are growing into prominence both inside and outside the government, have an opportunity to display their talents for one year, we will see what will happen. This government would be in power for an indefinite length of time and they may be in any event. What does the investigation show? It shows that it is very incomplete. It says that more inquiries will be necessary. Yet think of it, wanting to render a decision, with the evidence only partly in! What would you think, Mr. Speaker, of a judge, hearing evidence on one side only, solemnly rendering a decision. The committee investigating this matter admit that the investigation was only partial and that subsequent investigation will be necessary to get at the real situation. Yet they want to render a verdict based on a partial exposure of the facts. It is just as reasonable as a judge on the bench giving a decision without hearing all the facts. Why does the opposition want that? Because they know that a complete exposure of the facts would put them in the wrong and put us in the right, so that there would be no hope for them at the next election. That is the reason they want a snap verdict.

I wish I could impress my Progressive friends with these facts. There are not many of them in the House at the moment. I know they are really desirous of doing the right thing. I ask them if it is right for members to base actions on party feelings. We are "ready, aye ready", for further investigation. Why is it not granted? Did we not make the best possible use of every particle of our time since the Minister of Customs came into the government and before that? How are we going to clean up all the mess which was left after the Tory government had been in power for ten years? This customs matter is part of it. The charges against my colleague completely broke down. The Minister of Railways (Mr. Dunning) demonstrated that this afternoon. What is the charge? It is that this government is subject to censure, although any one member of this government has done more to improve matters than all the whole caboodle opposite. But I do not mind what the Tories do, I expect it. It is part of the game. What would they do if they followed their feelings? If one-tenth of those members who wanted to break away from the party on the motion for censure against the Minister of Customs acted as they really felt, we would not have been two behind but about twenty ahead. I know how many men would have censured the Minister of Customs if he had been outside of politics and if they really desired to express their honest opinion. How many of them will get up alongside of him and size up to him in character and ability? I do not think there would be very many applicants. Lots of hon. members on the other side have character and ability, but there among them is no man of greater ability and promise than the Minister of Customs. They just want to get over here. It is a long time since the 29th October last to wait to get over here. They were just within the promised land as they thought, but they were denied entrance. They think they are just about in now, but they are not here yet.

This question involves many things. If the government and their allies are defeated, it means that we shall get a dissolution or somebody on the other side will be called upon. There is no doubt who will be called upon; it will be the leader of the opposition (Mr. Meighen). The Montreal Star and the Gazette sometimes have had another guess, but they have always been guessing wrong, and I do not think their guess has done the leader of the opposition any harm. When these party papers begin sniping their own leaders, they are not up to much. That applies to both sides; we have the same thing to contend with, so that that makes me sympathise with my right hon. friend.

Mr. MEIGHEN: The hon. gentleman particularizes as to ours. Will he be good enough to particularize as to the Liberal papers to which he refers?

Mr. MOTHERWELL: There is only one—the Toronto Globe. Is that the answer my right hon. friend wants?

Mr. MEIGHEN: I think the answer is a little incomplete, but I will accept it.

Mr. MOTHERWELL: That is the only one I am aware of. The Speaker permitted the hon. member for Winnipeg North Centre to discuss the alternative to supporting the government, to this government continuing in power with the assistance and co-operation of its allies in order to carry the programme of the session to consummation. Some of it is in the Senate; some of it is still in this House. What is going to become of the Hudson Bay railway if my right hon. friend has charge of affairs? We have been working on that project in the west for forty years. Is the fact that this government has exercised

itself in endeavouring to suppress smuggling more rapidly than any other government in the history of Canada, justification for jeopardizing the building of the Hudson Bay railway? The rank and file of the Tory party in eastern Canada, when the Hudson Bay railway question was before the House opposed it, not openly, not by getting up and moving against it, but speaking against it, deriding it and sneering at it. The Journal of this city spoke about the Hudson bay area as the country of icebergs, seals, walruses and so on.

The leader of the opposition when he was in the west pledged himself to the building of the Hudson Bay railway providing it would not cost more than $3,000,000. That pledge would be carried out if he gets into power to-morrow and the Hudson Bay railway would stop somewhere in the vicinity of where he stopped it before, namely at Kettle rapids, the second crossing of the Nelson river. I wonder how supporters of the Hudson Bay railway are going to justify before their electors defeating this government for having done more to suppress the smuggling evil and by their action jeopardizing the Hudson Bay railway. The leader of the opposition is going to have some trouble in defending that in Portage la Prairie if I know anything. I look forward with some interest to the contest in Portage la Prairie; I hope it will not be a three-cornered one. How much further will his supporters allow him to go than to spend the $3,000,000? Not one foot farther.

What about the grain bill that is hanging up in the Senate waiting for somebody to come that they do not want to come? Nobody on either side wants Mr. Boyd to come to Ottawa; they do not need him; but they are waiting for him to come. What will happen to that bill, commonly called the Campbell bill? When that bill was in the agricultural committee, every Liberal, every Progressive, every anti-Tory in the committee voted for it. It really should be called the Turgeon bill that should have been put through last year instead of now. Twelve Conservatives voted against it in the agricultural committee. It is now in the Senate; how much mercy is it going to receive from the party that is always behind the big interests—the Tory party? We shall see what the farmers have to say about that when they ask: Why did you jeopardize these things? What are you getting in lieu of this? Were the government and their allies not doing well enough for all parts of Canada, but particularly for the west and the Maritimes?

One of the things we have done for the Maritimes is to clean up tuberculosis in the cattle. There is only one province in the Dominion that is free from tuberculosis as regards its cattle and that is Prince Edward Island. There is a standing offer to the Premier of Nova Scotia to do the same thing for that province just as soon as they are ready. That has not been done in any other province. We have in the estimates a provision, an old part of the Agricultural Act vote devoted to paying the balance of the instalments on two buildings in the Maritime provinces, one at Truro and one at Fredericton. That is something that has not been done for any other province.

What about the tariff, which means a great deal to us, if my right hon. friend comes over here? The tariff is of practically no use to western Canada. We recognize that we have to have a tariff; we are willing to have a reasonable tariff on what we have to buy; but we feel that the Maritimes and the prairie west that are really injured by a protective tariff should be dealt with fairly in order to compensate them for their loss under that tariff. The Minister of Finance (Mr. Robb) has to have revenue to carry on the government and this is one way in which something like $130,000,000 or $140,000,000 is secured. But it must be an equalized tariff, one that will bear as equally as possible on all classes of the people; and those who are not helped by it should have some compensation in lieu thereof. That has been our tariff policy. What has been the policy of hon. gentlemen opposite? Protection for the central provinces that have benefited most and let the rest of the country go hang. If the members from the Maritimes and the prairie provinces deliberately put their neck into this noose again they will do it with their eyes wide open. I wonder if my good friend the hon. member for Marquette (Mr. Mullins) intends to run again. If he does not it is not because he is afraid to run; he is not afraid of anything. How is he going to explain his attitude toward these questions? That is what is interesting me?

We are going to have a very interesting election whether we are on the inside or the outside track. It is not always the horse on the inside track that wins the race; its the best horse that wins as a rule. The government has dealt with the tariff in a manner most satisfactory to the country as a whole. There never has been such a satisfactory adjustment of the tariff since 1897 as there was this session. There has been an adjustment downwards of the income tax, restoration of the penny postage to the figure it was in 1897, a thing that was hailed with delight all over Canada. Are we to be punished for

these things? Is there to be restoration of a high protective tariff with all that it means? I am not saying these things because of unkindness to hon. gentlemen opposite, but I am not going to shake hands with them until I have to.

What about the question of old age pensions? Some people in this country are so well situated now by way of pension that they are oblivious to the interests of others who are getting old. How much legislation is the country going to get from my hon. friends in that respect? Will they revive the bill which passed this House? Well, we will see.

We have had a debate on the Locarno pact with all it implies. At the beginning of the session we were twitted with not having ratified it although there is a lot at stake in that compact and the questions associated with it. I think it is the only question ever debated in this House upon which the right hon. leader of the opposition (Mr. Meighen) did not speak a word. It is not from shyness that he did not speak.

Mr. MANION: There is no such pact.

Mr. MOTHERWELL: I do not care what you call it; it is very hard to keep track of all these things. There is the question of accepting the obligation involved under it.

Mr. MANION: Not until Germany is admitted to the league.

Mr. MOTHERWELL: What did the right hon. leader of the opposition do when he was asked by the Prime Minister to indicate his position? I have read his speech in Toronto and the loop-the-loop speech he made in Hamilton. We used to think that whatever else might be said of the right hon. gentleman he was never open to the accusation of cowardice. Whether that may be, on that occasion he hoisted both the white flag and the yellow flag; he crawled in under the underpinning of the barn, through a hole in the wall, and pulled the hole with him.

Some hon. MEMBERS: Oh, oh!

Mr. MOTHERWELL: You cannot laugh that down. Who was the author of the War-Time Elections Act? What about the disfranchising of thousands of men who came to Canada in good faith and after showing themselves to be good citizens expected to get their certificates of naturalization? The right hon. leader of the opposition is credited with having disfranchised many worthy citizens at one stroke of the pen. He is also being blamed to some extent for the partial enfranchisement of women; the enfranchisement of those women he thought would vote right. Never was such a crime committed even in Mexico in connection with the matter of enfranchisement. What about the traffic in soldiers' votes. The allotment of those votes to the proper constituencies where they would get the best results? What a glorious, delightful way of securing control of the government.

An hon. MEMBER: Such a thing was never done.

Mr. MOTHERWELL: Those who know most about the matter do not deny it.

Mr. MEIGHEN: I did not think the hon. gentleman expected a denial. I thought he knew he was talking nonsense just to fill in time.

Mr. MOTHERWELL: My right hon. friend takes good care not to make a denial. Hon. gentlemen opposite want to come over here and clean up smuggling more rapidly, a practice that is encouraged by a higher tariff, as stated by the Minister of Railways (Mr. Dunning) this afternoon.

Mr. MULLINS: I should like to ask my hon. friend a question. I happened to be out of the chamber when he made a reference to me a moment ago. Does not the policy of this government with respect to the live stock industry merit severe censure?

Some hon. MEMBERS: Order.

Mr. SPEAKER: I think we are getting away from the question. I would ask the Minister of Agriculture to adhere to the subject before the House.

Mr. MOTHERWELL: You have been so indulgent in the past, Mr. Speaker, that I have no hesitation in accepting your hint not to wander too far from the question. May I not answer the question of the hon. member for Marquette?

Mr. SPEAKER: Yes, providing it is to the point.

Mr. MOTHERWELL: My hon. friend suggests that the government has been guilty of neglect with respect to the live stock industry.

Mr. MULLINS: Pure neglect.

Mr. MOTHERWELL: The hon. gentleman was not here last year except as a witness and the evidence he gave before the Petersen committee was favourable to the government with regard to the live stock industry. He was against the chilled meat industry in competition with Argentina. He showed that

the only hope of the live stock industry of this country was to get our cattle into the markets of Great Britain on the hoof. We have not failed I might state in our duty to that industry. We were the ones to strike the last blow which opened up the British market, closed for thirty years to our stockers. That trade is developing now by leaps and bounds, but when we strove to get lower ocean rates what help did we get from hon. gentlemen opposite? None at all. I would point out—not to defend the hon. Minister of Customs—that in the Waisberg case the Conservative whip, the member for—what is his constituency again?

An hon. MEMBER: Lunenburg.

Mr. MOTHERWELL: The member for North Simcoe (Mr. Boys). Waisberg, a professional smuggler, a confirmed briber, a corrupter of the morals of that district, got into trouble with the Customs department. And who came to his rescue? The Conservative whip. He importuned the then Minister of Customs, Mr. Bureau, who turned him down. Twice the Conservative whip came down to Ottawa, he tells us in his professional capacity—how he could separate it from his capacity as a member of parliament I do not know—and finally Mr. Bureau remitted the gaol penalty but charged Waisberg double duty. Surely this House cannot hope to get any remedy for the smuggling difficulty in that direction.

The Prime Minister recited what took place between ourselves and the Commercial Protective Association. We even went to the extent of inviting them to draft amendments to strengthen the Customs law. In this work we did not get too much support from hon. members opposite outside the leader of the opposition. We passed the necessary supply to provide a new preventive service, but we had not time during the interim to use it all. The country was in the throes of a general election, and I think under the circumstances we have effected great reforms in the direction desired by the people of this Dominion.

Mr. McQUARRIE: What kind of throes are you in now?

Mr. MOTHERWELL: I do not know what the hon. gentleman means. As has been said more than once, the people of Canada are watching the results of the movements in this House, and of every member who is responsible for precipitating another general election they will ask: Why did you do it; what was the question involved? How much more rapidly could any set of men go in the direction of reforming the Customs service than we did? What more honourable man can you find in the public service than the present Minister of Customs? I am ready for the contest at any time, but I do not want the country to be precipitated into another general election without due deliberation, I do not think it is wise to make a leap in the dark. Therefore I would exhort every hon. gentleman who intends to come back here to weigh well the results of his vote to-night.

Mr. STEWART (Leeds): In what constituency does the hon. minister propose to run?

An hon. MEMBER: In yours.

Mr. E. J. YOUNG (Weyburn): Mr. Speaker, since the Customs committee has presented its report practically every speaker on the opposite side of the chamber has prefaced his remarks by complimenting the committee on its work. I am sorry that I cannot concur in that opinion. I do not consider the committee is entitled to any thanks from this House or from the country, for the reason that it did not investigate the charges that it was appointed to investigate. Not very many minutes ago the hon. member for East Edmonton (Mr. Bury) stated that the charges made by the hon. member for Vancouver Centre (Mr. Stevens) were proved right up to the hilt.

An hon. MEMBER: Hear, hear.

Mr. YOUNG (Weyburn): Some hon. member says "Hear, hear." Well, let us examine the hilt, and I think we will probably find that it extends all the way down to the point. What were the charges that the hon. member for Vancouver Centre made? I well remember on February 2 at about midnight, "at the witching hour when hell itself breathes forth contagion to the world"—

Some hon. MEMBERS: Order.

Mr. YOUNG (Weyburn): I remember the hon. member got up and hurled his charges across the floor. First he said:

**I wish to say right now that already nine filing cabinets filled with records containing damaging evidence have been removed from the custody and the care of that institution known as the government, taken away down to the home of an ex-minister and there destroyed.**

Did the committee investigate that charge?

Some hon. MEMBERS: Yes.

Mr. YOUNG (Weyburn): I have never heard of it. Did they find that charge true? It is not so stated in the report. They ignored that charge entirely. Then he said:

In the second place I will not disclose the source of my information because I know, and I will prove it to the House before I am through, that innocent business men would not dare to walk the streets of Montreal if it were known that they disclosed certain information. Yes, and the ministers know this, the government know it.

That, I think, Mr. Speaker, is perhaps the most serious charge of all. It means that in the city of Montreal a gang of thugs would actually put out of the way any reputable business man who dared reveal anything that he knew about their machinations. Was that charge investigated by the committee? I never heard of it. Is there anything about it in the evidence taken? I have not seen it. Is it mentioned in the report? I have not seen it there. They did not investigate that charge.

An hon. MEMBER: Time..

Mr. YOUNG (Weyburn): Oh, there is lots of time. This is his third charge:

We voted $350,000 for special preventive work. What did the government do with it? It was used largely for political henchmen during the election.

That is a very serious charge; it means that the government asked parliament last session for $350,000 to prevent smuggling and used that money as a campaign fund during the last election.

An hon. MEMBER: Where was it used?

Mr. YOUNG (Weyburn): The Minister of Customs told you in his reply; it was left in the treasury of the country. Did the hon. gentleman substantiate that charge?

An hon. MEMBER: Certainly.

Mr. YOUNG (Weyburn): He did not. Did the committee investigate that charge? No, they ignored it as they ignored all the other serious charges. Let us see what the next charge was.

An hon. MEMBER: Time.

Mr. YOUNG (Weyburn): The hon. gentleman is fond of calling time, but when he is speaking he pleads that he is a young member of the House and asks that we reserve our questions and interruptions until he is finished. This is the next charge:

In the presence of a deputy and another witness, this individual, asking to be appointed to certain positions, offered to superior officers a bribe of $100 a week, not a casual little bribe that ended with the first offering, but a steady salary addition of $100 a week. This was before he was chief preventive officer.

[Mr. E. J. Young.]

Now, follow me, all members of the government. This was reported to the minister of the crown, and subsequent to the report of that offer of a bribe, the same minister of the crown promoted him to the position of chief preventive officer of the district of Quebec. Bisaillon offered a bribe for promotion, but "No," this government says, "keep your money to yourself; do not waste your money in that way; we will give you the position without any bribe."

Was that charge investigated?

Mr. STEVENS: Yes, and sworn to in the committee, and demonstrated by both the deputy minister and Mr. Sparks.

Mr. YOUNG (Weyburn): And stated in the report?

Mr. STEVENS: No; it is in the evidence

Mr. YOUNG (Weyburn): Is it in the report?

Mr. STEVENS: My hon. friend would not expect all the evidence to be inserted in the report.

Mr. YOUNG (Weyburn): We expect the report to at least state what charges were proved. Let us see what was the next charge:

I purpose to show that this man Bisaillon, the chief customs preventive officer, raised to that position after the government had knowledge of his rascality and his criminality, received moneys of the crown, some $69,000, discovered in several cases, including $14,000 referred to in this examination which I shall read in a moment; that he received moneys of the crown to the extent of tens of thousands of dollars, deposited them to his own account, and this examination will disclose that he never remitted those moneys to the account of the Receiver General.

That is a very serious charge, and was it investigated?

Mr. STEVENS: Yes, and proved to the hilt.

Mr. YOUNG (Weyburn): If it was proved to the hilt why have they asked the attorney general of Quebec to try and prove it?

Mr. STEVENS: If my hon. friend will allow me I will tell him. The attorney general of Quebec is the only officer who can properly deal with the matter, and it was referred to him by the committee for the necessary action.

Mr. YOUNG (Weyburn): I see. Here is the recommendation of the committee:

The committee recommends that the evidence of J. A. E. Bisaillon given before this committee with reference to his bank account for the amount of $69,000 be transmitted to the attorney-general for Quebec, for the purpose of comparison with the evidence given by him on the same point at preliminary inquiry at Quebec, P.Q., in the case of Rex vs. Symons et al, and for such action by the said attorney-general as the evidence may warrant;

Was that charge proved? Here they ask that the evidence be sent to the attorney general of Quebec for his examination, to see whether it is correct.

Mr. STEVENS: Permit me to interrupt. As a layman I asked that the charge of perjury against Bisaillon be included in this report. The lawyers on the committee, colleagues of my hon. friend as well as of myself, advised me, and the committee so decided, that it was not proper to mention a charge of perjury in a reference of this kind, and this is the action recommended by the lawyers of the committee. I am told it is quite in order.

Mr. YOUNG (Weyburn): I am not a lawyer and do not understand these fine points. I am a plain, blunt man, and I suppose this report is published for the guidance of ordinary mortals. One would gather that the committee are not quite sure of this man's guilt. What is the next charge? I might explain this a little bit first. When the hon. gentleman made his speech he referred to this gang of smugglers and thugs in Montreal, who would go so far as to commit murder. One of their number was a negro named Bud Harris, who was defrauded by his companions of $3,000, his share of the spoils of the smuggling operations. This man threatened to squeal on his comrades because of this fraud, and the hon. gentleman says:

> If you will turn back the files of the Montreal papers you will find where the body of a coloured man was found wired up with wire and weighted with weights in the Back river. I think from the description I give of this case hon. members will recall it. That was the body of Bud Harris, the coloured member of this gang. That was what he got for intimating he would squeal on the smuggling gang in Montreal. Mr. Speaker, do you wonder that I emphasize this: that with the knowledge of these things, with the knowledge of the character of this man Bisaillon, with the knowledge of these activities of Giroux and others, this government preserved them in their office since last February with positive knowledge before them, and with equal knowledge of their rascality, put this man Bisaillon in the premier office of the customs service—

It is a serious thing to charge that the government knew these men to be not only smugglers and gangsters but also murderers, and with that knowledge promoted this man Bisaillon. Was that charge investigated by the committee; was it proven? I do not see it in the report.

Mr. STEVENS: It is a statement of fact.

Mr. YOUNG (Weyburn): Then the hon. gentleman should be able to prove it. These are the charges the committee was appointed to investigate, and they were ignored entirely. Let us consider the next charge, which has to do with the 16,000 gallons of alcohol sold for less than its value:

> That may be an example of the exemplary honesty of these people. It may be that, but it looks to me, knowing a whole lot more about the incident, that it was simply a case of covering their tracks. But what was this alcohol sold for? This sixty-nine per cent overproof alcohol was sold for thirty-six cents a gallon.

And a little later:

> A previous seizure properly treated was sold for $14 a gallon.

The charge was that the government had sold 16,000 gallons of alcohol which had been seized from the barge Tremblay to their friends for 36 cents a gallon when they should have sold it for $14 or $15 a gallon, thereby defrauding this country of hundreds of thousands of dollars. Was this charge investigated?

Mr. STEVENS: Absolutely, and proved to the hilt.

Mr. YOUNG (Weyburn): My hon. friend's leader took up the matter in the House yesterday, I think, and said that this alcohol was offered to the Quebec Liquor Commission, who refused to buy it because it was unfit for human consumption. The Minister of Customs also pointed out that this alcohol was offered to the Quebec Liquor Commission, and that they refused to buy it because it was unfit for human consumption; they said they could only buy at a very low price, and the minister sold it for the best price he could get, 36 cents a gallon, or 4 cents more than it would cost to reproduce it. The leader of the opposition then said that the government should have sold the alcohol to the commission if they got only one cent a gallon for it because, he argued, that when the Quebec Liquor Commission put that liquor out as potable liquor they would pay an excise tax of $10 a gallon on it, and the government would thereby have gained by it, he said, $160,000. When he made that statement I could not help wondering whether he really believed it himself, or whether he was trying to impose upon the credulity of the House.

Mr. STEVENS: It is perfectly correct.

Mr. YOUNG (Weyburn): Let us examine that statement for a minute. The Quebec Liquor Commission each year buy so much alcohol, and no more. I do not know what the amount is, but they buy as much as they can sell. Let us suppose it is 100,000 gallons.

Mr. STEVENS: It has been over 300,000 gallons for the last three years.

Mr. YOUNG (Weyburn) Very well, but 100,000 gallons will do for the sake of illustration. The excise tax on that at $10 a gallon would amount to $1,000,000. Now it does not make one particle of difference to the revenue of this country whether the Quebec Liquor Commission buy that from the Customs department or from some distillery. If they had bought that 16,000 gallons from the Customs department, they would not have bought it from some other quarter, and the tax of $160,000 paid into the treasury would have been the same. Yet the hon. leader of the opposition gets up and says that we lost $160,000 on that transaction.

I do not think the government are altogether blameless for the situation that is here tonight. I think they might have acted a little differently in the matter on the night of the 2nd of February when the hon. member for Vancouver Centre was hurling his charges across the floor. I think the government should have got up then and told him in good plain English what they thought of him, even if they had to transgress the rules of the House. I would have done it. This committee, I say, did not investigate the charges. The charges are there, and they were not investigated. Why was the investigation confined to certain places and certain times? Well, everybody knows that the committee was composed of four Liberals, four Conservatives, and one Progressive. Everybody knows that the Liberals were suspicious of the Conservatives, that the Conservatives were suspicious of the Liberals, and that the Progressives did not trust either of them very much. The general attitude of the committee was that each side was trying to put something over the other. I reasoned when I saw the investigation had been confined to particular places and times desired by the hon. member for Vancouver Centre himself that it would be a very simple matter for the Conservative members of the committee to persist in asking questions and keeping the inquiry centred on any places they liked. The Liberal members of the committee could not object to that, because to do so would put them in the position of appearing to block the inquiry, so they had to allow those who were taking the initiative to centre the investigation pretty much where they liked.

The hon. member for West Hamilton (Mr. Bell), who was a member of the committee, let a little more light on it this afternoon when he said that perhaps the Liberal members of he committee were asleep, implying that the Conservative members of the committee were a little sharper than the Liberals and put something over them. That is the statement of a member of the committee, that the Conservatives acted in such a way as to put something over on the Liberals, and that is the evidence and that is the report on which we are asked to condemn the Minister of Customs, on the evidence of a committee a member of which says: Possibly the other side were asleep and we slipped something over on them. Is that justice?

Next we are told that the case is to be tried before this jury. This House is the court, and the members are the jury. The members of this House have not even read the evidence, which comprises some 3,000 pages, and a good many members have not even read the report. How then are we to judge this case. Can we be impartial judges? The jury itself is not in the court room. They have not read the evidence, they have not studied the report, and they have not been here during this debate. How then are the members of this House in a position to judge whether the Minister of Customs should be condemned?

Mr. MANION: They might have read the evidence.

Mr. YOUNG (Weyburn): They might have, but I say they did not. There are 3,000 pages of it, and members have not studied that carefully enough to render a judgment. Even in a court a judge, after hearing all the evidence and taking notes, always listens very carefully to the summing up of the lawyers.

Now what is the offence of the Minister of Customs? Of what crime has he been guilty? It is this, that he showed a little clemency to a fellow man. Here is a man found guilty of having a little liquor in his possession. He was tried and sentenced to a fine of $150, and to three months imprisonment. He paid his fine, and then the minister, at the request of a friend, delayed the sending of that man to jail.

Mr. KENNEDY (Winnipeg): Why did he do it?

Mr. YOUNG (Weyburn): Why have such things been done right along in hundreds of cases?

Mr. STEWART (Leeds): Was not the request for clemency based purely on political grounds, and granted on these grounds?

Mr. YOUNG (Weyburn): Did not the member for Winnipeg North Centre (Mr. Woodsworth) explain to the House the other

night that he had that day received a telegram very similar and had acted upon it? I can advance you a dozen reasons why you should do a certain thing, but does it follow that if you do it you have acted because of any particular one of those reasons, or any of them at all?

Mr. STEWART (Leeds): Yes.

Mr. YOUNG (Weyburn): Not at all. I am advancing you reasons why you should vote for the Minister of Customs, but are you going to do it?

Mr. STEWART (Leeds): I am not complying with your request at all.

Mr. YOUNG (Weyburn): It is a common practice for members of the House to request a minister to exercise clemency, and it is a common practice for the minister to exercise it. I will not ask the hon. gentleman if he has ever asked for it, but I say the time may come when he will do it, and be very glad to do it. We have a system of laws, and we have policemen to enforce the laws, but the policeman does not try an offender. He takes him where he can be tried. We have a court to try offenders, and the offender can hire a lawyer to defend him, and if the case goes against him, and he has enough money, he can hire another lawyer to get him off. Is there any place where that man can find mercy? If there is not, it will be a sorry day for us. There must always be some place where the human element can come in, and where cold justice will not be the only consideration. A long time ago it used to be the practice, when a general came back from the battlefield victorious, to honour him, but if he lost his army he was destroyed. That is considered barbarous to-day, and we do not do it any more. But here is another fight that is conducted along a line 4,000 miles in extent, and the general has 5,000 men under him, and because his forces were worsted at one or two outposts, you ask that the general himself be destroyed. It is the custom, I am told, among ship owners to discharge a captain who has lost his ship, but did you ever hear of them discharging a captain because for a single hour he had to run before the breeze? Never. Hon. gentlemen are great admirers of the tall chimneys and want them in all our cities. Do they not know that the tall chimneys sway in the wind. What would a tall chimney be if it were absolutely rigid and would not sway in the wind? It would snap and be worthless.

Mr. MANION: What would it be worth if it did nothing else but sway?

Mr. YOUNG (Weyburn): The Minister of Customs is not the kind that does nothing else but sway. Take this from Bobby Burns:

> My son, these maxims make a rule
> And lump them aye tigither
> The rigid righteous is a fool
> The rigid wise anither.
> The cleanest corn that e'er was dight
> May have some piles o' caff in
> So ne'er a fellow creature slight
> For random fits o' daffin.

My hon. friend was speaking about Shakespeare a minute ago. Shakespeare wrote The Merchant of Venice.

Mr. MANION: Bobby Burns was a better authority on whiskey.

Mr. YOUNG (Weyburn): He is not the only authority. An inconspicuous college professor found a single grammatical error in The Merchant of Venice and denounced Shakespeare in the market place as no fit man to be writing literature. There is in the Customs department to-day the most capable, energetic and upright minister that has been there for many a long day, and because you find one grammatical error in his conduct you would condemn him. You know there are different kinds of men in the world. There is a big man, big-hearted, big-minded, who grasps big things in a big way, who can safely handle big affairs, and then there is the small strict man who never would go one hair's breadth out of the path of rectitude, and to-day we may choose. Will you have George Boivin, the big man, or the strict man who acts according to his formula? France had a strict man once who would not deviate one iota from the right path. It was the bloodthirsty Robespierre, the man that had no heart, no soul, nothing but the letter of the law and cold steel. That would not be the man to put in charge of any big affair or large department. How will the people of the country look at our action in this matter? We are told that the eyes of all Canada are centered on us. I think the hon. member said the other night that in all future generations they would be looking on us, when the walls of this building were crumbling into ruins and our names would stand out and it would be known how we voted. The picture is a little overdrawn. But how will they look at us?

> O wad some power the giftie gie us,
> To see oursel's as ithers see us!

Well, let us consider how others will see us. Here is a man, Moses Aziz, an ignorant Syrian, raised in a foreign country. Our ethics are not the same as their ethics, perhaps not in the habit of thinking liquor is an evil. He is found with liquor under the flooring of his

cellar. He is convicted and sentenced to prison, and because he was not sent there promptly the Minister of Customs is to be condemned.

Mr. STEWART (Leeds): How many times has Moses Aziz been fined?

Mr. YOUNG (Weyburn): The records show once. That is one side of the picture, and here is the other side. We have a great building containing 600 rooms with 245 members. Rooms were searched but not for papers, and I know there was great indignation when our papers were ruffled. Papers were not the only things that were found, and we rose in our might, and we denounced the person who dared enter our rooms and demanded his head. A little of the same stuff that Moses Aziz had in his cellar was discovered there. How will our vote look to the people when they read about it? And we are going to condemn the Minister of Customs? We would cut a sorry figure before the country. Let me tell the House a true story. One hon. member in this House voted twice to condemn the Hon. George Boivin. That hon. member was going into a friendly country with a supply of whiskey in his possession, and when the customs officer came and was about to seize it—it was one bottle and not very big at that—the man said to him, "You dare not seize it until we get to the American border." But before they got to the American border he had drunk the whole thing.

Mr. MANION: Nothing against that in the United States law.

Mr. YOUNG (Weyburn): The law says you shall not take whiskey into the United States, and it does not specify whether it is in a bottle or a leather bag.

Mr. MANION: Why did they not seize the passenger?

Mr. YOUNG (Weyburn): The evidence was destroyed.

Mr. MANION: He was the container.

Mr. YOUNG (Weyburn): I ask hon. members, can that man conscientiously condemn the Minister of Customs for leaving Moses Aziz out of gaol for a few days longer if he himself had—what shall I say?—Aziz had whiskey in his cellar, and the other man had it under his belt. What is the difference? Would we not cut a sorry figure here, insisting on our privileges and rights as members of parliament, exercising the rights the law has given us, abusing that power, smuggling liquor from Hull into the building, and because the police dare not come into the building and trouble us we think we are immune—and now we condemn the poor ignorant Syrian who had some in his cellar.

Mr. MANION: You should limit this to your own experience and not bring us all into it.

Mr. YOUNG (Weyburn): They did not find anything in my room. Let us ask ourselves, are we justified in condemning the Minister of Customs for doing what he did, when we know that every day in our lives we do worse? I say candidly that I am going to vote in favour of George Boivin on this subamendment, the amendment, the main motion and on every subsequent amendment there is proposed.

Mr. MANION: We are not surprised at that.

Mr. YOUNG (Weyburn): The Minister of Customs, as I am sure all will admit, is one of the ablest, most promising and highest type of men we have in this House or in this country to-day, and Canada can ill afford to do without his services. If the Hon. Mr. Boivin goes out in disgrace from this House his public career will be ruined. The Liberal party has said: We will go down with him because it is better for this country that the Liberal party should go into the wilderness—

Mr. KENNEDY (Winnipeg): For forty years.

Mr. YOUNG (Weyburn): If my hon. friends opposite have the framing of the election laws and the counting of the votes, it will be for forty years. It is better for us, for Canada, that we go into the wilderness for a season and come back again bringing Boivin with us than that his services should be lost to the country. That is the reason we are going down together—

Some hon. MEMBERS: Hear, hear.

Mr. YOUNG (Weyburn): —or else we are going to stay where we are. The hon. member for Peace River (Mr. Kennedy) said in his address: The Customs department is more important than the National railways. Mismanagement would not be tolerated on the part of the National railways or any other railway or any bank or any large institution in this country. They do not send men to gaol when they are found committing small offences; their idea is to keep them out of gaol if they can. The crime of the Minister

of Customs is that he kept one man out of gaol, when my hon. friends opposite think he should be in gaol. Do they think it improves the position of this country to put a man in gaol?

Mr. MANION: It would stop bootlegging for a while.

Mr. YOUNG (Weyburn): We have tried it in Saskatchewan; we have tried it here and in the east but it has failed.

Mr. MANION: He will be prevented from bootlegging while he is in gaol.

Mr. YOUNG (Weyburn): Would you stop anything from coming into this building if you put us in the tower? When the railways or the banks find anyone guilty of misdemeanours they make them disgorge if they can.

An hon. MEMBER: Quote some more poetry.

Mr. YOUNG (Weyburn): I will:

I know not whether laws be right or whether laws be wrong,
All we know who lie in jail is that the wall is strong,
And that each day is like a year, a year whose days are long.
This too I know that every law that man has made for man
Since first man took his brother's life and the sad world began,
But straws the wheat and saves the chaff, with a most evil fan.

The cause of your trouble is the unjust laws that you have made. Why do men smuggle? Because you have denied man the inborn right to buy his stuff where he can buy it best. I had a friend one time who always said that if he started to break the law he would break it by smuggling because there, he said, "I am not injuring my fellow man and I am simply taking back in an illegal way what nobody had any right to take away from me."

Mr. RYCKMAN: Where is he now?

Mr. YOUNG (Weyburn): He is where my hon. friends opposite will never be. He is standing where they will never stand, standing where a man stands who thinks his own thought and is a free man. You pass a law and you say to the people of this country: You shall not buy goods where you can buy them best; you shall not spend your wages where you can spend them to the best advantage; you must buy from individuals named by us. Those individuals, the favourites of the government come and say to the government: The people are not buying our goods; they are buying goods from the United States; they are smuggling them in. Pass a more drastic law; put them in gaol; put heavier fines on them. These are the things that make men smugglers. Your committee that was appointed to investigate those charges bring in recommendations to stop smuggling and ignores completely the cause of the smuggling.

Mr. KENNEDY (Winnipeg): Does the hon. gentleman know that all this has to be printed?

Mr. YOUNG (Weyburn): The hon. member for Winnipeg South Centre has no kick coming about the number of pages of Hansard used by anyone on this side. A man that will talk for hours about amendments to the Grain Act after the matter has been all threshed out in committee, after the question has been practically settled, and fill I do not know how many pages of Hansard, has no kick coming about speeches by hon. members on this side. I might incidentally remark that he was not very well posted on the question he was discussing. Here is a speech which occupies twenty-six pages, delivered at about this hour in the morning by an hon. gentleman opposite and about one-half the space is filled with charges. Those charges were flung at the government on the eve of the Prince Albert election in the hope that the government would become frightened and resign, or that it would influence the result in that constituency before the charges could be replied to. But the hon. member who made those charges did not know the calibre of the Minister of Customs (Mr. Boivin); he made a complete answer to every one of them.

Some hon. MEMBERS: Oh, oh.

Mr. YOUNG (Weyburn): Hon. gentlemen may laugh, but in the early part of this session I sat here for a whole month and heard them wasting time. The hon. member for Vancouver Centre opposed the six weeks' adjournment asked for by the government for fear they would take advantage of it to destroy letters of a damaging character, as he said they had done before, a charge which he failed to prove. Therefore he should now apologize to the government for the insinuation.

Hon. J. C. ELLIOTT (Minister of Labour): There is no doubt that the work of the Customs inquiry committee is not completed, and it must be continued by some other body; that seems to be agreed by everybody. Now what is the difference between the members of the committee on this question? First of all the majority agree that certain recommendations should be made to the House. I

think it will be agreed there has been a fair and honest endeavour to present to the House a report that would have a beneficial effect upon the customs laws of Canada and that would, to a large extent, meet the requirements of the situation.

Now I am bound to pay a tribute to the hon. member for Vancouver Centre (Mr. Stevens) for the industry and attention which he has devoted to the work of the Customs committee, and I would pay a similar tribute to all the other members of that committee. A careful perusal of the speech made by the hon. member on February 2 against my hon. friend and colleague the Minister of Customs must lead to the conclusion that he was referring to the hon. minister's predecessor and to others; in fact, it is tantamount to an exoneration of the present minister. I ask what is the outstanding charge that the hon. member now makes against the Hon. George Boivin? I challenge the hon. member to make any serious denial of my statement that there is any other real charge against the hon. minister at the present time except that he failed to have Moses Aziz sent to gaol shortly after conviction.

Mr. STEVENS: My hon. friend has challenged me. If he will be good enough to simply read the amendment which is now before the House he will find that it contains in precise language the charge which is made against the hon. minister. He will find there a complete answer to his question.

Mr. ELLIOTT: That is not what I was asking. I am in the judgment of every hon. member when I say that the only real charge against the Minister of Customs at the present time is that he did not send Moses Aziz to gaol as soon as my hon. friend thinks he should have sent him.

Mr. STEVENS: My hon. friend asks me what the charge is. The charge is set forth in the amendment, and if he desires to be fair he will read it now. I will recite it in my own language if he desires.

Mr. ELLIOTT: No, my hon. friend knows the question perfectly well, and he knows the answer.

Mr. STEVENS: Certainly I do, I have it here.

Mr. ELLIOTT: And the answer is just as I have stated, that the only real, substantial charge against the Hon. George Boivin at the present time is the Aziz charge.

[Mr. Elliott.]

Mr. STEVENS: My hon. friend I know desires to be fair. The answer is simply this, and I will give it in the official language of the amendment that is now before the House:

The evidence further discloses that ministerial action has been influenced by improper—

Mr. ELLIOTT: Mr. Speaker, I asked my hon. friend if he could state any other charge against the Hon. George Boivin. Without reading over two or three pages he ought to know in his own mind and be able to state to this House what that other charge is.

An hon. MEMBER: Take your medicine.

Mr. ELLIOTT: I will let you have yours. He ought to be able to state to this House—

Mr. STEVENS: Mr. Speaker, I rise to a question of privilege and to a point of order, both. As to the point of order, the hon. minister challenged me to state what the charges were against the hon. Minister of Customs other than the one regarding Moses Aziz. In response to his challenge I rise to give him precisely what those charges are, and I submit, Mr. Speaker, that in all fairness I am entitled to present those charges to the House.

Mr. ELLIOTT: I submit, Mr. Speaker, that the exhibition my hon. friend is now giving is the best proof to every hon. member that unless he studies pages of charges—

Mr. STEVENS: No, just one paragraph.

Mr. ELLIOTT: —he cannot think of any other substantial charge against the hon. Minister of Customs than the Aziz charge. That leads up to the point I want to make. A perusal of my hon. friend's speech of February 2 fails to disclose the slightest suggestion of the Moses Aziz charge. I again challenge him to point out where in that speech from one end to the other there is one word or syllable referring to the Aziz case. His charges now are those which he discovered by accident; he does not rely upon any of the other charges he made at that time. This charge was discovered through a letter sent by the hon. member for Gloucester (Mr. Robichaud) to the Hon. Mr. Boivin during the stress of an election. I ask hon. members of this House if that is not a fair statement of the kernel of the present charges.

Mr. STEVENS: Absolutely no.

Mr. ELLIOTT: I say absolutely yes, and the whole tenor of the remarks of the hon. member for Vancouver Centre and the right

hon. leader of the opposition has been to show that the minister did not speak of the Moses Aziz case in exactly the same words on two different occasions. He told the story at one time and varied it slightly from the story he told at another time, and that is the offence for which this man is to be put out of the public life of this country.

My hon. friend knows these charges well, and I am sure he will agree with me that the charge he is making against the minister at present is the Aziz charge, and nothing else.

Mr. STEVENS: That is positively wrong.

Mr. ELLIOTT: And how much of the hon. member's time in the discussion of these matters was devoted to the discussion of anything but the Aziz charge?

Mr. STEVENS: If my hon. friend will permit me to say so, I never discussed the Aziz charge at all; he will not find it in my speech.

Mr. ELLIOTT: Part of my hon. friend's argument was that the Aziz charge would be dealt with by the hon. member for West Hamilton (Mr. Bell). I want to ask hon. members of the House what charge has been made against the Minister of Customs other than the Aziz charge?

Some hon. MEMBERS: Oh, oh.

Mr. ELLIOTT: It is all very well for my hon. friends to laugh; it is fine to laugh when someone else is being charged.

Mr. MANION: What about the Dominion Distilleries charge?

Mr. ELLIOTT: My hon. friend from Fort William is very adroit in drawing a red herring across the trial, but he should know by this time that he cannot do so with me; I am not talking of the Dominion Distilleries. This is a serious discussion; this is an important investigation, and I do not think it comes with good grace from any hon. gentleman sitting in the front benches of the opposition, with the experience of the hon. member for Fort William, to interpolate anything about Dominion Distilleries when we are discussing the Moses Aziz charge. His inquiry is as far away from the discussion as Peru is from Jerusalem.

Mr. MANION: My hon. friend was asking what other charges were against the minister.

Mr. ELLIOTT: My hon. friend knows he is not meeting the question fairly. The point I want to make is this. I stand in the judgment particularly of the independent gentlemen in this House as to whether the charge against the Minister of Customs is not as I have stated. If that is the charge against him is it not a fact that practically everything else has been abandoned, that practically no evidence has been submitted except in connection with a charge which did not form a part of my hon. friend's speech on February 2 at all?

Some hon. MEMBERS: Time.

Mr. ELLIOTT: I hear some of my hon. friends shouting "time". That is the last thing they want; that is the thing Moses Aziz did not want, and he was by no means the only one. Now I ask hon. members seriously if they think it is fairly meeting the charges made by my hon. friend on February 2 for him to now try and say "I have substantiated these charges by finding a peg for some other charge upon which I may hang my hat." Every hon. gentleman in this House probably had to come through an election campaign, and as a matter of fact some of us had to go through two of them.

Mr. MANION: And you were lucky, too.

Mr. ELLIOTT: We were fortunate. You heard the explanation given by the Minister of Customs with regard to what happened at the time. He found that letter on his desk when he came in to look over the correspondence, and to answer what it was possible to answer. Will any hon. gentleman who has been through an election suggest for a moment that a man with an election campaign on his hands will go through a file of 100 or 150 letters and manage to get any idea of their contents? You all know the stress of an election, and you know very well that careful consideration cannot be given to matters of this kind at such a time. I ask gentlemen on the opposite side of the House, is there any hon. gentleman who will seriously say if he had been in the place of the Minister of Customs at that time he would not have done exactly as the Minister of Customs has done? There is not the slightest doubt about it.

I have endeavoured to call to the attention of my hon. friend from Vancouver Centre the fact that if making out the charges contained in his speech on the 2nd of February were essential to his succeeding, then he has utterly failed for the charge against the minister has been a different charge altogether. That is a point that I think has been largely overlooked in the course of this discussion.

There is a great deal of difficulty for a minister in carrying out the duties of a de-

partment where there is any ministerial responsibility involved. Every hon. minister who has presided over a department knows that, and I believe that when my hon. friends on the other side of the House consider seriously the situation the minister was in, there is not one of them but who in his heart of hearts will say other than that he in all probability under similar circumstances would have done exactly the same as the minister did.

Mr. BEAUBIEN: Mr. Speaker, as the hour is getting late and this is one of the most important debates of this session, I beg leave to move the adjournment of the debate.

Mr. SPEAKER: Mr. Beaubien moves, seconded by Mr. King (Huron) that the debate be now adjourned. Shall the motion carry?

Mr. BOYS: On a question of privilege, Mr. Speaker, I would like to make a statement with reference to the vote. We met last night and had a definite and distinct understanding—

Some hon. MEMBERS: Order.

Mr. SPEAKER: The hon. gentleman cannot speak now that the question is put. The hon. gentleman is always very courteous, and he should be treated courteously. If he wishes to rise immediately after the vote is taken, I will give him the floor.

The House divided on the motion (Mr. Beaubien) which was negatived on the following division:

YEAS

Messrs:

Baldwin,
Beaubien,
Benoit,
Bettez,
Bird,
Boivin,
Bothwell,
Bouchard,
Boucher,
Bourassa,
Brown,
Cahill,
Cannon,
Cardin,
Casgrain,
Coote,
Delisle,
Denis (St. Denis),
Denis (Joliette),
Desaulniers,
Deslauriers,
Dionne,
Donaghy,
Donnelly,
Dubuc,
Duff,
Dunning,
Dussault,
Elliott,
Evans,
Evanturel,
Fafard,
Fiset (Sir Eugene),
Forke,
Fournier,
Gardiner,
Garland (Bow River),
Gershaw,
Gervais,
Girouard,
Goodison,
Goulet,
Guérin,
Hall,
Hatfield,
Heaps,
Heenan,
Howard,
Howden,
Jelliff,
Jenkins,
Johnston (Long Lake),
Kay,
King (Huron North),
King (Kootenay East),
King, Mackenzie (Prince Albert),
Lacombe,
Laflamme,
Lanctot,
Langlois,
Lapierre,
Lapointe,
Lavigueur,
Letellier,
Lovie,
Macdonald (Glengarry),
Macdonald (Antigonish-Guysborough),
MacLean (Prince),
McLean (Melfort),
Macphail (Miss),
McIntosh,
McKenzie,
McMillan,
McPhee,
Malcolm,
Marcil,
Mercier (Laurier-Outremont),
Mercier (St. Henri),
Millar,
Morin (Bagot),
Morin (St. Hyacinthe-Rouville),
Motherwell,
Neill,
Parent,
Perras,
Power,
Prevost,
Raymond,
Rhéaume,
Rinfret,
Robb,
Roberge,
Robichaud,
Robitaille,
Ross (Moose Jaw),
St. Père,
Sanderson,
Séguin,
Spence (Maple Creek),
Spencer,
Steedsman,
Stewart (Edmonton West),
Stork,
Sylvestre,
Tobin (Richmond-Wolfe),
Tobin (Wetaskiwin),
Totzke,
Vallance,
Verville,
Ward,
Wilson (Vaudreuil-Soulanges),
Woodsworth,
Young (Saskatoon),
Young (Weyburn).—114.

NAYS

Messrs:

Anderson (Toronto-High Park),
Anderson (Halton),
Armstrong, (Timiskaming South),
Armstrong, (Lambton East),
Arthurs,
Baker,
Barber,
Bell (Hamilton West),
Bell (St. Antoine),
Bell (St. John-Albert),
Black (Yukon),
Black (Halifax),
Boutillier,
Bowen,
Boys,
Bury,
Cahan,
Campbell,
Cantley,
Casselman,
Chaplin (Kent, Ont.),
Chaplin (Lincoln),
Charters,
Church,
Clark,
Cotnam,
Culligan,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Embury,
Esling,
Fansher,
Fish,
Flemming,
Foster,
Fraser,
Garland (Carleton),
Geary,
Gott,
Grimmer,
Guthrie,
Hamilton,
Hannesson,
Hanson,
Harris,
Hay,
Hocken,
Hodgins,
Hubbs,
Johnstone (Cape Breton North-Victoria),
Jones,
Kaiser,
Kennedy (Peace River),
Kennedy (Winnipeg South Centre),
Ladner,
Langworthy,
Lucas,
MacDonald (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
Maclean (York South),
MacNutt,

| | |
|---|---|
| McClenaghan, | Ryckman, |
| McGibbon, | Ryerson, |
| McKillop, | Senn, |
| McQuarrie, | Short, |
| Maloney, | Simpson, |
| Manion, | Sinclair, |
| Maybee, | Smith, |
| Meighen, | Smoke, |
| Messervy, | Spence (Parkdale), |
| Mewburn, | Stansell, |
| Morand, | Stevens, |
| Mullins, | Stewart (Leeds), |
| Murphy, | Stinson, |
| Nicholson, | Stirling, |
| O'Neill, | Sutherland (Oxford South), |
| Peck, | |
| Perley (Sir George), | Sutherland (Oxford North), |
| Pettit, | |
| Preston, | Thompson, |
| Price, | Tolmie, |
| Quinn, | Tummon, |
| Robinson, | White (London), |
| Rogers, | White (Mount Royal), |
| Ross (Kingston City), | Wilson (Wentworth), |
| Rowe, | Wright.—115. |

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

| | |
|---|---|
| Cross, | Bennett, |
| Lacroix, | Edwards (Frontenac), |
| Fontaine, | Chabot, |
| Euler, | Edwards (Waterloo), |
| Jacobs, | Bristol, |
| Pouliot, | Lennox. |

Mr. BOYS: Last night the whips of the three parties in this House decided that we would to-night vote upon this question. It seems to me the arrangement thus made by the whips should be respected by the various parties in this House, and I desire to state that when the motion to adjourn was made it was certainly contrary to the understanding reached by the whips.

Mr. CASGRAIN: I may be permitted to say a few words on the same subject. It is true we met and had a certain agreement that we would try to finish the debate this evening, but at that time there were only two motions before the House, one by the hon. member for Vancouver Centre and the other by the hon. member for Winnipeg North Centre. We voted on one of those motions. As the House is well aware, this motion was defeated and immediately afterwards a new motion was added to the main motion, absolutely and entirely different from the other; it was not expected at all. There was a ruling by Your Honour which was not sustained, so that a new feature was introduced in this debate. We are in the same position as we were last night.

Mr. THEODULE RHEAUME (Jacques Cartier) (Translation): Mr. Speaker, previous to voting on the amendment which is before the House, I deem it my duty to say a few words so as to explain the vote which I shall be called upon to give presently. The amendment before the House is evidently one presented in bad faith. It has been given a virgin robe, but this virgin robe fits it just about like a green suit would fit the member for Frontenac-Addington (Mr. Edwards), on the 12th of July, the national day of Orangemen.

I say, Sir, that this amendment is in bad faith; first, because the censure does not include a member who is quite as guilty—if it is a question of guilt which is being considered by the House—and that gentleman is not included for the simple reason that he is not sitting on the government side. But why do they wish to censure the Minister of Customs (Mr. Boivin)? Because, Sir, he complied with requests which are of daily occurrence. Is not a member often merely an interceder with those in power? We are likened to saints and called upon almost daily to intercede. And, because a member accedes to the request of an unfortunate elector, a mountain is made of it. Looking upon the shocked expressions on the faces of gentlemen opposite when the name of Moses Aziz was mentioned, I asked myself: Is there no mirror on that side of the House!

I see the member for West York (Sir Henry Drayton) smiling; he the Parisian par excellence. What, Sir, they are shocked with the Moses Aziz affair! I say, search among yourselves! How many Moses are there within your ranks? Most astonishing, everyone was shocked, they blushed like scandalized young virgins. No Sir, those who had charge of affairs during the war have no right to be shocked over the Moses Aziz incident! The members who sold those old jades, not to be forgotten, have no right to protest. The member who swapped an old horse for two ducks and then sold it to the government for $150 cannot very well blush when confronted with the Moses Aziz incident! The Tory member who got $175 from the government for an old mare that had gone through the South African campaign and died the day following the sale, has no right to be perturbed over the Moses Aziz incident! No Sir, I say that the members of the opposition are wearing masks for the occasion. You have disguised yourselves under a false cloak. You are recognizable. Drop that cloak, your past demands it: Drop it, the veil is too thin.

Censure the minister of Customs; why? Because he did what all the ministers have done since confederation, and what precedents applicable to similar cases allowed him to do. There is moreover another reason for

which I cannot register my vote in favour of this amendment. I have no mandate from the electors of the county of Jacques-Cartier to put into power the right hon. leader of the opposition. In the course of the last electoral campaign he did not think it worth while to come into one single county of the province of Quebec in order to propound his policy. Oh! you may answer, the policy of the opposition found supporters in Quebec. Yes, there came to the historical county of Jacques-Cartier, that I have the honour to represent, a party leader who bid desperately to win over my constituency. This gentleman proclaimed in Jacques-Cartier and throughout the province a doubtful independence which at first dazzled the people, but could not convince them. What a cunning duplicity! The Hon. Mr. Patenaude hastened to repudiate the Right Hon. Mr. Meighen. He was as far remote from Mr. Meighen as he was from Mr. King. Nevertheless, his blows were concentrated on the latter. At about the same time the leader of the opposition boasted at Charlottetown that he would carry 35 seats in Quebec, when not one candidate of the opposition could be nominated without first having received the silvery blessing of the Hon. Mr. Patenaude.

There must have existed a pact, if not, there were hidden and powerful interests which were backing my opponent, helping him to form a group in this House, capable of directing a certain policy which you all know.

Mr. FAFARD (Translation): Will the hon. member allow me a question?

Mr. RHEAUME (Translation): With pleasure.

Mr. FAFARD (Translation): Did the hon. Mr. Patenaude come forward as the Messiah?

Mr. RHEAUME (Translation): As the Saviour also. Only he saved no one, he not even saved himself. However, Sir, what is most astonishing: a few months after the famous defeat of the Saviour, the Messiah, who was to replace the leader of the opposition; after his famous defeat, I say, what a drama did the country witness? At a large popular meeting held at the Forum where by din of trumpets and advertisements posted everywhere, they had succeeded in rounding up a good crowd, we there witnessed the leader of the opposition, who had been publicly repudiated seven or eight months previous by Mr. Patenaude, shower compliments upon compliments on the latter.

Mr. FAFARD (Translation): Mr. Speaker, I do not want to interrupt the hon member, but I wish to draw his attention to the fact that at the last meeting held in Montreal, the hon. leader of the opposition presented flowers to the Hon. Mr. Patenaude, while he made no mention of Mr. Monty.

Mr. RHEAUME (Translation): I congratulate the hon. member for so closely following our meetings at Montreal. That is really what happened to the great scandal of many good Conservatives who had carried on loyally with Mr. Monty the struggle during more than four years in favour of Mr. Meighen. How ungrateful is politics, the roses are often for the eleventh hour toiler! Those who performed the noble task of the sower are not there to reap.

A funny coincidence: a few days after the meeting at the Forum, the Hon. Mr. Patenaude, in a solemn interview given to the press, publicly gave the "Lamourette" kiss to the Hon. Mr. Meighen.

No, Sir, I have no mandate to vote in favour of the amendment, because I am aware that this amendment was moved to obliterate all the benefits of the Liberal administration and in particular the Robb budget, one of the best budgets that has ever been brought down in this House, a budget which, at the time, was applauded even by our opponents. All were unanimous to acknowledge that after the financial crisis the effects of which are still felt, the hon. Minister of Finance had found the means of balancing the country's finances. Deficits have disappeared and have made way to surpluses. Our opponents came to the following conclusion: If we allow the government to take advantage of their good work, we are lost; and it is then, Sir, that they thought out the clever idea of bringing charges and thus blind the people by throwing mud without mercy, without thought whether they attacked irreproachable men, whether they blemished the reputation of honest public men and which often, in the public opinion, it is impossible to rehabilitate even after a whole honourable life.

These are the circumstances which have prompted the opposition to bring its charges. But this is not all. One of the reasons which prevents me from voting for the amendment of the opposition is that the Liberal party had adopted a policy of moderation wishing to give fair play to all parts of the country, an equitable tariff policy which allowed the manufacturers to exist and also protected the consumer from being bled alive by exorbitant prices.

The government were carrying out a policy of autonomy which pleased all who loved freedom, a definite autonomous policy, not

one which takes refuge in silence in presence of questions put to them, an open, frank policy capable of being appreciated by all free men in this country. The other day when the question was put by the hon. member for Winnipeg North Centre (Mr. Woodsworth) to the leader of the opposition as to where he stood on that question, the House witnessed the sad performance of a party leader to whom I recognize great talents, who squats in his seat and declines to enlighten the House on this question of autonomy so dear to all Canadian hearts.

Mr. MERCIER (Laurier-Outremont) (Translation): I should like to put a question to the hon. member for Jacques-Cartier. Would he tell us about the conduct of Mr. Patenaude towards Mr. Meighen at the meeting which took place at the Forum? The hon. member for Jacques-Cartier knows that Mr. Patenaude came forward against him and he is fully aware that Mr. Patenaude repudiated Mr. Meighen—

Mr. RHEAUME (Translation): Mr Speaker, I enjoy questions.

Mr. MERCIER (Laurier-Outremont) (Translation): What do you think of the conduct of the Hon. Mr. Patenaude towards Mr. Meighen after having repudiated him in the last Quebec campaign?

Mr. RHEAUME (Translation): I shall frankly give you my opinion in regard to the conduct of Mr. Patenaude and Mr. Meighen. It is also that, I think of the whole province of Quebec, of the whole country: it is that these two gentlemen were, during the 1925 campaign and since, two mournful humbugs.

For the last fifty or sixty years we have had elections every fourth or fifth year, with the exception of when the Tory party prolonged its own existence.

Mr. DOUCET (Translation): With the Liberal party's consent.

Mr. RHEAUME (Translation): Pardon, if the hon. member for Kent (Mr. Doucet) has a question to ask me, I shall be delighted to answer it.

A MEMBER (Translation): He has not even the politeness to rise.

Mr. DOUCET (Translation): Politeness is not lacking in me.

Mr. RHEAUME (Translation): The discussion has been gracious up to now and I trust I may continue in this manner. I am aware that the hon. member for Kent is to-night or rather this morning as it is five minutes to four, under the influence of a delirious emotion. He had an inextinguishable thirst for power and this morning, the day after the St. John the Baptist holiday, he still has a thirst, one which is not yet quenched. However, we do not know what the future has in stock for us. The hon. member for Kent is in an exceptional situation. Much will be forgiven him, because he has much loved, even scandals.

I note that there are in this House gallant fighters. The hon. member for Laurier and Outremont (Mr. Mercier) whispers in my ear this advice: Let us fight and win out. It is surely what the Liberal party intends to do. There is still life left in the heart beats of the government. It was struck at this evening, one might say in a treacherous way. This attack reminds me somewhat of the way the old city of Champlain was attacked by General Wolfe. I acknowledge the bravery of the English general's troops who have left an everlasting name in history. It was at an hour like this one, an officer appears and attempts to pass by the "Anse-au-Foulon," the sentry cries out: Who goes there? France! answers the officer, thus he prepared the way for the English army to reach the plains of Abraham where was to be decided the battle which gave to England what was the finest jewel of the crown of France. The battle abounded in feats of heroism, but the historians agree that this incident was not worthy of the courage of Wolfe and his grenadiers. Well, to-night when I witnessed the attack directed by the opposition, the whole of this drama recurred to my memory and I thought: Why do they not come out openly, why do they seek a winding path to escalade the Ottawa fortress. Gentlemen, it is for you to decide, if there might not have been more glory for the opposition to triumph on the merits of its own principles, its own definite programme than to triumph by a subterfuge as the one which they have adopted here under the form of a hypocrite amendment which is at present before the House.

Mr. Speaker, during this famous campaign, of which I have just spoken, what words of despondency have we not heard! Every candidate of the opposition wore a crepe on his hat and shed crocodile tears. "We were on the verge of bankruptcy, it was the ruin of the country if Mackenzie King continued to carry on the affairs of the country and yet, at the end of seven months, the Minister of Finance found it possible to bring down a budget which balanced our finances and re-

lieved the ratepayers of a large share of the burden which had been imposed upon them by the Tory government.

As I see the hon. member for Winnipeg South (Mr. Rogers) entering the House, I avail myself of the circumstance, to repeat that the Patenaude movement in the province of Quebec was concocted at the Windsor Hotel, in Montreal, and that the hon. member for Winnipeg South was not a stranger to the birth of this child. He was himself sponsor at the christening.

Mr. FAFARD (Translation): May I ask the hon. member the reason why he did not give the child his father's name?

Mr. RHEAUME (Translation): He did not tell us, he gave no reason. The search for paternity is always allowed in the province of Quebec according to the French law, and it is exactly in virtue of this old French law which has remained on our statutes that we sought the Patenaude paternity, and found it. The people themselves found it.

On many an occasion in the course of our splendid meetings at Jacques-Cartier, I put various questions: "Mr. Patenaude, why at such a date, about five o'clock in the afternoon, were you at the Windsor Hotel, in Montreal, with the hon. member for Winnipeg South (Mr. Rogers)? What took you there?" There was no answer. And as we, on this side of the House never bring forward anything without proof to back it, I call as witnesses the hon. member for St. James (Mr. Rinfret) who came to lend me a helping hand, I call to witness the member for St. Henri (Mr. Mercier) as well as the member for St. Denis (Mr. Denis) and many others. The hon. member for Maisonneuve (Mr. Robitaille) whom I notice is smiling with the smile that draws to him the majority of the lady voters; and our Holy Father (Saint-Père) of Hochelaga, can all bear testimony to such statements. In order that you may understand how the Patenaude movement was looked upon with suspicion in the province of Quebec. I may say that at two o'clock in the morning, in the riding of St. Henri, there were still eight hundred people listening to the Liberal members and it was our Saint-Père of Hochelaga who pronounced the benediction.

We had other questions that we put to the new Saviour.

How did it happen, Sir, that an Imperialist newspaper found it possible to carry on the Hon. Mr. Patenaude's campaign? We asked ourselves this question. I put it to my constituents of Jacques-Cartier.

[Mr. Rhéaume.]

Mr. SPEAKER (Translation): I would ask the hon. member to keep within the bounds of the amendment. I listened without too much distraction to the speech of the hon. member for Jacques-Cartier and, up to the present, I have not been able very well to see the relationship of his remarks with the purport itself of the amendment.

Mr. RHEAUME (Translation): I am just coming to it, Sir, I am now linking up the two. I was saying, Sir, that I had no mandate and that my constituents had given me no mandate to vote in favour of this amendment, I must first give the circumstances which led to my mandate. It seems to me that a certain latitude should be given to members of this House, and especially when it is four o'clock in the morning. I promise, Sir, that I shall establish the connection between my arguments and the purport of the amendment, should I appear to stray somewhat from the subject, I shall return to it by doing a little winding but not too long a one. I had the honour to study under our Speaker at the old University of Montreal. I learned from him constitutional law, and, Mr. Speaker, I also learned to bow to your decisions.

Mr. FAFARD (Translation): All is well.

Mr. RHEAUME (Translation): This reminds me of an incident, but I fear I would not be in order in telling it. A good parish priest, in the course of an election in which the hon. Speaker of this House had an interest, told his parishioners: "Here in the pulpit, one has no right to carry on politics, however, vote for the best (le mieux)," and the hon. Speaker of the House was a candidate at that election.

Now, Sir, I return to the purport of my speech, to the puzzle which has been put to the electors of the province of Quebec.

When an imperialistic newspaper asked the people to vote in favour of Mr. Patenaude, the so-called independent candidate, it was a mystery to everybody, and, one evening, at a large meeting in Lachine—and I well interpreted the thoughts of all my constituents—I said: "You, my opponent, who are a handsome fellow, do take off the mask which disfigures you." We knew what we were talking about. In fact, he was well masked and he laid down his mask when he gave the "Lamourette" kiss to the hon. leader of the opposition, a few days after the meeting at the Forum. Well, Mr. Speaker, I, who obtained the votes of more than 20,000 electors of the county of Jacques-Cartier, am not allowed to frustrate their will and sub-

stitute to the Liberal policy, one that they have never approved. I will vote against the amendment.

Mr. FAFARD (Translation): Mr. Speaker, I see no reason why the hon. member tries to justify his conduct in this House this evening, because if the one who carried on the contest against him happened to be here, he would exactly follow the same procedure.

Mr. RHEAUME (Translation): I entirely agree with the remark of the hon. member.

The attitude taken by the Hon. Mr. Patenaude, who will perhaps be taken in the future cabinet—if a new cabinet there must be,—is a challenge to public opinion of the province of Quebec. I wish to state that this is a lurid comedy and that the comedy will be repeated before the parliament of the nation.

Mr. LACOMBE (Translation): Shame! shame!

Mr. RHEAUME (Translation): Yes, you are quite right to cry out shame! Young member of the county of Two Mountains, for whom success awaited not riper years; you are quite right. Beholding so much deceit, hearing my opponent in the county of Jacques-Cartier proclaim that he was as far remote from the leader of the opposition as from Mr. King, nevertheless, putting all blame on one and not mentioning the other, I recalled a biblical passage where Rebecca, wife of Isaac—

Mr. DOUCET (Translation): Mr. Speaker, I wish to raise a point of order. Would the hon. member tell us what connection exists between the wife of Isaac or the wife of Jacob and the amendment at present before this House?

Mr. RHEAUME (Translation): I am delighted to be able to give an immediate answer. These are the words of the great patriarch Isaac to his son Jacob who, disguised, was asking him for his blessing: "This is truly the voice of Jacob, but it is the hands of Esau." And this is the comparison: it is that there was in Mr. Patenaude as well as in Rebecca who had laid this stratagem as much deceit as there is in the amendment which is submitted to us. Is the hon. member for Kent satisfied? I might add to complete my thought that at the large meeting held in St. Laurent the people who were listening on the radio repeated not without reason: it is truly the voice of Jacob but it is the hands of Esau.

Mr. Speaker, the hon. member for Terrebonne (Mr. Prevost), notwithstanding a serious illness has found it possible to be loyal to his duty of member in coming here to protest with us against the deceitful policy, which is wrapped up in the amendment. The hon. leader of the opposition, whom I had the honour to hear at the Forum—I was in the last row—

Mr. FAFARD (Translation): There was no one in the last row!

Mr. RHEAUME (Translation): I was entirely alone. I heard his speech and his language was excellent. I understand him perfectly well. I congratulate him on his effort to acquire the French language, and should he wish to persevere in studying that language I know he will be able to come into our province to give us better reasons than those he gave us for having abstained from visiting us before the general elections.

I frankly admit, Sir, that when the hon. member for Vancouver Centre delivered his speech and spoke to us about people having been hung, murderers and robbers, the little hair I have on my head stood on end. We shivered, Sir, on hearing these charges. I thought: What, destroy public documents! There is not a member of the House who could be elected if he approved of such scandal. To charge the minister of having destroyed files, I say that it is the most formidable charge which can be levied against a public man who holds cabinet rank! Where would be our trust in public men, Sir, if ministers to hide their evil deeds, were to destroy the public files? For I acknowledge to the opposition the right to criticize. It is not without reason that the country pays to the leader of the opposition a salary of $14,000, it is that he may criticize justly. And, to his honour, I must acknowledge that he well earns his money, and if it depended on me I would wish him heartily to remain for a long time the leader of the opposition, in order that he might continue to criticize as he does with such ability the deeds of the government.

However, the hon. member for Vancouver Centre has gone beyond the limit, he failed to substantiate his charge and it seems to me he owes the minister, not only on his account, but for the sake of his family, he owes him at least an apology or a public statement. If these charges had been made on the steps of the Chateau Laurier or anywhere else outside of this House, an action for damages would have been instituted by the minister so charged. I state that this is not courageous, that it is not generous to make such a charge when no proof is forthcoming; at least when we are aware that a false accusation has been laid, an

apology should be made. This is the opinion not only of the House but that of the public in regard to this matter. And they wish to make us believe that this member is in good faith when he moves such an amendment? For the amendment is truly his creation.

Mr. Speaker, when such charges are brought against a public man, the country has a right to expect an apology. I bear a great esteem for the hon. member for Vancouver Centre and I state that before this debate closes on this question—

An hon. MEMBER: Oh, oh!

Mr. RHEAUME (Translation): Is this the crowing of the rooster? The debate on the amendment—I am in order, Sir, I am speaking on the amendment the whole time—the debate on the amendment will perhaps last until to-morrow. Perhaps it may end before. We have munitions to carry on. I see here gallant warriors, sharpshooters, if you will have it so, and who will, when I am through, empty their belts. However, I would request at this early hour when dawn approaches and invites one to prayers, I would ask the hon. member for Vancouver Centre to place his hand on his conscience and think: Do I not owe an apology to the hon. minister whom I have vilified and against whom I have not substantiated my charges? I appeal to his heart and reason, and I feel convinced that before this session is over we shall have this apology. I think it is in the interest of the hon. member, humanity is the same all over, it has horror of injustice.

Now, Sir, I see that a number of members around me seem keen to take part in the debate. I have but one word to add. If the discussions in our public meetings were less bitter and especially in our parliaments, the public interest would be better served and the country would reap the benefit. I state that our public men have everything to lose in throwing mud at one another. I make such a statement on behalf of the good name of our country, because to-day, through the means of telegraph, these charges made in the nation's parliament do not remain there, they reach every part of the country, the United States, the old continent, and when we ask these people to send us their sons to help us in tilling the land of Canada, they answer: "But we are not going to emigrate to your country, the public funds can no further be trusted, public documents are no more in safety in your country, they are in the hands of political robbers." That is the effect produced in foreign lands by these non-substantiated charges and I protest in the name of justice, honesty and in the interest of my country against these charges laid with a political aim and not substantiated nor retracted.

I shall close these few remarks, Sir, and I thank you for your kind attention. On the day of the celebration of the French Canadian national holiday, I conceived the idea of going together with a few friends to make a pilgrimage to the Notre-Dame cemetery. On entering we were faced with a magnificent mausoleum. Cut in the stone there was but one inscription, but one name Laurier. Surmounting it, there were nine women of bronze representing the nine provinces of the Dominion. The faces of all these women have different countenances but in each of these countenances, one can discover a common impression of sadness. They weep over the one who has left us, the one who held the respect of all his fellow-citizens from the Atlantic to the Pacific. They weep over the man who gave more than fifty years of his life to his country; they weep over the one who gave fifteen years of prosperity and national grandeur to Canada which he loved so much. Union at death's door is an admirable thing. Indeed, union at death's door is a magnificent spectacle, but union in national life is still more beautiful. Canadians, hailing from Scotland, you that have preserved in your character something of the granite of its mountains; sons of the Emerald island; you that have left the shores of the proud Albion, and have preserved the motto of Trafalgar and are proud of it; you that have come from the sunny shores of old France, finally, you Canadians who have gathered from everywhere, let us put our shoulder to the wheel and let us work in the interest of the country; let us cease our fraticidal struggles, let us unite in brotherhood and justice.

Mr. J. A. MERCIER (Laurier-Outremont): Mr. Speaker, at this late hour of the morning it is with great diffidence that I rise to speak on the subamendment, but I have the utmost confidence in the Minister of Customs (Mr. Boivin). I am possibly the oldest friend he has in this House. I knew him when he was a young boy studying law, I know his honesty of purpose, I know the love that he has for his country and the great admiration that the province of Quebec has for him. The motto of my province is, "I remember". The province of Quebec will remember what this investigation has done and that this investigation did not go outside of that province; in fact it hardly went outside the city of

Montreal. We in the city of Montreal and in the province of Quebec have the greatest admiration for the Minister of Customs, and we regret the action taken by this House to-night in defeating the first subamendment. I say to hon. gentlemen that the province of Quebec has remembered, remembers now and will continue to remember what was done to one of its most illustrious sons.

Right Hon. W. L. MACKENZIE KING (Prime Minister): Mr. Speaker, the amendment to the amendment before the House at the moment you stated a few moments ago to be identical in its phraseology and in its terms with the amendment moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth). Under the circumstances I see no reason why the amendment should not be accepted. In making that statement I wish, however, to make it perfectly clear that in accepting the amendment the government and hon. members of the House reserve their right to reject the amendment as amended or to amend the amendment as amended, as the rules of the House may permit. In these circumstances I think we will advance proceedings by a stage if it is understood that we on this side are prepared to accept the amendment moved by the hon. member for Last Mountain (Mr. Fansher) because it is in the same terms as the amendment moved by the hon. member for Winnipeg North Centre, for which we have already voted.

Amendment (Mr. Fansher) agreed to.

Mr. C. G. POWER (Quebec South): On the amendment to which has now been added the subamendment I have certain remarks to make which, at this late hour, it may be impossible to proceed with. I would therefore move that the debate be now adjourned.

Mr. SPEAKER: Before this motion is put I should have said that the question now before the House is the amendment as amended.

The House divided on the motion (Mr. Power) which was agreed to on the following division:

YEAS

Messrs:

Baldwin,
Beaubien,
Benoit,
Bettez,
Bird,
Boivin,
Bothwell,
Bouchard,
Boucher,
Bourassa,
Brown,
Cahill,
Cannon,
Cardin,
Casgrain,
Coote,
Delisle,
Denis (St. Denis),
Denis (Joliette),
Desaulniers,
Descoteaux,
Deslauriers,
Dionne,
Donaghy,
Donnelly,
Dubuc,
Duff,
Dunning,
Dussault,
Elliott,
Evans,
Evanturel,
Fafard,
Fiset (Sir Eugene),
Forke,
Fournier,
Gardiner,
Garland (Bow River),
Gershaw,
Gervais,
Girouard,
Goodison,
Goulet,
Guérin,
Hall,
Hatfield,
Heaps,
Heenan,
Howard,
Howden,
Jelliff,
Jenkins,
Johnston (Long Lake),
Kay,
King (Huron North),
King (Kootenay East),
King, Mackenzie (Prince Albert),
Lacombe,
Laflamme,
Lanctot,
Langlois,
Lapierre,
Lapointe,
Lavigueur,
Letellier,
Lovie,
Macdonald (Glengarry),
Macdonald (Antigonish-Guysborough),
MacLean (Prince),
McLean (Melfort),
Macphail (Miss),
McIntosh,
McKenzie,
McMillan,
McPhee,
Malcolm,
Marcil,
Mercier (Laurier-Outremont),
Mercier (St. Henri),
Millar,
Morin (Bagot),
Morin (St. Hyacinthe-Rouville),
Motherwell,
Neill,
Parent,
Perras,
Power,
Prevost,
Raymond,
Rhéaume,
Rinfret,
Robb,
Roberge,
Robichaud,
Robitaille,
Ross (Moose Jaw),
St. Père,
Sanderson,
Séguin,
Spence (Maple Creek),
Spencer,
Steedsman,
Stewart (Edmonton West),
Stork,
Sylvestre,
Tobin (Richmond-Wolfe),
Tobin (Wetaskiwin),
Totzke,
Vallance,
Verville,
Ward,
Wilson (Vaudreuil-Soulanges),
Woodsworth,
Young (Saskatoon),
Young (Weyburn).—115.

NAYS

Messrs:

Anderson (Toronto-High Park),
Anderson (Halton),
Armstrong, (Timiskaming South),
Armstrong, (Lambton East),
Arthurs,
Baker,
Barber,
Bell (Hamilton West),
Bell (St. Antoine),
Bell (St. John-Albert),
Black (Yukon),
Black (Halifax),
Boutillier,
Bowen,
Boys,
Bury,
Cahan,
Campbell,
Cantley,
Casselman,
Chaplin (Kent, Ont.),
Chaplin (Lincoln),
Charters,
Church,
Clark,
Cotnam,
Culligan,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Embury,
Esling,
Fansher,
Fish,
Flemming,
Foster,
Fraser,
Garland (Carleton),
Geary,
Gott,
Grimmer,

| | |
|---|---|
| Guthrie, | Murphy, |
| Hamilton, | Nicholson, |
| Hannesson, | O'Neill, |
| Hanson, | Peck, |
| Harris, | Perley (Sir George), |
| Hay, | Pettit, |
| Hocken, | Preston, |
| Hodgins, | Price, |
| Hubbs, | Quinn, |
| Johnstone (Cape Breton North-Victoria), | Robinson, |
| Jones, | Rogers, |
| Kaiser, | Ross (Kingston City), |
| Kennedy (Winnipeg South Centre), | Rowe, |
| Ladner, | Ryckman, |
| Langworthy, | Ryerson, |
| Lucas, | Senn, |
| MacDonald (Cape Breton South), | Short, |
| Macdonald (Kings), | Simpson, |
| Macdonald (Richmond-West Cape Breton), | Sinclair, |
| Macdougall, | Smith, |
| MacLaren, | Smoke, |
| Maclean (York South), | Spence (Parkdale), |
| MacNutt, | Stansell, |
| McClenaghan, | Stevens, |
| McGibbon, | Stewart (Leeds), |
| McKillop, | Stinson, |
| McQuarrie, | Stirling, |
| Maloney, | Sutherland (Oxford South), |
| Manion, | Sutherland (Oxford North), |
| Maybee, | Thompson, |
| Meighen, | Tolmie, |
| Messervy, | Tummon, |
| Mewburn, | White (London), |
| Morand, | White (Mount Royal), |
| Mullins, | Wilson (Wentworth), |
| | Wright.—114. |

Motion agreed to and debate adjourned.

## ADJOURNMENT

Mr. MACKENZIE KING moved the adjournment of the House.

Mr. MEIGHEN: Mr. Speaker, I desire to ask the government if the report which is current to-night that an order in council has been passed appointing certain civil service commissioners is true, and also if it is true that just recently another has been passed appointing a senator; and also if the Prime Minister intends to make any statement as to the attitude of the government following three defeats to-night.

Mr. MACKENZIE KING: Mr. Speaker, if my right hon. friend will retract the last statement he has just made, I will answer his former questions.

Motion agreed to and the House adjourned at 5.17 a.m. (Saturday).

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[Mr. Speaker.]

# Monday, June 28, 1926

The House met at two o'clock.

## RESIGNATION OF GOVERNMENT

### ANNOUNCEMENT BY MR. MACKENZIE KING—ADJOURNMENT OF THE HOUSE

Right Hon. W. L. MACKENZIE KING: Mr. Speaker, I have a very important announcement which I wish to make to the House before proceeding any further. The public interest demands a dissolution of this House of Commons. As Prime Minister I so advised His Excellency the Governor General shortly after noon to-day. His Excellency having declined to accept my advice to grant a dissolution, to which I believe under British practice I was entitled, I immediately tendered my resignation which His Excellency has been graciously pleased to accept. In the circumstances, as one of the members of the House of Commons, I would move that the House do now adjourn.

Right Hon. ARTHUR MEIGHEN: Mr. Speaker, if I caught the Prime Minister's words aright, they were that the House adjourn; that the government has resigned. I wish to add only this that I am—

Mr. MACKENZIE KING: I might say that this motion is not debatable.

Mr. MEIGHEN: I do not propose to debate it, but I presume the Prime Minister will agree that I have a right to make a statement. As the House knows, we are close to the end of the session and the question of how the session should be finished is one of great importance to the country. I think there should be a conference between myself and the Prime Minister.

Mr. CANNON: I rise to a point of order. The motion made is not debatable.

Mr. SPEAKER: Everyone knows that a motion to adjourn is not debatable, but a grave and extraordinary situation has arisen. I do not see that there is any opposition to the motion to adjourn; but Bourinot at page 355 says plainly that under such circumstances the leaders in the House of Commons are allowed by courtesy of the House to make statements. I understand the right hon. gentleman is not debating the motion to adjourn. That would be out of order.

Mr. CANNON: I understand that the motion has been carried. If it has not been carried, how could the right hon. gentleman speak on it?

Mr. MACKENZIE KING: May I make my position clear? At the present time there

is no government. I am not Prime Minister; I cannot speak as Prime Minister. I can speak only as one member of this House, and it is as a humble member of this House that I submit that inasmuch as His Excellency is without an adviser, I do not think it would be proper for the House to proceed to discuss anything. If the House is to continue its proceedings, some one must assume, as His Excellency's adviser, the responsibility for His Excellency's refusal to grant a dissolution in the existing circumstances; and until His Excellency has an adviser who will assume this responsibility, I submit that this House should not proceed to discuss any matters whatever.

Mr. SPEAKER: The right hon. gentleman is technically right. The motion to adjourn is not debatable. The right hon. gentleman (Mr. Meighen) stated that he did not intend to debate that motion but he wanted to make a statement. Under the circumstances, according to Bourinot, he should be allowed to make a statement.

Mr. MEIGHEN: The only statement I wish to make is this. I think on the question of the completion of the session there should be a conference between the Prime Minister and myself, in which conference I am prepared to engage.

Mr. MACKENZIE KING: There is no Prime Minister—may I emphasize that? When there is a Prime Minister he may come to this House and announce his policy and his wishes.

Mr. MEIGHEN: Until when is the House to adjourn?

Mr. MACKENZIE KING: I assume until to-morrow.

Motion agreed to and the House adjourned at 2.15 p.m.

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## Tuesday, June 29, 1926

The House met at two o'clock.

### GOVERNMENT OF MR. MEIGHEN

FORMATION OF MINISTRY—PROGRAMME OUTLINED—STATEMENT PRESENTED BY SIR HENRY DRAYTON

Sir HENRY DRAYTON (Leader of the House): Before the proceedings open I desire to give to the House a statement prepared by the right hon. the Prime Minister (Mr. Meighen) in connection with changes in the ministerial situation. The statement is as follows:

Immediately following the resignation of the late government and the adjournment of the House yesterday, His Excellency, the Governor General sent for the Right Honourable Arthur Meighen, leader of the Conservative party and requested him to form a new administration. Mr. Meighen advised His Excellency last evening that he would undertake this task, and was sworn in this morning as Prime Minister, Secretary of State for External Affairs and President of the Privy Council.

Having in mind the fact that the present session has now continued for almost six months, and is very near its close, Mr. Meighen believed it to be the first duty of any government he might form to conclude with all convenient despatch the work of the present session. Such a course in preference to a somewhat prolonged adjournment was demanded also by a just regard for the convenience of hon. members, especially those who come from a great distance.

It was manifestly impossible to effect this result if a government was to be formed in the usual way and if ministers were to be assigned portfolios necessitating the vacating of their seats and consequent by-elections. The delay thus involved would, especially at this period of the year, have entailed unnecessary hardship. The Prime Minister accordingly decided to constitute and submit to His Excellency a temporary ministry composed of seven members, who would be sworn in without portfolio, and who would assume responsibility as acting ministers of the several departments.

Some hon. MEMBERS: Oh, oh!

Sir HENRY DRAYTON: I am delighted to hear the applause of hon. gentlemen opposite and to note their anxiety to have the session brought to a close.

An hon. MEMBER: Read the statement.

Sir HENRY DRAYTON: Hon. gentlemen are unnecessarily alarmed. Let me repeat the statement which they apparently approve:

The Prime Minister accordingly decided to constitute and submit to His Excellency a temporary ministry composed of seven members, who would be sworn in without portfolio, and who would assume responsibility as acting ministers of the several departments.

This step has been taken and the following members have accepted office as ministers without portfolio:

Sir Henry Drayton.
Hon. R. J. Manion.
Sir George H. Perley.
Hon. H. H. Stevens.
Hon. Hugh Guthrie.
Hon. W. A. Black.

Honourable R. B. Bennett is on his way to Ottawa from Calgary and will be asked to accept similar duties upon arrival. Sir George Perley will, during Mr. Meighen's absence from the House, have charge of matters affecting the Department of External Affairs and of the Privy Council.

These men have been assigned responsibility as acting ministers as follows: Sir Henry Drayton, Finance department and Railways department. Honourable R. J. Manion, Department of Health, Department of Soldier's Civil Re-establishment, Post Office department, Immigration department, and Labour department; Sir George Perley, Department of Secretary of State and Department of Public Works; Honourable H. H. Stevens, Customs department, Interior department, Department of Indian Affairs and Mines, Agriculture department, and Trade and Commerce department; Hon.

Hugh Guthrie, Department of Justice and Department of National Defence; Honourable W. A. Black, Department of Marine and Fisheries.

Mr. Meighen having accepted an office of emolument under the crown, namely that of Prime Minister, has thereby vacated his seat, and has asked me to assume temporarily the duty of leading the government in the House. As already stated the government deems it its first duty to give parliament an opportunity of dealing with all such matters as should be disposed of prior to the close of the session. Among these is the resolution of the Honourable member for St. Henri, for adoption of the report of the special committee which investigated the Department of Customs and Excise, and the amendment thereto of Mr. Stevens, as amended by the amendment submitted by Mr. Fansher. The government feels that under all the circumstances it has no other course than to ask the House to take up and dispose of this subject in the same way as others which appear on the order paper. While in opposition the present Prime Minister announced to parliament the acceptance by his party of the amendment moved by the Honourable Mr. Stevens, as amended by the amendment of Mr. Fansher. This position the same party takes now when in office and the adoption of such amendment so amended represents the view of the government and the advice of the government to the House. So soon as prorogation takes effect Mr. Meighen will immediately address himself to the task of constituting a government in the method established by custom. The present plan is merely to meet an unusual if not unprecedented situation.

## PRIVILEGE—MR. MACKENZIE KING

Right Hon. W. L. MACKENZIE KING (Leader of the Opposition): Mr. Speaker, I rise on a question of privilege to read to the House an article which appears in the morning press—I am reading from the Ottawa Citizen of June 29, but I assume that the same article has appeared in other papers throughout the Dominion. As the article contains a reference to His Excellency the Governor General which reflects on His Excellency as well as on others, I think it important that an immediate statement should be made with reference thereto. The article is as follows:

The Canadian Press understands that His Excellency the Governor General consented to sign only such of the appointments submitted to him by the Prime Minister as had been made on Friday, before the adverse votes to the government, and these included the two senatorships, W. M. MacDougald, Montreal, Quebec, and Dr. Daniel Riley, High River, Alta., and the judgeships already announced, as well as the two appointments to the Civil Service Commission, these being made Friday.

[Sir Henry Drayton.]

The government had also determined appointments to the vacant senatorship in Nova Scotia, to two judgeships in Quebec, and one judgeship in Ontario, it is stated, but as these were not submitted to His Excellency until after Friday's votes, Lord Byng felt himself unable to assent to them.

To the last paragraph I give an emphatic denial. Not one word of it is true, Mr. Speaker. The paragraph to which I give denial is this:

The government had also determined appointments to the vacant senatorship in Nova Scotia—

Appointment to the vacant senatorship in Nova Scotia was never determined by the government and no recommendation whatever was made to His Excellency in reference thereto.

—to two judgeships in Quebec and one judgeship in Ontario, it is stated, but as these were not submitted to His Excellency until after Friday's votes, Lord Byng felt himself unable to assent to them.

May I say as the one who was occupying the position of Prime Minister at the time, that I did not present a single order to His Excellency the Governor General which His Excellency declined to accept at the time, except the one order asking for dissolution of this House, which His Excellency said he was unable to assent to.

While I am referring to this matter, Mr. Speaker, may I draw Your Honour's attention and the attention of the House to the position which I took with His Excellency after the last general election? I then took the position that owing to the uncertainty which existed as to the control of parliament, I would not ask His Excellency to make any appointments to office, nor would I commit the government to any new course of action without the House in the first instance deciding upon the party that had the right to carry on. I shall expect that the Prime Minister now in office will give the same undertaking to His Excellency—that no appointments will be made and that the government will not be committed to any new courses of action until it is definitely known whether the right hon. Prime Minister enjoys the full approval and confidence of this House.

Sir HENRY DRAYTON (Leader of the House): Mr. Speaker, I hasten to assure my right hon. friend that the right hon. Prime Minister (Mr. Meighen) will conduct himself in his office with the most perfect propriety.

## REPORTS

Eighth report of the select standing committee on Miscellaneous Private Bills—Mr. Brown.

Ninth report of the select standing committee on Miscellaneous Private Bills—Mr. Bowen.

## FREE METHODIST CHURCH OF CANADA

Mr. A. E. ROSS (Kingston City) moved:

That the promoters of Bill No. 111, an act to incorporate the executive council of the Free Methodist Church in Canada, having signified their intention of not proceeding further with the said bill during the present session of parliament, the bill be withdrawn.

Motion agreed to.

## PRIVATE BILLS

Mr. FRED W. BOWEN (Durham) moved:

That in accordance with the recommendations contained in the ninth report of the select standing committee on Miscellaneous Private Bills, all bills reported in the eighth and ninth report of said committee be placed on the orders of the day among private bills for consideration in committee of the Whole this day.

Mr. FRANK S. CAHILL (Pontiac): Mr. Speaker, I think there are certain names mentioned in one of the reports that I may have to object to. Therefore I ask that this motion stand as a notice of motion.

Mr. SPEAKER: Stands as notice of motion.

## CUSTOMS INQUIRY

REPORT OF SPECIAL COMMITTEE—MOTION FOR CONCURRENCE AND AMENDMENTS THERETO.

The House resumed from Friday, June 25, consideration of the motion of Mr. Mercier (St. Henri) for concurrence in the report of the special committee appointed to investigate the Department of Customs and Excise, and the proposed amendment thereto, as amended, of Hon. Mr. Stevens.

Mr. FERNAND RINFRET (St. James): Mr. Speaker, before I attempt to resume this debate, I cannot resist the temptation to outline the different aspect that this House has taken since the last time we met. If my memory went back to only a few months ago, I think I could find fluttering around me some of the arguments that my hon. friends opposite—now pretending to be the government—used at the time regarding what they called the "truncated and incomplete" government of that time. I look in vain at the gallery, and I wish my eyes could pierce the walls, to see if I might not find in the lobby the pretended Prime Minister of to-day. I see before me some of the ministers who are without portfolios, although at the same time every one of them pretends to act for a number of departments. The hon. member for Fort William (Mr. Manion) and the hon. member for Vancouver Centre (Mr. Stevens) are each burdened with five or six departments, although they were eager at the time to claim that no government could function under circumstances which were much better than we find them to-day. We were also told, Mr. Speaker, that the Hon. Mr. "Myself" had been called to take charge of the Department of Finance. I was just going to rise to a point of order and state that we had never heard of such a gentleman, and to inquire as to his identity when we found that it was no other than the same gentleman who early in January was so definite in stating that no government could function under such conditions. I am surprised to see the hon. member for West York (Sir Henry Drayton), enter into a combination completely opposed to the stand he took in the House in the early days of this session.

If I say this, Mr. Speaker, it is merely to underline the fact that our revered leader took the proper course when he advised dissolution, and I am sorry that we of the Liberal party have not been allowed to bring before the people of Canada, who after all are the real judges, the question which has come to a crisis in this House. It is well to point out that politicians should be very careful in the stand they take in this House. In speaking for two months at the opening of the session hon. gentlemen opposite made it very easy for us to find a heap of arguments, a lot of statements, the character of which may not suit us but which would very well depict them in their own words. Perhaps I may be permitted to add that whether he sits as the Prime Minister or merely as the member for Prince Albert, we of the Liberal party are united in the fullest admiration and confidence in the Right Hon. William Lyon Mackenzie King.

As for the debate which we are continuing to-day, I am under no difficulty whatever in making the statements I should have made had I remained on the other side of the House. I hold the same views; I have the same arguments to present and circumstances have not in the least altered my opinion of this report and the amendment which has been moved. I say that because I think we should approach this question without the least sense of partisanship and look at it squarely and frankly. I think on the whole the speeches which have been made not only by the ex-ministers, if I may call them so, but by some of the independent members as well have been above partisanship, and it is my intention to do likewise. But I would like to put this principle first, that if we show no partisanship in the defence of our case we should expect none in the attack. When I heard members sitting on these benches, now

sitting across the floor, applauding some of the speeches made during the course of the debate, I could not help thinking that these members were less concerned in reforming the Customs department than in embarrassing the then government. They were not so anxious to prevent smuggling as to smuggle themselves into power if they could. And it reminded me of a scene during the last campaign in our province. I attended a political meeting of one of the candidates then representing Mr. Patenaude, who perhaps will represent Mr. Meighen to-morrow, and he was depicting the ruin which he claimed had come over this country. The more ruin he depicted the more applause he commanded from his Tory hearers; the more gloomy his picture the more enthusiasm he created, and when he finally concluded by saying that this country was on the very verge of bankruptcy nothing could control the exuberance of those good Tory patriots. I had the same impression when listening to some of the speeches during this debate. An hon. member who sat on that committee depicted what he said were the conditions of smuggling in his own province, and the more cases he brought before the attention of the House the louder became the applause of the Conservative members sitting around him. It was easy to see, Mr. Speaker, that hon. members were rejoicing over what they thought they had found, and were only too sorry that they could not find more. That was the measure of their patriotism, and that is what I want to prevent when dealing with this matter. I would like to deal with it not as a member of the Liberal party, not as a member of the Conservative party, but rather as though I belonged to the third party, who claim that they should have the deciding voice in this contest.

The hon. member for Mackenzie (Mr. Campbell) took the stand that we were the defendants, the other side the prosecutors and the third party the jury. I would be quite willing, Mr. Speaker, to take him at his word, but I would not leave it to him alone to decide or to the three or four other members of that group who appear to be of the same opinion. I would be willing, however, to leave it to a majority of the independent party. If the hon. member takes the stand that neither the Conservatives nor the Liberals should vote because they are prejudiced by party spirit, to follow his own reasoning he should himself follow the majority of what he calls the independent jury. Has anyone ever seen in the justice courts of this country a case decided by a minority of the jury? If you have a jury composed of twenty-five or thirty members would any case be decided by five of those members as against the wishes, the opinions, and the decision of the remainder of the jury? I say to the hon. member for Mackenzie that if he wishes to be consistent—and I will give him every credit for sincerity—instead of registering his own vote against the motion and perhaps later on against the ex-government, he should rather find out the opinion of the majority of the independents in this House, and he and all other members of that group should then unite to see that that sentiment is carried in the House. Any independent member who holds the view that neither the Liberals nor the Conservatives are unprejudiced in this matter should not vote according to his own individual viewpoint, but he should vote in order to see that the wish of the majority of independents is carried out. That is why I say that when the hon. member for Mackenzie (Mr. Campbell) or any other member votes censure of the ex-government in this matter or of the ex-Minister of Customs, he is following only his own individual opinion; he is not following at all the opinion of the majority of independents in this House.

I now come to the report, and I desire to say that I am in accord with much that is contained in it when it was first presented to the House. The hon. member for Vancouver Centre (Mr. Stevens) said that the committee had been unanimous in bringing in this report; but we should take into consideration the fact that unanimity in such a report is always arrived at by way of compromise on certain matters dealt with in the report. The hon. member for Vancouver Centre told us that there had been reservations regarding the minister, and that on that point the committee could not agree, that there was a composite opinion. I look to the proceedings which are printed with the report, and I can see very well, Mr. Speaker, why there was a diversity of opinion on the matter of censuring the minister. It was simply because members on the other side of the House who formed part of that committee were willing to censure the minister, and were even willing to include censure of such hon. members on this side whose names had come before the committee, but they were perfectly unwilling to include in the report the names of hon. members of their own side of the House. That, Mr. Speaker, was the nature of the difference of opinion which obtained at that time. It was a remarkable state of things, and it should be pointed out even to-day that hon. gentlemen opposite wished to exercise

undue severity where an hon. member of this side was concerned, but they became remarkably lenient when a member on their own side was concerned, and were prepared to consign all such matters affecting their own side to oblivion. If there was a composite opinion during the preparation of this report, it was only on that point. The Liberal members on the committee had no censure to offer of hon. members, whether on this side of the House or on that, who had followed the established custom of making representations to the department on behalf of certain of their constituents. The member representing the Progressive party on the committee was in favour of censuring all the members whose names had been exposed before the committee; he would not consent to censuring the minister alone. These were both logical attitudes to take. What is to be thought of hon. gentlemen on the other side who want to exercise the strictest kind of severity against either our minister or the members of our party, and at the same time plead for the fullest measure of indulgence for members of their own party who had done the very same thing, only that one happened to be a Conservative and the other a Liberal. That is the stand that was taken on that matter in the committee.

The report gives us certain findings, the most radical in my opinion being contained in clause 6, which says:

> The evidence submitted to the committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency and that the process was greatly accelerated in the last few years.

Without discussing, Mr. Speaker, whether the evidence submitted justifies that finding, we find the Conservative party taking the stand that the only words in that paragraph which count and to which they assent are the words applying to the four years we have been in power. Though they admit that the Department of Customs had been slowly degenerating for a long time, the only charge they make against this government is that it had not been able to stop that process of degeneration which had started under the Conservative administration.

Let us see what the Liberal government in office tried to do to stop that process of degeneration, which in the opinion of the hon. member for Vancouver Centre himself, had obtained in that department for a long time. The House has been reminded of the fact that the ex-government put legislation through the House in order to make the preventive service more effective. It has also been pointed out to the House that the ex-government had entered into a treaty with the United States in order to make the prevention of smuggling between the two countries more effective. It has also been pointed out to the House that before this committee was asked for, the Minister of Customs had started a departmental inquiry, and it is only to his credit to state that the main findings of the committee were nothing else but a substantiation of what had already been found out by Mr. Duncan, acting under the very instructions of the then Minister of Customs. We have in this country a situation which is to-day unprecedented as regards the administration of the Customs department. It has been said before, and I wish to emphasize it, that we have a border 4,000 miles long to protect. We have, on the other side of that border, and in some of our own provinces on this side of the border, laws prohibiting the use of alcoholic drinks, which are in themselves the strongest incentive to the smuggling of alcohol on both sides of the border. We have had at the same time the development of a system of good roads and the enormous development in the automobile industry, which two combined have afforded to the smuggler every facility that he could ask for in order that he may carry on his contraband trade. These are the conditions the ex-government had to contend with; and to these conditions, in my opinion, the development of smuggling between the two countries is due to a great extent. The hon. member for Vancouver Centre has dealt at length with the treaty which was negotiated with the United States. But let us see what the conditions in that country are? Are they any better than in Canada? Will it be claimed that the Coolidge administration does not enjoy the confidence of the people of the great republic or that it has displayed energy in seeking to stamp out this evil? Yet the Coolidge administration has not been able, any more than we have, to contend with this problem and to solve the difficulties created by the new conditions which now exist between the two countries. Therefore why should we censure the late Canadian government because it has not been able, with less resources at its command and in the same amount of time, to solve a problem which the Coolidge administration has failed equally to solve? The problem with respect to the smuggling of alcohol still confronts both countries, and both countries are trying to fight it. They have entered into a treaty in order to try and cope with it more effectively; and if they have not succeeded in doing so on the other side of the line, or if we in Canada have been equally unsuccessful, it would be most unfair

to censure the late government and the ex-Minister of Customs for failure to deal with the problem.

In this connection may I quote paragraph 24 of the report? It reads as follows:

> The real solution of the difficulties at such points as Windsor, Niagara Falls, where traffic is heavy, and where a thorough examination of vessels and vehicles cannot be carried out, will be found in the discovery in advance by investigators of the secret service of the persons who make a practice of smuggling at these points, and their arrest when passing the customs barrier. The committee recommends that at bridges, ferries and main highways, where traffic enters Canada, in addition to the regular customs supervision, vessels and vehicles should be searched at frequent irregular and uncertain times. The uncertainty as to what vehicles will be examined, and as to when such examinations will be made, should operate as a strong deterrent of smuggling.

I draw your attention, Mr. Speaker, to this paragraph. Do you not see that it admits the great difficulty which exists in the prevention of smuggling at such points as those referred to? Even hon. gentlemen opposite themselves do not say that the government or the department can stop this contraband traffic. They recommend, in consquence, the hiring of secret service men who—at uncertain periods, at irregular intervals and secretly—shall proceed in such a way that they may be able to catch some of the smugglers. But is there not evidence in this very paragraph that the problem is a most difficult one to deal with, and that it would be most unjust to censure the government because—although it has improved conditions to some degree—it has not finally succeeded where other governments have failed to achieve success? And is it not the height of injustice for the hon. member for Vancouver Centre to have stated, as he did, that the late government had entered into partnership with a group of bootleggers? Could any statement be more immoderate or more unjust in view of the difficulties of dealing adequately with a problem so baffling and so intricate in its character as this one?

I have said already that the recommendations of the committee had been unanimous, but may I point out that there was unanimity merely because of the necessity for compromise which always arises with the framing of such a report as this. Actually there is not unanimity with respect to that report; I know several members opposite who do not agree with its recommendations. Then why do they support those recommendations? For no other reason, and I wish to emphasize the point very strongly, than to gain a political advantage. They will support a report in whose recommendations they do not believe—and perhaps the same may be said as to some hon. members on this side also; I am not trying to be partisan in any way—for the sake of endeavouring to secure censure of the late government, which simply resolves itself into a question as to which party shall succeed to the treasury benches and nothing else. Now my argument is that if we could remove such political considerations from the report, if we could suppress any amendment that would have a tendency to obscure the real issue, we could deal with the findings of the committee in a way that would be useful to the country. But if the issue is merely to endeavour to place one party in the right and the other party in the wrong, then all the advantage which the country should derive from the customs inquiry will be lost. We should come to the consideration of the report animated by a desire to see whether its recommendations are in the best interests of the country and of the Department of Customs and Excise. We have not been able to do that. Why? Because in the five or six days of debate that have taken place there has been nothing but jockeying for position in the House and to obtain power, which in my mind is a much less important matter than that of curing the evils which lie at the root of the customs problem. That brings me back to my first line of argument, which is this: Although hon. gentlemen opposite pose as saviours, as angels of purity, struggling to combat with all their strength what they call corruption, they do not seem anxious at all to reform the Department of Customs and Excise. They are merely seeking to create an issue whereby they may possibly gain a temporary advantage and form a temporary—in my opinion very temporary—government such as we have to-day.

Then, Mr. Speaker, the inquiry has not been completed in so far as the ground which should be covered is concerned. Nobody denies that. I do not take any stock in the argument that the inquiry was confined to the province of Quebec, my argument would be the same if the inquiry had been confined to the province of Ontario; but my contention is that the investigation should be extended to all the provinces of the Dominion and cover all parts of Canada before we affirm any opinion as to what the situation in respect to the Department of Customs and Excise is. There should be a full and complete inquiry; it should not be limited to one province. There is another reason why we supported an amendment the other night asking for a judicial commission to continue this inquiry and make it complete. It has

not been complete as to years; it has covered only the last four or five years. It may be interesting to find out to what extent Conservative members on the committee were justified in stating that for a long time the Department of Customs had been degenerating. The scope of the inquiry should be enlarged so as to cover not only all Canada, but all Canada over a period of years, in order that the House may come to a proper decision on a matter of this kind.

As I have said my hon. friends opposite were not concerned about reforming anything except their own position in this House, and they think they shall have achieved their aim if they can put through a motion of censure that will leave this matter where it is. For that purpose—and I am sorry for them because I think this is a grave injustice—they have singled out the former Minister of Customs claiming that he personally in the discharge of his duties during the last number of months has come under the censure of the House.

As members of this House and public men—and again I do not speak as a partisan—we should be fair; we should admit conditions of public life as we find them and as they are. I was elected seven years ago; I am not an old member; but I have been long enough in public life to know that our constituents come to us and ask us to do services of all kinds for them. They regard us, every member in every individual constituency, not only as legislators, not only as their representatives in this House, but as public men to whom they can come when they are in distress and in need of help. If we go one step higher and come to the ministers of the crown, it is our duty or at least it has been the established practice in this country for us to go to them and to plead for benevolence on behalf of our constituents. These are conditions that have obtained in this country under all regimes and all governments of both political parties.

Our constituents come to us with requests not only in connection with the Customs department but in connection with every department of the public service. For instance they want to bring in immigrants who perhaps do not strictly conform with the requirements of the law but who, by the discretion of the minister, may be allowed to enter. When a man has been sentenced for a number of years and has served part of the sentence they ask us to apply to the Justice department to have him liberated on parole. They come to us to obtain delays in payment of their taxes because they are embarrassed in their business. There is no service of any kind that they do not expect from their member.

At the same time I think we can say that on both sides of the House, whenever such a demand is made upon us, we make it our duty to go to the minister. It has been established in this debate that such has been the practice of members of all parties, even of the opposition, to go to the minister on behalf of constituents. If my words are too strong I will bow to your ruling, Sir, but I speak in a general way not applying my remarks to anyone in particular. Are we going, whether in power or in opposition, to take the hypocritical stand in this House that what everyone of us—and I apply this to myself as a member now—has done many a time and thought it our duty to do, will become a crime because it has been found out before a committee of inquiry of this House? I for one will not stand for such a thing. I do not know what the decision of the House will be on the motion of censure towards the ex-minister of Customs, but he has my full support because I realize that what has been asked of him has been asked of our ministers by every one of us. I will never try to screen myself because they have not found me out and have found someone else out. It is nothing short of sheer hypocrisy to try to make a crime out of what the ex-Minister of Customs has done in this matter when the same thing has been asked for and done over and over again and will be done again in the future by everyone intrusted with such responsibility.

3 p.m.

If there is any censure in this matter I claim my share of it as a public man and I claim the same share of censure for every public man in this House. If you do not want such conditions to obtain, do away with the discretion you give to the ministers, because there is no doubt there was a discretion left to the minister in this case. If he had had no discretion how could his intervention have been made effective? If he could not interfere, how could his interference have had any effect in having the sentence delayed? The fact that he did interfere and succeeded in having the man's sentence suspended is sufficient proof to me that he had discretion in the matter. If he had had no discretion he could not have exercised any effectively.

In this very debate we have had before us cases showing that this has been done before. The ex-Solicitor General (Mr. Cannon) in a very remarkable speech pointed to the details of the Plamondon case. He could have

read a part which I have before me and which shows that the Plamondon case was only one of many which are on record in this very inquiry. At page 2153 we find the evidence of Richard Alleyn on Wednesday May 19. After dealing with the Plamondon case, the Hon. Mr. Bennett puts this question:

The arrangement was approved of by the department, by which he was to do so?

Mr. Alleyn's reply is:

Yes. As a matter of fact, in the other six cases the department did not want those persons sentenced to jail; they told us they did not wish these people to go to jail; not only in the Plamondon case.

Here in four lines of the report are seven cases which are the same as the case of Moses Aziz and which occurred under the regime of the Conservative party.

An hon. MEMBER: What date?

Mr. RINFRET: The Plamondon case was in 1920. There are six other cases bunched up as the departments are now bunched up in the hands of several of the hon. gentlemen opposite.

The hon. member for Mackenzie (Mr. Campbell) after he had finished his speech was reminded that he himself only a few months ago, indeed in April last asked the same favour from the Department of Justice and it was referred to the Department of Customs. The case was exactly the same. Here was a man who had been convicted of making home brew and who could not pay his fine. The hon. member for Mackenzie thereupon asked, and properly so, that he be given time to pay up so as to avoid his being sent to jail. He applied to the Department of Justice and his application was transferred to the Department of Customs; and so much was it a matter of routine that it never even came before the minister of that department. It was decided to suspend the sentence. Now what is the difference between that case and that of Moses Aziz, which the hon. member has described as criminal? So far as I can see the two are identical; it is the same sort of offence. In both cases the man is sentenced to gaol; in both cases a member of parliament applies to the department for suspension of sentence; in both cases the sentence is suspended. I can see no difference whatever between them, and it is strange that the hon. member for Mackenzie should argue that it is a crime to suspend a sentence in August, 1925, but very proper thing to suspend one in April, 1926. I see no difference at all. And the Plamondon case is more striking. Here was a man who was caught in possession of an illicit still. He was sentenced to imprisonment, and not only was sentence suspended, but upon his becoming informant against other people he was paid by the department a sum equal to the amount of his fine. He received for informing against others money enough to discharge his fine, with the result that he was not punished at all. That was done under the government of my hon. friends opposite.

Now as an ordinary member of the House and not as a member of the party to which I belong I ask hon. gentlemen this question: Why should we single out the ex-Minister of Customs (Mr. Boivin) and try to make a case against him in respect of something which has taken place under various administrations at the instance of various members of parliament? I hold that it would be the height of injustice and hypocrisy on the part of this House to adopt a vote of censure on the ex-minister in a matter of this kind.

This is not a question of mere justice. It seems to me that justice devoid of all other considerations is merely another form of injustice. If we want to do away with all possibility of appeals to ministers, then we should in my opinion fully accept the proposal contained in the amendment to the amendment, and abolish all ministerial discretion. If under such circumstances a minister, having no authority to exercise any discretion in a matter of this kind, undertook to use his own judgment then he would be liable to censure. But under existing conditions I cannot see any reason whatever why we should single out the ex-Minister of Customs and try to derive from the inquiry some political advantage for the party opposite. It is very poor politics indeed for this House to attempt to give any party such an advantage at the expense of the reputation of a minister who, I contend, deserves no censure at the hands of hon. gentlemen.

I have not dealt in detail with this case because it has been fully reviewed in the House. I merely wanted to remind the House that other cases of a similar character had been brought to light. We could, I have no doubt, find many other instances if we went through all the files under any government. This case is insignificant in itself, and is it not remarkable that although the inquiry has lasted many months and, as my hon. friends opposite admit themselves, was conducted in the most impartial way—in fact some of them are inclined to think that the party then in power rather erred on the side of too much impartiality, having to bend backwards in order to be straight—yet this is the only matter which the investigation has been able to bring out. Not a single

case of bribery, not one instance of unlawful profit of any kind, not one charge against the honesty of any of the members of the government or of any of the members of this party has been disclosed. Is it not, I ask, a remarkable fact that practically the only matters which were brought out before the committee were such as had been discovered by Mr. Duncan himself, who carried out his investigation on the instructions of the then Minister of Customs. If we remember that the conditions obtaining between this country and the United States to-day are quite abnormal, owing to the existence in that country of the prohibition law and the extended facilities of which the bootleggers have been able to avail themselves, we can readily understand that smuggling should have been engaged in on an extensive scale. It seems to me, therefore, that far from censuring a group of men who have done their very best to improve the conditions that have arisen as a result of the introduction of prohibitory laws on the other side of the line, the members of this House, and more particularly the independent element, should continue to co-operate with us, and instead of adopting this motion of censure, which will lead nowhere, accept the main motion so as to have the recommendations of the committee carried into effect. It is necessary in my opinion that the investigation be continued, and this party supports that view. The inquiry should be made exhaustive in all parts of the Dominion, and should cover an adequate period, to enable us to understand just what has been the situation, not only in the last few years but over a more extended time. Only in the light of such a complete investigation can the public form a proper opinion on this question.

Just a word more with reference to the motion of censure. In previous parliaments when there were but two parties and when the government could command a clear majority among its supporters, a motion of censure was a very different thing from what it is to-day. In those days, when an opposition moved a vote of censure they had no hope that the motion would carry, with a consequent defeat of the government and the abandonment of the work of the session. It was merely a way of recording an opinion. The party wanted to go on record that regarding a certain question it differed in opinion from the government, and so it voted for the motion, which was defeated by a majority of the supporters of the administration. It was, as I say, merely a matter of record before the country. To-day however the situation is different, and with a motion of censure against a government there is involved not only the defeat of the government but the destruction of the whole governmental programme. That was the situation when the motion of censure was moved last week. Now we have been sitting here for six months and putting through legislation of a very varied character—legislation which did appeal at times to all members of the House and on other occasions to the majority. Certainly not one of these measures was defeated, some having passed unanimously; and practically all of them have gone to the Senate.

I urge that the independents—who, as they themselves say, form the jury in this House—when voting on this amendment must not lose sight of the fact that by their vote they will also decide as to which of the two parties shall retain the reins of power and, what is more important still, as to what political spirit shall prevail in this country. I appeal to my Progressive friends, some of whom have been in the House for the last five sessions, while others have been here only for this session, that, although they are a small minority to-day, they represent the wishes and the aspirations of the west very much as do our Saskatchewan friends of the Liberal party—I ask them, have they not found in the late government a true friend, the first government that was ever really anxious to try to do something for the provinces that they represent? That is an important point. "Oh," you may tell me, "we may secure a certain degree of assistance from the new supposed-to-be government"—to speak as our friends opposite did of us last January. To which I reply: "How long will it last? Will it last until the next budget speech, unless the new minister then renounces the whole Conservative programme? It can not." So I say to these independent members representing western constituencies that in considering how they will vote on this motion of censure they must have an enlarged outlook and view the whole political situation; they cannot take an isolated view and regard this particular case alone. If I were a Progressive member and told my constituents on my return home this summer, "Well, the Liberal government during the past six months yielded to our demands for the continuation of the Hudson Bay railway, they gave us a measure of rural credits, they tried to put through the House an Old Age Pensions Bill, and they gave us other legislation;" naturally my constituents would say, "That is very good. We hope you gave the Liberal government full support." What would they say when I re-

plied, "No, I withdrew my support because a certain man in New Brunswick was gaoled in the month of December instead of August." I think my constituents would tell me that not only was I ungrateful to vote against that government, but that I lacked foresight in turning out of office such a government and putting in its place the very party who have steadily refused all these measures and opposed them until this year, when they modified their stand because they thought they might possibly make an agreement with the Progressive party.

It is a matter of record, Mr. Speaker, that while the Conservative party has tried to divide this country on economic problems, has tried to draw the east against the west, we of the Liberal party in the east have stood for co-operation between all the provinces. We who went through the last federal campaign in Quebec remember that our Conservative friends told us—and I wish my Progressive friends to listen to this because it is very important—they told us that we had sold Quebec to western interests. That is how they tried to prejudice us in the eyes of our people. That was the strategy of my hon. friends opposite in the last election, and that will be their stand again as soon as they feel they can act independently of any Progressive support in this House. We all know that the Conservative party stand for selfish, private interests, and the King government has consistently opposed those interests in order to secure a good national understanding and to be fair and just with all the provinces. This is a matter of history, Mr. Speaker. It is a statement of facts, not mere argument.

Therefore before I move the amendment I would remind my Progressive friends that the issue now before us is very much greater than this paltry, shabby, lamentably insignificant case of Moses Aziz. It is even greater than the reform of the Department of Customs. The issue is not so much as to which government shall retain power, but what spirit shall prevail in this country. After having worked together during five years in an effort to foster a spirit of good-will between east and west, are we to go back to our constituents and report that the whole thing has fallen down because a poor individual who had in his possession a few bottles of liquor was not jailed in a certain month of the year? If we do so, what will our people say? I readily understand that hon. members on the other side should grasp this occasion to try to oust us from power and take our places, for they are playing the political game; but from the bottom of my heart I must say that I cannot understand that in the face of the circumstances a single independent member in this House should support such a move. It may be a vain hope, but in all sincerity I do hope that when our Progressive friends come to think over the situation they will at least agree that the Moses Aziz case is so paltry as to be unworthy of the consideration of this parliament for weeks and weeks. There are urgent national problems before this parliament which might more profitably engage our attention. I ask those members who have found in the Liberal programme all that they wanted in a broad, general way, whether they are going to falter now and abandon that programme for a paltry case of this kind. I cannot believe it, Mr. Speaker. Therefore I have every confidence in moving an amendment which will do away with the motion of censure and provide for the continuation of the inquiry on a larger and more effective scale, in order that all the facts may be presented to this House before we pass judgment. I move, seconded by Mr. Prevost:

That the amendment as amended be further amended by striking therefrom the following words:—

"The evidence further discloses that ministerial action has been influenced by the improper pressure of political associates and friends of the minister, or acting minister administering the department, resulting in the suspension and in some instances the abandonment of prosecutions against those charged with violation of the statutes, and in the loss of revenue to the country. Moreover successful appeals have been made to the minister and acting minister administering the department to improperly interfere with the course of justice between the conviction of the offenders and the execution of judgment thereon. The Prime Minister and the government had knowledge for some considerable time of the rapid degeneration of the Department of Customs and Excise, and their failure to take prompt and effective remedial action is wholly indefensible. The conduct of the present minister of the department, the Honourable George H. Boivin, in the case of Moses Aziz is utterly injustifiable".

By adding after the words "for reasons of political expediency" at the end of the second paragraph thereof, the following words: "or personal advantage".

And by adding to the proposed addition to paragraph four of the report of the committee, after the words "and to prosecute all offenders" the following words: "and to examine former ministers of the Department of Customs and Excise with respect to any matters which in the opinion of the commission may reflect on their administration;

The said commission to be composed of three judges, one to be nominated by the Prime Minister of Canada; one by the right honourable the leader of the opposition; and one by the honourable the leader of the Progressive party, said commission to have all the powers conferred upon such commissioners under the Public Enquiries Act;

The said commission to have power to make findings and recommendations, and to report the same to parliament at the opening of the next session together with the evidence taken before said commission".

In so many words, Mr. Speaker, this amendment would do away with the mention of

censure and would provide for the establishment of a commission to continue the inquiry as I have indicated.

Sir HENRY DRAYTON: I rise to a point of order. I submit that it does not require very much debate to demonstrate wherein this amendment is entirely out of order. The House has already determined that the words referred to in the Stevens amendment shall stand. The object of this amendment, as shown by the speech of the hon. member, is to strike out the Stevens amendment, upon which the House has already passed.

Some hon. MEMBERS: No, no.

Sir HENRY DRAYTON: Hon. gentlemen say no. This House has already said that the words of that amendment shall not be struck out, and it has been passed upon to that extent. As to that there is absolutely no question.

Some hon. MEMBERS: No, no.

Sir HENRY DRAYTON: I hear murmurs of no, no. I would like to know what else was the object of the amendment offered by the hon. member for Winnipeg North Centre (Mr. Woodsworth). The whole purpose was to strike out these words and get rid of censure, which is the purpose here. It is entirely against the rules of the House to again submit a question upon which the House has already passed.

That is my first point; my second is very short, and I am sure it is well known to you, Sir. Under the practices when the House amends a motion or a proposed amendment in its latter part the former part cannot then be amended. Here in this case by the adoption of the amendment proposed by the hon. member for Last Mountain (Mr. Fansher) this House amended the latter part of the Stevens amendment, and by so doing prevented amendment to any of the foregoing part of that amendment.

Hon. ERNEST LAPOINTE (Quebec East): Mr. Speaker, if the reasoning of my hon. friend were to be accepted, it would be very difficult indeed to ever move more than an amendment to the amendment which is before the House. But my hon. friend was entirely wrong when he said that the House had already voted in favour of retaining the words which are moved to be struck out by the present amendment. What the House adopted was the amendment offered by the hon. member for Last Mountain (Mr. Fansher):

That the words "and that the committee for such purposes be revived"—

—be struck out and that they be replaced by certain other words, but he moved to strike out only the words "and that the committee for such purpose be revived." The House has never voted in the way my hon. friend has intimated, and even if the amendment of my hon. friend from Last Mountain had been to strike out all the words of the amendment of the hon. member for Vancouver Centre (Mr. Stevens), it would only be for the purpose of replacing them by other words as moved by the hon. member for Last Mountain—striking out some words to replace them with others, not accepting those words absolutely. The only thing that has been adopted by the House is the amendment of the hon. member for Last Mountain, so much so, Mr. Speaker, that you now have to put the question for the adoption of the amendment of the hon. member for Vancouver Centre as amended. We have never voted to accept the amendment of the hon. member for Vancouver Centre. You have to put the question to the House, Mr. Speaker, in order that that should be voted on. There is no doubt in my mind that the amendment moved by my hon. friend for St. James (Mr. Rinfret) is absolutely in order.

Hon. HUGH GUTHRIE (Acting Minister of Justice): I think my hon. friend who has just addressed the House (Mr. Lapointe), if he will more calmly consider this question, will see that the objection is well taken. The position in brief is this: An amendment was offered by the hon. member for Vancouver Centre (Mr. Stevens), to which my hon. friend from Winnipeg North Centre (Mr. Woodsworth) offered a subamendment, which sought to change the amendment offered by my hon. friend from Vancouver Centre in very material parts. That amendment offered by my hon. friend from Winnipeg North Centre was negatived by the House. Subsequently the hon. member for Last Mountain (Mr. Fansher) moved a subamendment which was accepted by the House. So now we have the original amendment amended. It has already been amended by the amendment of the hon. member for Last Mountain, and has become a definite and distinct question, and we have a right to have that question passed upon by the House in that form—the original amendment as amended by the amendment of the hon. member for Last Mountain. It is true, as my hon. friend has said, that the amendment of my hon. friend from Vancouver Centre has never yet been voted on, but the form of the question to be submitted to the House was definitely settled

when the House adopted the amendment of my hon. friend from Last Mountain. It became then the amendment as amended, and the question to be put to the House is: Shall the amendment as amended be adopted? I submit that under the rules it is impossible to change the form of that question by striking out any portion of it, or by inserting any new words in it save at the end; it is permissible to add new clauses. The whole matter is very succinctly set out in Bourinot. In a reference to May's Parliamentary Procedure, the matter is so well put that I shall read it to the House. Bourinot at page 318, says:

It is laid down in the highest English authority that "when the House has agreed that certain words shall stand part of the question—

As we did when we amended the amendment.

Mr. LAPOINTE: Not at all.

Mr. GUTHRIE: That is my argument. It goes on:

"—it is irregular to propose any amendment to those words, as the decision of the House has already been pronounced in their favour, but this rule would not exclude an addition to the words if proposed at the proper time. In the same manner when the House has agreed to add or insert words in a question—

As we did by adopting the amendment of the hon. member for Last Mountain:

"—its decision may not be disturbed by any amendment of these words; but here again other words may be added."

I submit that the only opportunity of amending the question now is to add clauses at the end of it. The question as it should be submitted to this House has been settled as to form. If further clauses are to be added, they can be moved, but the precise language of the amendment as amended cannot be changed either by striking out or substituting certain other words. There have been many cases based on the dictum which I have just read to Your Honour, and I believe that it is a well understood and a well settled rule. If it were otherwise, this House would be undoing what we have already done. We have adopted the amendment offered by the hon. member for Last Mountain to the amendment offered by my hon. friend from Vancouver Centre. That is the decision of the House, and are we now going to negative what we have done by another amendment? It would make an impossible situation, and that is the reason for the rule. The only recourse now open to those who desire any change is to submit clauses which are additional and not by way of substitution.

[Mr. Guthrie.]

Right Hon. W. L. MACKENZIE KING (Leader of the Opposition): Mr. Speaker, I would like to draw your attention to what I said at the time the amendment to the amendment moved by the hon. member for Last Mountain (Mr. Fansher) was accepted. My words will be found in Hansard at page 5095.

Mr. Speaker, the amendment to the amendment before the House at the moment you stated a few moments ago to be identical in its phraseology and in its terms with the amendment moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth). Under the circumstances I see no reason why the amendment should not be accepted. In making that statement I wish, however, to make it perfectly clear that in accepting the amendment the government and hon. members of the House reserve their right to reject the amendment as amended or to amend the amendment as amended, as the rules of the House may permit. In these circumstances I think we will advance proceedings by a stage if it is understood that we on this side are prepared to accept the amendment moved by the hon. member for Last Mountain (Mr. Fansher) because it is in the same terms as the amendment moved by the hon. member for Winnipeg North Centre, for which we have already voted.

I submit, Mr. Speaker, that it was only on that understanding that the government at that time were prepared to accept the amendment to the amendment. If any objection had been raised, or if any opposite view had been expressed the debate would have been permitted to proceed without that amendment being accepted.

The hon. member for South Wellington (Mr. Guthrie) said a moment ago that the precise language of the amendment cannot be changed. I would submit to my hon. friend that if the precise language of the first part of the amendment is retained, then if it be true that we have a government in office opposite, that language will have to be changed, or hon. gentlemen opposite will be voting censure on themselves.

Mr. GUTHRIE: It cannot be changed without the consent of the House.

Mr. MACKENZIE KING: Further, it speaks of the conduct of the present minister of the department. We were informed a few minutes ago that the present minister of the Department of Customs is the hon. member for Vancouver Centre (Mr. Stevens) himself, so if it be true, Mr. Speaker, as my hon. friend from South Wellington has just said, that it is impossible to change the precise language of the first part of the amendment, then I am afraid hon. gentlemen opposite will find themselves in a strange predicament.

My hon. friend said a further word as to not negativing the early part of the amendment. What the amendment before the House

at the moment does is to amplify certain parts of the amendment as amended and to delete certain parts in accordance, as I have already said, with the right which the rules of the House give to amend the amendment to the amendment before it is considered.

Mr. GUTHRIE: My hon. friend the other day did refer to the right to make further amendment in accordance with the rules of the House. I would certainly say that right exists, but it must be in accordance with the rules. The point of order at the present time is that of the necessity of conforming to rules or to parliamentary usage.

Mr. MACKENZIE KING: May I make my point perfectly clear? In using the language I did, I was speaking directly to His Honour in a manner equivalent to asking His Honour to intimate if the construction I was there putting on the motion was not absolutely right, and no exception was taken.

Hon. H. H. STEVENS (Acting Minister of Customs and Excise): With all due deference to the right hon. gentleman, he can scarcely expect the House to accept an utterance of that character in the face of the actual rule. The statement was clear: He reserved the right on behalf of any hon. member, to move a further amendment within the rules of the House, and I want to say to him now that no one on this side would question for a moment that right within the rules. What we are challenging is this: We say that this amendment is not within the rules of the House on several very definite grounds. My hon. friend has quoted Bourinot but May, 13th edition, page 261, will also assist in the consideration of this question. I will also read from Beauchesne's Parliamentary Rules and Forms, and I desire to draw Your Honour's attention to perhaps two, if not three, distinct grounds upon which this amendment could be ruled out of order. The first ground is to be found in rule 336, which reads as follows:

> After a decision has been given on an amendment to any part of a question, an earlier part cannot be amended.

And so forth. It is very clear that the amendment moved by the hon. member for Last Mountain (Mr. Fansher) places this motion clearly within that rule, and makes it contrary to the rule to again amend it except by adding to the amended motion. These rules are not arbitrary or unfair. They are rules arising out of long years of experience, designed to keep questions within reasonable bounds of discussion, and to fix some period during which amendments or changes may be made in a motion. The second rule to which I would like to draw Your Honour's attention is rule No. 337, reading as follows:

> An amendment on a question must not be inconsistent with a previous decision on the same question given at the same stage of any bill or matter.

It will be recalled at once that the hon. member for Winnipeg North Centre (Mr. Woodsworth) moved that all the words after the word "instructions" in the original motion be struck out. That was his motion, and he added that certain other words should be substituted therefor.

Now, if Your Honour will look at the amendment submitted by myself, it will be found that the present amendment offered by the hon. member for St. James (Mr. Rinfret) strikes out precisely—no not precisely but almost precisely—the same words as the original amendment of the hon. member for Winnipeg North Centre struck out; that is it strikes out all of the main clause of the original amendment. I submit that on that ground also this amendment is distinctly out of order. Furthermore the House came to a decision on that very question; it decided by an adverse vote to reject the amendment of the hon. member for Winnipeg North Centre. The House declared that in its opinion the words which he moved to strike out should remain in the amendment. That I think must be admitted.

Mr. SPEAKER: From what number of Beauchesne's Parliamentary Rules and Forms is the hon. member quoting?

Mr. STEVENS: From rules Nos. 336 and 337. Rule 336 reads as follows:

> After a decision has been given on an amendment to any part of a question, an earlier part cannot be amended

And so on. Rule 337 reads as follows:

> An amendment on a question must not be inconsistent with a previous decision on the same question given at the same stage of any bill or matter.

Now I submit that this is in almost precise terms the same amendment as that offered by the hon. member for Winnipeg North Centre. Then I would draw Your Honour's attention to rule No. 338, which reads as follows:

> An amendment that is merely an expanded negative cannot be proposed by the Chair.

That may not be quite as clear, it may be a little more obscure, but I think it must become evident to Your Honour that the amendment proposed by the hon. member for St. James differs very little from what may be called an expanded negative. It is

another way to express a negative with respect to a question which has already been decided and rejected by the House.

Hon. R. J. MANION (Acting Minister of Soldiers' Civil Re-establishment): A citation from Bourinot has already been given but the rule is laid down so plainly in May, 12th edition, that I wish to read it even if it does involve a certain amount of repetition. On page 262 the author states:

Several amendments may be moved to the same question, but subject to these restrictions. No amendment can be made in the first part of a question, after the latter part has been amended, or has been proposed to be amended, if a question has been proposed from the chair upon such amendment.

The latter part was amended by the acceptance of the amendment of the hon. member for Last Mountain. I continue quoting:

—but if an amendment to a question be withdrawn, by leave of the House, the fact of that amendment having been proposed will not preclude the proposal of another amendment, affecting an earlier port of the question, so long as it does not extend further back than the last words upon which the House has already expressed an opinion.

Well, the last words upon which an opinion was expressed were those of the subamendment of the hon. member for Last Mountain, which were added to the amendment of the hon. member for Vancouver Centre. But let me read a little lower down, and the opinion in this is even more clear than in the other quotation. On the same page May says:

When the House has agreed that certain words shall stand part of a question, it is irregular to propose any amendment to those words, as the decision of the House has already been pronounced in their favour: But this rule does not exclude an addition to the words, if proposed at the proper time.

That is so clear and distinct that I think there is no way of getting around it. I should like to read it again if I may because it is so clear as to be unmistakable:

When the House has agreed that certain words shall stand part of a question—

And remember that in accepting the amendment of the hon. member for Last Mountain the House has agreed that it shall stand part of a question—

When the House has agreed that certain words shall stand part of a question, it is irregular to propose any amendment to those words, as the decision of the House has already been pronounced in their favour: But this rule does not exclude an addition to the words, if proposed at the proper time.

In view of that rule the only possible amendment so far as I can see is an addition, but nothing of the kind is proposed by my hon. friend.

Hon. LUCIEN CANNON (Dorchester): The contention laid down by the new minister without portfolio would be perfectly correct if the House had decided or taken a decision or divided on the amendment moved by the other minister without portfolio, or so as to make no mistake, the hon. member for Vancouver Centre (Mr. Stevens). But the House has taken no decision; there has been no division, and therefore everything alleged on the other side crumbles down.

Mr. MANION: Does the House not take a decision just as well without a division as with one?

Mr. CANNON: The only way for a House to express itself is through a vote or through unanimity, and I do not think anybody will contend that there is unanimity in this House.

Mr. STEVENS: There was on Friday night a unanimous adoption of the amendment moved by the hon. member for Last Mountain (Mr. Fansher). It was unanimously adopted and was so pronounced by the Speaker.

Mr. CANNON: The Fansher amendment was moved and then I understand the Fansher amendment was accepted as something to be added to the Stevens amendment; but the Stevens amendment has not been adopted so far as I know and it is not going to be adopted for a while yet. So long as an amendment is before the House and the House has not taken a decision on it, we are free to move any other amendment. I do not think either May or Bourinot or other constitutional authority will be found to give a contrary opinion. The whole question is whether the House has taken a decision or not. It has not and therefore we can move any amendment we wish.

Mr. A. U. G. BURY (East Edmonton): May I call the attention of this House and in particular the attention of the ex-Solicitor General to the words of the ex-Prime Minister (Mr. Mackenzie King) as reported on page 5095 of Hansard?

Under the circumstances I see no reason why the amendment should not be accepted.

That is to say the then Prime Minister accepted the amendment of the hon. member for Last Mountain. He went on:

In making that statement I wish, however, to make it perfectly clear that in accepting the amendment—

There is a definite statement by the then Prime Minister that he had accepted the amendment of the hon. member for Last Mountain.

—the government and hon. members of the House reserve their right to reject the amendment as amended—

That is the amendment of the hon. member for Vancouver Centre as amended by the amendment of the hon. member for Last Mountain which the then Prime Minister and the House had accepted. The then Prime Minister, speaking for members of the House, reserved the right to reject the amendment of the hon. member for Vancouver Centre as amended by the amendment of the hon. member for Last Mountain when the amendment as amended was submitted to the House. He went on further:

—or to amend the amendment as amended, as the rules of the House may permit. In these circumstances I think we will advance proceedings by a state if it is understood that we on this side are prepared to accept the amendment moved by the hon. member for Last Mountain.

Then you, Mr. Speaker, on the same page of Hansard, summing up the position in which the House then stood made this statement:

Before this motion is put—

That is the motion for adjournment of the debate.

—I should have said that the question now before the House is the amendment as amended.

That is the amendment of the hon. member for Last Mountain was accepted by the then Prime Minister and the House and incorporated with the amendment of the hon. member for Vancouver Centre, and that was the next motion that would have been put but for the adjournment of the debate. The facts as stated in Hansard are absolutely clear.

Hon. GEORGE H. BOIVIN (Shefford): I have only one word to say on the point of order and I will begin by saying that I consider that my hon. friend (Mr. Bury) is perfectly right in his concluding remark when he said that had it not been for the motion of adjournment the question which would have been submitted to the House by Your Honour would have been the amendment moved by the hon. member for Vancouver Centre as amended. We all agree on that point. That was the question which was before the chair when the hon. member for St. James (Mr. Rinfret) rose in his place this afternoon to do as he undoubtedly had a 4 p.m. right to do, to make an address on the question before the chair and then move an amendment to that question. If Your Honour will look at page 316 of Bourinot you will find that there are several ways in which a motion may be amended. It may be amended by leaving out certain words; second, by leaving out certain words, in order to insert or add others; and, third, by inserting or adding certain words that are not already in the motion. The object of the English rule, the object of the Canadian rule which has been followed since confederation, the object of the rules which have been cited by my hon. friend opposite, is to prevent any hon. member from wasting the time of this honourable House by repeating over and over again the same amendment and obliging this House to vote over and over again on the same question. Bourinot is very clear that there can be at one time only one amendment and one subamendment to a question; but Bourinot is equally clear that when an amendment has been amended the amendment as amended then becomes the amendment and it may be amended as often as hon. members see fit, providing, however, that the amendments are within the rules.

It is argued that since the House has voted upon and accepted a subamendment, the words accepted by the House cannot be deleted from the amendment. That precedent will be found on page 319 of Bourinot and happened during the session of 1871, where after a motion had been amended and the amendment had been amended by a subamendment, it was then proposed to take out certain words that had been added by the subamendment. If we were attempting today to remove from the amendment as amended certain words which this House unanimously agreed to accept when we accepted the Fansher amendment, I think the point raised by my hon. friend opposite would be well taken, at least according to the precedent established in 1871, with which by the way I do not entirely agree. Nevertheless under that precedent the point would be well taken.

What I want to point out to the House and to Your Honour is that the question now before the House has never been decided before. That is the whole point of order. What has this House decided? This House decided on one occasion that it would not consent to wipe out entirely the whole Stevens amendment for the purpose of substituting therefor the amendment moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth). That was the decision taken by this House. It was voted upon and a majority decided that the amendment proposed by the hon. member for Winnipeg North Centre (Mr. Woodsworth) should not be inserted as a substitution for the Stevens amendment. On that we voted and on that point we all agree. Then the same amendment was proposed, not by way of substitution, but as an addition to the Stevens amendment which was still before

the Chair, but which had not been voted upon. On its being proposed as an addition to that amendment it was unanimously adopted by the House as such, but it was not adopted as additional to something upon which the House had already voted. It was adopted as an addition to a question on which the House would be called upon to vote and which, therefore, was still subject to amendment according to every constitutional authority.

Now, how can an amendment be made? It may be made by striking out certain words and adding others. Let us take for granted that we cannot remove such words as the House has unanimously agreed to accept. Very well; Your Honour will see that we do not propose to delete any of those words. The words which we seek to delete are words which have never been accepted by this House, words which have never been voted upon, and words which, before they could be accepted, the House would have to pass upon. The question is now upon the amendment as amended; that is the question which Your Honour would have placed before the House if a motion had not been made for adjournment the other night. That is the question which Your Honour was supposed to submit to the House to-day before the hon. member for St. James rose to his feet, and when he concluded his remarks he exercised his undoubted right to remove certain parts of the amendment which have not yet been accepted by the House, and to substitute other words therefor. I respectfully submit that the amendment is in order.

Mr. LAPOINTE: The present confusion is due in part to the fact that questions of this kind are not put in the British House of Commons as they are here. In the British House of Commons, when an amendment is moved of such a character as that submitted by the hon. member for Last Mountain (Mr. Fansher) the other day, two questions are put. In the first place the question is put whether the words proposed to be left out shall stand part of the question. The British House first votes on this question and, if it is decided that the words which it is sought to delete shall be struck out, then the House votes on the second question, namely, whether the words moved in substitution shall be inserted in the amendment. I refer Your Honour to May at page 283. Let us apply this practice to the present instance. The hon. member for Last Mountain moved in amendment that the words "and that the committee for such purposes be revived", as they appear at the end of the amendment, be struck out and other words substituted therefor. He moved two things: first, that certain words of the Stevens amendment—not all—be struck out, namely, the words I have just quoted. If we followed the British practice Mr. Speaker would have to put, first, the question whether the words "and that the committee for such purposes be revived" should stand part of the question. The House would vote on that question and if it were negatived, that is to say, if these words were not to stand part of the question, then the words moved by the hon. member for Last Mountain as an addition would have to be put as a new question. It is because of this practice in the British House of Commons that, in my opinion, hon. gentlemen opposite were led into the mistake of quoting May and others as they did. The main amendment has not yet been put to the House. The only words that have been put for deletion are the words "and that the committee for such purposes be revived", and I contend that the House has not voted to retain the words which the amendment now proposed seeks to delete.

Sir HENRY DRAYTON (Leader of the House): My hon. friend has made a very good argument but it is based only on one resolution. He argues that the words which it has been decided to strike out are only the concluding words of the Stevens amendment. My hon. friend argues, at least by inference, that an amendment to strike out the whole of the Stevens amendment would be out of order and he points out that all that the amendment of the hon. member for Last Mountain (Mr. Fansher) proposed to delete was the last sentence of the main amendment. I think I am within the judgment of hon. members when I say that the amendment now submitted by the hon. member for St. James (Mr. Rinfret), having for its purpose the striking out of exactly the words proposed to be struck out by the amendment of the hon. member for Winnipeg North Centre (Mr. Woodsworth), is according to the argument of my hon. friend (Mr. Lapointe) himself not admissible. I submit therefore that the point of order is well taken.

Mr. G. B. NICHOLSON (East Algoma): The ex-Prime Minister (Mr. Mackenzie King), speaking in the House on Friday last, declared that he saw no reason why the amendment moved by the hon. member for Last Mountain (Mr. Fansher) should not be adopted. That amendment was carried unanimously, and rule 36 states clearly that after a decision has been given on an amendment to any part of a question, an earlier

part cannot be amended. The amendment moved by the hon. member for Last Mountain was clearly an amendment to the Stevens amendment, and in view of this rule I should like to hear the opinion of the ex-Minister of Justice (Mr. Lapointe).

Mr. LAPOINTE: I do not agree with my hon. friend.

Mr. E. B. RYCKMAN (East Toronto): I take exception to the regularity of this proposed amendment on another ground. I think it is axiomatic, and would be so conceded by anybody who was asked to pass judgment dispassionately upon this amendment, that the latter part of a question after being amended is an answer to any attempt to amend a previous part. The answer to the argument advanced by the hon. member for Shefford (Mr. Boivin) and by the late Minister of Justice—

Mr. LAPOINTE: I am not deceased yet.

Mr. RYCKMAN: —is simply this: If the form in which the resolution is drawn does not appeal to any hon. member, then it is his duty to vote against it. But the point I wish expressly to raise is this. On Friday night the Fansher amendment was passed. It provided for a royal commission, with the usual authority given to such a commission. This amendment is distinctly at variance with, yea, in contradiction of, the action of this House on Friday night, when it unanimously accepted, at the instance of the then Prime Minister, the Fansher amendment. Now the House is asked by this resolution to set up:

> The said commission to be composed of three judges, one to be nominated by the Prime Minister of Canada; one by the right hon. the leader of the opposition; and one by the hon. the leader of the Progressive party, said commission to have all the powers conferred upon such commissioners under the Public Enquiries Act;

I submit, Mr. Speaker, that that is directly contrary to what this House decided on Friday evening, and that therefore the resolution is out of order.

Mr. POULIOT: May I ask a question of the hon. gentleman: Quelle est l'autorité sur laquelle il base son raisonnement?

Sir HENRY DRAYTON: Vous avez tort.

Mr. SPEAKER: Does any other hon. gentleman desire to speak to the point of order?

I have listened very attentively to the argument from both sides of the House. I must first of all put in concrete form, a synopsis of the main motion, the amendment, the first subamendment, the second subamendment, and the third subamendment.

Mr. Mercier, chairman of the committee, moved the adoption of the committee's report. To that an amendment was moved by the hon. member now Minister of Customs (Mr. Stevens), the purport of which is to censure a certain minister of a former administration, and in fact that administration itself. To that a subamendment was moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth) the purport of which was to strike out all the words of censure in the main amendment and to substitute therefore a judicial inquiry and to add the name of the ex-Deputy Minister of Customs to those whose heads should fall. This subamendment was defeated. Immediately the member for Last Mountain (Mr. Fansher) rose and moved another subamendment, differing from the preceding subamendment in just one particular; instead of being substitutionary of, he made his subamendment supplemental to the main amendment.

The question now is: Did the House by adopting the subamendment moved by the hon. member for Last Mountain at the same time accept the censure which is contained in the main amendment; and should the Speaker when putting the question take this view as granted?

I have looked up the various authorities as to the effect of a subamendment when it has been added to an amendment. The House may not be aware of the fact that on the complex question of amendment and subamendment we do not follow the British practice. The hon. leader of the House (Sir Henry Drayton), and one of his colleagues later on during the argument, laid great stress on what Bourinot says at page 318, fourth edition:

> But an amendment once negatived by the House cannot be proposed a second time. It is laid down on the highest English authority that: "when the House has agreed that certain words shall stand part of the question, it is irregular to propose any amendment to those words, as the decision of the House has already been pronounced in their favour, but this rule would not exclude an addition to the words if proposed at the proper time. In the same manner when the House has agreed to add or insert words in a question, its decision may not be disturbed by any amendment of these words; but here again other words may be added.

This is strictly the British practice. That is why it is cited between quotation marks. But if the House will turn to the bottom of the preceding page the following note will be found:

> In the British House the practice of putting amendments is quite different from that in the Canadian par-

liament and from that in practice generally in colonial and foreign parliaments. The British practice can be defended on logical grounds but it has some inconveniences. That usage, however, has not been adopted in Canada.

In other words, in England the Speaker, when putting an amendment to the House which purports to leave out or to insert words, puts each question separately; for instance: Shall those words stand part of the motion? And the House having pronounced upon that question, he puts the further question. If we followed the British practice, the argument advanced by the hon. leader of the House would be irrefutable; but we are in the Canadian House of Commons, and Bourinot states that we have not in Canada adopted that usage. Hon. members will find the subject dealt with at length at pages 316 to 322 of the fourth edition of Bourinot. As he points out, the practice is quite different here. After a subamendment has been moved and adopted unanimously, if you please, the Speaker must again put the question before the House and ask: Is the amendment as amended adopted? Bourinot adds that any number of subamendments may be moved. Of course, only one is considered at a time. Now I ask the House to judge, leaving technicalities aside: Is it possible that on Friday, or rather Saturday morning, the hon. member for Shefford (Mr. Boivin) and his colleagues agreed unanimously that censure should be pronounced against themselves?

Mr. MANION: We agreed upon the form of the amendment.

Mr. SPEAKER: Under similar circumstances in England the government would have censured themselves, but the procedure in Canada differs according to the practice laid down by Bourinot.

Let me add that once in this House of Commons Mr. Speaker Sevigny forgot to do what I am bound to do when the question is put, that is to ask: "Is it the pleasure of the House that the amendment as amended, be adopted?" and he corrected himself the following day. You will find that in the Journals of the House, 1916, at page 201:

> Mr. Speaker: After the vote taken at yesterday's sitting on the amendment proposed by Mr. Bennett (Calgary) on Mr. Stevens' resolution, I decided that the amendment having been voted in the affirmative there was no need to again propose the principal motion, as amended, to the House.
>
> I have since carefully examined this question and have ascertained, by referring to authors, that the question, as amended, should have again been placed before the House.
>
> [Mr. Speaker.]

And he gives many precedents. He quotes the third edition of Bourinot, while I have quoted the fourth edition. At page 439 of the third edition Bourinot says:

> If the amendment be negatived, the Speaker will again propose the main question, and a debate may ensue thereon or another amendment may then be submitted. On the other hand, if the House adopt the amendment, then the Speaker will again propose the question in these words: 'Is it the pleasure of the House to adopt the main motion so amended'."

The hon. member for East Algoma (Mr. Nicholson) and the Minister of Customs (Mr. Stevens), I think, cited from Beauchesne a moment ago what they called rule 36. This mark well, is not a rule; it is an obiter dictum under rule 36, probably taken from one of the English authors. In this case I declare that having considered this question seriously I come to the conclusion that it does not come under the British practice. The House has not agreed that the words of the first amendment shall stand part of the question, nor has any action been yet taken upon the main amendment. It is therefore still open to amendment. I repeat it; it is not the practice in Canada to put the motion that certain words shall stand part of the question. The method of the British House of Commons in putting amendments is peculiar to the British parliament and is regarded as illogical and inconvenient by other assemblies, as pointed out in the above citation from Bourinot's third edition. The practice in the Canadian House is quite different, as explained in the fourth edition in the note at the foot of page 317.

In the Canadian House when a motion has been amended the Speaker will then put the question, "Is it the pleasure of the House that the motion as amended shall be adopted?"

As I have already stated, this point was once decided by Mr. Speaker Sevigny, and it is based on Bourinot and Canadian parliamentary practice.

In my humble opinion the subamendment is in order.

Mr. GEARY: Mr. Speaker, in all respect I wish to appeal from your ruling.

Mr. SPEAKER: Mr Speaker having decided that the subamendment moved by Mr. Rinfret was in order on the ground that it is in conformity with the practice of the Canadian House of Commons and the hon. member for South Toronto (Mr. Geary) appealing from that ruling, the question now is, Shall the ruling of the Speaker be sustained?

The House divided on the question: Shall the ruling of the Chair be sustained? And the ruling was sustained on the following division:

YEAS

Messrs:

Beaubien,
Benoit,
Bettez,
Bird,
Boivin,
Bothwell,
Bouchard,
Boucher,
Bourassa,
Brown,
Cahill,
Cannon,
Cardin,
Casgrain,
Delisle,
Denis (St. Denis),
Denis (Joliette),
Desaulniers,
Descoteaux,
Deslauriers,
Dionne,
Donaghy,
Donnelly,
Dubuc,
Duff,
Dunning,
Dussault,
Elliott,
Euler,
Evans,
Evanturel,
Fafard,
Fiset (Sir Eugene),
Forke,
Fournier,
Gardiner,
Garland (Bow River),
Gershaw,
Gervais,
Girouard,
Goodison,
Goulet,
Guérin,
Hall,
Hatfield,
Heaps,
Heenan,
Howard,
Jacobs,
Jelliff,
Jenkins,
Johnston (Long Lake),
Kay,
Kennedy (Peace River),
King (Huron North),
King (Kootenay East),
King, Mackenzie (Prince Albert),
Lacombe,
Laflamme,
Lanctot,
Langlois,
Lapierre,
Lapointe,
Lavigueur,
Letellier,
Lovie,
Macdonald (Glengarry),
Macdonald (Antigonish-Guysborough),
MacLean (Prince),
McLean (Melfort),
Macphail (Miss),
McIntosh,
McKenzie,
McMillan,
McPhee,
Malcolm,
Marcil,
Mercier (Laurier-Outremont),
Mercier (St. Henri),
Millar,
Morin (Bagot),
Morin (St. Hyacinthe-Rouville),
Motherwell,
Neill,
Parent,
Perras,
Pouliot,
Prévost,
Raymond,
Rhéaume,
Rinfret,
Robb,
Roberge,
Robichaud,
Robitaille,
Ross (Moose Jaw),
St. Père,
Sanderson,
Séguin,
Spence (Maple Creek),
Spencer,
Steedsman,
Stewart (Edmonton West),
Stork,
Sylvestre,
Tobin (Richmond-Wolfe),
Tobin (Wetaskiwin),
Totzke,
Vallance,
Verville,
Ward,
Wilson (Vaudreuil-Soulanges),
Woodsworth,
Young (Saskatoon),
Young (Weyburn).—115.

NAYS

Messrs:

Anderson (Toronto-High Park),
Anderson (Halton),
Armstrong (Timiskaming South),
Armstrong (Lambton East),
Arthurs,
Baker,
Barber,
Bell (Hamilton West),
Bell (St. Antoine),
Bell (St. John-Albert),
Black (Yukon),
Black (Halifax),
Boutillier,
Bowen,
Boys,
Bristol,
Bury,
Cahan,
Campbell,
Cantley,
Casselman,
Chaplin (Kent, Ont.),
Chaplin (Lincoln),
Charters,
Church,
Clark,
Coote,
Cotnam,
Culligan,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Edwards (Waterloo South),
Embury,
Esling,
Fansher,
Fish,
Flemming,
Foster,
Fraser,
Garland (Carleton),
Geary,
Gott,
Grimmer,
Guthrie,
Hamilton,
Hanson,
Harris,
Hay,
Hocken,
Hodgins,
Hubbs,
Jones,
Kaiser,
Kennedy (Winnipeg South Centre),
Ladner,
Langworthy,
Lennox,
Lucas,
MacDonald (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
Maclean (York South),
MacNutt,
McClenaghan,
McGibbon,
McKillop,
McQuarrie,
Maloney,
Manion,
Maybee,
Messervy,
Morand,
Mullins,
Murphy,
Nicholson,
O'Neill,
Peck,
Perley (Sir George),
Pettit,
Preston,
Price,
Quinn,
Robinson,
Rogers,
Ross (Kingston City),
Rowe,
Ryckman,
Ryerson,
Senn,
Short,
Simpson,
Sinclair,
Smith,
Smoke,
Spence (Parkdale),
Stansell,
Stevens,
Stewart (Leeds),
Stinson,
Stirling,
Sutherland (Oxford South),
Sutherland (Oxford North),
Thompson,
Tolmie,
Tummon,
White (London),
White (Mount Royal),
Wilson (Wentworth),
Wright.—114.

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

Howden,
Lacroix,
Cross,
Power,
Baldwin,
Fontaine,
Hannesson,
Edwards (Frontenac),
Bennett,
Mewburn,
Johnstone,
Chabot.

Mr. MEWBURN: I was paired with the hon. member for Quebec South (Mr. Power). Had I voted I would have voted against your ruling, Mr. Speaker.

Mr. HANNESSON: I was paired with the hon. member for St. Boniface (Mr. Howden). Had I voted I would have voted against your ruling, Mr. Speaker.

Mr. FONTAINE: Mr. Speaker, I was paired with the hon. member for Ottawa (Mr. Chabot). Had I voted I would have voted to sustain your ruling.

Mr. GEORGE SPENCE (Maple Creek): Mr. Speaker, here we have the unprecedented situation of members calling on the provisional government to resign, and there being no one here to resign.

An hon. MEMBER: Do you want an election?

Mr. SPENCE (Maple Creek): Yes, tomorrow. I had two elections last summer; I beat both my opponents, and my good electors thought so well of me that they presented me with a Ford car. I won two elections in one year and am ready for another one.

Mr. HOCKEN: Do you want another car?

Mr. SPENCE (Maple Creek): Never mind about the car. I think it is the duty of every hon. member to place himself on record upon this very important question. We have heard an attack made in this House, and let me say that it was a submarine attack, to drive one of the members of this House, a young man, out of public life. We have been told that this is the highest court in the land. If that is the case, I hope a sense of justice will prevail here that is in keeping with such a court. But I ask you, Mr. Speaker, if that is the case. Here in an atmosphere surcharged with passion, in which party and political prejudices run high, we have the accused condemned before he is even heard, and hon. members rush out of the House so that they shall not hear his defence. I ask those of you who still pray to get down on your knees to-night and pray that you will never be tried in such a court.

I am glad, Mr. Speaker, on such an occasion as this, to be a member of parliament. Goodness knows that there are many things in connection with the life of a member of parliament that are not very agreeable, but this is one of the occasions when I feel proud that I can stand up in this House and register my vote for a higher sense of justice than we have had exemplified here by hon. gentlement opposite. They dig up their precedents in musty law books, but there is a higher sense of moral justice, that cannot be found in law books, for it is not written there. It is that sense of justice and comradeship that prompted the men on the Lusitania when she was sinking to cry, "Women and children first," and to provide the helpless and innocent young victims with life belts, while the men threw themselves overboard and were swallowed up by the sea.

Now, let us examine and see who are to be the judges. I for one will not stand up in this House and condone the conduct of anyone who has been guilty of wrongdoing, but at least I want to make sure that the accused shall get a fair hearing. Are we all such paragons of virtue that we can sit in judgment on this man's character? Here is a man being tried who showed clemency to a certain individual and the judges are to be the men who condemn him for that clemency while they themselves interceded in order that clemency might be granted to others. The greatest sin of which the ex-Minister of Customs and Excise (Mr. Boivin) was guilty was that he told the truth about himself. In the one case the man for whom clemency was asked was accused of being a trader in liquor; in the other case clemency was sought for a man who was making home-brew, making a poison dangerous to human life itself. The one is languishing in gaol while the other, I understand, is a free man. Is that justice?

I am very glad to support this amendment because I feel it will result in granting a full and impartial inquiry, and I for one would not like to leave this House until an investigation of that character was guaranteed. But hon. gentlemen opposite say: "Give us the reins of government and we will continue the investigation." Is anyone credulous enough to believe that statement? Does anyone think for a moment that the hon. member who preferred the charges against the late administration will continue the probe into the conditions in his own port of Vancouver? Is anyone foolish enough to believe that? I am not. Is anyone foolish enough to believe that this inquiry is complete when only one province has been attacked, and when the international boundary line extends for a distance of 4,000 miles, thus leaving a vast territory untouched? I do not. Narrowed down as it has been, this investigation is an attack upon the province of Quebec. I pause to hear denial from hon. gentlemen opposite, but no one there opens his mouth in denial.

An hon. MEMBER: They are quieter over there now.

Mr. SPENCE (Maple Creek): Ah, yes, it is very easy to accuse, very easy to enter a court charged with prejudice as the court proposed by hon. gentlemen opposite would be. "But they cried, saying, crucify Him, crucify Him." I am opposed to the tactics of hon. gentlemen opposite and have been opposed to them from the very first. I have been opposed to the way in which information on this matter was secured and presented to the House. In the report itself there are many recommendations with which I do not agree, many which are entirely impracticable. One recommendation proposes that the minister shall have no discretion in the case of sums amounting to over $200. I say that when the royal commission which is to be appointed proceeds from one coast to the other and investigates the conditions along the international boundary line, it will find that the recommendation contained in paragraph 8 of the report is entirely impracticable. You have an international boundary where there is a crossing into Canada every mile, and in some cases the distance is shorter than that. Horses and cattle cross the international boundary freely, from the western ranges of the United States into Canada and vice versa. On my farm to-night there may be 100 head of horses which have found their way into the pasture, yet under such a regulation as proposed I could be thrown into gaol for that. Is it fair? It is not only unfair; it is preposterous. In this investigation we have been only scratching the surface, and we think we can only cure the existing conditions by enacting a set of laws.

It does seem strange to me that the report before the House does not contain a reference at least to the actual cause of smuggling. I do not think it was the duty of the committee, or that it was within their province, to say that the tariff should be lowered; but I do think they should have drawn the attention of the House and the country as a whole to the fact that tariffs do lead to smuggling—that tariffs, and particularly high tariffs, are the cause of most of the smuggling that is indulged in. That being the case I submit to you, Sir, that the recommendations contained in this report are very unsatisfactory. I am only a humble member of this House, yet I feel I could stop smuggling in twenty-four hours by putting on the free list the articles which are being smuggled. Why has the committee not even referred to such a possibility as that? But no, somebody had to be made the goat, somebody had to be crucified so that hon. gentlemen opposite could get into power for a few hours.

The right hon. the Prime Minister, the member for Portage la Prairie, is a man whom I have always admired. He is a very bright lawyer. I remember the time when he entered this House twenty years ago; I knew him when he was in Portage la Prairie. But I am not going to congratulate him on his victory, short-lived though it may be. If I were to do so I should be a political hypocrite. At the same time I extend my sympathy to him for the position in which he finds himself to-day—the Prime Minister pro tem with a cabinet of seven. It reminds me of that fine picture of the seven-headed monster drawn in Revelations which predicted the end of all things. I think we can make dismal predictions of the combination in the present case.

I studied astronomy, Mr. Speaker, many years ago, and I had the pleasure of looking through one of the most powerful telescopes to be found anywhere in the world. Sometimes there would be a little shadow or a dim outline on the object glass, a mere speck, but this would prevent me from seeing that part of the universe beyond. I sometimes think we have to get a little distance away from the situation in order to view matters in their proper perspective. We have some mute, inglorious Moses Aziz who has been guilty of nothing more nor less than of being a free trader. He has not gone to gaol quite so soon as some hon. gentlemen opposite would like to see him go. I contend that a gaol sentence for smuggling is wrong; I am absolutely opposed to it. I wish some future historian could view the situation as we view it here to-day, and in order to get that perspective of distance I am going to read now what I think some future historian will say about this occasion. I think it is quite in order to write what a future historian would have to say. If the hon. member for West Calgary (Mr. Bennett) were in his seat he would be digging up precedents and quoting from musty books. I am going to try a new method and to read from future history:

The natives of that period—

Meaning this.

—were a remarkably queer people. Their womenfolks wore low-necked dresses in winter and furs in summer. The working men spent a great deal of time and energy in building things which they called railroads, traces of which can still be found near a spot in the parish of Ontario where once stood the great city of Toronto—a prehistoric word meaning "good".

They also spent vast sums of money in digging ditches which they called canals. The remains of one of these canals was quite recently discovered at a place called Welland.

Concrete roads intersected the international boundary at strategic points offering facilities for tourists to enter the country. Luxurious tourist camps were, even in that unenlightened day, provided to offer hospitality to the stranger within the gates, but only after he was subjected to the most humiliating search of his person at the border. This proved very repugnant to the class who had the leisure and the means of travel and consequently the roads and camps were little used by the people of this period of which we write.

Scores of millions of dollars went into harbour improvements so that the great ships of all the nations of the earth seeking pleasure and trade would find anchorage and hospitality. Large sums of money were spent in sending trade commissioners to foreign lands to encourage international trade so that industry at home might grow and flourish. But strange to say this remarkably energetic people were no less remarkable for their stupidity. For, incredible as it may now seem, they passed laws preventing nations from trading with them except in a limited degree. Some of these laws placed embargoes on raw materials. Although the meaning of the word is somewhat obscure, at any rate authorities are in entire agreement as to the effect upon the country, for railroads rusted for lack of traffic and expensive wharves rotted in disuse. In the light of what we now know about trade and commerce one would think that these things had only to be stated to be understood.

The record is somewhat broken at this point, but it is now almost universally believed that what were known as the "common people" and another tribe known as the "consumers", were far in advance of the legislators of this period. So far, indeed, in advance were they that the customs and trade laws were disregarded and some of them openly violated even, it is reported, by the legislators themselves, although this latter has never been properly established.

Trade treaties still in existence supply the only authentic evidence that reforms were sought by the most liberal and progressive element of the people, but prior to the twentieth century little progress was made owing to the opposition of the Tories, a race now happily and totally extinct. The Tories blocked every Liberal and Progressive measure for tariff reform until things went from bad to worse. The government of the day offered an immence reward to anyone who could invent a tariff wall with valves in it that would open outward for manufactured products but not for raw materials and that would open inwards for raw materials but not for manufactured products. Many attempts were made to invent such a wall, but without success, because it was found impossible to distinguish between raw materials and finished products.

This led to a great deal of trouble resulting in international complications. The practice of what we now know as "free trade" was called smuggling and became so prevalent that every means, legislative and otherwise, was tried to put a stop to the practice. Men were thrown into gaols and dungeons for breaking the customs and trade laws, but upon release they invariably resumed their operations in the practice of smuggling because they were becoming too advanced to regard free trade as a crime. As a consequence of this, trade continued to flow then as now through the channels of least resistance.

Records of this time show that a society called the Protective Association tried to force their will and persecution upon a loyal but disobedient people. At this point the records are not clear as to whether this association was the same as the Canadian Manufacturers' Association or an entirely separate association. The best authorities differ and the matter may never be finally determined. This much, however, is clear that a veritable shower of terror and sparks descended upon Ottawa, then the seat of government and disorder. Matters were brought to a head by the greatest statesman of the period, one George Boivin, whether of French or Scotch extraction is not now clear. Mr. Boivin, allowed some mute, inglorious peasant called Moses Aziz to remain in gaol for three months for having smuggled goods in his possession. This raised such a storm of protest and indignation all over the country that a movement was started that resulted in the greatest reform of all times that we now enjoy, namely, universal free trade and peace and prosperity has returned to a smiling land.

That is, I think, somewhat along the line of what the future historian will write of this occasion. In conclusion, I am very glad that the amendment of the hon. member for St. James (Mr. Rinfret) has been declared in order and that we are to have a full and impartial investigation of the whole customs matter. It would be a crime if at this time a new government, if it is capable of sustaining itself in office for a few brief months, should have within its power to shut off investigation into the period before they left office in 1921 and to discontinue that probe into sections of the country where the investigation has not been carried so far. I look to get results from a full and impartial inquiry, results so great that this country, whatever the judgment of the House may be on this particular resolution, will speak in no uncertain voice in vindication of the ministry which has just retired and of the honour and integrity of one of Quebec's greatest sons.

Mr. ARMAND SYLVESTRE (Lake St. John): On any other occasion I would have ventured to address the House in English but as the question now under consideration is of such importance I think I had better speak in my mother tongue, with which naturally I am more familiar.

Mr. SYLVESTRE (Translation): I have closely followed this protracted debate. I have listened attentively to the speeches delivered. There was one which especially impressed me, and that was the speech of the hon. member for Jacques Cartier (Mr. Rhéaume), who clearly disclosed to the House one of the most shocking political plots, a real scandal in its truest sense. I mean the plot which was hatched last autumn in my province in regard to Mr. Patenaude's event. This new saviour, this new messiah, who, contrary to our Divine Master, was not born in a crib but in a hall at the Windsor, one of the finest hotels, in Montreal. The hon. member for Jacques--Cartier very clearly showed us who was the father of this new

saviour, we discovered his paternity, and the hon. member further added—and it is a fact—that according to the civil code we have a right to carry on searches so as to discover the paternity; this right also implies the one of carrying on the search, I think, so as to discover the maternity in order to definitely establish to what concubinage or adultery Mr. Patenaude is the offspring.

Now that I have established my premises, I want to show the deceit which exists on one side of the House, where a mountain is made of the Moses Aziz incident, wheen it is they, the so-called very virtuous gentlemen, who impeach us the most, that are responsible for a state of things ten times worse. Because this new Messiah, sir, did not only carry on his propaganda in Montreal, he rambled through the province, he came to my county, and I well remember one night when this fine chub-cheeked baby recently dressed in swaddling-blue clothes was taken off the train with great precaution; he wished to impress us with the idea that he was born and likely to live, and all he was able to say on that occasion was this great axiom: "The country before parties"; as if it were not the parties who direct the country's policy. A scandal is at present being made of an insignificant affair, the Moses Aziz incident, it is simply the case of a man who was put into jail in December instead of August. There is another incident which is brought to light in this inquiry, a far more serious one than that of Moses Aziz, and upon which very little was said; I, nevertheless, intend to bring before the House the facts in all their details in order to expose the odium of those who seem to have a monopoly of all virtues and honesty; I wish to mention the Plamondon case. This incident did not occur under our reign, but under that of those virtuous gentlemen who have just crossed over to the right. This Plamondon case dates back to the year 1920. I first pick up the report of the inspectors of the department which is as follows, at page 2148 of the Minutes of Proceedings of the Special Committee on the Customs Department inquiry:

SIR,—I beg to enclose herewith seizure report 699 of three red copper stills and one galvanized tin still of the capacity of about thirty gallons, three lead worms, about 2,000 gallons wash, forty-five gallons spirits, 1.7 U.P. and a large quantity of other articles as enumerated on seizure report No. 699, excise form No. 4, executed on the eleventh instant against Mr. Olivier Plamondon, jobber and manufacturer of this city.

At 2 p.m. on the 11th instant, I was informed of a large illicit distillery being operated by Mr. Olivier Plamondon at 45 and 47 Sault-au-Matelot street, Lower Town, Quebec.

Accompanied by Mr. Excise Enforcement Leon Hardy I proceeded immediately to the premises above mentioned and we found the doors locked. Mr. Officer Hardy then broke open the doors and we found on the second floor the three copper still installed on three gas stoves ready to work. The four floors of the building were filled with barrels of wash which were transmitted to the stills through a rubber hose. We then seized the contents of the building, and officer Hardy was left in charge to supervise the work of removing all the stock.

Police Sergeant Ludger Couture was requested by me to have a constable in attendance at the doors of the building all the time so as to keep away the public and protect the plumbers I had hired to disconnect all the machinery, and labourers to destroy all the wash and help carters to remove all articles seized to the Customs examining warehouse. As Olivier Plamondon though was not found on the premises when we entered the building, it was apparent that somebody had been there operating the stills a few moments before our arrival. We could not place Plamondon under arrest immediately, but early on the morning of the 12th instant, as it was feared that Plamondon could escape, I have given instructions to Mr. L. Moraud, attorney for the department, to have necessary proceedings entered in court so as to have Plamondon placed under arrest. I am informed by Mr. Attorney Moraud that the warrant was immediately issued and executed and Plamondon pleaded not guilty before Hon. Judge Choquette yesterday and held for hearing on Thursday, 19th next on $2,000 bail.

Under these circumstances I think it would be advisable if the department were to instruct the attorney to take proceedings at once against Plamondon before the hearing of the case on the 19th because it is opportune that a severe punishment should be given the case in this instance so as to put a stop to this illicit trade which has been going on on a large scale.

This, Mr. Speaker, is far more serious than the case of Aziz, who had in his possession a few bottles of whisky. Here is a man who had in his possession four stills, 2,000 gallons wash and a complete apparatus ready to start, so much so that the inspectors of the department, on their arrival, were able to verify that it had just been used but that those in charge had probably been able to escape. It was certainly a very serious offence. If a man has a small personal still in order that he may distill for his own use a little whisky or what is called home brew, it is of course contrary to the law, but if a man possesses four stills, 45 gallons of whisky, 2,000 gallons wash—I am not a chemist in order to know what quantity of alcohol could be extracted, however, I state that the cases of Plamondon and Aziz cannot be compared, "the worst political scandal"—as our opponents exclaimed—that the country has ever witnessed, because a man had three bottles of smuggled whisky in his possession! What happened after? The attention of the lawyers having been drawn to these facts by the Inspectors, they immediately wrote to the Deputy Minister of Inland Revenue, on August 18, 1920, the following letter:

DEAR SIR,—We beg to send you herewith a preliminary report of proceedings taken by us against

Olivier Plamondon, Jr., in whose possession three stills and a great quantity of alcohol and malt were found last week.

As it was urgent that proceedings be taken without delay, and as Messrs. Sévigny & Sirois, your solicitors, seemed to represent the defendant, M. Larue, your Quebec representative asked us to take the necessary steps for the immediate arrest of Plamondon.

We have acted in accordance with his instructions and Plamondon was arrested immediately. The accused then was let out on bail of $2,000, and the date set for the preliminary hearing in his case was the 19th of this month.

Owing to the fact that we have not received instructions from you, and due to Mr. Sévigny's absence to-morrow, we had that date changed for the 20th, and the preliminary hearing will take place on the later date.

We were informed this morning that Plamondon intended to plead guilty and as we feared that the magistrate might be too lenient towards the accused, we took it upon ourselves to have the following complaint sworn to before the magistrate.

(a) For manufacturing spirits illegally;

(b) For having had in his possession spirits which he knew had been illegally manufactured;

(c) For having had in his possession an empty barrel of spirits on which the marks have not been obliterated;

(d) For having sold spirits which he know had been illegally manufactured.

Now, according to the act, these charges were justified because they represent as many infractions as there are mentioned in the letter of Messrs. Moraud and Alleyn:

The letter continues:

We have also been instructed to lay an information against the party who had made stills.

The above informations were laid with a view to convincing the court that the accused is a dangerous criminal, so that he would get a proportional sentence, should he plead guilty.

This affair has moved the public opinion very deeply hereabouts, and has taken much importance, and the public opinion seems to expect that the guilty party or parties will be severely dealt with.

That is why we have thought it advisable to have the revenue officers to lay the above informations.

Will you kindly let us have your instructions without delay.

Yours truly,

(Signed) MORAUD & ALLEYN.

Here are the crown attorneys, who speak from facts and state, under their signature, that Plamondon is a dangerous criminal, that the whole affair has greatly stirred the population of the district. All these details are given; the department's attorneys fearing that the judge might be too lenient request that an exemplary punishment be inflicted—even should this man plead guilty—because he is a dangerous criminal. What happens after this? On August 19, with reference to the letter of the 18th, the following telegram is sent by the crown attorney to the Deputy Minister of Inland Revenue:

[M. Sylvestre.]

QUEBEC, August 19, 1920.

GEORGES W. TAYLOR, Esquire,

Deputy Minister, Department of Inland Revenue, Ottawa.

Your telegram received re Olivier Plamondon. The accused, through his attorneys Sévigny & Sirois . . . .

A nice situation! Note that it is therein mentioned "The accused through his attorneys Sévigny and Sirois". At first they were the department's attorneys.

Mr. DOUCET (Translation): Was that Mr. Sevigny whom you mentioned, a minister at the time?

Mr. SYLVESTRE (Translation): Mr. Sevigny was Minister of Inland Revenue and Speaker of the House when the Conservatives were in power.

An hon. MEMBER (Translation): What department had he?

Mr. SYLVESTRE (Translation): The department of Inland Revenue, I think.

Mr. CASGRAIN (Translation): Who was then Prime Minister?

Mr. SYLVESTRE (Translation): Mr. Meighen.

Mr. GERVAIS (Translation): Was it the same Mr. Meighen who is Premier to-day?

Mr. SYLVESTRE (Translation): Yes, the very same. It is stated in the telegram: "The accused through his attorneys". These lawyers who were Crown attorneys in 1920, had suddenly shifted in the scene; they became attorneys of the accused and Messrs. Moraud & Alleyn, who had acted promptly on the instructions of Mr. Hardy, had the pleasure of seeing their mandate confirmed in spite of the fact that Messrs Sévigny and Sirois were the Crown attorneys. The scene had shifted. Moraud & Alleyn were acting for Crown and Sévigny & Sirois became the attorneys of the great criminal.

I now return to the telegram of August 19, 1920, sent to Mr. George W. Taylor, Deputy Minister of Inland Revenue:

Your telegram received re Olivier Plamondon. The accused, through his attorneys Sévigny & Sirois, offers to plead guilty and pay the minimum fine of $200 without imprisonment and denounce the other parties implicated. Please give us your instructions before to-morrow if possible.

LUCIEN MORAUD.

On August 20, 1920, the following letter is addressed to Mr. Lucien Moraud, barrister:

Your letter re Plamondon received. Proceed as stated. . . . .

At the time Mr. Moraud had told the department that five complaints, five charges

had been laid against Plamondon. He received instructions to proceed.

Your letter re Plamondon. Proceed as stated. See amendments mailed for increased penalty under section 185. No preliminary hearing should take place for complaint under 180, and case should be tried summarily as provided by 132.

This is not all, Sir. Probably overtures took place not only by letters and telegrams but also by the intermediary of the attorneys of the accused, and this was necessary, so as to establish the chain of evidence which might have been found wanting in the series of documents which were produced.

On the 20th of the same month the following letter was addressed to Mr. Moraud, the Crown Attorney:

AUGUST 20, 1920.

LUCIEN MORAUD, Esquire,
Barrister, Quebec.

DEAR SIR,—With further reference to my recent correspondence respecting the case of Mr. Olivier Plamondon, I am advised by Messrs. Sévigny & Sirois, attorneys for Plamondon, that the latter has given you the names of four other parties connected with this case, with the understanding that he is pleading guilty under section 180 but would be condemned to the minimum fine.

Such were the results of the steps taken Plamondon who is caught in the act, in violation of the act, for the sake of escaping the penalty provided in the Code, makes known the names of four other persons implicated in this affair, with the understanding that he will plead guilty and that he would be condemned to the minimum fine. The letter continues as follows:

I beg to state the department approves of this agreement and you are therefore instructed to lay one complaint only against Plamondon under section 180 of the act, either for having distilled spirits or for having a still in his possession.

Mr. GERVAIS (Translation): Who signed that letter?

Mr. SYLVESTRE (Translation): I have not finished reading the letter; I shall mention it at the end. So, the department was aware of the fact that they are dealing with a dangerous criminal; the department was aware of the fact that Mr. Moraud, on the instructions of the Inspectors, laid five charges against Plamondon.

The department was aware of the fact that Mr. Moraud on the instructions of the inspectors, laid five charges against the offender; moreover the department writes to Moraud: Act as you state in your letter, it is quite right. Only, on August 20 things are somewhat shifted around; Plamondon first says: If you will but condemn me to a fine. . . . Here we have a criminal caught in the act, who starts by making dishonest proposals which are finally accepted, and he further says: I shall divulge the names of four persons who are implicated with me, with the understanding of course, that one charge only will be laid against me and I shall be condemned to the minimum fine. One must not lose sight that the act states: a fine of at least $200 and not exceeding $500. That makes a great difference. Plamondon adds: "If you condemn me only to the minimum fine, that is $200, without jail, I shall plead guilty and make known the names of the other guilty parties." It is then that the department gives instructions to their attorneys to entirely approve these stipulations. The only reason why such stipulations were approved, were that Plamondon consented to give the names of four persons who were implicated with him in this affair. Extraordinary indeed, the department agreed not only that he should be let off with the minimum fine, but there was no mention of a jail sentence. And the letter is as follows:

You will note that section 180 states that the minimum penalty shall be $200 and one month's imprisonment. The department will not, therefore, insist on the imprisonment portion of the sentence, and the magistrate's attention should be drawn to section 1028 of the Criminal Code, which provides that whenever the offender shall be liable to different degrees or kinds of punishment, the punishment to be inflicted shall, subject to the limitation contained in the enactment, be in the discretion of the court or tribunal before which the conviction takes place.

The department through the intermediary of its Deputy Minister had already begun to bring pressure upon the judge. And so very scrupulous gentlemen, who were shocked at the sight of a man having a few bottles of whisky in his possession, and that a minister used his discretion in delaying his jail sentence, find it an ordinary incident, a natural thing, that an absolutely undue influence should be exercised on a judge, that his duty should be dictated to him, and that he should be told: "The act lays down such and such a thing, according to the act a fine and imprisonment should be imposed, but it matters little, lay these considerations aside." And these gentlemen are not shocked. When our hon. friends were in power, everything was permissible, everything seemed natural, they even had the right to try and influence a judge before he gave his decision in order that he should give judgment so to comply with a purely political object.

Some hon. MEMBERS: Shame!

Mr. SYLVESTRE (Translation): And the intrigues were still being carried on, Sir, the case goes from worse to worse. According to a letter dated August 25, 1920, addressed to

the Deputy Minister by the crown attorneys, the following is to be found:

SIR,—Section 1028 of the Criminal Code provides that whenever the offender shall be liable to different degrees or kinds of punishment, the punishment to be inflicted shall subject to the limitations contained in the enactment, be in the discretion of the court or tribunal before which the conviction took place.

It is true.

It would appear this applies to section 1080 of the Inland Revenue Act, which imposes both fine and imprisonment. In fact this was decided in the case of Rex vs. Robidoux, 2, C.C.C. page 19, and also exparte Kent, 7, C.C.C. page 447. It was ruled in these cases that unless there is express provision to the contrary, an enactment which authorizes both fine and imprisonment for the summary conviction the offence is to be construed as giving discretion to the magistrate to impose fine or imprisonment, or both.

That is the crown attorney wrote a letter which is absolutely in keeping with the provisions contained in the Statutes. When a penalty includes a fine and imprisonment, it is according to law, and it was decided in the cases cited that the judge may impose one or the other or both at the same time. The judge, yes, but not the crown. The government has no right to direct the judge, as it was done in this case, to act in such and such a way, to influence his decision, to dictate to him his duty. Mr. Speaker, never have we witnessed such a disgusting procedure; here we find a minister, who for purely political aims, being fully aware of the situation and having to deal with a dangerous criminal, instructs the department to begin overtures in order to give this dangerous criminal his freedom. The letter continues:

If you refer to these decisions you will note that they were given with regard to prosecution taken under section 180 of the Inland Revenue Act, which is section 150 of the old act, so that there is not, in my mind, the slightest doubt that section 1028 of the Criminal Code applies to all prosecutions taken under above quoted section of the Inland Revenue Act.

This aparently does not satisfy Mr. Justice Choquette of Quebec City, before whom the department has taken a certain number of prosecutions, under section 180 of the Inland Revenue Act. Mr. Justice Choquette claims that as this section provides for both fine and imprisonment, he has no other alternative than to send him to jail, if the department may not insist on the imprisonment portion of the sentence. He has therefore requested the department, before rendering sentence, in each case, to obtain your opinion as to whether or not he may dispense with the imprisonment, and I shall be glad to have you advise me in this regard at your earliest convenience.

As the sentence against the parties concerned has been suspended pending expression of your opinion, I would request you to give the matter your immediate attention.

Now, it is included in the evidence that the department at that time took serious steps and proceedings in order to try to influence the decision of Judge Choquette who wanted to sentence the man to both a fine and imprisonment, as it was his right, and they endeavoured to find some way out, some means in order to protect a dangerous criminal by simply imposing a fine.

And this, Sir, did not occur under a Liberal government, it did not occur under the reign of those who, according to the Tories, have no knowledge even of what may mean the word virtue, but it did take place under a Tory administration, under the reign of our good Conservatives, under those who are shocked at a trifling, under the government of those gentlemen who are not aware that they are living in glass houses and that it is very dangerous for them to throw stones into their neighbour's garden; all this happened under the over virtuous administration which held power from 1911 to 1921!

These gentlemen were in too great a hurry to cross over to your right, Sir, where they are at present, I am confident that they will still make a quicker crossing to this side which they have just left.

At six o'clock the House took recess.

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## After Recess

The House resumed at eight o'clock.

### PRIVATE BILLS

On the Order:

Mr. J. L. BROWN (Lisgar): By leave of the House, Mr. Speaker, I desire to present a motion referring to private bills.

Mr. SPEAKER: It cannot be made at this stage unless by leave of the House.

Mr. BROWN: By leave of the House I move, seconded by Mr. Evans:

That all bills reported this day in the eighth report of the select standing committee on Miscellaneous Private Bills, be placed on the order paper amongst private bills, for consideration in committee of the Whole, forthwith.

Mr. SPEAKER: I am sorry to say that this motion is out of order; such a motion requires unanimous consent. The same motion was made this afternoon, and the hon. member for Pontiac (Mr. Cahill) asked that notice be given. Otherwise it might be adopted unanimously.

Mr. W. F. MACLEAN (South York): Mr. Speaker, before you leave the chair might I make a suggestion? A number of divorce bills on the order paper are being held up through the prolonged consideration of one other private bill, and I would like to see them brought forward first.

Mr. SPEAKER: This motion was made this afternoon, and an hon. member objected, as it is his right to do. According to rule 40 notice must be given, and notice was given this afternoon.

## RED LAKE AND NORTHWESTERN RAILWAY COMPANY

The House resumed, from June 22, consideration in committee of Bill No. 95, to incorporate the Red Lake and Northwestern Railway Company—Mr. Heenan—Mr. Duff in the chair.

On section 1—Incorporation.

Mr. CHURCH: I do not wish the House to think I am taking an unfair attitude in regard to this bill, but there is a great public principle involved; the whole railway question of Canada is wrapped up in the principle involved in this particular bill. The province of Ontario is vitally interested in it; the territory to be covered is a part of the newer section of Ontario, and I believe it to be National railway territory. No matter on what side of the House I sit, I support my principles first, last and all the time, and I believe a great question of public rights is before the House now. The people of Canada have spent two billion dollars on railways and to-day the policy of Sir Henry Thornton is pro-American. He has millions of dollars in Vermont and millions of dollars in Michigan, but he has no money to build branch lines into the richest territory in Canada. The wealth of this country is unknown and unexplored; it contains about 4,000 prospectors, who require this service.

I contend, Mr. Speaker, that the province of Ontario, which according to a return which I received from the Deputy Minister of Railways only yesterday, pays $780,000 a year to the Dominion government out of a total revenue of $946,000, should receive more consideration. The young ex-Minister of Railways (Mr. Dunning) and the Progressives succeeded in having $28,000,000 spent on branch lines in the west for the benefit of agriculture. I am a supporter of New Ontario; I supported it in the old days when we wanted Sir Adam Beck to electrify the Temiskaming and Northern Ontario railway in order to preserve the great mineral wealth of that country for the people of Ontario. Now that wealth is controlled by American capital, together with the water-powers existing there. Once you give away the water-power you automatically give away the dominant factor in the industrial life of the country, and I contend that if the Canadian National Railways can afford to spend $28,000,000 on branch lines in the west they can afford to build a branch line here and preserve this territory.

I believe I am representing a great public policy and a great public principle in forcing a showdown with the administration of the National railways, so that New Ontario will be given what it deserves. I do not want the young member for North Timiskaming (Mr. O'Neill) to think I am opposing this bill because of any personal reason, but I want to see justice done to that territory not only by this House, but by the government of the province of Ontario as well. The Toronto Globe has been running a series of articles dealing with the Red lake district, its wealth and its transportation needs. I opposed this bill in the Railway committee on public grounds, because I believe Ontario to-day is only a way-station for the rest of Canada. Speaking of a ginger group, I believe that is the thing we in Ontario need; no province is suffering more to-day from a lack of transportation than is Ontario. The old Grand Trunk railway in Ontario was taken over by the government, and the money which should have been invested there was put into the National Transcontinental railway. What was the result. From that day to this the older sections of Ontario, as well as new Ontario, have been suffering untold ills from the lack of transportation; farmers have been unable to get their crops to market, there has been rural depopulation and lack of production.

In referring to the principle involved in this bill, I wish to quote from the report prepared in part by the present Acting Minister of Railways, the Drayton-Acworth report, which has a direct bearing on this particular charter. This report was made to parliament in 1917, after an exhaustive survey of the waste and duplication of railways in this country, railways that had been built without any possible hope of making dividends, let alone interest and sinking charges. This report says:

> We recommend that the jurisdiction of the railway commission should be enlarged. Charters for new railways are granted by the Dominion parliament in great numbers. In the years from 1900 to 1908, 116 charters were granted for 37,862 miles of line. Only 453 miles were actually built. In the two following years there were granted, according to a statement made in the Senate by the Hon. Mr. Davis, on April 6, 1910, respectively, 68 charters for about 68,000 miles and 75 charters for about 75,000 miles.

The commission further recommends:

> We think that no charter should be granted, till the proposals made have been investigated by the commission, and the commission have reported whether or not, in their opinion, the construction of the proposed line would be for the public advantage. The opinion of the commission will not necessarily bind the action of parliament.

Mr. HEENAN: Mr. Chairman, I rise to a point of order. The hon. member is discussing the principle of the bill. This bill has been before the Railway committee and is now being considered in committee of the Whole here, and I submit that we should be discussing the clauses of the bill at this time, not the principle.

The CHAIRMAN: I have to rule that the point of order is well taken. We are now on clause 1, which refers to the incorporation of the company.

Mr. CHURCH: The clause we are discussing involves the principle of the bill. The principle of the bill is in every section. I would like the hon. member from Kenora-Rainy River to tell me what connection Mr. Backus has with this particular bill.

Mr. HEENAN: Mr. Backus is opposing this bill, so he and the hon. member for Toronto Northwest are in the same boat.

Mr. CHURCH: It is well known that Mr. Backus went to the Ontario legislature in the days of the Farmer-Labour government, and that that government gave to Mr. Backus a whole kingdom up in New Ontario. Mr. Backus wrote a letter to the Railway committee offering to build this railway himself. I want to criticize the policy of Sir Henry Thornton and of the National Railways for giving up this territory. The other night we passed a vote of $3,000,000 for the Hudson Bay railway, and here it is proposed to build a line that will take away business from that railway. The province of Ontario has been sidetracked so far as branch lines are concerned.

So far as the principle of this bill is concerned, this is not a project for the general advantage of Canada. It cannot be considered such by the wildest stretch of imagination. The railway is to be built wholly within Ontario, and the promoters should have gone to the Toronto legislature for their charter. It was admitted that to come within the jurisdiction of this parliament the road technically had to cross the border into Manitoba. The Minister of Railways was asked in the railway committee what the policy of the government was regarding this particular railway, and he could not tell the committee. The National Railways have millions of dollars to spend on golf links and hotels and improving the system in the United States, in Michigan and Vermont, but when it comes to developing the mining industry of this country, where are they? We allow private interests, largely American, to get these franchises, and I say that it is the duty of this parliament to stop issuing these paper charters. We have a new Acting Minister of Railways, and his report was on the right lines when he recommended that we should go slow in granting such charters as this. This bill, Mr. Chairman, is 95 per cent a mining and a power bill, instead of a transportation proposition. I protest against the province of Ontario, which contributes 46 per cent of the taxation collected by the treasury of this country, being sidetracked in the matter of branch lines. In Manitoba and Saskatchewan the National Railways are building branch lines that will never pay dividends, let alone interest charges, and as one of the representatives of Ontario I protest against the shortsighted policy of the National Railways in failing to give Ontario the branch lines it needs, not only in the older parts of the province, but in the newer portions, in the Red lake district, for instance, and other portions of the province where branch lines are required to develop the mining industry in this province.

The richest mining country in the world today lies in the northwest section of the province of Ontario, including the Red lake district; as far as the Manitoba boundary, and also in the Cobalt and other districts where mines are being worked. This being the case I am sorry at the shortsightedness of the government of Ontario in writing to the Railway committee of the House of Commons and saying they had no interest in this bill. If there is one district in which the government of Ontario should be interested, it is New Ontario with its untold wealth. There are approximately 4,000 prospectors in the Red lake district at the present time and they can get a good road in there for a very small amount of money. But every member from Ontario who is loyal to his province should be in favour of the National railways building into that territory. If this bill passes, then good-bye to any possibility that Sir Henry Thornton and the National railways will do anything to develop this part of northern Ontario. Sir Henry Thornton has already spent millions of dollars on building golf courses and installing radios, on giving terminals to Detroit, and providing facilities in the state of Vermont, but when it comes to developing New Ontario that gentleman has no money at all available. I suppose if a branch line to the North Pole were needed he would not find it difficult to obtain the necessary financial aid. I believe those hon. members who are opposing this bill are acting in the public interest. If we mark time for a few days there is a possibility that the National Railways may yet be brought to

time and made to realize the necessity of building into the Red lake district.

Mr. DUNNING: Will the hon. gentleman permit a question? A few days ago, when I was Minister of Railways, my hon. friend insisted that I should make a statement of the policy of the government of that day regarding this particular railway. Can he inform the House what the policy of the present acting, shadow Minister of Railways is with respect to it?

Mr. CHURCH: It is all very well for the hon. gentleman, who is a new member of this House, to talk.

Mr. DUNNING: I merely asked a question.

Mr. CHURCH: The hon. gentleman is "the young Napoleon" who has come out of the west but I tell my hon. friend—

Mr. DUNNING: Will the hon. gentleman answer the question?

Mr. CHURCH: The Canadian Pacific Railway on a hotel is spending $5,000,000 in developing his own town of Regina. I say further that he and the management of the National Railways have been able to get millions of dollars to spend on terminals in Detroit and other cities in the United States, but when it comes to something likely to benefit New Ontario they have not a cent for the purpose. The policy of the management of the National Railways is a most shortsighted one in view of the wealth waiting to be developed in New Ontario. The province of Ontario is entitled to better treatment than it has hitherto received, and the time has come for the formation of a "ginger group" to stand up for its interests in this House. A lot of money is voted for development work in other provinces but nothing for Ontario. I do not blame the late Minister of Railways for looking after his own province, in which he displays great interest; I am only sorry that we have not got somebody in Ontario as powerful and equally alive to the interests of the mining camps of that province. I have the utmost respect for the minister and he has shown great regard for the development of his own province. I read the recommendation of Sir Henry Drayton a while ago that all private charters should be reported by the railway commission.

Mr. DUNNING: Answer my question.

Mr. CHURCH: I am sorry that the mining industry of the province of Ontario has not received the support which it should have received. One of the greatest mistakes made by the late Sir James Whitney—and he did not make many mistakes—was in failing to electrify the Temiskaming and Northern Ontario Railway, and undertaking to provide cheap light and power for the miners and prospectors in northern Ontario. Had he done that, New Ontario would have had a population of half a million people instead of a population of 80,000, and the gold and silver production of the province would be ten or fifteen times what it is at present. A further result would have been that the population of Ontario would have grown to such a figure that it would have been entitled to a representation of ten more members in this House, and then that province would have got justice from this parliament. It is really most discouraging and most humiliating that the tax payers of Ontario, who pay 46 per cent of the taxation of Canada, cannot get one necessary branch line built into the northern districts of the province where untold wealth is waiting to be mined.

Mr. ARMSTRONG (Timiskaming): Coming from the north country and being very closely allied with its interests I wish to speak on this question for a few minutes. We who went to northern Ontario before the advent of railroads are thoroughly familiar with its problems. We had hoped in past years that the provincial and the Dominion governments would be the chief agents in developing the great industries of northern Ontario. I was a member of a delegation which interviewed Sir Adam Beck and asked him to get the Hydro Electric Commission to develop power in New Ontario. We were flatly turned down on that occasion. We were told that the Hydro Electric would not undertake the development of power in the north country; it would cost them more than it would cost private interests. At that time we were paying $250 per horse-power in the mines but to-day as a result of development by private interests it costs only from $50 to $60 per horse-power. There would not have been a wheel turned in the north country to-day if it had not been for the ingenuity and the energy of private interests. I believe that if it were possible the Ontario government and the Dominion authorities should come in and carry on development work; but if they will not do so why should private interests be debarred from doing the necessary development? I say here to-night that there would not have been many mines discovered in northern Ontario if we had relied only on the provincial or federal government. Every mine discovered there has been discovered by a prospector, the pioneer of the north country.

Mr. MACLEAN (York): How were the nickel mines at Sudbury and the silver mines at Cobalt discovered except through public ownership and the construction of a railroad by the government of the late Sir James Whitney? That country was not developed by prospectors, it was developed as a result of the policy of Sir James Whitney in causing a railway to be built through the mining district.

Mr. ARMSTRONG (Timiskaming): No mine was discovered by any government. Both the Larose and the McKinley-Darragh mines were discovered by prospectors, not by the Whitney government. The provincial government, it is true, sent a prospecting party to co-operate with the prospectors. They also started a property known as the Provincial Mine, but it was not followed up and it turned out to be a dud. Since then the provincial government have entirely abandoned the policy of prospecting the north country; they have left it entirely to the prospectors, who are deserving of credit for the energy and heroism which they have displayed. I want to say another thing for those prospectors. In that country we are greatly indebted to prospectors who go into remote districts and make discoveries, although they have no money and scarcely anything but a grubstake. They have to take in their train a canoe in the summer or a dog-team in the winter. It costs twice the price of the ordinary express on the National Railways. That is what the National Railways do to assist prospecting. It is almost impossible for some of the poor prospectors to take their equipment from Cobalt to a point west of Red lake. Some interest must be shown in the prospectors.

We have attached great importance in past years to the work of the pioneers in agriculture. The agricultural area in our country depends entirely upon the mining area. You cannot send your agricultural products out of our country; the agriculturists have to depend upon the mining people for a market, and mining and agriculture in our part of the country go hand in hand. Since I came to that country more than a hundred thousand people have been brought in. If the government do not intend to do something in this connection they should give private ownership an opportunity. I am not speaking particularly in favour of this railroad or against it, but I am in favour of allowing private enterprise an opportunity of building up a greater northern Canada.

Mr. EVANS: I would have thought, after the many times this bill has been before the House, the promoters would have withdrawn it for good. They must, however, be admired for their persistence. The many times this bill has been before the House I have tried to get some information as to the promoters and as to the need for such a railway. It is a project that does not appeal to most of us and it cannot but be detrimental to the National Railways. As yet we have had very little information forthcoming. Trying to get some information regarding the feasibility of this road, I find that Mr. Lloyd Moore, financial editor of the Toronto Globe, has lately given a detailed account which goes to show that not only is the railway not needed but the whole thing is simply a gigantic swindle.

His article in the Globe reads:

> After four days of travelling around Red lake, it seems quite apparent that the snow-stakers are showing little interest in real work now that the fictitious market for claims has settled to a more reasonable level. Dome and McIntyre are carrying most of the load. 'Much credit is due Dunlop, Red Lake, for the aggressive policy that is being pursued. Some encouragement has been given in the work done already, and there is a reasonable probability that the outlook will improve as the exploration programme is advanced further. The effort being made by the Dunlop syndicate deserves a more detailed description which will be given out later.

But as to the other great syndicates and those who are responsible for the rush, he says that they are simply marking time. The date of this paper is June 25. The writer goes on to say:

> With hardly a single exception, the other syndicates are resting on their oars making no real attempt to fulfil the glittering promises made when Red lake syndicate flotations were in vogue. Here and there small parties are at work, but the whole situation is much less active than might be expected, taking into account the obvious importance of the Howey discovery and the favourable geological conditions that prevail over a large part of the Red lake district. The prospectors have not made the most of their opportunity. No work whatever has been done on the many scores of locations that want attention. Some snow-staked ground was sold early in the season at fancy prices and the unsold claims have been left alone. Such neglect does not affect the public as directly as the inativity of syndicates in which investors have placed their money.

The whole thing seems to be almost a great swindle. As many went in there before the winter was over, much hardship ensued as a result of the false news spread throughout the country by syndicates and prospectors who had no other interest in the whole matter than that of prospectors' earnings. But now apart from all this there is another feature that ought to appeal to this parliament at this time. While we were trying to get some policy laid down by parliament, the former Minister of Railways (Mr. Dunning) said that

they had no interest in the matter. I am sure that the present Acting Minister of Railways, (Sir Henry Drayton), who has taken over his office to-day, after his very exhaustive report of some years ago when he advised that there should be only two railway systems in Canada, will have something to say on this matter. But there is an interesting side for the people of Canada to consider regarding granting charters of this kind.

According to the Canada Year Book our railway debt to-day amounts to more than $2,000,000,000. Many are favouring private enterprise. I think we should encourage private enterprise all we can; but in answer to the hon. member for South Timiskaming (Mr. Armstrong), I want to say that the railways are public utilities and should never be allowed to drift into private hands. The people should keep them under their ownership and control. It has become a habit with some of our big men, bank managers, railway magnates and others, to denounce government ownership, and to denounce the National railways in particular. They would at this time give the National Railways back into private hands because they say it is too costly for the people. The cost to the people will be the same whether it is for private gain or even to make up a deficit. The substance of these remarks generally is to the effect that the National Railways are too heavy a load for the people to carry, but the fact remains that while our National Railways to-day are showing a deficit annually, the privately-owned system is returning very handsome profits each year. Some 10 per cent dividend is paid year after year by that system and in addition to this very large surpluses are added to reserve. There is no doubt that had both systems been under one efficient management our railways in the year 1925 would have reported a surplus instead of a deficit.

Our railway situation at the present time is something like this. While the taxpayers have to find money to meet a heavy deficit in connection with the national system the earnings from carrying charges as shown by the private concern have left a very handsome profit in the final accounting. The result is that the deficit in connection with the national system and the profits made by the private company are together a heavy burden on the industry of the people, for the extra amount which we have to pay in the form of charges for railway service may be described as taxation. If the railways were all under one management the Canadian people would this year, I repeat, have had the benefit of a surplus in connection with the National Railways.

The dangers attending public ownership seem to be a bugbear to some people. They would take our railways to-day and place them in private hands, but they want to leave the debt for Canadians to bear later on. There is a sum of $2,400,000,000 to-day on which interest must be paid, and it is not likely that any private concern would take over the railways at that capitalization. While speaking on this subject I am reminded of the words of the Acting Minister of Railways (Sir Henry Drayton) contained in the report which he submitted along with Mr. Acworth in the year 1920, to the effect that there should be only two systems of railway in this country from henceforth.

Why should we at this time start another system of branch railways as a result of which we should have probably a repetition of the debacle that now faces us? Facts and figures are sometimes presented in such a way as to mislead the public. The opponents of the National Railways never tell us that the reason for their hostility to the public ownership of public utilities is the fact that it interferes with what they consider the sacred right of some people to exploit the public for private profit. It is certainly strange, as the president of the Canadian National Railways pointed out recently in one of his speeches, that no danger was apprehended when the Canadian National Railways were piling up a huge operating deficits, which their opponents were quite willing to have the country bear. No one appeared to worry over that fact. But now that times have become more stable, now that the country is coming back to normal conditions, there is no doubt that, with the various roads making up the system coordinated and operating as a unified and efficient whole, large operating profits are anticipated. And as the president of the national system remarked, "whispers of death" and other newspaper articles have begun to appear in the press. I quote the words of Sir Henry Thornton:

> Can it be that our great financial experts would rather see our national road making tremendous operating losses than see them get out of the red ink and operate on the right side of the ledger to the tune of, say, $32,000,000 a year?

According to the Canada Year Book at the end of 1924 the total capitalization of the National Railways has stood at $2,326,411,356 of which $608,624,084 represents stocks, leaving a funded debt of $1,717,787,272. A very large part of this immense sum was lent or given by the government to these roads when they were in private hands and bond issues were guaranteed in respect of it. The part of the debt which is not to-day represented

by earning capacity is as much a part of the public debt as even our war expenditure and should be so considered. The railways should be relieved of this burden. But when we have a project such as this, which is going to add rather than take from the burden of the debt which we now owe on our railways, it is time for this parliament to outline a specific policy regarding our railways. I must confess that I am in favour of government ownership. It has been one of the planks of the farmers' platform for many years and we have seen no reason to change our mind on the subject. When we have such a legacy of debt to meet, bequeathed by the unreasoning optimism of the boom period, which came to an end just about the time the war began, surely we should consider this matter very carefully.

A few years ago it was not safe for anybody to say anything against the boom in railway construction. Anyone who at that time demurred against the credit of the country being granted in aid of railway promoters was thought fit perhaps for a lunatic asylum. Now we have to pay dearly for our ill-considered expenditures during those years. To-day the Red lake district is not suffering for lack of a railway. No one knows yet whether the settlement there will be permanent, and as one writer says, those who have gone in there are simply biding their time, leaning on their oars and waiting for somebody else to take the burden of developing the country.

When we were building branch railway lines ahead of settlement our bank presidents did not take the trouble to warn the people of over expansion of our railway system. I must add that they did not refuse to profit by the commissions which were paid them for acting as financial agents for the government or the railway promoters. Nor do the annual statements they now publish show that they have suffered at all by what they call the intolerable burdens the country has to bear. We know the burden of taxation year by year is increased by railway deficits, all because of the indiscriminate granting of railway charters in years past—charters for just such projects as this Red Lake railway. These men boast of their great prosperity, but a glance at the market reports showing the prices at which the shares of their companies are quoted would indicate that they at least are all right while the people are still carrying the burden. The same interests who would transfer our National railways to private control complain bitterly of the additions to our railway debt, but they were absolutely necessary to provide capital to put our railway system into a condition of operating efficiency. There is no doubt that those interests would prefer to see the Canadian National Railways starved so that the country would in sheer desperation be eager to turn the system over as a gift. Those selfish interests would be willing to see the Canadian National Railways go from bad to worse until we were willing to abandon the property on any terms. Then our financial benefactors could step in and salvage it on their own terms, but leave the debt on the hands of the public.

Now, when a private corporation finds that as a result of inflation or over-expansion its capital is far in excess of the dividend-earning capacity of the plant it writes the capital down and the shareholders bear the loss. If to-day the capitalization of our National railway system were written down to something like its true value—during the years of the boom we paid at least one-third too much for all our material—that system would show a profit on operation. A recent noteworthy example of this writing down of capital is the great English company of Vickers Limited, a company of international reputation. Its share capital has been written down some $60,000,000. It would be better perhaps if we put the capitalization of our National railway system at something nearer the real value and earning power of the road. If that system were returned into private hands does any hon. member suppose for a moment that its capitalization would not be written down?

Progress reported.

## CUSTOMS INQUIRY

### REPORT OF SPECIAL COMMITTEE—MOTION FOR CONCURRENCE AND AMENDMENTS THERETO

The House resumed consideration of the motion of Mr. Mercier (St. Henri) for concurrence in the report of the special committee appointed to investigate the Department of Customs and Excise, the proposed amendment thereto, as amended, of Hon. Mr. Stevens, and the proposed amendment to the amendment of Mr. Rinfret.

9 p.m.

Mr. SYLVESTRE: Mr. Speaker, may I ask the government if there is any ground for the rumour that they will resign by reason of the adverse vote this afternoon?

Sir HENRY DRAYTON: We appreciate jokes.

An hon. MEMBER: Dispense.

Sir HENRY DRAYTON: We may dispense with the joke.

Mr. LAPOINTE: It is a good thing you do.

Mr. SYLVESTRE (Translation): Mr. Speaker, when the House rose at six o'clock, I had reached the point where the Department of Inland Revenue had begun to have doubts in regard to the interpretation of Section 180 of the Inland Revenue Act connected with Section 1028 of the Criminal Code, which determines what penalty the judge had a right to inflict. This section 180 is as follows:

Every person who without having a license under this act, then in force,—

(a) distils or rectifies any spirits, or makes or ferments any beer; or

(b) assists in distilling or rectifying any spirits, or in making or fermenting any beer or wash in any unlicensed place; or

(c) imports, makes, commences to make, sells, offers for sale or delivers any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or any part of such apparatus . . . . . is guilty of an indictable offence, and shall, for a first offence, be liable to a penalty not exceeding five hundred dollars, and not less than one hundred dollars, and to imprisonment, with or without labour, for a term not exceeding twelve months and not less than one month, and, in default of payment of the penalty, to a further term of imprisonment not exceeding twelve months and not less than six months.

This section 180, has been amended by the Statutes 10-11 George V, chapter 52, clause 4 and the minimum fine was then fixed to $200 instead of $100 as it was previously. The government of that day, that is the Department of Inland Revenue, under the direction of a good Tory, absolutely wished to save the hide of his friend, Mr. Plamondon, and as the attorneys had been communicated with as to doubts existing whether the judge should sentence the man to both a fine and imprisonment or simply to a fine, the case was referred to the Department of Justice. On August 25, Mr. Moraud, at the time attorney to the department, received the following telegram:

Have sentence against Olivier Plamondon suspended pending opinion of Justice Department on section 180 Inland Revenue Act. Instruction to prosecute other parties being mailed.

On August 25, the opinion of the Deputy Minister of Justice had been received, certainly an authority on the matter, his answer was as follows:

Referring to your letter of this date, No. 4552, in connection with the prosecutions pending before Judge Choquette, of Quebec City, under Section 180 of the Inland Revenue Act, I am of the opinion that Section 1028 of the Criminal Code clearly authorizes the court to impose a fine or imprisonment or both for infractions of said Section 180 of the Inland Revenue Act.



Now, Section 1028 of the Criminal Code is as follows:

Whenever it is provided that the offender shall be liable to different degrees or kinds of punishment, the punishment to be inflicted shall, subject to the limitations contained in the enactment, be in the discretion of the court or tribunal before which the conviction takes place.

The letter to which I have just referred, dated August 25, 1920, was signed by W. Stuart Edwards, Assistant Deputy Minister of Justice. That is to say the Department of Inland Revenue, so as to have a clear conscience, having referred the facts to the Deputy Minister of Justice, the latter confirmed by letter the decision of Judge Choquette who had come to the conclusion, after Plamondon had pleaded guilty, to sentence him to a fine and jail. The situation was critical, both for the protectors and protected. Other means had to be found. What was done? On August 27, another letter was sent to Mr. Lucien Moraud, attorney to the department., which is as follows and is signed by the Assistant Deputy Minister of Inland Revenue:

I beg to enclose herewith a communication received from the Assistant Deputy Minister of Justice, with regard to the interpretation of Section 180 of the Inland Revenue Act. You will note that it is therein stated that Section 1028 of the Criminal Code gives the magistrate discretion to impose either a fine or imprisonment or both in any prosecution under the above quoted section of the Inland Revenue Act.

The instructions were therefore clear and precise. By all means a way out had to be found so as to prevent that dangerous criminal, to which the department's attorney had referred to, going to gaol. What was done? Overtures were started in order to withdraw the charge which at the time was before the judge, and to which Plamondon had pleaded guilty, an attempt was made to withdraw the charge in order to substitute another, and this time in such a manner that Plamondon would only be sentenced to a fine. What happened? A letter dated September 2, 1920, signed by Moraud & Alleyn, attorneys to the department was sent to the Deputy Minister of Inland Revenue:

SIR,—In accordance with your instructions contained in your wire of the 28th of August, and confirmed yesterday by 'phone—

It was urgent, they wired, wrote and telephoned.

—we have made a new complaint against Olivier Plamondon under Section 185 of the Inland Revenue Act, and have applied for withdrawal of the complaint already laid under section 180.

Mr. Justice Choquette hesitates to take it upon himself to allow us to withdraw our complaint for the following reasons: Plamondon on first appearing before Mr. Justice Choquette after his arrest, pleaded

not guilty. A few days later, after the department has been consulted and an understanding reached that Plamondon should plead "guilty," he would not be condemned to jail, he again appeared before Mr. Justice Choquette and changed his plea of "not guilty" to one of "guilty."

We applied this morning to be allowed to withdraw that complaint, but the court refused, on the ground that we could not withdraw such complaint when the accused had pleaded "guilty." The latter immediately moved to be allowed to change his plea of "guilty" to that of "not guilty," so that we could withdraw our charge.

Mr. Justice Choquette took the motion "en délibéré" holding that Plamondon could not be allowed to change his plea again, and stating that he would submit the matter to the Attorney General of the province of Quebec, in order to know whether he could accept this new change of plea.

The matter is now in the hands of the Attorney General, and should the latter be willing to permit it, Plamondon will be allowed to change his plea so as to enable us to withdraw our charge under section 180.

The other accused parties have been arrested, and their trial is bound to come up next week. We will keep you informed of any new development.

I respectfully submit, Sir, if ever we have had a gross example of denial of justice, of odious interfering, it is in this case. Here is a man who has pleaded guilty to a charge bearing both a fine and gaol. The judge sentences him to both. Proceedings are started. The accused's attorney, who is no more nor less than the ex-Minister of Inland Revenue himself, the Hon. Mr. Sévigny, who was even Speaker of this House, applies to the same department, to induce them to have the judge's decision changed. As a rule, everybody has a great respect for judges. The courts enjoy the respect of all, one never interferes, neither directly nor indirectly, nor especially by means of undue influences, in order to shield a political friend. But in this case they want absolutely to whitewash Plamondon and it is requested that the department should bring weight to bear upon the judge. And it is what the department does, by letters, telephones and telegrams, however, without success. It is then that the attorney general shortly after came to a decision, because when a charge is laid before the court, especially when the accused has pleaded guilty, it is not a question of private interests between two parties, but of public right, as for instance, whether the law has been observed or not. Consequently no one had the right to withdraw this charge, no one had a right to prevent the carrying out of the sentence which had been passed by the judge on Plamondon. Nevertheless, for gentlemen who become very scrupulous when they learn that a man has been so unfortunate as to keep three inoffensive little whiskey bottles at home, they are deaf to this state of affairs, they close their eyes and



give us evidence of bad faith by not blushing ten times more than in the case of Moses Aziz!

And still the case goes on. It is real romance this affair of Plamondon. Never did political men take steps with such assurance and with such gross violation of the law, purely and simply to shield Plamondon who was a political friend.

Furthermore, on September 9, 1920, another letter from Messrs. Moraud & Alleyn which is as follows:

OTTAWA, September 9, 1920.

DEAR SIR,—With further reference to the action taken against Olivier Plamondon, in connection with the seizure of stills, we beg to report as follows:

As mentioned in our letter of the 3rd of this month, on instructions from you, we applied for withdrawal of the complaint laid against Plamondon, under section 180, and laid a new complaint against him, under section 185, on which he pleaded guilty. Mr. Justice Choquette then stated that he could not allow us to withdraw our complaint against Plamondon, under section 180, because the latter had pleaded guilty. He took the case en délibéré and rendered judgment yesterday morning. By his judgment he decided that Plamondon could not change his plea of "guilty" to that of "not guilty" on the charge laid under section 180 and that we could not withdraw our complaint. He therefore proceeded to sentence Plamondon to $200 and two months in jail. The latter has taken an appeal and has been liberated on bail, pending the decision of the court in the appeal. Sentence has been suspended on the charge laid under section 185 until the Court of Appeal has decided the other case.

The Court of Appeal will sit in October. Kindly advise us what your instructions are concerning the appeal entered by the defendant. Will send you a complete report on the whole matter in a few days.

Yours truly,

MORAUD & ALLEYN.

What happens next? On September 9, Plamondon was condemned to $200 fine and two months in gaol. What was there to be done to have the sentence commuted? All the witnesses which had given evidence, all the attempts made to try and prevent him from going to gaol having failed, there remained but one last procedure, a last straw to save the drowning man: it was quickly seized. The Prime Minister of the present government, the Right Hon. Mr. Meighen, stated the other day that the moment a sentence is passed, no one has a right to intervene; well, what happens in the present case?

Steps were taken in order to have the sentence commuted, and they succeeded, for on October 7, 1920, a letter from the Acting Deputy Minister of State is sent to the Deputy Minister of Inland Revenue and later communicated to the crown attorney. The letter is as follows:

CANADA, DEPARTMENT OF SECRETARY OF STATE,
OTTAWA, October 7, 1920.

SIR,—Referring to your letter No. 4852 of the 18th ultimo to the Remissions Branch, Department of Justice, dealing with an application of clemency made by Sévigny & Sirois, Barristers, of Quebec—

This is always Mr. Sévigny, the ex-Minister of Inland Revenue and ex-Speaker of the House.

I continue to read the letter:

—on behalf of one Olivier Plamondon, who was recently sentenced by His Honour Judge Choquette to pay a fine of $200 and to serve two months' imprisonment for possessing an illicit still, I am commanded to inform you that his Excellency the Governor General has been pleased to order that Plamondon be not called upon to serve the sentence of two months' imprisonment, and that he be released from further liability for this sentence as soon as the $200 fine has been paid.

His Excellency's decision has this day been communicated to the Solicitor for Plamondon.

I have the honour to be, sir,

Your obedient servant,

P. PELLETIER,
Acting Under-Secretary of State.

To the Deputy Minister of Inland Revenue,
Ottawa, Ont., Canada.

Here is a man who is sentenced by the court to a fine of $200 and to two months in gaol. An appeal is made, why? The case which I have just submitted is not based on supposition, but on evidence, on facts proven at the Committee of Inquiry on the administration of the Customs Department. An appeal is made but only for the form, for there is evidence to show that little attention was given to this appeal from the moment the sentence of gaol was commuted by the Governor General. The principal reason why Plamondon escaped being lodged in gaol was also established. It is that he, the most guilty one besides being caught in the act, promised, in order to save his hide, to become a Crown witness so as to have four men, who had assisted him, sentenced. He denounced his employees—as it came out in the evidence that these men were employed by Plamondon—and as a reward for his treachery, his gaol sentence was remitted and he only had to pay the fine of $200. Furthermore: he was given the share which was owed to him as an informer. He paid the fine to which he was sentenced from the money he received as an informer and he pocketed the balance.

To sum up the case, here is a man who in August is found in possession of three copper stills and another galvanized tin still of a 30 gallon capacity, three lead worms, about 2,000 gallons of wash, 45 gallons of spirits—a sufficient quantity to quench the thirst of many people. This man escapes the severe penalty which he deserved from all angles and in all justice for the simple reason that he was a political friend of the government of that day—

Some hon. MEMBERS: Shame! Shame!

Mr. SYLVESTRE (Translation): —and because he gave information against his employees and had them sentenced. He had to meet five charges. On an order from the minister four of them were withdrawn; this was still in gross violation of the law, for when a charge is made, especially by a public department, it is not a question of private interests, it is a case of public interests, it is a question of finding out whether the law has been violated or not, because everybody must respect it. And the moment there is evidence of violation of the law, no one has a right to intervene, especially in such a grossly and indecent manner as was done in the present case, when they wanted to influence the judge, when they wanted to withdraw the charge after Plamondon had pleaded guilty. To-day, I appeal to all those who wish to look into the Moses Aziz case without any prejudice. I appeal to all those who want to pause a moment and compare the two cases. Can a scandal be made out of an insignificant thing as the Aziz case, and no mention be made of a case so serious in consequences as that of Plamondon?

I am also sorry, Sir, that this inquiry was directed exclusively against Quebec. I am not aware that we are more dishonest or less virtuous than are the other citizens of Canada. I am wondering why there are two weights and two measures, why the Liberals, connected with the Aziz affair must be looked upon as black sheep, when the Conservatives connected with the Plamondon affair are spotless white lambs?

The inquiry should not have been limited to Montreal. Certainly there are other centres in Canada where smuggling is carried on. There are centres in Ontario, and important ones, which are much nearer to the United States than the city of Montreal is. The province of Quebec has been subjected to many an assault and will be subjected to many more, however we are proud of the part we have played in every circumstance and it is not the insults that may be directed against us which will change our attitude.

Mr. Speaker, it is a beautiful thing to hear patriotism and loyalty proclaimed. I do not know if my friends on your right, Sir, have the same knowledge of the history of Canada as we possess. I was listening, for instance, the other night to the hon. member for St. Lawrence and St. George (Mr. Cahan) who was saying that he had a thorough knowl-

edge of the characteristics which predominate in the province of Quebec and that this inquiry was not directed against it. He may know our characteristics, but we also know ourselves, as well as he does, and if we refer back to the history of Canada, let our friends on the right, Sir, learn, if they are unacquainted with the facts, that if the Dominion of Canada still forms part of the British Empire, it owes it to the loyalty and courage of the French Canadians of the province of Quebec. In 1760, when we passed under another flag, we were guaranteed by the constitution the free exercise of our language and religion. In return, we swore allegiance to the King of England. And faithful to our oath 50 years after, when we were attacked by our neighbours the Americans, in 1812, 1813 and 1814, who saved the country? Overtures were made to our ancestors, to the ancestors of those who belong to the province of Quebec; but faithful to our oath, we held out bravely, it was a handful of French Canadians, who under the walls of Quebec, repulsed the invasion, while another handful of French Canadians under the orders of de Salaberry repulsed the American invasion on the shores of the Chateauguay river, and the empire was saved. What our ancestors did, we have continued to do and shall carry on in spite of suspicious tactics, and insults, in spite of all the means which may be sought in order to discredit us and make us pass for what we are not.

This is why, Sir, it behooves us to consider the question, at present before the House, to discuss it calmly without endeavouring to rouse political passions, without seeking to appeal to race and class prejudices. I feel convinced that if we consider the question in this manner, the House will approve of us, for the Moses Aziz incident is certainly not sufficient to make a mountain of it, while those gentlemen who are opposite have much to hide but do not seem to realize it. Mr. Speaker, I feel fully confident on this question and I hope that the House will approve of our stand.

Right Hon. W. L. MACKENZIE KING (Leader of the Opposition): Clause 4 of the report of the special committee is as follows:

> Notwithstanding the time devoted by the committee to the taking of evidence the matters referred to it by the order of reference could not be completely reviewed. Much evidence was taken in connection with the port of Montreal; the situation at Beebe and Rock Island, Quebec; and the operation of distilleries. The committee have also with some detail examined into liquor smuggling in the Maritime provinces. The committee have examined in a general way the conduct of business at certain customs ports of Ontario. The committee have not dealt, except incidentally, with the middle west and the Pacific coast. To a degree, therefore, this report is incomplete and suggestive rather than final. Full audit and extra-departmental investigation would be profitable in improving the service and recovering a large amount of revenue.

I submit, Sir, that so far as the public of this country is concerned that representation discloses a very distinct limitation in matters as they stand at present. It discloses that the investigation was incomplete in many particulars; incomplete as to the localities investigated and incomplete as to industries investigated, in particular, several distilleries and the business they are carrying on. It is incomplete, moreover, as to the parties investigated; incomplete in fact for the most part with respect to many phases of the subject matter the committee was called upon to inquire into. The evidence was sufficient to disclose that there is great need for a very full, complete and exhaustive inquiry into the evil of smuggling and into the problem of collecting the revenue as it has developed. The people demand to-day that the matter be not allowed to stand where it is at present but that the fullest possible investigation be made from the Atlantic to the Pacific, in order that something comprehensive and constructive may come from the discussion which has taken place in this House. I submit, Mr. Speaker, that it would be nothing short of a public scandal if, after the amount of time devoted to this inquiry by the committee and after the discussion which has taken place in this House with respect to the committee's report, matters were permitted to drop before the public was perfectly satisfied that the investigation had been thorough and complete on all essential points.

May I now draw the attention of the House to the amendment moved by the hon. member for Vancouver Centre, the minister without portfolio, who at present is administering the Department of Customs (Mr. Stevens). That amendment contains no suggestion of a continuation of the investigation; the amendment is largely confined to a vote of censure on ministers of the crown and is a political amendment purely and simply, evading altogether the matter of primary interest and concern to the people of Canada, namely, whether or not means can be discovered effectively to combat the smuggling evil, to what extent frauds may be taking place in different parts of Canada, and to what extent there is need for redress. I cannot dwell too strongly, Mr. Speaker, on that phase of the amendment moved by the hon. member for Vancouver Centre, because it illustrates two things: one, that he who has taken

the most interest in the work of the committee evidently felt satisfied when he had completed the investigation at Montreal and the investigating of a few officials from the province of Quebec and one or two officials of the Department of Customs here, but he was not ready to move in this House that an investigation should be continued into the customs ports of such large centres as Toronto and Winnipeg, his own city of Vancouver, and the cities of Halifax and St. John; also was not prepared to advise the House that a complete examination should be made into the affairs of the distilleries that have not been investigated.

I submit, Mr. Speaker, that what the public wants is a very full investigation into all the phases of this matter which I have indicated. It was not until the hon. member for Winnipeg North Centre (Mr. Woodsworth) moved an amendment that the House had before it the constructive proposal of a judicial investigation to continue the investigation which the special committe commenced—a judicial investigation that would take up the work that had not been reviewed by the committee, and that would also afford opportunity where there was reflection upon the personal character of any man, for him to have a judicial hearing before being condemned in the eyes of the public. That, Mr. Speaker, is an all important feature of the amendment which was moved by the hon. member for Winnipeg North Centre; he did have regard for what in British fair play and justice is regarded as all important, namely, that a man whether he be a humble citizen of the land or a minister of the crown, before he is condemned should be entitled to an investigation conducted in a judicial manner and in a judicial atmosphere.

When we on this side were in office we accepted the proposal of a judicial investigation. We intimated that if it were given to us to carry on, that investigation would be made comprehensive, that it would extend to the different centres that I have mentioned and to the different industries to which I have referred, and that it would be made a thorough inquiry, so that this House when it assembled at the next session would have before it the evidence which was taken by that commission, and would also have before it the report of the commission itself, the findings of the commissioners and any recommendations they might have to make, and that the House might be in a position to do something really constructive by way of such further reform as might be considered necessary. However, the amendment was voted down, as the House will recall, by a majority I think of two.

Then what to all intents and purposes was the same amendment was moved by the hon. member for Last Mountain (Mr. Fansher), and that subamendment was agreed to and was added to the amendment. May I point out this circumstance to hon. members of the House? When that amendment was carried in that form, the one criticism that I heard coming from the official opposition, and which I heard made also by members of the Progressive group and others in this House, was that that judicial investigation would be carried on by the government of the day, and that the government of the day would appoint as investigators judges in whom they might have confidence, but in whom perchance members of the opposition, members of the Progressive party and citizens of the country generally would not have equal confidence; in other words, that the judicial commission would be a commission chosen by the government of the day to conduct the investigation in a manner that would please the government of the day. That was the criticism that was directed against the amendment as amended as it stood at the time the late administration went out of office. Before going out of office we considered very carefully that phase of the question. We believed that the people of this country would expect the government that undertook the work of cleaning up this smuggling evil to appoint a commission in which there would be absolute confidence, a commission with respect to the findings of which not an hon. member of this House, nor a single citizen of this country, could take any exception. We conferred among ourselves as to the manner in which that all important end could best be attained, and we came to the conclusion that the manner in which that end could best be attained would be through the appointment of a commission of judges, three in number, one to be named by the Prime Minister of the day, the second to be named by the leader of the opposition, and the third to be named by the leader of the Progressive party. I submit, Mr. Speaker, and I wish to say it as emphatically as I can, that I believe it is a commission of that character, and of that character alone, that the people of this country will be satisfied with on this all important national problem. I venture to say that those whom hon. gentlemen opposite, members of the Conservative party, represent, will expect them to name on the commission a judge in whom the Conservatives of this country will have confidence. I know that so far as the Liberals of this country are concerned, they will expect that an opportunity will be given for the Liberals to name

a judge in whom the Liberals of this country have confidence, and I believe that the same will be found to be true with regard to those whom the Progressive members of this House represent, that their constituents will expect them, if the opportunity is offered, to give favourable consideration to an amendment which will give to their leader the right to name on a commission to investigate this all important matter one in whom they have entire and perfect confidence. I repeat that no other commission will satisfy the public demand at the present time. I submit that all the discussion that has taken place in the last few months before the committee of this House, and the discussion that has taken place in this House of Commons has aroused public feeling with respect to the hideousness of certain features of this national evil and national menace.

Some hon. MEMBERS: Hear, hear.

Mr. MACKENZIE KING: Hon. gentlemen say, "hear, hear." Then I say that if hon. gentlemen are sincere in their "hear, hears" the one way to bring about reform is to give to this country a commission in which the entire country will have confidence. I submit further, Mr. Speaker, that in view of the manner in which this whole question of vital national importance has become a matter of political controversy and of political strife, nothing will satisfy the people of Canada to-day, with respect to settling this question in a proper way other than a commission that will have on it representatives of the three parties that compose this House of Commons. I want the House to stop and consider, as I ask the country to stop and consider, what better guarantee could be given to the nation that the work will be done thoroughly, that the work will be done honestly, that the work will be done effectively, than that each political party in this House will be put in the position of vying with the other political parties in seeing that there is brought to light in the fullest possible way everything that should be disclosed in connection with the existing situation. The late government was prepared to make that proposal had it continued in office.

An hon. MEMBER: When?

Mr. MACKENZIE KING: Before the government went out of office, the amendment which was proposed to-day was shown to several hon. members of this House, and it was indicated very plainly that that was the amendment which was intended to be moved from the then government side as a subamendment to the amendment as soon as opportunity was presented therefor. Such was the case. However, it makes little difference whether such was the case or not, so long as at the present time the House has before it an amendment to that effect. The amendment which the opposition, through one of its members, has offered to the House to-day was in the same language and the same words as the amendment which the late government had intended to offer. I say it is due to the people of this country, it is due to these who are represented by the different political parties, that such a degree of confidence as to the thoroughness and fulness of the investigation shall be given to them now that the opportunity has presented.

Sir GEORGE PERLEY: Do we not consider our judges trustworthy, and is the right hon. gentleman suggesting that each party should name one judge who would be practically a representative of that party?

Mr. MACKENZIE KING: Assumedly all the judges of the country are trustworthy, but I do say that human nature being what it is, the public would have more confidence in a tribunal constituted in the manner I have suggested, nominated by representatives of all sides of the House than they would have in judges appointed by hon. gentlemen opposite.

May I further direct the attention of the House to this fact: Hon. gentlemen opposite who have been most active in the work before the committee have carried the work just as far as it would suit themselves. If the subamendment to the amendment is not carried we will have to consider the amendment as amended, and that amendment will give to hon. gentlemen opposite solely, and only to them, the nomination of the judicial commission that is to carry on the inquiry. I submit, Mr. Speaker, that the public will not have the same degree of confidence in a commission appointed by hon. gentlemen opposite in that way as they would have in a commission appointed in the manner I have indicated. I say that without any desire to reflect on hon. gentlemen opposite because when I had the honour of filling the position of Prime Minister, in seeking to suggest a commission that would invite and secure public confidence, I proposed to give to the leader of the opposition and to the leader of the Progressive party that very opportunity for the reasons I have mentioned.

Mr. QUINN: Did you do that when you appointed a commission on Maritime rights?

Mr. MACKENZIE KING: We will take one commission at a time. My hon. friends

opposite will have an opportunity to have such a commission if they have not faith in the Maritime rights commission as now constituted. But what I wish to make clear at the moment is that I do believe that nothing short of an inquiry by a tribunal as representative as I have mentioned, conducting an investigation in a manner as thorough as we have proposed, will be satisfactory to the people of Canada.

Mr. BELL (Hamilton): Will the hon. member tell us the occasion on which he proposed that the judicial commission he now speaks of should be appointed? I am not asking this for the purpose of challenging his statement, but merely because I want accurate information with respect to it.

Mr. MACKENZIE KING: I have mentioned that already. I have said that before the government went out of office I had shown the amendment to several members in this House, and those members are within the hearing of my voice at the present time. It was not an amendment I presented, because an opportunity had not been afforded for doing that; it was an amendment prepared in advance because of the criticism that the amendment as moved by the hon. member for Vancouver Centre, and amended by the amendment of the hon. member for Last Mountain, left to the government of the day, and to the government of the day only, the appointment of the judges who were to compose that tribunal.

Mr. BELL (Hamilton): On what date was that amendment drawn up?

Mr. MACKENZIE KING: I cannot say offhand. However, I am not standing here for the purpose of being cross-examined; I have given my word and I hope my hon. friend will accept it. May I add this further word as to why that subamendment seemed to me all-important? The amendment of the hon. member for Vancouver Centre, as I have already indicated, was aimed primarily at passing censure on the Prime Minister and members of the government, at passing censure on the Hon. Mr. Boivin, at passing censure on persons who had no opportunity whatever of appearing to answer charges that might be brought against them. I ask hon. gentlemen opposite when was I, as Prime Minister, told that there were to be charges in the form of censure against myself and members of the administration in any amendment to the report which the House would be asked to adopt? When was the Hon. Mr. Boivin told there was going to be a finding in the nature of a vote of censure by this parliament? No chance whatever was afforded him to appear before a judicial tribunal and disclose whether or not those charges were well-founded. I stated the other day, and I repeat to-night, that the former Minister of Customs and Excise, Mr. Bureau, states that he is prepared to go before any judicial tribunal.

An hon. MEMBER: Why did he not go before?

Mr. MACKENZIE KING: There was not a judicial tribunal of this character for him to go before. However, he asked that I should state on his behalf in this House that he was prepared to go before any properly constituted judicial tribunal and answer for his administration as Minister of Customs and Excise with respect to the particular matters mentioned in the report, and any other matter which could be alleged against him. I made the further statement that I thought a commission of that kind should be appointed that I thought the Hon. Mr. Bureau should go before such a commission; that he should be heard; that that commission should examine thoroughly into his whole management of the department, and that if the commission found that in any way he was wanting in the discharge of his duties or was guilty of conduct which was not befitting a minister of the crown, I as the leader of the Liberal party would ask him to resign his seat in the Senate of this country and would expect him to do so. I wish to repeat that announcement at this moment. If that commission is appointed on which the Conservative party will have the naming of a member, on which the Progressive party will have the naming of a member and on which the Liberal party will have the naming of a member, I will expect Mr. Bureau to appear before that commission to be examined by each one of those judges, and I will expect this House to have before it at the next session of parliament the finding of those judges upon the conduct, behaviour and administrative character of the work of the late Minister of Customs. If as a result of that finding there should be anything that reflects upon Mr. Bureau's character or upon his management of the affairs of the Department of Customs, then, as I say, I will as leader of the Liberal party ask and expect him to resign from the Senate of Canada. In accordance with the principles of British justice can anything be fairer than that?

As the amendment is brought in this afternoon it applies solely to the hon. member for Shefford (Mr. Boivin) who until two or three days ago was filling the position of

Minister of Customs in this House. The amendment moved by the hon. member for St. James (Mr. Rinfret) does not confine investigation to one minister of customs; it extends the investigation to an examination into the administrations of any or all ministers of customs. It takes the very charges that are being made by hon. members opposite against the hon. member for Shefford and it states to all intents and purposes that inasmuch as the late Minister of Customs has never had an opportunity of appearing to be heard before a judicial tribunal in his defence in a manner which would enable him to have his position stated as a judicial body would state it—

Mr. DUNNING: And never been censured by the existing committee.

Mr. MACKENZIE KING: —and as my hon. friend says, never been censured by the existing committee, he should be given such an opportunity before he is condemned in this House. Inasmuch as the committee which brought in this report did not find that it was possible for a majority of their number to agree upon a censure of the late Minister of Customs, why should this House, without an opportunity of reading the evidence, which opportunity I venture to say none of us has had, without an opportunity of having the benefit of the knowledge which they had, purely and simply for political reasons condemn the hon. member for Shefford in this manner? The public who have a sense of fair play and justice will demand that that course be pursued; they will not be satisfied with any other course than a judicial inquiry. There will always be a lurking suspicion that the amendment of my hon. friend, should it carry, was an amendment moved for purely political reasons. No man or woman in the country will feel secure in his or her mind that real justice has been done to those whose names are mentioned in the amendment.

10 p.m.

Further, with respect to anyone whose name is mentioned in the report or in the evidence, I do not care who he is, be he a member of parliament, be he an official of the Department of Customs, be he a citizen of the country who is neither an official of the government nor a member of parliament, if in any particular there be reflection upon his name or character in what has come before that committee, he too should be made subject to investigation by this judicial tribunal. Can anything be fairer than that? That opportunity should be given to anyone who is named in any way.



I understand that in the committee itself the hon. member for Peace River (Mr. Kennedy)—and I mention him specially at the moment because I think he will wish to see justice done in this matter—was unwilling to vote especial censure against the hon. member for Shefford, the late Minister of Customs. I ask whether the hon. member for Peace River, having regard to his desire to see justice and fair play done to a fellow member of this parliament, is not going to be satisfied that all the public interest as well as the ends of justice and truth will be rightly served if he along with his leader has an opportunity of naming one of the judges on this commission and the commission is composed also of a judge appointed by hon. gentlemen opposite as well as a judge appointed by the present opposition. These are considerations of a practical and immediate character and should be taken into account at the present time.

More than that, over and over again we have heard, during the course of this late inquiry, query after query as to why it was that only ministers of the late government should have their administration investigated and that there should be no inquiry into the administration of the Customs department when hon. gentlemen opposite had some of their friends and their number at the head of affairs. I do not reflect and I do not wish to reflect upon any previous ministers of the crown; but knowing the character of the men who have surrounded me of late, I do not propose to say that hon. gentlemen opposite have men of any finer character in their party. I venture to say that an investigation of the Customs department as it has been conducted during the last ten, fifteen years, will bring to light a good many things that will help to explain the situation that we are trying to account for at the present time.

Hon. gentlemen speak about degeneracy in the service. Degeneracy does not start in one or two years; it is a matter of years, and you discover degeneracy only after the evil has had several years to run. The source of degeneracy lies in the past, not in the present. Degeneracy is the fruit of past evils, and I think it will pay this country to have an investigation made that will go back into the past and see how the Customs department was administered under hon. gentlemen opposite. But do you suppose if it is left to my hon. friend opposite to make an inquiry, should by any chance this phantom administration continue, they are going to extend it back into the past? I would have to have more confidence in them than I have at the

moment to believe anything of the sort. So I say, whether we have regard to the subject matters to be investigated, whether we have regard to the extent of the investigation, whether we have regard to the individuals whose conduct should be inquired into, whether we have regard to public officials, ministers of the crown, past or present, the course which has been suggested in the amendment now before the House is the right and proper course and the only one which will completely satisfy the citizens of this country.

Let me in conclusion say this: If we have to wait till hon. gentlemen opposite get their government into working order we may find in the Customs service new developments which will not be wholly creditable to the country. Ministerial responsibility surely stands for something. The hon. member for Vancouver Centre talks about ministerial responsibility in his amendment. I should like to know what ministerial responsibility we have in Canada to-day. We have opposite four or five hon. gentlemen without portfolios, each one of whom assumes ministerial responsibility for half a dozen departments. I say, Mr. Speaker, it will be a miracle if within the departments of the public service conducted under such management there do not develop difficulties and problems of a character one would hesitate to suggest. I say that the interests of the country demands, not that the invesigation should be postponed until doomsday, but that immediately there should be appointed such a tribunal as I have indicated, which will be able to conduct the inquiry in a thorough, efficient and perfectly impartial manner, and submit to this House such material as may be necessary as a basis upon which to make needed improvements in the public service and to remedy the evils that have been complained of. What is required is a tribunal which will serve the national welfare in a way the country has reason to expect.

Hon. H. H. STEVENS (Acting Minister of Customs and Excise): With the concluding words of the leader of the opposition (Mr. Mackenzie King) I am in hearty accord, namely, that a judicial inquiry should be made without delay and should be carried forward to a conclusion with all expedition possible under the circumstances. May I at once direct the attention of the House to the fact that in the amendment adopted unanimously the other evening on the motion of the hon. member for Last Mountain (Mr. Fansher), amending the motion which I myself had made, this recommendation is proposed:

> Your committee recommends the appointment of a judicial commission with full powers to continue and complete investigating the administration of the Department of Customs and Excise and to prosecute all offenders.

The other day my right hon. leader (Mr. Meighen), on behalf of his followers in the Conservative party, accepted that amendment in toto, and I am authorized to state to the House now that the right hon. gentleman, as well as this government, will stand or fall by it. This amendment was accepted as a full expression of the wish of those who desire that such an investigation should be in the nature of a judicial inquiry, and it was frankly and freely received and given the unanimous endorsation of the House. Now the hon. member for St. James (Mr. Rinfret) comes forward and moves another amendment. The hon. gentleman always speaks with great courtesy and skill as well as with moderation, but I would point out that in substance his amendment has for its object not the appointment of a judicial inquiry, but rather the striking out of that portion of the original amendment proposing the censure of those responsible for the breakdown in the Department of Customs in the past. That is the object of the hon. gentleman's amendment; of that there can be no question; and the addition of the words suggesting that the inquiry shall be conducted by three judges is really immaterial.

Let me examine the situation as briefly as possible. What is a judicial inquiry? Under all known precedents in this country and in accordance with the method which has been followed from time immemorial, a judicial inquiry is one conducted by a member of the judiciary, and it has been universally recognized in the past that the judiciary of Canada were of such a trustworthy character that any judge appointed to inquire into any subject might be expected to make a report that would be genuine and that would meet with public approval. The proposal of the ex-Prime Minister (Mr. Mackenzie King) is that three judges shall be appointed, of whom one shall have the peculiar confidence of the Liberals of Canada, one the confidence in particular of the Conservatives, and the third the confidence of the Progressive party. I submit that the very nature of such a commission indicates that it will represent partisan or political views. There is no escape from that inference. In other words, the suggestion is that in the appointment of such a commission we shall free these judges of non-partisan restraint and ask them instead to represent us respectively as Liberals, Conservatives and Progressives.

Mr. MACKENZIE KING: In view of what the hon. gentleman has just stated, does he consider that the judges so appointed would necessarily lose their judicial character because they were nominated by the parties?

Mr. STEVENS: No. I do not want to be disrespectful, but I do submit that the amendment is not a sensible one, because, in my opinion at least, a judicial inquiry presided over by a judge of the land would in any event have the confidence of the Canadian people for the reason that we believe our judiciary to be a non-partisan body.

Mr. MACKENZIE KING: My hope would be that the judge named by each party would be of such well known character and reputation that he would command the confidence of the entire country.

Mr. STEVENS: I can only remind the right hon. gentleman of his own words. A moment ago he asked whether anyone in this House would believe that a judge appointed by hon. gentlemen opposite—pointing to ourselves—would conduct a fair and judicial inquiry.

Mr. MACKENZIE KING: No. I said, would command the same measure of confidence as if each party had the right to name one judge.

Mr. STEVENS: It will be conceded, I think, that the meaning is the same. However, we will not quarrel over that point. What I am trying to bring to the attention of the House is the fact that a judicial inquiry such as the House has already approved of by unanimous vote is the sort of inquiry we propose to give.

I come now to the next point raised by the leader of the opposition. The right hon. gentleman says that action should be taken without delay. I may assure him, on behalf of the present government and those on this side of the House, that action will be taken in the immediate future, as promptly as possible, and that this judicial inquiry will be vigorously prosecuted. I go further. We have approved of the report, and we do not purpose to delay for a year or for nine months putting it into full effect while an inquiry is being held. This report contains many valuable suggestions and proposals that ought to be put into operation forthwith.

Now, the right hon. gentleman says there was no opportunity for him to appear before the committee.

Mr. ROBB: Before leaving that,—my hon. friend has promised an immediate inquiry, which we all desire. Will he or the leader of the House say, on behalf of this government, with only one member properly sworn in, the others all acting ministers, that they have any right to make appointments of any kind until they are approved by the people?

Mr. STEVENS: That point has been raised two or three times.

Mr. ROBB: It was raised earlier in the session.

Mr. STEVENS: I will proceed to answer my hon. friend. I would suggest this to the fair-mindedness of hon. members, many of whom possess that quality in a considerable degree. This government came into office under most extraordinary circumstances. My right hon. friend walked into the House yesterday and without notice stated that he had resigned, giving no opportunity for the formation of another government. Within twenty-four hours a government—certainly not a finished government, as we all know—was formed. A few hours ago my hon. friend from St. James (Mr. Rinfret) twitted us a little on being somewhat in the position of my right hon. friend when he met parliament in January last. But he had two full months to form a government; we had twenty-four hours. That is a vast difference. We are not pleading for any special consideration on account of these circumstances, but in all fairness and justice it ill behooves any member, particularly any member of the late government, to reproach the present government because it is not fully organized within twenty-four hours.

Now, my right hon. friend said there was no opportunity for him to appear before the committee. This committee was in daily operation for four and a half months, and held one hundred and fifteen sittings.

Mr. MACKENZIE KING: My point is, there was no opportunity to appear to answer the charges there that were made.

Mr. STEVENS: The only charge made was one which my right hon. friend knows is a perfectly proper charge. It is a charge that his administration, having had control of affairs for a period of years, must be held responsible in the eyes of parliament and of the country for the condition of the department at the end of that period. There was not a sitting of the committee when the right hon. gentleman and any of his colleagues, or the ex-minister himself, would not have been welcome before it. My right hon. friend and other hon. members have rather suggested that in some way or other I am responsible

for his failure to appear before the committee. Let me again remind the House that we—speaking for the party to which I belong—were never in control of the committee. I want to say in justice to my hon. friend from St. Henri (Mr. Mercier), chairman of the committee, to the hon. member for West Middlesex (Mr. Elliott), who for a time was on the committee, to my hon. friend from West Lambton (Mr. Goodison), and to my hon. friend from Vancouver North (Mr. Donaghy), that they were fair. There were sharp cleavages of opinion at times, but I have not a single complaint to make of the treatment I received on that committee. Now I say to my right hon. friend there was opportunity at any time during that period—and many things arose which called for the presence of the late Prime Minister or his colleagues to explain—for him to have appeared if he had chosen so to do.

To-night, as I think he did on Friday evening, my right hon. friend defends the late minister.

Mr. MACKENZIE KING: I take immediate issue with that expression. I have made no defence whatever of the late minister. I cannot make that too plain. I have no defence of any character whatever to make for the late minister. All I do say is, the late minister should be given an opportunity to defend himself before he is condemned, and he should have that opportunity before a judicial tribunal.

Mr. STEVENS: I cannot put any other interpretation on my right hon. friend's words than that of a very hearty defence of the late minister, but I accept—

Mr. MACKENZIE KING: I did not defend for one minute anything respecting the late Minister of Customs. I expect him to answer for himself.

Mr. STEVENS: I am very glad to have that statement from my right hon. friend and I accept the correction. I should like, however, to point out to the House that in my estimation it is altogether late to offer excuses for the ex-minister, and to say that another tribunal should be erected before which he can go and defend his position, because the report contains these words:

> The Hon. Jacques Bureau, the then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office, and as a result there was a lack of efficient, continuous and vigorous control of subordinates by the headquarters staff at Ottawa.

I admit, Mr. Speaker, that that is not what might be called a violent censure of the ex-minister—

Mr. CANNON: If my hon. friend will allow me? In fairness to everybody I would remind him that there is one word, and a very important word, left out in the quotation he has just read—the word, "apparently."

Mr. STEVENS: I will read the whole clause:

> The evidence submitted to the committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency, and that the process was greatly accelerated during the last few years. Apparently—

Mr. CANNON: There it is.

Mr. STEVENS:

> —the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office,

And so on. I admit that that is not what might be termed a severe censure of a minister; it does not condemn any personal delinquencies. But here is the point, Mr Speaker: This minister had passed off the scene, he was out of the department, and it was known to the committee that there were matters which might have been brought forward, but which perhaps it was desirable should not be.

Mr. MACKENZIE KING: There I say, Mr. Speaker, that in fairness to any man those matters should be brought forward and the ex-minister should be given a chance to answer them. There should be no innuendoes.

Mr. STEVENS: I am going to deal with that in a moment. I desire to be fair, but I do say that it was not our business to persecute the ex-minister, to pillory him. He was no longer the minister of the department, and this finding was perhaps the best that could be secured from a committee consisting of four of his friends, four of his opponents, and one independent.

Another word with respect to the report. I beg hon. members to take note of this—the report itself suggests a full audit and an extra-departmental investigation. These are, I may say, my own words, and were the best I could get into the report. I think in the original draft the suggestion was put in stronger language, but my colleagues agreed with me that such an investigation, whatever form it might take, should be of an extra-departmental character. It was felt it would be unwise to recommend to the House that the department itself should conduct the investigation, and there was unanimity in this recommendation, which left it open to the government to determine what form that extra-departmental investigation should take. Let me state what led to the wording of this

clause. It was suggested that perhaps the Audit Board could make the investigation, then that the Finance department, being vitally interested in the class of service rendered by the Department of Customs and Excise, might conduct such investigation Then it was suggested that perhaps the Auditor General might be the proper officer, or that it might be a special commissioner or a judicial inquiry. They left the matter open for the House to determine, or for the government to determine, and we have determined that by the amendment which I have read. This my right hon. leader and all his colleagues have accepted in toto, a judicial inquiry as suggested by the hon. member for Last Mountain.

Now, Mr. Speaker, I take another point. My right hon. friend says, "Why, this government will only investigate the actions of the late government; they will not go back." Then he called in question the action of the committee in not digging into the past, although he added the assurance that he did not wish to reflect on that committee.

Some hon. MEMBERS: Hear, hear.

Mr. STEVENS: That has been on the lips of several; my hon. friend from Regina (Mr. Dunning) says, "hear, hear." Let me just say a few words in regard to that, and let us look at it very frankly. For four and a half years the late government had absolute, untrammelled access to all the records of that department. For at least two years, or at least eighteen months, they were aware that something was seriously wrong within the department. With that knowledge, with full access to the files, with all the records before them, I ask whether it is fair for the right hon. gentleman to come to the House now and say this committee has not discharged its duty, that it should have dug into the past. If there was anything wrong it was the duty of the late government to expose it. Not only is that the case, but when I made my motion in February the original draft suggested that a committee of the House be appointed to investigate conditions in the Customs and Excise Department within a certain limited time. So far as I was concerned that limit was prompted because of the knowledge that conditions within the department, as the report stated, had been accelerated in the last few years, or had been more pronounced in the last few years. Then the hon. member for Shefford (Mr. Boivin), then Minister of Customs, suggested an enlargement of that motion. My right hon. leader accepted that suggestion and no limit was placed beyond which the inquiry should not go. Now I ask the House in fairness to myself whether I should be blamed personally for a delinquency in that regard; I ask the House if it is reasonable to ask me to have done a great deal more than I did—and I am speaking now in the personal vein. I had a certain definite task to perform; I did my best, and while my actions may have been faulty and many others could have done better, I say with a clear conscience that I did my best in the circumstances. Hon. gentlemen opposite placed four men on that committee, four of their own members. Other than sitting in the committee, where only a portion of the work was done, they did not join with me. Most of my work was done outside of the committee, preparing for the work therein. But those members sat on the committee and served well and faithfully; they had every opportunity I had; they certainly had a willing minister to help them; they had everything the minister could give them in the way of files and information, and while I do not say there is any blame, if there should be such I submit to the House that it should not be placed upon my shoulders, but should rest upon their own party.

I think my right hon. friend was not only a little but very unfair to me in the suggestion—I was going to say innuendo—which he made. He said, "Why, the hon. gentleman only investigated one or two ports; he centred his attention on Quebec." I pause at that point to say that there was no suggestion whatsoever of centering upon Quebec. In Quebec we have a city of which I think every Canadian is proud. I am not saying this in specious flattery, but because in Montreal we have a metropolitan city of which any country might well be proud, not only because of the beauty of its position but also because of the immensity of its commerce. In that great metropolis there was necessarily a concentration of activity in regard to this matter. You would not go to some little outport to look for the seat of the trouble; it was because this activity converged on Montreal more than on any other centre in Canada that the investigation was centred there. And let me say also that I did my utmost, without support, to uncover the conditions which obtained at Windsor and at Niagara Falls. I did achieve some success, but not very much. I want to say to my right hon. friend, however—and I will deal with some of these matters in a moment; I do not wish to be too long, but I think it is important more or less to cover the subject—that nearly all of the investigation having to do with liquor smuggling was

centred in the province of Ontario. It is true that the head office of one concern affected was in the city of Montreal, but the main activities were either on the Atlantic coast or along the Great Lakes. So, Mr. Speaker, it is not correct to say that the investigation centred only in Quebec.

And the right hon. gentleman said more. I find his words in Hansard of the other day and he repeated them to-day, so I am sure he will not question them. He said, "Why, I have been informed that the smuggling in Vancouver was worse than at any other port."

Some hon. MEMBERS: Hear, hear.

Mr. STEVENS: Very good. For four and a half years he had the reins of office and he now tells this House—condemning himself out of his own mouth—that he knew that smuggling in Vancouver was worse than in any other port of Canada. Is it proper, is it fair or just for the ex-Prime Minister to come forward now and say, "For four and a half years I had the reins of office; for eighteen months, I have been thoroughly apprised of the conditions within the Department of Customs", and yet he tells us that for a portion of that time Vancouver has been the worst place in Canada and not one single thing has been done by him or by his late government to remedy conditions.

Mr. MACKENZIE KING: I did not say that I knew there had been smuggling in Vancouver. My words will be found in Hansard, and I said that I had been told.

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: Those are my words—that I had been told there was more smuggling at Vancouver; I had been told that within the past week or so.

Mr. STEVENS: I think I have the very words my right hon. friend has mentioned, and I will read them:

> The facts speak for themselves. . . . the port of Vancouver has not been investigated.

Some hon. MEMBERS: Hear, hear.

Mr. STEVENS: Some hon. members sitting around him said at that time, as they say now, "hear, hear". This is the way my right hon. friend approached it to-night. He proceeded thus the other day:

> I am told there is more smuggling going on in the port of Vancouver than in any other port in the Dominion.

Mr. MACKENZIE KING: "I am told" —hear, hear.

Mr. STEVENS: The taunt was against myself, that I had deliberately suppressed an investigation into the port of Vancouver, and had turned my attention to Montreal.

Mr. MACKENZIE KING: My hon. friend is quite wrong. I was not reflecting on him at all. I was urging that there should be an investigation of the port of Vancouver. I was not making any reflection on my hon. friend.

Mr. STEVENS: I accept my right hon. friend's explanation, and I am very glad to have it. But the point is this, Mr. Speaker: I give to the House frankly and fairly this statement, that I did what I could within the four and a half months of the inquiry. If any man could have worked harder—I may have worked foolishly—I would like to know in what respect it could have been done.

Now let me turn to a little different phase of this question. Since this debate began, about a week ago, arguments have been advanced somewhat to this effect; that the criticism of the opposition of that time when my amendment was moved was prompted wholly by political motives.

Some hon. MEMBERS: Hear, hear.

Mr. STEVENS: All right. We will not at the moment debate or combat the suggestion. My hon. friend from Winnipeg North Centre (Mr. Woodsworth) in what I thought was a very moderate and well-reasoned speech, used that argument very strongly, and he pleaded for himself this: Being here in the House almost isolated, how could he be expected to share in the partisan views of either the Conservatives or the Liberals? That was, I think, very largely his argument. Now I put this in fairness to my hon. friend. Suppose the situation were to be reversed; suppose he were sitting in this House, by the changes in political fortunes, at the head of 100, 110 or 120 members of the Labour party of Canada. Does he not think that in any move that he might make as an individual he would in that case be open to precisely the same charge of being partisan if he proposed or opposed a certain thing? How could he escape that charge? He has a logical and a philosophic mind, and I ask him how, under such circumstances, he could escape that charge. I say this to my hon. friend, and to my hon. friend from Labelle (Mr. Bourassa) also, because he made some remarks along the same line: The only way in which it is possible for an individual to escape being charged with partisanship is to separate himself entirely from others, and to stand alone as an individual and as a pure independent.

But not very much, either in the nature of progress or reform, in the suppressing of evil in public life, has been accomplished or can be accomplished by individual effort. There must be co-ordination of effort, there must be co-operation amongst those holding common ideas. I ask my hon. friend at least to give me credit for this, that whatever may be the circumstances in which I raised this question, I was actuated by a genuine desire, as I think he has been and is, to do what I could, as I saw it, in what I believed to be the best interests of my country.

Strange to say, the hon. member for Joliette (Mr. Denis) on the same evening, if I remember rightly, denounced us because we have allowed the estimates of the Customs department to pass last year, and the year before, I think he said. Now what were the circumstances? and here I call my hon. friend the then Minister of Finance (Mr. Robb) to witness. He knows, and there are others on the other side who know, that the Hon. Jacques Bureau when he came into this House with the estimates he was in such a state of health that all of us knew he was not fit to be in the House attending to his duties. We knew that, and my hon. friend knew it—

Mr. MACKENZIE KING: What does my hon. friend mean by that remark, "not fit to attend to his duties?" Does he intend by that remark to cast any reflection upon the character of the Hon. Mr. Bureau?

Mr. STEVENS: I am speaking at this moment with all the sympathy that one human heart can have for another.

Mr. MACKENZIE KING: I am not speaking of sympathy, but of justice. Does the hon. member intend to reflect by that remark in any particular on the character of the Hon. Jacques Bureau? I ask him that question.

Mr. STEVENS: I cannot understand my right hon. friend.

Mr. MACKENZIE KING: I think everyone else will understand me. I ask him, is he in his remarks directly or indirectly reflecting upon the character of the Hon. Jacques Bureau?

Mr. STEVENS: In what I was saying at that moment there was not only no reflection, but I was speaking out of the full sympathy of my heart, absolutely, and I was going to add this. My hon. friend from West York (Sir Henry Drayton), who was then financial critic for the opposition, came to those of us on the other side of the House at that time and said: "The Minister of Customs is in bad health, and his estimates, so far as we know, are all right." At that time we had no idea whatsoever that there was anything wrong within the department, and the hon. member for West York asked us, as his colleagues, to let the estimates of the Minister of Customs go through with little or no criticism, and that, as a matter of fact, is what happened. There are hon. gentlemen opposite who are gentlemen enough and who are fair enough to agree that these words are absolutely correct. Now my hon. friend from Joliette taunted us that that had been done, that we had let those estimates pass, and he said that because we had allowed them to pass, because we had not criticized the department, we were to blame for the degeneracy in the department. That is not a fair argument. So far as I am concerned I had not the remotest idea, Mr. Speaker, until last winter that there was anything seriously wrong in the Customs department. I add this: I have known the Deputy Minister of Customs for twenty years, and it was not until this inquiry commenced and I had access to the files, to the correspondence and the facts, that I became aware of the delinquency of the Deputy Minister of Customs. I say that I had known him intimately for twenty years and had held him in the highest esteem, and there was nothing more painful to me in this inquiry than to be forced by my knowledge of the facts to put my imprimatur upon a report that reflected somewhat harshly upon that gentleman.

Now, Mr. Speaker, I come to another point that has been repeatedly discussed, and which I think deserves some consideration. It has been stated that the information which formed the basis of this inquiry was, to use the words of the ex-Minister of Agriculture (Mr. Motherwell), stolen. The accusation was that I had virtually connived at the stealing of this information, and had used it as a basis for attack.

Mr. MACKENZIE KING: Not stolen, but smuggled, I think was the expression.

Mr. STEVENS: Let us look into that closely for just a moment. First of all my right hon. friend said, speaking of myself:

All of this information was from government sources and from Inspector Duncan.

Now in the first place, Mr. Speaker, that statement is not accurate. Inspector Duncan, as far as I know, dealt with a certain branch of the department, and so far as the information which he secured is concerned—I shall deal with that later in a moment—certainly it was used. But so far as all of the information regarding alcohol and the dealing in

alcohol was concerned, there was not one single item that originated in government sources. All of that information I had to dig up myself. I dug it up out of the files, yes; but the original information was information that was secured outside of the department altogether.

Now what are the cases dealt with by Mr. Duncan? There was the case of Rock Island. All of that information was public. It was well known. It was secured by Mr. Sparks, of the Commercial Protective Association, and by Mr. Duncan when he was in their employ. They had all that information, and certainly they gave me that information. There is no question about that; nobody denies it. But it was not stolen out of the department. As a matter of fact, that information was given to the government, and paid for by the Commercial Protective Association, and it was given to me as well. Take the Gaunt case. That was a case before the courts in Montreal. It was known to the world and open to the world, and every bit of my information in regard to that case came from the records of the courts, records that had no government origin at all. We found on the files of the Gaunt case that a complete audit had been made by the department of which I had no knowledge at all on February 2. A complete audit had been made which bears out almost in toto the report of the auditors, Clarkson, Dilworth & Gordon.

Mr. ELLIOTT: May I ask my hon. friend when that information came to his knowledge?

Mr. STEVENS: What information?

Mr. ELLIOTT: The information contained in the—

Mr. STEVENS: In the Gaunt case?

Mr. ELLIOTT: In the Gaunt case.

Mr. STEVENS: It came into my possession I would say, early in November.

Mr. ELLIOTT: What year?

Mr. STEVENS: The year 1925. Now the Gaunt case was tried in the courts before that; I think some months before, but I cannot recall for the moment. However, the point is this: All the information supplied to me by Mr. Sparks, of the Commercial Protective Association,—all the evidence for which they had paid,—they had obtained themselves before it was ever handed over to Mr. Duncan as a report to the department at all, and it was verified by the files in the department after we came into possession of it.

Mr. ELLIOTT: Will my hon. friend permit me another question? Is it not a fact that Inspector Duncan was actively at work, loaned by the Department of Finance for this purpose, from October 1, 1924?

Mr. STEVENS: Oh, yes. I am sure my hon. friend will excuse me if I am not precisely accurate in my dates, but Inspector Duncan was loaned to the Commercial Protective Association in the fall of 1924, and he worked for them through, I think, until the summer of 1925. Then he was taken off and did not go on to that work again until the minister sent him to Montreal on December 1, 1925. That is as far as I can recall. There are many other things, but what I want to say to my hon. friend is that practically every bit of information that I secured was information in the possession of Mr. Sparks and the Commercial Protective Association before the government took the matter over at all. When they were paying for it they had a perfect right to it. That information is the information which I secured. Furthermore, none of it came to me, none of it was given to me, until after Mr. Sparks was convinced that the members of the government were not taking the matter seriously.

Mr. ROBB: Will my hon. friend allow me? I am sure he would like to have his record correct. It is quite true what he says about Duncan having been employed until the summer of 1925 when we had to take him off for a period to put him on another case, but the difficulty was that while Sparks was always going round and insinuating we never got anything, it was the Minister of Customs who sent Duncan down with instructions to round up Bisaillon and the whole crowd.

Mr. BELL (Hamilton): When he knew that there was to be an investigation.

Mr. STEVENS: I say this to my hon. friend: These are the bare, bald facts. After it was known that my resolution would appear on the order paper of this House, these steps were taken. I am not going to cast any reflection other than to state the facts. That is why the ex-Minister of Customs and Excise sent Duncan to Montreal on the expedition on which he went.

Now, the Solicitor General the other evening—

Mr. MALCOLM: Was it not on February 10, 1925, that a writ was issued giving Duncan full authority to search all premises?

Mr. STEVENS: It probably was; my hon. friend seems to have the writ under his hand. I am not questioning that and I hope my hon. friend will not question it. I would like to remind my hon. friend also, not in the case of Mr. Duncan but in the case of Mr. Duncan's assistants, that in December, 1924, or thereabouts, they were given authority to arrest. It was, I think, on January 17, 1925, I am not very far away, that the Hon. Jacques Bureau curtailed that by ordering them first to report before they arrested, and also ordering them to report to Bisaillon who at that very time was under arraignment in the courts of Quebec but was later on acquitted as far as that particular charge was concerned. He was arrested December 24, 1924 and tried, I think, on February 13, 1925. As to that, however, I may be a day or two out.

Mr. MALCOLM: My hon. friend will find that on February 10 a complete writ was issued giving Duncan authority "to search, break into, and examine."

Mr. STEVENS: Yes, Mr. Duncan has had such powers right along. It may be they were a little enlarged in connection with the Department of Customs and Excise. Mr. Duncan is an old officer. That is not the case with the others. And by the way, when Lenetsky Brothers were arrested for silk smuggling they were about to be released because Knox's right of arrest had been taken away from him, and the only way they were really held was because Mr. Duncan, having been supplied by the Minister of Finance with the authority, stepped in and exercised the power of arrest.

Mr. ROBB: And for that reason my hon. friend would now present a resolution to condemn me.

Mr. STEVENS: No, I do not condemn my hon. friend, and have never condemned him. I do condemn the ministry for this reason: Under our constitutional form of government when a delinquency within a ministry is known and—shall I say?—protected, or when it is not remedied and eradicated, then the whole ministry must take the responsibility for the delinquency of one of its members.

Mr. MACKENZIE KING: I deny absolutely that the delinquencies were known to the ministry.

Mr. STEVENS: This attitude on the part of my right hon. friend is what I cannot understand. He comes before the House and asks for consideration. He asks, as the hon. member for Winnipeg North Centre (Mr. Woodsworth) and the hon. member for Nelson (Mr. Bird) suggested, that we should be gentle with him and his colleagues because we are all human and liable to err; and these hon. members pleaded the very human doctrine that we should not condemn one another. But I want to point out that that doctrine applies when the individual to whom it is addressed is penitent at least, that is a prerequisite to the case. But it does not and cannot apply to responsible ministers in office. Responsible ministers cannot dissociate themselves from the ordinary treatment accorded man to man. Take my hon. friend who has just vacated the portfolio of Minister of Customs and Excise. I want to say this now, because perhaps I could not say it at any better moment: He and his colleagues will look in vain for one single utterance of a personal character denouncing him; but I have called in question, and I will show it in a moment again, his ministerial acts. If the business of this country, or the business of any country, is conducted on the basis that you cannot condemn a government, that you cannot challenge a minister, that you cannot challenge a man's public acts because, forsooth, we must be kindly one to another or that we must recognize the doctrine "Judge not that ye be not judged," and other such reasons, there is a black time ahead for the administration of this or any other country. It is a doctrine that cannot apply; there is a vast difference between the two.

My hon. friend the Solicitor General (Mr. Cannon) in a delightful speech the other night —and he is always delightfully irresponsible; he is one of the most forceful and eloquent of members, but ever the actor—made a most extraordinary charge against us. He said that when the $350,000 vote was before the House members of the Conservative party had refused to take out from under the Civil Service Commission the appointments under that vote; therefore, he said, the preventive service fell down. The hon. member's leader and the hon. member himself, the ex-Solicitor General, have accepted this report in toto, and I will direct the attention of members to section 17, subsection 2, which states:

That such chief preventive officer—

Of whom he was speaking when he was denouncing us.

—be authorized to select his staff in consultation with the Civil Service Commission.

He has accepted the report, accepted that recommendation, and then he condemns us because last year we insisted that appointments to the preventive service should be made under the Civil Service Commission.

Mr. STEWART (Edmonton): My hon. friend is not suggesting that the report brings them under the control of the Civil Service Commission?

Mr. STEVENS: No. The recommendation in the report is the opinion of the committee. As I said a moment ago, my right hon. friend stated the other day that he accepted every line of it. We have accepted that report and we propose to put it into effect.

I wish to refer to a statement made by the ex-minister when he interrupted my right hon. leader the other day. In this instance we were referring to the alcohol question, that is the 82,000 gallons of alcohol that the Dominion Distilleries had sold. This is not my only complaint, but my chief complaint as regards the administration of my hon. friend. Let me say again that it is his administrative acts in this regard that I am calling in question. We were dealing with that question, the point being that I charged, if you like, that 82,000 gallons of proof alcohol had been sold by the Dominion Distilleries as potable spirits to the United Staes; that it should have, under those circumstances, carried an excise tax of $10 a gallon. I charged that Mr. Hushion, ex-M.P., a Liberal associate of my hon. friend, negotiated the sale of 16,000 gallons of these 82,000 gallons and that this with the balance was sold in the way I have mentioned. I am going to deal with this matter, and if the House will follow me I believe I can substantiate to the hilt this statement, or if the House so chooses to interpret it, this charge.

If I am accurate in my argument this involves, according to the report of the auditor which I have in my hand, a loss of revenue of $749,396.09. I will now quote the statement made by my hon. friend and I will ask the House to judge my hon. friend on his own ground. Let the House take his own words and then follow the facts in the evidence which I shall now give, and see whether or not I am justified in the position I take. I am reading from Hansard at page 4970. Mr. Meighen had been speaking and he used the phrase:

11 p.m.

Because it was used for potable purposes.

The ex-minister rose in his place and interrupted, making this satement:

Mr. Boivin: When it is proved by my right hon friend from the evidence taken before that committee, that the liquor was used for potable purposes, this government will take the responsibility and not before.

I turn to the evidence itself and I will read to the House some of it. I will take first the evidence of Leo George, who was one of the directors if not one of the chief directors of the Dominion Distilleries, the firm in question which I charge had handled this liquor, and an intimate friend of Mr. Hushion, who negotiated the sale with the minister. This is from page 2416 of the evidence. Since the moving of our paraphernalia over to this side I think my marked copy is mislaid, but perhaps I can find it even at that. I had it all marked and it is not easy to find from an unmarked copy. This is the evidence of Mr. George, who was being questioned in the committee by Mr. Bennett:

Q. Did you ship denatured alcohol to the United States in the same way as you did whiskey?—A. Yes, shipped alcohol to the United States.

Q. And you used the same methods?—A. Yes, the same methods.

Q. But alcohol was being shipped through in the same way?—A. Yes.

Q. Do you do any blending?—A. Yes, they blended.

Q. Have you yourself have anything to do with the blending?—A. No, I know nothing about it at all.

Q. Now, this denatured alcohol that we have been referring to, was denatured by a certain process prescribed by the government?—A. I suppose it was.

Q. Do you know anything about it?—A. No.

Q. You know alcohol was shipped to the United States, by the same general methods?—A. I was told it was.

Q. As was used with respect to whiskey?—A. Yes.

Q. Do you know anything about the abstraction of the denaturing substance from alcohol after it gets into the United States?—A. I understand that they can abstract, in the United States.

Q. Do you know they do that?—A. I understand they do.

Then on page 2419:

Q. Is that the way you exported your denatured spirits?

That is by Ford or Sandwich over the Detroit river.

A. The same way.

Q. They were dealt with in the same way; a party would come into your office and put down his money?—A. Yes.

Q. I notice from December 7, 1925 to January 19, there are about 15 cars, most of which were shipped to Mr. Scherer?—A. Yes.

I pause here to say that Mr. Scherer was a bootlegger of whiskey for potable purposes into the United States and nothing else. That was his business. He could not take this liquor in as denatured alcohol; he could not get access to the United States with this

alcohol as denatured, because it did not comply with the United States law. So it was taken in for potable purposes just the same as whiskey.

Mr. Cooper also on page 2452 gives evidence in this matter. I am sorry that I have mislaid this, but the point is this that both Leo George, Cooper and Hushion declared in evidence that this liquor was shipped into the United States for potable purposes. Denatured alcohol of this grade never brings more than a dollar a gallon even in comparatively small quantities, and even when sold in large quantities it brings from sixty-five to eighty cents a gallon. There is only one instance in all the auditors' reports where as much as a dollar a gallon was paid for this class of alcohol. Yet these men sold it at prices ranging from $7 to $10 a gallon—a great deal of it at the latter price—at places in the United States, chiefly in Detroit and Oswego. Mr. Hushion before the committee stated in his evidence that he had with him at the time an offer for as much more as he could produce at $5 a gallon, proving conclusively that the alcohol was being used for potable purposes. And in their evidence both Mr. George and Mr. Cooper stated that the process followed was to take the No. 1-F special denatured alcohol and extract from it the denaturants, thus making it immediately potable.

I want to turn now to the law and the regulations governing it. In the Excise Act it is provided in section 368:

In this part special denatured alcohol means—

That is, the No. 1-F special to which I have been referring.

—alcohol in suitable admixture with such denaturants as have been approved by the minister.

And 371 reads:

(2) Specially denatured alcohol shall only be sold or delivered under a departmental permit to dealers and manufacturers to be used in the arts and industries in cases where denatured alcohol would be unsuitable, and shall only be moved or transported under such conditions as the minister may by regulation prescribe.

(3) No alcohol shall be manufactured or sold under the provisions of this part for beverage purposes.

That is the law. Now I come to the regulations prescribed by the department. This grade No. 1-F special to which I have referred is authorized for use in the manufacture of rubbing alcohol compound exclusively. Let me pause to make this point clear. The only reason why the Dominion government, through the Department of Excise, permits the manufacture of this alcohol is the fact that full denatured alcohol is useless for external use in rubbing, for the purposes of hospitals, for the infirm and for other uses not of an ordinary industrial nature. Wood alcohol can be sold without any difficulty in this country but the regulations restrict its sale to certain persons. For instance, the following provision appears in the regulations:

The rubbing alcohol compound shall not be put up in packages containing more than sixteen fluid ounces each.

I call the attention of the House to the fact that this alcohol to which I have been referring was sold in five gallon tins by the carload, some 82,000 gallons of it having been disposed of for the most part to Scherer and some of it to Evans. These were the only two men who got it, and both of them were notorious bootleggers, known to be such and to be the sole medium through whiskey had for years poured into the United States contrary to the laws of that country. The regulation is that rubbing alcohol shall be put up in packages containing not more than sixteen fluid ounces, and the words "rubbing alcohol" must appear in conspicuous type. It is further provided in another regulation:

The sale of "rubbing alcohol compound by persons or firms holding permits (hereinafter called permit holders) is in future to be confined exclusively to wholesale druggists recognized and such by the pharmaceutical associations of the respective provinces; retail druggists licensed to carry on business as such under the statutes of the respective provinces; bona fide hospitals; bona fide practising physicians; benevolent and religious public institutions caring for the infirm and sick.

The maximum quantity is sixteen ounces.

Another regulation is to the effect that special denatured No. 1-F shall be used as rubbing alcohol compound exclusively and may be sold only to persons or firms holding permits specifically issued for that purpose, and who are required to observe certain conditions which are fully set forth.

Now I claim that under the law the minister had no right to allow the Dominion Distilleries to sell that alcohol to any persons except those stipulated in the regulations, and the only answer than can be made is that the alcohol was sold for export. There is no other defence possible, because the minister cannot exceed the ambit of the law and the regulations. If it is contended that the alcohol was sold for export then it should have paid the excise tax, because under the regulations no whiskey, no liquor, no alcohol may leave the lake ports without having paid that tax. Yet these people were allowed to sell this liquor. Again I direct the attention of the House to the statement of Mr. Hushion under oath that he came to Ottawa as a missionary in this business. I therefore charge the ex-minister with having failed properly to protect the rights of the treasury by allowing the Dominion Distilleries to sell this

alcohol for potable purposes for use in the United States. That is my argument; that is the charge I make.

I do not desire to delay the House much longer but I shall discuss for a moment now the Aziz case, about which a great deal has been said. Up to this moment I have not mentioned it in any of the arguments I have put forward. Let me point out that the Aziz case is not the whole question before the House. There are many grounds upon which the late administration has been called in question; there are many grounds which form the basis of the motion now under consideration. Among these there is the charge that as far back as December, 1924, at least as established by an abundance of evidence the late ministry were aware of serious delinquencies in the administration of the Customs department. I charge that in the sale of this alcohol the minister who has just left office (Mr. Boivin) was derelict in his duty. Now I do not charge him with any personal delinquency in the matter, but I contend that he as minister did not properly discharge his duties. And I want to suggest to hon. gentlemen opposite that when we make charges of this kind it is beside the point to insinuate that we are trying to drive a man out of public life and from the association of his fellows by attacking him personally. Surely the House knows perfectly well that there is no personal animus in the matter. But when a man takes office he must assume the responsibility that office entails. Similarly, when a man assumes the responsibility of a member of parliament he must expect criticism when he lays himself open to it. And for the reason that the late government failed to discharge its duties in so far as the Customs department was concerned, I say they are open to censure. I go further. The government did not dare last Friday to take a vote on the main amendment, nor do they dare now to let the House vote upon that question.

Mr. MACKENZIE KING: Take it right away.

Mr. STEVENS: No, my right hon. friend succeeded in casting a cloud over the whole issue by seeking to have the words of censure deleted from the motion and an innocuous amendment substituted in its place.

Coming now to the Aziz case, all I need say is this: it is not a matter of the ex-minister having yielded to the importunities of a friend. That is not the point. I do not see why the hon. member for Gloucester (Mr. Robichaud) should be described, in the language which has been used against him, as having been recreant when he has been guilty of appealing to a minister who responded to his appeal. Hon. members opposite say that he was wrong in appealing to the ex-Minister of Customs, and they condemn him in language which I will not repeat. They condemn the hon. member (Mr. Robichaud) out of hand and describe his conduct as inexcusable. Well, if the hon. gentleman has done wrong is not the minister who granted his request still more guilty? That is the whole thing in a nutshell. For the space of a week now, Mr. Speaker, you have been listening to hon. members referring to the ex-Minister of Customs by name, in absolute contravention of the rules. You will at least, Mr. Speaker, acknowledge that in my language in parliament I observe the rules, or try to, and that I have always referred to the ex-minister as "the hon. member for Shefford." But right along—and I break the rule now to draw attention to it—it has been said, "Are you going to drive George Boivin out of public life?" This appeal has been made to the House in contravention of the rules and amenities of parliament, and I submit the practice should not have been continued, because after all it is not the person we are attacking, it is not my hon. friend, whose friendship I would cherish, that I am attacking; but I cannot separate him from his office, as I cannot separate my right hon. friend from the responsibilities of first minister which he held for four and a half years, and if we call in question at all the administration's dereliction of duty, then those who happen to be in that position must, forsooth, share that responsibility. Therefore I wish that the House would in considering this question keep away from the personal feature of it and view it wholly in the light of their duty.

My hon. friend from Winnipeg North Centre (Mr. Woodsworth)—I see he is again in his seat—made an eloquent appeal, in the course of which he quoted Edmund Burke's opinion that we should have towards our fellow-beings that feeling of humanity and consideration which recognizes that we are all weak and liable to err, and that there is much good in all men. Now I ask my hon. friend and other hon. members to listen to these words of Edmund Burke, which I think are far more applicable to the immediate situation before the House than those quoted by my hon. friend, grand and noble as they were. I am reading from the works of Edmund Burke an excerpt from his impeachment of Warren Hastings. Burke said:

> There are persons who flattered themselves that the corruptions of India would escape amidst the dissensions of parliament.

Yes, Sir, there are those who would say that amidst the dissensions of parliament, amidst appeals against persecution, those who have been derelict and recreant in their duty may escape. Then he continues:

What the greatest inquest of the nation has begun its highest tribunal will accomplish.

I call the attention of hon. members to these noble words:

My lords, the business of this day is not the business of this man, it is not solely whether the prisoner at the bar be found innocent or guilty, but whether millions of mankind shall be made miserable or happy.

Again I pause. The business of the day, Mr. Speaker, is not the welfare of any individual. The business of the day is this: Shall the fair name of Canada be sullied by those who have been recreant in their duty, and they go not reproached? Shall they? That is the question. Shall the rights of the millions of Canada be passed over simply because we do not desire to cast any reflection upon a fellow-member of this House? Burke continues:

Your Lordships will see, in the progress of this cause, that there is not only a long, connected, systematic series of misdemeanours, but an equally connected system of maxims and principles invented to justify them. Upon both of these you must judge. According to the judgment that you shall give upon the past transactions in India, inseparably connected as they are with the principles which support them, the whole character of your future government in that distant empire is to be unalterably decided. It will take its perpetual tenor, it will receive its final impression, from the stamp of this very hour.

I conclude, Mr. Speaker, with these words, that just as this House decides in this matter just so in the future will administrators of departments, those who are appointed to conduct the affairs of this country, be influenced so that in the hour of temptation perchance they will not deal lightly with matters which in this report, which comes out of the turmoil and out of the partisanship—shall I say?—of this investigation, have been demonstrated to be not in the interests of the country. And so I say to hon. members to-night, let us get away from the idea of personalities. It is not this man, no; it is the record of the administration, entrusted with this great trust, who have been recreant in their duty, which is now called in question.

Miss AGNES C. MACPHAIL (Southeast Grey): Mr. Speaker, to begin with let me say that I enjoy having the Conservative party in power because that keeps them just that much further away from me. I have resented since I came here five years ago, and particularly this session, the self-righteous attitude of the Conservative party. In their opinion they have the divine right to rule: they are smug and self-righteous. I am afraid that is only the plain statement of a truth. I should like to feel as one human being should feel towards another towards my colleagues of the Conservative party who sit in this House, but their attitude has always prevented me, except towards a few who are personal friends of mine, from entertaining the feeling that I would like to entertain for them and that I do feel towards those who compose the Liberal party. That, however, is a personal feeling and has nothing to do with what I shall say later.

I think now I might say something that I have never said before. I wish to say, through you, Mr. Speaker, to the women of Canada, and possibly to the people of Canada generally, that it is quite time more women came to this House. They could not do worse than the men have done; of that I am fully convinced. At least they would not talk quite so much, and when they did it would be about something. The mountain of words that overwhelms the most trivial business in this House is a perpetually amazing thing to me. I hope the time is not far distant when women will sit in this House representing the sentiments that the different parties now represent. I do not believe in a woman group, much as I believe in groups, but I do believe that women should now come to the House of Commons, because they will take direct action, because they are interested in human welfare more than in making long speeches that are very difficult to follow.

For a person who is trying to take an honest and non-partisan view of this customs probe—

Some hon. MEMBERS: Oh, oh.

Miss MACPHAIL: As a matter of fact that is the view I am taking, and it has nothing to do with what I feel about the actions of hon. members—it is most difficult to arrive at an honest conclusion. One does not know what to believe, and I want to say quite frankly that the rumours and counter-rumours that have come to my ears in the last week about this thing have almost, if not quite, destroyed my faith in human nature. I want to go back to the country people, to the plain everyday working citizens of Canada, to the people who labour with their hands, to see if I cannot revive within myself some confidence in human nature. Members have come to me almost with tears in their eyes, tremendously excited, telling me that all the evidence was not before us, that there were other and more terrible hidden things which would rise up in the future and haunt us if we took other than

one action. I think hon. members have no right to make such suggestions. If there is hidden evidence, bring it out and let us see it. We as members of parliament should not be asked to pass upon something of which we have no knowledge at all. I do not know whether or not there is hidden evidence; I tried to run many of these rumours to the ground and found a great number of them led nowhere. It may be, however, that they did lead somewhere and I did not follow them to the right place; I do not know. I do know that the things that are being said, the whisperings going on and the members visiting other members in private rooms are not creditable to members of this House or to the institution of parliament.

Although our group may vote in different ways it does not make any difference; we are all trying to get a complete clean-up of this customs affair, and I also want to say that I will not for one moment question the motives of those in our group, with whom I have been associated for five years, who vote differently from myself. I know we are striving for that one thing, a complete clean-up of this customs business.

Now I come to something which pains me exceedingly; I wish I could get out of saying it and I have come to the place where I almost wish I had gone to Europe the other morning; it would have been much more comfortable. I have, however, in agony reached the conclusion that the late government was well aware for quite a period of time—possibly from March to November—that all was not well in the Customs department. It is possible that they knew that Bisaillon was the head of the Montreal underworld and chief preventive officer at one and the same time. I am afraid it is true that it was not until the Stevens motion was mooted that the eleven charges which had been laid against Bisaillon were investigated, and I believe it is true that Mr. Duncan was able to secure the arrest of Mr. Bisaillon four days after he was really given authority to do so. The Department of Customs is the revenue-collecting department of government, doing a business possibly 150 per cent greater than that done by the Canadian National Railways, and one can safely assume that through the corrupt administration of this department large sums of Canadian money were lost. Much as one may feel disturbed about this, or by condemning anyone, it is not a thing that can be lightly passed over or winked at. When we came here at the beginning we entered into a co-operative agreement with the Liberal party, believing it more likely that we would get the legislation we wanted through that party than through the Conservative party. I happen to be one of the executive of our group, and as such have many times met the executive of the cabinet. I want to pay a tribute to the actions of those men; they were in every sense of the word kindly gentlemen, and with perhaps one little slip I think were absolutely true to the co-operative pact into which we entered. I want to pay the highest tribute I possibly can pay to those gentlemen for their adherence to that pact, and I want to assure them that more than words can utter I regret the action I am forced to take.

I am not concerned about which party are in power; the fortunes of parties make no difference to me. I do not believe in the party form of government, in fact I do not believe we will ever have good government in Canada until the party system as we know it is broken to pieces. I think if this kind of scrapping and nonsense keeps up that break-up will perhaps be faster than it otherwise would be.

I have a political creed, and it may be of interest to the House to know what it is. I believe we need a change in the form of government which will allow questions to be debated on their merits, and in which the cabinet will be a committee of the House. I believe in good will and the creation of a peace psychology to replace war and militarism. I believe in social credit; I believe that humanitarianism should be expressed in our social laws. I believe in the low tariff. I believe in enabling laws for co-operation. I believe in electoral reform. I came here to try to work these things out with one party or with the other or with all, and I hope the day is not too far distant when, as sensible human beings, we may be able to vote on the merits of each question and all work together for the good of Canada. At present we have one camp lined up against the other, not working for the good of Canada; I do not think I am going too far when I say that parties do not work for the good of Canada but for the good of party, and I think it time we stopped that nonsense. I believe the people of Canada will also think it time that sort of thing ceased.

I have come to a decision, whether rightly or wrongly, and to that decision I intend to adhere. I am going to vote against the last amendment, and in favour of what is really the Woodsworth amendment plus the Stevens amendment. It is not all I would like; I favour the commission of judges appointed by the three groups in this House, and I think the party now in power might well grant that. I

do not think it unfair to say that even judges win their positions through political influence, and if the present government wish to be fair this board should be composed of judges appointed by the different groups in this House.

I have no particular trust in the gentlemen now sitting on the treasury benches; I know that too many of them have also figured in scandals. I would like to trust them, but common sense tells me that I cannot do so too much. Therefore I think this board should be above criticism by any party, and one in which the people of Canada would have complete trust; I think if the party now in power would accept that suggestion they would go a long way towards convincing the people of Canada that they are not trying to make political capital out of this matter but are honestly trying to clean up the Customs department. I do not want particularly to discredit the ministry who vacated their seats yesterday; I do not want to discredit anyone, but I am forced to this action on the very facts of the case revealed in the evidence which I went over in part to-night. So I plead with the present government to go this far; I think they should do so. I do not know whether or not they will, but at least I believe they would be doing a good thing for Canada and at the same time a good thing for themselves if they accepted this suggestion.

Mr. G. G. COOTE (Macleod): When this House assembled in January last, Mr. Speaker, neither of the old parties had a clear majority which would enable them to carry on business. They would not co-operate with each other, and if the business were to be carried on it was necessary that the group in this corner of the House should co-operate with one party or the other. After careful consideration we decided to assist the Liberal government to carry on; we agreed upon a certain programme of legislation, and I think I can claim that I gave consistent support to the government in carrying out that legislation. I may say, however, that had we decided to co-operate with the Conservative party in carrying on the government I would have endeavoured to give them the same measure of support.

When the Customs committee report came before this House, however, we had to deal with an entirely different matter. It was a question of administration, and not a question of legislation. We had not been connected in any way with the administration of affairs in this country. As a matter of fact, the things which are complained of in this customs report happened before we started to co-operate with the Liberal government. We have to deal with this question on its merits. It has been debated in this House for the past week, and I am not going to debate it to-night for more than a very few minutes. I would like, however, with the permission of the House, to review some of the votes which took place on Friday last.

First of all, I could not support the amendment moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth) because it seemed to me that it was avoiding the issue which was placed before us in the amendment moved by the hon. member for Vancouver Centre (Mr. Stevens). The hon. member for Last Mountain (Mr. Fansher) asked me to second his amendment. I did so out of courtesy to him and because I approved of the things which were asked for in that amendment. When it was presented to me, Mr. Speaker, I did not consider whether it was in conformity with the rules of this House. It was ruled out of order by Your Honour, and listening to your judgment on that occasion I concluded that you were right in your ruling that the amendment was out of order. Therefore I voted to sustain your ruling, as I have consistently done, I think, throughout this session.

Later on I twice voted for amendments to adjourn the debate. I understand that I have been criticized in some quarters for doing so. After co-operating with that government all through this session, I felt, Mr. Speaker, that I could not do less than extend to them the courtesy of voting for a motion to adjourn the debate if that was desired by that government. Further, Mr. Speaker, you and all the members of this House know very well my objection to this House sitting after midnight; I have made that known on more than one occasion. I hope the time will come when we shall not be compelled to sit to such unearthly hours. On Saturday morning, when the last motion to adjourn the debate was voted on, it was coming daylight. That was not a fit hour for members to decide such a momentous question. Personally, Mr. Speaker, I had reached the limit of my endurance, and I think a great many members of the House were in the same plight. I might add that if this debate were to go on for another week, I think we would all have reached the limit of our physical endurance. For that reason I appeal to all hon. members to try and bring this debate to an end as soon as possible.

Mr. Speaker, to-day I had the unpleasant duty of being compelled to vote against your

ruling because I felt that your ruling was not right. I do not claim to be very well versed in the rules of the House, but it did seem to me that the rules certainly were not intended to permit of endless amendments, and possibly because I am so weary of this debate I was opposed to the moving of further amendments. I simply wished, with the permission of the House, to offer this explanation of the different votes which I have recorded in connection with this case up to the present time.

I have listened carefully to the debate on this question for the past week and I have come to the decision regretfully I must admit that the statement contained in the amendment moved by the hon. member for Vancouver Centre is justified, and I do not see how I can possibly vote against it. I am not opposed to the principle contained in the amendment moved by the hon. member for St. James (Mr. Rinfret), but as its adoption would do away with the amendment which is offered by the hon. member for Vancouver Centre, I must oppose it.

May I say, before I sit down, that I hope the members of the late government and the members of the Liberal party will not take it too much to heart. I am voting this way simply because I feel it is my duty to do so, after giving careful consideration to this matter. It is quite possible, Mr. Speaker, that we are not sentencing the Liberal party to any long sojourn in the wilderness. After forty days and forty nights, it is possible they may come back. The people will judge, and we must leave it to the people to decide. So far as I am personally concerned, as I have said before, I am not concerned with the fate of political parties, or particularly with the fate of governments. I am sorry that in this country we have a system of government under which it is impossible for us at times to have a real government, and because of this faulty system we have to-day what somebody has called an imperfect or a makeshift government. But we must do the best we can under this system and until there are enough members come to this House with the determination to reform the system itself, we shall have to put up with it.

We are placed in this difficult position, Mr. Speaker. A very great principle is involved in this case, that is the responsibility of the government to protect the revenues of the country and to give honest administration to every department. It is on that basis, and on that basis alone, that I am casting my vote to-night, if the House will allow us to come to a vote.

Hon. CHARLES MARCIL (Bonaventure): I do not wish to give my vote, Mr. Speaker, without a word of explanation. I appreciate thoroughly what has been said by the hon. member for Macleod (Mr. Coote), and I hope the day will come when our debates will be curtailed and our hours of sitting as well.

I am about completing my twenty-eighth session. I have seen between five and six hundred members of parliament come and go, and parliament renewed seven times, and only half a dozen remain of those of us who were here more than a quarter of a century ago. But the tactics employed then are the tactics that are employed to-day, except that in those days we had two parties, and now we have a third party acting as arbitrator.

As I heard you, Mr. Speaker, give your decision this afternoon it reminded me that ten years ago the hon. member for Vancouver Centre (Mr. Stevens) and myself worked hand in hand. There have been occasions in this House during that time, a quarter of a century, when men on great issues rose above party and worked together willingly for the national good, and that was one instance, ten years ago, when the hon. member for Vancouver Centre and those who were associated with him did me the honour of asking me to second a motion that he was submitting to the House for war-time prohibition. It was not popular for a Quebec member to undertake that task. Quebec, consulted in the matter of prohibition, had voted it down by 125,000, but I came here imbued with the idea that during the war time at least, when Canada's efforts were needed to be given to the utmost for the prosecution of the war, prohibition of the importation, manufacture, and sale of liquor, which is at the bottom of all this trouble here since the United States have adopted prohibition, should be enacted. The hon. member for Vancouver Centre and myself did the best we could. He made the best speeches; he always does the best he can, and I backed up my assertions with letters from the whole hierarchy of the province of Quebec, and with thousands of petitions. I thought I had made out a pretty good case, but—strange how things happen in this world—the man who was put up by the government of the day to move an amendment to the motion moved by the hon. member for Vancouver Centre and myself was the hon. member for West Calgary (Mr. Bennett), who will be Minister of Justice to-morrow in this new government. We took the position that war-time prohibition should be adopted on moral and economic grounds, and showed

the House that our liquor bill amounted to something over $300,000,000 a year. However, we were voted down, and as I heard you, Mr. Speaker, give your decision this afternoon I was reminded that on that occasion ten years ago the hon. member for West Calgary moved an amendment to the motion moved by the hon. member for Vancouver Centre. The amendment, having been put to the House, carried. After the amendment had been carried I called upon the Speaker, as I find by referring to the Hansard of 1916, to put the main motion as amended. Sir Robert Borden objected, "The amendment is carried," he said, "that puts an end to the matter." But on the following day Mr. Speaker Sevigny gave the decision to which you referred this afternoon, in which he showed that the adoption of an amendment amending a motion is not the end of the story, but that the amended motion must be put, and that is the reason for the debate at the present time. We have never voted on the Stevens amendment, so-called. It has been put by you, Mr. Speaker, to the House for the purpose of enabling the House to amend it still further or adopt it.

I want to say one word about the work of the committee. I think the members of that committee are entitled to the greatest credit. They did the best work that could possibly be expected of them, but I am sorry to say their work has been incomplete. They do not themselves claim that this investigation is in any way complete. In the early days of the session, following the remarks made by the hon. member for York-Sunbury (Mr. Hanson) I called the attention of the Minister of Customs to the fact that in the territorial waters of the gulf of the St. Lawrence, smuggling was being carried on from St. Pierre Miquelon on an extensive scale. These territorial waters are closed waters for the purpose of fishing, but it appears that the extraordinary stand is taken that for smuggling they are international waters, and the result, as we see it, is that schooners drop anchor threee or four miles from shore and keep open bar year in and year out, demoralizing the population of that district, not only on the Quebec side but on the New Brunswick side as well. That is an important phase of smuggling which has not been touched at all by this committee, and one which should be taken up whether this matter is referred to a judicial commission or otherwise.

I do not want to refer any further to the report of the committee because I want to be lenient and merciful to the House. We are saturated with this discussion on the Department of Customs and Excise, and the country is heartily sick of it. The country wants a decision taken and an end put to the whole business as far as this House is concerned, because this question is being dealt with here according to political bias which will carry no conviction to the country; the country will be divided just as this House is divided. To the final decision, rendered by a judical commission of the character proposed, full value and effect will be given.

I am sorry that the subamendment to the amendment moved by the hon. member for St. James is meeting with opposition in this House. I had thought that the wording of the subamendment was so fair and reasonable that it would appeal to the minds of all Canadians irrespective of party. Here is what the subamendment proposes:

> The said commission to be composed of three judges, one to be nominated by the Prime Minister of Canada; one by the right hon. the leader of the opposition; and one by the hon. the leader of the Progressive party, said commission to have all the powers conferred upon such commissioners under the Public Enquiries Act;
>
> The said commission to have power to make findings and recommendations, and to report the same to parliament at the opening of the next session, together with the evidence taken before said commission.

I think that is a fair proposition, and one that should have met with the approval of all. I have been a long time in the political game, having had forty or fifty years' experience, and I have known judicial commissions appointed by governments in the past that were far from satisfactory to the public at large. In the present instance the commisisoners would be chosen somewhat as the arbitrators are chosen by the parties to arbitration proceedings. I hope the House will accept this solution of the problem and that we will be able then to put an end to the existing difficulty.

I do not want to say any more on this point except to add this: Owing to the adoption of prohibition in the United States the smuggling question has become one of the most difficult on this continent to deal with, not only for the Canadian government but for the authorities at Washington. To-day that question is taxing to the limit the efforts of United States prohibition officers, and millions of dollars are being spent in the attempt to put down smuggling. The adoption of prohibition in the neighbouring republic has resulted in increased smuggling so far as Canada is concerned. I remember when the late Hon. William Paterson was appointed Minister of Customs. In those days the

smuggling was not so extensive as it is to-day; there was not the same amount of profit in it. If there was no advantage in bringing liquor into the United States, none would be brought; but the higher the tariff was in Canada the more incentive there was to smuggling. I am speaking from experience, and I am well aware that there are men in this House who know how true it is that smuggling is carried on because smuggling is profitable; when it is not profitable it will to a large extent disappear. That is the reason why the government has been confronted with a problem such as no other government had to deal with in the past.

To an impartial tribunal, freed from the partisan spirit which prevails in this House, the case which has been made out by the ex-Minister of Customs and Excise would carry conviction; it would have that effect with any jury in this country. But the charges have been brought before a political court and if that court renders a verdict it will be political in its nature. I am not unaware of instances of men, held in high esteem by this country, who have been condemned in political courts and yet their honour has not been impaired in the slightest. Nevertheless I hope the House will take this opportunity of constituting a judicial tribunal which will give entire satisfaction to the Canadian public. There is this important fact to be borne in mind as well: the department involved here produces revenue to the extent of over $300,000,000 a year, and that revenue must be safeguarded in every respect. I am sure that a judicial tribunal such as I have indicated could make very important recommendations in addition to those which have been made by the Customs inquiry committee. One of its first recommendations should be to remove from the Minister of Customs and Excise the discretion which the law now gives him. If that discretion had not existed, no such appeals as those complained of would have been made to the late minister or to his predecessors. I myself have knowledge of such appeals, which, indeed, have been made to every member of parliament; and hon. gentlemen supporting for the first time the present government will, if the present cabinet remains in office, find themselves before long, urged to make similar appeals, because there is always a tendency when a man gets into trouble to say, "Give him another chance," and so on. The experience of the past has demonstrated what will happen unless the whole system is radically changed, and that can best be done through the findings of a judicial commission.

I am going to vote for the subamendment with the greatest satisfaction, because I know it is in the interest of the country. On the other hand I will vote against the amendment of the hon. member for Vancouver Centre because I deem it to be nothing but a political move.

Mr. HENRI BOURASSA (Labelle): Mr. Speaker, I just want to explain the reason why I am going to vote against this subamendment. The other day I voted quite reluctantly for the amendment moved by the hon. member for Winnipeg North Centre (Mr. Woodsworth) and I explained why. I am opposed to this report; I am opposed to the amendment moved by the hon. member for Vancouver Centre (Mr. Stevens), and I am more convinced than ever that this House is not in a position to pass judgment upon this question or any issue connected with it. I reluctantly supported the amendment moved by the hon. member for Winnipeg North Centre the other day because it carried the principle of the appointment of a judicial commission. This seems now to be accepted by the whole House. I do not want to connect my name and my vote with any further amendment, subamendment, or subamendment to the amendment as amended dealing with this issue, which has become a political football and does not at all advance parliament, the late government, the present nucleus of a government, or the people at large in any realization of the actual situation.

I think yesterday, if I may say this word, the ex-Prime Minister (Mr. Mackenzie King) took a manly attitude and did the only right, the only proper thing which he could do; and he did it in the proper way. The explanations which he gave to the House as to his resignation should bring before the attention of the people of this country an issue far more important in my eyes than the issue now before the House. Not that I do not attach importance to the proper management of any great department of state; but, I repeat, the issue on its merits is not properly before the House. It will have to be dealt with by a judicial commission, and the House when it is seized with the whole question will be in a position to pass judgment on the findings of that commission and upon the findings of the committee.

But with regard to the constitutional issue raised by the resignation of the Prime Minister in the extraordinary circumstances which he has related to the House, I think it is high time that we should brush aside this matter and consider the larger question on its merits.

If this government succeeds as it carried its votes on Friday, very well. Let us have done away with this customs issue. I understand a commission will be appointed; it will go on with the investigation. After this is done, in the few days that are left to us, we have several other questions to examine. We have to know upon what platform and what programme this intended government propose to rule this country. We have to know what legislation they propose to carry on during the remainder of the session. We have to know what policy they propose to pursue if they remain in power.

12 m.

Therefore I am going to vote against any further complication in this matter, against this subamendment, against the amendment moved by the hon. member for Vancouver Centre as amended and against the motion moved by the hon. member for St. Henri (Mr. Mercier) for the adoption of the report. The only motion I would be inclined to support would be one purely and simply for a reference of the whole matter to a judicial commission for investigation.

It has been amply demonstrated to the people of this country that this House is not the proper place and this is certainly not the proper time to deal with a matter of this kind in a judicial way. This is demonstrated by all speeches of the last week, that of the hon. member for Winnipeg North Centre and my own included, but at least we have been candid enough to admit that we do not feel prepared and we are not prepared to act like judges. The attempts which have been made since then to put a new complexion to this House prove that the intention of acting judicially on this matter is simply a put-up job, I was going to say, by one party after the other. The question at issue between the two parties at the present time is which party is going to rule. Evidently this is another question, and I want to disconnect it as soon as possible from the matter at issue. The present government is neither going to be sustained nor thrown down by this question before the people of Canada.

Another reason why I am not prepared to vote for this subamendment or any other motion calculated to precipitate the issue before the people of Canada is that I should deplore the idea that an issue should be made before the people simply and solely upon the dirty matters with which we have been dealing for the past eight days. I hope the next time the people of Canada are appealed to, whether it be this summer, this fall, or next year, they will have something else to deal with than these matters that will no more be properly exposed to the people than before this House by the work of this committee, good men as they are, or by the debates that take place in this House. I hope that in these few words I have made myself clear to the members of this House and to the people whom I represent.

[Mr. Bourassa.]

Mr. A. L. BEAUBIEN (Provencher): Mr. Speaker, I am sure the House will pardon me for getting up at this late hour, but I will follow my usual practice and be very brief. We have had the amendment moved by the hon. member for Vancouver Centre (Mr. Stevens) who made the motion which brought the committee into being. We have also had added to it the amendment of the hon. member for Last Mountain (Mr. Fansher). We also have the amendment moved by the hon. member for St. James (Mr. Rinfret). I view this question just as I would view a case in a court room. A man or a group of men are brought before a court where a jury is sitting. The case is never given to the jury until the whole evidence has been completed. In this report, which I understand was a unanimous one by the committee, clause 4 states:

> Notwithstanding the time devoted by the committee to the taking of evidence the matters refrrd to it by the order of reference could not be completely reviewed.

I ask any man who has a sense of British fair play: Are we going to condemn a man or a group of men until the evidence is completed? I am taking the committee at their own words. They know more about the matter than I do; they have sat for months; they have heard the evidence, and then in their report they say that the matter could not be completely reviewed. I am not going to pass judgment which will condemn one man or a group of men without hearing all the evidence.

I had a dream last night. I dreamt I was in a court room. The ex-Minister of Customs (Mr. Boivin) was arraigned to answer the very charge which is now brought against him, of keeping Moses Aziz out of gaol. The judge having heard the evidence discharged him with a warning to use better judgment in the future. The hon. member for Mackenzie (Mr. Campbell) was also in court charged with having written a letter to the ex-Minister of Justice (Mr. Lapointe) with a request to keep another man from going to gaol on the ground that he could not pay his fine. The judge heard the evidence in this case also and found that while the hon. member for Mackenzie had been indiscreet he had been guilty of no very serious offence.

Mr. CAMPBELL: What did the judge say about the ex-Minister of Justice for approving of the application of the member for Mackenzie?

Mr. BEAUBIEN: I do not blame the hon. member for Mackenzie, because I might have done the same thing myself. Members of parliament are in duty bound to represent their electors, and if an elector who is in trouble seeks advice, it is only right for his representative to put his case before the minister concerned, whose duty it is to listen to such representation. If we do not want ministers of the crown to have any power of discretion in the future, then let us so provide by law and let us inform the public accordingly. Electors expect members of parliament to do anything and everything and I hope my voice will carry throughout this Dominion when I say to-night that if the people expect their representatives to make certain appeals on their behalf they must not turn round and condemn them afterwards.

The amendment proposed by the hon. member for St. James is to my mind the fairest that has been submitted in this debate. It gives to the group in this corner an opportunity to have some say in the appointment of the commission. This is the first time in the history of parliament that it has been proposed that any minority group should participate in such an appointment. Am I going to throw that precedent away? It seems to me a healthy state of affairs that different groups should be consulted in a matter of this kind. This is the conclusion to which I have come after serious reflection. I may be wrong in the eyes of some people but I am acting conscientiously. The ex-Minister of Customs was probably indiscreet, but I refuse to admit for a moment that he is open to censure. I have sat with the hon. gentleman in this House for the last five years, having come into contact with him both personally and in his official capacity as minister of the Department of Customs, and speaking from my experience of him I believe that the honesty, the integrity and the ability of the hon. gentleman are beyond question. Certainly his ability he has demonstrated in this House; and of his honesty I am convinced from personal experience. I do not think it would be according to British fair play to condemn the minister as proposed in the motion of the hon. member for Vancouver Centre. I do not take any stock in the rumours one hears around these corridors. They do not amount to anything in my estimation. Let us have a proper judicial commission before whom all the facts can be brought out to the satisfaction of the country, and let members of that commission represent impartially the views of the parties constituting this parliament. I did not want to speak at any length to-night but I could not let this occasion pass without putting myself on record and paying the ex-Minister of Customs the tribute to which I think he is entitled.

The House divided on the amendment to the amendment (Mr. Rinfret) which was negatived on the following division.

YEAS

Messrs:

| | |
|---|---|
| Baldwin, | King, Mackenzie |
| Beaubien, | (Prince Albert), |
| Benoit, | Lacombe, |
| Bettez, | Laflamme, |
| Bird, | Lanctot, |
| Boivin, | Langlois, |
| Bothwell, | Lapierre, |
| Bouchard, | Lapointe, |
| Boucher, | Lavigueur, |
| Brown, | Letellier, |
| Cahill, | Lovie, |
| Cannon, | Macdonald (Glengarry), |
| Cardin, | Macdonald (Antigonish- |
| Casgrain, | Guysborough), |
| Delisle, | MacLean (Prince), |
| Denis (St. Denis), | McLean (Melfort), |
| Denis (Joliette), | McIntosh, |
| Desaulniers, | McKenzie, |
| Descoteaux, | McMillan, |
| Deslauriers, | McPhee, |
| Dionne, | Malcolm, |
| Donaghy, | Marcil, |
| Donnelly, | Mercier (St. Henri), |
| Dubuc, | Millar, |
| Duff, | Morin (Bagot), |
| Dunning, | Morin (St. Hyacinthe- |
| Dussault, | Rouville), |
| Elliott, | Motherwell, |
| Euler, | Neill, |
| Evans, | Parent, |
| Evanturel, | Perras, |
| Fafard, | Pouliot, |
| Fiset (Sir Eugene), | Raymond, |
| Forke, | Rhéaume, |
| Fournier, | Rinfret, |
| Gershaw, | Robb, |
| Gervais, | Roberge, |
| Girouard, | Robichaud, |
| Goodison, | Robitaille, |
| Goulet, | Ross (Moose Jaw), |
| Guérin, | St. Père, |
| Hall, | Sanderson, |
| Hatfield, | Séguin, |
| Heaps, | Spence (Maple Creek), |
| Heenan, | Steedsman, |
| Howard, | Stewart (Edmonton |
| Jacobs, | West), |
| Jelliff, | Stork, |
| Jenkins, | Sylvestre, |
| Johnston (Long Lake), | Tobin (Richmond- |
| Kay, | Wolfe), |
| King (Huron North), | Tobin (Wetaskiwin), |
| King (Kootenay East), | Totzke, |

Vallance,
Verville,
Wilson (Vaudreuil-Soulanges),
Woodsworth,
Young (Saskatoon),
Young (Weyburn).—107.

NAYS

Messrs:

Anderson (Toronto-High Park),
Anderson (Halton),
Armstrong (Timiskaming South),
Armstrong (Lambton East),
Arthurs,
Baker,
Barber,
Bell (Hamilton West),
Bell (St. Antoine),
Bell (St. John-Albert),
Black (Yukon),
Black (Halifax),
Bourassa,
Boutillier,
Bowen,
Boys,
Bristol,
Bury,
Cahan,
Campbell,
Cantley,
Casselman,
Chaplin (Kent, Ont.),
Chaplin (Lincoln),
Charters,
Church,
Clark,
Coote,
Cotnam,
Culligan,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Edwards (Waterloo South),
Embury,
Esling,
Fansher,
Fish,
Flemming,
Foster,
Fraser,
Gardiner,
Garland (Bow River),
Garland (Carleton),
Gott,
Grimmer,
Guthrie,
Hamilton,
Hanson,
Harris,
Hay,
Hocken,
Hodgins,
Hubbs,
Johnstone (Cape Breton North-Victoria),
Jones,
Kaiser,
Kennedy (Peace River),
Kennedy (Winnipeg South Centre),
Ladner,
Lennox,
Lucas,
MacDonald (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
Maclean (York South),
MacNutt,
Macphail (Miss),
McClenaghan,
McGibbon,
McKillop,
McQuarrie,
Maloney,
Manion,
Maybee,
Messervy,
Morand,
Mullins,
Murphy,
Nicholson,
O'Neill,
Peck,
Perley (Sir George),
Pettit,
Preston,
Price,
Quinn,
Robinson,
Rogers,
Ross (Kingston City),
Rowe,
Ryckman,
Ryerson,
Senn,
Short,
Simpson,
Sinclair,
Smith,
Smoke,
Spence (Parkdale),
Spencer,
Stansell,
Stevens,
Stewart (Leeds),
Stinson,
Stirling,
Sutherland (Oxford South),
Sutherland (Oxford North),
Thompson,
Tolmie,
Tummon,
White (London),
White (Mount Royal),
Wilson (Wentworth),
Wright.—119.

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

Howden,
Lacroix,
Cross,
Power,
Fontaine,
Prévost,
Mercier,
Hannesson,
Edwards (Frontenac),
Bennett,
Mewburn,
Chabot.
Langworthy,
Geary.

Mr. SPEAKER: I declare the subamendment lost. The question now is on the amendment as amended.

Mr. E. J. GARLAND (Bow River): Mr. Speaker, before you put the question I desire to say a few words thereon. I am satisfied that every hon. member is exceedingly anxious that the judicial commission which is to be appointed by the acting government shall be of a non-partisan character. There is no doubt that it should be such. I would therefore suggest that the time is not yet too late when the acting government may accept an amendment which will allow them to go to the country feeling that at least their commission will have the confidence of the people. Like the hon. member for Southeast Grey (Miss Macphail), I have very little confidence in either of the political parties as such. I have a great deal of confidence in several hon. members of both parties. I am not willing, nor do I think the public will be, to accept the findings of a royal commission appointed by the Conservative party any more than I would be ready to accept the findings of a royal commission appointed by the Liberal party. Therefore I move, seconded by the hon. member for Acadia (Mr. Gardiner):

That the amendment as amended be further amended by adding thereto the following words after the words "and to prosecute all offenders":

and that such judicial commission should consist of a judge to be named by the two judges of the Exchequer court of Canada, the said judge acting as a commission to have all the powers conferred upon such commission under the Public Inquiries Act. The said commission to have power to make findings and recommendations and to report the same to parliament at the opening of the next session, together with the evidence taken before the said commission.

Sir HENRY DRAYTON: I simply rise to say that this amendment is one which, it seems to me, this House can accept; the government certainly can accept it. Our idea is to have a commission just as impartial as we can get it. We do not want partial judges; we do not want judges named by this or by that party, to fight one with the other. We do want to get a commission as impartial and as far-reaching in its effects as is possible,

and the hon. gentleman has found a means of taking away the selection of this commission from politicians of all stripes; on behalf of the government I have much pleasure in accepting it.

Mr. CANNON: I wish to congratulate the hon. gentleman who has moved this subamendment. We cannot have too many safeguards from the present government, and if the leader of the House had not accepted the amendment I would have supported it on division. When I consider the past records of these gentlemen, royal commissions have been instituted under Tory regimes in the past—and I wish gentlemen sitting to my left to remember this—reports were brought in, and those found guilty are still sitting in this House supporting my hon. friend.

Mr. CAHILL: I do not wish to detain the House on this question, but it is quite apparent from the amendments which have been offered that members of parliament have no confidence in their ability to appoint a commission; neither have the government. I think the only proper course to take in the circumstances would be for this parliament again to appeal to the final arbiters, the electors of Canada, and if this amendment were not before the House I would move that that be done. Since this amendment is now before us, I cannot do so.

Amendment (Mr. Garland) agreed to.

Mr. SPEAKER: Before the question is put, I wish to inform the House that there is added to Mr. Stevens' amendment the subamendment of Mr. Garland (Bow River), and previous to that the subamendment of Mr. Fansher. I wish the House to keep that in mind, so that it will know on what it is voting.

The House divided on the amendment (Mr. Stevens) as amended, which was agreed to on the following division:

YEAS

Messrs:

Anderson (Toronto-High Park),
Anderson (Halton),
Armstrong (Timiskaming South),
Armstrong (Lambton East),
Arthurs,
Baker,
Barber,
Bell (Hamilton West),
Bell (St. Antoine),
Bell (St. John-Albert),
Black (Yukon),
Black (Halifax),
Boutillier,
Bowen,
Boys,
Bristol,
Bury,
Cahan,
Campbell,
Cantley,
Casselman,
Chaplin (Kent, Ont.),
Chaplin (Lincoln),
Charters,
Church,
Clark,
Coote,
Cotnam,
Culligan,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Edwards (Waterloo South),
Embury,
Esling,
Fansher,
Fish,
Flemming,
Foster,
Fraser,
Gardiner,
Garland (Bow River),
Garland (Carleton),
Geary,
Gott,
Grimmer,
Guthrie,
Hamilton,
Hanson,
Harris,
Hay,
Hocken,
Hodgins,
Hubbs,
Johnstone (Cape Breton North-Victoria),
Jones,
Kaiser,
Kennedy (Peace River),
Kennedy (Winnipeg South Centre),
Ladner,
Lennox,
Lucas,
MacDonald (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
McLean (York South),
MacNutt,
Macphail (Miss),
McClenaghan,
McGibbon,
McKillop,
McQuarrie,
Maloney,
Manion,
Maybee,
Messervy,
Morand,
Mullins,
Murphy,
Nicholson,
O'Neill,
Peck,
Perley (Sir George),
Pettit,
Preston,
Price,
Quinn,
Robinson,
Rogers,
Ross (Kingston City),
Rowe,
Ryckman,
Ryerson,
Senn,
Short,
Simpson,
Sinclair,
Smith,
Smoke,
Spence (Parkdale),
Spencer,
Stansell,
Stevens,
Stewart (Leeds),
Stinson,
Stirling,
Sutherland (Oxford South),
Sutherland (Oxford North),
Thompson,
Tolmie,
Tummon,
White (London),
White (Mount Royal),
Wilson (Wentworth),
Wright.—119.

NAYS

Messrs:

Baldwin,
Beaubien,
Benoit,
Bettez,
Bird,
Boivin,
Bothwell,
Bouchard,
Boucher,
Bourassa,
Brown,
Cahill,
Cannon,
Cardin,
Casgrain,
Delisle,
Denis (St. Denis),
Denis (Joliette),
Desaulniers,
Descoteaux,
Deslauriers,
Dionne,
Donaghy,
Donnelly,
Dubuc,
Duff,
Dunning,
Dussault,
Elliott,
Euler,
Evans,
Evanturel,
Fafard,
Fiset (Sir Eugene),
Forke,
Fournier,
Gershaw,
Gervais,
Girouard,
Goodison,
Goulet,
Guérin,
Hall,
Hatfield,

| | |
|---|---|
| Heaps, | Morin (St. Hyacinthe-Rouville), |
| Heenan, | Motherwell, |
| Howard, | Neill, |
| Jacobs, | Parent, |
| Jelliff, | Perras, |
| Jenkins, | Pouliot, |
| Johnston (Long Lake), | Prévost, |
| Kay, | Raymond, |
| King (Huron North), | Rhéaume, |
| King (Kootenay East), | Rinfret, |
| King, Mackenzie (Prince Albert), | Robb, |
| Lacombe, | Roberge, |
| Laflamme, | Robichaud, |
| Lanctot, | Robitaille, |
| Langlois, | Ross (Moose Jaw), |
| Lapierre, | St. Père, |
| Lapointe, | Sanderson, |
| Lavigeur, | Séguin, |
| Letellier, | Spence (Maple Creek), |
| Lovie, | Steedsman, |
| Macdonald (Glengarry), | Stewart (Edmonton West), |
| Macdonald (Antigonish-Guysborough), | Stork, |
| MacLean (Prince), | Sylvestre, |
| McLean (Melfort), | Tobin (Richmond-Wolfe), |
| McIntosh, | Tobin (Wetaskiwin), |
| McKenzie, | Totzke, |
| McMillan, | Vallance, |
| McPhee, | Verville, |
| Malcolm, | Wilson (Vaudreuil-Soulanges), |
| Marcil, | Woodsworth, |
| Mercier (Laurier-Outremont), | Young (Saskatoon), |
| Mercier (St. Henri), | Young (Weyburn).—109. |
| Millar, | |
| Morin (Bagot), | |

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

| | |
|---|---|
| Howden, | Hannesson, |
| Lacroix, | Edwards (Frontenac), |
| Cross, | Bennett, |
| Power, | Mewburn, |
| Fontaine, | Chabot, |
| Prévost, | Langworthy. |

Mr. SPEAKER: The question now is on the main motion as amended.

Mr. MACKENZIE KING: Carried on the same division.

Sir HENRY DRAYTON: Carried on the same division.

Main motion (Mr. Mercier) as amended agreed to.

## ADJOURNMENT—BUSINESS OF THE HOUSE

Sir HENRY DRAYTON moved the adjournment of the House.

Mr. MACKENZIE KING: May I ask my hon. friend one or two questions? Is it the intention of the government that the House shall sit on the 1st of July?

[Mr. Speaker.]

Sir HENRY DRAYTON: In connection with the business of the House, Mr. Speaker, it has become now entirely a matter for the House, and we would very much like to have the opinion of the House. So far as I know, we have got rid of the only contentious matter remaining before parliament. I do not think there is anything at all contentious remaining on the order paper. We have the estimates, which are my right hon. friend's estimates, and we are prepared to put them through. In addition to those estimates, we have the legislation of my right hon. friend which is here in this House or in the other House, and we are prepared to do everything we can to facilitate that. In other words, so far as we are concerned I see no reason why this House should not close its business to-morrow night, but that, of course, is entirely for the House to say. If on the other hand parliament thinks there are a lot of other matters to be discussed, that we have not been here long enough, or that there are some contentious issues arising out of my right hon. friend's own estimates or legislation, why then the government is perfectly willing to sit on the holiday if the House desires. But if we are to have a lot of contentious business brought on, perhaps it is not worth while sitting on the holiday.

Mr. MACKENZIE KING: In connection with the legislation, does my hon. friend include the bill for the transfer of the natural resources to Alberta, which appears on the order paper as a resolution?

Sir HENRY DRAYTON: We have not as yet had time to go into what has been done by my hon. friend in that connection, but it has been noted. We do not propose to take any action one way or the other in the dying days of this session in connection with that legislation.

Mr. MACKENZIE KING: That means no action?

Sir HENRY DRAYTON: No action this session.

Mr. MACKENZIE KING: That will be gratifying, I am sure, to our friends from Alberta.

Sir HENRY DRAYTON: I am quite sure, Mr. Speaker, they will not be shocked, because they have been gently prepared by no action at all on the part of gentlemen opposite, who have had lots of time to act, which we have not had.

Mr. MACKENZIE KING: May I ask my hon. friend what business is proposed to take up to-morrow, and in what order?

Sir HENRY DRAYTON: We have some bills that I think should be got rid of. There is the bill in connection with the Montreal harbour commission, and a bill regarding which my hon. friend the ex-Minister of Finance has been good enough to send over to me to-night a memorandum, having regard to the Civil Service Superannuation Act. Apparently that is a bill about which there should be very little trouble, and I take it from what his memorandum discloses that it is something which should be disposed of. I think we ought to facilitate all the legislation which ought to be handled at all.

Mr. LAPOINTE: You are very nice indeed.

Sir HENRY DRAYTON: My hon. friend is a little late in paying me that tribute, which I know the House feels I so wonderfully deserve. After that we shall take up the estimates. We know there will be very little trouble about my right hon. friend's own estimates, but we shall be governed very largely by their criticism.

Mr. SPEAKER: May I suggest to the House while it is in the mood for passing bills and estimates holus-bolus, that perhaps after the six months we have been here this session it is about time the report of the special committee appointed last year to reduce the length of the session and reduce the length of speeches was adopted.

Some hon. MEMBERS: Hear, hear.

Sir HENRY DRAYTON: There is only one other question my right hon. friend asked that I did not answer. He asked whether we would sit on the holiday. So far as the government is concerned, if the House cannot get closed up by to-morrow night, but wishes to go and wind up the work of the session as quickly as possible by sitting on the holiday we are content to work on the holiday.

Motion agreed to and the House adjourned at 1.15 a.m. (Wednesday).

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## Wednesday, June 30, 1926

The House met at two o'clock.

### PRIVATE BILLS

Mr. FRED W. BOWEN (Durham) moved:

That in accordance with the recommendations contained in the ninth report of the select standing committee on Miscellaneous Private Bills, all bills reported in the eighth and ninth reports of said committee be placed on the orders of the day among private bills for consideration in committee of the Whole this day

Mr. SPEAKER: There are no private bills to-day; they will appear on Friday.

Mr. MACLEAN (York): Are we to prorogue to-night or not?

Mr. SPEAKER: I am in the hands of the House.

Mr. LAPOINTE: Mr. Speaker, do those bills include all the divorce bills?

Mr. MACLEAN (York): Yes.

Mr. LAPOINTE: If so, I object to the motion. I ask that those bills should go to the Private Bills committee like all the other bills.

Sir HENRY DRAYTON (Leader of the House): Mr. Speaker, may I make a suggestion to my hon. friend? I understand some of the bills are contentious and some are not. Would he indicate the bills which are contentious and let the other business of private bills be discharged in the ordinary way? It is within my hon. friend's right, of course, to object to all of them, but I would suggest that course of action to him.

Mr. LAPOINTE: We may allow the matter to stand for the present, anyhow.

Mr. SPEAKER: It will stand for the present.

Mr. BROWN: I was on my feet, Mr. Speaker, to move that the House proceed to consideration of private bills in committee of the Whole forthwith. I had been given to understand that the hon. member for Pontiac (Mr. Cahill) who had raised objection to the motion yesterday had withdrawn his objection.

Mr. SPEAKER: At the present time one cannot say whether the House will prorogue to-day, to-morrow or the day after. But the motion will stand: It will have the same effect as the motion of the hon. gentleman from Lisgar.

Mr. GARLAND (Bow River): May I ask the leader of the acting government, Mr. Speaker, if there is any agreement to be arrived at as to what bills are contentious and what are not contentious; he should take into consideration the fact that there are two other groups in the House?

Sir HENRY DRAYTON: Mr. Speaker, I very gladly include my hon. friend's party, and I have no doubt that he will be able to get full information as to the motion from the hon. member immediately next to him.

Mr. BROWN: I may say that the hon. leader of the House is entirely wrong.

Sir HENRY DRAYTON: I am sorry that there is a rift within the lute, Mr. Speaker.

Mr. BROWN: That is a guess again; there is no rift.

Mr. GARLAND (Bow River): Mr. Speaker, I would point out that there is far less of a rift within the lute in this quarter than I find indicated in the party to which my hon. friend belongs.

Sir HENRY DRAYTON: We now understand, Mr. Speaker, that this motion will come up again to see if the business of the House can be expedited.

Motion stands.

## SUPPLEMENTARY ESTIMATES FOR 1925-26 and 1926-27

A message from His Excellency the Governor General transmitting further supplementary estimates for the year ending March 31, 1926, was presented by Sir Henry Drayton (Acting Minister of Finance), read by Mr. Speaker to the House, and referred to the committee of Supply.

A message from His Excellency the Governor General transmitting supplementary estimates for the year ending March 31, 1927, was presented by Sir Henry Drayton (Acting Minister of Finance), read by Mr. Speaker to the House, and referred to the committee of Supply.

Sir HENRY DRAYTON: Mr. Speaker, I desire to point out that the estimates now tabled are the estimates of my hon. friends opposite without any change whatever.

## REPORTS OF COMMITTEES

### INDUSTRIAL AND INTERNATIONAL RELATIONS

On motion of Mr. C. R. McINTOSH (North Battleford) the second report of the select standing committee on Industrial and International Relations was concurred in.

### FUEL SUPPLY

On motion of Mr. A. U. G. BURY (East Edmonton) the final report of the special committee appointed to investigate the fuel supply of Canada was concurred in.

## CIVIL SERVICE SUPERANNUATION

Sir HENRY DRAYTON (Acting Minister of Finance) moved for leave to introduce Bill No. 233, to amend the Civil Service Superannuation Act, 1924.

[Sir Henry Drayton.]

Motion agreed to and bill read the first time.

Mr. SPEAKER: When shall said bill be read a second time?

Some hon. MEMBERS: Now.

Right Hon. W. L. MACKENZIE KING (Leader of the Opposition): Next sitting of the House.

Sir HENRY DRAYTON: It is for my hon. friends to say, of course; it is not our bill.

Mr. J. J. DENIS (Joliette): I think we should follow the regular procedure. We have not seen this bill yet, and I think everyone should have that opportunity.

Some hon. MEMBERS: Explain.

Sir HENRY DRAYTON: I am asked to explain. This bill merely extends the time within which civil servants may take advantage of the acts in connection with the retirement and pension funds. It has been brought up in the House several times, and was prepared by my hon. friends.

## EXCISE ACT AMENDMENT

Hon. H. H. STEVENS (Acting Minister of Customs and Excise) moved for leave to introduce Bill No. 234, to amend the Excise Act.

He said: This bill arises out of the report of the special committee investigating this department, and merely amends section 4 of chapter 52 by striking out the proviso at the end of that section, which reads as follows:

Provided, however, that the Governor in Council may suspend the operation of subsection 4 of this section during such period or periods as he may deem necessary.

This subsection was inserted in the bill in 1920.

Motion agreed to and bill read the first time.

## QUESTIONS

(Questions answered orally are indicated by an asterisk.)

### FERRY LICENSES

Mr. ROSS (Kingston):

1. What international ferry licenses have been granted by the government on the St. Lawrence river routes since January 1, 1922?
2. To whom were such licenses granted?
3. What are the names of all applicants for each license granted?
4. What amount was paid for each of such licenses?
5. Was license granted to party making highest offer in each instance? If not, why?
6. Was license refused to all applicants for any service? If so, where and why?

Sir GEORGE PERLEY (Acting Minister of Public Works):

1. (a) Morrisburg, Ont.—Waddington, N.Y.; (b) Rockport, Ont.—Alexandria Bay, N.Y.; (c) Gananoque, Ont.—Clayton, N.Y.; (d) Kingston, Ont.—Cape Vincent, N.Y.; (e) Prescott, Ont.—Ogdensburg, N.Y. (renewal of license); (f) Brockville, Ont.—Morristown, N.Y. (renewal of license).

2. (a) Walter V. McGannon, Morrisburg, Ont.; (b) J. Herbert Hutchinson, Alexandria Bay, N.Y.; (c) The Thousand Island Navigation Co., Ltd., Kingston, Ont.; (d) The Rockport Navigation Co., Ltd., Kingston, Ont.; (e) Prescott & Ogdensburg Ferry Co., Prescott, Ont.; (f) Brockville & Morristown Transportation Co., Inc., Morristown, N.Y.

3. (a) Walter V. McGannon, Morrisburg, Ont.; (b) J. Herbert Hutchinson, Alexandria Bay, N.Y.; The International Ferry Co., Alexandria Bay, N.Y.; (c) Lewis Orr, Kingston, Ont.; The Thousand Island Navigation Co., Ltd., Kingston, Ont.; A. B. Chaffee, Montreal, Que.; (d) The Rockport Navigation Co., Ltd., Kingston, Ont.; (e) Prescott & Ogdensburg Ferry Co., Prescott, Ont.; (f) Brockville & Morristown Transportation Co., Inc., Morristown, N.Y.

4. (a) $25.00 per annum; (b) $25.00 per annum; (c) $3,000 per annum (license renewed and reduced to $25.00 per annum by order in council June 7, 1926; (d) $25.00 per annum; (e) $1.00 per annum; (f) $1.00.

5. Under the Ferries Act licenses for international ferries are not offered to public competition.

6. Morrisburg, Ont.—Brandy Brook, N.Y.; Kingston, Ont.—Clayton, N.Y.

The granting of licenses for these two ferries was not considered necessary in the public interest.

FREE TRANSPORTATION—MR. DUNCAN MARSHALL

Mr. GOTT:

1. Has a railway pass or free transportation of any kind been issued to the Hon. Duncan Marshall by the president, directors or other officials of the Canadian National Railways during the year 1926?

2. If so, in what section of Canada is pass or transportation honoured?

3. On what ground is transportation issued?

Sir HENRY DRAYTON (Acting Minister of Railways):

1. Transportation over lines in Canada was issued to Hon. Duncan Marshall, first as Commissioner of Agriculture, and, since, on newspaper account.

2 and 3. Answered by No. 1.



SURRENDER OF LANDS AGREEMENT WITH HUDSON'S BAY COMPANY

Mr. EVANS:

Has any agreement between this government and the Hudson's Bay Company been reached whereby the company agrees to abandon certain lands in the province of Alberta for the privilege of choosing the same amount in Manitoba or Saskatchewan?

Hon. Mr. STEVENS (Acting Minister of the Interior):

On the 23rd December, 1924, an agreement was entered into with the Hudson's Bay Company under which all lands held by the company within Forest reserves, Dominion parks and Indian reserves in the Fertile Belt were surrendered in exchange for vacant and available Dominion lands in the provinces of Manitoba, Saskatchewan and Alberta, to be selected by the company.

Clause one of the agreement reads as follows:

1. The company agrees to surrender and release unto His Majesty all lands situate within Forest reserves, Dominion parks and Indian reserves in the Fertile Belt as defined in the said deed of surrender, hereinafter called the deed, and by an order in council P.C. 1667, bearing date the seventh day of May, 1896, to which the company holds title, and also any other interest, if any, in or to lands in the said reserves and parks to which it is entitled or claims to be entitled under the terms of the deed and the said legislation, in exchange for a quantity of vacant available Dominion lands in the provinces of Manitoba, Saskatchewan and Alberta, situate outside the said reserves and parks to be selected by the company, and equal in area to the sum of the following:

(a) One-twentieth of the area of any land surveyed or unsurveyed included in Fertile Belt forest reserves other than the parks and reserves mentioned in subparagraph (c) hereunder. Forest reserves being as defined by the schedule to chapter 13 of the statutes 13 and 14 George V (Dom. 1923).

(b) One-twentieth of the area of any land included prior to said enactment in Forest reserves other than those mentioned in said subparagraph (c).

(c) The area of any land within Rocky Mountain park, Waterton Lake park, Rocky Mountain forest reserve and Indian reserves, unencumbered title to which is surrendered by the company to His Majesty.

Provided that no lands in Indian reserves and the Rocky Mountains forest reserve, the Rocky Mountains park or in the Waterton Lakes park as defined and shown on the homestead map or plan, Western Canada, of the Department of the Interior, seventeenth

edition, published in the year 1921, copy of which is hereto annexed, except lands to which the company surrendered, or surrenders, the unencumbered title in fee simple shall be credited to the company in the said exchange of lands. Provided that in cases where the company has leased mineral rights the lands shall be conveyed and the leases assigned to His Majesty, and the title shall be treated as an unencumbered title in fee simple for the purposes of this agreement. Provided that any lands heretofore granted or conveyed by His Majesty to the company for purposes of exchange in excess of the area heretofore relinquished or surrendered by the company for such exchange shall be reckoned and taken as lands selected and acquired by the company in satisfaction—pro tanto—of the company's rights to lands under this clause.

No other agreement has been entered into whereby the company agrees to abandon lands in Alberta for the privilege of choosing the same area in Manitoba or Saskatchewan.

SADDLE LAKE RESERVE—ALBERTA SALE OF LANDS

Mr. BURY:

1. Shortly prior to, or at the sale on March 3, of a portion of the lands of the Saddle Lake Indian reserve, Alberta, did the Indian agent at the said reserve receive instructions that intending purchasers securing first choices would be entitled to purchase as much land as they desired?

2. If so, were these the original instructions of the government to the said agent, and if not the original instructions, on whose advice, request or suggestion and on what ground was the change in such original instructions made?

3. Were the names of the persons who actually drew and purchased portions of the said land only those set out below; and did each purchase the amount of land set out below opposite his name?

J. Gagnon, 8 quarter sections;
J. Cormack, 3 quarter sections;
Jacobs, 3 quarter sections;
H. Fontaine, 19 quarter sections;
V. Tessier, 5 quarter sections;
A. Poitras, 7 quarter sections;
P, Charron, 2 quarter sections.
1 Purchaser (name unknown), 1 quarter section.

4. If the above names and amounts of land were not those of the persons who actually purchased on the said 3rd or 4th of March, what were the names of and amounts purchased by such original purchasers respectively?

5. Were one hundred and nineteen (119) tickets actually drawn by applicants to purchase?

6. Were initial payments on their said purchases made by any of the said purchasers to the agent on the said 3rd or 4th of March or shortly thereafter?

7. Were other persons who had not themselves drawn tickets entitling them to purchase, subsequently summoned to the house of the said agent and desired or allowed themselves to become direct purchasers of lands or portions of such lands?

8. Does the list of purchasers given by the Minister of the Interior in answer to question (8) of the questions put to him on April 15th (Hansard 27th May, p. 3902), include as well such subsequent purchasers as the said original purchasers? If so, which are they?

[Mr. Stevens.]

Hon. Mr. STEVENS (Acting Minister of the Interior):

1. First instruction was to sell these lands by units, as originally plotted by the Soldier Settlement Board, such units ranging in area from 160 to 320 acres according to the suitability of the land for farming purposes. Following representations that this method would not prove satisfactory as the majority of prospective purchasers required half a section in order to farm properly by western methods, it was decided to permit each purchaser to select any parcel he desired, on the understanding, however, that not more than half a section would be allotted to any one individual.

2. Answered by No. 1.

3. The names of the purchasers or allottees at the first sale and the areas applied for were as follows,—

| | Quarter sections |
|---|---|
| Jos. Gagnon.. .. .. .. | 8 |
| James Cormack.. .. .. .. | 3 |
| Alphonse Poitras.. .. .. | 7 |
| Arthur Fontaine.. .. .. | 19 |
| Frank Jakubik.. .. .. .. | 2 |
| Victor Tessier.... .. .. | 5 |
| Pierre Charron.. .. .. .. | 2 |
| Ed. LeBlanc.. .. .. .. | 1 |

4. Answered by No. 3.

5. Yes.

6. Yes.

7. Immediately after receiving report of sale as held on March 3, the department advised the agent in charge that the original instructions with respect to limiting individual purchases to a half section must be carried out. Several of the first allotments were made, the department is advised, by parties acting on behalf of others, the various selections being pooled, so the department instructed that these parties must be called upon to assume their contracts and obligations direct with the department, and individual purchases in no case to exceed half a section. This re-adjustment was satisfactorily carried out, and all available lands have been allotted or sold on this basis.

8. Yes. Fourteen quarter sections remaining have since been sold to the following parties:—

Peter Sheput, half section. Jos. Verbisky, half section. William Sheput, half section. Nick Chornohus, half section. William P. Kuz, half section. Stanley Boychuk, half section. Fred Calliou, quarter section. Joseph Leroux, quarter section.

SPECIAL TRAIN TO OTTAWA

Mr. ANDERSON (Toronto-High Park):

1. Was Mr. Armand Sylvestre, member for Lake St. John, in Roberval, Quebec, on Tuesday the 15th instant?
2. Was Mr. J. E. A. Dubuc, member for Chicoutimi, in Chicoutimi, Quebec, on Tuesday the 15th instant?
3. Were telegrams despatched to the above gentlemen enjoining them or either of them to return to Ottawa by special train on that day?
4. Was a special train despatched on the Canadian National, leaving Chicoutimi at 11 o'clock on the evening of the aforesaid Tuesday or thereabouts to expedite the movement of said gentlemen or either of them to Ottawa?
5. If so, who made arrangements for such special train?
6. What was the cost thereof?
7. By whom is such cost defrayed?

Sir HENRY DRAYTON (Acting Minister of Railways):

1, 2 and 3. The Department of Railways and Canals has no information.
4. Yes.
5. Pierre Casgrain, K.C., M.P.
6. $1,301.50.
7. By the person ordering service.

PATROL BOAT "VAGRANT"

Mr. JOHNSTONE (Cape Breton North-Victoria):

1. Who is captain of patrol boat "Vagrant" No. 2 engaged in preventive service on Cape Breton coast?
2. Has such captain a certificate qualifying him for such a position?

Hon. Mr. STEVENS (Acting Minister of Customs and Excise):

1: Captain Thomas Scott.
2. Captain Thomas Scott holds a service certificate No. 3464, as master of a fore-and-aft rigged sailing vessel not exceeding 750 tons registered tonnage, in the coasting trade, which is considered a higher class of vessel than "Patrol Boat No. 2" and he is therefore qualified under section 96, Canada Shipping Act, to act as master of "Patrol Boat No. 2".

BELLE RIVER, ONTARIO

Mr. ARMSTRONG (Lambton East):

What amount of money was spent by this government each year during the last five years at Belle River, Ontario, including bridging and construction work?

Sir GEORGE PERLEY (Acting Minister of Public Works):

| Fiscal year | Dredging | Construction | Total |
|---|---|---|---|
| 1921-22 | Nil | Nil | ..... |
| 1922-23 | Nil | Nil | ..... |
| 1923-24 | ..... | $ 3,652 45 | $ 3,652 45 |
| 1924-25 | $42,426 09 | 29,875 25 | 72,301 34 |
| 1925-26 | 12,367 47 | ..... | 12,367 47 |
| Total | $54,793 56 | $33,527 70 | $88,321 26 |

INDIAN AGENT—PUNNICHY, SASKATCHEWAN

Mr. DAVIS:

1. Why was the Rev. Major Harding dismissed as Indian agent at Punnichy, Saskatchewan?
2. Did Robert Hicks inform the department as to gross irregularities at this post?
3. Was Robert Hicks an applicant and temporarily appointed as Indiant agent at this post?
4. Was he fianlly replaced by Mr. Moore and was the latter removed from the post of the Indian agent at Sintaluta, Saskatchewan, to Punnichy, Saskatchewan?
5. Was the man appointed in his place a son-in-law of the Minister of the Interior? If so, what experience or qualifications had the new appointee for the post?
6. Why was not the permanent appointment of Mr. Hicks considered favourably?

Hon. Mr. STEVENS (Acting Minister of of Indian Affairs):

1. Indian Agent Hardinge was dismissed owing to the unsatisfactory nature of his services, involving defalcations, maladministration of Indian funds, and general lack of ability to supervise and control the Indians.
2. No.
3. No. He administered the agency after Mr. Hardinge's dismissal under the direct supervision of the Indian commisioner pending the appointment of an agent.
4. Yes.
5. Yes. The appointee had practical experience in farming and ranching.
6. Mr. Hicks has not the necessary qualifications for an Indian agent.

DUMPING DUTY ON BUTTER

Mr. ESLING:

1. Has the dumping penalty been applied on any shipments of butter, entering Canada, (a) during the present year, (b) during 1925?
2. If so, what was the country of origin of such butter and what amount was collected at each port of entry?
3. Have any refunds of such penalties been made and to whom?

Hon. Mr. STEVENS (Acting Minister of of Customs and Excise):

1. (a) Yes.
   (b) There is no record of the matter being before the Department in 1925.
2. Australia. The department has no separate record of amounts of dumping duty collected on butter.
3. No record has been found of refund of dumping duty on butter.

DUMPING DUTY ON STRAWBERRIES

Mr. ESLING:

1. Has the dumping penalty been applied to strawberries entering Canada from the United States, (a) during the present year, (b) during the calendar year 1925?
2. At what ports were such entries made and what was the total amount of the penalties at each port?

3. Have any refunds of such penalties been made and to whom?

Hon. Mr. STEVENS (Acting Minister of of Customs and Excise):

1. The department has no separate record of amounts of dumping duty collected on strawberries. Ports have been advised as to home consumption values of strawberries for purposes of application of dumping clause provisions.

2. Answered by No. 1.

3. No record has been found of refund of dumping duty on strawberries.

A. HARVEY

Mr. HUBBS:

1. Is A. Harvey an employee of the House of Commons staff?

2. If so, when was he appointed, by whom, and what is his salary?

3. If so, what are his duties and is he at present in Ottawa?

4. If on the House of Commons staff and not employed at Ottawa, at what place is he employed, in what capacity, and what are his duties?

Mr. SPEAKER:

1. Yes.

2. March 8, 1922, Mr. Speaker, $4 per diem.

3. Speaker's steward. Yes.

4. Answered by No. 3.

DREDGING—AMHERSTBURG

Mr. GOTT:

1. What dredging work is being done by the Canadian government at the port of Amherstburg?

2. Were tenders asked?

3. By whom were tenders submitted?

4. What is the tender amount of contract?

5. How long is it expected it will take to complete the contract?

6. What is the object of the work?

7. Under whose suggestion was work started?

Sir GEORGE PERLEY (Acting Minister of Public Works):

1. The dredging of a cut 45 feet wide to 10 feet at low water adjacent to the buoy depot wharf of the Department of Marine and Fisheries, at Amherstburg.

2. Prices asked from the following firms:—The Chatham Dredging & General Contracting Co., Ltd.; The Detroit River Construction Company, Ltd.; The St. Clair Dredge & Contracting Co., Ltd.

3. The St. Clair Dredge & Contracting Co., Ltd.

4. $2,846.80 (Approximately) at 60 cents per cubic yard scow measure, and 40 cents per cubic yard place measure.

5. Two months.

6. To give shelter to the floating plant of the Department of Marine and Fisheries.

7. Department of Marine and Fisheries.

[Mr. Esling.]

QUESTION PASSED AS ORDER FOR RETURN

Mr. WOODSWORTH:

1. What area of land has been granted to the Canadian Pacific Railway or its subsidiaries in the provinces of Alberta and Saskatchewan?

2. How many acres approximately in these provinces are within areas on which coal has been found or is believed to exist?

3. How much land was granted to the Canadian Pacific Railway or its subsidiaries in the Turner valley in southern Alberta?

4. How much land has been granted in the areas covered in Dr. Hume's report as probable oil districts in the Wainwright and Ribstone areas in Saskatchewan and Alberta?

5. What is the approximate area granted to the Canadian Pacific Railway in which there is a probability of oil or other mineral resources being found?

Hon. Mr. STEVENS: Passed as an order for return, which I now table.

## UNOPPOSED MOTION FOR PAPERS

W. S. LOGGIN

Mr. BLACK (Yukon) moved:

For a copy of all correspondence relating to W. S. Loggin, customs-excise preventive officer, Prince Albert, Saskatchewan, together with a copy of the report made by an officer of the Customs and Excise department in connection therewith.

Motion agreed to.

## BUSINESS OF THE HOUSE

DOMINION DAY SITTING

On the Orders of the Day:

Right Hon. W. L. MACKENZIE KING (Leader of the Opposition): I would like to ask my hon. friend if the government has decided as to whether or not the House is to sit on the 1st of July. I may say that the opposition is wholly agreeable to any decision which the government may have reached in the matter.

Sir HENRY DRAYTON (Leader of the House): I think last night, Mr. Speaker, we asked what the opinion of the House was as to whether we would sit or not on Dominion Day. If it is the opinion of the House that we should sit, we sit.

Mr. MACKENZIE KING: I want to be sure I understand my hon. friend aright. I intimated that the opposition collectively are agreeable to whatever decision the government has reached. Do I understand that the government has reached the decision to sit on the 1st of July?

Sir HENRY DRAYTON: Yes.

Mr. MACKENZIE KING: That is the government's decision?

Sir HENRY DRAYTON: Yes.

## PRIVILEGE—Mr. McMILLAN

On the Orders of the Day:

Mr. THOMAS McMILLAN (South Huron): Mr. Speaker, I rise to a question of privilege. In yesterday's Mail and Empire I find the following:

> Ottawa, Ontario, June 28.—The reasons Thomas McMillan, South Huron, was not entitled to a pair are stated in the following statement made by W. A. Boys, chief Conservative whip. Mr. Boys has given the following details of the situation over the McMillan pair.
>
> When the Liberal whip asked me for a pair for Mr. McMillan, I refused on three grounds:
>
> 1. Early in the session when Mr. A. D. Chaplin was sick in bed in Chatham and could not attend, I was refused a pair for him.
>
> 2. Mr. McMillan had but a few days ago paired with Mr. Jones of New Brunswick, and had disregarded his pair and had voted.
>
> 3. Mr. Carmichael, one of the Progressives, was supporting the opposition, so I was given to understand, and had to leave for the west on account of the illness of his daughter, and I felt his vote would offset Mr. McMillan's, and the actual voting strength of the House would thus be preserved.
>
> In addition to the above reasons I since learned from Mr. Hocken that about five weeks ago Mr. McMillan had approached him for a sessional pair, to which Mr. Hocken had verbally agreed. On the 13th June, Mr. Hocken took sick and was confined to bed. On the 15th June, Mr. Hocken, owing to the unusual importance of the division, asked to have the pair confirmed by the Liberal whip, and asked Mr. McMillan to come to see him in his room. This Mr. McMillan refused to do, and in consequence Mr. Hocken had to be carried into the House at two a.m., when he should have been at home in bed.

Mr. Speaker, I wish to take exception to such a statement. So far as I am implicated, there is no truth in this statement. The hon. member for Royal (Mr. Jones) came to me and asked for a pair. My reply was: "All right, but I will do nothing myself; we will go to our whip, Mr. Casgrain," which we did. I told Mr. Casgrain in the presence of Mr. Jones that he would like to pair with me, and while I was not going home till to-morrow, Friday, night, yet I would pair with him from that moment until my return on Monday night, but it was between the two of them. When the hon. member for Royal did return, he came to me and said that while he thought he was paired, he knew there was no blame attached to me.

As to the hon. member for Toronto West Centre (Mr. Hocken), while we did meet and I would have liked a sessional pair, I got no such assurance from him, and considered our pair only temporary over the week end until our return on the following Monday. Furthermore, I know nothing of the hon. member for Toronto West Centre wishing the Liberal whip to confirm my pair with him on the evening of June 15. This report is the first I have heard of it. That was the same night on which my pair expired with Mr. Jones, and while a messenger did hand me a note from Mr. Hocken, saying he wished to see me in his room, it was just when the vote was called, and having no obligation to him, I returned the note saying I could not come at present. I did not know of his illness till afterwards.

Mr. H. C. HOCKEN (Toronto West Centre): Mr. Speaker, the statement made by the chief whip of the Conservative party which has just been read by the hon. member for South Huron (Mr. McMillan) is absolutely accurate. The hon. member came to me of his own initiative, outside the door of my room upstairs, and suggested that he and I should pair for the session. The words he used were these: "When I am away you won't vote, and when you are away I won't vote." If that is not to be understood as a sessional pair between two hon. members of the House, then I would like to know what is.

As to the occasion upon which he voted, I was under the doctor's orders at the time under no circumstances to leave my bed. I endeavoured to get the assistant whip to confirm the sessional pair I had made with the hon. member for South Huron, and he came to me and said that he had gone to the hon. member for South Huron and said that he would like him to come and see me in my room upstairs so that I could go home to bed, but that the hon. member for South Huron had refused to do so. That is the substance, and pretty nearly the text, of the statement made by the whip, and I am here to say that that statement is correct.

Mr. G. B. JONES (Royal): Mr. Speaker, I have listened to the statement made by the hon. member for South Huron (Mr. McMillan). On Thursday the 10th of June I passed a note across the floor to the hon. member for Shelburne-Yarmouth (Mr. Hatfield) asking him to favour me with a pair from Friday until the next Wednesday. He returned the note and said that he was paired with the hon. member for Digby-Annapolis (Mr. Short) until his return. I spoke to our whip and he said: "Perhaps you could see Mr. McMillan." I crossed the floor to where Mr. McMillan was sitting, somewhere near his old seat before we changed sides, and I asked him if he would give me a pair until next Wednesday. He said, "Wait till I see my whip." He spoke to the whip of the Liberal party, and the whip beckoned me to come up and said: "You wish to pair with

Mr. McMillan?" I said, "Yes, until next Wednesday." The Liberal whip wrote down, "Jones-McMillan, Wednesday." I got up then to leave, and Mr. McMillan put out his hand and shook hands on it. I went over and reported the matter to our whip, and he recorded the pair in the same way as until Wednesday next. That was on Thursday night. I went home on Friday afternoon and arrived in Montreal at 7.20 on Wednesday morning, and on looking at the Montreal Gazette I noticed that it said that I was the only Conservative away from the House without a pair. You can understand the feeling that came over me when I read that. I came to Ottawa and crossed over and said to Mr. McMillan: "Why did you go back on the pair you made with me?" He said: "I am not to blame for that." I said: "Who else is to blame but you?" "Oh well," he said, "it was our whip." I said: "I did not pair with your whip. I made an honourable pair with you as between man and man and member and member, and you have gone back on your word." He said: "The next time we make a pair we will make it between ourselves." He then asked me if I would give him a pair that week end so that he could go home as his wife was ill, and I said: "Not until this matter is cleaned up." That is the last conversation I had with the hon. member.

Mr. PIERRE F. CASGRAIN (Charlevoix-Saguenay): May I say a few words in connection with this matter? I remember the hon. member for Royal (Mr. Jones) and the hon. member for South Huron (Mr. McMillan) coming to see me and telling me that they wanted to pair. I did not object to it, but I said that the hon. member for South Huron could pair with the hon. member for Royal if all our members would be here and there would be no absentees, and that should there be any absentees I would see that the pair would be covered by some other member on our side who might be absent. On that very night before the division took place I remember going to the whip of the then opposition and reciting these facts to him and offering him a pair for the hon. member for Royal, I think Mr. Sylvestre, the hon. member for Lake St. John, but it was declined. That, according to my recollection, was the only understanding at that time. I have never refused to give a pair to hon. gentlemen opposite; I have always desired to be agreeable to them.

As regards the other incident that was mentioned, that a pair was refused to the hon. member for Kent (Mr. Chaplin) who happened to be sick, the circumstances are these: At that time the hon. member for Kent had not been sworn in and had not signed the roll and so, according to the usages, practice and rules of the House of Commons, was not a member in regular standing.



## BUSINESS CONDITIONS IN SYDNEY

On the Orders of the Day:

Hon. E. M. MACDONALD (Antigonish-Guysborough): Last week a very representative delegation from the city of Sydney, Nova Scotia, waited upon the then government and made certain representations as to the conditions of business and the industry there, and asked for certain remedies. I may say that the then government had under consideration dealing with that question. I desire to ask the government whether any representations have been made to them since they took office, and whether they intend to bring down any legislation to deal with the matter this session?

Sir HENRY DRAYTON: I am quite sure we will be very glad to hear any representations my hon. friend has to make in connection with the conditions in Nova Scotia, and I hasten to assure him that we will not only consider them, but, I hope, give far quicker and more sympathetic treatment to them than he has been able to do.

Mr. MACDONALD (Antigonish Guysborough): Have any representations been made to the government?

Sir HENRY DRAYTON: No, I have heard nothing.

## ORDER IN COUNCIL PASSED BY THE LATE ADMINISTRATION

On the Orders of the Day:

Mr. GEORGES PARENT (Quebec West): I wish to ask the government if it is true that a general order has been issued to suspend the execution of all orders in council passed by the previous administration, and also the execution of all contracts already entered into between the late government and contractors?

Sir HENRY DRAYTON: I have no knowledge of any such order.

## MONTREAL HARBOUR COMMISSION

On the motion of Sir Henry Drayton, Bill No. 189, to provide for a loan to the Harbour Commissioners of Montreal was read a third time.

## SOLDIER SETTLEMENT ACT, 1919, AMENDMENT

### CONCURRENCE IN SENATE AMENDMENTS

Hon. R. J. MANION (Acting Minister of Soldier's Civil Re-establishment) moved the second reading of and concurrence in amendments made by the Senate to Bill No. 17, to amend the Soldier Settlement Act, 1919.

Mr. MACKENZIE KING: What are the amendments?

Mr. MANION: I have not had time to go into them thoroughly but there is only one change that I can discover, and I have discussed the matter with the chief commissioner, and it is to the effect that instead of having a board of arbitration as was decided by this House, any change in the valuation of the soldiers' land is now left to the Soldier Settlement Board itself, with the opportunity of appeal to the Exchequer Court of Canada. There was some idea, I believe, that this would impose too much work upon the Exchequer court. However, I had the matter looked into and as far as I can find after rather hurried examination there would not be so many appeals as to embarrass the Exchequer court. At the same time there is a condition in the bill permitting the Exchequer court to delegate that work if they will to some other agency such as a district judge or a county court judge. So far as I have been able to look into the matter, and I have done that as thoroughly as time would permit, the change is satisfactory to all concerned. I have inquired of some of those who took great interest in the soldier settlement question when it was up and I think the matter is satisfactory from our standpoint unless there should be objections from somebody else.

Mr. MACKENZIE KING: The minister has just stated that he himself has not had the opportunity to inform himself fully as to the amendments. I have a copy of the amendments which, through the courtesy of hon. gentlemen opposite, has just been handed to me, and when I look at the bill it seems to be completely scored from end to end. Consequently I think opportunity should be given to the government and to the members of the House to see what the significance of these amendments is before we consent to them. I therefore suggest to my hon. friend that he allow the bill to stand until we have had an opportunity of fully considering them.

Sir HENRY DRAYTON: We will allow it to stand until later in the day.

Mr. J. S. WOODSWORTH (Winnipeg North Centre): May I ask the minister whether the expense connected with such appeals would not preclude anyone at a distance, or anyone who is not in good circumstances, from making an appeal?

Mr. MANION: It may, perhaps, result in a little more expense, but I am not even certain as to that. I can assure my hon. friend, however, that if the bill goes through every effort will be made to avoid expense to any of these soldier settlers who may have to appeal. As I have already said, the matter is so arranged that the Exchequer court could delegate the work to a local board. They could appoint, for example, an assessor to go and investigate so that there would not necessarily be any additional expense to the soldier settlers. Of course the Exchequer court itself holds sittings throughout the country; but the point is that they could delegate to a county court judge, or to some other official whom they saw fit to choose, the power to act as assessor in their behalf in order to get a fair decision. The reason for making the change was that an appeal to the Exchequer Court of Canada would be more likely to result in an absolutely fair and impartial decision in all cases than would an appeal to local boards, who might be influenced one way or the other by local influences.

Mr. MACKENZIE KING: I would ask that the motion stand.

Mr. E. J. GARLAND (Bow River): Will the minister say that up to the point where disagreement arises upon the question of valuation, the full jurisdiction rests in the hands of the Soldier Settlement Board and the board has the power to decide?

Mr. MANION: Yes, if the man is satisfied, but if he is not satisfied he can appeal to the Exchequer court.

Mr. GARLAND (Bow River): If my hon. friends, after all their protests, can accept that, very well.

Hon. CHARLES STEWART (West Edmonton): Inasmuch as we have not had an opportunity of noting the amendment I welcome the delay, and I do not attempt to say anything at the moment, except that I am amazed that my hon. friend would accept this amendment, because it is the identical proposal which I made to the House, and hon. members kept me here for three days endeavouring to change this, in order to place the matter in the hands of the district court. I am glad the Senate viewed this matter in the light of the experience they had in discussing it and went back to the original proposal.

Mr. MANION: I did not keep my hon. friend three days. Some of my hon. friends may have taken a certain attitude on this question, but I do not remember. It is now left entirely in the hands of the Exchequer court, with the opportunity of passing it over to the district or county court or some assessor, if they desire. In reference to the remarks of my right hon. friend on the other amendments, I think they are mainly technical but I am satisfied to have the bill stand.

Mr. A. NEILL (Comox-Alberni): Apparently the strongest argument that can be advanced in favour of the changes made in this bill by the other body is the claim that they have left it open for us to go back to the original bill as passed in this House. They have left it open to go back to the local tribunal, and the strongest argument advanced by the minister apparently, as to why we should accept their amendment, is that they have left open the door to get back to the bill as it passed this House; in other words, to the local tribunal. That was the provision in the bill as it left this chamber.

Then again the argument is used that appealing to the Exchequer court will provide uniformity and will be more reliable. That argument might apply were it a question of law, or a case where it was desirable to have a uniformity of law throughout Canada; but how can you have uniformity of judgment?

Mr. SPEAKER: Order. I cannot hear a word.

Mr. NEILL: How can you have uniformity of judgment in the matter of the value of land which varies every five miles? It was alleged in the previous debate or possibly in the other chamber, that by having a judge, one man acting, he could make up his mind what the value was in a given case. Then the matter was settled. All he had to do was to adopt that value in every case. To anyone who knows anything about the common sense view it is simply ridiculous, because the value of land varies, not only in every province, but every few miles. In one case it might cost $300 or $400 to clear land. That is common in the west. Is that condition to be compared with the case of broken land on the prairie where it does not require anything to clear it? The purpose of the bill was to see that justice would be done by the local tribunal in every local condition that arose. I think it would be desirable that we should have the full amendments of the bill before us, so that we would know what particular sections were affected and in what way. The amendments will be found in Votes and Proceedings. Perhaps in line 95 you strike out the word "and". It may not mean much or it may be very important. In one of the Senate Hansards I saw a suggestion made on the addition of a clause which while apparently innocent, might be used in a court directed to the strictly legal aspect for the purpose of upsetting the whole bill; because it said it could only apply to those soldiers whose condition was such that it was impossible for them to continue with the overload of indebtedness which they might have. The wording of the clause was of such a character that it might be held, "Well here is this man with an overload of $2,000, but he is a hard-working industrious chap, with a wife and growing family. It is not impossible for them to survive that load and overcome it." That was not the principle of the bill as it left this House. The principle was that fair and even-handed justice should be meted out, and the case should not be decided upon legal technicalities at all. At a later stage I saw that same bill in the Senate and I could not find that clause; but if that clause is in the measure it requires careful investigation. The minister should take steps before the bill comes up again to have the amendments printed in such a way as to show what their effect will be. If we have to wade through forty or fifty amendments, where we are told to strike out the word "or" and insert two or three words in another place, going through it in the hurried way in which we are doing, justice will not be done.

Mr. MANION: I am not—neither is the government—in any way wedded to this measure, because we have not had sufficient time to look into it. The amendments of the Senate were put on the order paper and appear in Votes and Proceedings of June 23, so that we did have an opportunity, had we watched our Votes and Proceedings, of studying the matter. But if it is the opinion of the House, after a further discussion when the matter comes up again, that these amendments should be dealt with further, we have no objection. My copy of the bill contains the amendments.

Motion stands.

## LONG TERM FARM LOANS

### CONCURRENCE IN SENATE AMENDMENTS

Sir HENRY DRAYTON (Leader of the House) moved the second reading of and concurrence in amendments made by the Senate to Bill No. 148, for the purpose of establishing in Canada a system of long term mortgage credit for farmers.

Mr. MACKENZIE KING: What are these amendments?

Sir HENRY DRAYTON: I desire to bring these amendments to the attention of hon. members. I think they have been tabled for some time and are available to hon. members who desire to look into the question.

Mr. DUNNING: Did the minister say they had been tabled for some time?

Sir HENRY DRAYTON: I think the information has been before us.

Mr. DUNNING: Yesterday.

Sir HENRY DRAYTON: I thought it was earlier. They were tabled only yesterday, but the bill is a very important one, and I think we should consider it as early as possible. I propose to take up the amendments one by one and draw them to the attention of my hon. friends. The amendments appear in the Votes and Proceedings. The first amendment is one made to clause 3 of the bill. That clause provides for the appointment of the members of the board. I believe the House will agree that there is no objection whatever to that amendment; it simply adds, after the word "council" the words, "On such terms and conditions as the Governor in Council may prescribe."

Mr. GARLAND (Bow River): What does that mean?

Sir HENRY DRAYTON: Personally I do not think it adds anything to it.

Mr. DUNNING: It makes no difference?

Sir HENRY DRAYTON: It makes no difference. Generally when anyone is appointed he is appointed on such terms and conditions as the person making the appointment chooses to attach. That is all that is said. The amendments are to be found on page 497 of Votes and Proceedings. The amendment to section 5 merely makes it clear that the capital stock shall be based on the principal outstanding on mortgages from time to time rather than on the original face value of the mortgage. The first three and a half lines of subsection (a) of section 5 are struck out and it is provided instead that the government of Canada may subscribe an initial amount not exceeding $5,000,000 and pay that amount in such subscriptions and at such times as in the judgment of the board are necessary.

On page 3 after the word "total" the words "amount of principal outstanding on" are added. The effect is to restrict the capital to the amount actually outstanding. I do not think there is any other change in that section except one providing that shares in the capital stock may be transferred at the option of the board where the sale of property is satisfactory to the board.

Next we come to section 7. On page 5 of the bill there is a charge of some moment. The matter was discussed in the House and there were some differences of opinion as to whether we were doing right or not. The particular provision had reference to the limitation of expenses of operation to one per cent of the loan, and after some discussion that was carried. I remember supporting it myself although other hon. gentlemen considered it unfair to fix such a limitation until it had been seen how matters worked out. It was thought that we could trust to the board to manage things properly. However, we put it in and the Senate struck it out. That limitation having been removed the matter is left entirely to the proper administration of the board. In his note on the section Mr. Finlayson, who had the matter in hand both in this House for the minister and in the Senate, says that it was felt that the judgment of the board should be unfettered in fixing upon the provision to be made in the mortgage interest rate to take care of cost of operation.

There is another change in subsection 6 of section 7. That subsection provides:

> Every farm loan shall be repayable in equal annual or semi-annual instalments of principal and interest.

The Senate has added the words "at the option of the borrower." No one I think will object to that. It simply means that the borrower can decide whether he wishes to have his loan carry payments annually or semi-annually.

In subsection 7 the words "all assessments and taxes" are struck out and the following words are substituted:

> All assessments, taxes and other charges necessary to be paid for the security of the board in respect of the loan.

The amendment is to provide that the borrower shall pay, in addition to assessments and taxes, such other charges as may be found necessary for the protection of the board in relation to the upkeep of its property. Personally, I do not know exactly what was feared, but hon. gentlemen who live in the district will probably appreciate the reason for the change. At any rate, the amendment does not appear to be of considerable importance. The subsection as amended by the Senate reads:

> (7) Notwithstanding anything contained in the Interest Act every borrower shall pay simple interest

on defaulted payments at a rate not exceeding eight per cent per annum and shall agree to pay when due all assessments, taxes and other charges necessary to be paid for the security of the board in respect of the loan and to effect such insurance as the board may require. Should such taxes, assessments and charges not be paid when due, they may be paid by the board and charged to the borrower, and if not repaid to the board on or before the next interest date with interest thereon at a rate not exceeding eight per cent per annum the borrower shall be considered in default under the mortgage.

The effect of this amendment is that if these payments have to be made by the board in the ordinary course the board may charge interest on such payments, not to exceed 8 per cent.

There is a change in subsection 8 of the same section. The amendment recognizes the right of the borrower to repay his loan in whole or in part at any time within the specified period.

Mr. GARLAND (Bow River): At no time shall the borrower pay more than 8 per cent on the loan in arrears. Does that 8 per cent include all charges?

Sir HENRY DRAYTON: It would cover all charges which have been actually paid by the board; that is all. The rate is not fixed. That is something for the board to arrange in the ordinary way, but they cannot stipulate for a greater rate of interest than 8 per cent.

We were considering the section dealing with payments by borrowers. As I was pointing out, this subsection has been amended to recognize the right of the borrower to repay his loan in whole or in part at any time without notice, instead of after five years as in the original bill. This privilege, however, will be subject to regulations not inconsistent with the Interest Act, which provides that the penalty for repayment without notice after five years' duration shall not exceed a bonus of three months' interest. As I said to my hon. friend from Regina (Mr. Dunning) I would think this would be a matter of administration.

Mr. DUNNING: I said so when the bill was going through this House.

Sir HENRY DRAYTON: I would think the board ought to take the money at any time without any trouble at all. This is to help the borrower because before he had not the right to repay without notice. This helps him to the extent that he can repay at any time without waiting five years, but that he may be charged a bonus of not more than three months interest. In my view, when we establish the machinery of administration the proper way of dealing with this would be to have a rule enabling a man to repay his loan at any time without charging him any bonus whatever.

Hon. J. A. ROBB (Chateauguay-Huntingdon): Before my hon. friend leaves section 8, may I direct his attention, if it is permissible, to certain suggested amendments that were made in another House by the leader of the government. A resolution was presented there and seconded by an hon. gentleman who is mentioned as a member of this government. I should like to know what my hon. friend's attitude is in that regard. I observe some hon. gentleman over there said that if you were going to chloroform the bill you might as well chloroform it at once. I submit to my hon. friend that even should the bill pass this House, if the government is not sympathetic towards it there will be means of tying it up.

Sir HENRY DRAYTON: Some amendments were proposed in the other House but were withdrawn; for example, an amendment to the effect that this law was not to be operative without the consent of the provinces, as I recall it. We are not receiving this bill in any such spirit at all. So far as we have gone with these amendments, I have not seen anything which really tends to injure the administration of this bill one way or the other. I do not know if my hon. friends are going to say we will strike something later on of that character, but so far we have not. I quite admit to my hon. friend that the usefulness of all legislation depends upon how it is carried out—

Mr. ROBB: Hear, hear.

Sir HENRY DRAYTON: —and I hope this bill is going to be properly carried out. So far as I am concerned, it will be properly carried out.

Mr. ROBB: I congratulate my hon. friend upon his rapid conversion.

Sir HENRY DRAYTON: I am quite delighted to give my hon. friend an opportunity of exchanging smiles with me, but he is entirely wrong. Why, we were calling for this provision before the bill was brought down. If my hon. friend will go back a little he will remember the ghost of a bill we had last year, and he will remember that the then opposition laid down the lines of a bill which my hon. friend afterwards put the clothes on. I congratulate him on that.

Sections 9 and 10 are pretty well tied together. They speak for themselves. The calling of the loan is to be at the option of the board. I do not think there is any difficulty about that. Then comes section 8, in

which a change is made in the number of members to act as agents for the provincial board. The number of members is reduced from five to four, the reduction being in the members representative of the borrowers from two to one. There is also a proviso—I am giving the effect of the whole thing—that until such time as in the judgment of the board nomination by the borrower is practicable, all the functions of the provincial board may be exercised by the three members nominated by the government of the province. I think my hon. friend will say that that is all right.

Mr. GARLAND (Bow River): No, Mr. Speaker, I am not altogether certain that it is all right, but I doubt if at this stage we can do anything to remedy it. As my hon. friend well knows, one of the major principles underlying this bill was that it should ultimately develop into that type of credit control which would allow the borrowers themselves to administer their own credit. I remember the hon. member for Vancouver Centre (Mr. Stevens) supported us strongly on that point before the Banking committee in the last four years. The ideal condition is an agricultural credit system which will in the ultimate rest absolutely in the hands of the borrowers and be administered by them. This amendment to a great extent delays that action. We need more representation. You have to encourage the borrowers to take an interest in this matter and the best way to arouse their interest is by giving them power to elect their representatives to the board. This amendment cuts down their representation from two to one. Frankly, Mr. Speaker, I do not think we can do anything at this late stage with respect to this feature, but I simply wish to go on record as intimating to the administration that unquestionably in future we, or others, will come back to this House asking that recognition be given to the borrowers' interest in the matter.

Sir HENRY DRAYTON: The next section to be amended is number 9, where the word, "stock" is put in after "capital". I need not pause there at all, for it is just carrying out the purpose of the first amendment that I drew attention to. Then we have subsection 5 of section 9:

> If as a result of proceedings under any mortgage the title to the property securing such mortgage is transferred to the board, the stock held by the borrower in the board shall be cancelled and the amount paid thereon by the borrower shall be forfeited to the board.

Hon. CHARLES A. DUNNING (Regina): I do not know whether we are exactly in order in discussing the amendments in this manner, but, Mr. Speaker, I object to the amendment. I do not think it is fair to the borrower. His land is forfeited to the board, and in addition the amount of his stock, which, remember, he paid for in cash, and which was equivalent to 5 per cent of the original amount of his mortgage, is also forfeited to the board. It is not even credited to him in any manner as part of his debt. It is true there may very well be circumstances where the amount owing to the board by the mortgagor may be so much greater than the value of the stock which the board takes over as to involve the taking also of the borrower's interest in the association equivalent, as I have said, to 5 per cent of the amount of his loan. But surely we should not assume that all cases will be of that kind. Under the amendment, however, as suggested by the Senate, all cases would be treated alike, and whatever the situation of the borrower and his security might be he would nevertheless forfeit the 5 per cent interest in the capital stock of the institution.

Sir HENRY DRAYTON: I speak subject to correction by my hon. friend, whose bill this very largely is. I would have thought that if it is not clear it ought to be made clear, and as a matter of administration it must be made clear, that so far as that stock is concerned it must be looked upon as a payment pro tanto on the borrower's debt.

Mr. DUNNING: What is "pro tanto?"

Sir HENRY DRAYTON: "To the extent it goes." You see, the man is given a certain amount of stock.

Mr. CAHAN: It is a partial security.

Sir HENRY DRAYTON: Yes, which is held by those administering it, and I submit that no board would ever think of taking that stock and the property as well if, by taking any of the stock, the debt would be paid.

Mr. C. H. CAHAN (St. Lawrence-St. George): If the debt would be more than paid it would be highly immoral.

Sir HENRY DRAYTON: And I do not think that is at all the intent of the section.

Mr. DUNNING: That is the language.

Mr. G. G. COOTE (Macleod): Could not further words be added to that amendment, that it should apply on the mortgage?

Mr. CAHAN: It is only in the case of one particular proceeding, when the board have failed to realize on a mortgage security sufficient to pay the mortgage debt, and of

course I think it would be highly immoral indeed if, when a transfer of the mortgaged property, plus the stock, was more than sufficient to liquidate the actual indebtedness outstanding, the board appropriated that excess.

Mr. GARLAND (Bow River): If that is the spirit in which the act will be administered it will be satisfactory, but it should be made very clear that in the event of a delay in the realization of a security, if the amount of money secured including the 5 per cent is more than enough to pay the mortgagor's liability, then there should be a refund.

Mr. CAHAN: It seems to me, at this late hour, that that could be arranged by regulation, but it should be clearly understood as my hon. friend has pronounced it.

Mr. GARLAND (Bow River): If the Acting Minister of Finance, whoever is acting at the moment—I am really at a loss to know.

An hon. MEMBER: It is all the same.

Mr. GARLAND (Bow River): Yes, it is all the same. If whoever is acting will go on record that a regulation will be enacted providing that the spirit enunciated here will be incorporated in the bill, it will be satisfactory.

Sir HENRY DRAYTON: There is not the slightest difficulty in that. Furthermore, before any proceedings would be taken the man must be credited with the amount of the stock.

Mr. A. M. YOUNG (Saskatoon): In an important matter like this why should not the procedure be incorporated in the bill, without trusting to some regulations which are to come afterward? I strongly protest against legislation going through in this fashion. These things should be printed and submitted to the House, and there should be no cross-firing here unless we know what we are doing. I want to go on record as saying that this manner of doing business is entirely improper, in my judgment, and should not be carried on.

Sir HENRY DRAYTON: I am afraid my hon. friend is singularly ignorant of the business of the House. If he will look at the Votes and Proceedings he will find everything before him, and I have no doubt he can read as well as anyone. If hon. gentlemen want to delay this bill and tie it up the responsibility must be theirs. I am willing to assist in every possible way in providing the fullest measure of relief to farmers all over Canada under this measure. That is my desire, but if for technicalities or the like we are to be held up certainly the fault is not ours. This bill will have to go back to the Senate if any further changes are made. I am perfectly willing to accept what has been said by the hon. member for Bow River (Mr. Garland) to the fullest possible extent, and I really think the House should take the same stand. However, I am entirely in the hands of the House.

Some hon. MEMBERS: Go on.

Sir HENRY DRAYTON: Very well. There is a new clause A, having to do with the audit of the books. It is as follows:

An audit of the books of the board and of each provincial board shall be made in accordance with regulations made under the provisions of section sixteen of this act by a firm of charterd accountants appointed for that purpose by the Governor in Council, and a copy of the report of the said accountants on the annual statement of the board shall be laid before parliament by the minister within the first fifteen days of the first session thereof following the date of the said report.

I do not think my hon. friend will object to that.

Mr. DUNNING: Not at all.

Sir HENRY DRAYTON: Then there is another new clause B, as follows:

(1) Notwithstanding anything contained in this act the operations of the board in virtue thereof shall be conducted in such a manner as to give, as far as practicable, to the shareholders in each province the full benefit of the operations in such province.

(2) The word "shareholders" in this section shall mean the holders of shares of the board subscribed by the provinces, respectively, by the borrowers in such provinces and by the government of Canada as provided in paragraph (2) of section five of this act.

Mr. GARLAND (Bow River): I do not think the principle is a sound one in any national rural credit scheme but I am not going to raise any opposition to it, because I feel satisfied that there will be no possibility of taking advantage of this particular clause for many years. By that time probably we will have come to reason again and will have amended the bill to conform to proper principles.

Mr. CAHAN: I would like very much to see this clause retained for the present, because it is with great difficulty that members representing eastern constituencies can prevail upon the provincial governments to cooperate under this scheme. This provides something of an incentive.

Mr. GARLAND (Bow River): It will not really amount to anything.

Mr. CAHAN: Possibly not.

Mr. GARLAND (Bow River): It would mean some additional expense in keeping the books; you would have to keep all the provinces separate, but I have no objection at present because I think the problem will solve itself.

Sir HENRY DRAYTON: Then I proceed to the new clause C, which is as follows:

Except as may be otherwise decided from time to time by the Governor in Council all actions and decisions of the board shall be deemed within its powers and shall be conclusive against all interested parties.

Mr. DUNNING: I do not like that, but I suppose we had better take it.

Sir HENRY DRAYTON: I do not know that there is any very great harm in it, and I do not know that it does any particular good either; I do not think it makes any difference.

Mr. COOTE: What was the purpose of putting it in?

Sir HENRY DRAYTON: The expert of my hon. friend the ex-Minister of Finance did not give me a memorandum on that particular clause, but I suppose it really means that as between the investors and the board, the board is supposed to be boss. I do not see how it can possibly change any matter of property in civil rights, which are entirely in the courts and with which we cannot interfere. I agree with my hon. friend; I do not see any use in it but if we cut it out it means wasting time. I do not think it will do any harm.

Mr. CAHAN: Does it not merely enact that, prima facie, the decision of the board shall prevail? That is all that is meant, I think, that prima facie the decision of the board shall prevail against all interested parties, but that if there should be a case of exceptional wrong resulting therefrom, an appeal may be made to the Governor in Council.

Mr. GARLAND (Bow River): It is very dangerous.

Mr. CAHAN: Yes, but it is necessary.

Sir HENRY DRAYTON: Of course, as every hon. member knows who has had anything to do with mortgage companies, the mortgage company is prima facie correct all the time, but they have to go to the courts just the same, and the borrower here would have his remedy in the courts, and nothing we can do can bar that court remedy. I do not think this does any harm.

Mr. GARLAND (Bow River): Just one other point, and it is an important one. I think one of the greatest conflicts that took place with regard to this bill was on the question of the jurisdiction of the provincial board. I am very much afraid that this clause will entirely destroy what little right the provincial board has been given, and the only right which the board now definitely has is to insist upon a conference in the event of a dispute as between the central board and the provincial board on questions affecting the borrowings of that province. If this clause is designed to destroy that little vestige of authority that is left to the board, I think it ought to be struck out. I do not want to delay the bill in the least, but unless I can get the assurance that that is not the intent and purpose of this clause, and that it will not be so interpreted, I am afraid that in fairness to the bill itself and to our understanding of it, the clause should be modified.

Hon. H. H. STEVENS (Acting Minister of Customs and Excise): May I call to my hon. friend's attention the fact that this clause opens with this expression:

Except as may be otherwise decided from time to time by the Governor in Council—

showing that there is still a restraining hand on the board by the Governor in Council, which would be precisely the proper body to which any provincial board might appeal if they felt aggrieved. I think my hon. friend's point was well taken, but I think he will find that it is safeguarded there.

Mr. GARLAND (Bow River): The authority of the provincial board is given to it in a prior clause of this bill, and the only authority it has is the authority of forcing a conference in the event of a disagreement as between the central board and the provincial board on a question of policy, particularly on matters of foreclosure. This does unquestionably refer to questions of foreclosure. The interested parties can be interpreted as nothing else but the bondholders or the borrower. Now if the board is to be given full authority under this clause to step in and exercise its full power in any way it likes on any individual without reference to the provincial board, the situation is unquestionably bad. But if the minister will declare now that this cannot be interpreted as referring to or minimizing any of the powers previously given in the act to the provincial board, I am willing to let the matter go.

Mr. STEVENS: It would not be possible to say that, offhand, at least, but I submit again that if my hon. friend will read the clause carefully he will note that if it were brought to the attention of the Governor in

Council that some abuse such as he mentions had actually arisen, then the Governor in Council has power to curb the action of the board in deciding against all parties. My hon. friend and his colleague from Macleod (Mr. Coote) and one or two other hon. gentlemen who have given close study to this matter for so many years, as well as myself, know the very great difficulty in matters of this kind in getting a formula that will exactly meet the situation. I earnestly trust because I am interested in this legislation, that nothing will be done to prevent the legislation now becoming law. I think we are perhaps fortunate in getting it to the point where it is to-day. There might be some technical question such as my hon. friend raises that might cause some apprehension, but I feel certain that it is not sufficient to jeopardize the bill. I think I can say with some assurance that my hon. friend will be able to trust any responsible federal government, whatever its political complexion may be, to properly exercise its rights and its functions in connection with this clause or similar clauses.

Mr. CAHAN: In reply to my hon. friend from Bow River (Mr. Garland), certainly under this provision I am prepared to advise him that, as a matter of law, no order in council can diminish or take away any of the powers conferred by statute upon a provincial board. It is absolutely impossible.

Mr. JOHN EVANS (Rosetown): I would like to point out that if there is one general fault with this bill, it is that the borrower himself is so far away from the management. This new clause is, I think, dangerous. In my opinion it over-rides entirely clause 11 of the bill, and I certainly do not like it.

Mr. GARLAND (Bow River): Before the motion is put, Mr. Speaker, let me say that I am indeed gratified to know that although there has been a change of administration, a change from the administration which has succeeded in bringing this legislation to this point, yet this legislation will rest in the hands of two hon. gentlemen opposite one of whom has been a constant and faithful supporter of legislation of this character for five years, to my personal knowledge, and the other one, who is now the acting leader of the government in this House, recently indicated his entire sympathy with the object sought to be secured by this bill. Not only that, but he supported the protests which emanated from this corner of the House as to the possibility of the interest rate going to a higher point than 7 per cent.

[Mr. Stevens.]

When this particular section which has been amended by the Senate was before us a few moments ago, I refrained from discussing it in order that we might discuss the whole principle on the conclusion of the discussion of the details. The administration which has just gone out of office gave us the definite assurance that in the event of their finding themselves unable to sell the bonds in the open market at a rate of interest which would allow them to loan to the borrowers at a sufficiently low rate, 7 per cent, they would themselves take up the first issue of the bonds up to the amount of $15,000,000, if necessary, and so establish a market. I am quite satisfied, Mr. Speaker, that the hon. gentlemen opposite will be willing to go just as far as the administration which has just gone out was willing to go, and that they will give the House and the country, espécially those in the west who are suffering from rates of interest running from 8 to 9 and 10, and in some cases even to 12 per cent, some hope that in the future agriculture will be put on a basis where it will be at least relieved, if not unshackled, from the hideous burdens which it is carrying at the present time. But I am satisfied that unless sympathetic administration is given to this act from the very outset, and unless some attempt is made to apportion the costs over a period of years, the costs in the initial stage will so advance the interest rate to the borrower that the bill itself will utterly fail. But in the hands of a sympathetic administration, looking at this matter from the point of view of the whole national industry of agriculture extending over the whole of the future, the act can be made of great value. But it rests entirely with the administration; it rests completely with the sympathy of the government that is handling it.

Although I deeply regret the action of the Senate in striking out the 1 per cent limitation of administration costs, a limitation which would have ensured us a reasonably low rate of interest,—the rate would have been governed solely by the cost, plus the rate at which the bonds could be sold—there was some surety there, but there is none to-day. We have to rely entirely on sympathy from hon. members opposite who will be administering this act.

An hon. MEMBER: You will not be depending upon a broken reed.

Mr. GARLAND (Bow River): Perhaps not but that remains to be proved. Let me say to the hon. member who has just spoken that his fate and the fate of his party in Can-

ada in the future may rest entirely upon the sympathetic manner in which they handle this matter they are taking into their hands. At this moment few in eastern Canada realize the growing power and force of western Canada. The sooner they do realize it the sooner they will give more sympathetic hearing to and indulge in less bitter criticism of the protests we are bringing to this House. Let me say this: Although I deeply deplore the action of the Senate in striking out the one per cent limitation, I am prepared to accept the assurance on record in the speeches of the hon. member for Vancouver Centre, who is now a member of the government, and the hon. gentleman who is acting leader of the government, that they believe the one per cent limitation should be put in this bill. I am satisfied that they will carry out that assurance and I am prepared to give them every assistance to make the act a success. But I say that upon them rests the responsibility of properly administering the act and I hope they will be true to it.

Mr. DUNNING: Before the motion carries I desire to say a very few words. On the whole, the amendments will not prevent the carrying out of the objective which the government had in view in bringing down the legislation in the first place. It is perhaps fortunate for us that the chloroforming process which was referred to in a quotation by the ex-Minister of Finance did not come to fruition in another place. I am not so sanguine as my hon. friend who has just sat down, regarding the administration of this act and the development of this system by the pro tem government. I am not so sanguine for the reason that I have a very vivid memory—

Mr. GARLAND (Bow River): I can assure my hon. friend the ex-Minister of Railways that if he had been in this battle for five years he would have found that with respect to one member of the Conservative party at least we got more complete sympathy and understanding from him than we did from any other member of that party.

Some hon. MEMBERS: Hear, hear.

Mr. GARLAND (Bow River): Hon. gentlemen opposite need not applaud because with that one exception not a single hon. member in their ranks gave us any assistance. But there is at least that moiety of justification for my statement.

Mr. DUNNING: I am not complaining of my hon. friend's statement. I think it took more than one to save a certain city on a notable occasion, and it will take more than one advocate of a rural credit system on the other side to blot out from my mind the objections which were urged by scores of hon. gentlemen opposite when we were putting this very legislation through this House. But hon. gentlemen opposite are silent to-day. Well, we will judge of the sincerity of this pro tem government in regard to this matter by the manner in which they give this legislation a chance to live. It must come into being first. A sympathetic administration can bring it into being; an unsympathetic administration can make absolutely sure that if it is born at all its life will be anaemic indeed and very brief.

Mr. GARLAND (Bow River): May I suggest to the hon. member that he should not be as gloomy as the former opposition was just because he is now sitting where they used to sit?

Motion agreed to; amendments read the second time and concurred in.

## SOLDIER SETTLEMENT ACT, 1919, AMENDMENT

### CONCURRENCE IN SENATE AMENDMENTS

Hon. R. J. MANION (Acting Minister of Soldiers' Civil Re-establishment) moved the second reading of and concurrence in amendments made by the Senate to Bill No. 17, to amend the Soldier Settlement Act, 1919.

Mr. MACKENZIE KING: We have not had any opportunity to consider the significance of these amendments. We would require at least until the six o'clock recess to look into the effect of the changes.

Mr. MANION: I am not particularly desirous that there should be any hurry in the matter at all but the ordinary business before the House is getting cleaned up and so we come back once more to this particular legislation. I quite agree with the right hon. gentleman that there has not been very much time for consideration, but may I say that in the meantime I have discussed the subject with hon. members who were raising objections and I think most of them are reasonably satisfied with the matter as it stands at the moment.

Mr. MACKENZIE KING: The former Minister of the Interior (Mr. Stewart) who is particularly desirous of having something to say on this matter asked me expressly, as he might be out of the House when the matter came up, to see that it was not brought up again before six o'clock.

Mr. MANION: I discussed the matter with the former Minister of the Interior

myself and he agreed there was nothing objectionable. However, I have no objection, if the right hon. gentleman objects to going on, to letting the motion stand.

Mr. GARLAND (Bow River): May I ask the acting minister when we may expect this bill to come up again?

Mr. MANION: I am quite prepared to go on with it now. What objection could the right hon. gentleman have to discussing the matter now?

Mr. MACKENZIE KING: I have strong objection for the same reason as that mentioned by the acting minister. When he first spoke on the matter he said that he himself was unfamiliar with the changes, and I submit that we must not be rushed in this way in the case of such important legislation. My hon. friend will make no headway by trying to press matters unduly and not giving time for their consideration.

Mr. MANION: I would suggest to the right hon. gentleman that he adopt a little more courteous tone.

Mr. MACKENZIE KING: Do not be over-sensitive.

Mr. MANION: I have tried to show every consideration for my hon. friend's wishes and I do not think he needs to talk in any such threatening tone. That will not get him very far either.

Mr. LAPOINTE: Be conciliatory, Doctor.

Mr. MANION: We are not a bit worried about you at all.

Motion stands.

## SUPPLY

### AMENDMENT RESPECTING FISCAL POLICY ENUNCIATED BY PRIME MINISTER

Sir HENRY DRAYTON moved that the House go into committee of Supply.

Mr. Mackenzie King and Mr. Campbell rising at the same moment:

Mr. SPEAKER: It is customary when the Speaker rises for hon. gentlemen who may be on their feet to resume their seats. That is simply a matter of ordinary courtesy. In seeing the right hon. leader of the opposition instead of the member for Mackenzie the Speaker is exercising the right conferred by parliamentary usage of extending the courtesy of recognition to one of the leaders.

Right Hon. W. L. MACKENZIE KING (Leader of the Opposition): Throughout the general elections which returned to parliament the hon. members who are now in this House the present right hon. leader of the government repeatedly stated there was one issue before the country and one issue only, namely, the fiscal policy as enunciated by him on many occasions. Throughout the present session as leader of his party the present Prime Minister has continued to maintain the position taken by him at the time of the general elections. I do not believe that such a fiscal policy has the approval of the majority of members of this House, and I therefore beg to move the following resolution, seconded by the Hon. Mr. Lapointe:

> That the Speaker do not now leave the chair but that it be resolved that in the opinion of this House the fiscal policy of the government, as enunciated by the present Prime Minister when leader of His Majesty's opposition would prove detrimental to the country's continued prosperity and prejudicial to national unity.

Mr. SPEAKER: Is the House ready for the question?

Hon. ERNEST LAPOINTE (Quebec East): I do not rise for the purpose of making a long speech. I am sorry that my physical condition would not permit me to do that. I wish to say a word or two in support of this amendment, in order to be consistent with the stand I have taken in this House during the present session and the stand I took before the electors of Canada, and especially of my own province, during the last general election. True the right hon. the absent leader of the government was also absent from my province during the election. He seemed to have a peculiarity of eclipsing himself on certain occasions.

Mr. HANSON: He will be there with the goods.

Mr. LAPOINTE: Yes, I understand he will be. That will be a change which I welcome. I do not like to fight at a distance.

An hon. MEMBER: No, no.

Mr. LAPOINTE: I think my hon. friend might keep quiet. He was banging his desk long enough and might be silent now when hon. members wish to speak. One desk on this side of the House has already been broken, and I suppose before long one will be broken on the other side. The right hon. gentleman was represented by proxy, and his proxy, which was covered by a mask on certain questions, was quite uncovered so far as this issue is concerned, and he was supported by hon. members who stood by him and who supported him on the platform and in the press. Not only did they advocate higher protection, but they advanced arguments

which, if they had been listened to and given effect to, would have rent this country asunder and divide Canada into fragments. I happened to lay my hand on some advertisements in the press at the time, and I will read just one or two extracts to show that the issue was clearly put before the electors of my province. An advertisement in the Montreal Gazette of October 20, 1925, concludes with these words:

Vote for candidates who support Patenaude policies.

But now we hear from hon. members opposite that that means Meighen policies. I will read another paragraph from this advertisement:

The issue is clear. Patenaude promises adequate protection for the products of the factory, the wages of the workingman and the produce of the farm. King will not increase protection, but is pledged to lower it.

Another advertisement appeared in the Montreal Gazette October 26, 1925, which I will not read in its entirety. In part it says:

We must send to Ottawa men who support the policies of the Hon. Es. L. Patenaude. There is no middle ground—there can be no compromise. The man who supports King's policies and is a King candidate in the province of Quebec is committed, with his leader, in an alliance with the Progressives. This alliance strikes at the vital interests of the province—no man in such an alliance can or will represent the best interests of Quebec and her people. He will again sacrifice the interests of his country and his province to keep his leader and his party in power.

Another advertisement was published in the Montreal Star, October 13, the title of which is

A dangerous alliance.

Part of this advertisement reads:

The western Progressives look only to themselves, therein displaying a selfishness which is inimical to the best interests of the whole country.

No section group of politicians should be allowed to dictate the policies of this country to suit themselves. All interests must be considered in a spirit of fairness and justice.

The western Progressive-Liberal alliance is a threat and a menace to the rest of Canada.

Vote for higher protection and vote for E. L. Patenaude.

Meaning Mr. Meighen. All these posters were issued by The Central Conservative Committee, 120 St. James street, Montreal. Another poster reads as follows:

Who will you have—Patenaude or King?

Mackenzie King and his government, during the last four years, have disregarded the interests of this country, and in order to retain power at Ottawa—they have moved heaven and earth to get the support of the western free traders—dickered with the Progressives of the west for their support.

As the Progressives are determined to bring Canada under free trade, King had to make concessions to gain their support. Mackenzie King evidently feels that in the Progressives' support is his only hope of retaining power at Ottawa. During his recent speeches in the west he has been making further overtures to the Progressives and the Porgressives are demanding further concessions, at the expense of Quebec.

Those were the words which were circulated everywhere, and this was the charge we had to meet at every point. I claim that this sort of campaign is calculated to divide this fair country of ours.

Mr. MANION: Like the Turkish war.

Mr. LAPOINTE: And I claim that this issue, if raised in the way it was raised, is an issue which must be fought by all men who want moderation, peace and prosperity in Canada, instead of dissension and civil war. We on this side of the House who were representing the Liberals in that election, claimed that the peace and prosperity of Canada depended on uniting the minds and the wills of all Canadians, whether west or east of lake Superior. We claimed, and we still claim, that it was the duty of all public men as well as all the citizens of Canada, wherever they live, to consider and study the divergencies of interest in the various sections of the country, to try to find on what basis compromises may be affected, to try and strike the point which can unite all men of moderate opinion, all those who want to harmonize this country, instead of dividing it. We have urged that the policy as advocated by the acting leader of the government—not the one in the House, but the one outside of the House—and his proxy in Quebec, of increased protection in a general way, and a general increase of the tariff, was calculated to divide the country, instead of uniting it, and that is the reason we voted against that policy. To be consistent with the stand I took then, I am pleased to have this opportunity of seconding and supporting the motion by my right hon. leader.

Sir HENRY DRAYTON (Leader of the House): I desire to say at once that I sympathize very much with my hon. friend (Mr. Lapointe). He referred to his not feeling very well. No one regrets that fact more than I do. It is a pleasure to hear my hon. friend. We have always liked him in this House and when I was across the floor I admired the manner in which he conducted the business of the government. I am only sorry to see the hon. gentleman to-day seizing an occasion like this to bring up such a question. My hon. friend is really too big a man to move a motion. Is there any doubt at all as to where any party in this House stands on this question? Imagine my

hon. friend moving a vote of want of confidence in a government which is not yet formed.

Mr. MACKENZIE KING: The strongest reason why such a motion should be made.

Sir HENRY DRAYTON: Surely my right hon. friend knows that we had a right to bring the session to a close. We are simply trying to keep intact the labours of parliament this session and to see that the country properly functions. We are trying to look after things, as the right hon. gentleman should have done before he resigned. Of all extraordinary exhibitions the resignation of the last government was the most remarkable. Not one word of advice was offered the opposition.

Mr. MACKENZIE KING: Does my hon. friend expect that?

Sir HENRY DRAYTON: Usually a prime minister retiring under similar circumstances arranges with the leader of the opposition for the proper carrying on of public business.

Mr. MACKENZIE KING: My contention was that the business of the country could not be properly carried on without dissolution; that the leader of the opposition could not carry on properly the business of the House.

Sir HENRY DRAYTON: Does the right hon. gentleman say that the business of the country cannot be carried on with parliament constituted?

Mr. MACKENZIE KING: Constituted as it at present is—

Sir HENRY DRAYTON: It took the right hon. gentleman a long time to find that out. He did not appreciate the welfare of the country at the commencement of the session; his one idea seems to have been that nothing could be properly done except by himself. It is not a question of the interest of the country; it is a question whether the hon. gentleman is in or out of office. I repeat that one of the most extraordinary resignations ever witnessed was that of the right hon. gentleman. It is customary for outgoing governments to show some regard for public business. They usually have some concern about bringing the session then in progress to a satisfactory conclusion; they realize that it is necessary to vote supply. But this government simply went out without making the slightest provision for the public service.

Mr. CANNON: Will my hon. friend allow me a question?

Some hon. MEMBERS: Sit down.

[Sir Henry Drayton.]

Mr. CANNON: I will sit down if the minister's followers are less courteous than himself.

Sir HENRY DRAYTON: I am perfectly willing to answer any question. I ask, however: has the public interest been considered by my hon. friends opposite on this occasion? That question surely answers itself. Did they have the interest of the public at heart or are they so much concerned about partisan politics—

Mr. DUNNING: You have engaged in it for six months.

Some hon. MEMBERS: Hear, hear.

Sir HENRY DRAYTON: I will repeat that question. Are hon. gentlemen so concerned with partisan politics that public business amounts to nothing?

Some hon. MEMBERS: Oh, oh.

Sir HENRY DRAYTON: I did not expect anything but laughter and jeers from hon. gentlemen opposite. There is a type of partisan who can do nothing else than laugh and jeer.

Mr. MACDONALD (Antigonish): Satan rebuking sin.

Sir HENRY DRAYTON: One lonely voice from the Maritimes.

Mr. CANNON: What about your own supporters? Do they not count?

Sir HENRY DRAYTON: Most of the people of the Maritime provinces have learned what has been going on. They have come to realize where their interests lie and they have acted accordingly. Is the memory of hon. gentlemen opposite so short that they cannot recollect, even amidst the numerous excuses offered, what the real argument was in connection with the customs report? The argument of my hon. friends was this: For heaven's sake don't do anything that will turn this government out; otherwise, all the business of the session will go by the board. All the legislation we have put through will go. Are hon. gentlemen's memories so short that they forget that? But practices change easily in some cases; principle amounts to very little occasionally. The very gentlemen who were making that statement last week—yes, even this week—now condemn this government for endeavouring to keep the country functioning and to bring the session to a close. They condemn us for trying to vote supply and to ensure that the legislation which has been passed shall not be lost.

4 p.m.

Do hon. gentlemen really think that this House has not heard the question of the respective trade policies of the parties sufficiently discussed this session? Is there the slightest doubt as to where anybody stands on the question? There is at any rate no doubt where some people stand; there is no doubt where this party stands. This party stands full square for a policy of such reasonable protection as will enable the country to function—that and nothing else. We hear a lot of prattle from time to time about higher taxes and higher tariffs and all that sort of thing; and to hear some hon. gentlemen talk one would fancy that we wanted a tariff up to the moon.

Mr. POULIOT: Will the hon. gentleman define "reasonable protection"?

Sir HENRY DRAYTON: The hon. member knows what reasonable protection is. Most of the people in his own fair province know as well just what it is. Of course, for political reasons my hon. friends keep their real convictions to themselves in their caucus rooms and never give expression to them on the floor of the House. But all right thinking people in Quebec—and there are very many of them—know exactly what reasonable protection is. They know exactly what it is. What they want—notwithstanding what they say here—is such a fiscal policy as will enable Quebec to function, not a fiscal policy which will allow the lazy man to get along without working, but something which will enable this country to function having regard to the standards of living in other countries. That is all. Everybody knows where we stand. What was the necessity of bringing up the question to-day? That is just exactly what hon. gentlemen who are interested in the legislation of this House being passed have got to ask themselves. They have to ask themselves whether they think this House should be closed in the regular way with supply voted and legislation properly passed, or whether on the other hand this House should stop now.

Mr. DUNNING: How?

Sir HENRY DRAYTON: My hon. friend asks, how? I said, now.

Mr. MACKENZIE KING: That is what we want.

Sir HENRY DRAYTON: The ex-Prime Minister says, "That is what we want." That is what he thinks of his own work and the work of his party here for the past six months! He wants to scrap it all.

Mr. MACKENZIE KING: Not a bit of it.

Sir HENRY DRAYTON: My right hon. friend said just a moment ago, "We want to stop now." We know what happens if we stop now.

Mr. MOTHERWELL: It is going to happen, anyhow.

Sir HENRY DRAYTON: We have a murmur now from the authority on agriculture. I suppose he is going to tell us what will happen to certain bills if we stop now. I suppose he is going to tell us how we can make legal legislation which has not yet received the royal assent. I suppose he is going to tell us how we can look after his rural credits bill and other legislation. But he does not know. This question, Mr. Speaker, has been discussed time and time again. There is no useful business purpose to be served in discussing it to-day, not the slightest. We have discussed it not only in the budget debate, but all through this session. This motion is moved simply because the government to be made is not to be allowed—or rather the House itself is not to be allowed to get the benefit of its own labours. What are we trying to do for the House? We are sincerely trying to have the estimates put through properly. And they are my friends' estimates, not ours. We are adopting them and are going to put them through. We are not saying we will spend them all; we will see to it that they are all right before we spend any of them. But we are trying to put my hon. friends' estimates through this House so the public business can be carried on. We are anxious also that the legislative labours of this session, scanty as they are, be not thrown away.

Mr. LAPOINTE: I heard my hon. friend speak of the "government to be made." Does he suggest there is no government just now?

Sir HENRY DRAYTON: Well, I notice, whatever it was, it was good enough and vigorous enough to pass through the House last night a most deserved vote of censure upon my hon. friends opposite by a majority of ten. After all, Mr. Speaker, governments are committees of the House. We know very well that my right hon. leader had the right to send us all away, to come back again perhaps in six weeks' time, or the right of prorogation.

Mr. MACKENZIE KING: He has not that right, I submit.

Sir HENRY DRAYTON: My right hon. friend says that my right hon. leader has not that right. My right hon. friend is long on protestation but he is very short on authority, and when he gets down to legal questions he is shorter still. We are simply trying to close the House properly, to look after supply and legislation and then prorogue. And it is for the House to say whether they want that done or not. Certainly, Sir, the whole idea of this motion is not to pass on any question of fiscal policy, it is just simply put forward with the idea that nothing shall be done to close the session properly.

Mr. POULIOT: Is my hon. friend through with his dissertation on what constitutes reasonable protection?

Sir HENRY DRAYTON: I could give my hon. friend a lot more.

Hon. CHARLES A. DUNNING (Regina): Mr. Speaker, it was refreshing to hear my hon. friend's frank admission that the present pro tem shadow government has no right to be on the treasury benches.

Some hon. MEMBERS: Oh, oh.

Mr. DUNNING: Well, if his first words meant anything they surely meant that.

Some hon. MEMBERS: No.

Mr. DUNNING: And later it was refreshing also to hear his threats that if this amendment carries, an amendment, which is in absolute accordance with the principles held by a majority of this House, all of the work of the last few months will go by the board, that none of the legislation will be finally passed. Surely my hon. friend assumes a great deal of power for a pro tem government—which he admits has no right to be where it is—when he makes those threats. I am authorized, Mr. Speaker, to say that my hon. friends opposite cannot control the conclusion of the proceedings in this House, they cannot hold their axe over our heads and say to us: If you vote in accordance with your consciences this House will close without passing certain legislation in which you are interested. The members of this House have something to say as to whether or not its proceedings will continue for a long enough time to put on the statute books the measures in which we are interested. It is time, Sir, that there should be some protest against the autocracy of an attitude such as that expressed by my hon. friend. If our friends opposite do not feel themselves in a position to carry on the proceedings of this House in such a manner as to permit of the conclusion of the legislation now before us, we on this side can undertake to do so, and will do so.

Some hon. MEMBERS: Oh, oh.

Mr. MANION: Why didn't you do it the other day?

Mr. SPEAKER: Order.

Some hon. MEMBERS: Order.

Mr. DUNNING: My hon. friends are surely very much disturbed.

Some hon. MEMBERS: Not at all.

Mr. DUNNING: They know perfectly well they are in office not on the basis of policy at all,—

Some hon. MEMBERS: On the basis of honesty.

Mr. DUNNING:—they were smuggled into office with the help of Moses Aziz. Now, Moses having served his turn and our friends being seated on that side of the House, we can consider the fundamental business of this country, which out of the mouths of my hon. friends opposite when they sat here we learned from day to day was the one great question of protection. Yes, for six months it was dinned into our ears by hon. gentlemen opposite that there was one question, and one question only, which divided the parties in this House. They shed crocodile tears for the young men that were being driven out of Canada because their policy was not being put into effect, and they told us on every conceivable occasion that Canada was being ruined by the late government. Why, Mr. Speaker, if Canada was being ruined by our policy is it not time that this House said something about it? If my hon. friends are right, surely it is not a matter upon which any hon. member, after all the talk we have heard about it, will hesitate to place himself on record. That threat of a dissolution! Why, Mr. Speaker, everyone knows that in spite of the undertakings given by hon. gentlemen opposite that there will be another session or two, they are planning dissolution right now, and anyone on this side of the House who is coerced into voting against his own principles in the hope that thereby he will be avoiding dissolution will be deceived indeed by the very men who tell him there will be another session or more.

I want to make it perfectly clear that, so far as the legislation now before the House is concerned, there is no doubt that this House is competent to remain in session until that legislation is placed upon the statute books. That threat need not deter men who believe sin-

cerely in the principles which they profess. For my part I shall lose no opportunity, as hon. gentlemen opposite lost no opportunity, in setting forward my views on the fiscal policy of this country. From the bottom of my heart I believe that the fiscal policy enunciated by the present Prime Minister when leader of the opposition would prove detrimental to the country's continued prosperity, and especially do I believe that it would be prejudicial to national unity. Are they going to remain in office or partially in office—

Mr. SUTHERLAND (North Oxford): Might I ask the hon. gentleman if he is still in favour of the fiscal policy enunciated under his direction in the Saskatchewan provincial legislature a few years ago?

Mr. DUNNING: I did not direct the enunciation of any fiscal policy at any time; my views in that connection are well known. I am now discussing what hon. gentlemen opposite intend doing, and in that there can be no mistake; it is on record in the debates of this session. It is well known that we could not discuss anything from the old age pensions to soldier settlement without having the tariff dragged in, and the plea was always for higher protection.

Mr. MANION: Nothing of the sort; we never advocated anything of the kind.

Mr. DUNNING: Well, Mr. Speaker, I can wait until my hon. friends are finished; there is no need for heat in this discussion. At every opportunity hon. gentlemen opposite pleaded individually and collectively for higher protection, and surely they cannot deny it now. If they do deny it let them vote for this amendment, and we will know where they stand.

My hon. friend who has just sat down made some reference to the manner in which the late government resigned office; he contended that some notice should have been given to the then leader of the opposition. It is rather late in the day to talk of the amenities of debate, when we had the spectacle only a week ago of an amendment to the motion to go into supply being moved absolutely as a surprise, admittedly so by the hon. gentlemen who made it. Might I also point out that there was no opportunity for the late Prime Minister to advise anyone of his intention to resign. The moment His Excellency refused the advice of the late Prime Minister to dissolve this parliament the right hon. gentleman's resignation was in order, and it was the only thing he could do. My hon. friends are partly in office, forming a shadow government, by virtue of the exercise of the royal prerogative. The advice of the late Prime Minister was that the people of Canada were entitled to settle the question of who should govern this country; that advice being declined there was only one dignified and proper course for the right hon. gentleman to follow. He placed his resignation in the hands of His Excellency the Governor General and came to this House one hour later to advise us of what he had done. Immediately an adjournment was moved in order to enable the situation to be dealt with by the representative of His Majesty in this country in any manner which he saw fit. That, I submit, was the proper course to take in this matter. Hon. members have smuggled themselves into office; believers in higher protection, they now control the government when, as a matter of fact, everyone knows that a majority of the representatives of the people in this House at present are not in harmony with such a policy. With a government smuggled into office in that manner—

Mr. CLARK: And one smuggled out of office; do not forget that.

Mr. DUNNING: I have the floor, I think.

Mr. HARRIS: Will the hon. gentleman permit a question?

Mr. DUNNING: Certainly, if it is a question.

Mr. HARRIS: Does not the hon. gentleman think that he, along with the late government, was smuggled out of office?

Mr. DUNNING: If my hon. friend applies the word smuggling to the efforts which he and his confreres made to get into office, I am quite in agreement with him. The other day I mentioned some of the tactics pursued by my hon. friends opposite, and the episode which took place in another place yesterday and to-day, with respect to one of these pieces of legislation which my hon. friends are now so anxious should not be hurt, confirmed what I then said. Let us face the question, Mr. Speaker. It may be said that it can wait until another session; can it?

Some hon. MEMBERS: Hear, hear.

Mr. DUNNING: Yes, someone says "hear, hear," someone who does not want a dissolution.

Mr. HANSON: I will take dissolution tomorrow.

Mr. DUNNING: You took something else not so long ago. Even if there is no dissolution are we to accept the principle that a government supporting a policy out of har-

mony with the majority of members of this House shall retain office for a year or more and be able, within the scope of present legislative authority, to put their policy into effect although it is not the will of the members of this House? When I say that what do I mean? I mean that a policy of higher protection can be put into effect to a limited extent at any rate, within the powers of existing legislation, by a government which so desires. There are many ways in which my hon. friends can hand out favours to their special interest friends; they can raise the tariff indirectly and develop their policy although that policy does not command a majority support in this House. It is time, Sir, before this session closes, for men to stand up and say where they stand on this question which has been described all session by hon. members opposite as the most important matter before us. For my part I take the same stand, and I will vote for the amendment.

Hon. LUCIEN CANNON (Dorchester): Mr. Speaker, the spectacle that we are witnessing to-day shows how the course of events has proved that we were perfectly right. We have opposite a so-called government representing, according to our constitution, absolutely nothing at all. We have the leader of the House (Sir Henry Drayton) telling us from his seat in this House that he really does not reprent a government, but a government to be named later. The situation is absurd; it is ridiculous, and the people of Canada will not stand for it. Notwithstanding the efforts of hon. gentlemen on the other side, efforts which are in some measure published, and efforts which are in a greater measure to be hidden, we know what has been going on; we know the methods adopted by the other side to get into the position in which they are to-day, and the public of this country is entitled to know the true story of the events of this week.

Are we as members of this House realizing our responsibilities? The leader of the House requests us to forget everything which was said this session in order to give a chance to the Tories to organize for the next election, which they will bring on in the fall. Are we, in order to help the Conservative party to put through their policy of protection, to abandon every principle which has been voiced in this House during this session and in former sessions? Are we, Mr. Speaker, because the leader of the House, or the supposed leader of the House, the representative of this embryo government, asks us to go home in order that they shall be rid of their troubles—are we going to listen to them and refuse to vote according to our principles on this very important question?

I address myself now particularly to the western representatives in this House. This government will either carry on or ask for a dissolution; there is no other course. If they are to carry on as they have pledged themselves to do, how wil they carry on? Will they change their policy? Is any man on the other side willing to get up at this stage of the debate and inform the House that the Conservative party have changed their policy on the tariff question? Will any man with authority get up in this House and give an assurance to the representatives of the western provinces or to the representatives of the eastern provinces that there has been any alteration in their tariff principles, or supposed principles? These gentlemen were either sincere when they spoke on tariff questions in the course of this session, or they were not. If they were sincere, there is not one man in the House who is in favour of a low tariff who can support them for a minute. There is not one man who through any process of mental activity could reach the conclusion that he can support these people if they are sincere in their tariff policy as they have announced it. If they were not sincere in stating their policy, that is a further and a stronger reason to put them out immediately.

Mr. KAISER: Can this government raise the tariff without the House approving later?

Mr. CANNON: My hon. friend has not been in office very long, but if he happens to remain in office a little longer he will find out that there is many a process that can be used by a government to change the tariff without coming to this House.

Mr. SPENCE (Parkdale): Did you do it?

Mr. CANNON: I will tell this to hon. gentlemen opposite. I am sufficiently familiar with the laws and with the powers given to a government to know that there can be most serious changes in the tariff without the House being consulted at all.

Mr. NICHOLSON: You know how to evade the law, eh?

Mr. CANNON: My hon. friend can give me pointers as to that. If he wishes to put the question on that ground, I am willing to discuss it with him, but I do not think he will insist.

Mr. NICHOLSON: Go right ahead.

Mr. CANNON: My hon. friend tells me to go ahead, and I know why he says that. Here is a gentleman who has been a judge on a moral question, who would put us out of power because we were not worthy of running this country. I am perfectly willing to discuss moral questions with him at any time anywhere, but I do not think it will be to his advantage, and he knows it.

This fight, Mr. Speaker, is only beginning. If there are members of this House who are under the impression that this shadow government is going to be allowed to run this country without our fighting, they are making a mistake. If the leader of the House is under the impression that by smiling away as he did this afternoon and asking us to pass legislation which was opposed by gentlemen on the other side all through the session, he will attain the one object his party have in mind, that is, the taking hold of the administration of public affairs in this country and putting through their policy, he is making a mistake. We are doing what we think is our duty, and we appeal to every member of this House to consider with great care the resolution which is now before the Chair. This resolution is of paramount importance, and no member can escape giving his opinion before the great tribunal, the people of this country, is appealed to. The eyes of Canada are upon this House, and now is the time for every member to show his sincerity. Now is the time for every member to state in no uncertain way where he stands, and I am very anxious to have the vote recorded on this question.

Mr. MALCOLM McLEAN (Melfort): Mr. Speaker, I think on an occasion of this kind, when a change of administration has taken place it is well that an announcement of the policy of the new administration should be given to this House and to the people of the country as early as possible. My reasons for saying that are many, and I think they are valid and weighty reasons. I am pleased to give my support to this motion moved by the right hon. leader of the opposition which reads as follows:

> That in the opinion of this House the fiscal policy of the government, as enunciated by the present Prime Minister when leader of His Majesty's opposition would prove detrimental to the country's continued prosperity and prejudicial to national unity.

Among the reasons I have for coming to that conclusion are the following: During the last campaign which preceded the general election statements were made by the present Prime Minister and by many of his acting ministers as to their attitude on the tariff issue. I am not going to quote them at length. I will not take up the time of the House by doing so. But I have before me part of a newspaper report of a meeting at Fort William on September 29, which was addressed by the then leader of the opposition, the present Prime Minister. The report goes on to say:

> Dr. Manion, the Fort William candidate, and W. F. Langworthy, Conservative candidate in Port Arthur, also spoke at both meetings. They discussed local problems and urged the necessity for a higher protective tariff, quoting examples from local conditions.

I find that later on in this House the hon. member for Fort William, who is now Acting Postmaster General, told us—I am not absolutely clear as to his actual words but the intention was unmistakable—that the tariff was a ruinous one to Canada, that the low tariff was ruining this country. He mentioned the tariff on automobiles and stated that it was lower than the tariff in any other country in the world where these vehicles are being manufactured. The hon. gentleman told us that he knew of no act of the then government that was tending to improve the condition of the people of Canada.

Mr. MANION: Hear, hear.

Mr. McLEAN (Melfort): I think the hon. gentleman will agree with me that if the previous government passed no act which tended to improve the condition of the people of Canada then the present administration, if it succeeds in retaining power, will be forced to rescind the acts passed by their predecessors in the past four or five years, particularly those dealing with the tariff.

Mr. MANION: They themselves rescinded the next year about half a dozen measures they passed.

Mr. McLEAN (Melfort): I should like my hon. friend to put to me any questions he desires but I cannot understand the nature of his interruption.

Mr. MACLEAN (York): Will the hon. gentleman speak a little louder so that we at this end of the chamber may hear him?

Mr. McLEAN (Melfort): I shall be very glad to accede to my hon. friend's request and speak a little louder. I submit that in view of the statement referred to by the hon. member for Fort William the present administration will have to repeal all the acts passed by its predecessors for the purpose of benefiting the people of Canada.

We were also told by the Acting Postmaster General on April 20 that no industrial leader dare invest his money in Canada today. We were told many other things about

the tariff, including the statement that in the provinces of Ontario and Quebec two million farmers are selling their products to the industrial workers in those provinces and so getting a great deal of benefit from a protective tariff. I have no idea where the hon. gentleman got his figures that there were two million farmers in these two provinces, but the opinion of the farmers of Ontario and Quebec, as well as of the other provinces, as expressed by them on many occasions, is that a high protective tariff is not conducive to their welfare.

Another statement made by the Acting Postmaster General was that free trade and a lower tariff had ruined the farmers of Great Britain and forced them off the land. I want to assure my hon. friend that it was not free trade and a lower tariff that ruined the farmers of Great Britain but Tory landlordism plus the high tolls which the absentee rent collectors charged up against the land—as high as the land would bear—not to speak of the high tariff that was enforced prior to 1846, and the competition for land engaged in after that date and leased by absentee landlords in many cases. We were further advised by hon. members opposite that the people of Canada should endeavour to build up their cities at the present time in order to secure a larger market for the products of the farms. I leave it to the imagination of any hon. members of this House to conceive if the time can possibly come within their own span of life when the people of Canada will be able to build cities sufficiently large and populate them to the extent required to consume the products of all the farms of the country. It is like another remedy that was proposed during the general elections by the then leader of the opposition, the present Prime Minister. He told the people of the Maritime provinces that his policy for remedying the grievances under which they suffered was to pay part of the cost of the freight on the products they raised in order to secure an entry for those products into the central markets of Ontario and Quebec, and that that policy would apply to the products of the western provinces as well—that in the case of the western provinces also he would be in favour of paying part of the freight on their products into the central markets of Ontario and Quebec. It would require a very vivid imagination indeed to see where the products of the Maritime provinces—such as lumber, fruit, poultry, beef, butter, and fish from the sea—could find an adequate market in the protected cities of the central provinces by securing lower freight rates, or where the farmer of western Canada could secure such a market for his live-stock, his grain products, and his dairy products in the same provinces. That they could secure such a market by simply reducing the freight rates is absolutely unreasonable and out of the question and yet we are asked to believe that is the policy hon. gentlemen opposite would carry out as a set-off to high protection on manufactured goods.

The amendment of the right hon. leader of the opposition to-day goes on to say that the Conservative tariff policy would be prejudicial to national unity. As an illustration that such will be its effect I need only quote from the headlines of papers published on October 18th last. For example one of these reads as follows:

> Western farmer cartooned as "Carving alive struggling manufacturer, bound hand and foot";

Then we find in the body of the article this statement:

> While half a million is being spent on billboard advertising, proclaiming the virtues of higher protection, the offensive element does not appear in such places. Rather it is in the newspapers. In a recurrent series of cartoons, the dominant suggestion is that Premier Mackenzie King is under servility to the west.
>
> In one of these productions the western farmer is pictured as carving alive a struggling manufacturer bound hand and foot, while Mackenzie King is looking on gleefully. In another it is Mr. King who is harnessed up, and a western farmer is shown with the reins cracking the whip over the leader.
>
> What is being pictured in a way that is calculated to arouse prejudice against the King government and against the west is reflected also in the editorial columns of the press and in the speeches of Conservative leaders.

If the publication of news of that kind is necessary in order to secure higher tariff conditions in Canada, it is needless to say that the people of western Canada are not very strong for a higher tariff. But as to the effect of such statements on national unity there can be no question in the world that they are bound to work ill to the Dominion as a whole. I should like to contrast some of the things that have been said by the present Prime Minister and his acting ministers and supporters in this House with what a former great leader of the Conservative party had to say, and the principles in which he believed, in regard to tariff matters. Sir Robert Giffen, in his article on taxation in the Encyclopaedia Britannica says:

> "Sir John A. Macdonald, the great protectionist Prime Minister of Canada, in a conversation with the present writer in 1882, avowed without hesitation that protectionist taxation in Canada was indefensible on economic grounds, and he defended it exclusively for political reasons."

That is not the attitude that our friends of the Conservative party have been taking for the past six months in the House and for the past few years throughout the country.

In the national policy resolution introduced into parliament by Sir John A. Macdonald on March 12, 1878, one of the reasons given for the adoption of a national policy of protection is that, "moving, as it ought to do, in the direction of a reciprocity of tariffs with our neighbours, so far as the varied interests of Canada may demand, (it) will greatly tend to procure for this country eventually a reciprocity of trade."

I submit that Sir John A. Macdonald was more farseeing in his day than his successors have been at any time. In order that reciprocity in trade might be secured between ourselves and other countries, it might be politically defensible that a tariff should be arranged between the two countries on certain commodities. But that is not the way the tariff has been used in late years. The claim has often been made in this House during the present session that the United States was the greatest, the wealthiest and the most prosperous and up-to-date country in the world. To much of that I take no exception, but we were told something to which I seriously object, namely that Canada was in a forlorn, dependent and poverty-stricken condition. We were told by the late leader of the opposition, now acting Prime Minister, that we had entered upon a period of depression in 1921, along with every other nation on the continent, and that we had remained in that period of depression longer than any other nation. I do not think it is fair that the statement should go out from this House that Canada has been in a state of depression and has remained longer in that state of depression than any other nation. I do not know what he meant by saying any other nation on the continent, but I take it that he intended to include Mexico, Panama, Bolivia, and all the other South American republics. It is not fair to state that we have remained in that period of depression longer than any other country on the continent. I remember last fall reading the report of a meeting in Vancouver addressed by the hon. member who is now acting Minister of Customs; at least I assume it was he, because the report stated that Mr. H. H. Stevens addressed the meeting and stated that if Canada did not wake up and get rid of Mackenzie King and his government, in the next three months, the country would be on the road to bankruptcy in four years. At a time when the railroads, the banks and the commercial institutions were telling the people of Canada that they were enjoying prosperity such as they had not enjoyed for many years, this was the kind of service that was being rendered to Canada by gentlemen who are part of the shadow government in office at Ottawa at the present time. I have in my hand a piece of literature which was used to considerable effect throughout the country. It is headed, "Land values and protection", and it is issued under the auspices of an organization which has an advisory council and an executive committee. I notice that the president of that executive committee was quoted by the hon. member for Toronto Northeast (Mr. Baker) as an up-to-date authority. This literature was used in the campaign and one statement reads:

We predicted in April, 1924, in our pamphlet "If Canada would prosper" that unless the tariff were raised our railroads would drift towards insolvency, and that this would react against the west. This is coming about much more rapidly than we anticipated.

We find that for the month of May past the net earnings of the Canadian National Railway were 706 per cent higher than a year ago. Under these conditions these prophets of evil told us that we were ruining Canada and driving our railroads into insolvency. That statement never was true. It is dangerous to prophesy unless you know what is going to happen.

For a few moments, I wish to look into the condition of the rich country to the south of us, with particular reference to the middle and western farming community. During the past few months, the condition of agriculture in the middle west and throughout the United States as a whole has caused grave concern to public men at Washington and leaders of public opinion elsewhere in that country. I hold in my hand an article written by Representative Dickinson, of Iowa, in which he says that the United States industrial structure is four-cornered. One corner, manufacturing, is protected by a tariff wall, while another corner, the railroads, is protected by the Interstate Commerce Commission which endeavours to see that the rates are so fixed as to give the railroads a profit of 5 per cent. But some of them make much more than that. The third corner consists of labour, which is protected by the exclusion of immigration to that country. But the fourth corner, represented by the farmers of the country, is not protected. That corner is extremely wobbly. There is nothing to hold it up. In the opinion of Mr. Dickinson, and in the opinion of the majority of the farmers in the middle west, there is no possible way in which a tariff prop can be placed under that fourth corner, and the only way to assure reasonable prosperity is that all the legs be knocked out of the structure, and that the structure be

allowed to rest where nature has provided it should rest, namely on the resources of the country, on the intelligence and industry of the people, and on their ability to find markets for their products throughout the countries of the world.

Mr. S. G. TOBIN (Wetaskiwin): I am glad that this resolution is before the House, as I wished to have an opportunity to express my attitude with regard to the fiscal policy of this country. I was elected in opposition to the fiscal policy of the Right Hon. Arthur Meighen and the Conservative party as a whole. I represent a district in Alberta. In our province the one great thing we are interested in is the production of agricultural products, the selling of the same and the buying of implements and supplies of every kind and description at as low a price as possible. That is the life of our country and the only condition in which our country can prosper is where the taxes or the tariff on the goods they must purchase in large quantities are lowered. I remember when the Right Hon. Arthur Meighen was speaking in his tour of the west he told us that the reduction of freight rates westward for the relief of the west was utterly unjustifiable, or "utterly indefensible," to use his exact words, and I made up my mind that I would go out before the people, and if the people elected me I would protest in parliament to the best of my ability, in the interests of the provinces of the west and therefore of all of Canada, against higher tariffs. If we help the western provinces we help all of Canada. I listened for three or four months to the speeches of the members of the then opposition, now on the government side, and they said, "We are losing money on grain shipped eastward. If the Crowsnest pass agreement were not in operation we could collect thirty millions more from the farmers of the west," and their policy was, "No more statutory freight rates." The people of western Canada must have reasonable freight rates, and we wish to put ourselves on record on this matter. Hon. members say, "We cannot do anything without the consent of parliament." I say we do not want to build up a party or organization which talks that kind of propaganda, and has such a fiscal policy. I want to go back to my constituency as having recorded my opposition to that policy. That is the attitude I took when I was elected and that is the attitude I take now.

The government just retired met parliament in January and in sportsmanlike fashion they consulted the House on the question as to who should be Prime Minister. Parliament decided by a majority that the right hon. gentleman now in opposition (Mr. Mackenzie King) should be Prime Minister, and hon. members opposite refused at that time to grant an adjournment so that he might get his cabinet constituted. They voted supply piecemeal and generally did all that they could to embarrass the government. Now they want us to help them along. The late government brought down a budget which met with the approval of the Canadian people and they carried out the programme they outlined in the Speech from the Throne, including rural credits, which the people wanted, the West India treaty, and amendments to the Grain Act. The Tariff Advisory Board has also been appointed and the commission to inquire into Maritime rights has been set up. The question of freight rates is also being looked into. These are all matters in which the people are vitally interested and they were all undertaken by the late government.

I protest against the fiscal policy which the party opposite has advocated both in this House and in the country. Hon. gentlemen opposite told the government at the opening of the session that it could not function owing to the number of vacancies in the cabinet. To-day there is nothing but vacancies in the government which is attempting to conduct the business of the country. I do not want to prolong this debate, but I must decline to vote confidence in hon. gentlemen opposite unless they are prepared to assure this House that they stand for a different fiscal policy. This assurance they will not give us, and for that reason I must support the motion which has been brought forward.

Mr. J. S. WOODSWORTH (Winnipeg North Centre): I do not propose to discuss the merits of the resolution but I want to state the position which we must take in approaching a vote of this nature. Those of us who are not vitally concerned with the question of free trade or of higher, or lower tariff sometimes find ourselves in a quandary in facing a vote such as this. In this particular instance the difficulty is even greater owing to the peculiar circumstances that surround the discussion. Personally I am not very much in favour of what might be termed "blocking tactics," motions intended simply to harass the government. Whichever party may be in power, I believe the government ought to be given a fair chance. From the standpoint of some of us, who, notwithstanding what some hon. gentlemen in this House may say, still regard ourselves as independent, and who have nothing to gain immediately

from party conflict, I do not think there is any reason at any stage for lending ourselves to any blocking of the business of the House.

I must observe however that I cannot be blind to the fact that the present government is in power through no act of this House. I am not a constitutional authority, but from what little I have read I have always understood that in accordance with British practice the king should be advised by his ministers and should obey their voice. I do not see why British practice should be departed from in Canada. I recognize that all along Canada has been in a position somewhat different from that of Great Britain. Hon. gentlemen opposite have told us again and again, when we have referred to the necessity for defining our status in this country, that it was quite unnecessary to do so inasmuch as undoubtedly we had autonomy in Canada. They have assured us that we were equal with the Motherland in all respects. Now I submit that the decision given the other day by His Excellency the Governor General absolutely demonstrated that there is no such equality.

Sir GEORGE PERLEY: I rise to a point of order. There is a distinct rule forbidding any references to the crown such as the hon. member is making. The rule reads:

> No member shall speak disrespectfully of His Majesty, nor of any of the royal family; nor of the governor or person administering the government of Canada.

The rule is quite clear and it has always been understood that no criticism should be made of the King or of the Governor General. I submit that the hon. member should not proceed further with such criticism.

Mr. WOODSWORTH: On the point of order, may I say that there is not one word I have used which by the widest construction can be considered to be in the slightest degree disrespectful of the King or of the Governor General. I am speaking on a strictly constitutional point as I have a right to do. If I have no right to discuss such a point then I have no right to sit in this House. I submit on this point of order that if we as members elected to this House are to be debarred from discussing a constitutional question we may as well not come here.

Hon. ERNEST LAPOINTE (Quebec East): I quite agree with my hon. friend from Argenteuil (Sir George Perley)—or rather the acting minister of many departments—that no member has a right to speak disrespectfully in this House of His Excellency the Governor General or of the crown. But from what I have heard of the remarks of the hon. member for Winnipeg North Centre (Mr. Woodsworth) I fail to see that he has uttered one word of such a character. Let me point out however that for any act of the crown the Prime Minister of the day must take responsibility; and when an hon. member of this House accepted the invitation to form a cabinet he assumed responsibility for His Excellency's declining to grant a dissolution to the then Prime Minister. Any discussion that takes place on the subject, any reference that is made to the matter, has relation to the conduct of the Prime Minister of Canada who in this instance, I claim, assumed responsibility for what I consider a breach of the constitution.

5 p.m.

Sir HENRY DRAYTON: I am not going to make as long a speech as my hon. friend has made, but I assure the House that we accept responsibility to the full. What is more, this House only last night declared that the late government were unworthy of office, that they had not the confidence of parliament, and that they were in fact endeavouring to escape just retribution.

Mr. DUNNING: That is not a point of order.

Sir HENRY DRAYTON: My hon. friend was not making a point of order at all.

Mr. LAPOINTE: Absolutely.

Sir HENRY DRAYTON: Then I will say just exactly the reverse of what he was saying. He was talking about what was done—

Mr. WOODSWORTH: Mr. Speaker, if the discussion is going on I would remind you that I have the floor. I thought it was a point of order.

Sir HENRY DRAYTON: Perhaps that is right.

Mr. MACKENZIE KING: Mr. Speaker the point of order raised had reference to the right of an hon. member to make reference to His Excellency the Governor General.

An hon. MEMBER: Criticize.

Mr. MACKENZIE KING: An hon. gentleman opposite says, "criticize." I say the rule is that there should be no disrespectful word spoken of His Excellency, and criticism dealing with His Excellency in any disrespectful way would certainly be entirely out of order in this House. No hon. member has the right to criticize the crown in a disrespectful way. But I submit it is an entirely different thing for hon members to speak of their constitutional right to sit in this House, and

also of their right to sit either to the right or the left of the Speaker. May I say, Sir, in reference to what the hon. member has just been referring to, that the question of His Excellency's right—

Sir HENRY DRAYTON: Order. My right hon. friend now is departing from the point of order.

Mr. MACKENZIE KING: Not at all. The hon. member was speaking of His Excellency's right to take the course he had taken in not accepting the advice of the then Prime Minister and sending for another member of this House to give him advice. That of itself may be a perfectly constitutional position in certain contingencies. I want to make it clear from His Excellency's point of view, because I desire to see justice done to His Excellency in this matter, that His Excellency—

Sir HENRY DRAYTON: I rise to a point of order.

Some hon. MEMBERS: Order.

Mr. MACKENZIE KING: Surely I have the right to proceed.

Mr. SPEAKER: Order.

Sir HENRY DRAYTON: I desire to raise a point of order

Mr. MACKENZIE KING: There is a point of order now before the Chair to which I am speaking.

Some hon. MEMBERS: Sit down.

Mr. SPEAKER: The hon. gentleman has a right to raise a point of order.

Mr. MACKENZIE KING: When we are speaking on a point of order?

Mr. SPEAKER: The hon. member has raised a point of order.

Sir HENRY DRAYTON: I submit, Mr. Speaker, that my hon. friend now is proceeding to discuss what was done by His Excellency, while the point of order that had been taken was that the reference made by the hon. member for Winnipeg North Centre was not in order. My right hon. friend has a right to speak to that point of order, but on the pretence of so doing he has no right to make a speech or to refer to what His Excellency did. I was called to order in dealing with it, but my hon. friend the former Minister of Justice dealt with it without being called to order.

Mr. MACKENZIE KING: I submit, Mr. Speaker, that when His Excellency is brought into discussion in this House it becomes the duty of any leader in parliament to see that no injustice is done to His Excellency or to any act of his, and this more particularly where one has been in the position of Prime Minister and has been an adviser to His Excellency. When one so situated sees that His Excellency's position is being or is liable to be wrongly placed before this House, it becomes not only his right but his highest duty to see that His Excellency is not misunderstood and put in a wrong position.

Sir HENRY DRAYTON: Mr. Speaker, I rise to a point of order. I am asking for Your Honour's ruling.

Mr. MACKENZIE KING: Surely, Mr. Speaker, I am perfectly in order.

Sir HENRY DRAYTON: My right hon. friend is again attempting to make a speech. He has a perfect right to defend his position—

Some hon. MEMBERS: Order.

Sir HENRY DRAYTON: —but not now.

Mr. MACKENZIE KING: Mr. Speaker, the point of order is that His Excellency is being criticized, and I am endeavouring to point out that so far from permitting criticism I am here to defend for the time being, if you wish, the position taken by His Excellency. But I want to make perfectly clear what my understanding of His Excellency's position is, that he may not be placed in any false position. When I advised His Excellency that I thought dissolution was essential, my advice was not taken—

Sir HENRY DRAYTON: Mr. Speaker—

Some hon. MEMBERS: Sit down.

Mr. MACKENZIE KING: —and His Excellency sent for another adviser—

Some hon. MEMBERS: Order.

Sir HENRY DRAYTON: Order.

Some hon. MEMBERS: Sit down.

Sir HENRY DRAYTON: I want your ruling, Mr. Speaker.

Mr. SPEAKER: What is the point of order?

Sir HENRY DRAYTON: That my right hon. friend is not speaking to the point of order.

Mr. SPEAKER: I understand that the right hon. gentleman is speaking on the point of order. I do not like references to the head of the state—

Sir HENRY DRAYTON: I heartily agree, Sir.

Mr. SPEAKER: —and I should like to have the point well stated so that I may make my ruling.

Mr. MACKENZIE KING: Mr. Speaker, I submit that this House has not the right to speak in any way disrespectfully of His Excellency. I think all of us are absolutely agreed upon that point.

Sir HENRY DRAYTON: Hear, hear.

Mr. MACKENZIE KING: But in any possible criticism of His Excellency it becomes, from my point of view, the duty of His Excellency's advisers, past or present, to see that His Excellency is not misrepresented by any statement made in this House. I say I am the only person at the moment in this House who can state as I understand it His Excellency's position with reference to myself as the former Prime Minister, I therefore stand here to make clear, so there can be no mistake throughout the country as to His Excellency, what I conceive to be his position. I conceive it to be this: His Excellency does not wish to have this parliament dissolved if it is possible to carry on the business in the way in which it should be carried on without dissolution, and inasmuch as I advised His Excellency to dissolve parliament, and as His Excellency believed that all reasonable expedients should be tried before dissolution took place, he was prepared to send for another hon. member of this House, the leader of the then opposition, and ask him whether he was in a position to carry on the business of the country and, if so, to give him an opportunity so to do, that is, to carry on the business of parliament constitutionally. In accepting office the present Prime Minister took the responsibility of being able to carry on the business of this House without a dissolution. Now if it is found he cannot carry on the business of this House without a dissolution, it becomes the constitutional duty—

Some hon. MEMBERS: Order.

Hon. H. H. STEVENS (Acting Minister of Customs): Mr. Speaker—

Mr. MACKENZIE KING: I have the right to say—

Some hon. MEMBERS: Order.

Mr. SPEAKER: Has the hon. gentleman a point of order to raise?

Mr. STEVENS: Yes, Mr. Speaker. I would be the last one to desire to shut off any hon. member who was speaking in order, but I submit to Your Honour that the right hon. gentleman has exceeded his right in discussing the point of order, and is in fact discussing matters which under the motion before the House do not properly come up for discussion. While I have not the rule under my hand, I am certain that Your Honour can readily see that the right hon. gentleman is not in order in making the statements he has just made on a point of order.

Mr. MACKENZIE KING: Mr. Speaker, I have no desire to continue a debate at this moment. At the proper time I will bring up the constitutional question myself. But let me make it perfectly clear that it is not His Excellency that is being discussed in this matter, it is the present Prime Minister who has assumed the responsibility of carrying on the business of this House without a dissolution, and I say before we can finally pronounce any definite opinion as to His Excellency's act, we must wait to see whether or not the present Prime Minister can fulfil the undertaking which he then gave and what His Excellency may do in the circumstance.

Some hon. MEMBERS: Order.

Mr. SPEAKER: Does any other hon. gentleman desire to speak on the point of order?

An hon. MEMBER: Number one or number two?

Mr. CANNON: Mr. Speaker, on the point of order, the principle well known to every member is that the crown can do no wrong. Why is that principle laid down? Because there is always in the House somebody to take responsibility for the acts of the crown. Therefore we never discuss what the crown did, but we can always discuss what the advisers of the crown did. I think nobody will contend that at this juncture a member of the House is deprived of the right of discussing whether it was a good or bad thing, according to our constitution, that a change of government should have taken place and that a dissolution should have been denied. But when we are discussing this the crown is not in question at all—the king can do no wrong—His Excellency is not in question, but those on the other side who assume responsibility for the decision of the crown are being criticized.

Mr. LAPOINTE: That is the whole question.

Mr. WOODSWORTH: I rise to a question of privilege. I would point out that I was not discussing whether or not His Excellency had done something good or bad, and I want to make that clear; my argument was altogether different. If I caught the hon. member

correctly it was implied that I had been criticizing His Excellency, and I want it clearly understood that that is not so.

Mr. CANNON: My hon. friend is not at liberty to discuss that question; my hon. friend who raised the point of order said that no member had a right to criticize the crown. There is no doubt about that, but we can always discuss the conduct of a government which has assumed responsibility for the crown.

Sir GEORGE PERLEY: The point I raised was that there should be no disrespectful reference to the Governor General.

Mr. CAHILL: Do you withdraw that objection?

Mr. McGIBBON: The hon. member for Winnipeg North Centre (Mr. Woodsworth)—

Mr. CANNON: The point of order is withdrawn.

Sir GEORGE PERLEY: It is not withdrawn.

Mr. SPEAKER: Might I remind hon. gentlemen that to-morrow is Dominion Day, and therefore we should be united as good Canadians, and should proceed as such. Do I understand now that the point of order is withdrawn?

Mr. MACKENZIE KING: Yes.

Mr. SPEAKER: Because I may recall to hon. gentlemen first of all that the action of the Governor General is not debatable on the motion now before the House. The question before the Chair refers to the fiscal policy of Canada, and therefore such references to His Excellency are absolutely irrelevant. With regard to matters which may be debated in relation to the action of the Governor General I will read the following to members of the House:

> Certain matters cannot be debated save upon a substantive motion which can be dealt with by amendment or by distinct vote of the House, such as the conduct of the Governor General—

I understand from the hon. gentleman that he is not discussing the conduct of the Governor General. Certainly the name of the Governor General or the name of His Majesty the King cannot be brought into a discussion to influence the debates of the House. However, I understand that the point of order is withdrawn, and I hope the hon. gentleman will confine himself to the question before the Chair.

[Mr. Woodsworth]

Sir GEORGE PERLEY: I did not propose to withdraw the point of order, but Your Honour has settled it in the remarks you have just made.

Mr. WOODSWORTH: I could not hear the hon. gentleman.

Sir GEORGE PERLEY: I said His Honour had settled the point of order in the remarks he just made.

Mr. WOODSWORTH: Well, if I can at all recall the points that I wished to make when this very lengthy point of order was raised I would remind the House that I was suggesting that whilst I was not at all in favour of anything in the nature of mere blocking tactics, at the same time we ought to recognize the very peculiar situation prevailing in this House. The provisional government is there through no act of this House, and I went on to discuss the way in which that provisional government had come to occupy their seats. I am not discussing nor do I propose to discuss the propriety or impropriety of any act of His Excellency.

Mr. SPEAKER: That would be clearly out of order.

Mr. WOODSWORTH: I quite understand that, and I have no intention of so doing. It seems rather strange that there are certain hon. members of this House—I do not refer to the gentleman who challenged me—who always run ahead and think something I will say is going to be out of order. Curiously enough, in the great majority of cases the Speaker has seen fit to sustain me. I want to make it quite clear again that I am not discussing the propriety or impropriety of anything the Governor General has done, but I was pointing out that in the Motherland the king always accepts the advice of his responsible ministers, and has done so for the past hundred years.

Mr. GUTHRIE: I am rising to another point of order. Should not the hon. member speak to the question before the House?

Mr. SPEAKER: I think so. The hon. gentleman should make relevant remarks. The motion before the House purports to condemn the fiscal policy of the party in office, as enunciated by the Prime Minister, whilst leader of the opposition, as detrimental to the welfare of the country.

Mr. WOODSWORTH: I am leading to that.

Mr. SPEAKER: I do not see the relevancy of the hon. member's last remarks.

Mr. WOODSWORTH: If the Speaker will have patience—

Some hon. MEMBERS: Order.

Mr. SPEAKER: So far I do not see the relevancy of the hon. member's remarks as between the relations of the crown and cabinet in England when the question before the Chair concerns the fiscal policy of Canada.

Mr. WOODSWORTH: I do not wonder, Mr. Speaker, because I led up to that in my opening remarks, and I have since been interrupted for about twenty minutes. I began by stating that I did not intend to discuss the merits of the question before the House but rather to indicate the reason which would lead the Independent members to vote one way or the other. We are in a difficult position, and I was proceeding to show the reasons which must underlie our decision in voting. I was pointing out the practice in England with regard to the advice which must be taken by the king, and I was going on to state that since in Canada that practice has not grown into law we are in rather a peculiar position. Apparently we have not as yet attained the full status of nationhood, but I suggest that while that may be true we are still under nothing like a dictatorship. We are organized to-day under the forms of representative government, and we have a perfect right to proceed in accordance with the well recognized principles of representative government. The Governor General has seen fit to ask Mr. Meighen to form a government—

Some hon. MEMBERS: Order, order.

Mr. WOODSWORTH: Is there anything wrong with that?

Mr. MacLAREN: I again ask whether the hon. gentleman is in order. I do not see that his remarks have any bearing on the fiscal policy.

Mr. SPEAKER: The hon. member had just commenced a phrase when he was interrupted; I did not hear it.

Mr. WOODSWORTH: When again interrupted I was saying that the Governor General had seen fit to ask Mr. Meighen to form a government, but I take it that any action of that kind is based upon some very definite principles. I think the Governor General would be the last to take arbitrary action, and the only principle that I can think of is that the Prime Minister (Mr. Meighen) might probably be in a position to carry on the government of this country, that is, that he would be supported by the majority of the members of this House. I can see no other principle than that.

Mr. SPEAKER: Might I remind the hon. gentleman that by ministerial declaration yesterday in the House, the right hon. the Prime Minister (Mr. Meighen), through his spokesman in the House of Commons, the right hon. leader of the House (Sir Henry Drayton), took full responsibility for the action of His Excellency the Governor General. Therefore I do not see that it is permissible for the hon. gentleman to introduce the name of the Governor General into this debate. He may within the rules, attack the government or attack the Prime Minister. The Prime Minister having fully accepted the responsibility for the action of the Governor General, I rule, and on this point I am supported by Bourinot, that the name of the Governor General should not be introduced in this debate.

Mr. WOODSWORTH: I would pass directly then, Mr. Speaker, to the question of responsibility, and here again, not being well versed in constitutional law, I confess that I am a little bit puzzled to know just how the Acting Prime Minister, or the gentleman who here to-day acts for the Prime Minister can accept responsibility under the circumstances. I do not understand it at all, and I would ask to have an explanation before very long from the government, from those members who know constitutional law, as to the constitutional principle under which, under these circumstances, the Prime Minister can claim to have responsibility for advising the Governor General.

The position that our group takes with regard to such matters, I will remind the House, is that there ought to be some way in which there could be condemnation of the government without such condemnation necessarily involving a change of government. I think we are just coming to the difficulty of which I tried to warn the House a week ago. May I quote, or give the substance at least, of my remarks on that occasion. I said:

> I want to be clearly understood. We must insist upon being free to condemn certain actions of the government without necessarily replacing the government by any party or group in the House.

I went on to point out:

> Now government has to do with a great variety of subjects; government policy covers a very wide field indeed. We have been spending, I suppose almost half the time of the House this session discussing the question of lower or higher tariffs. As I have said before, I do not believe that either free trade or protection or higher protection will solve the economic problems that face this country. But I would ask hon. members whether a great question such as free trade or protection, or higher or lower protection, is to be set aside without consideration merely because a certain individual named Moses Aziz did something

that was wrong, or because a minister in dealing with that case took an action which some do not regard as justifiable.

This is the position in which the House now finds itself. There has been a condemnation of the government. I do not think anyone will question that. The vote last night clearly showed condemnation of the government, but side by side with that, I would point out that such condemnation dealt with only one particular question, and we must remember that there is a great variety of questions which must be dealt with by a government, and this country has not decided, and this House has not decided, that it wishes the policies of hon. gentlemen opposite to prevail in this country. I had expected that there would be a statement of policy from the provisional government; I think we were entitled to that. When parliament assembles it is customary for the government to give a statement of its policy in what is known as the Governor General's Speech. In that Speech the government of the day announces the general policy which it proposes to pursue. The policy that is being pursued at the present time presumably is that announced in the Governor General's Speech six months ago. Do hon. gentlemen opposite intend to follow out that policy? Are they prepared to follow it out to the limit? I submit, Mr. Speaker, that no other policy has been announced on the floor of this House. If hon. gentlemen opposite propose to carry out that policy in detail, sincerely and honestly, I would have to give them my support because I am not concerned primarily with the individuals who happen to be in office. But I want to know, and I have a right to know, whether they intend to carry out that policy. If they do not, then this House has a right to know what alternate policy they propose. I had expected a statement of the government's policy—perhaps hardly immediately, since their leader is not in the House and they have had but a short time to prepare—but I would have expected a general statement, and since that has not been given it seems to me that gentlemen on this side of the House are justified in introducing motions of this character in order to draw out what is the policy of hon. gentlemen opposite.

In my speech in the recent debate a week ago I referred not merely to questions of the tariff, but to other questions—to our imperial relations, for instance. I am reminded that this fall we are holding an Imperial conference. Will any hon. gentleman in this House say that the group opposite has any mandate whatever from Canada or any right whatever to speak for Canada at that conference? The fact that certain Progressive members joined with the Conservatives in condemning laxity on the part of the government does not mean at all that the Conservative party has any right to go over to England and announce an Imperial policy which has not been before this House. I called attention, I notice, to other questions in which the country is interested. One was mentioned here to-day—rural credits. Then there is the Crowsnest pass agreement, and the building of the Hudson Bay railway; the proposals regarding soldier settlement and advances to settlers on crown lands; the question that our group are particularly interested in, old age pensions; the question of the amendment of the Immigration Act, and the amendment to the Criminal Code, both of which passed this House but have been rejected by the Senate. These involve policies that are of great interest to us, and we have a right to know at this stage what is the attitude of the party that advises the Governor General on these matters.

There is just one other consideration that I should like to advance, Mr. Speaker. We have been here for almost six months, and we have as yet accomplished practically nothing. I think hon. gentlemen opposite ought to have applauded that, because I am sure they agree. Perhaps however they do not, because the practical thing accomplished is that we have substituted one party for the other. Perhaps that is what they have been aiming at. But the fact is that for six long months we have done comparatively little but play for position, and apparently the strategists on that side have been better than the strategists on the ex-government side, and so we have the situation we find here to-day. I did not come here to represent the Liberal party or the Conservative party. I was opposed by both, as a matter of fact, in my election. But I came here to try to get certain business of the country done; and now at the end of six months I do not think we have any right, simply because one group has been substituted for the other, to say that because the warm weather is here, and we are all tired, and this proceeding is getting on our nerves, we will pack our trunks and go home to-morrow. Personally I have every desire to facilitate the business of the country; but there are certain policies involved in the estimates which I cannot agree should be passed over without discussion. It is suggested that we could do all this business in a day but I cannot agree—and I think I can speak also for my colleagues in saying this—I cannot agree

to allow millions of dollars of the money of the people to be voted in that fashion. The fact that these estimates have been drawn up or proposed by one party, and that the responsibility for them now devolves on another party, does not obviate my difficulties with regard to the matter. And then there are other questions. To-day I have been calling attention to important public measures that are before this House. More than that, this very day somebody called me into a lobby only a short time ago and asked if there was any chance of dealing with the claims of the Indian tribes of this country.

Mr. CHAPLIN (Lincoln): Order.

Mr. WOODSWORTH: I am using that as an illustration and I do not think that I am out of order in doing so.

Mr. CHAPLIN (Lincoln): Stick to the subject that is under discussion.

Mr. DUNNING: Speaking to the point of order: If the introduction of Australian butter into the discussion of every other subject discussed this session has been in order, then the illustration my hon. friend (Mr. Woodsworth) is giving is quite to the point.

Mr. WOODSWORTH: I was simply using it as an illustration. I say that somebody pointed out to me that there was a petition before the House from certain Indian tribes of this country involving the constitutional right of Canadians to come to parliament with their grievances, and he made this appeal to me: Are we to go away, after waiting for six months, without having any chance to present our grievances to parliament? As far as I am concerned this is a minor matter compared with some of the other questions that are before the country; nevertheless are we simply to go away and say: We will have nothing to do with these things?

I do not think we can interpret our duty in that fashion, and it seems to me that we we quite justified in voting for a motion of this kind, not in order to hold the House in session for a longer period, but in order to insist on the principle that the group that assumes to advise His Excellency and that occupies the government's position to-day should let the country know clearly what their policy really is on important issues.

Mr. A. W. NEILL (Comox-Alberni): I shall not detain the House for any length of time.

Some hon. MEMBERS: Hear, hear.

Mr. NEILL: Hon. gentlemen opposite are pleased to be facetious. I do not wish to give a silent vote on this important matter. I intend to vote for the amendment but not as expressing absolute adherence to the doctrine that a tariff is undesirable in Canada. In British Columbia we are not unfriendly to some measure of protection; the principal objection to it is the manner in which it is divided. We find that the present conception of protection is that 90 per cent of it shall go to the eastern manufacturers and 10 per cent to those industries of British Columbia which need protection. That is not the form of protection that we idolize in British Columbia. Nevertheless while we are not so strong—we are not strong at all—for the high protection ideas of hon. gentlemen opposite, yet we are not prepared to commit ourselves to the very low tariff ideas of hon. members from the prairies as those ideas have been so often expressed here by hon. gentlemen from those provinces. But he would be a bold man indeed, after the experience of the last few days, who would say he knew what the convictions of some representatives of the prairie provinces really are. In this connection I know that my own political reputation has been entirely ruined. I told my constituents during the election that if there was one thing of which I was sure it was that no matter what would happen, a prairie province representative would not be found voting for the right hon. gentleman who is now the leader of the government because of his well known principles of high protection. My reason for saying that was based on the experience of the past four years during which I have heard—day after day, month after month, year after year—hon. members from the prairie provinces, with almost complete unanimity, echo and re-echo the idea that they stood for nothing but a low tariff form of fiscal policy. But how different do we find the situation in the last few days?

Now, there are two reasons why I am voting for this amendment, and I want to state them very briefly. First of all I want to demonstrate to the House and to the country —shall I say rather prove to the country?— whether certain hon. members in placing the present party in power were actuated by the high altruistic principles to which they gave expression and whether, having placed the former opposition in power, they are prepared to revert to their original principles on which they were elected, or whether they will for partisan purposes maintain the present government in power by voting against or abstaining from voting altogether on this amendment, which, after all, is a very simple and very modest echo indeed of the prin-

ciples which they have so vociferously outlined in this House for the last four years.

My second motive in voting for this amendment is to demonstrate if I can to the right hon. leader of the government, or to his deputy for the moment in the House the absolute need, I think, of an appeal to the country and of a general election before this House meets again. There have been rumours —I suppose I am in order in mentioning this; they have been mentioned in the press, let alone in the corridors—that in some way the right hon. gentleman who leads the present government is committed to the principle that he must carry on in this House and will be unable to go to the country. I hope that is a mistake; I hope there is no truth in these rumours at all. I am convinced that both sides—the best elements of them at any rate—the most intelligent and thoughtful men in both the great political parties have been convinced for months that the only possible solution of the existing situation is an appeal to the country, and a great deal of what we have witnessed lately has been mere jockeying for position to settle which side would have the benefits of holding the reins of power when an election came.

There was no difficulty on the part of the Conservatives in framing an amendment expressing want of confidence in the Liberal government which would be satisfactory to their followers, because a Conservative has no confidence in a Liberal government at any time; but when it came to a question of enlisting the support of other groups in the House it was necessary to present something more than a mere declaration of want of confidence. And so a mélange was prepared containing a varied and weird mixture of incoherent political crimes. We had Senator Bureau offered to us if we liked to vote in condemnation of wrongdoing on his part, although he was only mildly censured in the formal report. Then we had the case of the ex-Minister of Customs and Excise suggested for attack if we liked to go in that direction. Then there was the suggestion that a great deal of liquor was being consumed in the country; and finally there was the suggestion—not so much in the House as in the corridors—that certain dark and mysterious revelations could be and had been made in connection with the Duncan report. Allusion was made in particular to a certain diary which would shock humanity if it were made public. Now, I took the trouble to go downstairs to the office where all reports of such a nature are filed and where I am told the Duncan report was filed, and I find nothing at all to bear out the suggestion or reference to this mysterious diary—which I believe, if not actually successful, at least was the means by which an attempt was made to obtain the support of one or two members. As nearly as I can find out, that diary never had any existence, and if it was produced, it was in an utterly unauthorized way and for an ignoble purpose.

I said I wanted to try to convince the leader of the government of the urgent necessity for an election. I would ask him, can he proceed and meet the House next year, relying on what has proved to be such unreliable support in the past? Do we want a continuation of the situation which we have to-day? The recent votes in the House present enough evidence of contradiction without anything else. It may be said, "Well after all, there was no harm in co-operation." Hon. members of the Progressive group told us last night that they had co-operated with the late government. That was perfectly correct and proper, and I have nothing to find fault with in that remark. I myself indulged in a form of co-operation with the government of the day, and submitted certain legislation and certain administrative policies that I wanted adopted, in return for which I would assist the government through the session. I have no shame in that confession. It was co-operation of a distinct type, and a great portion of our desired legislation I received. I am not going into the conduct of other hon. members; I will only speak for myself Having made an arrangement of that kind, whether right or wrong, that is my responsibility; but if after having made that arrangement I then voted for the resolution or the form of censure, which contained no greater principle than a desire to turn out the Liberal party, the position I would have put myself in would have been very untenable from the ordinary man's point of view. The reason I took that action is that, member of parliament as I am, and politician as I have been accused of being, I still have some lingering remains of the honour involved in an agreement, even if not expressed in legal terms. I still think that if a man makes an honourable agreement with anybody, and it is carried out honourably by the other party, it does behoove a gentleman to comply with the terms of it as he understands them. If I had not done so, I would have held myself to have broken faith in an honourable agreement, to have betrayed the government, and to have betrayed myself, and taken shelter under the excuse that the hon. ex-Minister of Customs had done something which I would have asked him to do under exactly similar cir-

cumstances. I want to warn the right hon. leader of the government, do not go in for co-operation, have no truck or trade with the sons of Amalek, whose conception of co-operation is, as was so wittily expressed the other day by the hon. member for Nelson (Mr. Bird), to get all the benefits they can and let someone else take the responsibility. I want to warn the government against that course.

It is against my personal interest to have an election before holding another session. Nevertheless I am hoping that this motion will carry, or if defeated, that it will be defeated by such a close vote that it will convince the leader of the government that it is impossible for him to carry on. In either case my object will be obtained, and an election will be brought on. I believe it is the only thing to save the country in the present situation.

Mr. JOHN EVANS (Rosetown): I do not intend to give a silent vote upon this important question. At the beginning of this session we agreed to support the government on a programme of legislation, and while they may not have done all we would like them to have done, I was not going to break faith before one session at least was concluded. Last night, through indisposition, I did not remain in the House, and did not give my grounds for the vote I cast. Many votes have been brought on this session with no other object than to divide the little group in this corner, who have had the responsibility of deciding on most important matters, and on questions of policy between the two parties in this House. I must say that there were many influences at work which divided this group as it did last evening. One of these was the Alberta natural resources question. When this new government took office we thought some policy would be enunciated, both on the tariff and on these questions that now stand on the order paper. Not one word has come from the government benches since they have taken office. I must say that I felt very keenly last night and was tempted to vote along with some of my Alberta friends who were much interested in this great question. I feel very keenly regarding any question of privilege regarding class, creeds, nationalities, provincial or vocational, in this whole Dominion. I want to see these two great provinces put on an equal footing with every other province, and I did expect that when this matter was on the order paper our friends who have now taken office would pronounce some policy in regard to it. The fact is that they have been afraid to do so, for some reason or other. What their policy is we do not know.

Then again we have the fact that the leader of the government (Mr. Meighen) says we should uphold the government now to carry out the legislation of the session and that the business of the country should go on. We have been here, Mr. Speaker, six months, and three months of that time has been wasted by those who are now occupying the government benches. During that time the business of the country might have been put through, and by this time most of us would have been enjoying the comfort of our homes. I have been in this city since January 5; I have not seen my home since, because it is too far to travel back and forth. Three full months have been wasted by those who are appealing now to this little group to enable them to carry on the business of the country.

This group is the deciding body on all questions at the present time. It is a terrible responsibility to assume, but the fact that there are a number of Progressives sitting in this corner to-day is evidence that a large section of the people in the Dominion are not content with present conditions. Parties are playing politics for political expediency and not for the country's welfare. Year after year this proceeding has gone on, and I am happy to say that, although an election was called last year—said to be called for the purpose of eliminating the third party—the third party will not be eliminated. You may kill the body, but the spirit is still there. The reason for the mess we are in to-day, the reason for the spectacle we are presenting before the country and before the whole world—enough to humiliate any Canadian patriot and make him ashamed of his own country and his countrymen—is that the Conservative party at the beginning of the session were not willing to accept a majority vote. They determined to oust the government by any means whatsoever, and since they could not do so on policy they expected to do it by abuse. It was no common thing to hear members of the Conservative party on this side shouting, "If you don't get out, we will push you out. Why don't you get out? Resign; you cannot function." The fact is that they were bad losers; they could not accept the majority vote, and now we find ourselves still here with the country's business unfinished.

I could not either yesterday or on any previous occasion vote for the party opposite to bring about what has been freely referred to in the last few days as political purity. I was asked in common with others to vote, for the purpose of bringing about political

purity, for a party who still harbour among their numbers men who crucified their brothers at the front during the war by sending them worthless supplies at profiteering prices. I was asked to vote to bring about political purity through the instrumentality of a party who, during their last administration, were guilty of the most heinous crimes in carrying out their policy of privilege and favouritism, and the granting to certain people of some of the country's hard earnings for which no return was given. Class privilege, favouritism and corruption have existed to an extent that knew no bounds and such as, in my opinion, no country in the world has ever known.

At six o'clock the House took recess.

## After Recess

The House resumed at eight o'clock.

Mr. EVANS: Mr. Speaker, before six o'clock I was dealing with the cause of the crisis facing this House at present and the responsibility of the government which is now appealing to the Progressive party to support it so that the business of the country may go on.

Being a representative of the agriculturists of Saskatchewan, I cannot see my way clear to support the present government. I pointed out this afternoon that that party when in power on a former occasion has been guilty of some of the greatest crimes that could be committed against certain classes in this country—crimes which they committed in the carrying out of their policy of favoritism, class privilege and corruption. During the years of the war they allowed profiteering to go on unhindered throughout the manufacturing centres of the Dominion, while the farmers had to suffer confiscation of their products at prices sometimes below the cost of production. At a time when wheat would have fetched a price to give us something for our trouble, it was commandeered at $2.21 a bushel, and we had to pay the freight to Fort William, which freight was increased by over 30 per cent, for during their term of office the government stole from the farmers the statutory protection which we then enjoyed under what is known as the Crowsnest pass agreement. That agreement was worth about $25,000,000 a year to the people of western Canada. Its suspension was continued from year to year, but in 1921 the government promised to restore the agreement in time for the new crop to be hauled at the rates therein provided. However, by order in council, or some other autocratic means, the Crowsnest pass rates were not restored at that time and the farmers of the west lost another $25,000,000. I say the government confiscated our products at that time at prices which did not allow the cost of production to be reaped by the farmer, while profiteering in all lines of manufactured goods took place, even in munitions and other supplies for the front as well as in foodstuffs and other commodities that were needed in this country. At the same time a 7½ per cent higher duty was placed on all our supplies.

When dealing with these great questions of political purity and political policy, Mr. Speaker, I ask this House to-day: Does the customs investigation reveal anything to equal the Home Bank scandal of those days, when for seven years, from 1916 onwards, the very Finance department itself was prostituted to keep going a defunct institution that should have been closed out? It has now cost this country some millions of dollars to reimburse, only partially, those depositors who lost their all in that institution. Broken homes and broken lives, and even suicides, are to be found to-day along the trail from the door of the Finance department to the door of the defunct Home Bank. Again, during the years that the Conservatives were in power they inaugurated a most systematic and tyrannical application of the dumping clause, which practically closed out some of our best co-operative companies in western Canada, making it impossible for them to distribute goods on a co-operative basis.

Taking all these things into account, Sir, I cannot support the present government. The whole debacle of corruption in the Customs department to-day is due to the policy of the Tory party. Favoritism and privilege have been the means of farming the workers during the last forty years in this country; large concerns have been allowed to settle their profiteering balances by promissory notes, while farmers in western Canada have been sent to prison for not making income tax returns when the poor beggars had nothing on which to pay income tax. Promissory notes of these big corporations have been taken in settlement of taxes, some for as much as $800,000. Talk about loss of revenue! Who is responsible for that; to what is the present debacle due? It is due to the maintenance of the rankest kind of feudalistic bondage the world has ever seen. You have a combination of evils here; trade restrictions for one thing, robbing the public of their earnings and of their right to buy and sell. When you couple this with the debasing liquor traffic it makes a combination of evils

with which no nation can cope. We place a number of men in the position of administering an evil law and expect them to be clean; can it be done? I am afraid our professional politicians on both sides of the House have been guilty of receiving doles from these distillers for election campaign funds, so how can we expect clean politics where this sort of thing takes place?

The smuggling evil to-day is simply a backwash of the flow which we have allowed to go freely into a friendly country, without much effort at prevention. That, together with the effort to prevent workers from exercising their rights, is the cause of all our trouble to-day, and speeches in this House during the past six months have shown that it is the intention of the Conservative party to carry on the same policy, which I cannot support. When I look at the mad race for power made by that party, and the sort of thing that has been appearing on the Conservative press throughout the country I find a spectacle humiliating to any patriotic Canadian. While our own group may be divided, our very presence here is an evidence that the people of Canada long for something better. I have said before, and I will say again, that I do not believe this thing can be cleaned up by those who have been connected with the bondage of the past, and I have no hesitation in supporting this amendment.

The House divided on the amendment (Mr. Mackenzie King), which was negatived on the following division:

YEAS

Messrs:

Baldwin,
Beaubien,
Benoit,
Bettez,
Bird,
Boivin,
Bothwell,
Bouchard,
Boucher,
Bourassa,
Brown,
Cahill,
Cannon,
Cardin,
Casgrain,
Delisle,
Denis (St. Denis),
Denis (Joliette),
Desaulniers,
Descoteaux,
Deslauriers,
Dionne,
Donaghy,
Donnelly,
Dubuc,
Duff,
Dunning,
Dussault,
Elliott,
Evans,
Evanturel,
Fafard,
Fiset (Sir Eugene),
Forke,
Fournier,
Gervais,
Girouard,
Goodison,
Goulet,
Guérin,
Hall,
Hatfield,
Heaps,
Heenan,
Jelliff,
Jenkins,
Johnston (Long Lake),
Kay,
King (Huron North),
King (Kootenay East),
King, Mackenzie (Prince Albert),
Laflamme,
Lanctot,
Langlois,
Lapierre,
Lapointe,
Lavigueur,
Letellier,
Lovie,
Macdonald (Glengarry),
Macdonald (Antigonish-Guysborough),
McLean (Melfort),
Macphail (Miss),
McIntosh,
McKenzie,
McMillan,
McPhee,
Malcolm,
Mercier (Laurier-Outremont),
Mercier (St. Henri),
Millar,
Morin (Bagot),
Morin (St. Hyacinthe-Rouville),
Motherwell,
Neill,
Parent,
Perras,
Raymond,
Rhéaume,
Rinfret,
Robb,
Roberge,
Robichaud,
Robitaille,
Ross (Moose Jaw),
St. Père,
Sanderson,
Séguin,
Spence (Maple Creek),
Steedsman,
Stewart (Edmonton West),
Stork,
Sylvestre,
Tobin (Richmond-Wolfe),
Tobin (Wetaskiwin),
Totzke,
Vallance,
Verville,
Woodsworth,
Young (Saskatoon),
Young (Weyburn).—101.

NAYS

Messrs:

Anderson (Toronto-High Park),
Anderson (Halton),
Armstrong (Timiskaming South),
Armstrong (Lambton East),
Arthurs,
Baker,
Bell (St. Antoine),
Bell (St. John-Albert),
Black (Yukon),
Boutillier,
Bowen,
Boys,
Bury,
Cahan,
Campbell,
Cantley,
Casselman,
Chaplin (Kent, Ont.),
Chaplin (Lincoln),
Charters,
Church,
Clark,
Coote,
Cotnam,
Culligan,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Duncan,
Embury,
Esling,
Fansher,
Fish,
Flemming,
Foster,
Fraser,
Gardiner,
Garland (Bow River),
Garland (Carleton),
Geary,
Gott,
Grimmer,
Guthrie,
Hamilton,
Hanson,
Harris,
Hay,
Hocken,
Hodgins,
Hubbs,
Johnstone (Cape Breton North-Victoria),
Jones,
Kaiser,
Kennedy (Peace River),
Kennedy (Winnipeg South Centre),
Ladner,
Lucas,
MacDonald (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
Maclean (York South),
MacNutt,
McClenaghan,
McGibbon,
McKillop,
McQuarrie,
Maloney,
Manion,
Maybee,
Morand,
Mullins,
Murphy,
Nicholson,
O'Neill,
Peck,
Pettit,
Preston,
Quinn,
Robinson,
Rogers,
Ross (Kingston City),
Rowe,
Ryckman,
Ryerson,
Senn,
Short,

| | |
|---|---|
| Simpson, | Sutherland (Oxford South), |
| Sinclair, | Sutherland (Oxford North), |
| Smith, | Thompson, |
| Smoke, | Tolmie, |
| Spence (Parkdale), | Tummon, |
| Spencer, | White (London), |
| Stansell, | Wilson (Wentworth), |
| Stevens, | Wright.—108. |
| Stewart (Leeds), | |
| Stinson, | |
| Stirling, | |

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

| | |
|---|---|
| Bell (Hamilton), | Howard, |
| White (Mount Royal), | Wilson (Vaudreuil), |
| Edwards (Waterloo), | Euler, |
| Lennox, | Pouliot, |
| Mewburn, | Power, |
| Bristol, | Jacobs, |
| Barber, | Gershaw, |
| Black (Halifax), | Lacombe, |
| Messervy, | MacLean (Prince), |
| Bennett, | Cross, |
| Perley, | Marcil, |
| Chabot, | Fontaine, |
| Langworthy, | Prévost, |
| Hannesson, | Howden, |
| Edwards (Frontenac), | Lacroix. |

Mr. GERSHAW: I was paired with the hon. member for Fraser Valley (Mr. Barber). Had I voted I would have voted for the amendment.

Mr. BELL (Hamilton): I was paired with the hon. member for Sherbrooke (Mr. Howard). Had I voted I would have voted against the amendment.

Mr. EDWARDS (South Waterloo): I was paired with the hon. member for North Waterloo (Mr. Euler). Had I voted I would have voted against the amendment.

Mr. POULIOT: I was paired with the hon. member for North York (Mr. Lennox). Had I voted I would have voted for the amendment.

Mr. BRISTOL: I was paired with the hon. member for Cartier (Mr. Jacobs). Had I voted I would have voted against the amendment.

Mr. SPEAKER: The question is on the main motion.

Hon. ERNEST LAPOINTE (Quebec East): Mr. Speaker, I desire just to make one remark. During the course of this session, when we on this side of the House were the government of the country, we received abuse of all kinds, not only in the House but in the press supporting hon. gentlemen opposite, because we had co-operation with the hon. gentlemen of the Progressive party. Let me say, Mr. Speaker, that we are proud of their co-operation. It was an honourable co-operation, open, uncovered, and before the eyes of the whole people of Canada. We have nothing to be ashamed of in that regard. We are pleased indeed to have had that co-operation and support from the hon. gentlemen led by my good friend the hon. member for Brandon (Mr. Forke). But what I desire to ask the leader of the House (Sir Henry Drayton), before you leave the chair, Mr. Speaker, is what sort of co-operation he is having with some gentlemen?

An hon. MEMBER: Be a sport.

An hon. MEMBER: Poor loser.

Sir HENRY DRAYTON: Mr. Speaker, in answer to my hon. friend's question I am very, very happy to find that there are some gentlemen in this House who have got still enough common sense to know what the right thing is, and to do it; that there are still some gentlemen in the House who believe that this House ought to be closed decently and properly, and that we should proceed with our business,

Mr. STEWART (Edmonton): When did the change take place?

Some hon. MEMBERS: Order.

Sir HENRY DRAYTON: My hon. friends are unduly excited. I think I have said all that the occasion requires, and I hope that some day my hon. friends opposite will be able to face facts a little more quietly and courageously.

Hon. CHARLES A. DUNNING (Regina): Mr. Speaker, surely the House is entitled to a plainer answer than that. We have had, as the hon. member for Quebec East (Mr. Lapointe) has said, an honourable co-operation with certain other members of this House in endeavouring to put through legislation which we mutually believed in and supported. That co-operation was open and aboveboard. We had part of that co-operation extended to the principles contained in the budget which passed this House, and which is regarded as the most popular budget in many years in Canada—a budget more in the interests of the common people of this country than any other budget we have had for many years, a budget based upon principles directly opposite to the principles referred to in the amendment which has just been dealt with by the House.

Sir HENRY DRAYTON: I rise to a point of order.

Some hon. MEMBERS: Sit down.

Sir HENRY DRAYTON: My point of order is simply—

An hon. MEMBER: Hurry up, we want to get away.

Sir HENRY DRAYTON: —that the hon. gentleman has already spoken.

Mr. BOIVIN: He spoke on the amendment, not on the main motion.

Mr. CANNON: Learn the rules before you attempt to lead the House.

Mr. SPEAKER: In Bourinot, at page 421, I find the following:

When an amendment has been moved to the question for the Speaker to leave the chair, discussion should be properly confined to its subject matter. When an amendment is negatived, a debate may be raised when the Speaker again puts the question, on the general policy of the government, or on some other subject, not embraced within the exceptions just mentioned. This question arose in the session of 1876. An amendment having been negatived, it was urged by a member that no further debate could take place on the original question; but Mr. Speaker Anglin observed—"The House has not yet resolved that I leave the chair, and that question is consequently still before the House; and gentlemen who have not yet spoken are in order, and are permitted to speak on almost every question."

Some hon. MEMBERS: Hear, hear.

Mr. SPEAKER: I hope, however, that hon. members will continue the discussion in a dignified and calm manner.

Mr. GUTHRIE: I understand that if an hon. member speaks upon an amendment after it has been moved to a main motion he cannot afterwards speak on the main motion.

Mr. LAPOINTE: That is a new doctrine.

Mr. DUNNING: I do not know why my hon. friends should be so anxious to prevent me from speaking.

An hon. MEMBER: You are wasting time.

Mr. DUNNING: I am never unkind to hon. gentlemen opposite. But, Mr. Speaker, alluding again to that co-operation to which I was referring a moment ago, we heard certain expressions from the then opposition, and the word "bribery" was used frequently and by the right hon. gentleman who now, from outside the curtains of this chamber, pretends to lead this government.

An hon. MEMBER: Take it back.

An hon. MEMBER: That is untrue.

Mr. DUNNING: I wish to say simply this—that the hon. members who in the past have co-operated with the government, have frequently resented the use of that word as applied to that co-operation. They have refuted it by stating plainly on more than one occasion the basis and the procedure of the co-operation between the two groups; and when we see, on occasions of this kind, a considerable section of those who have been co-operating with the late government voting so directly in contradiction to their known principles—principles which I admit they hold now just as strongly as they did before the vote—

Mr. MEWBURN: They have seen the light.

Mr. DUNNING: They have seen no light of high protection, I guarantee that—then, Sir, the House has a right to know what form of co-operation has been entered into between the hon. members who now occupy the treasury benches and the members to whom I am referring.

Mr. KENNEDY (Winnipeg): Honest government.

Mr. FRANK S. CAHILL (Pontiac): Apparently the government do not propose to answer the hon. member for Regina.

An hon. MEMBER: Look behind you.

Mr. LAPOINTE: Is that the government?

Mr. CAHILL: He has put a question to the government somewhat in the form in which I proposed to put it. I know the present government of ministers without portfolio will be only too anxious to answer my question, but first, I want to see if I am right in the foundation I am laying for that question. I understood hon. gentlemen opposite when they were sitting on this side of the House to state emphatically, both in the House and on the platform during the elections, that they were in favour of adequate protection.

Some hon. MEMBERS: Hear, hear.

Mr. CAHILL: Some hon. gentlemen opposite say "hear, hear". Is that still the policy of the government of to-day?

Mr. KING (Kootenay): They have no policy.

Mr. LAPOINTE: And no government.

Mr. CAHILL: If that is the policy of the government, we find hon. gentlemen to my left, particularly from Alberta, co-operating with the present so-called government, although on some occasions they could not support the Liberal party on their tariff policy because it was not low enough. It is also rumoured in the corridors, Mr. Speaker, that an arrangement has been made whereby the present government, if they are able to elect their ministers, have agreed to have another

session of parliament, in fact one or two more sessions. If there is such an agreement it must have been entered into as a result of some understanding. What is that understanding? That is a fair question to ask.

An hon. MEMBER: Honest government.

Mr. CAHILL: Some hon. gentlemen opposite do well to talk of honest government, particularly some of the members I hear interrupting. If they want to discuss honesty in government and in public life, I am prepared to discuss that subject not merely with one or two in particular but with any of them. So I will ask them to kindly have a little patience for a few moments. It is suggested in the corridors and about the House that there is an understanding between hon. gentlemen opposite and hon. members in the corner of the chamber to my left that there is to be another session. Now, Mr. Speaker, it seems to me that the country well understood that the policy of the Conservative party in the last election, and during this session until yesterday, was a policy of adequate protection.

An hon. MEMBER: Higher protection.

Mr. CAHILL: Not only higher protection but adequate protection, which is practically a prohibitive tariff.

Some hon. MEMBERS: Oh, oh.

Mr. CAHILL: It is either that or nothing. Now that was the policy of hon. members opposite.

Mr. CHAPLIN (Kent): It elected 116.

Mr. CAHILL: My hon. friend states the case well. There were 116 members elected on that policy and 129 elected on the opposite policy. Then where do hon. gentlemen opposite propose to get sufficient support to carry on the government of the country?

An hon. MEMBER: What about the majority?

Mr. CAHILL: That is what I want to ask my hon. friends opposite. How did they get the majority? What is the bargain?

An hon. MEMBER: We do not work like you.

An hon. MEMBER: You do not work at all.

Mr. CAHILL: Hon. gentlemen opposite have said to their old friends, "We are in favour of adequate protection." What have they said to their new friends in the corner of the House to my left?

An hon. MEMBER: Ask them.

[Mr. Cahill.]

Mr. CAHILL: I want to ask my hon. friends in the other end of the chamber if the leader of the present government has agreed with them that there will be another session, and if so what the terms of that agreement are? It is well understood that one of the parties to this compact is in favour of adequate protection. The other party is in favour of even a lower tariff than the one in force when the present opposition were in power. We took a vote on that matter only a few days ago. The question I want to ask is this: to whom do they propose to be traitors, their own party or the other party?

Hon. W. R. MOTHERWELL (Melville): As I have never had the opportunity of addressing any house from the opposition benches—

Mr. CAHILL: I understood the government to say they were going to give me an answer to that question.

Mr. MOTHERWELL: —I think it would be too bad for me to miss this opportunity of making a few observations. I notice there has been a certain disposition to plead for an opportunity for this government to get on its feet. Under ordinary circumstances I think that plea should be responded to by every hon. member in this House, and if the government has come into existence naturally, normally and born properly we would be so disposed.

An hon. MEMBER: Take your licking.

Mr. MOTHERWELL: They are spoken of as a shadow government, an embryo government, and a temporary government, but I speak of them as a still-born government, a government which has had its vital cords cut out too closely to be able to survive. At five o'clock yesterday, just three hours and fifteen minutes after my hon. friend's government was born, they received a staggering blow.

Some hon. MEMBERS: No, no.

Mr. MOTHERWELL: Yes, just the same kind of blow we received.

Mr. MANION: You have had a few since.

Mr. MOTHERWELL: My hon. friend should have been in front of a looking glass so that he could have seen by their own photographs just what they looked like.

An hon. MEMBER: You have not been there long.

Mr. MOTHERWELL: I have been told that there is far more fun on the side of the House to the left of the Speaker. After

yesterday's experience on the first ground I am disposed to believe that my statement is correct. After having had the privilege of sitting on the other side for over twenty years, it seems to be my turn to say something on this side, and I hope to render some service in my present capacity. The question before the House is in regard to the tariff. What has been the history of the tariff when we on this side were on the government benches? What have we done?

An hon. MEMBER: Nothing.

Mr. MOTHERWELL: That just shows about how much my hon. friend knows.

An hon. MEMBER: Forget about it.

Mr. MOTHERWELL: From the first session we came into power, in 1922, we commenced to carry out our promises in respect to the tariff, not in large strides, but by easy stages. In 1922, 1923, 1924, 1925 and again in 1926 we did something. What about the Australian treaty? What about the West India treaty?

Referring to my Progressive friends, the hon. member for Southeast Grey (Miss Macphail) paid a splendid tribute to the Liberal party on this side of the House last night, and I want to express my appreciation of it by saying that, with the exception of one little slip, the government had co-operated honourably with the party of which she is a member. I say that without even one slip —because I do not call this a slip, in our co-operative arrangement—hon. members in that corner of the House have always been at liberty to take whatever stand they chose on any given subject; so that I am willing to take the stand that just as we are co-operating honourably with them they should co-operate honourably with us.

Mr. MANION: I rise to a point of order. An amendment has been moved by the leader of the opposition to the effect that our tariff policy was not satisfactory to the House—putting it in my own words. In other words, it was a tariff amendment. The whole discussion was or should have been upon the tariff. Bourinot at page 421 says:

> When an amendment has been moved to the question for the Speaker to leave the chair, discussion should be properly confined to its subject matter.

The tariff question was the one on which the amendment was moved.

> When an amendment is negatived, a debate may be raised when the speaker again puts the question, on the general policy of the government, or on some other subject, not embraced within the exceptions just mentioned.

The tariff is the exception just mentioned. I submit the debate at the present time by members on the other side of the House dealing with the tariff is absolutely out of order.

Mr. CANNON: My hon. friend would be perfectly right if this were an ordinary motion; but this is a motion to go into supply, and when the question is put we can talk on anything we desire to discuss.

Mr. MANION: The question is on the amendment moved on the motion for the Speaker to leave the chair.

An hon. MEMBER: No, no.

Mr. CAHILL: It must be appalling to hon. members to see such ignorance displayed by members on the other side, who, having sat in the opposition, should know something about the rules. When hon. members make the suggestion which has been made two or three times on the other side, it is evident that they know nothing about the rules.

Mr. SPEAKER: The hon. member should speak to the point of order.

Mr. GARLAND (Bow River): On the point of order, by no stretch of the imagination can the hon. member who has just resumed his seat claim that the motion which has just been made deals with the fiscal policy of the country. It cannot deal with the fiscal policy of the country when moved as a political motion.

Mr. LAPOINTE: What are we here for, if not to talk about politics? We are here to settle the politics of the country.

Mr. ELLIOTT: In answer to what my hon. friend the Acting Minister of Labour and Soldiers' Civil Re-establishment (Mr. Manion) tells us ,I refer, on the point of order, to Bourinot's Parliamentary Procedure, fourth edition, page 419.

An hon. MEMBER: I want to go home.

Mr. ELLIOTT: An hon. member says he wants to go home. He cannot go home before this matter is settled. Bourinot says:

> Before the House goes actually into committee of supply, the Finance minister will bring down the estimates by message from the Governor General, and when the message has been read in English and French by Mr. Speaker, or by the clerk at the table, the minister will move "that the said message, together with the estimates accompanying the same, be referred to the committee of supply. "The order of the day for the House to go into committee of supply having been read, the Speaker will put the question—"That I do now leave the chair." The same question is always

put whenever the House is to go into committee of supply in order to afford an opportunity to members to propose amendments.

On this point it is observed by an eminent authority that the ancient constitutional doctrine that the redress of grievances is to be considered before the granting of supplies, is now represented by the practice of permitting every description of amendment to be moved on the question for the speaker leaving the chair, before going into committee of supply or ways and means. Upon other orders of the day, such amendments must be relevant, but here they are permitted to relate to every question upon which a member may desire to offer a motion; the same practice is now followed very extensively in the Canadian Commons; but there are certain limitations to this right. Only one amendment can be moved to the question, "that Mr. Speaker do now leave the Chair. If that amendment is negatived, a discussion on other questions may be raised but no other motion can be proposed.

On this authority I submit that any question may be debated.

Mr. MANION: Will the hon. member read the first paragraph on the following page?

Mr. ELLIOTT: On page 421?

Mr. MANION: Yes.

Mr. ELLIOTT: It does not touch the point raised by my hon. friend. This is the paragraph:

When an amendment has been moved to the question for the Speaker to leave the Chair, discussion should be properly confined to its subject matter. When an amendment is negatived, a debate may be raised when the Speaker again puts the question, on the general policy of the government, or on some other subject, not embraced within the exceptions just mentioned.

This does not bear on what my hon. friend contends.

Mr. SPEAKER: Having listened to the arguments on both sides, I should think that it would be an easy matter, even though the question is rather technical, for hon. members to conform themselves to the practice as indicated in Bourinot. As Bourinot observes, only one amendment is permissible to the motion that the Speaker leave the Chair for the House to resolve itself into committee of supply. In the event of such amendment being negatived, Bourinot, at page 420, says that a discussion on other questions may be raised but that no other motion shall be proposed. At page 421 he says further:

When an amendment has been moved to the question for the Speaker to leave the Chair, discussion should be properly confined to its subject matter. When an amendment is negatived, a debate may be raised when the Speaker again puts the question, on the general policy of the government, or on some other subject, not embraced within the exceptions just mentioned.

I have not by me the amendment which was voted down a moment ago, but as I recollect it has reference to past declarations on the part of the present Prime Minister (Mr. Meighen) who formerly led the opposition, from which declarations it is argued that it would be dangerous, in the interest of the country, to support the right hon. gentleman's fiscal policy. The amendment embodying that contention having been rejected, I take it that this retrospective feature of the tariff declarations of the present Prime Minister may not be further debated That is clearly inferred from Bourinot. I quote again the precedent cited by Bourinot at page 421:

This question arose in the session of 1876. An amendment having been negatived, it was urged by a member that no further debate could take place on the original question; but Mr. Speaker Anglin observed—"The House has not yet resolved that I leave the chair, and that question is consequently still before the House; and gentlemen who have not yet spoken are in order, and are permitted to speak on almost every question."

That is to say, they could speak "on almost every question" except the one just then disposed of by the House. I rule therefore that hon. members must confine themselves to other issues and refrain from any further discussion of the particular question upon which the House has just voted. May I observe at this juncture that it would facilitate matters and would make for greater celerity if hon. members on both sides would abstain from unnecessary interruptions.

Mr. MOTHERWELL: I have no fear of disregarding your ruling, Mr. Speaker, for I have no intention whatever of discussing the tariff. I merely want to pay my respects to this new pupa government which is emerging into the chrysalis stage.

An hon. MEMBER: The chrysalis comes first.

Mr. MOTHERWELL: I would suggest that my hon. friend go and take some lessons in entomology. Now if my hon. friends in the Progressive party consider that they are justified in transferring their allegiance from us to the high tariff group, it is no business of ours so long as they can satisfy their constituencies of the soundness of their position.

This question which we have been discussing is apparently associated with the probability or the improbability of a dissolution. There is no reason why the two things should be associated but inasmuch as the Speaker has ruled that we may discuss almost any subject at all apart from the tariff I want to emphasize the fact that no matter how we vote or when we prorogue a dissolution is bound to come. How do I know? Well, I know the feelings of hon. gentlemen who have

to sit opposite. We ourselves have gone through six months of more or less excruciating agony, wondering at every moment what was going to happen next, and the only gratifying feature of that trial has been the knowledge that during that time, with the aid of our associates, we have been able to put a good deal of first class legislation on the statutes of Canada. We have made reductions in taxation, we have restored the penny postage, and we have done other things for which the country will be grateful. That, as I say, is the gratifying feature of the situation so far as we are concerned; and because of what we suffered, because of my own experience, I feel a certain amount of sympathy for hon. gentlemen opposite now that they are starting to sweat, so to speak. Just as we could not stand indefinitely the humiliation of being over there, neither can they. By the time they prorogue and get out of this House they will know what it is to occupy those benches. No doubt they are wishing that that time were here already. But so long as they are here they will be subject to criticism not half as bad as they levelled at us, and I feel they will allow themselves to be forced into a dissolution just as soon as prorogation takes place.

Is there any hon. gentleman in this House who is so simple as to think that by voting for the government he is going to escape a dissolution? Well, I have a lot of sympathy for him. It would seem to indicate that certain promises have been held out. That would do no harm to those to whom the promises were given, but I would ask my hon. friends opposite, how are they going to carry out those promises? Public sentiment is superior to their wishes. The whole country is crying out for a showdown—for a general election. I am not such an extreme party man that I do not think there is a place for Independents in this parliament, but I do think the public affairs of the country cannot continue to be deadlocked as they are at the present time. Already a crisis of tremendous gravity has grown out of this situation from the bringing into existence of this government by means of a most unnatural birth, which was brought about as the result of the deception that the present Prime Minister must have practised on the crown in convincing the crown that he and his party could carry on the national affairs satisfactorily and for a reasonable length of time. There must have been deception, otherwise the crown would not have taken his advice and refused dissolution, thus bringing this government into existence, believing they could carry on better than we could. The responsibility for that act does not, as has already been said, devolve on the crown but on its advisers. But in my estimation there will be an election before the snow flies, and I am sure every hon. gentleman who has the cause of good government and the interest of Canada at heart will welcome that day.

It may be that those who voted—unnaturally under ordinary circumstances—with the present government, felt that they had one of two choices: either to help kill themselves or to help kill this government; and, incidentally, to make sure of not having a dissolution by voting against the government. This side of the House has already put itself on record as being in favour of a dissolution. When the former Prime Minister advised His Excellency to dissolve this House, everybody knew our views on the question. We have no formal declaration from the other side of the House what their views are, and undoubtedly the hope is that by retaining this government in power there will be another session of this parliament. Well, I have too much respect for the historic traditions of my opponents on the other side of the House to think they would stand the humiliation which they would certainly have to submit to if they attempt to carry on for another year. That is why I think we will have an election before the snow flies.

There is another question in the offing, Mr. Speaker, and that is the tremendous constitutional question which has been raised as the result of the birth of this government under such extraordinary and exceptional circumstances. That is a question of paramount gravity, and there is far more involved in it than there is in the question of tariff. Something has happened in this country that has not happened in the British Isles for a hundred years, something that has not happened in Canada since confederation. What is going to be done about it?

Mr. GARLAND (Bow River): Let the hon. member or some of his colleagues introduce that question as a separate issue, and let us fight it.

Mr. MOTHERWELL: I am simply cogitating on the question in advance. The Prime Minister has intimated that a resolution will likely be introduced if an opportunity of going into supply is again given, and I expect it will be. That will be the proper time to go into it. In the meantime sufficient has been said to-day to indicate the danger of giving birth to a government under the circumstances to which I have alluded.

Mr. G. G. COOTE (Macleod): Mr. Speaker, unfortunately I was out of the House at the time the debate on the amendment to go into supply came to a conclusion, and I wish to speak for a moment on that amendment. This House has been in session for practically six months. As a matter of fact it is six months to-day since I left my home to come to Ottawa. I do not know how the other members feel, Sir, but I feel that I have earned my indemnity already. As the hon. ex-Minister of Agriculture (Mr. Motherwell) has just said, I should like to go home. I do not think I can be blamed for that desire.

The motion before the House when the amendment was moved was that the House should go into committee of Supply. I think it is the duty of this House to vote supply. In my opinion the amendment was moved, for possibly two purposes: First, to prevent the House granting His Majesty supply; and, second, to put some of us who want to expedite the business of the House in an unpleasant position. That is the misfortune of any member who comes to this House to try to transact the business of the country and not to play politics. There is always somebody on one side of the House or the other whose chief concern is to get some of us in bad with the people we are trying to represent and serve. I say without any hesitation whatever that that is the prime motive behind the amendment moved to the motion to go into committee of Supply.

Mr. MACKENZIE KING: What does the hon. member say was the prime motive of the amendment?

Mr. COOTE: To put in an uncomfortable position any members who wish that the House should go into committee of Supply.

Mr. CANNON: My hon. friend seems to be in a particular hurry to go home. Why did he ask suspension of the rules in order that he might move an amendment himself?

Mr. COOTE: Simply so we would not be put in the position that in the last seven business days the House would automatically go into committee of Supply, which would prevent any member moving an amendment to voice any grievance that he might have.

Mr. CANNON: Then why deprive us of that right?

Mr. COOTE: I am not depriving any hon. member of that right.

Mr. CANNON: You surely are.

[Mr. Motherwell.]

Mr. COOTE: Mr. Speaker, the business of this House should be concluded. The former government resigned, leaving considerable business unfinished. Certainly those measures which had passed this House, and had been amended by the Senate, should be given a chance to be brought before this House again to be discussed and if thought fit, given third reading. Otherwise the work of this session would be wasted. I am very tired of the party warfare which is carried on in this House. Hon. members to my right will admit, I think, that it was carried on by the members opposite for five months, but since their transfer to the other side of the chamber the party warfare is carried on just the same by those who now form the official opposition. So far as I can see we are between the devil and the deep sea. The ex-Minister of Agriculture (Mr. Motherwell) said to-night, as I understood him at least, that there was more fun on this side of the House. I think he is right. But, Mr. Speaker, is that what he came here for? I want to know if the members of this House are justified in drawing $4,000 a year just for fun.

Mr. FAFARD: He is not asking to go home.

Mr. CANNON: You want your indemnity and then to go home without working at all.

Mr. MOTHERWELL: Cannot my hon. friend appreciate the fact that you can have fun out of your work? Work is drudgery without the fun associated with it.

Mr. COOTE: Yes, I can appreciate that all right, but I have heard people outside of this House say, "What is the use of paying 60 cents to get into Keith's theatre when you can see a better vaudeville show in the House of Commons?"

Mr. MOTHERWELL: Does my hon. friend think he makes a contribution?

Mr. COOTE: This is very funny to some of my hon. friends. Now may I say that when we came to Ottawa six months ago some gentlemen sitting to my right, who are very fond of interrupting me just now, were very anxious to secure the support of hon. members sitting in this corner of the House.

Mr. CANNON: If my hon. friend is referring to me I would ask him to give one single instance when I even spoke to him.

Mr. COOTE: At that time this group wrote both the then Prime Minister and the leader of the opposition asking their attitude in regard to certain questions in which they were very much interested, one of which was the

tariff. May I now draw to the attention of the House a few words from the letter of the present Prime Minister, then leader of the opposition:

> May I add, though, that on the subject of the tariff I could not in a few words better define our historic and present policy than to quote what the Right Hon. W. L. Mackenzie King on September 8, in the county of Peel, in the province of Ontario, declared to be the policy of the Liberal party, namely—"a tariff which will help to give us what we need in the way of revenue, and, at the same time safeguard industrial development."

This is the declaration we had from the leader of the present so-called government when we had to consider the question of co-operating with either of the old parties.

Mr. KING (Kootenay): Does my hon. friend understand from that letter that the leader of the present government accepted the tariff policy of the Liberal government, and is that why he and his party voted against the amendment?

Mr. COOTE: No. I would say that the tariff policy of either party did not influence my vote to-night one iota.

Mr. CAHILL: It would be very interesting to know what did influence my hon. friend in his vote.

Mr. COOTE: I told my hon. friend a few moments ago; if he had not been asleep he might have heard me. I voted against that amendment because I think we should attend to the business of the House and get supply voted.

Mr. CAHILL: That is childish.

Mr. COOTE: I suppose it is childish, but among all the politicians in this House I consider myself a child. I do not want to take up the time of the House; we should get to business, although I doubt very much if we will. I should like to say, however, that we seem to be fast approaching the time when the Governor General should seriously consider calling on certain members of this House to form a coalition government.

Mr. SPEAKER: Under rule 19 the hon. gentleman should not bring into a debate the name of His Excellency. I know he has no sinister motive, but it is not proper to refer to the Governor General in a political discussion.

Mr. COOTE: I am very sorry to have transgressed the rules of the House. I feel that possibly what we need, and need soon, is a coalition government in which all groups —a co-operative government, I do not care what you call it—may be represented.

Mr. CAHILL: Is that the answer to my question? It sounds like it.

Mr. COOTE: Then possibly party warfare may cease long enough to allow the business of the session to be concluded. Now I have a word to say to the low tariff men in this House, of whom I hope some are still my friends in spite of my recent vote. My views on the tariff have not changed at all; regardless of how many votes I may give against amendments on motions to go into supply, I do not think my tariff views will change very much. I would still be co-operating with the party which claims to be the low tariff party, and which does contain a number of low tariff men, had it not been for an unfortunate occurrence in one department of that government. I am sorry that in this country we have a system of government under which, if serious trouble occurs in one department, the result seems to be that the whole government must be upset. I wish some members of the late government were still in office, but there is no use in going back and re-washing old linen. I do regret the fact, however, that governments are put out of office in this country because of the misdemeanors of one or two of their members.

There are many other things I would like to say along this line, but I will not be responsible for longer delaying the business of the House; if that business is further delayed the responsibility must be on someone else. As I said last night, physically I am almost at the end of my endurance; if this party warfare is carried on much longer I may be compelled to go home and leave those party warriors to fight it out.

Hon. J. A. ROBB (Chateauguay-Huntingdon): On the first vote taken yesterday, after this government assumed the treasury benches, on an appeal from your ruling, Mr. Speaker, the government were defeated by a majority of one. On a subsequent vote they received a majority of twelve; later they had a majority of ten and to-night that majority has been reduced to seven. The hon. gentleman who has just resumed his seat, speaking I presume for the group in that corner of the House who saved the government—because you must keep in mind, Sir, the fact that had that group not voted with the government to-night they would have been defeated—said that the only solution now apparent is a coalition government. I submit that that cannot be posted up to-morrow as a verdict in favour of the government; we have it from the hon. gentleman who speaks for that group that he has so little confidence in this government that he suggests a coalition.

As the hon. gentleman has said, we have worked hard during a long session, I think one of the longest sessions I have attended during the eighteen years I have been in parliament. The independent press of the country, as well as the Tory press, have been telling the country from early in this session that the only solution for Canada to-day is a general election, so that the people may determine what is best. Now having in mind that the government of which I had the honour to be a member had a larger majority in this House than this government has ever registered, having in mind also the difficulties that we had in carrying on, knowing the conditions, and knowing what the Acting Minister of Finance (Sir Henry Drayton) will be up against, I submit that they can neither satisfy their friends who financed the advertising which hon. gentlemen opposite profited by during the last election, nor can they satisfy the group to my left under existing conditions, and I submit that the sooner the hon. gentleman to whom His Excellency now looks for advice advises him that he is not able to carry on without certain negotiations, the better. I make this statement so that hon. members may know whether it is true or not, and if not true, may refute it: I have been told only recently in the lobby that there is a bargain that there shall be two more sessions. Well, I want to know what is going to be the policy of the government during those two sessions, and I think the people of Canada are entitled to know what is going to be their policy. I believe that the gentlemen who financed the advertising which hon. gentlemen opposite enjoyed last fall are also entitled to know that, and what is more, the electors who sent to this parliament the hon. gentlemen who saved this government from defeat to-night are entitled to know it. I am not much interested in what hon. gentlemen down to my left may think, but I am interested in knowing what their electors will think to-morrow morning, and I am interested in knowing what those who throughout this session have been advocating a higher and a higher tariff and their friends who have been urging upon them a higher and a higher tariff will think, and also what the general public of Canada will think. I submit, Mr. Speaker, that the only possible solution of this difficulty is not a coalition, but a return to the people, and let the people decide.

Mr. E. J. GARLAND (Bow River): Mr. Speaker, what are the terms of this co-operation? That question has been asked by several hon. gentlemen to my right. It is true that from the beginning of this session almost up to to-day, certainly up until the end of last week, a most full and honourable and open system of co-operation has existed between the late government and hon. gentlemen in this party, and it has been admitted on both sides that both groups have lived up to the terms of that co-operation. I am here to say that that is the case. There was perhaps a falling off on the question of the natural resources of Alberta, due to complications affecting the provincial government in Alberta, which possibly provided hon. gentlemen to my right with some meagre excuse for the position in which they found themselves. Let me say, though, that when the late government sat over there and ran away from its own duty and its own responsibility, it ceased from that moment to have any further claim upon the co-operation of hon. gentlemen in this group. I regret deeply to say that, and I hope that in the future co-operation can again be restored, not only with that group, but with any group that will co-operate with us. We are always willing and open to co-operate, but the day last week on which the Prime Minister of this country decided to fly away from his responsibilities, to fly from possible defeat, to fly from the carrying through of his legislation and his estimates, from that moment on we were placed in an entirely different relation towards him and his ministry.

I am satisfied, Mr. Speaker, that the parliamentary institutions of this country, as practised at the present time, are utterly impossible in view of the situation in this House, and there must be a modification of that situation. I think there has been a recognition of that by several hon. members who have thought deeply upon this subject, and it was so stated in no uncertain terms at the outset of this session by the hon. member for Labelle (Mr. Bourassa), the hon. member for Nelson (Mr. Bird), and other hon. members in this group, who have constantly indicated to the House their complete dissatisfaction and lack of confidence in the present parliamentary institutions. There has got to be a change of alignment, a change of the method of appointing governments, and of accepting votes upon certain questions.

Let me say definitely at this stage that I for one do not intend to be tricked into voting for any merely political motion. The hon. member for Quebec East (Mr. Lapointe) said that we were here to discuss political questions. We are not here to discuss political questions. We are here to carry on the business of Canada. Let the hon. gentle-

man take his political discussions to the hustings; there perhaps they may receive a hearing and may have some influence, but political questions such as this motion raises at this stage certainly have no reasonable bearing upon the vote of any hon. gentleman.

Let me say, Mr. Speaker, that to my personal knowledge there is absolutely no co-operation, nor co-operative understanding, nor negotiation, nor arrangment, nor anything of that kind whatever, between the hon. members of this group and the hon. gentlemen who now sit on the government benches. I personally have not entered into any negotiations with them with respect to this vote, or with respect to my vote on any other question. I go further, and I say that before this group—I speak advisedly, and hon. gentlemen around me can contradict me if I am wrong—can afford to enter into any co-operative arrangement with hon. gentlemen opposite, we shall know what their policy is; we must know it, just as we asked hon. gentlemen now to our right what their policy was. The day we enter into any co-operative arrangement with hon. gentlemen who now sit on the government benches, on that day hon. gentlemen to my right and the public will know it. That arrangement will be just as open and above-board and honourable as the arrangement we had with hon. gentlemen to my right. That day may never come but I tell hon. gentlemen frankly that when it does come they will know it, and there will be no backstairs intrigue to my knowledge and with my consent.

On the particular amendment which has just been voted on, the fiscal policy of this country was absolutely not at stake. If you wish to discuss the fiscal policy of this country —I know I am verging here upon the point of being out of order—I would remind hon. gentlemen to my right that the party to my right which now preaches low tariffs, and did under the pressure of the group in this corner of the House and of that able and eloquent little group from Saskatchewan, grant certain reductions in the tariff this year, just as was done last year on agricultural implements, yet in one session in the last four years it brought in a budget announcing the death knell of protection, and the very next year established a policy of tariff stability. In the face of that, what can we think? Can we be expected to get anywhere on such a vague, academic, theoretical question as has been put to us tonight? We do not know, we cannot know, what we are voting on. But as soon as we vote on an issue, we shall record our votes intelligently, and I hope consistently.

One word more, and I am through. I am satisfied that this motion was introduced to-day, as other motions may be introduced subsequently, for one purpose and one purpose only. The Liberal party is now so anxious to gain control of the election machinery in view of what they hope will be an appeal to the country that they are willing to go to any extreme to get that control. I speak as one from the province of Alberta and for myself I have nothing to fear from an election. I have never personally spent one cent on an election campaign, and I will not. My people have subscribed for my election campaign and they have elected me, and I owed allegiance to no party, to no corporation; no one has any strings on me but my U.F.A.

The United Farmers of Alberta has just completed one of the most successful campaigns that has ever been carried on in that province. We have been swept back again into office, and I have nothing to fear, nor have hon. gentlemen from the province of Alberta sitting around me anything to fear from an election; so I am in a position to be able to say, when charges of an evil and objectionable character are being levelled against me, that the country does not want an election to-day. No one knows that better than hon. gentlemen to my right, and hon. gentlemen who are in touch with business circles in eastern Canada. Those in high authority who have the power to pass the control from one party to another know that just as well as hon. gentlemen in this House know it. That being the case, I say that we would be ill advised indeed to fall into any trap that may be set for us by hon. gentlemen to my right just as we would have been ill advised to fall into the trap set by the hon. member for East Calgary (Mr. Davis), or by any other hon. member who moves a political motion. So far as I personally am concerned, I will weigh every question on its merits, and if I detect in it a single trace of political motive, distinct altogether from the interests of the country, I shall have no hesitation in voting against it.

It might just happen that in spite of the common sense of some of the members in this House—most of us have some sense but some have a political sense that exceeds their business sense—a situation may arise where even then it may not be possible to carry on. In that case there is but one thing possible, as I view the matter, and that is that some form of co-operative government, just as the hon. member for Macleod suggested,

should be arranged for and carried on so that the election machinery may be taken out of the hands of political parties, and a disgraceful influence upon the votes of the people of this country be removed from partisan hands for all time. And in entering into a co-operative arrangement of that kind, let Colonel Biggar, the Chief Electoral Officer at the present time, or whoever may be the chief electoral officer at the moment, conduct the federal election. In each constituency each little group or each little party will have its own organization, but as far as the present national control of political machinery is concerned, it is wrong in principle. It is absolutely unsound that political parties—either Liberals, Conservatives or Progressives—should have anything whatever to say about it.

I have now, I hope, given to my hon. friend the member for Pontiac, and to other hon. gentlemen, my answer to their questions. And may I say in conclusion that it ill becomes these hon. gentlemen who know us, who have known us for four years, and who have co-operated with us, to suggest or to attempt to suggest, as they have done to-night, that we have in any way done anything dishonourable. I will tell my hon. friend everything when there is anything to disclose.

Mr. CAHILL: Will my hon. friend permit a question? He has made a statement which I take it is correct. I know him and I believe he is absolutely honest in his statement. But he also said that, as I understood it, we should hurry through this session, prorogue, go home, and then come back here next session in the same state of confusion that now exists without any understanding. If we are to come back, if this parliament is to meet again, we should have some understanding. This country should not be left in the state of chaos it is in to-day without some such understanding. How does my hon. friend think the country is going to accept the position in which it is left to-night if there is no understanding that there is to be another session? If there is an understanding, the nature of it certainly should be explained, although I believe there is no understanding so far as my hon. friend himself is concerned.

Mr. GARLAND (Bow River): I am not in a position to solve the horrible problem which is worrying me just as much as it is my hon. friend. I have simply stated the position as it is at this moment. I presume that if it is the desire of my hon. friends to carry on they can do so; but the suggestions I have made appeal at least to myself, and I hope to every honourable person, as reasonable suggestions for dealing with the situation.

Mr. JEAN J. DENIS (Joliette): I only want to say a few words in answer to my hon. friend from Macleod (Mr. Coote) and my hon. friend from Bow River (Mr. Garland). These two gentlemen know that I hold them in high esteem, as I also hold in high esteem all members of the Progressive party and all members of this House. However, it seems to me that in their utterances to-night there is such variance and such a lack of logic that I could not let them pass unchallenged. I see the hon. member for Macleod walking out of the House. He is quite free to do so, but I have told him that I was going to reply to some of his statements and he would do me a great favour by remaining. The hon. member says, "I have earned my indemnity already." With all due deference to the hon. member, for whom I have every consideration, I ask him: Is that a principle? Hon. members of the Progressive party, and I have no fault to find with them on that score, have come here and contended that they are men of principle; that the two old parties changed their principles but that they themselves adhere to principle. Is it a matter of principle for an hon. member to say, "Once I have earned my indemnity I can go home"?

Mr. COOTE: Will the hon. member permit me to say that I am quite ready to stay here another month or two months if there is business to be done, but I do not like to remain at this stage of the proceedings and listen to party warfare. That is the point I thought I was making when I spoke.

Mr. DENIS (Joliette): My hon. friend, perhaps, has not had very much experience in politics. Does he know that since confederation and prior to that time there has never been anything else in the Canadian parliament but party warfare? Does he know that in England at the present time there is party warfare in politics, and that the same condition prevails in every civilized country where there is a parliament?

Mr. COOTE: Is the hon. gentleman not aware that a great many of us in this corner of the House came down here to try to get away from party warfare, and that we do not want to see politics introduced into the carrying on of the business of the country?

Mr. DENIS (Joliette): My hon. friend is cherishing an illusion. As long as there is a parliament in Canada there will be party warfare—that is, if such an expression is ap-

propriate, and I do not think it is proper. I know what my hon. friend means. What he objects to is one party fighting against another. My hon. friend will live many years and die an old man I hope, but when he reaches an advanced age he will still find the same conditions as to party warfare existing in this parliament that he sees now.

Mr. GARLAND (Bow River): The hon. gentleman is too pessimistic.

Mr. DENIS (Joliette): Long before my hon. friend was born there was party warfare in this Dominion. Let them read the debates before and since confederation and they will see there has been nothing else but party warfare. Of course when a government has a majority of thirty, forty or fifty, there is not very much party warfare; but each time the political parties are divided as they are at the present moment, when there is but a small majority on one side or the other, you will have political warfare; that is inevitable. But do not let us call it party warfare; let us consider it the efforts of two parties working in different directions, both of them having at heart the good of the country and both doing their best to accomplish that desired result. I want to attribute proper motives to the members of every party; but if you insist upon calling the struggles between the parties party warfare you will see bitter fights in this House under present conditions, as well as under altogether different conditions.

Mr. COOTE: Will the hon. member tell us what the bitter fights are all about?

Mr. DENIS (Joliette): I want to discuss this matter with my hon. friend in a polite and friendly manner, and for that reason I will not answer his last question but I will tell him this: If he wants to be logical and wants to act in accordance with principle he cannot claim that he wants to go home, because by voting with hon. gentlemen on this side he will bring about that result sooner than he would if he voted with hon. gentlemen opposite. My hon. friend said the amendment this afternoon was purely a political amendment. Let us be frank when we are discussing this matter. Every time a resolution is brought in for political purposes, according to his notion, is he at liberty to vote diametrically opposite to his principles? It is impossible to accept that.

My hon. friends have spoken of co-operation. It is true there has been co-operation between the Liberal and Progressive parties, and had the Liberals of the province of Quebec not been willing to co-operate with the Progressive party, co-operation would have been impossible. We did co-operate with them, and I am not sorry for it. If we had it to do all over again I would co-operate. But both sides must co-operate. We Liberals from the province of Quebec could live very well without co-operation, and if we did co-operate it was for the reason that I stated at the opening of parliament, that throughout the length and breadth of Canada our party should co-operate with all independent groups and work together for the welfare of our country. That was our object, and in order to attain it I am not ashamed to state to-night that I have voted for more than one measure which in my estimation might have been doubtful if I had considered my province only. But that was not my object. I considered the whole of Canada; I realized that two or three thousand miles from here there were provinces with which we should co-operate, and for that reason I supported those measures. My friends having obtained what they were after, apparently they say, "Now that we have crossed the river, we take our hats and are going home."

Mr. COOTE: The only reason I have voted as I have is that one department of the government had got into such a state—and I felt that some members of the government knew it—that I could not support the then government. I was sorry that the co-operation could not be further carried out.

Mr. DENIS (Joliette): I want to be very modest in my words and speech, but I will go further; do my hon. friends of the Progressive party think—their principles being known and recorded in this House—that co-operation would be easier with the present government than with the group on this side of the House? If there is one hon. member who is of that opinion, I should like to know his name. They cannot contend that, because it would be illogical. I do not want to blame them for their action; they are perfectly free and they have my consideration, esteem and respect, but notwithstanding all that I cannot bring myself to the belief that co-operation is easier with the Tory party than with the Liberal party. Co-operation with the Tory party is impossible; and that has been demonstrated during the present session. Just think of the logic of these estimable gentlemen. They want co-operation, but in the meantime, while they are claiming co-operation, they are supporting a party with which they cannot co-operate.

My hon. friend said they would like to have coalition. I do not know if it is new to my hon. friend, but it is not new to others. I am going to tell my hon. friends something to take with them to Saskatchewan and Al-

berta. Referring to coalition, do my hon. friends from the Progressive party know, or do they ignore the fact, that for two or three years at least, and perhaps more, very prominent people belonging to both parties in the provinces of Quebec and Ontario have claimed that those two provinces should go hand in hand and co-operate in order to govern this country? If my hon. friends do not know that, they do not know very much, because it is no secret. I am not divulging any secret, and moreover I was not a party to it. I am simply repeating what I have heard time and time again, and no one can go to Toronto or Montreal without meeting among the business men of those two largest cities in this Dominion many who will tell my Conservative friends on the one hand and the Liberals on the other that they should co-operate, and that there must not be any feud between Quebec and Ontario. If there is any misunderstanding between those provinces, remember that our interests are identical and that they should join hands and work together. Do my hon. friends know that Quebec has 65 members and Ontario 82? My hon. friends should make the addition and find out what it represents. They ask for co-operation and coalition. If we ever have coalition between Ontario and Quebec, the Progressives might not see their policy advanced very much. I do not want to threaten anybody, but, in common with my hon. friends from Macleod (Mr. Coote) and Bow River (Mr. Garland) I want the business of the country carried on and am willing to let politics go in order to gain that end. I hope my hon. friend will not think for one moment that I was speaking of him in a personal way. Although I do not know him very well personally, he knows I have a great deal of esteem for him. To-night I am speaking with a purpose. I want him to consider my statement, not because it comes from me, but because I am voicing the opinion of many who think as I do. I advise the hon. gentleman to read Hansard before he goes home and consider once more what I have just said concerning Quebec and more particularly Ontario.

Motion agreed to and the House went into committee of Supply, Mr. Duff in the chair.

SECRETARY OF STATE

To provide for the purchase of 650 copies of the Canadian Parliamentary Guide $1,950.

Mr. BOIVIN: Has there been any increase in the price of the Guide?

Sir GEORGE PERLEY (Acting Secretary of State): There has been no increase. This is the annual vote.

Item agreed to.

Governor General's Secretary's Office—
Salaries, including Governor General's secretary additional to salary authorized by R.S., c. 4, $3,600; John Guy at $1,500 and George Johnson at $1,380 .. $35,370
Contingencies .. 66,000

Mr. MACKENZIE KING: What is the salary of the Governor General's secretary?

Sir GEORGE PERLEY: It is $2,400.

Mr. MACKENZIE KING: What is the additional amount for?

Sir GEORGE PERLEY: These are my right hon. friend's estimates. I suppose he considered that the additional amount was warranted.

Mr. MACKENZIE KING: What is the additional amount?

Sir GEORGE PERLEY: It is $3,600.

Mr. MACKENZIE KING: That is a total of $6,000 for the Governor General's secretary.

Item agreed to.

National Defence—Militia services—Cadet services, $400,000.

Mr. GARLAND (Bow River): Mr. Chairman, may I ask a courtesy of the new administration? One of our hon. members who has had this question under consideration for some years desires to address the House on it.

The CHAIRMAN: Item stands.

Non-permanent active militia, $1,660,000.

Mr. RINFRET: I wish to congratulate the new government on their spirit of economy in decreasing this item by $50,000. I believe they have inherited that spirit from the former government, and I merely express the hope that when the estimates are brought down next year—and very likely they will be brought down by this side of the House—it will be found possible to further reduce this amount.

Hon. HUGH GUTHRIE (Acting Minister of National Defence): I do not want my hon. friend to be misled. The former government reduced the amount, but found it necessary to restore the $50,000 in the supplementary estimates.

Mr. BOIVIN: Does my hon. friend contend that the amount is required for training camps for the non-permanent militia?

Mr. GUTHRIE: No.

Mr. BOIVIN: Is my hon. friend seeking to pass this estimate upon assurances that he has received from some official in his department, or does he verily believe that it is required?

Mr. GUTHRIE: I have some familiarity with the department, but, speaking generally, I have not had time to examine the items. We are taking the items as prepared by the former government, of which my hon. friend was a member. In the short time I have had to examine this estimate I think the amount will be required.

Mr. BOIVIN: It is all very well for the leader of the government to rise in his place and with a gesture to the gallery say, "Gentlemen, you will certainly pass these estimates, because they are yours." I have not had time to examine the supplementaries, but I take the hon. member's word that the same condition exists in connection with them. So far as the main estimates are concerned, there is no doubt we take full responsibility for their preparation, and we hope the country will give us credit for the estimates as they are presented to the House. I ask my hon. friend now and the other hon. members of the newly formed government sitting around him, whether or not they will undertake to spend the money that we are voting to them to-night? That is a question to which the people of Canada are entitled to have an affirmative or negative reply. Therefore I think before we proceed further in rushing these estimates through at the rate of millions of dollars per hour we should have some assurance that the government is going to use every reasonable effort to expend the money voted according to the wishes of this House. Without that assurance I do not think we should continue at this headlong pace passing estimates which may never be expended.

Mr. GUTHRIE: I certainly will not undertake that this amount is to be expended. I had no part in the preparation of the estimate, but I will undertake that so much of it as is absolutely essential and necessary shall be expended. If it is possible to make a saving on that amount I will undertake that it shall be made. But as the estimate has been prepared by careful officers of the department who have examined closely into the situation, I do not think the criticism is well taken by my hon. friend, who was a member of the government which prepared and submitted this, together with the other estimates, to this House wih the approval of his Excellency.

Mr. BOIVIN: My hon. friend is wrong. There is no criticism of the estimate, nor of the official who prepared it.

Mr. GUTHRIE: I have given the undertaking.

Mr. BOIVIN: My hon. friend has given an undertaking to spend just as little as possible of the estimates voted. I am not referring to this particular estimate; I realize that military training camps have existed for years. They existed under previous Conservative regimes and under Liberal regimes; there has been a laudable effort to reduce the amount expended in this way each year, but there are a great many other items in these estimates which the government considered absolutely necessary to the welfare of Canada. If they had not been absolutely essential they would not have been included. As my hon. friend says, they were recommended by responsible officers of the different departments, and every estimate in the blue book was approved of by the late government after that recommendation. I am not criticising the officers; I think they did their duty in preparing the estimates, but I would like to know whether the opinions of these responsible officers will be carried out or whether my hon. friends are merely voting these estimates in order to close parliament at the earliest possible opportunity and get back to their homes, leaving perhaps for another year the real expenditure of money required for the public service, in order that they may get the benefit of having placed the amounts in the estimates and in order that they may tell the people of Canada, "Oh, well, the Liberals prepared the estimates and we are not going to spend the money." I think my hon. friend was quite wrong when he criticized me for blaming any official, because that was not at all my intention. All I wanted was an assurance from this government that they would endeavour to carry out the wishes expressed by parliament in the voting of these estimates.

Mr. GUTHRIE: Certainly, and those wishes will be carried out as carefully and as economically as possible.

Mr. MACKENZIE KING: We are now voting large sums of public money to different hon. gentlemen opposite who are supposed to be administering several departments of the government. Before we proceed any further I would like to discover from those hon. gentlemen to what extent they have complied with constitutional practice in the matter of assuming office. I would like to ask my hon. friend who is leading the House whether he has taken any oath of office of any kind since he undertook to lead the House, or even before doing so.

Sir HENRY DRAYTON: Each of the different formalities prescribed in the office

of the Privy Council has been observed; I am quite frank in saying that I do not know how many there are.

Mr. MACKENZIE KING: I want this information before we vote public money to hon. gentlemen who, in our opinion, are not entitled to spend one five-cent piece of the public money. I ask my hon. friend who is now leading the House whether he has taken any oath of office this year.

Sir HENRY DRAYTON: No.

Mr. MACKENZIE KING: Will my hon. friend tell me what departments he is administering?

Sir HENRY DRAYTON: I think this is somewhat irregular, Mr. Chairman, but I am quite willing to give my hon. friend the information.

Mr. MACKENZIE KING: We are discussing supply at present. If my hon. friend hesitates to give an answer to any of the questions I am asking I will see to it that we do not proceed with supply. Supply, as my hon. friend knows, is the stage at which the people's representatives in parliament have a right to question the administration as to their right to administer public funds.

Sir HENRY DRAYTON: Absolutely; I am not making the slightest objection to it; I am not even throwing the slightest doubt upon the honesty and accuracy of the previous administration who prepared these very estimates. So far as this is concerned I have taken all the oaths which go with the administration and with the standing one has as a member of the king's Privy Council. In addition to that I have been regularly appointed by order in council as a member of the king's Privy Council to act in the present occasion in the Department of Finance and the Department of Railways and Canals.

Mr. MACKENZIE KING: Will my hon. friend tell me when that order in council was passed, and if he will lay a copy on the table?

Sir HENRY DRAYTON: Yes, there is no trouble about it. One was sent me to-day.

Mr. MACKENZIE KING: May I see the copy?

Sir HENRY DRAYTON: Yes.

Mr. MACKENZIE KING: My hon. friend has told me that he has taken no oath this year. May I ask the hon. member for Argenteuil (Sir George Perley) what departments he is administering?

[Sir Henry Drayton.]

Sir GEORGE PERLEY: I am Acting Secretary of State and Acting Minister of Public Works.

Mr. MACKENZIE KING: May I ask my hon. friend if he has taken any oath of office this year?

Sir GEORGE PERLEY: No. I took my oath as a Privy Councillor a great many years ago.

Mr. MACKENZIE KING: Those of us sitting on this side who composed the former government have taken the oath as privy councillors, but that does not entitle us to administer departments of the government at present. I want to make the position quite clear to hon. gentlemen opposite. I observe ministers in this government are former Privy Councillors, men who have taken the oath as councillors, men who have taken the oath as privy councillors many years ago.

Sir GEORGE PERLEY: Except the hon. member for Halifax (Mr. Black).

Mr. MACKENZIE KING: I will have a special word in regard to him a little later All the other acting ministers have taken the oath as privy councillors at some previous time, but that gives them no right whatever to sit in this House as ministers. What I am concerned about now is the oath taken when one becomes a minister of the crown.

Mr. GUTHRIE: That is not the oath we have taken; none of us are ministers of departments, but merely acting ministers.

Mr. MACKENZIE KING: I wish to ask the hon. member for Fort William (Mr. Manion) what departments he is administering.

Mr. MANION: I have the Departments of Soldiers' Civil Re-establishment, Immigration, Labour, Health, and Postmaster General.

Mr. MACKENZIE KING: Has my hon. friend taken any oath of office?

Mr. MANION: No, not since I took the privy councillor's oath about the same time my hon. friend took it.

Mr. MACKENZIE KING: Now will the hon. member for Vancouver Centre (Mr. Stevens) tell us what departments he is administering?

Mr. STEVENS: This is an interesting interrogation, but it is quite proper for the right hon. gentleman to have all the information available. I am Acting Minister of Agriculture, Trade and Commerce, Customs and Excise, and Interior, which, of course, includes Indian Affairs and Mines.

Mr. MACKENZIE KING: Has my hon. friend taken the oath of office with respect to the administration of any of these departments?

Mr. STEVENS: I took the oath as privy councillor some years ago, also the oath as administrator of the Department of Trade and Commerce at that time.

Mr. MACKENZIE KING: When was that?

Mr. STEVENS: My hon. friend will probably recall.

Mr. MACKENZIE KING: My hon. friend himself mentioned it; he evidently regards it as having some bearing. When did he take that oath?

Mr. STEVENS: So far as I can recall, it would be early in September of 1921, about the fifth or tenth.

Mr. MACKENZIE KING: The government of which he was a member at that time went out of office shortly afterwards, did it not?

Mr. STEVENS: Yes.

Mr. MACKENZIE KING: Will the hon. member for South Wellington kindly tell us what departments he administers?

Mr. GUTHRIE: I became a privy councillor for Canada in July, 1919. I have taken no oath of office. I am appointed by order in council, and am acting minister for the Department of National Defence and the Department of Justice. The order in council appointing me is similar in form to that presented by my hon. friend from West York.

Mr. MACKENZIE KING: Perhaps I could shorten the questions by asking my hon. friend whether all of the acting ministers have been appointed acting ministers by order in council.

Sir HENRY DRAYTON: The practice has been the same, I think, in every case. The fact is, as was stated in the House the other day, the right hon. the Prime Minister was sworn in and has taken the office of Prime Minister. He is not acting, he is real—

Mr. CANNON: The real thing.

Sir HENRY DRAYTON: He is the real thing, and I think the House recognized that; my hon. friend is quite right. He also has taken the portfolio of External Affairs, and is President of the Privy Council. In connection with the others, what was done was this—I am not speaking of the hon. member for Halifax (Mr. Black), who took the appropriate oaths on that day—but in connection with the others they were all formerly sworn, and, of course, still are members of the Privy Council, and are ex-cabinet ministers.

Mr. MACKENZIE KING: Does my hon. friend mean sworn since the present administration took office?

Sir HENRY DRAYTON: Prior to the time the preceding administration was in office.

Mr. MACKENZIE KING: My hon. friend has not yet answered the question whether all the acting ministers were appointed acting ministers by order in council.

Sir HENRY DRAYTON: Yes.

Mr. MACKENZIE KING: Can my hon. friend tell me the dates of the orders in council?

Sir HENRY DRAYTON: I have given my hon. friend a copy of the order in council.

Mr. MACKENZIE KING: They were all the same date as this one?

Sir HENRY DRAYTON: I think so.

Mr. MACKENZIE KING: Can my hon. friend be sure of that?

Mr. MANION: Mine is dated June 29.

Mr. MACKENZIE KING: I would ask my hon. friend from Argenteuil if he was appointed by order in council, and would he undertake to have the order in council laid on the table of the House, if not tonight, at least to-morrow when the House assembles.

Sir GEORGE PERLEY: Yes.

Mr. MACKENZIE KING: Was my hon. friend from Vancouver Centre appointed by order in council?

Mr. STEVENS: Yes.

Mr. MACKENZIE KING: Will he undertake to have a copy of the order in council laid on the table to-morrow?

Mr. STEVENS: Yes.

Mr. MACKENZIE KING: My hon. friend from Fort William was appointed by order in council? Will he undertake to have a copy of the order in council laid on the table to-morrow?

Mr. MANION: Yes.

Mr. MACKENZIE KING: Will my hon. friend from South Wellington undertake to

have a copy of the order in council appointing him laid on the table to-morrow?

Mr. GUTHRIE: Yes.

Mr. MACKENZIE KING: The hon. member for Halifax (Mr. Black) is a minister without portfolio?

Sir HENRY DRAYTON: He is Acting Minister of Marine and Fisheries.

Mr. MACKENZIE KING: He was made a minister without portfolio as a privy councillor.

Sir HENRY DRAYTON: Yes.

Mr. MACKENZIE KING: Was that done by order in council?

Sir HENRY DRAYTON: I have no doubt it was.

Sir GEORGE PERLEY: The hon. gentleman took the oath as privy councillor on the 29th of June, and was appointed Acting Minister of Marine and Fisheries by order in council. I have here a copy of the order in council appointing Mr. Manion, Mr. Black (Halifax) and myself.

Mr. MACKENZIE KING: Would my hon friend let me have that? I wanted to ask whether the hon. member for Halifax (Mr. Black) was appointed a privy councillor by order in council.

Sir HENRY DRAYTON: He was sworn in in the ordinary way.

Mr. MANION: A man cannot be appointed privy councillor by order in council.

Mr. MACKENZIE KING: Does my hon. friend say there was no order in council in connection with the appointment of the hon. member for Halifax (Mr. Black) as privy councillor?

Mr. MANION: He took the oath of office as privy councillor.

Mr. MACKENZIE KING: Does my hon. friend say that there was no order in council passed creating the hon. member for Halifax (Mr. Black) a privy councillor?

Mr. MANION: I do not know whether there was or not.

Mr. MACKENZIE KING: Will the leader of this administration that has been formed by order in council tell us whether there was an order in council in that case?

Sir HENRY DRAYTON: My hon. friend should not gibe at order in council administration; he knows all about it. At the moment I cannot for the life of me tell him what the exact procedure was, but I do know that everything that was said to be necessary was done, and I have given my hon. friend what was given to me. As to what was given to the hon. member for Halifax (Mr. Black), I do not know what was given to him.

Mr. MACKENZIE KING: Can my hon. friend tell me where the new privy councillor is?

Sir HENRY DRAYTON: He was in the House until a short time ago.

Mr. MACKENZIE KING: Can he come into the House this evening?

Sir HENRY DRAYTON: He is not very well, as my hon. friend knows. He has his arm in a sling.

Mr. MACKENZIE KING: I am sorry to hear it. I did not know it until this moment. I would ask my hon. friend if he will be in a position to advise me first thing when the House meets to-morrow whether there was an order in council appointing him privy councillor, and when it was passed, and if he will please have a copy of the order laid on the table.

Sir HENRY DRAYTON: I shall be pleased to do so.

Mr. MACKENZIE KING: My hon. friend who is leading the House says that these orders in council appointing himself and several other gentlemen who are sitting beside him were passed in council. Who were in council at the time these orders were passed, may I ask?

Sir HENRY DRAYTON: My hon. friend is now asking a question which he himself on previous occasions said could not be answered. It is a matter of privy council oath. I have a very vivid recollection of the stand taken by my right hon. friend in the Murdock case.

Mr. MACKENZIE KING: My hon. friend may think that by evasions of that kind, he will get away from informing the House as to how, with respect to the creation of this so-called ministry, the constitutional requirements have been complied with, but I wish to tell him at once that he will not get away from it by evading. The country is entitled to know by what authority hon. gentlemen opposite are asking this country to vote millions of dollars for them to administer. It happens to be part of my duty as leader of His Majesty's loyal opposition to ease the country's mind as to where there is any doubt on that question.

An hon. MEMBER: You eased the country's mind the other day.

Mr. MACKENZIE KING: I might as well come to the point that I have very much in mind at the moment. My hon. friend the leader of the House says that everything was done in a constitutional and proper manner. It is not a secret in any way of the Privy Council that an order in council to be regular, to have any force, must be carried by a quorum of the cabinet, and that at least four are necessary to form a quorum. I can understand how the right hon. the Prime Minister may have taken his oaths and been sworn in as a minister, but he was then, as I would understand it, the sole member of council entitled to act in an executive capacity. What I would like my hon. friend to tell the House, if he will, is how, when the right hon. gentleman assumed the position of Prime Minister and undertook to form a ministry, he complied with the constitutional rule which requires a quorum of four to enable any order in council to be passed to appoint any minister or to do any public business.

Sir HENRY DRAYTON: Mr. Chairman, I am quite sincere when I tell the committee that I did not count how many were present, but my recollection is, and I think it is correct, that there were six members of the Privy Council present. There has to be a start made, and the start was made.

Mr. MACKENZIE KING: Privy councillors are not permitted to walk into the council chamber, sit around the table, and pass whatever orders they may like, to give each other official positions. If that were the case there is no reason why my erstwhile colleagues and myself should not have walked into the council chamber and sat down at the table with whoever was prepared to assume the position of Prime Minister of this country and assign positions to ourselves that would enable us to control the expenditure of public moneys to the extent necessary to carry on the administration of public affairs for a year.

Mr. CAHAN: Would it not all depend on whether my right hon. friend and those who sit about him were invited to do so by a privy councillor who had been called upon by His Excellency the Governor General to form an administration?

Mr. MACKENZIE KING: No, I am afraid it does not. I think my hon. friend will find that there are two oaths which everyone takes who is called upon to perform the duties of a minister of the crown. One oath taken is that of Privy Councillor, which a number of us in this chamber this evening have taken. But the fact that we are members of His Majesty's Privy Council gives us no right whatever to be ministers of the crown or to be acting as ministers of the crown. There are gentlemen in the other House who have taken the oath as privy councillors and are privy councillors, but they have no right by virtue of that oath to be ministers or acting ministers. It was never contemplated that the government of the country should be carried on by gentlemen who had not taken the oath of office with respect to the administration of the departments with which they were concerned. It was never contemplated that one single individual could take an oath as Prime Minister and president of the Privy Council, and any other portfolio he wished, and by virtue of that one solitary oath be able to place in office immediately a number of his fellow members of the House of Commons, members of his own political party, and thus carry on the government of the country.

Mr. CAHAN: Has not the Prime Minister from time immemorial been entitled to call upon other members of the Privy Council to administer temporarily the affairs of a particular department without such member taking an oath with respect to that department?

Mr. MACKENZIE KING: After a government has been formed and ministers of the crown have taken the oath to administer the departments to which they are assigned, certainly an acting minister may be appointed to act in the place of a minister already entrusted with a portfolio and properly sworn in. But what I want to make clear to the House and to the country this evening is that of this entire cabinet there is not a single member who has taken any oath to administer a single department of the government; and yet these gentlemen come before us with estimates and ask us to vote hundreds of millions of dollars. We have voted some thousands of dollars already just to see how calmly they would take the process, and how rapidly they are prepared to vote millions of dollars to themselves without having any authority whatever to ask this House for a single dollar. I say there is not a single minister of this administration sitting in his seat to-night who is entitled to ask this House to vote him a single dollar.

Mr. CAHAN: Has the right hon. gentleman ever heard in the history of parliamentary proceedings of a minister asking for a vote to

himself? Is not every vote recommended by the crown, and is not that money voted to His Excellency?

Mr. MACKENZIE KING: That is quite apart from the matter which we are discussing. I was not arguing that hon. gentlemen opposite were asking for the money for themselves. I hope my hon. friend does not think I regard hon. gentlemen opposite as being quite as bad as that.

Mr. CAHAN: That was the whole tenor of your argument.

Mr. MACKENZIE KING: I am quite prepared to admit they are ready to go to a certain limit; I did not think my hon. friend would assume I was arguing that they were seeking to get this money for their own personal use. I had no idea of the kind. What I do say is that they are seeking to get this money in order to expend it on the public services of the country.

Mr. CAHAN: In order that the money may be properly and efficiently spent in carrying on the government of the country.

Mr. MACKENZIE KING: We will see how proper the procedure is. My hon. friend has referred to the annals of parliamentary history. I venture to say that he can search the pages of history in all ages of the world and he will find no single instance where a government was ever formed in the manner in which this government has been formed. Furthermore, he will not find a single instance where the expenditure of the entire supplies of the country were handed over to a group of gentlemen with no responsibility whatever. If my hon. friends opposite have an idea that we propose, as members of this House, to allow the House to prorogue under these circumstances without a pretty full explanation they are very much mistaken.

Sir GEORGE PERLEY: I think I may be able to relieve the anxiety of my right hon. friend a little. I doubt if there is any member of this House who has had as much experience as a minister without portfolio as the member for Argenteuil. In 1911, when the government of Sir Robert Borden was formed, I was selected as a minister without portfolio, sworn in as a privy councillor and continued to sit in this House.

Mr. MACKENZIE KING: I think I can correct my hon. friend. I do not think the order followed was the one he has described. He was not sworn in as a minister without portfolio and then as a member of the privy council; he was sworn first of the privy council, and afterwards became a minister without portfolio.

Sir GEORGE PERLEY: I was sworn of the Privy Council and afterwards became minister without portfolio.

Mr. MACKENZIE KING: Yes.

Sir GEORGE PERLEY: I administered quite a number of the government departments from time to time as minister without portfolio, and without taking any special oath in administering those departments. I came into this House years ago and passed estimates for departments of the government when I was a minister without portfolio and there was never any question raised by anyone as to the propriety of my doing so.

Mr. MACKENZIE KING: I hope my hon. friend will not think I am guilty of any impropriety in asking him questions; I am trying to discharge a public duty.

Sir GEORGE PERLEY: Before my right hon. friend continues, I may add that I was appointed minister without portfolio on the present occasion in exactly the same way as I was in 1911.

Mr. MACKENZIE KING: Quite so. I appreciate that fact, and I think my hon. friend probably will have the experience of being minister without portfolio again before very long. I cannot say, of course, what curious methods may have been adopted by a previous Conservative administration, but I will say this: I do not think Sir Robert Borden, whom I regard very highly as a constitutional authority, would ever have thought under present circumstances of asking my hon. friend to administer the affairs of a department, without having in the first instance appointed him to administer that department and caused him to take the oath of office required in such a case.

Mr. CAHAN: In case a portfolio is vacated by death, in every instance the records show that some other member of the cabinet, with or without portfolio, was designated temporarily to administer the department.

Mr. MACKENZIE KING: My hon. friend is speaking of ministers who have died. I am speaking of ministers who have never been born and I am speaking not only of ministers who have never been born, but a government which has never been born, according to the statement we heard this afternoon. I ask hon. members opposite—they

have a sense of humour I hope—did they ever in their lives witness a spectacle as ludicrous as this—

Some hon. MEMBERS: Order, order.

Mr. MACKENZIE KING: I am glad all the members agree. May I say to my hon. friend who is interested in the ministers who are dead—

Mr. CAHAN: I was speaking in regard to the point of the prime minister taking office and then appointing a member of the privy council as acting minister to fulfil the duties of that office temporarily. But when my hon. friend is searching for precedents, in the history of responsible government where will you find a prime minister who established a precedent such as he has done?

Some hon. MEMBERS: Order, order.

Mr. CAHAN: I have the floor. The precedent of proving recreant to his public trust, of resigning, as the right hon. gentleman did, from the office of prime minister, resigning on behalf of his entire government, without having the sense of honour, shall I say—

Some hon. MEMBERS: Order, order.

Mr. CAHAN: —resigning without considering the interest of the country which demanded that he should have offered to see that the departments of government should be temporarily administered pending the selection of his successors.

Mr. MACKENZIE KING: My hon. friend I admit is very learned in the law, but I am afraid constitutional law and practice are not his forte. I hope he will not think I am speaking disrespectfully, because I respect his years and his great ability, but since he makes the kind of charge which I understand he does make against me at the moment, I think he will have to listen to what I have to say about constitutional practice in changing ministries. The practice with respect to resignation, as I understand it—and perhaps my hon. friend will tell me if I am wrong—is that if the Prime Minister is of the opinion there should be a dissolution of parliament his duty is so to advise His Excellency the Governor General, just as he advises His Excellency the Governor General in regard to other matters of concern to the state. He might assume that something less than a dissolution would be sufficient to meet the needs of the state, in which event he would advise His Excellency in accord with his belief. May I say, in considering what I was called upon as prime minister to consider, that after noting the proceedings in this House last week I came to the conclusion that this House could not with dignity and honour to itself continue to carry on the public business of the country. I came to the conclusion that to attempt to carry on public business with a condition such as we were witnessing towards the end of last week would be to bring the great and honourable institution of parliament more or less into disrepute; and having that view I was obliged to consider whether it was desirable to attempt any longer to carry on parliament. I went to His Excellency and said I would not longer take the responsibility of carrying on as prime minister, believing that the best interests of the state were not being served by any government attempting to carry on under the circumstances which now exist, and I advised His Excellency as to the next step to be taken which in the circumstances seemed to me should be dissolution.

Under different circumstances I might have advised His Excellency to send for some other hon. member of this House to form an administration, had I believed any other hon. member of this House could form an administration and be able to carry on better than I was able to do. But I did not honestly believe that. The only person I could think of whom it would be at all fitting and proper for me to ask His Excellency to call on, if His Excellency was to be asked to call on any hon. member, was the right hon. leader of the opposition of the day. Well the right hon. leader of the opposition of the day had had no support from this House of Commons from the moment it came into being up to the moment I sought to advise His Excellency, and the main question that was discussed all through the session, the main issue in the election, the issue that decided whether hon. members were to be returned to this House, and as to which side they were to sit on when they were returned, was according to the present Prime Minister the great fiscal issue on which on an amendment to go into supply, we had a discussion this afternoon. In those circumstances how, when the majority of hon. members in this House differed from the Prime Minister on fiscal policies, the most important of all policies, could I possibly advise His Excellency that the right hon. gentleman was capable of forming a ministry and carrying on? It was impossible, just as my hon. friend says, honestly to advise His Excellency that I believed any other member of this House should carry on the government of the country, and I had to consider that. I am frank to say—well it is not for me to relate

what I did say to His Excellency. I can however say to this House what was my conviction—that it was not possible for any hon. member to carry on the business of this House; and I submit that what has been disclosed to-night bears out what I said at the time I first decided to advise dissolution, and so advised His Excellency—that what was needed in order that the public business might be carried on in the dignified and proper manner in which it should be carried on was a dissolution of parliament which would permit the people to say who was to control the government of this country from now on.

A prime minister may have a feeling that there are certain policies he is not in a position to carry through which possibly other groups in the House are in a position to put through, and that in the public interest should be carried through. In cases of that kind a prime minister might go to the crown or its representative and say, I am not in a position to carry this policy through; I cannot carry on the business of this country myself, but I believe that so and so, whoever he may be, would be able to carry on, and I would ask Your Excellency, or Your Majesty —as the case might be—to call on him. In that event His Excellency would take the course, I presume, of calling on whoever was named. But I could not advise His Excellency to call on the right hon. leader of the opposition to carry on the business of this country with any belief that he could carry it on with dignity and honour. I had in my mind, when I was considering the question, a vision of precisely the spectacle we see here to-night.

An hon. MEMBER: What spectacle?

Mr. MACKENZIE KING: An attempt to carry on the government without a prime minister in the House and without—

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: May I say to hon. members opposite that I made use of that situation at this moment to hear them laugh. That is what they were saying could not be done. I never said it, and hon. members on this side never said it, but the gentleman who to-day is prime minister said it.

Mr. CHAPLIN (Lincoln): You were not elected.

Mr. MACKENZIE KING: Apart from that I would direct my hon. friend's attention to the fact, that, while I personally may not have been elected, the government of which I was the head has continued in office from 1921 up to the moment I resigned the other day, without sustaining a single defeat.

Mr. MANION: Quite a few members short.

Mr. MACKENZIE KING: If the fact that there were a few members short was the reason why His Excellency should not have permitted my government to carry on, I wonder what becomes of the effect of that reason when it is applied to the present so-called government. A few members short?

Mr. MANION: After two months.

Mr. MACKENZIE KING: After two months, yes. But what is the position to-day?

Mr. MANION: So far we have had only twenty-four hours.

Mr. MACKENZIE KING: How many members short is this government at the present time?

Mr. MANION: I do not wish to interrupt the right hon. gentleman; I will answer his question when he sits down.

Mr. MACKENZIE KING: I am sitting down.

Mr. MANION: Then you are through.

Mr. MACKENZIE KING: Not by any means.

Mr. MANION: Finish your speech then.

Mr. MACKENZIE KING: Perhaps I may put the question in another form. The hon. member asks, how many ministers short is his government? I would ask, how many ministers long are they?

Some hon. MEMBERS: Oh, oh.

Some hon. MEMBERS: Hear, hear.

Mr. MANION: We have all we need to get a majority.

Mr. MACKENZIE KING: This country to-day is being governed, with all the great responsibilities of government, by a cabinet in which there is not a single minister of the crown in parliament and in which there is no Prime Minister with a seat in the House. with such a sequence of events I say that if ever a Prime Minister was justified in tendering advice urging that the conditions demanded dissolution, I have been justified in this instance. We find the affairs of the country being administered by a group of gentlemen not one of whom is a minister of the crown—and this while parliament is in session.

Mr. McGIBBON: Don't take it so badly.

Mr. MACKENZIE KING: The whole struggle throughout the centuries has been to bring about a system of responsible government whereby every executive act of the crown should be performed upon the advice of a responsible ministry. Do hon. gentlemen opposite pretend to be such a ministry?

Some hon. MEMBERS: Sure.

Mr. MACKENZIE KING: Sure! It only shows how ignorant hon. gentlemen are of the nature of responsible government. Does my hon. friend who is leading the House (Sir Henry Drayton) think that the people of Canada, the men and women who are paying the taxes to carry on the business of the country, will be satisfied for one moment with a government constituted as this is?

Sir HENRY DRAYTON: I can only say to my right hon. friend that I should like the sensible people of this country to see him at this moment.

Mr. MACKENZIE KING: I did not quite catch the hon. gentleman's remark, but I shall proceed to conclude my answer to the hon. member for St. Lawrence-St. George (Mr. Cahan) with reference to what he sees fit to describe as discourtesy on my part in not advising hon. gentlemen opposite of my intention to resign.

Mr. CAHAN: I did not suggest that it was discourtesy; I did describe it as an unparalleled dereliction of duty.

Mr. MACKENZIE KING: We are not permitted to introduce the name of His Excellency into this discussion—

Some hon. MEMBERS: Why do so then?

Mr. NICHOLSON: That is what you have been doing all evening.

Mr. MACKENZIE KING: I have not done so. I have been discussing the ministers who have been advising His Excellency.

Mr. LAPOINTE: Keep cool, boys, it is only beginning.

Mr. MACKENZIE KING: The point I am making is this. When a Prime Minister advises the crown or its representative of the necessity for calling upon someone else to succeed him he does just what my hon. friend suggests; he seeks to have arrangements made whereby his successor may carry on.

Mr. CAHAN: Hear, hear.

Mr. MACKENZIE KING: But I did not go to His Excellency to tender His Excellency any such advice. My advice to His Excellency was that in my opinion dissolution was imperative.

Mr. CAHAN: And?

Mr. MACKENZIE KING: It was not for me, when His Excellency declined to accept my advice, to suggest that I would continue in office any longer.

Mr. RYCKMAN: Leave His Excellency out of it.

Mr. MACKENZIE KING: I am not speaking of His Excellency personally; I am referring to my relations with the representative of His Majesty. I repeat, when I tender advice to the sovereign's representative and that advice is not accepted, it is impossible for me thereafter to advise His Excellency in respect of any matter whatever. The moment His Excellency declines to receive my advice I cease to be his adviser.

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: We are discovering the views of hon. gentlemen opposite with regard to the obligations of responsible government. My hon. friends have not the remotest idea of what should be the relationship of a responsible ministry to the crown. Now I hope I have set at rest the anxiety of my hon. friend from St. Lawrence-St. George.

Mr. CAHAN: I trust I shall have an opportunity of replying to the right hon. gentleman.

Mr. MACKENZIE KING: Yes, and when the hon. member does so I hope he will put himself in my place—

Some hon. MEMBERS: Oh no.

Mr. NICHOLSON: Never will.

Mr. MACKENZIE KING: I do not want the hon. gentleman to be leader of the opposition, but I should be pleased to see him at least a member of the present phantom ministry. I should be glad to see some representative from the city of Montreal sitting opposite.

Mr. RYCKMAN: Don't worry.

Mr. MACKENZIE KING: If such a representative were in the cabinet it would help to fill out the picture. May I say this to my hon. friend who is leading the government. Assuming that he had the responsibility of advising the crown, and that his advice was not accepted: would he feel that it was his duty then to persist in tendering advice as to how matters were to be arranged, or would he wait until he was asked to give such advice? I ask the hon. gentleman that question. Let me say that I was quite prepared to do anything His Excellency might have asked me to do.

Without disclosing anything which should not be revealed I think I may go so far as to say that I indicated very clearly to His Excellency that I was prepared to have my resignation withheld at His Excellency's request. But when I offer advice and it is not accepted then I say that the only duty, the only dignified course that remains—indeed, the only thing that could possibly be done under the circumstances—is to cease to advise on any matter. That question, I hope, is cleared up.

Mr. HOCKEN: Having regard to the state of affairs in which we find ourselves now, does the right hon. gentleman not consider that he should have co-operated with his successor in carrying on the business of the House to a conclusion?

Mr. MACKENZIE KING: I never anticipated having a successor who would attempt to carry on under the present conditions. If I believed that a dissolution was unavoidable it was my duty so to advise His Excellency, and I certainly never would have offered that advice had I felt that as at present constituted parliament could function with dignity and with honour to itself.

From the day this session began until the moment I tendered my resignation to His Excellency, hon. gentlemen opposite, who were then on this side of the House, levelled against me and my colleagues the charge that we were co-operating with the Progressive group and that the Liberal party and that group were part and parcel of one organization working together—as though there were something wholly improper in a relationship of that kind. They spoke of our alliance as an unholy, unnatural alliance, as something discreditable to the Liberal party and to the Progressive group, and they said that that alliance should be ended. Then when we saw it ending through the intrigue that was going on in the two houses of parliament, when we saw—

Some hon. MEMBERS: Order.

Mr. MACKENZIE KING: —when we saw conditions had come—

Some hon. MEMBERS: Order.

Mr. MACKENZIE KING: Order nothing. I repeat what I have said.

Mr. MANION: I rise to a point of order, Mr. Chairman. I submit it is against the rules of this House for any hon. member to pass severe strictures upon the other House. The right hon. gentleman has just used the word "intrigue" in regard to both Houses. I submit he should be made to retract it.

[Mr. Mackenzie King.]

Mr. MACKENZIE KING: My hon. friend is very sensitive in the matter of strictures.

Mr. MANION: I want a ruling from the Chair.

Mr. MACKENZIE KING: Will my hon. friend allow me a chance to make a reply?

Mr. MANION: Make your reply to the Chair.

Mr. MACKENZIE KING: I am doing so. Mr. Chairman, may I say that my hon. friend is very sensitive with respect to strictures. Does he object to my having used the word "stricture" against the other House? May I quickly and immediately take back that expression—if I used it.

Some hon. MEMBERS: Hear, hear.

Mr. MACKENZIE KING: It so happens, however, that it was not "stricture" that I used, but "intrigue". It just shows how excited my hon. friends opposite are that they did not notice what I had said. May I say, Mr. Chairman, that I had not the slightest desire to reflect upon the other House. It is this House I am talking about.

Mr. MANION: You are talking a long time.

Mr. MACKENZIE KING: Yes, and I tell my hon. friend that I am going to talk a very much longer time. If hon. gentlemen opposite think they are going to run off to the country with the treasury under conditions such as this, they are very much mistaken. Conditions have very much changed in this country from what they were in days preceding confederation if a Tory government formed, as this government is, of so-called ministers, not one of whom has taken the oath of office, can come into the House of Commons and, through the questionable support that they have secured by the methods that they have adopted, vote themselves the supplies necessary to carry on all the departments of government—

An hon. MEMBER: You are thinking of '37.

Mr. MACKENZIE KING: Yes, I am thinking of '37, and I tell my hon. friend that I was never prouder in my life than to have the privilege of standing in this parliament to-night and on behalf of British parliamentary institutions denouncing the irresponsible government of his party. Do hon. gentlemen opposite advocate that we

shall go back to a condition of affairs in Canada worse than anything that existed in 1837?

An hon. MEMBER: We have had it for the last eight months.

Mr. MACKENZIE KING: 1837 was bad enough, but it was not a circumstance on the present condition of affairs. If at the instance of one individual a prime minister can be put into office and with a ministry which is not yet formed be permitted to vote all the supplies necessary to carry on the government of Canada for a year, we have reached a condition in this country that threatens constitutional liberty, freedom and right in all parts of the world.

Mr. LADNER: Mr. Chairman—

Some hon. MEMBERS: Sit down.

The CHAIRMAN: Order.

Mr. LADNER: Will the right hon. gentleman state frankly and directly to the House who that individual is? Has he the courage to do so?

Mr. MACKENZIE KING: The courage to do what?

Mr. LADNER: To state the individual to whom he has referred in the last sentence of his remarks?

Mr. CANNON: That is Arthur Meighen. Didn't you understand?

Mr. MACKENZIE KING: I said, and I repeat it, that a prime minister does not come into office by virtue of the will or the wish of any individual. A prime minister comes into office by virtue of having the confidence of the people's representatives in the House of Commons.

Mr. LADNER: Will the right hon. gentleman for once answer a question directly?

Some hon. MEMBERS: Sit down.

Mr. MACKENZIE KING: I repeat what I have said.

Mr. LADNER: You are saying it differently now.

Mr. MACKENZIE KING: What did I say before?

An hon. MEMBER: Nothing.

Mr. LADNER: I am not afraid to repeat what he said. The right hon. gentleman stated that at the instance of one individual a government was able to be placed in power and to vote to themselves supplies for a year, and then he proceeded in a somewhat bumptious manner to describe the iniquities which might follow. His reflection was upon a person whom he must know he could not refer to, and whom he is ashamed to name.

Mr. MACKENZIE KING: I beg my hon. friend's pardon. I ask him, how does the present Prime Minister of Canada come to be in office?

Mr. LADNER: By a proper constitutional course.

Mr. MACKENZIE KING: What is the court?

Mr. LADNER: Course. Owing to the lack of confidence of the majority of the members of the House of Commons, due to the dereliction of duty of the former government.

Mr. MACKENZIE KING: My hon. friend is entirely mistaken. The government of which I had the honour to be the head never met with defeat from the day that it came into office to the day that it resigned.

Mr. BURY: Mr. Chairman—

Some hon. MEMBERS: Order. Sit down.

The CHAIRMAN: Order.

Mr. BURY: The right hon. leader of the opposition said a minute ago that the Prime Minister at the instance of one individual was allowed to get into power.

Some hon. MEMBERS: No, no.

Mr. BURY: He did.

An hon. MEMBER: Listen again. You are dreaming.

Mr. BURY: May I ask the right hon. leader of the opposition, who was the individual?

Mr. MACKENZIE KING: I repeat what I have said. The Prime Minister is in office to-day—

Mr. BURY: At the instance of one individual.

Mr. MACKENZIE KING: Yes, that is correct.

Some hon. MEMBERS: Who?

Mr. MACKENZIE KING: If hon. gentlemen opposite will not get so excited—

An hon. MEMBER: Name the individual.

Mr. MACKENZIE KING: May I say that the individual to whom I refer has, I believe, acted according to his conscience, honestly, sincerely, truly. I have nothing

disrespectful to say of him in any particular. I have the greatest admiration for him.

Mr. BURY: Mr. Chairman, I rise to a point of order.

Some hon. MEMBERS: Sit down.

Mr. BURY: The right hon. leader of the opposition is referring to the action of His Excellency, and I do not think he has any right to discuss it.

Mr. MACKENZIE KING: My hon. friend was seeking to have me name an individual, and I am replying. The rules of this House do not say that individuals cannot be named; the rules say that individuals in certain positions cannot be spoken of disrespectfully. May I say that the individual of whom I am speaking is a gentleman for whom I have the greatest regard it is possible for one man to have for another. The individual of whom I am speaking is a gentleman for whom I have the greatest affection possible, and may I say further that the individual of whom I am speaking is, I believe, a gentleman who would never commit an act of any kind which he did not think right and proper in every particular. Let me make that clear. Hon. gentlemen opposite cannot bring his name or office into this discussion.

Mr. CLARK: Who is doing it?

Mr. MACKENZIE KING: I am speaking of myself as to the advice I tendered as Prime Minister.

An hon. MEMBER: But you are not.

Mr. MACKENZIE KING: In order that there may be no misrepresentation of the position, I ask any one on the other side of the House to stand up and tell hon. members, in the presence of those who have heard me speak, of one single utterance of mine which has been disrespectful in any particular in respect to the Governor General.

Mr. BURY: The objection of some of us on this side of the House is that the right hon. leader of the opposition has no right to discuss the conduct of His Excellency.

Mr. MACKENZIE KING: I have made no reference to the conduct of His Excellency I would like to know when we arrived at the time in the affairs of this country, when the constitutionality of any act of any governor general cannot be discussed. I am discussing the constitutionality of a course of procedure, and nothing more. I would not for one moment be discussing the particular phase of this question if it did not lie at the root of the whole question of where power comes from. I ask my hon. friends opposite: Do they think the power of a prime minister is derived from above or that it comes from the people through their representatives in parliament, who extend their confidence to a ministry that is able to retain the confidence of the House? Now, I just want to say this. I tendered certain advice, which was declined.

An hon. MEMBER: You have told us that ten times already.

Mr. MACKENZIE KING: I know, and I am going to state it many more times. But I want to tell my hon. friends that what the country is witnessing at this present moment—

Some hon. MEMBERS: Hear, hear.

Mr. MACKENZIE KING: —is the best evidence of the fact that the advice tendered was sound, and I am glad to hear hon. gentlemen opposite applaud. Now, in order to avoid any mistake may I say something which I tried to say two or three times this afternoon when I was interrupted, but which I think I am free to say now? In being declined the right of dissolution I believe I was declined that right because His Excellency had the honest belief that some other member of this House could be found who as prime minister could carry on the business of government in this country in the way it should be carried on, befitting the dignity and honour of parliament, and which would therefore avoid the necessity of a general election.

An hon. MEMBER: It is being carried on.

Mr. MACKENZIE KING: Just a moment. I am prepared to say this, that until I find out just whether or not it is going to be possible for any individual chosen from the ranks of hon. gentlemen opposite to carry on the business of the country in the manner the country will think right and proper, having regard to the honour and dignity of parliament; and until I see what action His Excellency takes in those circumstances, for my part I am quite prepared to withhold any kind of expression of view as to the constitutionality of the action taken in not accepting my advice. I have no objection that the right hon. gentleman who is to-day Prime Minister of Canada should be given his chance, if you wish to call it such, to carry on the business of this country at present. I do say, however, that when he took the responsibility of His Excellency's refusal to

grant a dissolution he put himself under the necessity of making very clear to this country that in doing so he was capable of doing all that it involved, and which was that he would be able to conduct the affairs of this country in this parliament in a manner, as I have already said, befitting the honour and dignity of the venerable institution of parliament. If he is unable to do that, it is then his duty to return to His Excellency and tell His Excellency that he has not been able to carry out his undertaking. Then, when the present Prime Minister of this country returns to His Excellency and informs His Excellency that he finds it impossible to carry on the business of the country in the manner I have already described; that he regrets to find that his experience has been similar to mine, I will wait and see what His Excellency does before I judge of the motive which governed with respect to the non-acceptance of the advice which I tendered and which motive up to this moment I have never questioned.

May I say this, that I believe it has been represented to His Excellency by the present Prime Minister that he is able to carry on the business of this House in a manner which is dignified and proper. He could not possibly be Prime Minister to-day on any other score; he must have told His Excellency that, or His Excellency would never have asked him to be Prime Minister. But having said that to the crown representative he owes it to the honour of the crown to implement his words, and I say it is not to the honour of the crown that he should seek to put into the seats of the ministry a group of gentlemen not one of whom has taken any oath of office, and call that the responsible ministry which is to advise His Excellency the Governor General with respect to all the affairs of this country. I say I cannot think of any act more irresponsible or unconstitutional than that. When the present Prime Minister went to His Excellency and said, as he must have said, "I am prepared to take the responsibility of Your Excellency having refused dissolution to Mr. King", he had to pledge himself to His Excellency by his word that he was able to carry on where I was unable to carry on. Now let me repeat that. If I had believed that the present Prime Minister could do anything of the kind I would have so advised His Excellency, and would have been very glad to have had His Excellency send for my right hon. friend and give him a chance.

Mr. GARLAND (Bow River): May I ask a question?

Mr. MACKENZIE KING: Certainly.

Mr. GARLAND (Bow River): When the right hon. gentleman was refused the right to dissolve parliament, was he requested to carry on until the ministry could be formed?

Mr. MACKENZIE KING: No. I want to say to my hon. friend that I was not so requested, and that is the point I was trying to make to my hon. friend from St. Lawrence-St. George (Mr. Cahan).

Mr. GARLAND (Bow River): Is not that the constitutional practice in Great Britain?

Mr. MACKENZIE KING: May I make this clear to my hon. friend? It depends entirely upon the nature of the advice tendered. The advice I tendered was not that the present Prime Minister should be sent for; I could not honestly advise His Excellency to send for the right hon. gentleman.

Some hon. MEMBERS: Why?

Mr. MACKENZIE KING: Because throughout this parliament, from the day the members of this House were elected until the moment I went to His Excellency, I was the only one who had the confidence of this House, and having regard to the issue on which hon. members were returned had a right to believe I was the only one able to retain that confidence.

Some hon. MEMBERS: Oh, oh!

Mr. MACKENZIE KING: Hon. gentlemen opposite may laugh, but I would ask them to look over the division lists.

Mr. CAHAN: Did the former Prime Minister, the right hon. gentleman representing Prince Albert, tender his resignation to His Excellency because he thought he had lost the confidence of this House, or was it because he had lost confidence in himself?

Mr. MACKENZIE KING: I can tell my hon. friend that it was not either, but that he had come to the conclusion that there was not any human being living who could command the confidence of this House at this time in a manner that would do credit to the administration of affairs in this country. That was the conclusion I had come to.

Mr. GARLAND (Bow River): Is it not true that on a similar occasion in Great Britain, when the Ramsay MacDonald government was faced with a situation somewhat similar, but not quite, Mr. MacDonald did not resign, but he was requested by the king to carry on until Mr. Baldwin formed his administration? And was not that possible in this case?

Mr. MACKENZIE KING: The parallel that my hon. friend suggests was not at the beginning of the MacDonald administration, but at the close. Mr. Ramsay MacDonald went to His Majesty the King and asked for a dissolution after he had been in office only part of one session, and he got a dissolution. My position, and I take it in the interest of this country, as a self-governing Dominion, is that the Prime Minister of Canada advising His Excellency the Governor General is in precisely the same position as the Prime Minister of England advising His Majesty the King. May I say to my hon. friend who has just spoken that any other theory of government reduces this Dominion of Canada from the status of a self-governing Dominion to the status of a crown colony. What has been the evolution of our political institutions?

An hon. MEMBER: Are we going to have a lot more?

Mr. MACKENZIE KING: Yes, you are going to have a lot more. Hon. gentlemen opposite need a good deal of education in the matter of political freedom. I want to make clear the principles for which I have been standing. What is the position of a crown colony? Governors go out from Britain with instructions from the Colonial Office, and they exercise authority which is more or less discretionary with themselves. They call upon individuals to become members of their councils; they have the appointing to office, and the dismissing from office in certain cases. That was the condition we were in in parts of Canada about a century ago. But since that time there has been a political evolution of considerable proportions in all parts of the British Empire, and what to-day are known as the self-governing Dominions are to my mind, in precisely the same position in the management of their own domestic affairs as is the government of Great Britain with respect to its domestic affairs.

An hon. MEMBER: We all know that.

Mr. MACKENZIE KING: No, you don't know it, or you would not be sitting where you are. The difference between a crown colony and a self-governing Dominion is that the Governor General of a self-governing Dominion acts upon the advice of his responsible ministers. May I say this, Mr. Chairman: For one hundred years in Great Britain there is not a single instance of a Prime Minister having asked for a dissolution and having been refused it. May I add this further, that since this Dominion was formed, since confederation in 1867, there is not a single instance where a Prime Minister has advised a dissolution and has been refused it. Is there then no constitutional issue at stake?

Mr. CLARK: We have never had a usurper before.

Mr. MACKENZIE KING: You have certainly got one now in the seat of the Prime Minister, and one who is more or less of an expert as a usurper. I submit, Mr. Chairman, that the issue that we are face to face with at the present time is one which affects all parts of the British Empire, and it is amongst other reasons because of my belief in and my love for the British Empire that I take the stand that I do in this matter. It is only by a recognition of the fact that the British Empire rests upon the corner stone of responsible self-government in each of the Dominions and in the Mother Country that this great empire can endure; and that is why I feel we are called upon at this time to see that the principle of responsible self-government is fully carried out. I say, Mr. Chairman, that at this time we have at heart the interests not only of Canada, but of South Africa, of Australia, of New Zealand, of Newfoundland, of the Irish Free State, of India, yes, and of the British Isles themselves.

Mr. CANTLEY: The United States too.

Mr. MACKENZIE KING: No, not the United States. That shows again how ignorant my hon. friend is. The United States have an entirely different form of government, and a little study of comparative institutions would not do my hon. friend opposite any harm. Mr. Chairman, I do not wish to take up very much more time—

Some hon. MEMBERS: Go on.

Mr. MACKENZIE KING: Yes, I will go on. I want to make this position clear, so that there can be no mistake as to my attitude in relation to His Excellency the Governor General and the advice which I have tendered. I ask hon. members to listen very carefully to what I am now saying.

I believe that His Excellency the Governor General sincerely believed that the present Prime Minister would be able to carry on the government of this country in a manner befitting and in accordance with British traditions, in a manner which would accord with the recognized principles of responsible government; and believing that, His Excellency undoubtedly asked the present Prime Minister whether he was prepared to assume office on those conditions. Now if the right hon. gentleman can demonstrate to the country,

if he has demonstrated to this House and this parliament, that he is able to do that, after what we have seen and are witnessing in this so-called ministry presented to us to-night, then I say that His Excellency's judgment in the matter has been sound and right, and there is no criticism to offer. But I do say this, that if—and this is subject to something further I shall have to say—if by any chance it should appear that we have another day of the character we have had to-day, when the government can only be carried on by ministers not one of whom has taken an oath of office, then I think it would be time for His Excellency to ask himself the question whether the right hon. gentleman who assumed to carry on this House has carried out his undertaking. If he has not carried it out, then, as I have already said, it is the duty of the present Prime Minister not to wait until His Excellency is obliged to send for him but to return to His Excellency the Governor General and relieve His Excellency of the tremendous responsibility which he is carrying at this hour. I say that it is the duty of the right hon. the Prime Minister at this moment to lose no time in returning to His Excellency the Governor General and telling His Excellency that he has attempted to carry on but that he finds he is confronted with a situation, parliament being in session, which does not allow him to carry on in a manner which will help to maintain respect and regard for parliamentary institutions, and that therefore he asks to be relieved of tendering to His Excellency further advice. It will then be for His Excellency to say what course he will take. Until His Excellency has had that opportunity, and until I see what course His Excellency takes as a consequence of it, I for one do not intend to offer any criticism whatever of the constitutionality of the course taken up to the present time. I do not think I can make my position clearer than that.

Now, may I return again to the situation with which we are confronted? I asked hon. gentlemen opposite a moment ago whether any of them had taken the oath of office. Not one has. I asked them how they were appointed? They said they were all appointed by order in council. Now look at the situation: We have a Prime Minister who has taken an oath. I ask hon. members to remember this—the Prime Minister has taken an oath. He has not given a mere promise or undertaking to do something, but has taken a solemn oath which relates to the crown itself, with all that pertains to the sacredness of parliamentary institutions. That oath obliges him to see that the crown's name in all particulars is protected; that the crown or its representative shall not by any act of his be brought into public discussion. May I say that is only through the act of the present Prime Minister that any mention has come to be made of His Excellency the Governor General at the present time—only through his act. He has taken his oath to see that the government of this country is carried on in a manner which will not reflect upon the crown and all that the crown stands for in conserving the liberties and freedom of the people under responsible government. Now, I shall give the Prime Minister the opportunity to-night of thinking over the position in which he has placed His Excellency the Governor General, over the position in which he has placed His Majesty's representative in this country, over the position in which he has placed the King himself,—because he is acting as one who is advising the crown through its representative—and I say to him that if he will read my words in the morning, if perchance he cannot hear them now, he should consider very carefully how much longer he is going to keep His Excellency in the position of great suspense which he must be in at the present time with respect to whether or not his act has been constitutional or justified, and for what he does in that regard the present Prime Minister will be judged by the people of this country and by posterity itself.

Now that right hon. gentleman, having taken the oath of office, proceeds to appoint his ministry. May I again recall to hon. gentlemen opposite what I said a moment ago about the manner in which orders in council are passed and what is essential in that regard. Four members of the cabinet are supposed to constitute a quorum. How was the first order in council passed, appointing hon. gentlemen opposite? I suppose the hon. gentleman who is leading the House at the moment was appointed by the first order in council. Therefore I ask my hon. friend who were present at the cabinet meeting when he was appointed? What was the quorum that enabled the Prime Minister to pass an order in council and present it to His Excellency? I say that if the Prime Minister of this country went to His Excellency the Governor General with an order in his hand appointing certain gentlemen opposite ministers of state or acting ministers of state, when there was only himself to sit in council and pass it, and asked His Excellency to sign that order, he committed the most autocratic and unconstitutional act that any individual in this country could commit.

Mr. MANION: By what right does the leader of the opposition charge the right hon. the Prime Minister with such an act as he is practically accusing him of at the moment?

Mr. MACKENZIE KING: I was only taking the words of hon. gentlemen opposite.

Mr. MANION: They did not say anything of the sort.

Mr. MACKENZIE KING: Yes, they say they were appointed by order in council.

Mr. MANION: The hon. gentleman has been told that there were at least six ministers present when the orders were passed.

Mr. MACKENZIE KING: Just let us get at the truth of the whole matter. Let my hon. friend repeat his statement.

Mr. MANION: I do not intend to repeat anything.

Mr. MACKENZIE KING: Do not let there be any mistake. What was said was that my hon friend was one of a number of six who had been appointed to the Privy Council. I asked him when they were appointed privy councillors, and with the exception of one they were all appointed even before the late government came into office; the one remaining has been appointed since we went out.

Mr. MANION: Once a privy councillor always a privy councillor.

Mr. MACKENZIE KING: The fact that one was formerly a privy councillor does not give him the right to go into the Privy Council and do what he pleases with the affairs of the state. I tell my hon. friend that these gentlemen to my right and left are privy councillors. If his doctrine is correct, we have just as much authority as hon. gentlemen opposite to walk into the Privy Council and take our seats.

Mr. MANION: Not unless you are invited.

Mr. GUTHRIE: You would have a right to go there if you were summoned.

Mr. MACKENZIE KING: Yes, my hon. friend was summoned, but was it as a minister of the crown? We are now trying to discover by what authority hon. gentlemen opposite come before this House and seek to put through estimates.

Mr. GUTHRIE: Give me about five minutes and I will show you.

Mr. MACKENZIE KING: My hon. friend will have the opportunity to do that a little later. What I wish to point out is this: Hon. members opposite say that they are acting as ministers by virtue of orders in council which were passed. They sit in their seats as acting ministers and it is as acting ministers that they come before us. But I say that so far as ministers are concerned the first acting minister could only have been appointed by order in council, if he was so appointed, by an order which the Prime Minister, sitting alone in state, put through.

Mr. MANION: Why could he not do that? I ask my hon. friend a question: Why could not the right hon. the Prime Minister call in any privy councillors whom he chose so long as they had been sworn as privy councillors as we all have been? Why could he not call them in and pass his orders in council?

Mr. CAHAN: The constitution of the country specifically provides for that.

Mr. PARENT: Where do you find that?

Mr. MACKENZIE KING: I have in my hand, and I will ask the House to notice it, an order in council which my hon. friend opposite has just sent me, I mean the hon. gentleman who is leading the House. This order is P.C. 1044. I ask the House to look at this P.C. 1044, which is certified to be a true copy of a minute of a committee of the Privy Council approved by His Excellency the Governor General, on the 29th June, 1926. The order in council reads:

> The committee of the Privy Council, on the recommendation of the Right Honourable Arthur Meighen, the Prime Minister, advise that the Honourable Sir Henry L. Drayton, a member of the King's Privy Council for Canada be Acting Minister of Finance and Acting Minister of Railways and Canals.
>
> E. J. LEMAIRE,
> Clerk of the Privy Council.

That was quite evidently the first order that was passed. When that order was passed it must have been presented to council by the Prime Minister and he had not seated around him any colleague who had taken the oath of office—any colleague who was a minister—not one; yet he goes to His Excellency the Governor General with this order and advises His Excellency to sign it, so that he can have a leader in the House. Did hon. members ever hear of a procedure of the kind being called constitutional?

Then we have P.C. No. 1047. There are two or three orders between these. I would like my hon. friend to produce them tomorrow, so that we can see what they are; I will ask him to lay on the table orders in council 1045 and 1046. This order in council No. 1047, reads:

The committee of the Privy Council on the recommendation of the Right Hon. Arthur Meighen, the Prime Minister, advise that—

The Hon. R. J. Manion, a member of the King's Privy Council for Canada be acting Minister of Soldiers' Civil Re-establishment and Acting Minister in charge of the Department of Health, Acting Postmaster General, Immigration and Colonization, and Labour;

That the hon. Sir George Perley, a member of the King's Privy Council for Canada, be Acting Secretary of State and Acting Minister of Public Works;

That the hon. William Anderson Black, a member of the King's Privy Council for Canada, be Acting Minister of Marine and Fisheries.

E. J. LEMAIRE,
Clerk of the Privy Council.

Look at the spectacle. Here you have all these gentlemen being made acting ministers, and how have they been made acting ministers? By themselves, all sitting there around one table, not one of them sworn to office. Look at the procedure. The Prime Minister gets his appointment, takes his oath, walks into the council room, sits down at the head of the table all alone, and says, "I must begin to form a government."

Mr. MANION: Why all alone?

Mr. MACKENZIE KING: Because he is the only one who has a right to go there to discharge an executive act.

Mr. MANION: Have not all the privy councillors a right to go into the council chamber?

Mr. MACKENZIE KING: No.

Mr. MANION: They are summoned by the Prime Minister.

Mr. MACKENZIE KING: The minister will hear more of the legal aspect of this to-morrow. I want to present the case to-night sufficiently to enable His Excellency to learn through the one who has assumed responsibility to advise him just what is being done in this parliament, so that the one who to-day pretends to act as Prime Minister will have an opportunity to think of the seriousness of the situation into which he is bringing both himself and the crown's representatives.

I have demonstrated how these gentlemen found their way back into the House of Commons and began to vote themselves supplies. Do you think, Mr. Chairman, after all the struggle there has been through the years to bring about a condition where the ministry of the day will be responsible to parliament and through parliament to the people, that any parliament worthy of such a name can permit this kind of conduct to go unchallenged and uncensured? If this be permitted to pass, we may have one Prime Minister exercising authority in this extraordinary manner to-day, and who may we not have attempting to exercise it another year hence, or two or three years or twenty years hence? I ask hon. gentlemen to recall the fact that all the acts of this parliament that are countenanced become precedents for some future occasion, and if we in 1926 permit one gentleman, who is asked by His Excellency whether he will undertake a great trust and who says to His Excellency that he is prepared to undertake it and can undertake it —if we permit him to proceed as was done in this case, what is certain to result? If simply to assume office and promise to tender advice is all that is needed in the way of undertaking to enable one gentleman to surround himself by a number of others and to give them positions and powers as ministers of the crown, albeit only acting ministers, and if these gentlemen are permitted to draw from the treasury the millions of dollars they are asking us to vote to-night and have the right to carry on the government of the country for another year at least, what guarantee have we of future liberty and freedom in this country?

I hope I have said enough; but I will say in conclusion that I think the only thing befitting the dignity and the honour of the House at the moment is that the hon. member opposite who is leading the House should not attempt to proceed further with the putting through of any supply, but that I should move now that the House adjourn in order that His Excellency through his adviser may have an opportunity to take account of to-day's proceedings. I would first move that the chairman do now leave the chair.

Sir HENRY DRAYTON: The hon. member moved that the House adjourn, and it is not in order.

Sir GEORGE PERLEY: I have only a few words to say.

Mr. MACKENZIE KING: The motion is not debatable.

Sir GEORGE PERLEY: I want to say before the motion is put—

Mr. MACKENZIE KING: It is not debatable.

Sir GEORGE PERLEY: I do not think the right hon. member, notwithstanding his long speech, wishes to be unfair in this matter. I simply want to say, regarding the appointments which have been made and which the right hon. gentleman criticized, that I am informed by Mr. Lemaire, the clerk of the

Privy Council, that they were made in the same way exactly as has been the custom for years, and as has been done in the case of other ministers without portfolio. If the right hon. member will cast his mind back he will remember that he himself appointed ministers without portfolio, and that they were appointed by being summoned by the Prime Minister, and that he had cases himself where a minister without portfolio administered a department of government. I am quite sure he will remember that himself. As for saying that a minister without portfolio cannot properly represent a department unless there is an actual minister of it, I know myself of cases where, after the death of a minister, the department was for some time administered by a minister without portfolio, although there was no actual minister of the department at the time. I myself administered the Department of Public Works for some time under those conditions. I simply wanted the right hon. gentleman to understand that the procedure in this case is exactly the same as that followed for years.

When it comes to the point the right hon. gentleman makes of the Prime Minister sitting in state, all alone, and passing an order in council, I wish to bring to mind what happened in his own case when he was called by the Governor General to be Prime Minister. What happened was, I think, that he selected the men who were going to be his colleagues. They were sworn in by the Governor General; then they went back to the council chamber, sat down and passed an order appointing themselves. My right hon. friend tries to make out that the present Prime Minister could not be appointed by order in council because he was all alone. How was the leader of the opposition appointed Prime Minister? He was appointed Prime Minister by order in council after the cabinet got back and appointed him.

Mr. MACKENZIE KING: My hon. friend has been courteous in his presentation of the statement regarding the manner in which the cabinet of which I had the honour to be the leader was formed. He said that the Prime Minister and his colleagues in that cabinet took the oath of office. That is precisely what hon. gentlemen opposite have not done. Not one member of the cabinet of which I was the head walked into the council chamber until he had taken the oath of office. There are two oaths to be taken before any hon. gentleman has the right to administer the affairs of a department: he must first take the oath of a privy councillor and then the oath of minister of the particular department to which he may be assigned. Hon. gentlemen will see that, with big interests concerned—

Mr. CHAPLIN (Lincoln): Rockefeller.

Mr. MACKENZIE KING: There is not a single contract signed by hon. gentlemen opposite to-day which will stand for an hour in a court of law. Are we going to allow the business of the country—the railways, the banks, other financial institutions and such other institutions such as the wheat pool, and the grain exchange, about which we have been hearing so much during the last few days—are we going to allow these big interests to be imperilled, in matters in which they are vitally concerned, because of the fact that contracts signed from day to day in the name of the crown are signed by persons not one of whom are ministers who have taken the oath of office which entitles them to sign in His Majesty's name? Was it, Mr. Chairman, ever intended that ministers should act on behalf of and in the name of the crown without having taken an oath of office?

Mr. MANION: We are not king's ministers; we are acting.

Mr. MACKENZIE KING: Not king's ministers? You never said a truer word. And Mr. Chairman—

Some hon. MEMBERS: Hurrah!

Mr. MACKENZIE KING: Mr. Chairman—

Some hon. MEMBERS: Hurrah!

Mr. MACKENZIE KING: I say—

Some hon. MEMBERS: Hurrah!

Mr. LAPOINTE: That will not expedite the session.

Mr. MANION: We can stay as long as you can.

Mr. MACKENZIE KING: I say that when we have from the lips of a member of the cabinet the statement that he and his colleagues are not king's ministers it is time His Excellency the Governor General sent for the present Prime Minister and asked the question, who are the responsible ministers by whom through you, I am being advised? Until that question is asked, I for one propose to see that this parliament if I can effect it, shall not be permitted to vote another dollar of supply. I move that the chairman leave the chair.

The CHAIRMAN: Mr. Mackenzie King moves that the chairman leave the chair. Those in favour of the motion will rise.

Yeas: 80.

Mr. BELL (Hamilton): Mr. Chairman, I have seen two hon. gentlemen opposite voting who I am sure are paired. One hon. gentleman behind the ex-Minister of Customs (Mr. Boivin) is paired to my knowledge.

Mr. LAPOINTE: I would suggest that the whips confer and that we start all over again.

Mr. BOYS: I do not want to make any trouble, but we should understand just where we are. I am glad to see the Liberal whip in his place because I think he will agree with me that the terms of the signed lists of pairs which both he and I possess include votes in committee as well as in the House.

Mr. CASGRAIN: I agree with the hon. member.

Mr. BOYS: But hon. gentlemen opposite have voted whose signed pairs I have in my possession.

Mr. LAPOINTE: We will start all over again.

Sir HENRY DRAYTON: Your men have been counted; others have come in since.

Mr. LAPOINTE: They did so honestly.

Motion (Mr. Mackenzie King) negatived: Yeas, 80; nays, 101.

An hon. MEMBER: The same number.

The CHAIRMAN: I declare the motion lost.

Mr. GARLAND (Bow River): Mr. Chairman, the speech that has just been delivered by the right hon. leader of the opposition is one of the most eloquent and convincing that I have ever listened to in my life, and the Liberal party may well be proud of its leader. My reason for voting as I did was because I do not believe in the policy of refusing to opponents the right of reply. That is all I wish to give them. I am satisfied that they shall have the right to adjourn the debate, and I suggest to them in all courtesy that as the hour is late—and I have voted with them on this occasion as have several of my colleagues for exactly the same purpose—they adjourn the debate. We will listen to their reply to-morrow as attentively as we have to what was said by the opposition to-night.

Mr. MACKENZIE KING: May I say to my hon. friend at once that if I thought I was being guilty of any discourtesy to hon. gentlemen opposite I would not have made the motion.

Mr. MANION: That was the purpose.

Mr. MACKENZIE KING: No. In the circumstances it seemed fitting to me that we should not continue the proceedings.

Mr. GARLAND (Bow River): I accept the right hon. gentleman's statement.

Mr. STEVENS: Mr. Chairman, I think it is only due to my right hon. leader that I should review the situation in a very few sentences. By the act of the ex-Prime Minister the position of leader of the government was vacated. His Excellency then called in the Right Hon. Arthur Meighen to form a government. He had to consider whether he would ask the House to adjourn for a few weeks in order to allow him time to form a ministry and meet the House, or whether in view of the dying hours of the session, admitted by all, it would not be advisable to ask the House to allow the legislation on the order paper to pass, together with the estimates, and prorogue parliament. In doing that he stated to the House—in what I think was a courteous message delivered by my hon. friend who is leading the House in his name, a message presented within twenty-four hours after his Excellency had requested the right hon. gentleman to form a ministry—the situation, and closed with these words:

> So soon as prorogation takes effect Mr. Meighen will immediately address himself to the task of constituting a government in the method established by custom.

Mr. MACKENZIE KING: You cannot do that while the House is in session.

Mr. STEVENS:

> The present plan is merely to meet an unusual, if not unprecedented, situation.

Had the House at that time or on two subsequent occasions rejected the Prime Minister's suggestion, it would have made a great difference. Last night there was offered a resolution from the opposition benches which was a challenge to the government's authority. The House sustained the government on that occasion by a majority of 12 and subsequently by a majority of 10. To-day we met the House, and the right hon. gentleman himself, leading the opposition, offered a direct vote of want of confidence in the government. That resolution was debated at length and was finally rejected by a majority of 7.

Now, Mr. Chairman, I submit that my right hon. friend is going beyond his right of criticism when he interprets the opinion of the House. I say the House can only interpret its opinion by its registered vote, and by its registered vote up to this minute the House has sustained the government, admittedly, as

frankly stated in the written message from the Prime Minister himself, merely a temporary government formed for the purpose of carrying on the business of this House and finishing it in order to give the Prime Minister time to form a permanent ministry. I submit that the decision of the House in these votes shows that the Prime Minister of Canada enjoys the confidence of this House to that extent.

Mr. GARLAND (Bow River): Constitutionally, would it not have been much more proper if the then existing ministry had continued to wind up the business of the session—

Mr. MANION: But they refused.

Mr. LAPOINTE: They did not refuse; they were not called upon.

Mr. GARLAND (Bow River): —instead of my hon. friends opposite undertaking to do so?

Mr. STEVENS: My hon. friend is absolutely right. I am not going to offer what I am about to say in criticism of the ex-Prime Minister. It will be recalled that when he tendered his resignation—most unexpectedly I think to us all so far as the moment was concerned—the suggestion was made by my right hon. leader that under the extraordinary circumstances a conference would be advisable between the right hon. gentleman now leading the opposition and himself as to the best method of carrying on the business of the House with the least inconvenience to all members concerned. Through a difference of opinion between the right hon. gentleman that offer was not accepted. But I wish to draw to the attention of hon. gentlemen what I think will convince them that our procedure has been quite constitutional in every respect. The present Prime Minister having presented his address to the House, and having been sustained in these two votes, is, I submit, quite entitled to carry on. The right hon. leader of the opposition calls in question the orders in council appointing the acting ministers. This procedure was carefully considered by the law officers of the crown and by those who advise the ministers in these matters, and every constitutional requirement was observed.

One other thing I desire to say, His Excellency may call into council others besides privy councillors, and then swear them in but in this case it was his right to call in certain persons. He called on the Right Hon. Arthur Meighen, then leader of the opposition, to form a government. That was one call. Certain other privy councillors already sworn in were then called into council for the purpose of doing the very things which constitutionally it was proper for a privy councillor to do. The outcome of that is the present government, admittedly carrying on temporarily, frankly so stated to the House and well known and thoroughly understood by the country. We are merely asking that the business of a session admittedly drawing to a close, most of which—

Mr. CAHILL: Just beginning.

Mr. STEVENS: I am really serious in this, and I do not wish to burlesque it. I say this long, arduous, tedious session is admittedly drawing to a close; the business is completed with the exception of one or two non-contentious bills and a portion of the estimates. We say this: We are ready to accept the estimates as already prepared; we will carry out the mandate of the House in the expenditure of these moneys with one reservation, that we purpose to be as economical as possible in the administration of these estimates, and we will try to bring the business of the House to a close. That is all we are asking at present. I admit that it is quite within the right of hon. gentlemen opposite, and quite within the right of my right hon. friend, to challenge the government whenever they see fit. But I do call into question the logic or fairness of his argument when he seeks to lead the House to believe that there was something unconstitutional in the act either of His Excellency or of the present Prime Minister.

Mr. MACKENZIE KING: I have a right to reply, I think.

Mr. CAHAN: I have the floor, I believe

The CHAIRMAN: Did you wish to ask a question?

Mr. MACKENZIE KING: I wanted to reply to a point raised by my hon. friend.

Mr. CAHAN: I am only going to take a few moments. The right hon. leader of the opposition has detailed to us the circumstances under which he offered the resignation of himself and his colleagues to His Excellency the Governor General, and he has stated very clearly that in offering his resignation he did not advise His Excellency to call upon any member of this House to form an administration. The reason he did not so advise His Excellency was that he did not believe any member of this House to be competent to fill that high office, with the exception of himself. He left His Excellency the Governor General without advice; he left the country without a government except as

represented by His Excellency the Governor General. There may be no interregnum in the government of a country such as this, with a constitution such as we possess, and therefore His Excellency had to exercise his own discretion in calling upon a member of this House to form an administration, and, in the exercise of that discretion, he called upon the then leader of the opposition.

Now, what are the prerogatives of His Excellency, and who are to advise him under the constitution of the country? I read section 11 of the British North America Act, and I cite it now so that hon. gentlemen may give it their attention before we again meet to-morrow. Section 11 says:

> There shall be a council to aid and advise the government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that council shall be from time to time chosen and summoned by the Governor General and sworn in as Privy Councillors, and members thereof may be from time to time removed by the Governor General.

Therefore the Governor General, left without advice, even if there were no privy councillor living in Canada, would have the right to appoint privy councillors to advise him, but he also had the right to ask any existing privy councillors to come in and advise him in a crisis such as confronted him when the then Prime Minister of this country tendered his resignation and insisted upon its immediate acceptance.

Mr. POULIOT: May I ask a question?

Mr. CAHAN: I am not answering questions just now. Then section 12 of the British North America Act provides:

> All powers, authorities and functions which under any act of the parliament of Great Britain, or of the parliament of the United Kingdom of Great Britain and Ireland, or of the legislature of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, are at the Union vested in or exerciseable by the respective Governors or Lieutenant-Governors of those provinces, with the advice, or with the advice and consent, of the respective executive councils thereof, or in conjunction with those councils, or with any number of members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the government of Canada, be vested in and exerciseable by the Governor General, with the advice or with the advice and consent of or in conjunction with the Queen's Privy Council for Canada, or any members thereof, or by the Governor-General individually, as the case requires. . .

So if some calamity had wiped out every privy councillor in Canada or had taken away the life of every member of the existing cabinet, under this constitution His Excellency had the right there and then to appoint new privy councillors, if he saw fit, to assemble and advise him in such a crisis, in order that the country might not be left without a government. But according to the statement made here to-night, His Excellency, being left without official advisers, by reason of the resignation of the present right hon. leader of the opposition, called in a certain number —I do not know how many—of privy councillors, who had previously taken the oath of office and who had continued to be members of the Privy Council, and asked for their advice. He also had with him the present Prime Minister, who is not now a member of this House, whom he had selected and appointed as Prime Minister, and who had been nominated to occupy the portfolios of Minister of External Affairs and President of the Privy Council. The Governor General had a perfect right to take the advice of the Prime Minister, whom he had selected, as to what members of the Privy Council of Canada, who are numerous, should be called in to form a committee of the Privy Council for the purpose of attending to these matters of administration which demanded immediate attention. So they assembled and proceeded correctly under the constitution, and there was no other alternative than to take the measures which were taken by them to give the country a temporary government. The right hon. leader of the opposition disclosed by his speech to-night, and it is a fair criticism to say that he desired to force this parliament into dissolution, that he took the means that he did at the time in order to force a dissolution of parliament, which His Excellency in the exercise of his discretion refused to grant to him.

Mr. MACKENZIE KING: I am told that my hon. friend said I had refused to carry on.

Mr. CAHAN: I was not discussing that at present.

Mr. MACKENZIE KING: But my hon. friend discussed it before.

Mr. CAHAN: When I asked the hon. gentleman a question about an hour ago.

Mr. MACKENZIE KING: I did not hear it, and I want to say—

Mr. CAHAN: You answered it then.

Mr. MACKENZIE KING: I did not refuse to carry on. May I say further that after tendering my resignation I distinctly stated to His Excellency, and stated it in writing, that I was prepared, if His Excellency so desired and should ask me, to

keep my resignation in abeyance until he had had the opportunity to take such further steps as he might wish to take.

Mr. CAHAN: I do not wish to raise the question, but unfortunately His Excellency cannot be present to give his testimony as to what took place.

Mr. MACKENZIE KING: Fortunately I have a copy of the letter in which I tendered my resignation. May I say to my hon. friend that when I spoke first to His Excellency on the matter of resignation, it was on Saturday. I had several interviews with him before the final resignation was accepted.

Mr. CAHILL: I rise to a point of order, Mr. Chairman, and it is that the hon. member for St. Lawrence-St. George, in using the language he did, that it was unfortunate His Excellency could not be present to give his evidence, was directly challenging the integrity of the leader of the opposition.

Mr. MACKENZIE KING: May I say to my hon. friend that I do not think His Excellency will differ in any particular from anything I have said this evening?

An hon. MEMBER: Take it back.

Mr. MACDONALD (Antigonish): My hon. friend from St. Lawrence-St. George has undertaken to speak for His Excellency in this House—

Mr. CAHAN: Not at all.

Mr. MACDONALD (Antigonish): —and to intimate directly and indirectly that His Excellency, if he could speak, would say something contrary to what my right hon. leader has said, and I submit, Mr. Chairman, that he has no right to make any such statement.

Mr. CAHILL: Take it back.

Some hon. MEMBERS: You sit down.

Mr. CAHILL: He will take the statement back or he will not speak. The hon. gentleman cannot come into this House and run the whole House by himself.

Some hon. MEMBERS: Sit down.

Mr. CAHILL: I will not sit down until he withdraws the statement.

The CHAIRMAN: I think the hon. member for St. Lawrence-St. George, while perhaps not exactly out of order, certainly went a little bit too far in the implication which was contained in his statement, and in order to maintain decorum of debate I would ask him to withdraw that expression.

[Mr. Mackenzie King.]

Mr. CAHAN: I bow to your ruling, Mr. Chairman, and I withdraw it. I am perfectly willing, if in the heat of debate I go beyond the proper line, to apologize to the Chairman and to the committee. What I was about to say is this, that the former Prime Minister, the present leader of the opposition, handed in his resignation under very peculiar circumstances, circumstances unprecedented, except for one occasion in the history of this country. He had challenged this House on the matter of the Customs report, but he avoided a direct and final vote upon the amendment offered to that report, which amendment he was opposing. He lost confidence in himself and felt, no doubt, that he could not further command the support and confidence of this House. Before that report and the Stevens amendment to it, which reflected upon the then Prime Minister and his administration, could come before this House for final decision, his courage oozed out at his finger tips or at his toes—I do not know which—and he rushed off to tender his resignation to the Governor General.

Mr. MACKENZIE KING: I did not rush. I went down on Saturday, and we discussed the matter calmly from Saturday until Monday.

Mr. CAHAN: I suppose he did discuss it, but anyway the final rush I think was made somewhere about twelve o'clock noon on Monday.

Mr. MACKENZIE KING: The final meeting with His Excellency was on Monday by appointment which had been made on the Sunday previous, the appointment being so arranged in order that His Excellency might take whatever steps he desired to take with reference to accepting my resignation at that time.

Mr. CAHAN: Whether the resignation was tendered on Saturday or on the following Monday, and accepted then, the obvious object of the advice given by the Prime Minister at that time for a dissolution of this parliament was to prevent this parliament from exercising its duty and its responsibility of passing upon the conduct of the late administration in connection with the Customs report.

Mr. MACKENZIE KING: I deny that statement absolutely.

Mr. CAHAN: The circumstances under which, admittedly, the Prime Minister on Saturday or on Monday offered his resignation convey that fair inference, because, in

the very act of advising a dissolution, if he really desired a dissolution, he knew that. if dissolution were granted, it would prevent this House from passing the reprimand upon himself and his administration which was contained in the amendments to the Customs report.

Mr. MACKENZIE KING: May I say to my hon. friend that I have the strongest reasons not only for believing but for knowing that the so-called censure that he talks about would never have been passed on this government had this government remained in office until after that vote was taken, and that vote was only passed because of this co-operation between a certain number of gentlemen to my left and hon. gentleman opposite to prevent a dissolution of this parliament.

Mr. CAHAN: I can only infer, and members of this House can only infer, as the leader of the opposition himself infers, what would have taken place if the resolution of censure contained in the Stevens amendment had been allowed by the late government to be voted upon by this House. But when the advice of the right hon. gentleman was tendered to His Excellency for a dissolution and refused, as we believe, in the exercise of a constitutional right, within the discretion of His Excellency the Governor General, this country was left without a government, and I suggest that the proper procedure was taken in selecting a prime minister and in summoning a certain number of the king's privy councillors in Canada to advise during the interregnum, while the new Prime Minister was forming his cabinet, and that there is nothing exceptional in any member of the King's Privy Council being appointed by a committee of that Privy Council to be acting minister, for the time being, of any department. Nay, more than that, as there will be a recess, I will venture to say that the leader of the opposition to-night, if he searches the records of his own administration, will find more than a single instance in which a member of the upper house—I refer to Senator Dandurand, a member of his own government—

Mr. MACKENZIE KING: My hon. friend is beginning to talk about the Senate.

Mr. CAHAN: Well, Senator Dandurand was a member of the previous government without portfolio, but he held and exercised various administrative offices in the government of the right hon. gentleman, although he was never sworn in or took the oath as minister of any special department.

Mr. MACKENZIE KING: My hon. friend does not get my point. I never for a moment denied that you could have acting ministers. But what I do say is this: You have got to have a ministry constituted in the first instance of ministers who are sworn in and able to carry on business, and who, after they are sworn in, go back to the people for re-election.

Mr. CAHAN: Oh, well!

Mr. MACKENZIE KING: After you have gone through the process and got the ministry duly formed in accordance with the constitutional practice in respect to the taking of office, then if you want to add one or two ministers as acting ministers to take the place of a minister who has become too old or, as my hon. friend says, take a portfolio which has been vacated by death, you can do so; but it was never contemplated by any constitution under heaven that a ministry should be composed entirely of acting ministers. That is reducing the matter to the reductio ad absurdum.

Mr. CAHAN: My reply to that is that it is never—

Mr. MACKENZIE KING: May I add this—

Some hon. MEMBERS: Sit down.

Mr. MACKENZIE KING: I venture to say that my hon. friend will never be able to quote a precedent in British history where a minister pretending to administer a department of government ever came into parliament while parliament was in session without having resigned his office of emolument under the crown in order to go back to the people for re-election. If he takes an office of emolument he must obtain the approval of the people. A minister of the crown is not in the same position as a private member. When a member of parliament takes office under the crown he is then in an entirely different position in relation to the electorate. He has got to go back to the people and receive endorsation, and if he does not get that endorsation he is not able to act as a member of the ministry.

Mr. CAHAN: No doubt ministers who accept any office of emolument under the crown will go to their constituencies to be re-elected.

Mr. CAHILL: When hon. gentlemen opposite do that then they can come back and get supply.

Mr. MACKENZIE KING: But they have to do it immediately.

Mr. CAHAN: I have the floor.

Mr. CAHILL: But you are not saying anything.

Mr. MACKENZIE KING: My hon. friend is making a statement which is not correct.

Mr. CAHAN: I have the floor. The right hon. gentleman at least might observe the ordinary courtesy of debate and allow me to complete my short statement. There is nothing to provide that a member who accepts a portfolio must seek re-election within five, or ten or even fifteen days.

Mr. MACKENZIE KING: There is not one of these ministers who has taken a portfolio.

Some hon. MEMBERS: Sit down.

Mr. CAHAN: I ask for an opportunity to complete my statement.

The CHAIRMAN: The hon. member for St. Lawrence-St. George may not be questioned without his consent.

An hon. MEMBER: Allow him to finish.

The CHAIRMAN: I am Chairman and I am going to preserve order. Does the hon. member for St. Lawrence-St. George wish to allow the hon. member for Prince Albert to put a question to him or not? If he does not, I must ask the hon. member for Prince Albert to take his seat.

Mr. CAHAN: My suggestion and my contention is that there is no provision in the constitution of this country which prevents a member of the privy council, having been so authorized by an order of a committee of the privy council, from acting temporarily as a minister of a department, in order that the king's government may be carried on for a few days. That has been the practice in case after case—

Mr. CAHILL: Never.

Mr. CAHAN: —and it is only because of the exceptional circumstance of the resignation of the right hon. gentleman during a session of parliament that these temporary appointments become absolutely necessary in order that the king's government might continue to be carried on in this country.

Mr. MACKENZIE KING: They were not necessary.

Mr. CAHAN: They were absolutely necessary. Further, when the right hon. gentleman asks for precedents, he will find no precedent in this country for his own abject and recreant neglect of the duties of his office and his own—shall I use the word if it is parliamentary? I should like to use it—his own utter lack of courage in refusing to meet this House and abide by its judgment.

Mr. MACKENZIE KING: My hon. friend talks of "lack of courage." I ask him to take back that expression.

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: I ask the hon. gentleman to take back the expression because it is unparliamentary and may not be used in this House. Furthermore when my hon. friend talks about my being "recreant to duty" he is making a statement which is absolutely without foundation.

An hon. MEMBER: Mr. Chairman, did you not say that you were going to keep order?

The CHAIRMAN: I must ask the hon. member for St. Lawrence-St. George to withdraw the expression "recreant to duty."

An hon. MEMBER: What about the expression "lack of courage?"

The CHAIRMAN: I presume the reference there is to "political courage." I do not think that is unparliamentary, but the other expression is certainly out of order.

Mr. CAHAN: Can I not say—

Mr. CAHILL: Withdraw.

Mr. CAHAN: —that if the Prime Minister is not performing his duty, or if he neglects his duty, he is recreant?

An hon. MEMBER: Take it back.

Mr. CAHAN: If the Chairman says the expression is out of order I will take it back.

The CHAIRMAN: I understand the hon. member to say that the leader of the opposition was recreant to his duty. If he did say that he ought to withdraw the expression, and I am sure he will do so.

Mr. CAHAN: I will retract and say that the right hon. gentleman did not perform what I conceive to be his duty, which was to continue to meet the House, while the Customs report was before it, and allow the House to pass its verdict upon that report. Rather than meet the House and allow the House to give its verdict on that report, he advised the dissolution of parliament, which he knew would prevent the House from passing judgment on that report. He thereby placed the country in a most peculiar and unprecedented position which rendered it absolutely necessary that His Excellency the Governor General, in accordance with the

constitution, should ask the members of the privy council to come and advise him. They did assemble and did advise him, and, acting within their prerogatives as a committee of the privy council, they appointed certain members of parliament to act temporarily in the administration of the several offices to which they were then designated. That procedure is constitutional. Precedents have been established time after time during the ministry of the right hon. leader of the opposition with respect to one, two and sometimes three members of the government.

Mr. MACKENZIE KING: If my hon. friend wishes to make precedents, may I say that no acting minister was appointed during the entire period of my administration until the government had sworn ministers who had to go back to the people for re-election, ministers who had undertaken the duty of carrying on the business of the country.

Mr. CAHAN: That is merely a facetious explanation—

Mr. MACKENZIE KING: Oh, no.

Mr. CAHAN: —because the right hon. gentleman has admitted that he had called in members of the Privy Council who did temporarily administer the affairs of particular departments without taking a new oath of office at all, it being well known that their appointments and oaths as privy councillors qualified them to receive temporary nominations for the administration of the particular offices to which they were temporarily appointed by order in council. The right hon. gentleman brought about an unprecedented condition of affairs in this country. I will not reflect further upon his motives in bringing about that condition of affairs, which had to be met by exceptional measures; but he will look in vain to find any precedent established from which it can be shown or from which it can be adduced that anything irregular or unconstitutional has taken place in the recent formation of what he now calls "a shadow ministry."

Sir HENRY DRAYTON: I rise for the purpose of moving the adjournment of the House, and I think I should do that for three reasons; the first is that I do not think we are making much progress; the second is that I have hopes that we will find certain hon. members in a more reasonable frame of mind when we come back, and the third is that I would like the eminent gentlemen who belong to the great Liberal party to consider what Mr. Asquith says on this very point so much stressed and debated. It is only a little bit of a whole lot of jurisprudence in connection with the matter, but it is something my hon. friend could think over in connection with some of the statements made to-night. Mr. Asquith says:

> The dissolution of parliament is in this country one of the prerogatives of the crown. It is a mere feudal survival, but it is a part, and, I think, a useful part, of our constitutional system. It does not mean that the crown should act voluntarily and without the advice of responsible ministers—

Mr. DUNNING: It does not mean that.

Sir HENRY DRAYTON: Quite right. I am always trying to be fair with my hon. friends, and I am giving everything in their favour. Perhaps they will say, "hear, hear" to this:

> —but it does mean that the crown is not bound to take the advice of a particular ministry to put its subjects to the tumult and turmoil of a series of general elections so long as it can find other ministers who are prepared to give it a trial.

Mr. DUNNING: Ministers.

Mr. MACKENZIE KING: But there are no ministers opposite.

Sir HENRY DRAYTON: This is December 18, 1922, and if my hon. friends will only go a little bit further they will find that the Prime Minister, the real representative of the crown, can himself take all the portfolios and have as many acting ministers as he likes looking after portfolios which he himself has taken.

Mr. CAHILL: But he has nobody in the House to receive supply.

Sir HENRY DRAYTON: Mr. Asquith says further:

> The notion that a minister who cannot command a majority in the House of Commons, who is in a minority of 31 per cent, is invested with the right to demand a dissolution, is as subversive of constitutional usage as it would, in my opinion, be pernicious to the general and paramount interests of the nation at large.

Mr. MACKENZIE KING: The hon. member has just quoted Mr. Asquith on the subject of dissolution. Is it not true that in 1914 Mr. Asquith asked for a dissolution at the beginning of the year, and before the year was up asked for another, and that in both instances he was granted a dissolution by His Majesty the King?

Sir HENRY DRAYTON: This is what Mr. Asquith said—and he is older and wiser and knows what the law is now.

Mr. MACDONALD (Antigonish): There is nothing to support my hon. friend there.

Sir HENRY DRAYTON: There is another thing we should always look at in connection with this—

Mr. GARLAND (Bow River): Would it not be better to postpone replying to further questions until to-morrow?

Sir HENRY DRAYTON: Yes, I wanted to do that. There is something really to be considered in connection with this matter, not in heat or passion or anything else—just a little bit of common sense to be applied to the situation.

Progress reported.

## ADOURNMENT—BUSINESS OF THE HOUSE

Sir HENRY DRAYTON moved the adjournment of the House.

Mr. MACKENZIE KING: May I ask what the business will be for to-morrow and the order of it?

Sir HENRY DRAYTON: If my hon. friend will permit the House to do any business, we will go on with the business of the House and try to get supply through.

On motion of Sir Henry Drayton the House adjourned at 1.10 a.m. (Thursday).

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# Thursday, July 1, 1926

The House met at two o'clock.

## REPORTS AND PAPERS

Sir HENRY DRAYTON: I desire to table certain orders in council, P.C. 1042, 1043, 1044, 1045, 1046 and 1047, asked for yesterday by the right hon. leader of the opposition (Mr. Mackenzie King).

## PRIVILEGE—MR. LAPOINTE

### CONSTITUTIONALITY OF PROCEDURE ADOPTED IN FORMATION OF MINISTRY

Hon. ERNEST LAPOINTE (Quebec East): I rise to a question of privilege, Mr. Speaker, on a matter which vitally affects the rights of this House. My hon. friend who is leading the House has just tabled six orders in council, which I am going to read. The first is P.C. 1042, which is as follows:

P.C. 1042.

29th June, 1926.

The Committee of the Privy Council, on the recommendation of the Right Honourable Arthur Meighen, the Prime Minister, advise that a Commission do issue appointing the Right Honourable Arthur Meighen, a Member of the King's Privy Council for Canada, to be Secretary of State for External Affairs and President of the Privy Council.

E. J. LEMAIRE,
Clerk of the Privy Council.

P.C. 1043 reads as follows:

P.C. 1043.

29th June, 1926.

The Committee of the Privy Council, on the recommendation of the Right Honourable Arthur Meighen, the Prime Minister, submit for Your Excellency's pleasure that Mr. William Anderson Black, be a member of the King's Privy Council for Canada.

E. J. LEMAIRE,
Clerk of the Privy Council.

P.C. 1044 reads as follows:

P.C. 1044.

29th June, 1926.

The Committee of the Privy Council, on the recommendation of the Right Honourable Arthur Meighen, the Prime Minister, advise that the Honourable Sir Henry L. Drayton, a Member of the King's Privy Council for Canada be Acting Minister of Finance and Acting Minister of Railways and Canals.

E. J. LEMAIRE,
Clerk of the Privy Council.

P.C. 1045 reads as follows:

P.C. 1045.

29th June, 1926.

The Committee of the Privy Council, on the recommendation of the Right Honourable Arthur Meighen, the Prime Minister, advise that the Honourable Hugh Guthrie, a Member of the King's Privy Council for Canada, be Acting Minister of Justice and Acting Minister of National Defence.

E. J. LEMAIRE,
Clerk of the Privy Council.

P.C. 1046 reads as follows:

P.C. 1046.

29th June, 1926.

The Committee of the Privy Council, on the recommendation of the Right Honourable Arthur Meighen, the Prime Minister, advise that the Honourable Henry Herbert Stevens, a Member of the King's Privy Council for Canada, be Acting Minister of Agriculture, Trade and Commerce, Customs and Excise and Interior and Acting Superintendent General of Indian Affairs and Acting Minister of Mines.

E. J. LEMAIRE,
Clerk of the Privy Council.

P.C. 1047 reads as follows:

P.C. 1047.

29th June, 1926.

The Committee of the Privy Council, on the recommendation of the Right Honourable Arthur Meighen, the Prime Minister, advise that the Honourable R. J. Manion, a Member of the King's Privy Council for Canada be Acting Minister of Soldiers' Civil Re-establishment and Acting Minister in charge of the Department of Health, Acting Postmaster General, Immigration and Colonization and Labour.

That the Honourable Sir George Perley, a Member of the King's Privy Council for Canada, be Acting Secretary of State and Acting Minister of Public Works.

That the Honourable William Anderson Black, a Member of the King's Privy Council for Canada, be Acting Minister of Marine and Fisheries.

E. J. LEMAIRE,
Clerk of the Privy Council.

I agree with my hon. friend the acting leader of the House that these are unusual times and unusual conditions—

Sir HENRY DRAYTON (Leader of the House): Will my hon. friend allow me one moment, just on the question of order? I am quite content that this matter should be discussed but I think it should be discussed under some appropriate heading, and that we should not have it under every heading. We had a long discussion lasting for some three hours last night while in committee of Supply; I did not think it was in order at all, but hon. gentlemen were very anxious to discuss it and the government certainly has not the slightest intention of preventing that discussion. But I think my hon. friend will agree that we should have some understanding as to when this question shall be finally discussed. My hon. friend says he is rising to a question of privilege, but he has not yet defined that question.

Mr. LAPOINTE: You are preventing me.

Sir HENRY DRAYTON: I would have thought the proper place for this discussion would have been on the orders of the day.

Mr. LAPOINTE: My hon. friend is quite wrong; a question of privilege can be raised at any time, especially on motions.

Sir HENRY DRAYTON: So long as we agree that it is to be raised once and not under every single item.

Mr. LAPOINTE: My hon. friend will see that this is the proper time.

Mr. SPEAKER: For the enlightenment of the House I might read the following:

In the Canadian House, questions of privilege take a wide range, but it may be stated in general terms that they refer to all matters affecting the rights and immunities of the House collectively, or to the position and conduct of members in their representative character.

Sir HENRY DRAYTON: I would just like to point out to my hon. friend that if he raises this merely as a question of privilege he is raising it in such a manner that it cannot be discussed. There is no reply to privilege.

Mr. LAPOINTE: It will be a question affecting the privileges of every member of this House, so every member will have the right to speak.

Mr. SPEAKER: I had it in mind to tell hon. members who might be interested in the question which is now being raised by the hon. member for Quebec East (Mr. Lapointe) that they have a right to answer.

Sir HENRY DRAYTON: So long as that is understood, I have no objection at all.

Mr. LAPOINTE: I was proceeding to say, Mr. Speaker, that these are unusual circumstances, and perhaps the rules of the House may be strained to meet unusual circumstances, but, Mr. Speaker, laws cannot be evaded for the purpose of meeting such unusual conditions, and more particularly when those laws are of the character of the law of the independence of parliament, which is at the very root of our parliamentary institutions. I would first call the attention of the House to chapter 4 of the Revised Statutes of Canada, being "An Act respecting the salaries of certain Public Functionaries." Section 4 of that chapter reads as follows:

The salaries of the following ministers, members of the King's Privy Council for Canada, shall be as follows, that is to say:—

The Minister of Justice and Attorney General—

so much.

The Minister of Militia and Defence—

so much, and all the various departments are mentioned with the salary attached to the office of the minister in each case.

I next refer to chapter 10 of the Revised Statutes of Canada, section 10 of which reads as follows:

Except as hereinafter specially provided:—

(a) no person accepting or holding any office, commission or employment, permanent or temporary, in the service of the government of Canada, at the nomination of the crown, or at the nomination of any of the officers of the government of Canada, to which any salary, fee, wages, allowances, emolument, or profit of any kind is attached.

Next I refer to section 12 of chapter 10, which reads as follows:

Nothing in this act contained shall render ineligible as aforesaid, any person holding the office of President of the Privy Council, Minister of Finance, Minister of Justice, Minister of Militia and Defence—

and so forth until the end of the paragraph, which reads:

—or shall disqualify any such person to sit or vote in the House of Commons, if he is elected while he holds such office and is not otherwise disqualified.

In so far as what I have stated up to this point is concerned, I suppose everybody will agree with me that immediately upon the acceptance of office upon the part of a minister of the crown, whether he be Minister of Justice, of Finance, Customs, Trade and Commerce, Public Works or any other department, his seat becomes vacant in this House,

and he has to be elected while holding such office by some constituency in Canada.

I now refer to chapter 1 of the Revised Statutes of Canada, being the Interpretation Act, to section 31, and I refer particularly to paragraph (l) of that section, which reads as follows:

—words directing or empowering a minister of the crown to do any act or thing, or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister, under the authority of an order in council, and also his successors in such office, and his or their lawful deputy.

I submit with the utmost respect, Mr. Speaker, that according to the Interpretation Act, the words contained in chapter 4 of the Revised Statutes of Canada with regard to the salaries paid to every one of the ministers I have mentioned, apply also, under the Interpretation Act, to any acting minister, and more particularly to a minister who, while the office is vacant, is appointed by order in council to act in the place of the minister.

Sir, in chapter 10 of the Revised Statutes of Canada, under section 11, there is an exemption made which reads as follows:

Nothing in the next preceding section—

That is the one I have already read to you regarding any person holding an office to which an emolument or fee is attached:

Nothing in the next preceding section shall render ineligible any person holding any office, commission or employment, permanent or temporary, in the service of the government of Canada, at the nomination of the crown, or at the nomination of any of the officers of the government of Canada, as a member of the House of Commons, or shall disqualify him from sitting or voting therein, if, by his commission or other instrument of appointment, it is declared or provided that he shall hold such office, commission or employment without any salary, fees, wages, allowances, emolument or other profit of any kind, attached thereto.

This section was inserted in the statute of 1884 to meet the case of the late Sir Charles Tupper—I am now quoting from Bourinot, page 145:

—who, while a member of the House of Commons and Minister of Railways, accepted the position of High Commissioner of Canada, resident in London, but received no salary under his commission for that office. The committee on privileges were of opinion that the seat was not vacated, but to quiet doubts raised in and out of the House on the point, the foregoing act was passed indemnifying Sir Charles Tupper from all liability to any penalty or responsibility, and adding the qualifying provisions cited above to the law.

This is so much the case, Mr. Speaker, that when I had the honour a few months ago to be appointed Secretary of State of Canada, I was directed by the Department of Justice at the time to have those words inserted in the order in council appointing me, namely, that there was no fee, commission or salary attached to the office, because failing the inclusion of those words in the order in council, my seat in this House might have been vacated.

I have here all the orders in council appointing these gentlemen opposite—they claim, and they did claim last night, that they were regularly appointed—appointing them as acting ministers for the various departments I have mentioned. Under the Interpretation Act anything concerning those ministers in any other statute in the Revised Statutes of Canada applies as well to the acting ministers, and more particularly, as is the case at the present time, to ministers appointed by order in council for the purpose of acting for the ministers during a vacancy in the office of the minister, and Mr. Speaker, not one of those orders in council includes that reservation that these gentlemen are holding office without any emolument or fees. Those emoluments or fees are therefore attached to the office. I submit with regret, because I would be sorry to lose the company of my hon. friend from West York (Sir Henry Drayton), and other gentlemen, that they have occupied their seats in the House of Commons since the 29th of June last illegally, and I submit to you, Mr. Speaker, that all the votes they have given ought to be counted out and expunged from the records of this House.

Hon. HUGH GUTHRIE (Acting Minister of Justice): To the objection which has now been urged by my hon. friend from Quebec East, the former Minister of Justice (Mr. Lapointe) I have only this to say—that it is of the most technical character, and avoids a broad or general view of the law which appears on the statute books of Canada. The Independence of Parliament Act, as is well known, was placed upon the statute books for the purpose of safeguarding not only the House but members of the House of Commons, and the rights of the electors of Canada in regard to all relations which exist in this chamber, and section 10, one of the well known provisions of that act, provides that a man who is a member of this chamber shall not accept any office from which he shall derive or receive any salary, fee, wages, allowance, emolument, or profit of any kind unless he is prepared to submit himself to his constituents, or to some constituency in this country, for re-election. Such was the object of the enactment and the test in this instance—it is an easy one and will suggest itself to everyone, is: Do those four or five hon. members

including myself, who now sit in this chamber as acting ministers come within this prohibition? Do they come within the class mentioned in section 10 of this enactment? Do they receive any salary, fee, wages, emolument, or profit of any kind in connection with the office of acting ministers of the crown?

Mr. MACDONALD (Antigonish-Guysborough): Yes.

Mr. GUTHRIE: My hon. friend says "yes" but I state emphatically no.

Mr. MACDONALD (Antigonish-Guysborough): The order in council does not say so.

Mr. GUTHRIE: That is another point altogether. I say we do not. It is clear to anyone who is willing to stop and consider the matter. But the next section provides—what is the number of the chapter?

Sir HENRY DRAYTON: Chapter 10, section 10.

Mr. LAPOINTE: Chapter 10, sections 10 and 11.

Mr. GUTHRIE: Section 11 is a special provision providing for exemption and it says:

> Nothing in the next preceding section shall render ineligible any person holding any office, commission or employment, permanent or temporary, in the service of the government of Canada, at the nomination of the crown, or at the nomination of any of the officers of the government of Canada, as a member of the House of Commons, or shall disqualify him from sitting or voting therein, if by his commission or other instrument of appointment, it is declared or provided—

Now what I submit is, that it is "provided" in these orders in council simply by the insertion of the word "acting" minister instead of minister. The insertion of the word "acting" constitutes a clear and emphatic provision.

Mr. WOODSWORTH: May I ask a question?

Mr. GUTHRIE: Well, I do not like to be disturbed just now but the hon. gentleman may proceed.

Mr. WOODSWORTH: I should like to understand clearly the argument of the hon. gentleman. Do I understand that he is arguing that the question of salary settles the whole matter—that if hon. gentlemen are able to get the appointment without salary, or have their salaries paid somewhere else, that then they have the right to occupy the treasury benches?

Some hon. MEMBERS: No, no.

An hon. MEMBER: Sit down.

Mr. GUTHRIE: I say that has been no breach of the Independence of Parliament Act which I am discussing. I say that the test of the matter is: Do we or do we not accept any office of salary, or emolument under the crown? If we do our seats become vacant. If we do not we have a perfect right to hold our seats. That is the test. Do we or do we not receive salary or emolument? Now the word "acting" minister has been inserted in the order in council for the express purpose of demonstrating or providing that we are not ministers with portfolio therefore we do not receive emolument or salary for our services. That form of order in council for the appointment of acting ministers has been in force and adopted by the Privy Council in Canada for twenty-five to thirty-five years and members of the late government, members of the government in which my hon. friend from Quebec East sat, passed many orders in council in this identical language relating to ministers without portfolio and acting ministers in the former government without any further reservation or provision.

Mr. DUNNING: Members of this House?

Mr. GUTHRIE: Members of this House, and they did not infringe the law because they received no salary, no wage, or no remuneration. That is the test. If we do receive any such then I admit we are contravening section 10 of the Independence of Parliament Act. If we do not, and as acting ministers we cannot and do not, there is no infringement of any of the provisions of the Independence of Parliament Act.

Now while I am on the subject may I state that the procedure in this instance in regard to the appointments recently made of acting ministers has been in accordance with the established custom in the Privy Council in this country for at least thirty-five years. There has been no variation; in the present instance there has been an adoption of the old forms and the old precedents. There is no specific law on this subject. There is no statute law to regulate these matters; they are largely matters of custom and of form which have grown up in the office of the Privy Council. Some of these customs are not founded in statutory enactment, some of them were originally founded merely in convenience.

Now it was charged last night by the ex-Prime Minister that one serious objection to myself and my hon. friends appearing in this

House as acting ministers of the government was, that no oath had been administered to us. Why should an oath be administered to us, may I ask him? What statute requires it! What law has been contravened if no oath was administered to us? Where is the law, where is the statute, where is the regulation? We have none in this Dominion of Canada. All that is required by law of a minister of the crown in this country is that he be sworn of the Privy Council. That is the first condition. The second condition is that he be a member of this House or of the upper chamber: and the third is that he be called upon to act by that person who, for the time being, is the Prime Minister of the country.

Mr. MACKENZIE KING: Will my hon. friend say that any member of the Privy Council can act without taking an oath?

Mr. GUTHRIE: I am coming to that now. Just allow me to proceed and I will try and answer all my hon. friend's statements. In England the procedure is somewhat different to that adopted in Canada. The appointment of a minister in England is much more formal than it is in this country. In England in the first instance a man is sworn of the Privy Council. Then he goes through a special formality, the very dignified and quaint formality, of kissing the hand of his sovereign. Then the seals of office, of his department, are formally handed to him and on the acceptance of those seals he becomes a minister. But in addition to that, after all that has been gone through—not before, after—he is required to take an oath in conformity with a law passed in 1868, an imperial statute, the Promissory Oaths Act, which applies to certain ministers of the crown, mentioning them by name. That is, after he has accepted the seal, after he has become a minister, he is required to take an oath for the faithful performance of his office. We have no statutory requirement of that kind in this country. I admit that a custom has grown up in the Privy Council office in this country that when a man is called to the Privy Council, when he has been selected as a minister in the cabinet, with a portfolio he shall take an oath for the faithful administration of his office. This applies only to men who enter the cabinet as ministers with portfolio, but in no case in the last thirty-five years—because that is as far back as the search has gone—has the oath been required of a minister who is appointed without portfolio, or a minister who is specifically appointed as an acting minister.

[Mr. Guthrie.]

Mr. MACKENZIE KING: As an acting minister is he assuming any powers or any trust that the minister usually exercises?

Mr. GUTHRIE: Any powers the prime minister directs him to assume, or any powers he is called upon to exercise under the prime minister; I say he is.

Mr. MACKENZIE KING: But the hon. member and others are acting ministers of certain departments. Are they as such ministers exercising any powers or any trusts relative to a department, such as the obligations the minister would have in a department?

Mr. GUTHRIE: I think to some extent we are.

Mr. MACKENZIE KING: Then my point is that before any powers or trusts can be exercised in a legal way an oath must be taken that they will be so exercised.

Mr. GUTHRIE: No, I submit there is no such requirement by our law; no enactment, no regulation, no order in council; and no oath is required. But as a matter of custom an oath prescribed to ministers upon their accepting portfolios, but in no case, so far as we have been able to find, has any oath been required of a minister appointed without portfolio, or appointed merely as an acting minister. This Mr. Speaker, is nothing new. The procedure in the case of the present appointees without portfolio is identical with the procedure pursued by the government of my right hon. friend who now leads the opposition. A memorandum has been obtained from the clerk of the Privy Council upon the subject. He is an official of the government, admirably fitted for the high office which he holds, an official of very great experience, for many years the private secretary of the late Sir Wilfrid Laurier, and a close student of all that went on in and about the Privy Council and upon all formal matters pertaining to the Privy Council. He has a full knowledge of details, a knowledge of methods and of customs pertaining in the office of the Privy Council which enabled him to fulfil his duties as private secretary to Sir Wilfrid Laurier while Prime Minister of Canada. He has himself occupied the office of clerk of the Privy Council for two or three years, I think. He is a very capable official, well informed in regard to the duties of his office, and he was requested to make a search and give information in regard to what is actually the custom and what is actually the practice in such matters, and I am going to give the House the result of that search now.

He has directed a letter dated to-day, July 1, to the Right Hon. Arthur Meighen, P. C., Prime Minister, Ottawa, which reads:

Dear Mr. MEIGHEN,

Replying to your inquiry on the subject of oaths taken by ministers and acting ministers, I beg to inform you that upon a member of the Privy Council being called to take a portfolio and preside over a certain department, he is required in all cases to take the oath of office.

Some hon. MEMBERS: Hear, hear.

Mr. GUTHRIE: That is what I stated.

The wording of this oath, a copy of which is attached, is not prescribed by any statute, in so far as I have been able to discover, but would seem rather to be dependent upon custom and usage.

Regarding the appointment of acting ministers, this is generally done by order in council, but it has not been customary for an acting minister to subscribe to any oath and no acting minister in the past twenty-five years has been asked to do so.

Ministers without portfolio have in several instances been called upon to temporarily preside over departments as acting ministers, but in no case, in at least the period of time mentioned above, was an oath administered to them.

Such was the opinion which I gave you two days ago, after consultation with Mr. Kezar, the assistant clerk of the Privy Council, who has an experience of over thirty-five years in this office.

During the last administration three ministers without portfolio were at different times appointed as acting ministers, namely, the Hon. Mr. E. M. Macdonald, Acting Minister of National Defence, appointed 28th April 1923.

He was not sworn.

The Hon. R. Dandurand, appointed acting Minister of Justice, 27th August, 1923; no oath was administered. The Hon. H. B. McGiverin, appointed Acting Secretary of State, 26th November, 1924. No oath was administered save that of a privy councillor. Mr. Macdonald was appointed Minister of National Defence on the 17th, August, 1923.

That was about four months after his appointment as a minister without portfolio.

And was sworn in as such on the 18th of the same month, but was never sworn in as acting minister; nor was either Senator Dandurand or Mr. McGiverin. In the case of Mr. Macdonald, he was appointed as Acting Minister of National Defence when that position was vacant, the former minister, the Hon. George P. Graham having resigned as such and appointed Minister of Railways and Canals.

I may also inform you that there have been other cases in the past of ministers without portfolio being appointed as acting ministers after the resignation of the regular minister, or the post was otherwise vacant.

Your very sincerely,

E. J. LEMAIRE,
Clerk of the Privy Council.

Mr. MACKENZIE KING: May I ask my hon. friend if he has ascertained, or if his leader has ascertained—he says the oath is a matter of custom and that it is not always taken—if since confederation there is any case where a minister has not taken the oath.

Mr. GUTHRIE: There is no case where an acting minister or minister without portfolio has been required to take it.

Mr. MACKENZIE KING: Is there any case where a minister has not taken the oath?

Mr. GUTHRIE: No, I know of no case, and I think I am safe in assuming this that in every case where a minister is appointed with portfolio the custom to be complied with requires that he should take an oath. I agree that that has been the custom, and that custom should be complied with now in the case of ministers being appointed with portfolios.

Mr. GARLAND (Bow River): In the case of the then Acting Minister of National Defence, Mr. Macdonald, to whom he refers, for instance, and who, he claims, was appointed acting minister without having taken the oath, was he appointed by order in council, and if so was the order in council passed by a properly sworn quorum of the council?

Mr. GUTHRIE: That raises the point which I will come to next and that is the other point that was dealt with the other night by the ex-Prime Minister (Mr. Mackenzie King). As regards his first objection that no oath was taken, I think I have clearly established, to the satisfaction of anyone who has an open mind on the subject, that there is no legal, no statutory requirement, no regulation or order in council which prescribes that an oath should be taken even in the case of a minister being appointed as a member of the government with portfolio. In that case, however, custom does require an oath, and although I do not think it is necessary for me to read it, the form of the oath is as follows:

I, do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trusts reposed in me as Minister of . So help me God.

That oath is, I think, in every instance required by custom of a man who becomes a minister with a portfolio, but it is never required of an acting minister or a minister without portfolio.

Mr. MACKENZIE KING: Has an acting minister any power or trust reposed in him?

Mr. GUTHRIE: I answered that question as well as I could a moment or two ago.

Mr. MACKENZIE KING: And in answering it he did not answer it yes or no.

Mr. GUTHRIE: I answered it a moment or two ago as fully as I intend to answer it. There is another phase of this question and it brings up the order in council question also. In the situation which developed on Monday last on the resignation of the Prime Minister in a very hasty manner, I think I may say, it became absolutely necessary that His Majesty's representative in Canada should have a government. The old saying that "the King's government must go on" had full application last Monday if it ever had application in this country.

His Excellency decided to send for the present Prime Minister and to entrust him with the formation of a new administration. How was the present Prime Minister appointed? What order in council could be passed in his case? I ask the same question in regard to my right hon. friend, the late Prime Minister. I ask the same question in regard to the late Sir Wilfrid Laurier. How were they appointed? I have copies of these orders in council under my hand. In each instance they were appointed upon their own recommendations. As the ex-Prime Minister said last night they sat alone in their glory at that council table and themselves authorized their own appointments.

Mr. MACKENZIE KING: Was that not after they had been sworn?

Mr. GUTHRIE: I will come to that. It was after they were sworn in as privy councillors. Then they marched in and were sworn in as ministers. That is a custom in England, which is always followed. In the case of Sir Wilfrid Laurier, the situation is very plain. He was the only minister on the 11th July, 1896, and the order in council in that case reads:

> The committee, on the recommendation of the Hon. Wilfrid Laurier, the Prime Minister, advise that a commission do issue appointing the Hon. Wilfrid Laurier a member of the Queen's Privy Council for Canada, to be President of the Privy Council.
>
> The committee, on the same recommendation, furthur advise that, upon the said the Hon. Wilfrid Laurier, taking the prescribed oath or oaths of office, he do assume the functions of President of the Privy Council.

Subsequently the late Sir Wilfrid Laurier made his recommendation for his ministry.

Mr. MACKENZIE KING: My hon. friend has just read an order in council which states that a commission do issue. May I ask whether he or any of the other ministers has had a commission issued to him by any order in council?

Mr. GUTHRIE: I assume that in due course some commission will issue.

[Mr. Mackenzie King.]

Mr. MACKENZIE KING: Does my hon. friend think that commission can issue while parliament is in session and the minister not resign his seat?

Mr. GUTHRIE: It is not the commission; it is the order in council with the approval that counts in our case. But it is a grave question whether orders in council are necessary in any case. Certainly orders in council were passed; but all that is required by law in the formation of a ministry is the request and authority of the Prime Minister and the oath of a privy councillor. We do not need an order in council either as a matter of law or as a matter of custom. We would be fully entitled to assume the duties of our office if we were requested by the Prime Minister who has himself been duly called and sworn and appointed, and it would be quite within our rights to attend at his request and become members of his government, with the approval of His Excellency the Governor General.

This is the situation. There is in Canada a Privy Council, the King's Privy Council for Canada, and that Privy Council is constituted under section 10 of our constitutional act known as the British North American Act. Section 10 of that act provides:

> There shall be a council to aid and advise in the government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that council shall be from time to time chosen and summoned by the Governor General and sworn in as privy councillors, and members thereof may be from time to time removed by the Governor General.

That is the only council provided for in the British North America Act which is the constitutional authority over this body. It is the King's Privy Council for Canada. There is a very much involved but a very beautiful and ancient oath administered to every member who is summoned and sworn of the Privy Council. Bear in mind that there is a Privy Council and in our statutory charter nothing whatever is said about a cabinet. There is no statutory authority for such a thing as a cabinet, but there is statutory authority for a Privy Council. It so happens that in this case I and my hon. friends, with the exception of the hon. member for Halifax (Mr. Black), were all members of the Privy Council, not of recent creation, but of some years ago. We had therefore the privilege of being summoned.

And in addition the hon. member for Halifax was summoned and was sworn of the Privy Council before any other proceedings were taken. He subscribed the roll, took the oath and became one of the King's privy

councillors for Canada. We were there as of right, members of the King's Privy Council attending the King's Privy Council, summoned by His Excellency upon the advice of the Prime Minister who had been accepted as the chief adviser of the crown at that time. There we sat in council; there we passed four orders in council, or it may be five. I do not know the number.

Mr. MACKENZIE KING: My hon. friend has read the statute with regard to the Privy Council enabling privy councillors to aid and advise the Governor General. We all admit that privy councillors may aid and advise the Governor General, but have privy councillors the power to perform any executive act where they are not sworn in as ministers?

Mr. GUTHRIE: The term "aid and advise," under the wide interpretation given to it, includes almost everything because everything that is done by a minister in his public capacity is assumed to be in aid of the crown or in aid of some of the rights or interests of the crown. I grant that there has grown up, under the system in Great Britain and under the system in Canada, a committee of the Privy Council, which we know as the cabinet. It has no definite starting point, having been a matter of slow growth and of gradual constitutional development. There is not a single statutory enactment either in Great Britain or in Canada with reference to the cabinet. It is not recognized in our legislation but it exists nevertheless as a committee of the Privy Council.

Now there was no cabinet; there was no inner body at the time we met on Tuesday last. The cabinet had ceased to exist merely by the resignation of the Prime Minister, because the resignation of the prime minister carries with it the resignation of the ministry as a whole. The moment the prime minister resigns the government disappears. There was no cabinet at the time and therefore it was open to His Excellency, if he so desired—and the course he adopted was taken on the advice of his new prime minister—to summon his Privy Council for Canada "to aid and advise," according to the language of the act, or not to, as he saw fit. Those who were notified and summoned for that Privy Council meeting were all members of the Privy Council and of the House and were that day appointed acting ministers. What transpired at that meeting of council I am not at liberty to state. As the House knows, privy councillors are bound by oath not to make known anything that transpired at a meeting of council, touching either what is said or what is done. But under ordinary circumstances the results of the meeting may be disclosed, and the result of this meeting was the orders in council which have already been submitted to the House and under which we claim to have been duly and properly appointed acting ministers, without portfolio—bear that in mind—without salary and without emolument in any form.

Mr. MACKENZIE KING: And without any right to sit where you are.

Mr. GUTHRIE: That of course challenges all that I have said, and my right hon. friend will have ample opportunity to reply. I do not want to bring about a partisan discussion. I desire simply to make my statement as clear and definite as possible and if I am wrong hon. gentlemen opposite will correct me. Such however is the right we claim, and such is the case we prefer to the House. We have been appointed regularly and constitutionally in accordance with custom observed from time immemorial, one might say, but at all events custom which has existed in this country for thirty-five years. We have followed the forms and practices of our predecessors. The moment we undertake to become ministers of departments or, as is sometimes said, full-fledged ministers, then in keeping with the established custom we shall be obliged to take the oath which I have read. Until that
3 p.m. time, however, we are required to take only one single oath, the oath of a Privy Councillor of Canada.

I refer to the case of my hon. friend for Antigonish-Guysborough (Mr. Macdonald) as a case in point. The Right Hon. George P. Graham was Minister of National Defence, and he resigned that portfolio to become Minister of Railways. In April of the same year my hon. friend from Antigonish-Guysborough was appointed minister without portfolio and Acting Minister of National Defence. He was called and sworn of the Privy Council, not as minister with a portfolio but as acting minister. The record shows no oath as having been administered to him, other than the oath of Privy Councillor. He acted as minister of the department of National Defence until the month of August following when he was sworn as minister and he took the oath as minister which I have quoted to the House. In the interval he received no salary, no emolument, no fee of any kind. Will it be said that while he sat in this House in those intervening months he did so without right? Can it be said that he forfeited his seat on becoming acting minister of that department? Can it be said that Mr. McGiverin forfeited his seat?

Can it be said that a dozen other acting ministers without portfolio, whom we could name if we so desired, forfeited their seats? There has been no exception which I have been able to find in all the orders in council I have read, or regarding which I have inquired.

The ex-Minister of Justice (Mr. Lapointe) says that recently his attention has been called to the fact that there should be in the order in council an express declaration that no emolument shall be paid. If any office other than that of acting minister were involved there might be some force in what the hon. gentleman says.

Mr. DENIS (Joliette): In the case of the hon. member for Antigonish-Guysborough, is it not a fact that he was appointed Acting Minister of National Defence at a time when there was in office a government with a quorum of at least four members who had been sworn?

Mr. GUTHRIE: I am not referring to that point; I am discussing the subject with relation to the necessity for taking the oath. The record shows that the hon. gentleman was not sworn. That is a matter on which I think we are all agreed; we do not need to argue it. The facts are incontrovertible.

Mr. WOODSWORTH: Do I understand from the hon. member's argument that he contends there is nothing in the constitution which would prevent privy councillors from continuing indefinitely in a position of that character?

Mr. GUTHRIE: Privy councillors are appointed for life.

Mr. WOODSWORTH: That is not what I mean. Is there nothing to prevent privy councillors, called by His Excellency, from continuing indefinitely in an executive position?

Mr. GUTHRIE: His Excellency could dismiss them as readily as he could appoint them.

Mr. WOODSWORTH: It would be in his discretion?

Mr. GUTHRIE: They are appointed for life, during pleasure.

Mr. WOODSWORTH: I am not thinking of them in their capacity as privy councillors, but rather as advisers to His Excellency with the right to perform executive acts. Does the hon. member say that there is nothing in the constitution to prevent privy councillors, called to undertake executive work, continuing indefinitely in such office?

[Mr. Guthrie.]

Mr. GUTHRIE: There are three safeguards: first, an adverse vote in the House; secondly, the will of the Prime Minister, who may ask for their resignation; and, in the third place, the right of the crown to dismiss ministers.

Mr. LAPOINTE: What about the people of Canada?

Mr. GUTHRIE: And ultimate appeal to the people. Now, I have tried to state the case as clearly as possible without indulging in such over-statements as those with which the House was entertained last night, and I think that any reasonable person will conclude that in everything we have done we have complied with statutory authority, with custom, and with the usages of government in this country. We stand here to-day fully accredited as acting ministers in the various departments to which we have been assigned.

I took occasion this morning to ask the Deputy Minister of Justice for an opinion regarding the right of members of the Privy Council to pass the orders in council which have been submitted, and the following is the reply I received as I entered the House.

July 1, 1926.

By section 11 of the British North America Act it is provided that:

"There shall be a council to aid and advise in the government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that council shall be from time to time chosen and summoned by the Governor General and sworn in as privy councillors, and members thereof may be from time to time removed by the Governor General."

I understand that the Prime Minister and all the members of the present acting ministry have been at one time or another chosen and summoned by the Governor General and sworn in as privy councillors and have never ceased to be members of the Privy Council. In these circumstances I am of opinion that upon their being summoned to attend meetings of the Privy Council, no oath other than that already taken is required of them.

With regard to the question whether a meeting of members of the Privy Council, summoned upon the advice of the Prime Minister, has power to appoint acting ministers of departments, I am of opinion that this question should be answered in the affirmative. It is a well known principle of constitutional government in Canada that the Governor General may act upon the advice or with the advice and consent of or in conjunction with the Privy Council of Canada or any members thereof. I know of no provision which creates any limitation upon the exercise of this power in connection with the appointment of acting ministers, and I am of opinion that the orders in council in question appointing acting ministers of departments were validly passed and are as effective as if made upon the recommendation of any committee of council.

This is signed by W. Stuart Edwards, Deputy Minister of Justice.

Hon. LUCIEN CANNON (Dorchester): My hon. friend who has just taken his seat has shown his usual ability, but I do not think he has answered the question put to the House by the former Minister of Justice, the hon. member for Quebec East (Mr. Lapointe). In discussing this question I will endeavour not only to speak as a lawyer, but to use such language that every man who is not a lawyer will understand what I mean.

The question before the House is not whether these gentlemen can be acting ministers; the question is whether they can be an acting government. The question is not whether, to meet certain exceptional cases of urgency or emergency, one or two ministers may be sworn in as acting ministers or ministers without portfolio, but whether a whole administration may be so formed, whether the control of the affairs of this country can be put in the hands of an acting government which is not a real government. In order that the minds of those who are kind enough to listen to me may not be confused, there are actually two questions before the House, and I will ask the members of this acting government who follow me to give an answer to both.

The first proposition is that laid down by the acting leader of this House (Sir Henry Drayton) when he said yesterday that they were nothing. Hon. members will remember exactly the words used by the hon. gentleman when he said "We are nothing". This government does not exist; this government is to be formed, and this is the first proposition. Is this a government which represents nothing; is this a government which is simply in the embryo form and is to be formed later? If so, I will follow that proposition by the answer that if you are nothing, if you have no authority, you certainly have not the power to deal with the public money of the Canadian people. I wish hon. gentlemen to listen carefully now. If on the other hand this proposition is not sound and the proposition laid down this afternoon by the Acting Minister of Justice (Mr. Guthrie) is true, that these gentlemen are real ministers exercising executive functions, then they have no right to remain in their seats in the House. Therefore, in order to be well understood before going into the merits of the case, I say that the dilemma before the acting government is this: If you have no authority you are not entitled to supply; you are not the government; you should not lead the House and you should not assume an authority which you do not possess. If you exist as a government; if you have authority to exercise ministerial functions, you have no right to remain in those seats.

My hon. friend who preceded me said that there had been a meeting of the Privy Council, and that as a consequence or result of that meeting a cabinet or a supposed cabinet was born. In order to understand what this means, with the indulgence of the House I will very briefly recite the history of the Privy Council. If hon. gentlemen who are interested in constitutional law will read the authors dealing with such matters they will discover that the Privy Council was born of the ordinary common sense of a king or head of a state who wanted to have advice on difficult matters, and in their origin the privy councillors were simply the friends or intimates of the king who were consulted on matters of importance. Under the Norman system; under the Tudors; under the Plantagenets this system has evolved, and under George III the present system came into existence.

Mr. GARLAND (Bow River): Because he could not speak English.

Mr. CANNON: Because I come from Quebec I would rather leave that point to my hon. friend. The Privy Council was a general council, and after George III, when the constitutional theory under which we now exercise government was laid down, a distinction first arose, and this is where I differ with my hon. friend and where I challenge any constitutional student in this House to differ with me. The distinction was then laid down as between members of the Privy Council as a whole and the members of a committee of the Privy Council called the cabinet. Every former minister in this House is a privy councillor who can be called, on matters of urgency, to give his advice to the head of the state. But will any man contend seriously that the Privy Council as a whole can administer this country? The body to administer this country is not the Privy Council but a committee of that council called the cabinet.

This is sound constitutional law. The reason why that distinction has been drawn, and the reason for the importance of that distinction, is the very safeguard of the liberty of the citizen which we enjoy; I mean responsible government. In England responsible government was first established under George III, and under Queen Victoria it came to its full bloom. We have the right in Canada to enjoy the same liberties and the same extent of freedom under our constitution as our fellow-citizens in England enjoy. We have to-day in Canada a Prime Minister. He is the one who is responsible for the present situation. He is responsible for everything which has been done since he has be-

come the adviser of the crown. Putting aside political distinctions, are we as members of the House of Commons and representatives of the people of Canada, to stand in our places here and say that the present Prime Minister of Canada was perfectly justified in tearing up the constitution of this country in order to form a supposed government? That is the question. We are no longer in the swamps of New Brunswick; we are no longer in the filth of a customs inquiry. We are on the highest level of a constitutional struggle to decide whether the rights of the people, which have been won after so many difficulties, are to be safeguarded. That is the question. I do not care whether that principle is upheld by the Liberal party, by the Progressive party, or even by the Tory party. By whomsoever it is upheld, I will under any circumstances stand behind the public men in this country who will preserve and maintain the rights and liberties our forefathers won for us, and I do not think that any member in this House will be willing to renounce the birthright which he has received, simply in order to please the Right Hon. Arthur Meighen.

What are the circumstances which brought about this crisis? The Right Hon. Mr. Meighen advised the crown in this country that he could carry on the business of the House. He advised the supreme authority in this country that he was in a position to carry on a government. The right hon. gentleman either was sincere or he was not. If he was sincere, what could have been the meaning of his advice? It could have had only one meaning, that he could carry on constitutional government and nothing else. Will any hon. gentleman contend for one moment that the crown could have been advised by the right hon. gentleman that we were to have in this country a revolution in constitutional methods? My hon. friend laughs.

Sir HENRY DRAYTON: I should think so.

Mr. CANNON: His only answer up to now has been laughter. I hope he will get something else, because this is a serious question. The only meaning of the advice given by the right hon. gentleman, when he told the supreme authority in this country that he could carry on, must have been that he could carry on in a constitutional way. Is he doing it? If he is not doing it, he has deceived the crown. Is he doing it?

Some hon. MEMBERS: Yes.

Some hon. MEMBERS: No.

[Mr. Cannon.]

Mr. CANNON: He is doing it, is he? My right hon. friend who is leading the House, and who was formerly a Minister of Finance, a man who has held high office in this country says that he is doing it—my hon. friend, who gets up in this House and without any hesitation says that he is nothing, and yet nevertheless wants to lead this House. If on the other hand, the advice given by the Prime Minister was that he could conduct the affairs of this country in an unconstitutional way, I do not believe that any hon. member of this House will stand behind him. We have been reproached and told, certainly with some amount of truth at times, that too often the House of Commons is simply the witness of political warfare. Mr. Speaker, we must not make any mistake as to what politics are. Politics is the greatest science that any human being can become familiar with.

Mr. GARLAND (Bow River): It should be.

Mr. CANNON: The object of politics is the improvement of the conditions under which human beings live, and if any man can do any good to his fellow-citizens through his political influence or his political knowledge, I do not think he need be ashamed of saying that he is a politician. But there is a distinction between politics and partisanship. There is a distinction between high politics and petty party matters. We have now reached the point in the affairs of our country where we need politicians in the highest sense of the word, and not petty partisans, like some of our friends on the other side have shown themselves to be in this debate. So I say, Mr. Speaker, that the Prime Minister of to-day is Prime Minister only on account of the very solemn declaration that he must have given, and that he did give, that he could carry on public affairs in Canada through constitutional means. Let us see now if he has done that.

My hon. friend the ex-Minister of Justice (Mr. Lapointe) has quoted the law, and I shall not go back over that ground and quote more law, because my hon. friend has done it in his usual perfect way. The law concerning governments is very simple. Any hon. member can understand it; he need not be a lawyer for that. As I said yesterday afternoon in the course of another debate, the great underlying principle of the British constitution is that the king can do no wrong. In England, so long as ministerial responsibility was not fully established, a king could be called to account for his conduct. Charles I was beheaded; others were disposed of by

the estates of the realm, because then the king was considered as being personally responsible for the administration of public affairs. But a change took place in the minds of the statesmen of England, and they said: The king, in order to exercise his full authority as it should be exercised, should cease to be an individual and be maintained only as an institution. The king is not an individual under our constitution, Mr. Speaker; he is an institution. But hon. gentlemen will ask me, if the king is not to be held responsible for the conduct of public affairs who shall be held responsible, because somebody has to be responsible to parliament. The answer to that is that the government which advises the crown is always responsible for the actions of the crown.

Therefore, unless we have ministers who are responsible to the House, where is the responsibility for the present conduct of public affairs? The Prime Minister is not in the House. He is not responsible to us; he is not a member of the House. And the other ministers in the one breath tell us that they are not ministers, and in the other breath they say that being ministers without portfolio they are in no way responsible to the ordinary constitutional usage. If we have not got the Prime Minister in this House to assume the responsibilities for the acts of the crown, if we have no other minister substituted for the Prime Minister to assume responsibility for those acts, then, constitutionally speaking, this result follows—the crown becomes directly responsible. Is that what my hon. friends wish? We stand for the constitution as it is to-day, and we tell the members of the Tory party, who always have been so eager and so desirous to protect the royal prerogative—we tell them: Give the crown the protection to which it is entitled through ministerial responsibility. If there is one institution which is respected in Canada if there is one institution for which we will fight to the very last moment in this parliament, it is the institution of the crown. But we tell hon. gentlemen opposite this: Regularize your position in order not to project the crown into our party warfare.

Now, Mr. Speaker, my hon. friend who preceded me said: "My situation is exactly the same as the situation of the former Minister of National Defence, the present member for Antigonish-Guysborough (Mr. Macdonald)." Let us examine this contention very briefly. When the former Minister of National Defence was sworn in as an acting minister for a while, we had at that time in Canada a regularly constituted government under sworn ministers. What is the oath that a minister has to swear to? What is it? This is the oath that a minister has to take:

> I—do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge execute the powers and trusts reposed in me as minister.

When an acting minister in a properly constituted government acts for a short time, if he does not take the oath there are other ministers who have taken it and who are responsible to parliament and have to be in parliament to defend his acts. That is the distinction. When Senator Dandurand was acting minister, when Mr. Macdonald was acting minister, if these gentlemen had done anything that they should not have done—anything against their powers or against the trust reposed in them—their colleagues in the then government were in the House of Commons to answer for their acts. Have we got this situation here?

Some hon. MEMBERS: No.

Mr. CANNON: The only sworn minister in this government is the Prime Minister. The Prime Minister is not in the House, he is not answerable to us for any of his acts. And what actually are his tactics? His tactics are to get rid of us as soon as possible in order that the House of Commons or parliament shall not take control over the administration of public affairs at this critical juncture in our history. No man can administer a department, unless under exceptional circumstances such as I explained a minute ago, without taking an oath. Could, for instance, the leader of the opposition go into the Department of Finance and give orders? He could not; he could not undertake to administer that department—although a privy councillor—without taking an oath to perform his duties properly. We have in this House officers who perform their duties, as we all know, with absolute perfection. Our Clerk could not sit here for a minute unless he had taken previously an oath to perform his duties as he should. We as members of the House of Commons were not permitted to take our seats at the opening of this parliament, not one of us, before declaring on the Bible that we would fulfil our duties as we should. If we are not allowed to sit as private members without taking the oath, are hon. gentlemen opposite going to run the country without taking it? The acting minister who preceded me said "Show me the law that forces a minister to take an oath?" The law is common decency. Law? If the clerk of the city where my hon. friend the Acting Minister of Finance

(Sir Henry Drayton) lives, wishes to collect five cents, he has to take the oath of office. That being so, is my friend who is going to spend hundreds of millions of dollars to be freed from taking the oath?

I have spoken, I think, long enough, but this is an important question. The Tory party, Mr. Speaker, have one great quality, and that quality is to pretend to safeguard the constitution while they are tearing it. Read the history of England and you will see that encroachments upon the constitution have often been committed by the Tory party while pretending at the same time to protect that constitution. But coming nearer our shores read the history of Canada, read the annals of our constitutional evolution, and you will see that the Tory party invariably while pretending to protect the rights of the crown have had absolutely no hesitation in trampling on those rights if the interests of their party incited them to do so. Let us come to more recent years. We are deciding to-day the momentous question as to whether a man can be given the right to be Prime Minister of this country without following any of the constitutional processes. I am not speaking as a member of the Liberal party but I am speaking on behalf of and in the name of the citizens of my province—nay in the name of the citizens of the whole of my country—and I say to hon. gentlemen opposite: You are coming to this House and through the mouth of the acting leader of the House asking us to give you a mandate to run the affairs of Canada. Before we give you that mandate and before we resign one ounce of the authority of parliament we ask you "What is your record? What have you done in the past? Your past is the only guarantee we have of your future conduct." Before we reach a decision let us look back into the history of the Prime Minister of Canada to-day and ask ourselves if we can give him the least bit of authority that the law does not allow him to have—the man who for party purposes stole the elections of 1917, the man who deprived regularly elected members of this House of their seats, in order that his party might be in power, the man who deprived thousands of electors of this country of the opportunity to express their views, because he was afraid their verdict would not be favourable to his party politics, the man who transformed this country into an armed camp, where races facing other races were asking if a civil war would not be necessary in order to protect the liberties that we had won. This is the man who comes to this parliament and asks the members of parliament to give him a blank cheque, in order that he can repeat this year the unfortunate happenings that we witnessed in former years. I am not interested in systems of co-operation any more. I am not interested in the petty local provincial problems. It is a question now for every man who wishes to safeguard Canadian liberty to stand behind those in this House who wish to vote for the triumph of constitutional government in Canada.

In concluding, Mr. Speaker, I remind the House that to-day the sun rose on this Canadian land to light the first of July, the anniversary of confederation. In 1867 our present form of government was born, and under that government we have striven to make our country great, prosperous and united. Will it be said that on that same day over fifty years later those who inherit the duties and obligations of the Fathers of Confederation have forgotten, for local or petty interests, the great charge, the momentous charge, to conserve and maintain the charter of our freedom on Canadian soil?

Sir HENRY DRAYTON (Leader of the House): May I congratulate my hon. friend who has just spoken (Mr. Cannon) upon the calm and logical manner in which he has discussed a constitutional question! He has been discussing it however in the only way the question can be logically discussed by him and by his friends; that is in the way it was discussed last night by the right hon. former Prime Minister (Mr. Mackenzie King). What have we to-day from this hon. member on the constitutional question? We have to-day from him a wild torrent of abuse, an attack, Mr. Speaker upon my right hon. leader which is as everybody knows utterly unjustifiable.

Some hon. MEMBERS: No, no.

Sir HENRY DRAYTON: Yes. And we have references to all kinds of things frequently discussed in this House before, but having absolutely nothing to do with this constitutional question, and I am not going to discuss them, because it is not necessary to do so. The known character and standing of Arthur Meighen of itself is an absolute answer to everything the hon. member said. Further than that—well we will drop that point.

Now, Mr. Speaker, in his calmer moments, before he was absolutely intoxicated with his own eloquence, my hon. friend assayed to present some considered arguments to the House. In the first instance, he wants to know what we are, and he wants to know

where we are, what I think we are, or whether we are what they said we were—

(Cheers and other demonstrations in the lobby having been heard in the House):

I would say the great constitutional authority has carried his constitutional jury with him.

An hon. MEMBER: They are listening to my hon. friend's speech.

Sir HENRY DRAYTON: When hon. members are quite finished I will go on.

An hon. MEMBER: Go ahead.

Sir HENRY DRAYTON: Have I permission to proceed?

An hon. MEMBER: Have you taken the oath?

Sir HENRY DRAYTON: You know, Mr. Speaker, I can quite understand this conduct of my hon. friends. It is the only way they can do anything in the present situation, and the whole thing is done out of pique, coming from hon. gentlemen who cannot understand the situation.

Now, Mr. Speaker, we brought in to the House two days ago a written statement which gives the exact facts to the House. There is absolutely no question about those exact facts. It is perfectly true that we are simply acting ministers. It is also perfectly true that we are as much subject to the House and the House has just as much control over us as if we had been sworn in a dozen times. We are just as much responsible to this House as if we were drawing salaries, and the real distinction is that we are not drawing salaries. What really is the trouble here? That is the one thing that one has to ask himself. Is it that hon. members do not like to see ministers working without pay; because that is the only practical difficulty. We have, Mr. Speaker, ministers now working without pay.

An hon. MEMBER: Too bad.

Mr. CAHILL: And without authority.

Sir HENRY DRAYTON: That may be my hon. friend's opinion. It is not the fact. They are acting in precisely the same way as acting ministers always have acted; there is no change at all.

Mr. WOODSWORTH: May I ask the hon. member a question along lines similar to a question I asked before? Would the hon. gentleman suggest that, if at any time a cabinet, or the members of a cabinet, proposed to go without pay for a year or so, they would on that account be entitled to administer the affairs of the country without going before their constituents?

Sir HENRY DRAYTON: Not at all. We have perfect unanimity upon one point, surely, and that is this—we have it admitted by the hon. member for Quebec East (Mr. Lapointe)—that we can have acting ministers for short periods of time. That was the argument. What was the statement to the House? It was that these are merely temporary appointments for the purpose of winding up the business of this House.

Mr. GUERIN: Are hon. gentlemen opposite responsible to the House for their acts?

Sir HENRY DRAYTON: Yes. It is entirely a matter for the House to say whether they want us to wind up the business of the House or not.

Mr. GARLAND (Bow River): If it is true, as the hon. member states, that the only essential difference between the position in which they now find themselves and that in which they may find themselves as soon as they become ministers instead of acting ministers, is the fact that they are not drawing salaries, is there any necessity that they should at any time become ministers?

Sir HENRY DRAYTON: This is admittedly a temporary situation. I am referring to the situation having regard to that temporary period as regards our duties.

Mr. GARLAND (Bow River): Does the hon. member think that although acting for the moment in a temporary capacity he and his colleagues are acting unconstitutionally and have not authority?

Sir HENRY DRAYTON: No.

Mr. GARLAND: That is the inference.

Sir HENRY DRAYTON: Not at all. My hon. friend does not follow me there. It is admitted by the ex-ministers who have spoken in this debate that the House can have acting ministers and that those acting ministers can perform the necessary functions of the office.

Mr. GARLAND (Bow River): But the acting ministers must be constitutionally appointed.

Sir HENRY DRAYTON: Certainly, and we were.

Sir EUGENE FISET: No, you were not.

Sir HENRY DRAYTON: The Deputy Minister of Justice says so; the clerk of the Privy Council says so. They say that we were appointed in exactly the same way as was the former administration, as was the administration of Sir Wilfrid Laurier.

Mr. CAHILL: With the exception that they were sworn in as ministers.

Sir HENRY DRAYTON: With the exception that we were appointed acting instead of regular ministers. It is admitted that you can have acting ministers. We have had the case, for example, of the ex-Minister of National Defence (Mr. Macdonald). His case is precisely the same as ours.

Mr. GARLAND (Bow River): This is so important a point that I wish the hon. member who is speaking would make himself perfectly clear upon it. My understanding of the situation—and I am simply going to put a question—is that the late Acting Minister of National Defence, when acting minister, was appointed by an order in council passed by a properly constituted council with authority to perform that act. In this case the point in dispute is that the hon. members who are now acting ministers were appointed by one man only and not by a quorum of the council.

Sir HENRY DRAYTON: My hon. friend must see that, as a matter of constitutional law, anyone who is a member of the Privy Council summoned to attend—and they have to be summoned, I admit, and the summoning has to come from the gentleman to whom His Excellency has entrusted the task—can attend a meeting of the Privy Council. The six were summoned; they were there, and they had absolutely full authority to do every single thing that was done. Their jurisdiction to act is not a jurisdiction as ministers sitting in the Privy Council. We all know that every member of that Privy Council can attend if summoned although he may have nothing to do for the time being with administration, or although he may be serving during the whole course of the government as an acting minister having no department whatever, maybe having no department assigned to him, but being minister without portfolio.

Mr. GARLAND (Bow River): Granting that privy councillors who are summoned may act as privy councillors in council and pass orders in council, can the same men then act as ministers of departments?

Sir HENRY DRAYTON: Yes. There is absolutely no trouble about that at all. They are assigned to departments by orders in council which they have the right to pass.

Mr. CAHILL: Where do they get the authority?

Sir HENRY DRAYTON: It is done in that way in every department.

Mr. WOODSWORTH: There comes before us a document that purports to be an order of the Privy Council. Is that document valid simply because members who have taken the oath of privy councillors and have been summoned, have passed or voted in favour of it? Is that what constitutes its validity?



Mr. BOYS: Why not?

Sir HENRY DRAYTON: My hon. friend is quite right. As long as they are regularly there, as long as they have the confidence of the gentleman in whom His Excellency has reposed his confidence, it is perfectly regular. In fact it is the only way in which this can be done. There has to be a start in the case of all governments. This is the way in which Sir Wilfrid Laurier's government started.

Mr. MACKENZIE KING: We have not a government yet.

Sir HENRY DRAYTON: My right hon. friend says that we have not a government yet. In one sense he is perfectly right and in another sense he is perfectly wrong.

Mr. MACKENZIE KING: This has never been done before in Canada.

Sir HENRY DRAYTON: I shall have something to say about that later.

Mr. WOODSWORTH: They do not have to take the oath, neither does there need to be a quorum? Is that my understanding of the matter?

Sir HENRY DRAYTON: My hon. friend is wrong; the oath has to be taken, and the oath of a privy councillor is a much longer and more specific one than the other.

Mr. WOODSWORTH: Not the minister's oath?

Sir HENRY DRAYTON: No. That is limited to one particular department to which the minister is assigned.

Sir EUGENE FISET: Is it not a fact that in the case of the hon. member for Antigonish (Mr. Macdonald) when he was appointed Acting Minister of National Defence, he had already been sworn in as member of the Privy Council without portfolio and therefore he could be appointed by order in council to act in any department, while in the present case the only oath of office that hon. gentlemen opposite took was when they were sworn in as privy councillors. If this oath, as has been stated, stands good in their case, then they are in the same position as a minister who has been duly appointed, and therefore they have not the right to sit in this House and must appeal to the people.

Sir HENRY DRAYTON: I am afraid my hon. friend, under the guise of asking a question, is abusing the privileges of the House and making a speech. I am sorry he did not make it with his customary reserve.

Sir EUGENE FISET: I am talking from experience.

Sir HENRY DRAYTON: My hon. friend's experience in this case is unfortunately not quite right. The position of the hon. member for Antigonish, having regard to his oath, is exactly the same as my position, as the position of my hon. friend the Acting Minister of Justice (Mr. Guthrie), or any of the others.

Sir EUGENE FISET: Will my hon. friend allow me? That is exactly what we contend. If this oath is the same my hon. friends have no right to sit there as members of this House.

Sir HENRY DRAYTON: All that I can say is that the hon. member for Antigonish did sit as a minister in this House. He sat for four months as a minister in this House, and moreover without there being any regular minister of that department. Therefore his case is exactly the case of the acting ministers here.

Mr. MACKENZIE KING: May I put a question?

Sir HENRY DRAYTON: I think I have been fairly reasonable in regard to interruptions and I want to get on. I will answer any questions hon. gentlemen like to ask when I have finished. I want to deal with the question raised as to our responsibility to the House. We are absolutely responsible to the House.

Mr. DUNNING: But you are very anxious to get rid of the House.

Sir HENRY DRAYTON: My hon. friend no doubt thinks that is a bright remark. He may want to stay here all year, but I do not and I am sure there are a great many other hon. gentlemen who are equally anxious to get away. The hon. member may be such a slave to duty that he wants to keep us talking constitutional questions indefinitely. Nobody else wants to do that. Now we are responsible to the House, as the conduct of the present opposition shows beyond doubt. Hon. gentlemen opposite are continually trying to get vote against us in the House, and they know that we are responsible to parliament. It is simply idle to talk about there being no responsible government when by their very actions hon. gentlemen show that they believe there is.

We came before the House with the express declaration that our activities should be confined to closing up the work of the session. The regular government to be formed has not yet been appointed. The present government, so far as this House is concerned, is merely acting for the House in order to put into effect the work which has been done so far this session. That is all. Is that a crime against responsible government? I should have thought it would be a crime against responsible government not to make some effort to carry into effect the work which parliament has laboured to perfect. And that is all we are trying to do.

The only speech which we have heard today that carries an argument is that of the ex-Minister of Justice (Mr. Lapointe). He points out that in the order in council which appointed him to take charge of the Secretary of State's department, there was explicit provision that no salary should be paid. Well, there was a reason for that. The fact is, however, that there has never been inserted in any order in council appointing an acting minister any provision in regard to salary, for the reason, as we all know, that it has never been the practice to pay acting ministers any salary. Acting ministers are not entitled to remuneration, inasmuch as they take no oath of office and have no patent.

Mr. BOURASSA: In Mr. Meighen's statement which was read to the House on Tuesday, the following paragraph appears:

> The Prime Minister accordingly decided to constitute and submit to His Excellency a temporary ministry composed of seven members, who would be sworn in without portfolio, and who would assume responsibility as acting ministers of the several departments.

Has that undertaking been fulfilled? Have hon. gentlemen who are acting as ministers taken the oath indicated in that statement by the Prime Minister?

Sir HENRY DRAYTON: What is referred to in that statement is the oath as members of the Privy Council. The hon. member for Halifax (Mr. Black), prior to that time, had not been a member of the Privy Council and he had to take that oath.

4 p.m.

Mr. MACKENZIE KING: It says seven members who would be sworn, not one.

Sir HENRY DRAYTON: My right hon. friend may find some pleasure in grasping at straws—

Mr. MACKENZIE KING: Not straws.

Sir HENRY DRAYTON: Why, the right hon. gentleman fairly made the heavens ring a short time ago because he found there was only one oath. Now he says there should be more than one oath. He cannot have it both ways.

Mr. BOURASSA: In the other cases, it was the same oath taken by the various gentlemen composing the government at the time they became privy councillors some years ago.

Sir HENRY DRAYTON: Yes. And that is the right thing to do according to the report of Mr. Lemaire which we have received after an exhaustive study of the situation.

Let me answer the point made by the ex-Minister of Justice (Mr. Lapointe), to the effect that, as there was no stipulation in these orders in council that no salary should be paid, we are therefore disqualified. As I have already said, it has never been the practice to make any such stipulation in any order appointing an acting minister. True, it was done when the ex-Minister of Justice was appointed, not as acting minister, but as permanent minister in charge of the Department of Secretary of State. Hon. gentlemen will see the difference. In that instance my hon. friend was a regular, permanent minister, and as such he would be technically entitled to salary. Under the act he would also be entitled to salary as Minister of Justice, both being permanent portfolios That of course would be wrong. It would be a technical and forced interpretation of the law to contend that he should receive a separate salary as Secretary of State, and clearly that was never the intention. But in order to obviate any possibility of misunderstanding that clause was inserted. It has never, however, been the custom to make such a provision in connection with acting ministers, for the simple reason that, as I have stated and reiterated, acting ministers have no right to receive any salary. Nor was such a stipulation made in the case of the ex-Minister of National Defence (Mr. Macdonald, Antigonish) who acted, and very properly acted, for four months without pay.

Now we are entirely in the hands of the House. If the House wants us to go on we are perefectly willing to proceed to carry out the business of the session. If, on the other hand, for any reason real or fancied—and I have heard no real reasons so far advanced—the House does not want its programme carried into effect, and desires to have us abandon it, we are in the judgment of hon. members.

[Mr. Mackenzie King.]

Right Hon. W. L. MACKENZIE KING (Leader of the Opposition): Regarding the last remark of my hon. friend, may I say that this session's work will be concluded and satisfactorily concluded by prorogation but it will be concluded at the instance of a Prime Minister who has the confidence of this House and who is able to control it, and not at the instance of a government which, as the hon. gentleman says, does not exist in one sense, while it does in another. I want to make the situation clear so that hon. gentlemen will have no misunderstanding. The statement of the leader of the House (Sir Henry Drayton) was intended to convey the impression that if this House was not satisfied with hon. gentlemen opposite there would be a dissolution without the business of the session being concluded. No consequence of that kind necessarily follows at all. If it is shown that hon. gentlemen opposite are not in a position to conduct the business of this House as it should be conducted and that they have not the authority to carry on the business of the country as it should be carried on, then it becomes the duty of the adviser to His Excellency to so advise the Governor General, and it becomes the duty of His Excellency to send for someone who can bring to a close the business of this House in acordance with the support and the confidence of the House.

Mr. McGIBBON: Not a discredited minister.

Mr. MACKENZIE KING: I will not pay any attention to my hon. friend. I wish to make it clear to the House that if the present Prime Minister advised His Excellency that he found it impossible to carry on, His Excellency must then send for the present leader of the opposition—

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: —and should I be called upon, I will undertake to advise His Excellency to arrange for a prorogation in the first instance in order that the legislation of this session may be given assent to, and that after prorogation, dissolution should take place. There will be no dissolution until after prorogation; that is the point I want to make clear.

Mr. GARLAND (Bow River): I would like to ask the hon. gentleman one question, because this matter is immensely interesting and involved. Assuming that that advice be given by the right hon. Prime Minister, so called, to-day; supposing that situation arises

and His Excellency is advised that the present Prime Minister is unable to carry on. Then His Excellency may call upon the right hon. leader of the opposition—

Mr. MACKENZIE KING: That is his duty.

Mr. GARLAND (Bow River): Yes, just a moment. The former ministers have ceased to be such; they are now private members, and in that event what more right would they have to vote money or to have the House vote money than the present government?

Mr. MACKENZIE KING: I am very glad my hon. friend asked that question, because the more he studies the workings of the British constitution the more he will see that it has been so developed as to secure the principle of the freedom of parliament in all these matters. The members of the former government sitting on this side of the House have been ministers of the crown during the present session of this parliament. Each of us after we assumed office resigned our seats, went back to the people for re-election, were re-elected and returned to this parliament. There is not one minister of the administration of which I had the honour to be the head who has not been back to the people for re-election, who has not received the approval of the people as a minister, and who has not sat in this House as a minister of the crown. The situation is that ministers who have been ministers in one session are entitled within a specified time during that session again to assume their seats upon the treasury benches without going back for re-election, and they are the only ministers who are entitled to assume authority.

I contend, Mr. Speaker, that no minister is entitled to put through estimates or to attempt to do anything in this House who, after assuming responsibility as a minister, has not resigned his seat, gone back to the people for re-election, been re-elected and returned to this House. If that be the case in order that the public weal may be properly secured, does any hon. member think the constitution ever contemplated a subterfuge which would allow acting ministers to do these things without complying with the qualifications laid down for ministers? Why, Mr. Speaker, the whole purpose of having ministers go back for re-election is that a private member of the House is in an entirely different position from a member who undertakes to exercise authority under the crown either as a minister or as an acting minister. The theory of the constitution is that a member has been elected to parliament but he has not been elected as a minister of the crown; there have not been reposed in him any powers or trusts of any kind such as the oath of office contemplates shall be reposed in those who attempt in any way to administer the affairs of a department. When an hon. gentleman has taken the oath of office or undertakes to assume the powers and trusts of the administration of a ministerial department he must go back to the people and to all intents and purposes say, "You elected me as a member; you did not elect me as a minister having responsibilities. I have to come back for your approval of that higher office to which I have been invited."

I hope my hon. friend who asked the question clearly understands the situation. This is all-important, because the whole business of parliament may fall to the ground if the procedure is irregular in any particular. The law of the constitution contemplates that matters shall be carried out in accordance with parliamentary usage, custom and law, and if parliamentary usage and law is departed from then the business of parliament becomes so irregular, the business of government generally throughout the country becomes so irregular, that it is impossible to say whether at any time something which is done is legal. We have to be very careful in that regard. My contention is that there is no ministry in office in the true sense of the word; that as a consequence any acts performed by the so-called ministry cannot be held to be valid in any particular, and that the ministry has no right to exist.

A few moments ago when I said, "There is no government in office," the leader of the House answered, "In one sense the hon. gentleman is right," but I ask hon. members this question: Since when was the government of Canada carried on by a government of which it could be said in any sense that they were not a government? That is exactly the question, and that is the whole issue as I presented it to His Excellency the Governor General in tendering my advice. I said it was impossible for hon. gentlemen opposite to form a government which would be known as a government in the true sense of the word, for the simple reason that before they could act as ministers or assume responsibility of an executive character they would have to resign their seats and go back to the people for re-election, and I knew if they attempted to do that they could not carry on successfully the business of this parliament.

The more one thinks of this thing the more one sees how crucial is the whole situation in regard to parliamentary institutions. I want to make that perfectly clear, because I think it is all-important to the country that there should be no mistake as to the situation which exists to-day. I advised His Excellency that I did not believe anyone else could carry on in this House and perform the necessary duties of a prime minister in order to bring about prorogation in a regular way. I took into account the situation we see here now; knowing the present Prime Minister I knew exactly what his tactics would be if he were asked to form a ministry. Under these circumstances I could not advise His Excellency to send for the right hon. gentleman, but I had to leave to His Excellency a free hand to find any member of parliament who would undertake the task. What has the Prime Minister done? He has gone to His Excellency and said, "I can carry on the government of this country", and it is only because he has so represented his power to His Excellency that that advice was accepted. Now the position is this. What we are witnessing at the moment is that hon. gentlemen opposite not only have not the capacity to carry on, but admit themselves that they have not the powers of ministers of the crown.

Sir HENRY DRAYTON: No.

Mr. MACKENZIE KING: Does my hon. friend say they have the powers?

Sir HENRY DRAYTON: Yes, as I tried to explain to my hon. friend we have the powers, temporary powers.

Some hon. MEMBERS: Oh, oh.

Sir HENRY DRAYTON: What is the use of laughing? We have always said so.

An hon. MEMBER: How long will they last?

Sir HENRY DRAYTON: It entirely depends upon this House. This House can stop them to-day or to-morrow. When this House is over our powers stop.

Mr. MACKENZIE KING: There we have exactly the threat that my hon. friend was holding over us a moment ago. There is the threat that is being held over the head of hon. members. The present Prime Minister, through his representative in this House, is threatening that there will be a dissolution brought about unless the House permits them to carry on.

[Mr. Mackenzie King.]

Sir HENRY DRAYTON: There is no threat.

Mr. MACKENZIE KING: There is a threat.

Sir HENRY DRAYTON: I rise to a question of privilege, Mr. Speaker. I was asked as to the duration of our powers, and I said it depends upon this House. When this House is not here, this temporary ministry is over, and the Prime Minister will then proceed with the task of forming a permanent government.

Mr. MACKENZIE KING: My hon. friend says: When this House is not here, our work is over. I want to tell him, that if the constitutional course is pursued, their work will be over while this House is still here. That statement embraces the whole constitutional position. Their work should never have begun. Their work is not going on to-day. Their work is over now; it was long since past. They have no right to stay here for an hour, and I say that as soon as that fact is brought home to His Excellency by his duly constituted adviser, as it will be brought home ultimately through the force of public opinion, if not from the arguments in this House, then it becomes the duty of His Excellency, if His Excellency is going to act, as I believe he will, in a constitutional way, to say to the present Prime Minister: You led me to believe that you could carry on the business of this House, and I gave you your chance; I gave you your opportunity, but now that you come and are obliged to admit that you are unable to carry on the business of this House, I cannot grant to you, I cannot constitutionally grant to you, a dissolution when within the past few days I have refused a dissolution to another Prime Minister, and when the whole reason was that you undertook to carry on and took the responsbility of my refusal of a dissolution.

Is there difficulty in imagining, and this is a very serious thing for the crown and its representative—I put this to hon. gentlemen opposite whose duty it is to protect the crown: If any other course were taken by His Excellency than that, what interpretation would immediately be put upon His Excellency's act? It would be that His Excellency had taken a particular course for the purpose of favouring one political party rather than another political party in control of the government of this country. Now that is a course which, as I know His Excellency the Governor General, I believe he would be the last person in the world in-

tentionally to take. I say that I believe His Excellency the Governor General wishes to be in every particular a constitutional governor, but I say that it is the duty of his advisers to see that he is not permitted to make a mistake which will in any particular threaten the high office which he holds or bring into public controversy and discussion the name of the crown or its reprsentatives. That is all important.

I want to make clear again the position. I tell my hon. friend who is leading the House that it is his duty now, as a member of the ministry which is advising His Excellency the Governor General, to tell his leader the Prime Minister that it is his duty to go to His Excellency the Governor General and to say to His Excellency: My ministers have stated in the House over and over again that they are not ministers of the crown; the leader in the House (Sir Henry Drayton) has told the House of Commons that there is no government in office at the present time in one sense. That is what my right hon. friend has said, and another minister last night used the expression, and it will be found on the records of Hansard to-day: We are not the king's ministers; we are not ministers of the crown. I say that those statements should immediately be brought to the attention of His Excellency, and His Excellency should be advised at the same time that it is now his constitutional duty under the circumstances to send for someone else to see if the business of the country can be concluded in a proper way. That is the constitutional obligation of the adviser of the crown in circumstances such as we have at the present time.

Mr. MANION: May I ask why my right hon. friend, when he had the opportunity, did not carry on himself?

Sir HENRY DRAYTON: Because he was defeated three times in the House.

Mr. KING (Kootenay): He was never defeated.

Mr. MACKENZIE KING: The records of this House show that while I was Prime Minister never once was the government of which I was the head defeated in any way.

Sir HENRY DRAYTON: Three times.

Mr. MACKENZIE KING: My hon. friend from Fort William (Mr. Manion) asked, why did I not go to His Excellency and say that I could carry on. I went to His Excellency and what I said was this that I did not believe the business of this House could be carried on in a manner befitting the dignity and honour of parliament. I did not say it could not be carried on by subterfuge; I did not say it could not be carried on by intrigue; I did not say it could not be carried on by devious methods of one kind or another. What I did say was that this House could not be carried on with honour and dignity to the crown and its representative and for that reason I thought that there should be a dissolution, but when I was counselling a dissolution, I never contemplated that the business of this session would end there. After discussing dissolution and obtaining a decision favourable to dissolution, my next step would have been to consider the time at which dissolution should be taken. I would have advised His Excellency to arrange immediately for prorogation, and in the Speech from the Throne to announce the dissolution. That is the manner in which it should properly be done. That is the only way in which dissolution at the moment should be thought of by any party concerned.

What I wish to make clear now, because it is the whole constitutional issue so far as the crown and the representative of the crown is concerned, is that the crown cannot refuse the advice of one Prime Minister and immediately thereafter, within the same week, accept the same advice from someone who has taken the responsibility for the refusal in the first case. Let me put the position clearly, so that we will get away from any mistaken ideas in regard to matters of this kind.

Assume for a moment that it is not a case of this parliament, but a case of the British parliament, and that Mr. Baldwin is conducting the affairs of the British House. Mr. Baldwin goes to His Majesty the King and says: Owing to the different groups that we have, owing to the uncertainty of numbers and the parity of parties, I have reached the point where with the great problems with which this nation has to deal at the present time—such as the industrial troubles with which he has been dealing, assuming that such conditions existed with a House composed as this one is—I feel that the business of parliament cannot be carried on successfully by anyone, and that the only thing that will save the situation is a dissolution of parliament, and allowing the people to express their views anew, so that we may get a House that is more representative of the popular will than the House is at the present moment. Assuming that advice was tendered to His Majesty the King, I venture to say—and I say it because it has been true for a hundred years—that His Majesty the King would not refuse to grant a dissolution in

those circumstances. I say His Majesty would grant it, that it would be his constitutional duty to grant it, and for a hundred years it has never been refused. But assume for a moment that His Majesty the King had doubts as to whether the business of the House could be carried on, and he had reason to believe that Mr. Ramsay MacDonald might be able to carry on, and Mr. MacDonald were to say "I can carry on the business of the House and will undertake so to do." and His Majesty the King were to give him the opportunity. Ramsay MacDonald goes back to the House of Commons to show what he can do. He would never do—no British statesman would ever do—what has been done here. Imagine this kind of thing in the Mother of Parliaments over yonder? Imagine any Prime Minister undertaking to tell the people of Great Britain that he would carry on the business of the country with half a dozen acting ministers? And they say themselves that they are not ministers; and they say themselves that they are not a government in one sense of the word. Does anyone assume that, if that sort of situation presented itself, that at the end of the week His Majesty the King would grant to Mr. Ramsay MacDonald the dissolution which he had refused to Mr. Baldwin? Now my position is this: We in Canada are a self-governing dominion in the full sense of the word. With respect to our own domestic affairs the government of the day stands in the same relation to the Governor General as the government of the day in Great Britain stands in relation to His Majesty the King. In those circumstances I say that the procedure that would be expected to be followed in the Old Country should be followed here. I believe that is the intention of His Excellency, Lord Byng. I believe it to be the intention of His Excellency to see that constitutional procedure is followed. Have we not been talking about equality of status as a thing newly acquired within the British Empire? Before I leave the point I have just been referring to, let me quote an authority which I trust hon. gentlemen opposite will be prepared to accept, although I fear they may even hesitate so to do. I have in my hand a volume entitled Canadian Constitutional Studies.

An hon. MEMBER: Who is the author?

Mr. MACKENZIE KING: Someone asks "Who is the author?" I am surprised that the question should come from that side of the House. The author, according to the title page, is the Right Hon. Sir Robert Laird Borden, G.C.M.G., D.C.L., L.L.D., and I am proud to say that the volume bears the following inscription "The Hon. W. L. Mackenzie King, Prime Minister, with the compliments of Sir Robert Borden." I have made some of my constitutional studies from the writings of Sir Robert Borden. I regard Sir Robert Borden as a very eminent constitutional authority, and here is what Sir Robert says at page 61 of this book with respect to our constitutional development from confederation down to the time of the world war:

> In the discussion of executive competence it is important to examine the status and functions of the Governor General.

That is not bringing the name of the Governor General into discussion; the author is discussing the general relations of the government and the Governor General. I continue to quote:

> Before 1848 he was regarded as an imperial officer responsible primarily to the British government through the Colonial Office. With the progress of responsible government, there came a necessary change in his relation to the administration of public affairs. In Canada this relation is the same in all essential respects as that of the King in Great Britain.

I ask the present Prime Minister to take this volume of Sir Robert Borden, a former Conservative Prime Minister in this parliament, one who has had larger experience in the problems of government than any other public man living in Canada to-day, and place before His Excellency those words:

> In Canada this relation is the same in all essential respects as that of the King in Great Britain. The administration of public affairs is conducted by ministers responsible to parliament, and the Governor General acts by their advice.

These gentlemen talk about being responsible ministers, ministers responsible to parliament. Why they tell us here that they are not responsible to anyone. They say there is no need for oaths, there is no need for orders in council, there is no need for statutes. They might as well add there is no need for parliament itself; all that is necessary is that the Right Hon. Arthur Meighen should tell whoever happens to be Governor General in Canada "I can form a government and carry on if you will let me do it, just as I please myself." That is the position we are face to face with.

Now may I give one or two other authorities on this matter? I will not at the moment take further Canadian authorities; I have already quoted from an eminent Canadian source. I will take a British authority, and I will begin with one who is a distinguished graduate of Oxford university. The volume I am about to quote is Responsible Government in the Dominions by Arthur Berriedale Keith, M.A.,

(Edin.), D.C.L. (Oxon), of the Inner Temple, barrister-at-law, and of the Colonial Office, Junior Assistant Secretary to the Imperial conference, Membre Effectif de l'Institut Colonial International, in three volumes, volume 1, Oxford, at the Clarendon Press, 1912. At page 180 of this volume hon. gentlemen will find under the heading Executive Government—the Governor as Head, the following statement; Let me say that Mr. Berriedale Keith is recognized throughout the world as a leading constitutional authority; I do not believe there is any one writing on constitutional law and parliamentary institutions who is recognized as being more of an authority than Mr. Berriedale Keith. He says at page 180:

> It is a complete mistake to suppose that the governor is entitled to refuse advice because he does not approve the actions of his ministers, and thinks that he may have a good chance of getting a majority for the opposition if he refuses their advice: his duty is not to his own conscience, but to the people of the dominion which he governs, and he should execute that duty independently of every other consideration.

In other words the point that is brought out there is not that the Governor General is a person who should not have a conscience, but that the Governor General, as a constitutional governor, is in the position that the king is in when it is said "The king can do no wrong". That is one of the oldest maxims of Constitutional government—the king can do no wrong. That does not mean that in his personal capacity and conduct he may not be capable of doing things that are wrong. It does mean that as king he acts only upon the advice of his ministers, so that if a wrong is done it is not the wrong of the sovereign, it is the wrong of the adviser. That is the position that I take at the moment. The great wrong that is being done at this hour to the crown, and to its representative in this country, is that its advisers are deliberately permitting the crown to remain in the position they have placed it in of appearing to take sides in party warfare and party struggle. Listen to this:

> The normal form of the refusal to accept ministerial advice is when a ministry beaten in parliament, or which is losing its hold on parliament, asks for a dissolution in order that it may strengthen its hand in the country.

That is putting it pretty strongly—I think as strongly as it can be put, that the normal form of refusing to accept ministerial advice is where a ministry seems to be losing its hold on parliament and asks for a dissolution in order that it may strengthen its hand in the country. Now, what does Mr. Keith say in that regard:

> Now the imperial practice in this regard is, of course, that the minister receives a dissolution when he asks for it.

Even in such an extreme case as that a prime minister is granted a dissolution. And why is that the recognized imperial practice? It is the recognized imperial practice because it is known that the highest tribunal to which the government can appeal is the electorate. If a government were asking the crown or its representatives to continue it in office when it was losing its hold, then there might be ground for a refusal, but when a government asks that it have the right to go before the people to be judged because conditions are such that it is impossible for anyone to carry on a government, then we find that the imperial practice is as stated here. This authority says that of course the minister receives a dissolution when he asks it. He continues:

> There is in favour of this view the most important authority, and the expressions of opinion which have been made on the other side from time to time are hardly authoritative. It is indeed clear that the refusal of a dissolution is much too dangerous a course for the crown to take; it at once reduces the crown, however reluctantly, to be a partisan in a political struggle. In the case of a governor this does not matter very seriously; he is only a temporary tenant of office, and his personality and popularity are not things of the highest moment; he may discredit the post of governor and weaken the imperial connection, but these things can be put right by a tactful successor, and, truth to tell, both governors and ministers, as self-government develops, seem to grow more used to work together; the governor exercises more influence if less power than his predecessors in the sixties and seventies, and there are fewer of those claims, preposterous on both sides to an unimpassioned view, than then were rife. But the popularity of the crown is only borne out by absolute ministerial responsibility; the loyalty of the country to the crown must depend in political matters on the feeling that whatever is done is done not as a royal whim but at the will of a ministry commanding influence in the country. Any other theory, however specious, is sure in the long run to lead to the degradation of the crown, which owes its absolute security, as Lord John Russell pointed out in 1839, to its standing apart from all political strife.

That is as far as I think I need quote from that authority. I said I would give the House British authorities. I quoted from the great English university of Oxford and I now quote from another authority the great university of Cambridge. I hold in my hand a volume entitled, Some Historical Principles of the Constitution, by Kenneth Pickthorne, Fellow of the Corpus Christi College, Cambridge. It is one of the latest publications on the constitution, having been written as late as April 3, 1925. That brings matters up-to-date pretty well. There are chapters on

Constitution and Sovereignty; Sovereignty, Parliament and Toleration; The Sovereign Parliament and Ministerial Responsibility; Ministerial Responsibility and Cabinet Government, Cabinet and Crown; Crown and Empire; Sovereignty and the Rule of Law; The Rule of Law and the freedom of the Subject.

I intend to quote a passage or two from this volume which brings up-to-date pretty effectively the constitutional position in this regard. I quote from page 89 of Kenneth Pickthorne. This volume is one of the Westminster Library series:

After twenty years' experience of the throne—

This was a reference to Her late Majesty Queen Victoria.

—she still thought that this was a prerogative whose exercise required at least the active authorization of the Monarch. She wrote in March 1857 to Palmerston that she could not possibly come to a decision on so important a point without a personal discussion; and the next year the Queen refused Derby's request for permission to announce that, in the event of an adverse majority, he had Her Majesty's sanction to a dissolution.

This occasion was the turning point: for the Queen, apparently not quite certain of the propriety of her action, sought the support of Lord Aberdeen, as that of a man widely experienced in politics and now retired from them. Aberdeen approved the refusal to permit the threat of a dissolution, but at the same time suggested that if her minister advised to dissolve it would be constitutional to assent. Moreover he considered that ministers had a right to threaten dissolution so long as the Queen's name were no part of the threat; she, no doubt, had a right to refuse, but then she must find a prime minister who must accept the responsibility for the refusal, and he could not remember—

And this is quoted:

—he could not remember a single case in which the undoubted power of the sovereign had been exercised upon this point.

Since that occasion—

And that occasion was away back in 1857.

—it has hardly been doubtful that the Monarch would dissolve, of course, on the advice of a prime minister.

My hon. friend spoke last night about Mr. Asquith and made some reference to a statement which Mr. Asquith had made. I find as a footnote to what I have just read the following:

But remember the incident in December 1923, when Mr. Asquith for example, doubted whether His Majesty was bound to dissolve on the advice of a prime minister, who had always been in a minority, never even leading the largest party in the House. It seems, indeed, that His Majesty might have refused, on condition of finding a new prime minister ready to be responsible for the refusal, but the fact that he did not makes it much less likely that he or any other Monarch would do so on a future occasion.

[Mr. Mackenzie King.]

Then at pae 94 the author says:

As to dissolution, at any rate it may be said now, that it is extremely difficult to imagine any circumstances in which it would not be placed at the disposal of ministers, for we have seen a premier who had been in office less than a year not leading a majority, nor even the largest single party (not because he was refused legislation essential to his policy, but because inquiry was demanded into the relations of his government with the administration of justice), quite unreservedly threaten with dissolution a House of Commons less than a year old and carry his threat into effect.

There are two well-recognized constitutional authorities each making it perfectly clear that it becomes the duty of the Sovereign to accept the advice of the Prime Minister for dissolution if it is tendered; or if he does not, then he must find a Prime Minister who will take the responsibility for that refusal, and taking the responsibility for that refusal means that the same request cannot be granted him just on the caprice of the moment, but that he must carry out the obligation to carry on if that is the condition under which he has been asked so to do.

May I cite another authority? A few years ago there was an important case in Tasmania. I hope as a dominion we are on a somewhat more important plane than Tasmania. But the governor there had refused the advice of his ministers, and as a consequence of that refusal he was recalled because of the fact that his action was not supported. I read an article written by Sidney Low, entitled "A New Theory of the Constitution; Unquestioning Obedience to Ministers." Sidney Low is the author of the Governance of England and many books of constitutional history. Unfortunately I have not the date at which this article appears in the London Daily News, London, England. I want my hon. friends opposite to recall that it appeared originally in the London Daily News, but the reproduction of the article will be found in a volume entitled "Canadian Defence," October 14, 1914.

The Governor of a colony—

I hope we are beyond the colony stage.

—has no power to impose his wishes upon a ministry He must accept his ministers' advice "unquestioningly."

That is the new constitutional theory as stated by Mr. Harcourt, the Colonial Secretary, in his despatch to the Governor of Tasmania.

The importance of Mr. Harcourt's attitude is explained in the following article by Mr. Sidney Low the well known constitutional authority.

The despatch which Mr. Harcourt has just sent to the Governor of Tasmania is a state paper of considerable significance. It puts the coping-stone on the edifice of colonial self-government and marks the final phase in the emancipation of the oversea states from external control in the management of their domestic affairs.

The Secretary of State has officially declared that the governor of a British dominion is bound to follow the advice of his ministers in respect to any question of internal politics. He has no discretion in the matter and must leave the responsibility with the group of politicians who are supposed to represent the people. The colony, in fact, is a sort of republic with the Prime Minister, for the time being, as its virtual president. The same doctrine was affirmed by Mr. Harcourt in the House of Commons when dealing with the relations between Lord Gladstone and General Botha in the South African Union.

The Tasmanian crisis turned on the question of the governor's right to grant or withhold a dissolution of parliament. This right is part of the royal prerogative which the governor is supposed to exercise as the representative of the sovereign. In this country, however, the royal prerogative in this matter has fallen into abeyance. If a Prime Minister, whether defeated in the House of Commons or not, advises the King to dissolve that advice is accepted.

There is a point I want my hon. friends opposite to notice. Hon. gentlemen opposite say that we were defeated. I have told them and they know that we were not defeated; one has only to look at the records of the Votes and Proceedings of this House to see what our position was. I will give the House a little later on the position as it is recorded there. But for the moment I want to point this out that even if, while we were in office we had been defeated, if we followed the British practice, after having carried on the government as long as we had carried it on under existing conditions, if we asked His Excellency to grant dissolution, His Excellency would have been obliged to grant dissolution even under those extreme circumstances. The article continues:

The responsibility is left with the minister who thought fit to appeal to the constituencies; and the wisdom of his action must be judged by the results. The issue is between him and the people, and the Sovereign does not intervene either to influence the verdict or to postpone the trial.

These are very significant words, very far-reaching words. They affect the whole foundation of constitutional government from one end to the other of this great and vast empire. That is what fills me with amazement at the position of hon. gentlemen opposite. They would dare at this time in the history of the British Empire to risk the possibility of a great constitutional crisis, of which no one can tell how far-reaching the effects may be, just because they are determined to proceed in an unconstitutional manner. It is not too late yet for them to retreat.

Mr. GARLAND (Bow River): Will the right hon. gentleman give the House the date of that article?

Mr. MACKENZIE KING: This is as far back as 1914.

Mr. GARLAND (Bow River): The date might be of value for the record. It is July 17, 1914.

Mr. MACKENZIE KING: My hon. friend has evidently consulted the same authority. The article goes on:

In the colonies a different practice has prevailed. The governor has been supposed to exercise his discretion in this and other matters. Dissolutions asked for by premiers have been frequently refused. Colonial parliaments are short lived and party majorities are narrow; and His Excellency may not deem it worth while to put a busy and scattered population to the expense of an election when the people will in any case, soon have an opportunity to express their opinion. In 1899 dissolutions were refused by the governors in no fewer than three of the states. In 1909 Mr. Earle, the Labour Premier, was defeated in the Tasmanian House of Assembly by a majority of six, and asked the Governor, Sir Harry Barron, to let him go to the country. The governor refused, and sent for the leader of the opposition, who was able to form a ministry with sufficient support in the House. In these and other cases 'Downing-street" backed up its man on the spot and asserted the discretionary power of the governor.

All that, as my hon. friend will note, relates to a position affecting not a self-governing dominion, but these smaller states of a colonial status. What is the next paragraph?

It has now decided in the opposite sense.

That is in 1914 in the communication sent to the governor of Tasmania.

The old trouble has broken out in Tasmania again. The Liberal minister in Tasmania was defeated by a single vote, and the premier, Mr. Solomon, asked Sir William Ellison-Macartney, the Governor, to grant a dissolution. But the governor refused and called upon Mr. Earle, the Labour Leader, to form a ministry, annexing, however, to his request the condition that a general election should take place. Mr. Earle accepted under protest, and his objection was supported by the parliament which resolved, with only one dissentient vote, that the governor's demand was contrary to the principle of responsible government. The resolution was transmitted by the governor to the Secretary of State for the Colonies, who has replied in the despatch which emphatically supports the position taken up by the Tasmanian premier and legislature. It is laid down that the governor ought to act upon the advice of his ministers in such a question as that of authorizing or prohibiting a dissolution of parliament, which is one of purely internal politics, and that he ought not to impose conditions upon them. In other words, it is the ministers, presumably representing the people, who are responsible for the "peace, order, and good government" of the colony, not the officer who represents the crown and the imperial cabinet. If this doctrine is maintained—as it probably will be—almost the last vestige of imperial control over the affairs of the self-governing colonies disappears. It is an emphatic recognition of the complete nationhood of the dominions, so far as regards their own domestic government. The governor remains, though it may not be long before he will be appointed on the recommendation of the local, rather than the home, cabinet. He is there to guard

the general interests of the empire, and to see that any legislation which may touch these or affect international relations, is reserved for the consideration of the central government.

Mr. SPEAKER: May I interrupt the right hon. gentleman? I have followed very closely the debate as it has so far proceeded, and it appears to me that the present trend of the discussion is rather beside the issue which is before the House. The proceedings were subjected to what is described by the authorities as an incidental interruption. The hon. member for Quebec East (Mr. Lapointe) raised a question of privilege which I am bound to say, in the language of Bourinot, affects the House collectively. The point of the hon. member's contention is that the hon. gentlemen at present acting as ministers of various departments are encroaching upon
5 p.m. the privileges of parliament inasmuch as they have taken the oath as ministers and should go before the people. That, I gather, is his point, and the hon. member argues that according to the act on the independence of parliament the acting ministers are consequently debarred from conducting the affairs of the government in the House until elected.

Many hon. members have discussed the question pro and con, and if I have followed the remarks of the leader of the opposition (Mr. Mackenzie King) I am afraid they are somewhat irrelevant to the point taken by the hon. member for Quebec East. The question of privilege having been stated, and answer having been made by hon. gentlemen concerned, it seems to me that the House should come to some conclusion in the matter. I have not the slightest desire to minimize the importance of the question raised by the hon. member for Quebec East, but I would remind the House that, as Bourinot points out, every question under consideration must sooner or later take a concrete form, and must be determined. Such determination of the question may be achieved by means of a resolution moved in accordance with the rules of procedure. An hon. member may, of course, at any stage of the proceedings, raise a question of privilege, but the House must come to some conclusion upon it. It would seem hardly desirable to debate a question of privilege at interminable length, once it has been clearly stated. I suggest that, to this end, a motion be moved.

Mr. GARLAND (Bow River): May I ask Your Honour a question? In view of the fact that as Your Honour has admitted this question affects every individual member of the House, should any hon. member be denied the right to state the case from his own point of view?

Mr. SPEAKER: Undoubtedly the question raised in this instance affects the House collectively, but it seems to me that a motion should be moved to determine the sense of the House in the circumstances.

Mr. WOODSWORTH: I submit that if the representatives of the two larger parties in the House are to be given a reasonable opportunity of discussing this question of privilege affecting the whole House no hon. gentleman ought to be precluded from stating his case. Any member, indeed, if necessary, every member should have a chance to speak to the question.

Mr. SPEAKER: I hasten to assure the House that I have not suggested that any hon. gentleman should be denied the right to discuss the question of privilege as raised by the hon. member for Quebec East, but when I interrupted the leader of the opposition it appeared to me, if I followed him, that he was discussing a totally different subject.

Mr. MACKENZIE KING: I submit, Mr. Speaker, that the question before the House at the moment is the right of hon. gentlemen opposite to be in office and to advise His Excellency. If that question is to be settled at all one must necessarily go to the roots of the situation to discover how hon. gentlemen came to be in office, and I have been endeavouring to show that they are in office by reason of circumstances of such a character as to demand that immediately, through their prime minister, they advise His Excellency that they are there without due authority and without right and should resign forthwith so as to enable His Excellency promptly to regularize the situation. I make that explanation tentatively, Mr. Speaker; I have not yet concluded my remarks.

Mr. LAPOINTE: It would be perfectly in order to move a motion as a result of the discussion of a question of privilege, but I respectfully submit, Mr. Speaker, that no one is bound to do so. Any hon. gentleman who desires to do so may exercise his right to move such a motion to conclude the debate, and while I quite agree that there must be a determination of this debate as of any other, at the same time this is a matter that affects the rights of every single member of the House. Under the circumstances, I submit that every hon. member is entitled to speak.

Mr. MACKENZIE KING: I should be the last member, Mr. Speaker, to desire to disregard any ruling of the Chair, and having discussed the subject at considerable length, I shall draw my remarks immediately to a close. I have only one further quotation to offer on the subject to which I have been referring, namely, the parallel between constitutional procedure in Canada and similar procedure in Great Britain. May I quote from a well known authority:

The Constitution of Canada, an introduction to its development and law, by W. P. M. Kennedy, M.A., Litt. D., Trinity College, Dublin, Assistant Professor of Modern History in the University of Toronto, 1922.

I refer hon. gentlemen to page 382:

The relations between the Governor General and the cabinet are now fairly clear. He does not attend cabinet meetings, but all communications which can be called official come to him through the cabinet, and all orders in council are submitted to him personally. He is entitled to receive the full confidence of his ministers when they ask him to act in any official capacity. If confidence does not exist, he can doubtless dismiss them; but he would do so with the full knowledge that he would be compelled to find successors who would be prepared to take constitutional responsibility for his action.

As a matter of fact no instance of dismissal exists in the history of federal government in Canada. Doubtless also he has the constitutional power to refuse a dissolution, but the sense of political responsibility has become so strong with Canada's new status in the empire that to do so would be an act of extreme danger. The tendency is to assimilate the constitutional conventions of Great Britain and to follow in this matter the completeness of political development.

Now I want to draw the attention of the House to the oath which a privy councillor takes, and which is the oath hon. gentlemen opposite say they have taken. Professor Kennedy says in reference to the relation of the cabinet to the Governor General:

He is entitled to receive the full confidence of his ministers when they ask him to act in any official capacity.

Now I say His Excellency at this moment is entitled to have the full confidence of his ministers, and I say they cannot extend to His Excellency their full confidence if they do not explain to him the whole situation as it exists in this parliament at this moment, and the subterfuge to which they are resorting in attempting to carry on the business of the country or rather in pretending to carry it on in any way. As privy councillors sworn by a solemn oath to protect the crown and its representative it is their business to prevent the crown and its representative in Canada from being placed in a false position before the people. If confidence does not exist he can doubtless dismiss them, and I say without hesitation that if these gentlemen continue longer in office after what has been said with respect to their present position, His Excellency's duty is to dismiss this ministry and find someone who will take responsibility for the dismissal. I may say that as leader of His Majesty's loyal Opposition I am prepared to take responsibility for the dismissal of hon. gentlemen opposite. I am prepared to take that responsibility because hon. gentlemen know that the proceedings of this House cannot be brought to a close except by someone who has sufficiently the confidence of the House to be able to bring proceedings to a close in a proper and regular way. Let me read part of the oath taken by members of the Privy Council:

You will in all things to be moved, treated and debated in any such Privy Council, faithfully, honestly and truly declare your mind and opinion to the honour and benefit of the King's Majesty, and the good of his subjects without partiality or exceptin of persons, in no wise forbearing so to do from any manner of respect favour, love, meed, displeasure, or dread of any person or persons whatsoever. In general you will be vigilant, diligent and circumspect in all your doings touching the King's Majesty's affairs;

There are two paragraphs to which I draw the attention of hon. gentlemen opposite. They are sworn to declare their minds and opinions to the honour and benefit of the King's Majesty and to be circumspect in all their doings touching the King's Majesty's affairs. I say, Mr. Speaker, that there is no single matter which so affects His Majesty the King as the exercise of the royal prerogative. The whole development of constitutional government has been to circumscribe little by little the absolute power of the crown, to cause the exercise of discretionary authority to rest upon ministerial responsibility. There was a time when the crown could perform almost any act pretty much of its own volition, but little by little one prerogative after another came to be exerised on the advice of the ministry. At one time it was the prerogative of summoning parliament; at another time it was the prerogative of pardon; at another time it was some other prerogative, and perhaps the last of all the prerogatives to be circumscribed was that of dissolution. I say hon. gentlemen opposite owe it to their oaths as privy councillors to advise His Excellency the Governor General of the present situation and to let His Excellency fully understand what may be the consequence to him as the representative of the crown itself if, through their advice, he should act in any unconstitutional manner at this time. I appeal to hon. gentlemen opposite, before it is too late, to remedy a great wrong and to see to it that His Excellency is advised that they are unable—

Mr. SUTHERLAND (North Oxford): What are you trying to do—start a rebellion?

Mr. MACKENZIE KING: I want to prevent a rebellion; I want to protect the honour of the crown; I want to prevent the name of the crown—

Mr. CAHAN: I rise to a point of order I submit, Mr. Speaker, that under the rules and practices of this House any member has a right to state a matter of privilege, but having stated the matter of privilege, if further proceedings are to be taken thereon he must, from his seat in the House, make a motion presenting a clear issue to the House for debate. Such an issue has not been presented to the House; full opportunity has been given to hon. gentlemen who wished to state their question of privilege, and I submit that further debate is out of order unless a motion is made on the issue of privilege, upon which further debate may take place and the decision of the House be given.

Mr. SPEAKER: The question of privilege affects collectively the members of this House of Commons, and may be debated by all members. But as I said a moment ago I expect that this long debate—

Mr. CANNON: Are you giving your decision?

Mr. SPEAKER: Yes.

Mr. CANNON: I would like to speak to the point of order.

Mr. SPEAKER: It is rather late.

Mr. CANNON: It is not late. Here is a very important question—

Some hon. MEMBERS: Order.

Mr. SPEAKER: The hon. gentleman is in order.

Mr. CANNON: This is a very important question, the most important matter discussed since the opening of the session. Hon. gentlemen opposite say the debate has lasted too long; it started at two o'clock this afternoon and it is now shortly after five o'clock. We heard gentlemen speaking for two months on trifling matters, and they were never called to order by the Chair.

Mr. CAHAN: There was a motion before the House.

Mr. CANNON: There need not be a motion; the rule is well known. Bourinot, who is quoted so often here, is very explicit in the matter. This question of privilege is one which interests every member of the House, and every member has a right to speak on it. If any member decides to move a motion he will do so when he so decides.

Mr. SPEAKER: That is what I was going to say when the hon. gentleman preceded me.

Mr. ELLIOTT: Might I be permitted to add just a word before this decision is given. At page 302 of Bourinot I think exactly this point is touched, as follows:

> Questions of privilege may always be considered in either house without the notice necessary in the case of motions generally.

And at page 303 I find the following:

> In the Canadian House, questions of privilege take a wide range, but it may be stated in general terms that they refer to all matters affecting the rights and immunities of the House collectively, or to the position and conduct of members in their representative character.

Mr. SPEAKER: It agrees exactly with what I said at the beginning of this discussion. I have no ruling to give. I simply suggested that there is a question of privilege that affects collectively the House of Commons, but that the point of privilege having been stated clearly and unmistakably, and the answer of the ministers having been made, the debate should now come to an end. Certainly every member is entitled to speak on the question as it affects collectively the House of Commons, but I do not see the necessity of prolonging unduly the debate, unless a motion is put in concrete form dealing with the particular issue raised by the hon. member for Quebec East (Mr. Lapointe).

Mr. MACKENZIE KING: I shall not take up much further time. I was saying when the question was raised that hon. gentlemen opposite had stated to this parliament that they were advising His Excellency because of an oath which they had taken as members of the Privy Council. I have drawn attention to the circumstance that that oath obliges them to have great regard for anything and everything which in any particular may affect the crown, and I am contending that their action in attempting to carry on and continuing to sit on the treasury benches, as they are doing at the present time, is an action which is imperilling in a more far reaching way, I imagine, than they contemplate, the position of the representative of the crown in this country, and I submit that they can perform no finer act on this day on which we enter upon the sixtieth anniversary of our Dominion than to resolve, however difficult it may be for them so to do, that they will make it their first duty to see that the representative of the king in this country

is given advice which is constitutional and sound, in order that the relations of this country with the Old Land may not be strained in any particular, but that we may be drawn closer and closer together through that bond which is the great bond within the empire, namely, the preservation of the liberties of the Mother Country and of all the Dominions through common political ideals and institutions based on the principle of responsible self-government in the case of each and all.

May I add this word? There is a distinction between the privy council and the cabinet. I hold in my hand one of the orders in council which my hon. friend handed to me at the beginning of the sitting to-day. That order reads:

> Certified to be a true copy of a minute of a meeting of the committee of the privy council, approved by His Excellency the Governor General.

There the distinction is suggested between the rights of privy councillors and those of the particular group which constitute the cabinet. A privy councillor has the right to aid and advise His Excellency the Governor General, but it is only a committee of the Privy Council sworn as a cabinet that has the right to perform any executive act, and it is a committee of the Privy Council which constitutes the government of the day. What I contend, Mr. Speaker, is this: While hon. gentlemen opposite have exactly the same privilege that many of us have who sit on this side, as members of the Privy Council, to aid and advise His Excellency, which is the duty of all privy councillors, they have no right and no power to act in an executive capacity, to perform any executive duty whatever until they have taken the oaths of office which will compel them, after accepting office under the crown to resign their seats, and go back to the people for re-election, and then come back to this House with all the authority essential to clothe them with ministerial responsibility. If they are not prepared to take that step immediately, then they should immediately resign.

Hon. R. J. MANION (Fort William): Mr. Speaker, I do not intend to take up many minutes, but there are one or two points I wish to make that I think may be of interest in this debate. In the first place, we listened last evening for a couple of hours or more to abuse—I might call it a tirade of abuse from the right hon. the ex-Prime Minister—

Mr. MACKENZIE KING: I take exception to my hon. friend's words immediately, Mr. Speaker. I submit that it is not right for my hon. friend to say that I engaged in a tirade of abuse. He is welcome to his opinion, but I submit that the suggestion is unparliamentary and wholly uncalled for though it is language to which we are accustomed from the hon. member.

Mr. SPEAKER: I do not think the hon. member would like it said of him that he has indulged in a tirade of abuse as against his opponents. I think the expression is rather too strong.

Mr. MANION: Under the circumstances, Mr. Speaker, since that expression is too strong, and since I do not know any other words that will take their place, I withdraw it. The right hon. gentleman made the remark that it was nothing better than he could expect from me. I wish, Mr. Speaker, you would ask him to withdraw that remark, because it is the second time he has used it of me this session.

Mr. MACKENZIE KING: I said my hon. friend's remark coming from him came from him; that is all.

Mr. MANION: I do not wish to get into a controversy with the right hon. gentleman. I will leave it to the House to judge what kind of tirade or speech the right hon. gentleman made.

The right hon. gentleman this afternoon in the course of his remarks talked of our threatening the party diagonally opposite, as the expression is, with a dissolution, and he blamed us for what he called threatening the party diagonally opposite—I mean no disrespect when I use that term—the Progressive party. I remember, Mr. Speaker, all through this session, every time a question came up when the late government was in any danger whatever, the ex-Prime Minister turned to the hon. gentlemen of the Progressive party and said: If you defeat the government on this measure it will mean an election. Yet he now takes the attitude that we are threatening them, and are not acting as we should in that regard.

He also asked: What right has the Governor General to refuse him a dissolution, and yet to give it to the right hon. gentleman who is leading this government, the present Prime Minister? Well, so far as I know, Mr. Speaker, the right hon. the present Prime Minister has not asked for a dissolution. I do not know why the leader of the opposition takes that attitude.

Everybody in this House knows why the right hon. gentleman who is to-day Prime Minister took the attitude he did. He took the attitude he did because it was the only attitude he could take in fairness to the House and country. The right hon. gentleman who leads the opposition stood up in this House the other day and without any notice announced: I have resigned the position of Prime Minister of this country; and when the present Prime Minister, who was then leading the opposition rose and suggested that there should be a conference regarding the remainder of the session, the ex-Prime Minister called him to order, and said: There is no Prime Minister. He objected to his discussing the matter with him at all. So there were only two courses left for the present Prime Minister. He could either have asked for a dissolution himself, since he had been called upon by the Governor General to form a government, or he could have said: We will attempt to carry on and fulfil the obligations of the late government to the people of Canada, and we will consider the convenience of hon. members, instead of sending them away for six weeks or two months, and then bringing them back again—

Mr. MACKENZIE KING: I submit that my hon. friend is entirely wrong in the first of his two alternatives.

Some hon. MEMBERS: Order, order.

Mr. MACKENZIE KING: My hon. friend says there were two courses open to the present Prime Minister. One was to ask for a dissolution. I say that he could not have asked for a dissolution because he was taking the responsibility of a refusal of dissolution.

Mr. MANION: What I meant to say was an adjournment, not a dissolution, and I think that was clear from my speaking of sending the members away for six weeks or two months.

Mr. MACKENZIE KING: I hope hon. gentlemen opposite will feel that I was justified in rising at the moment.

Mr. MANION: What I meant was an adjournment, and I used the words six weeks or two months. He could have sent the members of parliament away to their respective homes in the various sections of this country, and then at the end of six weeks or two months have called them back, when as a matter of fact the business of this House could be finished up in three days, or at the most inside of four days or a week. Instead of that he took the patriotic attitude of considering the convenience of members, the patriotic attitude of considering the business of the House and of the country; and when he asked my right hon. friend the leader of the opposition to discuss matters with him he was met with a refusal, although what he did was best for this country and best for this House. To-day and yesterday we find the right hon. leader of the opposition opposing that attitude. The business of the House which has been carried on for six months, and surely that was long enough for a session, was all practically completed except the estimates, the bills that were to come back from the Senate, and two or three noncontroversial bills that are still to be passed. It looked, Sir, as if we should be able to finish in two or three days or in a week at most if hon. gentlemen opposite did not indulge in the obstructive tactics in which they are indulging at the present time. But what has happened? The right hon. gentleman who leads the opposition is simply holding up the House, he is doing exactly what he tried to do when he resigned, he is doing his best not only to embarrass this House but to embarrass this country: That is the attitude of my right hon. friend. I do not know that we can expect any different attitude from him as far as that goes. I do not wish to be personal in the matter but what I want to point out is this—that other prime ministers in other days took a different attitude, a contrary attitude to the attitude taken by the right hon. gentleman who retired the other day. Let me compare his attitude with that taken by Sir John A. Macdonald in 1873 when the government of the latter through a scandal also—not a scandal arising out of the administration of the Department of Customs and Excise but what is known as the Pacific scandal—was put in the same position as the late government was put in. At that time Sir John A. Macdonald did not take the attitude of retiring and saying to the then leader of the opposition, Mr. Alexander Mackenzie: "I will not discuss the matter with you. Get along as well as you can. I do not care how much I embarrass you or the country." He took the patriotic attitude, perhaps too much to expect from my right hon. friend, of standing in his place in this House and telling the leader of the opposition of that day that he was going to resign—that he had resigned in fact—but that he was ready to meet him and discuss matters with him and facilitate the carrying on of the business of the country and of the House.

Mr. MACKENZIE KING: May I ask my hon. friend a question—

Some hon. MEMBERS: Sit down.

Mr. MACKENZIE KING: —so that we may see the parallel clearly? Was Sir John A. Macdonald's advice refused or declined by the governor general to whom he tendered it?

Mr. MANION: I will deal with that in a moment, and I think rather effectively, by giving citations from the same books from which the right hon. gentleman quoted himself. The leader of the opposition stopped quoting one instance at the very passage which was of interest to this House. I happened to notice that my right hon. friend stopped at a particular point in his quotation from Keith; and I am going to give him not one but sixteen instances in the last few years where governors general have refused dissolution to outgoing governments.

Mr. MACKENZIE KING: My hon. friend cannot give one instance of that kind in Great Britain in one hundred years, or in self-governing dominions.

Mr. MANION: I will give sixteen.

Mr. MACKENZIE KING: Not in the self-governing dominions but in some of the colonies.

Mr. WOODSWORTH: Before the hon. gentleman passes from this point may I ask if he suggests there are sometimes occasions when it would be patriotic to resort to unconstitutional action?

Mr. MANION: My hon. friend has a perfect right to get up and express his opinion but the question is not one entitling any hon. gentleman to rise to a point of order.

Mr. WOODSWORTH: I rose for the purpose—

Some hon. MEMBERS: Order.

Mr. SPEAKER: Order. May I remind hon. gentlemen that the question before the House is one of privilege affecting the independence of members of parliament.

Mr. MANION: I have no objection to anybody asking a question, but I do not think that remarks which have no bearing on the subject are appropriate. Here is an account of what happened in the House of Commons on November 5, 1873. I am going to read just a couple of passages; the report is too lengthy to read the whole of it:

At any rate—

This is Sir John Macdonald speaking—

—he thought the House would leave that matter—

This was the matter that was being discussed previously—

—in abeyance for a few moments till he made an announcement he had to make. He had to announce that the ministry had resigned.

That was the Macdonald ministry.

Till last night they believed they had the support of this House; that the House would not only give them a vote of confidence, but sufficient support to enable them to carry on satisfactorily the affairs of the government. However, from certain things stated in this House, and from certain communications more or less formal outside of the House, they had reason to believe—in fact they knew—that they had not at this moment a good working majority. The consequence was that he felt it his duty to-day to go to His Excellency and respectfully tender him the resignation of the government, and His Excellency's authority.

Mr. MACKENZIE KING: Hear, hear.

Mr. MANION:

He had it in charge from His Excellency to state that he had accepted the resignation of the administration, and sent for Mr. Mackenzie, the leader of the opposition, to form a government.

And then further down:

Sir John Macdonald observed that it was the bounden duty of the expiring administration to see that the incoming administration had no embarrassments.

But the right hon. gentleman who is leading the opposition here made it his bounden duty to cause every embarrassment not only to the present administration but to the country in general. The right hon. gentleman does not seem to care whether this is a temporary administration—because we admit that it is a temporary administration—he does not seem to care whether the estimates go through, whether Supply is passed, and he does not seem to care whether the legislation which my hon. friends at the other end of the chamber have been fighting for all the session is held up in mid-air or allowed to pass—he does not care anything about it, all he cares is to embarrass the temporary government which was formed within twenty-four hours instead of the period of from six to eight weeks which is usually allotted in such cases.

Mr. DENIS (Joliette): What has my hon. friend been quoting from?

Mr. MANION: From a press report of the debates of that time.

Mr. DENIS (Joliette): A press report?

Mr. MANION: Yes, a press report of the proceedings of the House; I do not think Hansard was in existence at that time, or that there was any official report such as the one now published daily.

Mr. DENIS (Joliette): I am not disputing my hon. friend's statement.

Mr. MANION: I realize that, and I have no intention of being brusque towards my hon. friend. Now, Mr. Speaker, I have shown what the attitude was of a man who was one of the outstanding statesmen in the world in his day. He did not take the attitude which the present leader of the opposition has displayed. The attitude which he took—and to my mind it was the only fair and honourable attitude—was that in order to aid the incoming administration to carry on the affairs of the House and the affairs of the country he would assist them in every possible way. The attitude of the ex-Prime Minister in this instance is to embarrass the country and embarrass the incoming administration in every possible way. Sir, John A. Macdonald deemed it to be a patriotic duty to help the incoming administration to carry on the affairs of the country, because country should come before party. We listened for two and a half hours last night, and for an hour or more to-day, to the right hon. gentleman who leads the opposition, and I submit that all his speeches have been veiled attacks upon the Governor General of this country.

Mr. MACKENZIE KING: Mr. Speaker—

Some hon. MEMBERS: Oh, oh.

Mr. MACKENZIE KING: Mr. Speaker, the motive underlying the remarks my hon. friend has just made is most apparent.

Mr. MANION: Let the right hon. gentleman correct me if he wishes, but I object to his imputing motives to me.

Mr. MACKENZIE KING: I say that the statement that any word of mine has been a veiled attack upon His Excellency the Governor General is absolutely unfounded and unparliamentary and should be immediately retracted.

Mr. SPEAKER: The hon. gentleman who has the floor cannot impute motives to another hon. member. If, as he states, the right hon. gentleman had been attacking His Excellency the Governor General, either openly or in a veiled manner, my hon. friend knows very well that I would not have permitted it.

Mr. MANION: I know that, Mr. Speaker, and that is why I suggested that the attack was veiled. However, I bow to your ruling.

Mr. MACKENZIE KING: My hon friend is required to withdraw the statement completely.

[Mr. J. J. Denis.]

Mr. SPEAKER: I trust the hon. gentleman will withdraw his rather strong expression.

Mr. MANION: Well, Mr. Speaker, if there is anything to withdraw, I withdraw it willingly in deference to your ruling.

Now, before I close my remarks with some quotations from the same book from which the right hon. leader of the opposition quoted, I wish to say this: The best inference which can be drawn from the quotations which the right hon. gentleman has made, and his own remarks, is, that even if they cannot be regarded as veiled attacks, they come very near to being attacks upon the Governor General. If the Governor General did what the right hon. gentleman claims he did to him the other day, he certainly was getting close to attacks on the Governor General.

Mr. MACKENZIE KING: I have not taken any exception to what the Governor General did to me the other day. I said I would wait to see his action in the present situation.

Mr. MANION: The only reference that has been made in these debates to the Governor General has come from my right hon. friend, expect some refutations from this side. About every other paragraph of his speech dealt with the Governor General, and to those of us who have had the very great honour, as some twenty on this side of the House had, of serving under that gentleman who is now Governor General—

An hon. MEMBER: What kind of services?

Mr. MANION: Who asked that question?

Mr. SPEAKER: I would ask hon. members on both sides not to drag in this debate the name of His Excellency. Yesterday I made it clear that the relations between the Governor General and the Prime Minister might be brought into the debate, because ministers have accepted the responsibility of taking office under the Governor General. But to bring in the personality of the Governor General I think is highly undignified.

Mr. MANION: May I ask you, Sir, what is undignified? Have I done anything which is undignified?

Mr. SPEAKER: I am not referring to the hon. member. I say that bringing the name and the personality of the Governor General into any debate before the House, unless it is as regards the official relationship in which the ministers stand to the Governor General, is absolutely out of order.

Mr. WOODSWORTH: I submit it is out of order for the hon. gentleman to refer to the fact that he and others have served under the present occupant of the office of Governor General overseas. It seems to me that is introducing most decidedly the personal element and I think it is out of order.

Mr. SPEAKER: I interrupted the hon. minister when he was mentioning that fact, because introducing the name of the Governor General in that regard is, according to authority, using the name of the crown, or of the office of the Governor General of the Dominion, to influence the opinion of parliament. To that I strongly object.

Mr. MANION: I will make no more references to the Governor General, except to say that I am not very much surprised at the attitude my hon. friend takes, because it is an extraordinary attitude to my mind, and he takes extraordinary attitudes very often. It is an extraordinary attitude for anybody to take that on the 1st day of July, Dominion Day, we should not pay a tribute to the Governor General of this country.

Mr. CANNON: I rise to a point of order.

Mr. WOODSWORTH: I ask your ruling, Mr. Speaker. Was I in order in raising a point of order a moment ago?

Some hon. MEMBERS: No, no.

Mr. CANNON: On the point of order raised by the hon. member for Winnipeg North Centre, I think the Speaker has been perfectly correct in saying that the hon. member (Mr. Manion) should not drag the name of the Governor General into our debates. I spoke for about an hour and did not mention the crown once, and the rule is very well known that in no debate are we to try to influence members of the House by even mentioning the crown.

Mr. MANION: I think my hon. friend should have directed his remarks to his leader and not to me. As far as I am concerned, I do not want to carry on this part of the discussion further, but I wish to point out, before I come to the quotation, that the right hon. gentleman who is Prime Minister had only twenty-four hours in which to place himself in a position to carry on the business of the country. My right hon. friend, who led the party which preceded this party in power, had from October 29, to January 7 to form his administration, and the administration came into the House without the Prime Minister in his seat, and not only without the Prime Minister in his seat, but without a seat of any kind, a Prime Minister who had to leave his own native province to hunt up a seat in a western province.

The right hon. gentleman quoted Keith volume 1, on Responsible Government in the Dominions. I have read the volume and remember parts of it. He stopped quoting from Keith at a certain point, and I took the opportunity of looking it up. I wish now to discuss the abstract question in regard to the rights of the Governor General in refusing dissolution and I submit I am quite in order as the whole discussion has been around that point. He quoted Keith at page 181. He stopped quoting just before a paragraph which says:

> The question of dissolution always, from the nature of the case, presents the governor with a possibility of differing from his ministers with success; it necessarily implies the existence in the colony of two parties, of which one is in possession of the government, but the other has been successful in driving them to appeal to the people. The governor has therefore a difficult task, not merely in deciding to refuse to accept ministerial advice but in deciding to accept it; for the fact that the prerogative is not expected as a matter of course to be used as the ministry advises prevents him from sheltering behind the advice of his ministers. If he acts on their advice he may easily find himself quite as unpopular as if he had refused to do so, and indeed the governor is expected to do what is best for the country, a course by no means normally at all simple or easy.
>
> There are two important facts which the governor must consider in granting or refusing a dissolution. In the first place, the duration of colonial parliaments is brief,

An hon. MEMBER: Colonial parliaments?

Mr. MANION: Yes. Well I will come to some dominion parliaments.

> Then he must remember—

Mr. ELLIOTT: Does the hon. member think that that clause referring to colonial parliaments applies in that sense?

Mr. MANION: No, I believe Canada is a dominion. I think perhaps I am as good a believer in Canada as my hon. friend. Keith continues:

> Then he must remember that the shortness of parliament, and the important work that has to be done, render a dissolution to be avoided if possible, for the waste of time, expense, and dislocation of a general election, if less serious in themselves than the same features in this country, are equally important to a smaller community. Moreover, there is growing stronger and stronger the feeling, in Australia—

Nobody will dispute that Australia is not a colony.

> —in Australia at least, that a dissolution does wrong to the members of parliament, who thus are not merely put to trouble and expense, though election expenses

are not on the English scale, but are put in jeopardy of losing their salaries, an important consideration in a place where the paid member is an institution. Then a second consideration is the question of supply.

Further down he says:

The cases of refusal of dissolution and the grant under circumstances of difficulty are almost innumerable, and many of them are interesting. One of the most important of the earlier cases is that of Governor-General Sir E. Head, of the united province of Canada in August 1858, on the defeat of Mr. Macdonald's ministry.

An hon. MEMBER: When we were a colony.

Mr. MANION: I will not dispute that, but I will come to the time when we were a dominion. The first refusal, No. 1 was in 1858, and the second was in 1860 and that case is very interesting. Keith says:

In 1860 the Lieutenant Governor of Nova Scotia declined to grant ministers a dissolution after defeat in the House, and the case is interesting because he met in his defense the argument that the governor is a mere figurehead.

His action was justified by the result, as the opposition formed a successful administration.

And that is going to happen in the present instance. No. 3, was in 1877, and the note in Keith reads as follows:

In 1877 the Governor of New South Wales sent home for advice as to his action in connection with the grant of a dissolution when supply was not granted being made conditionally on supply being obtained.

The question was referred to Lord Carnarvon, the Secretary of State, to Sir T. Erskine May, who sympathized with the governor in his desire to secure that supply should be granted, but who thought that there was objection to letting the parliament know that he had granted a dissolution conditionally on the government obtaining supply.

Then he quoted further parliamentary practice in support of his contention. That request was refused. The next case:

4. Special interest also attached to the case of Lord Canterbury in Victoria, because of his large and varied experience in parliamentary government. The Duffy ministry asked him to dissolve when defeated, and represented that they should be given a dissolution, as a ministry in England was given one. . . . But the governor refused to accept their advice. . . . He held that the country could well be managed by a ministry chosen from the existing parliament and proceeded to choose one which held office with success. His action was criticised very bitterly by the outgoing ministry.

History is now repeating itself.

My right hon. friend cited the case of Tasmania.

5. In Tasmania in 1879 the governor had more troubles on his head, for Mr. Crowther, who had followed Mr. Giblin, Mr. Fysh's successor in the leadership of the party, asked for a dissolution on the ground that it was desirable to test the feeling of the country on the principles of direct taxation and a change of relations between the houses. The governor declined.

[Mr. Manion.]

Another case was in New Zealand:

6. New Zealand, as usual, presents interesting features. In 1872 the Governor, Sir G. Bowen, declined to grant the Stafford ministry a dissolution.

7. In 1877 the Grey Liberal ministry asked the Governor, Lord Normanby, for a dissolution, because, having taken office in October on the defeat of their predecessors under Major Atkinson on a vote of confidence, they would have been defeated in the House before they had time to develop their policy, but for the casting vote of the Speaker. . . The governor declined. . . . The ministry then advanced the view that the power to dissolve was one resting on the Constitution Act, not on the prerogative, and therefore should be exercised on ministerial advice without regard to the grant of supply.

8. A month later the governor was again asked to dissolve but he had now come to the conclusion that it was not necessary to do so, as the premier could probably command a majority in the next parliament. On the other hand, the premier argued that the governor was only a constitutional monarch, and must dissolve on advice.

That is the attitude taken by the leader of the opposition to-day.

The matter was referred to the Secretary of State for the Colonies, who on February 15, 1878, definitely approved the views taken by the governor of his rights and his duties, while emphasizing his duty to consider carefully the views of his ministers.

9. There is also an interesting case that is worth mentioning as a sequel to the case of Mr. Letellier, which will be adduced below. Mr. Joly, who was called by Mr. Letellier to office, had never a strong hold of the government. He was at last defeated by six votes in the lower house, and the upper house had already stopped the supplies, and so he asked in 1879 for a dissolution on the ground that he anticipated a majority from the country. The request was refused.

Mr. CANNON: Referring to the Letellier case, his course was considered so unconstitutional that he was dismissed by the federal government. Sir John A. Macdonald himself dismissed him.

Mr. MANION: My hon. friend may give one case where that happened, but there are sixteen altogether although I do not intend to read them all. Some of these cases were in Australia, some in Canada. The sixteenth was in South Australia:

In South Australia, Mr. Price, the Premier, applied to the governor in 1906 for a dissolution. . . . The governor was unwilling to dissolve a parliament which had not long been in existence. . . . He therefore declined to grant the dissolution.

That is as recent as 1906. I could give more; but I give these because the right hon. gentleman opposite has used Professor Keith as one of his precedents, and we all know that Professor Keith is one of the most outstanding constitutional authorities in the British world to-day. He has used him as an authority, and according to him he gives case after case—and I have quoted ten—where the governor refused

dissolution to the Prime Minister who asked for it. Therefore there is no discussion on the matter. It is a constitutional course if the Governor General chooses to take it. The attitude taken by the right hon. gentleman who is to-day Prime Minister of this country was the only patriotic attitude he could take. He had to form a government and attempt to carry on until the business of the House was completed. After that if he wishes to dissolve parliament, that is his affair.

Mr. GARLAND (Bow River): Does the hon. gentleman ask the House to accept the sixteen precedents which he has quoted as an example to be followed to-day and so deny the evolution which has taken place in our status and which is acknowledged by his previous leader, Sir Robert Borden?

Mr. MANION: I do not deny our evolution, and I do not pretend to be an authority on constitutional questions; but I have read enough of constitutional questions to know that it is the right not only of the king, but of the Governor General to advise with his ministers. My hon. friend will not deny that. I am not using these citations to prove the case. I am showing simply that the attitude taken by the leader of the opposition is wrong in implying that this is an unprecedented case. I gave sixteen citations. The right course for the right hon. gentleman opposite to have taken, since he objected so much to the course we have taken, was to go to the Governor General, state that he could not carry on properly, and ask for dissolution. If the Governor General did not agree, then his duty was to come back to the House and attempt to carry on until he was defeated.

Mr. MACKENZIE KING: My duty was to do whatever His Excellency would ask me to do under the circumstances. I indicated clearly to His Excellency that I was desirous that my resignation should be withheld by His Excellency if he desired to hold it pending an arrangement of any kind.

Mr. MANION: I think I have shown convincingly there are many precedents for the attitude taken to-day. I also believe the right hon. gentleman opposite, having taken the attitude which he has taken, should have patriotically assisted instead of attempting to embarrass the right hon. gentleman who is now Prime Minister of this country.

At six o'clock the House took recess.

## After Recess

The House resumed at eight o'clock.

Hon. J. C. ELLIOTT (West Middlesex): When the House rose at six o'clock I was about to address myself to some of the remarks of the Acting Minister of Soldiers' Civil Re-establishment, of Health, and of Labour (Mr. Manion). Before coming to the arguments which I intend to submit to you, Mr. Speaker, I desire to refer briefly to the three main points stressed by the hon. member. In the first place he referred to what occurred when Sir John A. Macdonald was defeated in consequence of the Pacific scandal. The Hon. Mr. Mackenzie, as the House will remember, was asked to form an administration as a result of Sir John Macdonald's defeat. I am rather surprised that my hon. friend should have cited that case in support of his contention. What did the Hon. Alexander Mackenzie do when his opponents were defeated in the House and he was called upon to form a government? Did he do as hon. gentlemen opposite have done? Did he attempt to form a visionary, illusory, shadowy, ghostlike administration, or did he, in the regular course, create a cabinet which would be really vital and which gave evidence of some of the characteristics of a true government? The Hon. Mr. Mackenzie formed a government mostly composed of members of the House to whom were assigned portfolios of departments of government, who were forthwith sworn as responsible ministers. On the advice of the first minister the Governor General, Lord Dufferin, prorogued parliament the same day upon which the ministry took office. Writs were issued for the elections necessary to fill the seats in parliament thus vacated, in order that the new ministers should at the earliest possible date obtain the sanction of the electors for exercising their functions as responsible ministers of the crown. All the ministers were promptly returned, several of them by acclamation. After continuing in office for a period of about two months—that is to say, during November and December, 1873—Mr. Mackenzie obtained from the Governor a dissolution of the parliament elected a little more than a year previous, and a general election ensued in which Mr. Mackenzie's administration was sustained by a majority of eighty. This was the course followed in the instance cited by my hon. friend, and the House can contrast the difference between the attitude shown by the Hon. Alexander Mackenzie towards the responsibility which he felt devolved upon him on being asked to form an administration and the sense of responsibility which apparently

hon. gentlemen opposite entertain in attempting to form a visionary government to carry on the affairs of the country. Although they admit that they are not the king's ministers they claim to be ministers entitled to ask for supply, and pretend to be vested with the power to manage the various departments of the public service.

What is, and has been in the past, the attitude of other administration under circumstances similar to those in which we find ourselves at this time? The hon. gentleman referred to the Letellier case, already mentioned by the hon. member for Dorchester. I do not intend to discuss that case at any length, but in my opinion, like the Alexander Mackenzie case, it proves exactly the opposite of the contention advanced by hon. gentlemen.

The last reference which my hon. friend made appears to me the most important. I want to do my hon. friend the credit of being fair enough and frank enough in reading these instances to refer to the fact in almost every case that the word "colonial" was brought in in one place or another, in connection with the recital of what had taken place. On this occasion, the birthday of this great country, it seems remarkable that my hon. friend—who, in common I think with all the other members of this House and the people of this country, is proud of the status acquired by this Dominion among the overseas dominions of the world and proud of the fact that it has advanced to the stature already attained—should suggest, as a reason why a certain course should be followed now, some course followed years ago in certain places which were admittedly merely colonies at the time.

In connection with the argument of my hon. friend the Acting Minister of Justice I would like to refer to chapter 10 of the statutes of Canada. This chapter, as my hon. friend correctly stated, refers to the fact that no person accepting or holding any office, commission or employment, permanent or temporary, in the service of the government of Canada, at the nomination of the crown, or at the nomination of any of the officers of the government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached—as well as sheriffs, et cetera—shall be eligible as a member of the House of Commons or shall sit or vote therein. May I draw particular attention to those words:

—to which any salary, fee, wages, allowance, emolument, or profit of any kind is attached—

[Mr. Elliott.]

Looking at the English act you will see that the word "profit" was not originally included there, which gave rise to some of the decisions given years ago in England. But I want to ask my hon. friends this. Can anyone point to a case in any British dominion where it was even argued, let alone conceded, that you could have a government or an administration without having therein one minister clothed with the full powers of a minister?

The present administration cannot be called such. Just let us see how it was organized. The Prime Minister was sworn in, and by that act he vacated his seat. At the beginning of this session nearly three weeks were spent by hon. gentlemen opposite in attempting to convince members of this House that unless there was a Prime Minister occupying a seat in either house, no matter how many other fully qualified ministers there were, the government could not function. In this connection may I just read the words of the then leader of the opposition as they appear on page 15 of Hansard:

The powers of a prime minister are very great. The functions and duties of a prime minister in parliament are not only important, they are supreme in their importance. The Prime Minister is not only the leader of the House, in whichever house he may be, but he is the spokesman of the nation before the crown or the representative of the crown. He is the spokesman, and the only spokesman, of the nation. He is the sole via media between parliament, as parliament, and the crown or the representative of the crown.

Then later he proceeds:

The ministry is embodied in the Prime Minister. He personifies his ministry in so far as parliament is concerned, in so far as the crown is concerned, and he speaks as between parliament and the crown. All this implies—and it is the result of many years of constitutional development, a development which proceeded against struggles not a few—that the minister known as the Prime Minister, in order to enable the government to function within the walls of parliament, must be a member of one of the Houses of Parliament. He must be a member because parliament has the right to demand that he come there to expound the policies of the government, to defend those policies, and admit his submission to the control of parliament. Otherwise though he be the King's servant he is not the agent of parliament.

Then he went on to elaborate that theory to such an extent that as I watched him and as hon. members around him applauded to the detriment of the furniture on this side of the House—

Mr. GEARY: We are through with that furniture.

Mr. ELLIOTT: Only for a very short time. Watching the right hon. leader of the opposition, in my innocence as a very youthful

member of this House I was at times almost constrained to think that he believed himself to be right. We contended on this side of the House, and properly I submit, that if there were other ministers in the House properly clothed with authority and prepared to assume the functions of an administration it was not necessary for the Prime Minister to be also in the House. I submit that we were correct in that, as we are now correct in the theory that you cannot have government not only without a prime minister, without whom according to my hon. friends the government cannot function; but without any other responsible minister who has taken the oath of office properly to administer the affairs of his department.

See the change in the arguments of my hon. friends to suit their own case; they have not one minister who has taken the oath of office. Is that what my hon. friend intended to convey when he spoke here the other day? Might I pause here to say that in parliaments thought to be enjoying responsible government it has been usual, no matter how secretive the Prime Minister and other members of his cabinet may feel disposed to be, before assuming the functions of government for them to be good enough to disclose to parliament at least some of the policies which they intend to follow in the course of their duties as a government. Of course I cannot blame them for not doing what governments do, because this is not a government. I cannot blame them for not doing what administrations do, because even they do not claim that this is an administration. But what did my right hon. friend the Prime Minister (Mr. Meighen) promise this House in the message which was delivered by my right hon. friend the Acting Minister of Finance (Sir Henry Drayton)? This is the message sent to this House; it appears at page 5097 of Hansard:

> Immediately following the resignation of the late government and the adjournment of the House yesterday, His Excellency, the Governor General sent for the Right Honourable Arthur Meighen, leader of the Conservative party and requested him to form a new administration. Mr. Meighen advised His Excellency last evening that he would undertake this task, and was sworn in this morning as Prime Minister, Secretary of State for External Affairs and President of the Privy Council.
>
> Having in mind the fact that the present session has now continued for almost six months, and is very near its close, Mr. Meighen believed it to be the first duty of any government he might form to conclude with all convenient despatch the work of the present session. Such a course in preference to a somewhat prolonged adjournment was demanded also by a just regard for the convenience of hon. members, especially those who come from a great distance.
>
> It was manifestly impossible to effect this result if a government was to be formed in the usual way and if ministers were to be assigned portfolios necessitating the vacating of their seats and consequent by-elections. The delay thus involved would, especially at this period of the year, have entailed unnecessary hardship. The Prime Minister accordingly decided to constitute and submit to His Excellency a temporary ministry composed of seven members, who would be sworn in without portfolio.

Note the words, Mr. Speaker:

> —who would be sworn in without portfolio, and who would assume responsibility as acting ministers of the several departments.

When would they assume that responsibility? After they had been sworn in as ministers without portfolio! But does my hon. friend for a moment contend that the Prime Minister intended by that message that they would not take the oath? He did not say: who have years ago been sworn in as privy councillors, which oath they intend to rely upon as vesting in them the power to become acting ministers in their several departments. That is not what he said. What he said was: "who will be sworn in." So that my hon. friends have not carried out the procedure which the Prime Minister evidently communicated to them, and which the Acting Minister of Finance communicated to this House as the declared intention of the Prime Minister as his method of forming this acting cabinet. I want again to refer to the fact that nowhere in any British dominion at any time has any collection of individuals claimed to exercise the rights of government under the British constitution without some of those ministers having come into being in the regular way. What is the theory with regard to ministers who have not been vested with the full powers of a minister, who come in as ministers without portfolio? That is set out quite clearly in the practice and procedure relating to this matter. I refer to Bourinot, fourth edition, page 21, where I find this:

> The act provides for a council to aid and advise the Governor General in Canada. This body is styled "The Privy Council" and its members are appointed and may be removed at any time by the Governor General. That portion of the council known as the cabinet is always supposed to represent the views and policy of the majority of the peoples' representatives in parliament and can hold office only as long as its members retain the confidence of a majority in the House of Commons. The principles that prevail in the formation of a cabinet in England obtain in the case of an administration in Canada. Its members must have seats in one or the other of the House of Parliament, but the majority of them, as a rule, sit in the House of Commons. The whole privy council practically never meets for business as an organized body but only those select members of it who constitute the cabinet. The cabinet consists, generally speaking, of those members of the privy

council who are at the head of the various departments of state but there are frequently added members of one or other of the Houses who hold no portfolio.

Let me repeat that:

There are frequently added members of one or other of the Houses who hold no portfolio.

But they are the exceptions. The cabinet, the administration, the creation that is vested with power to carry on the administration of the country's affairs, that part of it that has administrative life, is the cabinet, consisting of the heads of the various departments who have been regularly sworn in, and after having been sworn in, have been re-elected; and that is the only way in which you can get an administration capable of asking for supply and handling that supply in carrying on the affairs of the country.

I followed with a great deal of interest the argument of the Acting Minister of Justice (Mr. Guthrie). If his argument meant anything, and I followed him very closely, it meant this: that if a minister is only an acting minister he does not need to take the same oath that a minister who is clothed with the powers of a fully developed minister requires to take. I submit, Mr. Speaker, that that shows how illogical the argument of my hon. friend is. Let me follow it a step further. I refer to chapter 10 of the revised statutes, which deals with the members of the cabinet. Section 11 says:

Nothing in the next preceding section shall render ineligible any person holding any office, commission or employment, permanent or temporary, in the service of the government of Canada, at the nomination of the crown, or at the nomination of any of the officers of the government of Canada, as a member of the House of Commons, or shall disqualify him from sitting or voting therein, if, by his commission or other instrument of appointment, it is declared or provided that he shall hold such office, commission or employment without any salary, fees, wages, allowances, emolument or other profit of any kind, attached thereto.

I repeat the provision:

—if, by his commission or other instrument of appointment, it is declared or provided that he shall hold such office, commission or employment without any salary, fees, wages, allowances, emolument or other profit of any kind, attached thereto.

What does that mean? I submit it must be quite apparent to every hon. member in this House who reads that section that that is the only exception to the rule that if a member accepts an office of emolument he vacates his seat. But it must be stated in the order in council appointing him that he holds such office without any salary, emolument, or other profit of any kind attached thereto.

[Mr. Elliott.]

The situation is, I submit, a very simple one. My hon. friends must realize, when they think the matter over, that they have not done what the Prime Minister in his message to this House promised they would do, namely, take the oath before assuming office. They must realize that there is no real administration to carry on the affairs of government at the present time; that they are not sworn in, not properly clothed with full powers as cabinet ministers, and on that account unable to form a quorum of cabinet. In constitutional matters the power to take control of the money of the people and to use it for public purposes is a power which must be guarded with the utmost care. Millions of dollars are sought to be granted to the members of this temporary administration, an administration that is merely a shadow, that is without form and void and lacking all the attributes which an administration must possess not only in this country but in every self-governing dominion in the world. Yet they are asking the people of Canada to grant them the right to expend millions of dollars of public money without having taken that oath which the rules and statutes prescribe must be taken as a safeguard that such money will be properly expended in the interest of the various government departments.

Sir HENRY DRAYTON: Will my hon. friend kindly give me the reference to the statute which provides for that oath?

Mr. ELLIOTT: For that oath?

Sir HENRY DRAYTON: Yes.

Mr. ELLIOTT: I do not know that I have the reference here.

Sir HENRY DRAYTON: There is no such statute.

Mr. ELLIOTT: Does my hon. friend suggest for one moment that the members of a cabinet are not required to take an oath of office?

Sir HENRY DRAYTON: I was only asking my hon. friend a perfectly proper question, and his statement illustrates his ignorance of the subject. There is no such statute.

Mr. ELLIOTT: Then I would ask my hon. friend if he means what he says, and he frequently does although not always—

Sir HENRY DRAYTON: There is no such statute.

Mr. ELLIOTT: —I would ask him why, when he was about to become a real minister, he did take an oath of office if such is not required? Will my hon. friend tell me?

Sir HENRY DRAYTON: I did not say that.

Mr. ELLIOTT: That is all very well.

Sir HENRY DRAYTON: My hon. friend says "all very well." What I said was there was no such statute. My hon. friend has referred to an oath which he says is required by statute, and there is no such statute; that is all. My hon. friend might get a little closer to the facts sometimes.

Mr. ELLIOTT: My hon. friend knows perfectly well that he is—

Sir HENRY DRAYTON: Absolutely right.

Mr. ELLIOTT: No, he knows that he is not right. If he is right then I would ask him why do the members of the cabinet take the oath? Why does the Minister of Justice suggest—and he stated what the Minister of Finance now denies—that if he were a real minister, that is a live minister—a minister into whose being had been infused the breath of life—he would have to take an oath of office? Being only an imaginary, spurious, unreal, visionary minister, how could he come here and seek to get control of the money of the people of this country without taking any oath of office? I do not want to labour the point. I am sure that my hon. friends realize by now that they have no existence as an administration, that they are absolutely without the powers which are necessary in order to entitle them to exercise the functions of government, to entitle them to receive supply, and to carry on the business of the country.

I want just at this stage to deal with another phase of the argument that has been presented to you, Mr. Speaker, during the course of this debate. In doing so I hope that I shall keep away from matters that are personal and endeavour to argue the question out on its real merits. Because, after all, Mr. Speaker, this is a serious question. What the people of Canada are concerned with today are not recriminations back and forth from one member of this House to another, but the very serious problem of how the affairs of the country are to be administered, how their money is to be expended, and the status of those by whom that expenditure is to be made. That is a serious question and it should be argued seriously. It is not enough, I submit, for some hon. gentlemen opposite to say: "You are taking up a lot of time, you are taking it up at the close of the session when we should be at home." I agree that we should be home, we should have been home months ago, but why are we not there? We are not at home because my hon. friends opposite spent weeks, yes months, in the attempt to convince the members of this House that a government could not function if it had a prime minister who was not a member of either House of parliament. My hon. friends did not argue that the late government had ministers not entitled to carry on the administration but they argued that the fact that the late government did not have a qualified prime minister was an absolute bar to its constitutional functioning. It is not sufficient for hon. gentlemen to say that we should not take up a few hours, or a few days, for that matter, in discussing a question of this kind. It is not sufficient for them to say to us: "You are doing this just to get into power." Is that why my hon. friends opposite occupied all the early months of the session in useless discussion which did not get them anywhere or assist the members of this House in the solution of the problems which confront this country?

I think that my hon. friend (Sir Henry Drayton), who at times is reasonable, will, when he comes to consider the situation, realize that he and the other members of the visionary cabinet neglected to follow the constitutional procedure which would enable them to carry on for a short time. The matter is too serious to be treated in that way. Are the representatives in this House of the people of Canada going to submit to this proposition; that the affairs of this country shall be conducted in this way, that the moneys of this country shall be expended by a government clothed with less authority than any government that has ever assumed control of a self-governing country among any of the British dominions? I submit not.

Mr. PRICE: Clothed with less authority than the government my hon. friend has been supporting? Why, the idea!

Some hon. MEMBERS: Order, order.

Mr. PRICE: The public was fed up with that government.

Some hon. MEMBERS: Order, order.

Mr. ELLIOTT: Really, Mr. Speaker, it amuses me when my hon. friend even suggests that he has an idea. It is quite new. I do not propose to get into any cheap argument

with my hon. friend. That is not what I am here for. The time of this House is too valuable to be taken up in that way.

I wish again to urge that it is quite impossible for this government to function. If they do not take the proper course and get their house in order, they cannot carry on the affairs of government and are not entitled to be given the full power of a governmental administration.

Mr. FERNAND RINFRET (St. James): I must admit at the commencement of my remarks that I approach this problem with a good deal of diffidence. After listening for a couple of days to arguments presented by legal minds, you will understand, Mr. Speaker, that a layman such as myself cannot discuss a matter of this kind without first craving the indulgence of the House as to the manner in which he treats it. At the same time, I consider it the most momentous question that has been before us this session, and I will say more. I have sat in this House for seven sessions, and I have had the great honour of sitting in the press gallery for a number of sessions, and this is the first time in my experience in this House that a question of privilege has arisen in which it could be said that all the members of this House were collectively interested. It must be a very important question when Your Honour had to admit that the House had a collective interest in it, and that every individual member was permitted to protest against such a serious situation, which affects every one of us, and through us certainly affects the whole of the people of Canada whom we represent.

We see in this House a group of members endeavouring to administer the affairs of the government, when those hon. members have not taken the oath of office, nor have they been appointed regularly to their positions as acting ministers; and yet they claim that they have the right to conduct the business of the House, and the right to exact from us the voting of the public moneys, one of the most important functions that parliament is called upon to perform. What is the situation? Can we compare it with the situation in January last when we met in the first days of the session? My hon. friends would want us and the country to believe that they are in the same predicament as the government at that time was, and that the conditions are the same as those which obtained when we met in January. On that occasion there were on the other side of the House, sitting on the treasury benches, members of parliament who had been properly sworn in, who had every right to exercise the prerogatives of ministers of the crown, and who could properly and with dignity conduct the business of the House and administer the affairs of the country; yet because their membership was not complete and there were certain vacant portfolios, my hon. friends opposite claimed that that government had no right to function and should be dismissed. We find every one of those members who on so many occasions protested against what was a perfectly constitutional position, rising now to defend their own position, which is perfectly indefensible, and taking objection to our attitude on this occasion during a couple of days, when for two full months they protested against the situation which previously obtained.

We all know the result of the last federal election. There were three main groups of members elected, one group having 116 members, the government having 101; but there was a sufficient number of independent members elected to swing the majority one way or the other. The Liberal government was then in power. What was the Prime Minister to do after that election? What was he to advise His Excellency? And what took place at the time? The then Prime Minister advised His Excellency that in his opinion the proper course was not that he should retain office, was not that he should be considered as being still in power, but merely that parliament should be called at a convenient moment and the representatives of the people allowed to decide which party should administer the affairs of the country. That is what took place, and although the ministry was perfectly and regularly in order; although the members of the government had been sworn in and had taken office according to the best principles of our constitution, out of respect for the rights of the people and of public opinion they carefully refrained from entering into any act of administration until parliament had been convened to decide that issue. Yet what stand was taken then by my hon. friends opposite, these ministers without portfolio, without oaths, or without anything else that could qualify them as ministers? They claimed that every right had been violated; they claimed that the House could not function because the Prime Minister was absent from it. They claimed that there was no via media through which we could communicate with His Excellency and His Excellency be advised.

That was the stand my hon. friends opposite took then. What are the facts to-day? We have but a shadow government, but a temporary government, on their own admission and also on the admission of everyone else. We have but a group of men who have not been properly sworn in, who have taken no oath and who have not been properly

appointed by the council, because in that council only one minister sat who had any right whatever to be there. The government which obtained the vote of confidence of the House in January last carried on for a number of months and succeeded in obtaining successive votes of confidence on the Address, on the budget and on the main measures of its political programme throughout the session. But when it found that the support upon which it could rely from the independent groups in this House was tottering, when it found that majorities were dwindling to one or two, becoming the expression not of the House, but merely of whatever members happened to be in the House at the time the votes were taken; when it found that it had become impossible to carry on, although the government had not been defeated, the then Prime Minister (Mr. Mackenzie King) went to His Excellency and advised dissolution, and dissolution was refused. What other course was there for the present leader of the opposition to take than to resign and to make way because he could not obtain dissolution?

The minister of so many portfolios that I do not know by which to designate him, the hon. member for Fort William (Mr. Manion) tried to demonstrate this afternoon that in a number of instances dissolution had been refused in the past. He said that he was going to cite sixteen instances. You have heard them, Sir, and you have noticed that every one of those cases was either concerning a colony, not a dominion, or concerning a province, not a dominion again, and that all of them date back over fifty years ago in the history of British institutions. If my hon. friend is willing to go back fifty years in the history of the liberties of the British dominions we on this side of the House are not. We stand for the liberties as we have them to-day; we stand for more liberties that may come to-morrow, but we shall certainly never go back to dead books or to forgotten periods of past history for examples of what we should do to-day. This is why one after the other we rise in our place on this question of collective privilege to protest against the situation which now obtains.

The leader of the opposition was criticized very severely because after tendering his resignation he did not advise His Excellency as to his successor, or did not make it easier for his successor to carry on the business of the House. How could he do so, when the very advice that he was giving was that no one could carry on, neither himself nor any other leader in the House?

[Mr. Rinfret.]

Mr. SUTHERLAND (South Oxford): Why did he not resign right after the election when he was defeated at the polls?

Mr. KING (Kootenay): He was not.

Mr. RINFRET: My hon. friend cannot have followed me, because this is the very point I have been trying to make so far. I should be glad to repeat my argument, but the rules of the House prevent my doing so. I may tell my hon. friend, if he finds any comfort in it, that whatever I said about this matter I said nothing about the Australian treaty.

Mr. SUTHERLAND (South Oxford): Will the hon. member permit a question?

Some hon. MEMBERS: Order.

Mr. RINFRET: I certainly will. I should like to hear the question, but I cannot possibly reply to it unless it is put. The reason why I made this remark to my hon. friend is that whatever we discuss in this House, whether it be the Address, the budget, rural credits, old age pensions or anything else, when it comes to my hon. friend it always revolves around the Australian treaty.

Mr. SUTHERLAND (South Oxford): My hon. friend will not find me renouncing all past rules and establishing new precedents on a question of this kind, precedents that have never before been heard of in this or in any other British parliament.

Mr. RINFRET: That is my hon. friend's opinion, and naturally he is entitled to it; but if he had the same idea of the liberties of members of this House and of the rights of the common people as we cherish and foster, instead of making the statement he made he would protest against this House being ruled by a government formed of temporary members who have no right whatever to administer the affairs of this country. My hon. friend was so much concerned over certain problems that they perhaps prevented him from giving the fullest attention to a question like this which, in my opinion, is much more momentous than most of the questions to which he gave so much time during the course of the session.

I was arguing that it was impossible for the present leader of the opposition to recommend to His Excellency the name of a possible successor who could carry on the business of the House, when his very reason for recommending dissolution was that there was no such possible successor. That is very plain. He may have been wrong in believing that; he may have had a wrong insight into conditions in

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this House. But certainly he was logical, and the last thing we could reproach the leader of the opposition for is the course that he followed in that instance. How could he advise His Excellency as to the fact that he wanted a dissolution because no one could carry on, and in the same breath say: If dissolution is not granted, then I suggest that the leader of the Tory party can carry on. That would have been most illogical, and when my right hon. leader is criticized for having embarrassed the affairs of the country and of my hon. friends by the stand he takes, I cannot consider that argument seriously.

Is it not a strange thing, after we have been here for six months, being obstructed in every possible way, by every device that my hon. friends could imagine, to find that after they have claimed to hold power for two days they already feel that we are creating much embarrassment to their shadow cabinet. I shall remember all my life the scene which took place on Monday last when the then leader of the government got up in his place and, in a voice which betrayed the gravity of the moment, read to this House the document through which he was announcing that his cabinet had resigned. Before a minute had passed, the first thing that came to the mind of the then leader of the opposition (Mr. Meighen) was to rise and say: Well, now that you are out of it, I pray that you make it as easy as you can for us. Certainly we are not going to do anything merely to delay the business of the country. But in his time the right hon. gentleman (Mr. Meighen) was devising every means he could think of to prevent the estimates being voted and to keep bills from going through the House. Yet, so soon as the late government resigned, having before him the vision of a cabinet under his own control, the first thing he thought of in the gravity of that situation was reliance upon the benevolence of that very group of men against whom he had devised every scheme his fertile imagination could produce to make it difficult for them to carry on.

Do not let hon. gentlemen suppose that we are taking this stand to-day with any idea at all of embarrassing this government. As a matter of fact during the past couple of days this House has done some business. But when we were informed last evening of the procedure by means of which hon. gentlemen opposite came to occupy their seats, we had to rise in protest, not for any advantage that we might gain, not in the interests of our own party, but from the standpoint of the people at large. We could not allow such a situation to exist without comment. It has been shown by every text which has been quoted in this discussion that ministers, whatever their capacity, may be appointed only by a quorum of council. And a quorum comprises four ministers. Yet these hon. gentlemen, temporary ministers, acting ministers, and soon departing ministers, were appointed by the Prime Minister (Mr. Meighen) himself alone. He is the only minister who has been sworn in, and he, sitting by himself, presiding over himself, personally passed the orders in council appointing this acting ministry.

Mr. RYCKMAN: Just as Sir Wilfrid Laurier did.

An hon. MEMBER: He never did that.

Mr. RYCKMAN: He did. He "sat by himself, presided over himself," and made his own appointments.

Mr. MOTHERWELL: A self-made government.

Mr. RINFRET: I do not know to which period of Sir Wilfrid Laurier's career the hon. member alludes, but I venture to suggest that if Sir Wilfrid's record were compared with my hon. friends' he would find that the right was on Sir Wilfrid's side. I will not try to make any easy argument by going back to the days of Sir Wilfrid, but I may content myself with this observation: If we want to find an instance of a strict regard for the constitution, if we want to see a record of the business of the country carried on as it ought to be carried on, there is no one to whom we may look sooner than Sir Wilfrid Laurier. He was eminently fitted to promote the prosperity and to maintain the honour of this country, and no greater man in Canada's history can be mentioned. He was the right man in the right place. I say, he was the right man—words that are slightly different in sound from my hon. friend's name.

As I was saying, when Mr. Meighen appointed hon. gentlemen opposite he did so all by himself. He was the only one who had been properly sworn; he was the only one who had taken the oath of office, although there should have been at least four ministers properly sworn. Even conceding to the right hon. gentleman a brain capacity comparable to the sum total of that of four hon. gentlemen opposite, I still say that on the rock of constitution he should have stood with three other properly sworn ministers before attempting to pass such orders in council. This therefore is the situation. We

have a Prime Minister who, not being in the House, is not responsible to parliament, and acting ministers who, being in the House, are responsible to no electorate. They have not been sworn in and have not made any move to secure the endorsation of their electors before coming into the House to administer the affairs of the country. No one disputes the fact that Mr. Meighen could have had three other ministers sworn along with himself in order to pass orders in council appointing acting ministers. Why then did he not take that course? For the very reason advanced by the leader of the opposition (Mr. Mackenzie King) in giving his advice to His Excellency. If Mr. Meighen had attempted to withdraw three ministers from this House he could not command a majority. Are we responsible for that situation? It is a situation we deplore; it is regrettable that neither party can properly carry on owing to the complexity of this parliament. When we met in January it was perfectly reasonable to assume that the government might expect the support of a group who had supported it in the past and whose policy in more than one respect approximated its own. To-day however it is different. We find the independents voting differently on every question as it comes up. No one is able to predict how any vote will go. If a member happens to be called out to the telephone at the moment the division bell rings, the result is likely to be affected. We have had more than one vote which has been decided by a bare majority of one or two, and if a member happens to be ill and is unable to take his seat, the division may swing in the opposite direction.

Is it proper that the business of the country should be conducted under such conditions? Again I ask, did not the leader of the Liberal party follow the proper course in advising His Excellency that neither party could carry on under the circumstances and that a dissolution was therefore necessary? Hon. gentlemen opposite seem to think they can carry on. They come to the House without a prime minister, that via media which, as they claimed not long ago, is essential to proper government. They have not one sworn minister on the treasury benches and yet they want to carry on. More than that, they wanted to rush things through in one day. When we asked the leader of the House (Sir Henry Drayton) the other night what was going to be the business the following day he said, "It will be prorogation." They were going to do it all in one day; they were going to pass millions of dollars.

Sir HENRY DRAYTON: You are wrong.

Mr. RINFRET: I know I am wrong at this moment—I am quoting you.

Sir HENRY DRAYTON: I know my hon. friend wishes to be fair, as he usually is. His may be one lone voice in the wilderness, but I pay him that compliment. What I said was that I thought all the contentious business had been disposed of, and as the estimates were all government business we might be able to conclude.

Mr. RINFRET: The point is not whether the items are warrantable or not. It is not a matter of spending so many thousands on a break-water or so many thousands on a lighthouse. The question is, are there ministers in the House who can be entrusted with the public money? That is the point. We do not claim that no money should be spent on public works. They are our estimates, it is true; but we do not want to entrust any men in this country or in this House with public money until we are satisfied that they have a right to administer it. I think this is a great principle which every member of this House should be very jealous to guard and protect and this is the issue in this discussion. It is not merely the passing of a bill or the voting of an estimate, it is the very principle that no man should be entrusted with any of the public money until he has complied with the constitution, and we claim that the present government have not done so. It would be belittling that question and losing sight of it to claim that because the estimates which were before the House last evening were devised by us, we should entrust that money to a group of men who have no right to it. We might as well go outside the House and entrust it to a private company, if we followed the line of argument of my hon. friend. It is not a question of whether or not the money should be spent; the question is who should spend it, and I say again that my hon. friend either loses sight of the question or does not speak his mind in taking the stand he has just indicated.

This is a momentous question, Mr. Speaker, and I rose for no other purpose than to join my protest with that of the right hon. leader of the opposition, who placed that question so clearly before the public last night. I was as much impressed by that address as was my good friend from Bow River (Mr. Garland) who rose in his place in a moment of well-understood enthusiasm and said it was one of the finest speeches delivered in this House for a very long time. Let me tell my right hon. leader that I would not

pay him that tribute if it were only for his eloquence or the way in which he put his arguments, but what impressed everyone—and I do not think I am wrong when I say that it also impressed hon. gentlemen opposite and stirred their consciences—were the very points which he made and the principles which he endorsed as well as the situation which he outlined, which is of such grave importance in connection with the very welfare of the most cherished rights of the people of Canada.

I shall not stress the point further; I think it has been made perfectly clear that there is no government in this House. There are no ministers properly sworn in who could pass the orders in council under which my hon. friends claim they have a right to pose as acting ministers. I am not making a political speech, but we cannot let hon. gentlemen opposite come before this House and ask us to vote supply, or ask the right to take any stand whatever as ministers when they have not that right. To my mind it is not a question of political advantage; this parliament will go on and men now in this House will disappear, but I daresay this moment of Canadian history will be looked back upon by future generations and that the course we are now taking will be taken into account by those who will succeed us.

Before I take my seat I would like to raise one other point. I was very grieved with the stand the hon. member for Fort William (Mr. Manion) was about to take when very properly called to order. I know—and this will not be denied—that it is already the intention of hon. gentlemen opposite to go back to their constituencies and claim that once again the Tory party has been ultra loyal while the Liberals have not been so.

Some hon. MEMBERS: Order.

Mr. RINFRET: I stand in the judgment of the Chair. I know that that is the intention of hon. members opposite; my hon. friend indicated it very clearly in his allusions and when he wanted this House to understand that the leader of the Liberal party had been disrespectful to His Excellency. Although a young member, I have been long enough in political conflicts to know what can be done with that sort of material when some hon. members get back to their constituents. If it is claimed by any Tory candidates in the coming fight that by taking our present stand to-night, that in fighting for popular rights and responsible government there has been an element of disrespect to His Excellency, I cannot agree with it. It has been said and emphasized that the crown can do no wrong; certainly His Excellency can do no wrong, but His Excellency can be wrongly advised. I think His Excellency was properly advised by the late Prime Minister when he was asked to grant dissolution, and when he was further advised that no other leader in this House could carry on. Now, after we have given that advice, we are asked to make it easy for others to carry on when in our opinion it cannot be done. Without the least intention of being disrespectful I say again that His Excellency should be advised by the Prime Minister of to-day that he cannot carry on with these shadow ministers who have no authority at all to act in this House. By taking that stand I say we are loyal not only to the crown but to the very best institutions of our country and to the dearest right of our citizenship Whether we win or whether we lose to-day or this week I am perfectly sure that in this fight the Liberal party has stood for the rights and interests of the country.

Mr. E. J. GARLAND (Bow River): It is with some diffidence and considerable humility that I rise to address Your Honour and the House this evening on the question now before us. In a recent discussion I stated that I would not be swerved from what I considered to be a reasonable course of action by any attempts of a purely party political character, and that course I have pursued from the very commencement of my parliamentary career. I intend on all questions to be governed by reason rather than political exigencies. Having that viewpoint, Your Honour can understand the position in which I now find myself. This issue is of immense importance because of its vital effect not only on our legislative relationship as between parliament and this so-called shadow government, or those who have usurped government for the moment, but because it also strikes deeper, to the very root of our whole status, and that is one of the reasons why I feel it incumbent upon me to address the House upon this subject.

The tremendous constitutional effects of the recent action should, I think, with all due respect to everyone concerned, be analyzed. As the hon. gentleman who has just taken his seat (Mr. Rinfret) has intimated, His Excellency was probably ill advised and is now being ill advised in the position in which he finds himself. At the time of the resignation of the right hon. leader of the opposition (Mr. Mackenzie King) His Excellency had two courses of action before him which would have been absolutely constitutional. He could either have accepted the advice of his ministers, his properly constituted and sworn ministers, and so be under no possibility of accepting respon-

sibility or censure, or he could have telegraphed, if in doubt under the circumstances, to the Secretary of State for the Colonies and ascertained clearly the position in view of our relationship to the imperial parliament. That may have been done, but there is no evidence that it was done. His Excellency could have done that in order, first, to do that which was right, and secondly, to escape responsibility. I wish to pay at this moment a most earnest and sincere tribute to His Excellency the Governor General. He is a man—I have met him personally and I can speak with knowledge—for whom I have the deepest respect. I regard him as one of our great Canadians, as a man who has done as much as most individuals in this country, if not more than most, to instil into the hearts of our Canadian people a true Canadian spirit. I am satisfied that His Excellency is absolutely apart altogether from partisanship in any action he has taken, and in any action he may take, but we must look at facts as they are placed before us and ask ourselves what did he do? He accepted the resignation of my right hon. friend the leader of the late administration, and refused him a dissolution. There is no doubt, Mr. Speaker, about this: Until recent years it had been understood that the Governor General of the dominions did possess discretionary rights. The king himself did not possess those rights, excepting only in theory, and has not exercised them for heaven knows how many years.

We are asked now to imagine the position in this country—I am speaking I hope now with some effect upon my hon. friend from South York (Mr. Maclean) because I know his predilections in this matter; I know the sincerity with which he has approached the question of our constitution and our position as a national unit within the commonwealth of national units—I say to him that neither he nor I, holding the views we do, can be true to our trust and our own conscience if we let pass this opportunity of registering definitely our assertion and our belief that the evolutionary movement in our political development has brought about an exact similarity of situation in the Dominions with that that exists in England herself. From the day Sir Robert Borden, greatly to his credit, secured for Canada the position that he did secure for her at the time of the signing of the treaty, we must assume in fairness to him and to national sentiment at that time, and since, that the moment we assumed national status we took along with that national status, and exactly to the same extent, the constitutional position that was then existing in Great Britain as respects the king and parliament.

His Excellency on this occasion did not act as the king would have acted. He did not accept the advice of his ministers. One must ask oneself why he did not do it. There are two reasons only that I may assume at the moment, if one may do that properly: First, having in view the interests of the country, he decided that it was in the national interest that there should not be a general election if one could be avoided, and looking over the situation that faced him in this parliament he asked himself: Have I any assurance that there is any other group in this House that can act as my advisers, and that is capable of continuing to administer the affairs of this country? And so he undoubtedly called upon the right hon. leader of the acting government. When that question arose, did the right hon. leader of the acting government assure His Excellency that he had absolute power to carry on? Did he inform His Excellency that he could form a ministry that would have the confidence of this House? If he did that, I say to him that he did not advise His Excellency in accordance with the facts.

Before I dwell further upon that, let me refer to the last occasion in this Dominion upon which the Governor General exercised his so-called discretionary powers and avoided a dissolution. It was in the year 1858. Sir John A. Macdonald had just fought an election and had been returned to power with a majority of from twelve to fourteen. He met parliament, and shortly afterwards he was defeated in parliament on a matter which had not been discussed during the election. It was on a side issue, a question, if my memory serves me correctly, as to whether or not this city of Ottawa should be the capital of the Dominion. When he was defeated in the House on that side issue, Sir John A. Macdonald resigned, and His Excellency then called upon George Brown and Dorion and asked them if they could form a ministry. It was really Mr. Brown, and Mr. Brown, co-operating with Mr. Dorion, decided that they could form a ministry, and they so advised His Excellency. They were invited to form a ministry, and did so, and on that same evening they were defeated two or three times in the House of Commons. With what result? With the result that they returned to His Excellency and asked for a dissolution on the ground that one minister having resigned, and they having taken office and having also been defeated, they should receive dissolution. At that time dissolution was refused. If the Governor General had the power to exercise discretion at that time, he exercised it against a dissolution because there was no need for an election, as

the country had passed through one only two months previously. Sir John A. Macdonald still had a majority in the House, and His Excellency had to make up his mind whether he should give a dissolution to Brown and Dorion or recall Macdonald. He recalled Macdonald, put him back into the seats of office, and Macdonald carried on. That is the last occasion in this country of which there is any record of His Excellency using his so-called discretionary prerogative.

On the present occasion we must ask ourselves this question: Did the right hon. leader of the shadow government advise His Excellency that he had sufficient strength in this House to carry on? I have stated definitely that if he did that, he ill-advised His Excellency, and for this reason: The group which now has asserted the right to govern knows just as definitely as the group which has just resigned that it cannot carry on in this House by virtue of its own numerical strength without entering into some co-operative understanding with the group to which I have the honour to belong. I stated yesterday and I state now again, that to my personal knowledge no such co-operative understanding has been reached. The leader of the shadow government never at any time since the resignation of the late ministry invited or called upon the group to which I belong for co-operation as a group. If there have been any negotiations with any individuals I know naught of it. If the acting leader of the government has the greatest numerical strength in this House, made up of his own party and any individuals in this corner of the House, it is his duty to inform the House of that fact now.

Mr. McGIBBON: May I ask the hon. member a question?

Mr. GARLAND (Bow River): With pleasure.

Mr. McGIBBON: Has not the House already informed him by two different votes?

Mr. GARLAND (Bow River): Informed him of what?

Mr. McGIBBON: That he has the majority?

Mr. GARLAND (Bow River): That is rather an absurd question.

Mr. McGIBBON: If the hon. member cannot read anything from the last votes I am entirely sorry for him.

Mr. GARLAND (Bow River): I think I can read. I certainly think I can read as well as the hon. gentleman and perhaps reason a little better. The late votes did not give a majority in this House. The late votes were a censure on the administration of the Customs department and did not give hon. gentlemen opposite a majority. Nor could they get a majority unless they had entered into a co-operative understanding with the group to which I belong. If there is any understanding of that kind let them produce it. I know naught of it, nor have I access to any individual in my group who does know of it. Therefore I repeat that if the Right Hon. Arthur Meighen informed His Excellency that he was capable of carrying on, that he was capable of administering public affairs, he ill-advised and misinformed His Excellency.

An hon. MEMBER: Put him out of business.

Mr. GARLAND (Bow River): An hon. member says "put him out of business." On that point it is very interesting to know just what might happen if we did put him and his friends out of business. His Excellency has refused dissolution to the right hon. leader of the late government, presumably on the grounds of expediency—that is that the general interests of Canada will not be served by a general election at the present moment. For no other reason could His Excellency arrive at the decision he made, being fully cognizant of the strength of hon. gentlemen opposite and the general situation in this House. Under no other circumstances could he be justified, I imagine, in refusing dissolution on the one hand and on the other hand allowing hon. gentlemen opposite to come into office. Now an hon. gentleman opposite says "give us defeat." If we did defeat hon. gentlemen opposite then what would happen? Do hon. gentlemen opposite presume to imagine for one instant that His Excellency, already in an unconstitutional position, could still further make himself unconstitutional—

Some hon. MEMBERS: Order.

Mr. GARLAND (Bow River): —by granting them dissolution?

Some hon. MEMBERS: Order.

Mr. GARLAND (Bow River): Why the idea is repugnant to the whole nation.

Mr. SPEAKER: The hon. member speaks of the effect of the advice that has been tendered to His Excellency. There is no point of order.

Mr. GARLAND (Bow River): I am referring to the advice extended to His Excellency and not to His Excellency himself.

Now, Mr. Speaker, yesterday evening at the close of the constitutional debate of which this is the corollary—or perhaps we will say the second chapter, as suggested by somebody near me—the leader of the government quoted a very impressive passage from a speech made by Mr. Asquith and he appealed to hon. gentlemen sitting opposite to him, "Listen to what the English Liberal party says about this sort of thing. Listen to the position taken by Mr. Asquith, a position bolstered up subsequently by other Liberals in England." And the passage that he quoted was—I am not quoting from Hansard, Mr. Speaker, but from the report of the speech itself—the following:

> The dissolution of parliament (said Mr. Asquith), is in this country one of the prerogatives of the crown. It is not a mere feudal survival, but it is a part, and I think a useful part, of our constitutional system. It does not mean that the crown should act voluntarily and without the advice of responsible ministers, but it does mean that the crown is not bound to take the advice of a particular minister to put its subjects to the tumult and turmoil of a series of general elections so long as it can find other ministers who are prepared to give it a trial.

Just imagine any responsible minister like Mr. Asquith making a statement of that character, that the only thing required was that some other group should be willing to give it a trial; no other qualification needed. As a matter of fact the hon. gentleman was quoting from a newspaper report of a speech made in Brighton, in 1922. However, that speech was contradicted immediately in the Times, not only by very many eminent constitutionalists but amongst others by Professor MacNeill. On the 29th day of the fifth month of 1924, Mr. MacNeill wrote to the Times and his comment upon the statement quoted last night by my hon. friend is as follows:

> That doctrine—

The doctrine of the prerogative of the crown.

> —for whose maintenance Mr. Asquith, with the approval of Sir John Simon and Mr. Lloyd George, had made the Liberal party responsible in his speech of December 18, of which he states on May 23 "he has not a word to retract or qualify," is contrary to the fundamental principles of constitutional morality, is absolutely unsupported by usage, and has never been reduced to practice since the era of parliamentary government. When Mr. Asquith, as spokesman of the Liberal party, propounded the doctrine I took occasion in the columns of the press, without fear of contradiction, and in most express terms, to deny (as I will do again), its existence, and to state there was no precedent and nothing that could be tortured into a precedent in support of a position calculated to lower the dignity of the crown by the participation in party politics of its wearer who is the outward and visible representative not only of the majesty of the state of Great Britain, but of the community of nations forming the British Commonwealth of Nations.
>
> My contention for which I cited precedents, has never been impunged. Mr. Asquith seems by his recent speech to repeat and emphasize an ill-founded exposition of the practice of the constitution which, in the words of Mr. Macdonald a day or two after Mr. Asquith's pronouncement, "found scant support in the best informed quarters, and was meant more for the ears of the King" than the ears of his subjects.

Could there be a more definite and complete refutation of the utterances of Mr. Asquith as pronounced by the acting leader of the acting government at the moment? If there is I am at an utter loss to find it. But, Mr. Speaker, we do not have to go to cases of that kind.

Now the hon. member for Fort William, for whom I have the deepest admiration and respect—I love his genial manner, the torrential nature of his utterances; they are a pleasure to me and I delight in hearing them—throws out almost without consideration at times the most extraordinary collection of figures, and at other times citations that are purely irrelevant and have absolutely no purposeful application at all to the debate concerned. For example the hon. gentleman, for whom I have a sincere affection, this afternoon quoted case after case which is utterly and completely obsolete. I admit the existence of every precedent my hon. friend quoted; certainly everyone must; but conditions change. We have passed on miles beyond that milestone in our political evolution. Would he have us go back to the aborigine days in Australia? At that time they had a tribal king who walloped everybody. The hon. gentleman smiles. He is laughing at himself.

Mr. MANION: The hon. member made a mistake. I am laughing at my hon. friend.

Mr. GARLAND (Bow River): The hon. member also mentioned Arthur Berriedale Keith. He quoted citations which would appear to offset quotations of hon. members on the other side, and he rebuked the ex-prime minister for having left off at a certain point in the quotation and not read a portion which he should properly have read, and which would not have been so satisfactory had he quoted it. But the hon. gentleman himself was no more fair, if there was unfairness, than the right hon. ex-prime minister, because I have in my hand the very latest works of Mr. Berriedale Keith published in 1921.

Mr. MANION: The hon. member did not expect me to quote all his works.

Mr. GARLAND (Bow River): No, but I would like the hon. member to quote the last reasoned statement of the authority, and not to go back and pick out that which for the moment suited him, and I do not blame him any more than I blame the hon. member to my right. I am quoting now from page 10 of Home Rule in Practice, by Arthur Berriedale Keith in 1921:

> The British rule has of late been followed in Canada as regards the Dominion government, in New Zealand, and the Union, but it is not yet established in the Canadian Provinces or Newfoundland.

And therefore all the provincial precedents quoted by my hon. friend have no direct application whatever to the situation which faces us here, because so far as the provinces are concerned they are dragging along, perhaps a step or two behind us, but they will soon come in line if my hon. friend will permit them. The citation proceeds:

> The explanation is obvious: it is in the larger communities alone that there has been fully developed that sense of political responsibility among ministers which would render intervention by the Governor unwise and dangerous.

I emphasize those words, and I say to hon. members opposite that their attitude in this matter is unwise and dangerous. They have not acted with due recognition of the immense responsibility of their position at the moment. I turn again to another publication of the same authority, published in 1924, somewhat more up to date, and entitled The Constitution, Administration and Laws of the Empire, and on page 155 I find the following:

> It might seem at first that the crown should be free to refuse a dissolution to a defeated ministry, as is still the rule in the dominions but there is no doubt such action would be unwise, and in view of invariable usage since Victoria's reign unconstitutional.

And the hon. acting minister would implant for all time, as a definite precedent, that the prerogative of the crown should be exercised in all cases wherever he so desired.

Mr. MANION: Oh no, I did not say that.

Mr. GARLAND (Bow River): Well, that is the implication. If my hon. friend establishes the precedent which he seeks to establish to-night he cannot escape that implication.

Mr. MANION: I simply suggest that he has the right to do it.

Mr. GARLAND (Bow River): I accept the position taken by the hon. member, and I suggest that it is infinitely more worthy of him than the implication his first utterance would carry. The quotation continues:

> The electors are the true sovereign authority, and ministers who advise dissolutions are entitled to ask from them judgment on their deeds.

Again at page 209, I find:

> The constitutional usage in the dominions has not yet laid it down that as regards the demand for a dissolution, the Governor must act on ministerial advice, although there are signs that this convention is on the way to be recognized in the more important cases. It was noted in 1914 that Sir R. Munro-Ferguson (now Viscount Novar), granted a double dissolution of the Commonwealth Parliament to a ministry with a bare majority in the lower House and scarcely any representatives in the upper. His predecessors in office had declined previous proposals for dissolution on the score that the possibilities of finding another ministry to carry on government without troubling the electors had not been exhausted, and had he acted on the same principle, it might have been possible to avoid a dissolution but he wisely conformed to the British precedents instead.

And I say it would have been much wiser if in our case His Excellency had been advised to adhere to previous constitutional practice.

That is the volume of 1924, entitled, The Constitution, Administration, and Laws of the Empire, by A. Berriedale Keith.

Miss MACPHAIL: It sounds patriotic anyway.

Mr. GARLAND (Bow River): Yes. The question of our national status is inevitably involved in this matter, and I for one will not be a party to a retrograde step which will take from the people of the country one vestige of the authority which they have secured. All honour to Sir Robert Borden, all honour to Arthur Meighen when he acted as he did at the Imperial conference, and I am satisfied that if he now held the views he held at that time he would not be acting the way he is acting at present. What has converted him? Is it political exigencies, is it the pressure of the need for partisan advantage, or what is it? I am at a loss to understand his change. I say the majority of the people of Canada will look with the greatest disapproval upon such a course, and they will register their disapproval in no uncertain terms should an election be forced upon them on this issue. There is not the vestige of a chance of hon. members opposite succeeding in an election fought out on this issue, and they dare not try it.

Now, Mr. Speaker, there is a very confused idea of the status of these acting ministers. There is no authority to which I can definitely look with any hope of complete satis-

faction on the constitutional or legal position of an acting minister. I am at an utter loss, so far as references or citations are concerned, to find any authority which will enable me to come to a definite decision as to the exact legal status of hon. gentlemen opposite, but in driving or picking my way through this morass of legal debate, I must have recourse to the legal documents themselves. Referring to chapter 1 of the Revised Statutes of Canada, 1906, I find in the interpretation clauses the following interpretation of ministers and deputies:

—words directing or empowering a minister of the crown to do any act or thing, or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister, under the authority of an order in council, and also his successors in such office, and his or their lawful deputy.

That is the definition of a minister or one who is assuming that office.

Mr. CAHAN: Does the hon. member suggest that is the definition of a minister?

Mr. GARLAND (Bow River): It is the interpretation.

Mr. CAHAN: Is it not a definition of certain statutes which may apply to a minister and therefore to an acting minister?

Mr. GARLAND (Bow River): If my hon friend wishes to describe it in that way I have no objection. The words speak for themselves.

We turn now to chapter 4 and we find in subsection 4:

The salaries of the following ministers, members of the King's Privy Council for Canada, shall be as follows:

Those are the statutory provisions made which have been increased by statute since that time. Just as soon as that interpretation is satisfied, just as soon as a man becomes a minister or an acting minister, unless it be definitely provided for in the order in council under which he is made an acting minister that there shall be no salary, no wages, no emolument, in the absence of that statement in the order in council we can only assume, irrespective of any assertions that may be made to the contrary, that the statutory provisions apply and the statutory rank applies. Now we turn for a moment to chapter 10, in which is revealed the humiliating position in which hon. gentlemen opposite will find themselves. Before I get through I will show, I do not care which position they occupy, that they find themselves on the horns of a dilemma from which there is no escape. Section 10 of chapter 10 reads:

The independence of parliament. Members of the House of Commons.

Except as hereinafter specially provided,—

(a) no person accepting or holding any office, commission, or employment, permanent or temporary, in the service of the government of Canada, at the nomination of crown, or at the nomination of any of the officers of the government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached; and no sheriff—

And so on.

—shall be eligible as a member of the House of Commons or shall sit or vote therein.

I charge that hon. gentlemen opposite, by virtue of the order in council which they claim is right and if it is right according to their claim, should vacate the seats which they now hold. That would be the strictly legal interpretation of the situation. But they have pleaded plausibly an exigent circumstance. They have said to

10 p.m.

hon. members to my left, to myself, to others, in their speeches in this House: All we desire to do is to form a temporary administration so as to expedite the passage of the estimates and other legislation still left pending. When they place that position before us, they must say that there is no alternative. If there is an alternative, they must admit it.

Is there an alternative? So far as I can see, so far as the legal position declares, should hon. gentlemen opposite decide to resign they cannot secure dissolution. But should they decide to resign, hon. gentlemen to my right would naturally be called upon to enter the seats of office and to carry on for the balance of the session. Can they do it? The question arose in my mind yesterday and again this morning. Hon. gentlemen to my right having resigned their portfolios, having resigned the positions which they have just filled on those benches and sitting over here in opposition, going back to those that are now occupied by privy councillors just as they are privy councillors, would they be in any different position from that held by hon. gentlemen opposite. I was applauded to the echo yesterday by hon. gentlemen opposite when I asked the question. I got an answer that was not complete; but it made me seek further information, and I now find, according to the statute itself, that should it be decided that the late administration should return to the seats of office for the remainder of the session within one month of the time they resigned those seats, they have full power to carry on, to vote money, to pass

legislation and to perform all the other functions of parliament. I quote subsection 13:

> Whenever any person holding the office of President of the Privy Council, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Railways and Canals, Minister of Public Works—

And so on through the whole list of them.

> —or any office which is hereafter created, entitling him to be a minister of the crown, and being at the same time a member of the House of Commons, resigns his office, and, within one month after his resignation accepts any of the said offices, he shall not thereby vacate his seat, unless the administration of which he was a member has resigned, and a new administration has been formed and has occupied the said offices.

Do hon. gentlemen opposite assert that they have "occupied the said offices"? If they do that, they are absolutely tied to the emolument clause. So I say to them: They find themselves on the horns of a dilemma that cannot be escaped. They are in a cul de sac of their own making. Their board of strategy led them up a blind alley. I must presume, in view of the record of last session, that the board of strategy is operating overtime.

Mr. Speaker, the leader of the acting government, knowing the complete unconstitutionality of his position, not only is not entitled to dissolution, but should not ask for dissolution, and if he asks for dissolution he should not get it. The issue is this: Are we now to assert that in Canada the Governor General possesses a right over the people, over the parliament of this country, that the king himself does not possess in Great Britain? The hon. member for South York (Mr. Maclean) will never subscribe to that doctrine, I do not care how partisan his inclinations may be. I know the hon. gentleman too well; I know that on this question—and I am pleading to him simply because I want him to be fully aware of the responsibilities of his position—the hon. member for South York will vote with us should a vote be taken on this question. Otherwise he could not face his people with honour after his fight of years on this question.

I stated at the very outset that Mr. Meighen did not seek the co-operation of this group. He has throughout the whole of this session, if not himself personally, through his satellites behind him, viciously attacked us, described us as those who were on the auction block, as those who were accepting bribes, who were bartering, who were guilty of almost every wretched act that could bring this parliament into disrepute. The right hon. gentleman is at least consistent. He has not to my knowledge invited co-operation at all.

[Mr. E. J. Garland.]

We stand prepared in any constitutional position or under constitutional circumstances to extend to the leader of that party on a legislative programme of a progressive character exactly the same measure of co-operation that we have extended to hon. gentlemen to my right. We are as free from partisan inclinations as a group to-day as we were when we came into this House five years ago. If any evidence of that is required, all Your Honour and the members of the House have to do is to study the attitude with which we have approached questions of this kind or questions of legislation and our votes thereon.

I have nothing further to say. I congratulate the right hon. leader of the opposition in this, that he has brought to the attention of the House and the country, in most eloquent terms, in most convincing sentences, in most reasoned arguments, one of the most important questions that has ever faced the Dominion, that in my opinion has ever faced the parliament in which I have sat for five years. I was so impressed by the right hon. gentleman's speech last night that in my opinion it would be to the national advantage to keep him in opposition for five years. If the right hon. gentleman will make speeches of that kind, then his place is over here. Unfortunately, however, there faces us a situation which is solvable only by one of two methods. There should be a temporary restoration to office of my hon. friends to the right, with power of dissolution, to enable them to complete the work of the session, and if a co-operative agreement could be arrived at, so much the better. That is one course. The other is to face the facts. It is utterly ridiculous that this parliament should be hampered, hamstrung, shackled and tied year in and year out by the worn out practices of the two-party system. I say to you, Mr. Speaker, that this House has a responsibility to recognize that no longer is the two-party system possible in this country. No longer is it advisable, for the people have advanced in thought, in economic opinion and in political education to a point which absolutely prohibits any continuance of the old system. It is simply absurd to suggest that on any question that comes before the House our decision must have regard to the fact that it may defeat a government, notwithstanding that there may be no desire on the part of parliament to censure the government on its general policy. On one particular issue before the House, under the system that now prevails, members may be clubbed into subjection into a breach of principle, into a violation of their own

beliefs, merely by the threat of dissolution. That is a violation of the rights of members; it is subversive of private rights. It is contrary to reason itself inasmuch as it compels men to vote against what they deem to be proper, in order to maintain in power for the time being a government generally proceeding in the public interest. This is something so obnoxious to me that I will do anything in my power, now or in the future, to free Canadian political life of such an anomaly.

Hon. members of this House missed an extraordinary opportunity a few years ago when they rejected a motion moved by the then member for East Calgary along the lines I have suggested. However idealistic or academic that gentleman may have been, he undoubtedly introduced on that occasion a practical motion of far-flung importance, embodying definitely as it did the principle that no government need necessarily resign as the result of an adverse vote unless such a vote were followed by a non-confidence motion. That principle should in my opinion be adopted definitely and for all time. If it were recognized to-day there would be no deadlock of this character facing us at the present moment. Parliament could function, the public interest could be served, elections could be avoided when they were palpably unnecessary, and the business of the country could be properly administered. The national interest, national sentiment, the patriotism and loyalty of our forefathers who fought the age-long battle between feudal privilege and democratic right demand that this House go on record definitely against unconstitutional action under ill advice and stand firmly for the constitutional recognition of the status of this Dominion.

Hon. J. A. ROBB (Chateauguay-Huntingdon): We have debated this question the whole day and part of the night. As a layman I had no intention of discussing a constitutional point such as this, but when hon. gentlemen opposite put up a medical man to speak for the government, I take it that it is quite in order for one who for some time has had something to do with the finances of the country to give the point of view of the people of Canada who pay the taxes.

We may differ, and honestly differ, upon the fiscal policy of this country, and we may have differences of opinion regarding our railways. We may differ with respect to such questions as the British preference or the reduction of income tax. But surely, Mr. Speaker, as a parliament we can unite on this principle, that in this Dominion, which to-day is entering upon its sixtieth anniversary of confederation, the people who provide the taxes to pay our vast debt have a right to know that their government is constitutionally formed and that those who are collecting the taxes, the tax-gatherers, are responsible to the country. Hon. gentlemen opposite are already receiving applications to sign contracts, and favours are being asked of them. Have not, then, the people of Canada the right to know whether or not these gentlemen hold office constitutionally?

I have not one word to say against the character of the hon. gentlemen who claim to constitute this government. They have all been exceedingly kind and courteous to me and I have nothing to say against them personally. But I do contend that these gentlemen owe it to themselves and to the country to see that they are properly constituted in office. My genial friend (Sir Henry Drayton) has helped me through many difficult propositions and he himself admitted this afternoon that we had not a properly constituted government.

Sir HENRY DRAYTON: Properly constituted, though temporary.

Mr. ROBB: I took his words down, but he can look them up in Hansard. He admitted that we had not a properly constituted government.

Sir HENRY DRAYTON: Temporary, but proper.

Mr. ROBB: If I understood him rightly he intimated that we had no government at all. Now, Mr. Speaker, this question resolves itself into one of two propositions. If hon. gentlemen opposite are properly in office as ministers of the crown, having been sworn in, they have no right to sit in the House inasmuch as they have not been re-elected. If they are not properly sworn in, then we have no government. As I feel that the House has debated the question at sufficient length, and so that we may have a pronouncement upon it, I beg to move, seconded by the hon. member for Melville (Mr. Motherwell):

That the actions in this House of the hon. members who have acted as ministers of the crown since the 29th of June, 1926, namely the hon. members for West York, Fort William, Vancouver Centre, Argenteuil, Wellington South, and the hon. senior member for Halifax, are a violation and an infringement of the privileges of this House for the following reasons:

1. That the said hon. gentlemen have no right to sit in this House, and should have vacated their seats

therein, if they legally hold office as administrators of the various departments assigned to them by orders in council.

2. That if they do not hold such offices legally they have no right to control the business of government in this House and to ask for supply for the departments of which they state they are acting ministers.

Sir HENRY DRAYTON: I rise to a point of order. In the first instance I desire to point out that motions usually must have two days' notice. Your Honour can rule that this is a motion of such an extraordinary character, however, that the notice is not required, and I have no objection to Your Honour so ruling. I merely rise to point out that although we are not insisting on notice in a matter of this kind the very least my hon. friend could have done was send over a copy of this motion before it was moved. In the circumstances I do not insist on the point of order at all.

Mr. SPEAKER: I wish to be very clear on this subject. Do I understand that the point of order raised—

Sir HENRY DRAYTON: I stated the point of order; I pointed out the discourtesy practised by the opposition in not furnishing us with a copy of this motion, and I withdrew any question of order.

Mr. SPEAKER: But as a question of regularity—

Sir HENRY DRAYTON: I also pointed out that you could rule this motion in order and go on.

Mr. SPEAKER: The motion is in order Under rule 40 of Beauchesne will be found the following:

As a general rule every motion proposed in the House requires notice, unless it is of a formal or uncontentious character, or raises a question of privilege, or falls under rules 35, 36, 39 and 41.

I cited page 302 containing similar language in Bourinot a moment ago to the Acting Minister of Justice (Mr. Guthrie). This is one of those motions which can be moved without notice.

Mr. A. U. G. BURY (East Edmonton): Before the House votes on this question I should like to speak at no great length upon the issues raised in it. Yesterday the House listened to a long and impassioned speech by the leader of the opposition (Mr. Mackenzie King) upon the constitutional question, and I would point out to the House in passing that the point of privilege raised by the hon. member for Quebec East (Mr. Lapointe) is not that constitutional question at all. The point raised by the hon. member for Quebec East was that inasmuch as the acting ministers had been validly appointed to offices of emolument under the crown, therefore they had vacated their seats in this House and their recent votes should be expunged from the records of the House. That, of course, is a decidedly different position from the one urged by the right hon. leader of the opposition yesterday.



Mr. SPEAKER: I must ask the Deputy Sergeant-at-Arms to see that order is maintained in the corridors. I cannot hear the gentleman who is speaking, even though he is very near to me.

Mr. BURY: I was saying, Mr. Speaker, that the point of privilege raised by the hon. member for Quebec East was absolutely different from the point raised by the leader of the opposition yesterday and to-day. The leader of the opposition said that in point of fact the acting ministers had not been validly appointed, and that being so they were properly in their seats; their seats have not been vacated and their votes were absolutely in order.

I do not intend to deal at any length with the speeches of the leader of the opposition yesterday and to-day, first because they were criticisms of the action of His Excellency the Governor General in refusing him a dissolution. That criticism was based, as I am perfectly certain all members of this House are well aware, and as everyone in the country must know, on a consideration of how that refusal affected himself and his party. I do not suppose anyone harbours the delusion that the reason for that impassioned eloquence and indignation was any high constitutional principle or any desire to protect the liberties of our people. The whole question was how it affected himself and his party, and the chances of that party at the next general election whenever that may be. There is no need for me to defend the Governor General; His Excellency does not need the defence of this House, much less that of any private member.

Another reason why I have no intention of dealing at length with either of the speeches of the leader of the opposition is because they were both criticisms of the right hon. Prime Minister (Mr. Meighen), and I am inclined to think the Prime Minister does not need any defence by a private member of this House. I am reminded of an incident which is stated to have occurred somewhere in England, where a travelling menagerie was the object of the attention of some boys. They had been teasing the lion in the cage and some of the bystanders expressed indig-

nation at their cruelty and tried to stop it. Finally one fellow said, "Open the door and let him out; he will stop it himself." I have a feeling in my bones that when the Prime Minister of this country comes back into this House and the door is open, so to speak, when he is free to express himself from his proper seat in this chamber, he will be very well able to defend himself against any of the charges and assertions that have been made in respect of his advice to His Excellency or any other line of conduct taken by him of recent days.

I would like to remind the leader of the opposition of something that occurred not so many months ago, and which is still fresh in the memory of some of us at least. I do not know whether it is equally fresh in the memory of his followers or of himself, because sometimes it is convenient to have a memory which is not too retentive. The leader of the opposition played, as he supposed, and I have no doubt as his followers supposed, very effectively upon the enormity of the Prime Minister in having, as he said, misled His Excellency by wrong advice. I want to remind this House of what happened prior to and at the beginning of January last. Members of the House will remember that on the 8th of January the then Minister of Justice and the leader of the House (Mr. Lapointe) made a speech, which will be found on page 19 of Hansard, in which he stated the attitude of his leader, the Prime Minister, then without a seat, and these were the words he used:

> The government met as soon as possible after the date of the election, and after having considered the situation as created by the result, the right hon. the leader of the government tendered his advice to His Excellency.

What was the advice? The speech continues:

> —and in a statement which he issued and which appears in the Ottawa Journal of November 5, he said: "After several interviews with His Excellency, at which the position brought about by the recent general election was fully discussed and all alternatives presented, I have taken the responsibility of advising His Excellency to summon parliament for the earliest practicable date in order to ascertain the attitude of the parliamentary representatives towards the very important question raised by the numerical position of the respective political parties."

That was the advice tendered by the then Prime Minister to His Excellency as to what steps should be taken. The notice published in the Ottawa Journal of November 5th proceeds:

> His Excellency has been pleased to accept this advice.

Surely the words of that statement drafted by the then Prime Minister, and published as an official declaration of what advice he had given to His Excellency are plain enough. As I took the liberty of reminding the House some months ago, in connection with the debate on the Address, that advice was, in the language of the then Prime Minister himself, that the House should be summoned and that it should be asked at once which party, whether that led by the then Prime Minister or that led by the leader of the opposition, was in the opinion of the House as a whole best fitted to take charge of the government of this country. That advice His Excellency adopted.

On the same day and in the same speech the then Minister of Justice and leader of the House went on to say:

> We were justified in retaining office and summoning parliament,—and in asking for the decision of this parliament as to who should be its executive.

I submit that the meaning is clear, the language is plain enough: "We were justified in retaining office and summoning parliament "for the purpose of" asking for the decision of this parliament as to who should be its executive."

Again the then Solicitor General (Mr. Cannon) on the 11th of February in the same debate made a statement along the same line. He said:

> The question before us is a very simple one. It is whether this government had the right, first of all, to meet parliament, and secondly, whether the government was justified in asking the members of the House of Commons to decide as to whether this government should remain in power or as to whether another administration should be formed.

Later in the same speech we are told that the Prime Minister had to advise His Excellency. On what point? There was only one point upon which His Excellency was to be advised by the then Prime Minister, and that was the point as to who was to be the leader of the government, who was to be the first minister of the crown, who was to be the adviser of His Excellency. The then Solicitor General said:

> Now the Prime Minister had to face a novel situation as I have tried to prove, and not only a novel situation, but a difficult situation. A man with ordinary conceit might have thought he had enough experience, enough judgment, enough personal perspicacity to advise His Excellency, but the Prime Minister took another stand. He said, "It does not belong to one man in Canada, no matter how exalted his position may be, to decide a situation so novel and so difficult. I will have the greatest, the highest and the most competent tribunal of the land to decide it, and instead of giving my own personal opinion I shall ask the two hundred and forty-five representatives of the people to make the decision".

Then speaking in this House this very afternoon one of the hon. members—I do not

just recall the constituency for which he sits—carrying out the same idea, enunciating the very same principle, giving the very same reasons for the assembling of parliament and the purpose that was in the mind of the Prime Minister, stated that the then Prime Minister said he would not retain office, that it was not for him to retain office until he had consulted the House. Surely that position is plain and clear. Yet what does he do? In the teeth of the advice he had given His Excellency, in the teeth of the very advice which His Excellency had accepted and had acted upon—and I venture to say, being guilty of an abuse of the confidence of His Excellency—he does not carry out the decision and the purpose and the programme which he had laid down before His Excellency and which His Excellency had adopted. He does not call this House together and ask that question, who is to be the leader of the government and the first officer of the crown? No, he brings down a Speech from the Throne. In the teeth of what the hon. member said, to whose speech of this afternoon I have just referred, he assumes he is going to retain office. In one breath he said: It is not for me to retain office; it is not for me to advise His Excellency who is to be his government and who is to be his chief adviser. And in the next breath he brings down a speech from the throne which assumes that he is to be the Prime Minister, which assumes that he is retaining the office, which assumes that he is to be the first officer of the crown. In a statement made at that time by the then Prime Minister himself he said that while the election of the Speaker was not to be taken as an assertion by the acting government of an intention to retain office, the very moment the Speech from the Throne was brought down that was a statement and an assumption and a declaration by the government that brought it down that it was in office and intended to retain office.

Now I ask the House, in view of those facts, to come to the decision, and I think surely the decision is not hard to arrive at, that the right hon. gentleman who carried out that course of procedure before this House assembled, and after this House assembled on the 8th day of January, has small right to talk about giving His Excellency poor advice, and has still smaller right to talk about having proved false to his trust or to his position, and having, so to speak, taken advantage of His Excellency and abused his confidence.

Now I pass on to another point. The third reason I am not purposing to discuss the speeches of the leader of the opposition, either the speech of yesterday or that of to-day, is because both speeches were absolutely irrelevant to the point of privilege raised by the hon. member for Quebec East (Mr. Lapointe). As I explained a few minutes ago, the point of privilege raised by that hon. member was that the acting ministers had been validly appointed and therefore that their seats had been vacated. Well, in point of fact, the position taken by the leader of the opposition yesterday and to-day was that the ministers of the government had not been properly appointed at all—that certainly was his position yesterday—that they had not taken any oath of office and were not competent to carry on the duties pertaining to the departments of which they were the acting heads.

I do not intend to deal at any length with the speech of the ex-Solicitor General (Mr. Cannon) except perhaps on one point. At the commencement of his speech he set himself out to make constitutional law so clear to the members of this House that everyone, even though not a lawyer, might perfectly understand the principles involved. He had not uttered very many sentences before some of us felt inclined to say, "You had better stop. We thought we knew something about constitutional law before, but if you go on much longer we shall think we know nothing about it at all." So far from making clear the principles of constitutional law involved in the issues that have been debated here, I think the hon. gentlemen rather beclouded them.

Now taking up for a few minutes the point raised by the hon. member for Quebec East, may I present his argument in as simple and clear language, and as briefly, as I can? This is what it was: That the acting ministers, in point of fact, had been validly appointed; that they had been validly appointed—and here was the second premise—to an office of emolument under the crown; and then there came a third premise, that inasmuch as every member appointed to an office of emolument under the crown vacates his seat by that action, so the acting ministers had thereby vacated their seats, were not properly in the House at all, were in point of fact strangers, and their votes that had been recorded the last two or three days on the motions on which the House had voted were improperly taken and should be expunged from the record.

Some hon. MEMBERS: Hear, hear.

Mr. BURY: My hon. friends are welcome to applaud the clarity of the point. The question is not whether the point is clear, but whether the point is any good. If it is a bad point the clearer it is the worse it is for the point. If it is a bad point the best you can

do to make it pass is to make it as obscure as possible so that nobody may understand what it is about. I am going to make the point so clear that everybody in this House can understand exactly what it involves. Now what it involves is this: First of all that the ministers were validly appointed; secondly that they were validly appointed to offices of emolument under the crown; and thirdly that they have thereby vacated their seats in this House because that was a necessary consequence of accepting an office of emolument under the crown. All right. Let us examine the point and the different premises or constituent parts that go to make it up. If that contention is correct it explodes at once the mass of argument which was built up both yesterday and to-day tending to impugn the validity of the appointments. There is nothing in the argument of the hon. member for Quebec East, if the appointments were invalid—nothing in it at all; and there is nothing in the argument of the leader of the opposition so far as that argument was directed to the question of the validity or non-validity of the appointment, if those appointments were valid. Therefore I think we may fairly leave it to the member for Quebec East to answer his chief, the leader of the opposition.

But let us look more carefully and clearly into the points involved. First of all it is assumed, as I have stated, that the appointment of each acting minister was invalid. The next thing assumed is that the appointment was to an office of emolument under the crown. Now I want to say before I pass on to the next point—that is to say the question whether or not the office was an office of emolument under the crown—that there was brought into the debate another point, a subsidiary argument, that whether the appointment was valid or was not valid there was no oath taken, and therefore even though the appointment was valid the ministers had no power to act and no right to ask this House to vote any money or Supply, no right to arrogate to themselves any powers. I purpose to deal with that in a few minutes.

Coming to the question of the nature of the appointment, that is to say the question whether or not it was an office of emolument under the crown, the argument that the office of an acting minister is an office of emolument under the crown is based entirely on the Interpretation Act. The hon. member for Bow River (Mr. Garland) read to the House the section upon which it is based. It is section 31 of which subsection (1) is thus worded:

And I should like the House to follow this carefully—

—words directing or empowering a minister of the crown to do any act or thing, or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister, under the authority of an order in council, and also his successors in such office, and his or their lawful deputy.

Now the words that are essential in this section are these words:

—or otherwise applying to him by his name of office.

Let me read again:

—words directing or empowering a minister of the crown to do any act or thing—

And so on. Now the provision in the act under which a minister of the crown is entitled to his salary is to be found in chapter 4 of the Revised Statutes of Canada, Sec. 4 of which reads as follows:

The salaries of the following ministers, members of the King's Privy Council for Canada, shall be as follows, that is to say:—

The Minister of Justice and Attorney General, $7,000 per annum.

And so on. The words of that statute, section 4 of chapter 4, attaching a salary to an office, cannot be said to be words either "directing or empowering a minister of the crown to do any act or thing," and therefore the first part of that section has nothing to do with the question before us. But we have the other words:

Or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister,

And so on. And it may be argued, inasmuch as section 4 of chapter 4 attaches a salary to the office of a minister, it will also attach a salary to the office or position or duties of an acting minister, because the words attaching a salary to the minister's office are words "applying to him by his name of office". That is the argument.

In answer to that I would say this; first of all, it is a very slim basis upon which to raise this large constitutional superstructure. They take three or four words of very general and wide import out of a statute, and build upon those four or five words of general import a huge superstructure, arguing that a salary that is attached to a minister must therefore come within the meaning of those words and attach to the acting minister. I want the House to realize the smallness of the foundation upon which the whole superstructure of the argument rests in regard to the salary of the minister as a minister of the crown—that the words giving the man a salary are words applying to him by virtue of his office. I think it is a fair interpretation

of the statute that these words might be cut down by the operation of the very well recognized principle of legal interpretation, which is called the rule ejusdem generis. That is to say, explaining it simply, that where you have words of wide import, words that are apparently so wide in their import that they can gather into themselves all possible circumstances, all possible facts, if you have in front of those words, words of a particular import, the words of particular import will cut down, or tend to cut down, the width and application of the general words following. What are the words that immediately precede these words of wide application? They are these: "words directing a minister." That is telling him what his duties are. Secondly, "words empowering a minister," that is telling him what his powers are. Those are the two essential things a minister wants to know: he wants to know first, what are my duties; secondly, what powers reside in me to enable me to carry out those duties. That is what the act provides. The duties that pertain to the minister are the same as those that pertain to the acting minister, and the powers of the minister to enable him to carry on those duties are also the powers of the acting minister who stands in his shoes and carries out his duties for the time being. Following those specific and particular words we have the big wide words, "or otherwise applying to him by his name of office." I have stated that those words are very wide, and they must be very wide indeed to include the profit and enjoyment of the minister's salary. They must be very wide indeed before we can understand them to mean that the acting temporary minister is to have the same salary as the minister who is in the office, in occupation of the office and in possession of its powers. But those wide words are cut down by the preceding specific and narrow words, and are to be taken to refer merely to what pertains to his duties and his powers, and not to go the length of the salary.

What is there to strengthen this position? Because after all it is only an inference based on a rule of legal interpretation. In point of fact no salary, so far as we have been informed in the House by those members who have spoken to-day, is ever attached, except by some express enactment, to the office of acting minister. We have had case after case cited in regard to that, and we have been told there was no salary attached to it. The hon. member for Quebec East (Mr. Lapointe) stated that unless some express words to the contrary were incorporated in the order in council appointing a minister, the acting minister would receive a minister's salary. We have had many acting ministers, and no case has been cited to this House where an acting minister had a salary attached to his position merely because he was an acting minister; but we have had case after case cited in this House where acting ministers have been appointed, have held office and acted for weeks and months under an order in council which contained no such excepting clause, or no such excepting words as those suggested, which merely appointed a member as acting minister of the crown, and did not go on to say, "without salary" or "without emolument." Therefore we have, in the first place, a general principle of interpretation which is in favour of the limitation of the width of the application of those words in the Interpretation Act. We have next the fact of long continued usage under which acting ministers did not enjoy salaries simply because they were acting ministers, and we have in the third place instances of appointments—and three of them were mentioned; the appointment of the then Minister of Defence, the hon. member for Antigonish-Guysborough (Mr. Macdonald) the appointment of Senator Dandurand, and the case of another acting minister—three acting ministers appointed by orders in council, in which orders these words "without salary" do not occur. These ministers were appointed by the late government, by the very members who have been raising this argument to-day. The saving words "without salary" were not in their orders in council; yet they sat and acted. They are not disqualified, the heavens do not fall, the British constitution is not changed. There is no outrage perpetrated on the fair name of Canada, and no attempt made to curtail the liberty of the subject. Magna Charta stands unimpaired, and the Bill of Rights, but the moment the same thing which has been done three times over by the last government is done by this government, the very foundations of justice rock, and the temple of justice, like the temple of Dagon, comes down. Surely it did not need all this to show that this is nothing but a political gesture, just as much a political gesture as was the motion of yesterday. I may tell the hon. member for Bow River (Mr. Garland) that there is not a single fact, so far as the facts go, which were not known to him when he voted on the motion which was defeated yesterday. He or some speaker from that part of the House yesterday denounced that motion as a political gesture and no more. Everyone knows that it contained at its end or right through its body the sting of the tariff, of what was

stated to be higher and higher and higher protection; yet they repudiated it because it was a political gesture, and they were right.

The question of the tariff was not before the House. When the question of the tariff comes before the House, that will be time enough for hon. gentlemen to show on which side of the line they stand on that question. If this government is in power and this House is assembled next year, when the question of the tariff comes up on the budget members of the Progressive party diagonally opposite from me in this chamber will have ample opportunity to say whether they will help or resist the government, whether they will keep it in power, perhaps, or whether they will force it from power. But hon. gentlemen were very well advised to measure the motion of yesterday at its true value and to spurn the trap that was laid at their feet.

This gesture is more palpably a political gesture than was that of yesterday, because all the facts that are embodied in this gesture, with the exception of the question of the validity of the appointment, of whether the offices the acting ministers now hold are offices of emolument under the crown, of whether they are properly in their seats in this House, were known to hon. members yesterday.

I come to another matter and with that I close. As regards the question of the oath, hon. members on the other side of the House argued very strenuously that we were going to do violence to political principles and constitutional rights if we allowed ministers to act who had not taken an oath of office as ministers of the crown. By the way, may I refer for a few moments to the false analogies which the ex-Solicitor General (Mr. Cannon) used in his speech? He is a past master in the art of introducing irrelevancies, of introducing spectacular play that has no effect upon anyone who understands the principles that are at stake or who follows his argument. Let me call the attention of the House to the arguments which he used: We cannot allow these gentlemen to act as acting ministers because they have taken no oath. Why, he says, even the Clerk of this honourable House cannot discharge his functions without having taken a solemn oath. We, the members of this House of Commons, have taken an oath. I can imagine their little chests puffing out as they said to one another: We are not like these unholy acting ministers who have tried to discharge their duties without taking an oath. Now may I say, in answer to that: All the acting ministers have taken the oath of privy councillors, and the oath of a privy councillor is the important oath in connection with the acts of a minister. Let me call the attention of the House to this passage in the second volume of Todd on page 194. I want hon. members to listen to it:

> Moreover, the occasional appointment of a member of either house of parliament to a seat in the cabinet, without office, is no infringement upon the principle of ministerial responsibility.

Now listen:

> Ministers of the crown are responsible by reason of their being privy councillors, not as members of "the cabinet," which, as a separate institution, is, as we have seen, unknown to the law.

In other words the essential oath is the oath of a privy councillor and the essential oath had been taken by the four gentlemen whose powers and positions are being impeached to-day. That view is absolutely in keeping with the advice which the House has received indirectly and the information which was given to the House by the Clerk of the Privy Council, Mr. Lemaire. The House heard read a statement by the Clerk of the Privy Council that the procedure that had been followed in the appointment of these gentlemen as acting ministers was the precise procedure that had been followed in every case for thirty-five years. He was confirmed in that position by his assistant. Finally we heard read to us by the leader of the House a statement from the Deputy Minister of Justice that the proceedings and appointments had been absolutely valid and in accordance with the procedure that had always been followed; that in point of fact no law could be discovered requiring the administration of an oath to an acting minister without portfolio. I will be corrected if I am not right on this point.

11 p.m.

Mr. KING (Kootenay): Do I understand that my hon. friend wants to be without the law?

Mr. BURY: If my hon. friend will listen I think he will see my point quite clearly. As I said, we had a communication read to us by the leader of the House from the Deputy Minister of Justice that the proceedings and appointments had been absolutely valid and in accordance with the procedure that had always been followed. I have no doubt had the case been reversed and had we been on the other side raising the same point, the Deputy Minister of Justice, under the hon. member for Quebec East (Mr. Lapointe), would have given exactly the same answer and his wisdom would have been applauded; he would have

been a Solomon come to judgment. But just because the case happens to be reversed, and because the hon. member for Quebec East is no longer Minister of Justice, the findings of law given by his deputy, which no doubt had always been almost infallible during the tenure of office of the hon. member, are no longer infallible but are open to very grave question. However, let that be; this is my point. If I am wrong I shall be corrected in my statement that we were assured in this House on the authority of these gentlemen that no law could be discovered making it requisite for an oath of office to be administered either to an acting minister without portfolio or to a full minister with portfolio, but that in the latter case an oath was administered by reason of usage which had grown up. No law but usage in the case of a minister; no law nor usage in the case of acting ministers. That is the way it stands. That being so, what becomes of the argument of invalidity of appointment or impropriety in using their powers because they have taken no oath of office, when in point of fact no oath of office has ever been taken by acting ministers nor is required of them by law or usage?

The ex-Solicitor General thought he would get over that difficulty in connection with an instance which was cited where a member of his own government had not taken the oath. Oh, but, he said, there were then in existence a number of cabinet ministers who had taken the oath of office and therefore it was all right even though some of the others had not taken it. As I understood his argument, he spoke of the doctrine of the solidarity of the cabinet. I submit that the doctrine of cabinet solidarity means only that the cabinet is one in respect of responsibility. If one of its members go wrong, as occurred in the late government, the cabinet must fall as a unit; that is the doctrine of cabinet solidarity. But by no possible stretch of argument can it be contended that if an oath of office is necessary to one cabinet minister, to a second, a third, and a fourth cabinet minister, the oath may be dispensed with in the case of a fifth on the ground that four of his colleagues have taken theirs. That is the most absurd argument I have ever heard. The oath of a cabinet minister is his own personal affair, having to do with his own conduct of the department he governs, and it is indeed an extraordinary contention that because other cabinet ministers have taken the oath it may be dispensed with in a particular case.

The truth of the matter is that this House knows, as I am sure the country will know when this debate is read, that the whole thing is a piece of camouflage, a smoke screen behind which the opposition is trying to get back into office. Hon. gentlemen are clinging to the idea of office with a tenacity worthy of a better cause and are throwing to the winds every shred of dignity which the government of this country should maintain, if not for its own sake at least for the sake of the people whom it represents, as well as of the other dominions of this great empire of which it is a unit; because a stigma upon the name of Canada by reason of a lack of dignity in her council chamber on the part of her chief ministers is a stigma upon the whole British Empire.

Mr. POULIOT: Would the hon. member propose the abolition of the oath in the three branches of executive power?

Mr. BURY: I am not proposing the abolition of any oath, but my hon. friends opposite are trying to impose a legal necessity for an oath where none exists. That is the difference between us. In my humble opinion, speaking with confidence though a new member of the House, the duty of the leader of the opposition (Mr. Mackenzie King) when he was Prime Minister was, upon his discovering that dissolution was not to be granted him, to come back to the House and to continue in office. Why did he not do that? He said that he could not carry on with efficiency and dignity, but he carried on under precisely the same conditions with the exception which I shall mention in a moment. Ever since January 8, until the twenty-ninth day of June, the right hon. gentleman held office without discovering that he could not carry on effectively and efficiently and with dignity. If he could carry on the business of the House, either in person or through his deputies, from January 8 to June 29, do you not think that he would have been able to continue for the few remaining days of the session so as to wind things up properly in the interests of the country? No, no man believes that. Everyone knows right well that the reason why, when he discovered he could not get dissolution, he handed in his resignation to His Excellency was that he dared not face the vote of this House on the Customs probe. But what he sought to avoid came after all. He handed in his resignation but that did not save his skin. The vote came. I say that the right hon. getleman's duty when he discovered that he could not get the dissolution was, not to have handed in his resignation but to have come back and wound up the affairs of the House and let

members go back to their homes. Not that this latter was of such importance; the prime importance is to get the business of the country done. But what did the right hon. gentleman do? He offered his resignation to His Excellency—with a string attached. He said, "Hold my resignation in escrow." Do hon. gentlemen know what that means? It means that he did not want his resignation acted upon unless it was necessary to do so. What was in the back of his mind was this; that if anything happened, if perchance Mr. Meighen found himself unable to carry on, then he could go back to His Excellency and recall the resignation which was being held in escrow. I suppose there was some such thought in the back of his mind, but apparently His Excellency refused to accept the right hon. gentleman's resignation on that condition. His Excellency took the view that a resignation was a resignation and that was all. That is what makes the right hon. gentleman rather out of temper. That is what makes him forget the dignity due to his position and, more than that, the dignity due to the country over whose destinies he was presiding.

When the leader of the opposition was asked by the Prime Minister (Mr. Meighen), who was then in opposition, to co-operate with the government if a new ministry should be formed, he flatly refused to do so. He would have no truck with the new government. They had made their bed and they would have to lie on it: that was his attitude. Was that consonant with the dignity of his position? I say it was the attitude of a petulant child. May I in closing read two passages. First I want to quote from Todd, volume 1, at page 318. I want the House to listen to this and make up its mind as to whether the principle here enunciated has been fairly carried out by the leader of the opposition:

In all ordinary circumstances, the ministers chosen by the sovereign—

Please remember that it is the prerogative of the sovereign to choose his ministers.

—are entitled to receive from parliament, if not "an implicit confidence" at the least "a fair trial".

Has my right hon. leader, the present Prime Minister, received that? He has received nothing which, by the greatest stretch of the imagination, could be even called a trial, much less a fair trial. Now let me read one more passage from volume 2 of Todd, at page 194:

In Queensland, on July 20, 1866, a new ministry was formed for the purpose of carrying out a financial policy differing from that upon which their predecessors had resigned office;—

In this case the new ministry was formed to carry out a different financial policy, but that is not our case; we are trying to complete the programme laid out by the late government; we want to pass the estimates they themselves framed; we want to complete the business of the country along the lines laid down by the late government.

—and as it was deemed to be absolutely necessary that certain financial measures should be passed without delay, in order to place the affairs of the colony in a more satisfactory position,—

Of course you will say that is a colony, but I am dealing with the action of parliament, not with the representative of the crown.

—the new ministers appeared in the legislative assembly simply as executive councillors, without departmental officers, with the understanding that immediately after the passing of those urgent measures, they should accept office, and go for re-election.

They did not go even so far as the present government has gone; they came merely as councillors, asking that parliament put them in the position of finishing the business and passing those financial measures, and they were sustained. Let me read the remainder, to show that:

The assembly consented, though not without remonstrance from the opposition to this course. And after these necessary bills were passed, the ministers vacated their seats, on accepting office.

We are asking this parliament to finish its course under the direction of the present acting ministers without portfolio. We are asking that this government be allowed to finish the work laid out by the late government. We are asking that which is no more than our absolute constitutional right, or at any rate we are asking for that which other parliaments and legislative assemblies have conceded in similar circumstances, although in my humble opinion the leader of the opposition took the wrong course when instead of continuing in office he threw down the reins of government and left the country in the condition in which we now find it. Under these circumstances the least he can do is make the progress of the remainder of the programme as easy as possible.

Mr. JEAN-FRANCOIS POULIOT (Temiscouata): I have listened with very great attention to the admirable speech of my hon. friend, and I realize that he and the hon. member for St. Lawrence-St. George are the two big guns of the Tory party in this House. But the hon. member told you, Mr. Speaker, at the beginning of his speech that he would be short; he did not keep his word, but I make the same promise and I will keep my word.

My hon. friend finished his speech with two very interesting quotations from Todd. I will go further back, and quote Lycurgus, that great Athenian, a man full of old Greek wisdom, who once said that an oath is the bond that keeps the state together. That is the great principle adopted by every civilized country in the three branches of government, executive, legislative and judicial; the oath is the basis of good government.

What is an executive? If we take the British North America Act we find that an executive is an administrator, and there is a great difference between an executive councillor and a privy councillor. All executive councillors are privy councillors, but all privy councillors are not executive councillors; very often the honorary title of privy councillor is given a man who is not a minister of the crown, and these men would have no right to sit in the Privy Council as ministers. Executive councillors are acting temporarily, they are appointed during pleasure and when their term is over they are in exactly the same position as judges who have resigned their offices. When a judge is sworn as such he has a right to sit on the bench, but when he resigns for any reason he no longer has the right to occupy that office, and the same would apply to privy councillors.

Here, Mr. Speaker, we have a few ministers in front of us; I call them such through politeness, because they are no more ministers than are the back benchers of the Tory party. But they say, "A few years ago we were sworn as privy councillors; we are privy councillors for the rest of our lives." I know that is what they expect; I know that in the opposition they were not the good sports they are when they enjoy the sweets of power, but if you will remember, Mr. Speaker, they were ministers for a short time; they went to the country and were defeated and later in the papers we saw that the Meighen government had resigned and these gentlemen then ceased to act as privy councillors. They ceased to act as privy councillors because the people of this country had kept them out of the treasury benches for very good reasons. Those people, after they had resigned as privy councillors, were no more privy councillors than any back bencher in this House. They know that if they were sworn in as ministers they would have to vacate their seats in this House, as their leader has had to do, and be elected, but as they did not wish to do that, what did they do? They say: We were sworn in five years ago as privy councillors, and we will act as such: it will be an abuse of power, but never mind that, it will not be the first abuse of power of which the Tory party has been guilty; they have done it time and again, and they will do it now.

Mr. Speaker, sometimes we see men like Lord Shaughnessy, who was president of the Canadian Pacific Railway, and Mr. Beatty, the present president of that road, having conferred upon them the degrees of LL.D. and D.C.L., but do they argue cases in court before even a justice of the peace? They do not. Mr. Beatty is a lawyer, I am reminded, but Lord Shaughnessy was not. He was a very capable man, but he would not have argued a case in court because he had not been sworn in as a barrister. And similarly with the case we have before us in this House, Mr. Speaker. People who assume office under the crown have to take the oath of office. If a deputy minister of a department has to take the oath of office, how is it that his superior, the minister, is relieved of that obligation? That is something I do not understand, and I would like my hon. friend or anybody else to answer that question to my satisfaction and to the satisfaction of the House. If a man came to me and asked if those people on the treasury benches opposite had any right to sit on those benches, I would answer, as a lawyer: I do not believe they have any right, and I would advise you to have writs of quo warranto issued to oust those seven marvels of the world from office—I should rather say the seven capital sins.

Mr. G. R. GEARY (South Toronto): Mr. Speaker, I have before me the motion that this House has for consideration, and as I read it, I see that it has taken form from and is framed largely in the terms of the argument of the Solicitor General. In opening the discussion the hon. Minister of Justice made the argument—

Mr. LAPOINTE: Is my hon. friend speaking for the future when he refers to me as Minister of Justice?

Mr. GEARY: It is more by way of compensating for the reference the other day to him as the late—he interpreted it "deceased" —minister. I should have said, the ex-Minister of Justice made an argument based on the statutes, referring to the Interpretation Act, to chapter 4 of the revised statutes, and chapter 10 of the revised statutes. I must say that it did not strike me at the time that the hon. gentleman was speaking with any great confidence in his point of law. Section 10 of the statute the one the hon. member for Winnipeg North Centre (Mr. Woodsworth) was curious about, says that no per-

son accepting any office to which any salary, emolument or profit of any kind is attached shall be eligible as a member of the House of Commons. The emolument to which a member is entitled, and which he receives when he accepts such office, is the basis of his disqualification. That section is one of a group of sections which are headed "Independence of Parliament," and the provision is against a member of parliament by virtue of his seat in the House procuring for himself a position to which there is an emolument attached.

Then my hon. friend the ex-Minister of Justice turned to chapter 4 of the revised statutes, which sets out the salaries of certain ministers. I do not think we need bother about that. As I understood his argument, he indicated that because a salary is provided to be paid to a minister, and because the Interpretation Act by section 31 (l) says:

> Words directing or empowering a minister of the crown to do any act or thing, or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister, under the authority of an order in council, and also his successors in such office, and his or their lawful deputy.

Therefore, he argues, a minister acting comes within the provisions of the statutes I have referred to. My hon. friend will recognize at once that the Interpretation Act and the words of the section that I have read are words directed to the jurisdiction and power of a minister, and where it says "words directing or empowering a minister of the crown to do any act or thing, or otherwise applying to him by his name of office, including a minister acting for," I point out to you, Sir, that as a matter of plain interpretation of these statutes, that does not import into the office of what I might call acting minister the position of minister. That is, the acting minister is not made the minister by that section to the extent that he is one of those who receives $7,000 per annum under section 4 of chapter 4.

Then my hon. friend the ex-Minister of Justice went on to section 11, of chapter 10, which provides that:

> Nothing in the next preceding section shall render ineligible any person holding any office, commission or employment, permanent or temporary, in the service of the government of Canada, at the nomination of the crown, or at the nomination of any of the officers of the government of Canada, as a member of the House of Commons, or shall disqualify him from sitting or voting therein, if, by his commission or other instrument of appointment, it is declared or provided that he shall hold such office, commission or employment without any salary, fees, wages, allowances, emolument or other profit of any kind, attached thereto.

And says that to make matters right these acting ministers should have been appointed with a provision in their commissions that they were not to draw any emolument. Mr. Speaker, that section has nothing to do with the case provided for in section 10, except it be a person who takes on a position that has an emolument, and as I have pointed out by the Interpretation Act and by section 4 of chapter 4, an acting minister is not one of those who gets any emolument, and so section 11 does not apply to him.

I think the ex-Minister of Justice was just taking a sighting shot with that argument. He was trying to prove that an acting minister is one who has a position of emolument, but if he will look at the concluding words of the interpretation section he will see that it obviously does not import into the word "minister" in all cases the words "acting minister." It simply gives the acting minister the jurisdiction and power of the minister himself. because by the language the jurisdiction and power is not only given to an acting minister, but also to his lawful deputy.

The ex-Solicitor General (Mr. Cannon) made the argument, which I think has been carried into the motion, first, that if there was no legal appointment there is no government; and second, if the acting ministers were legally appointed they have no right to control the business of the government. I take it that the second point is the same point that was argued by the Minister of Justice (Mr. Lapointe), and if my argument is sound now that there is nothing in the nature of disqualification in the "Independence of Parliament" sections of the act governing the appointment of an acting minister, then I suggest that part 2 of this resolution and the second part of the argument of the Solicitor General has no justification. If they do hold their offices legally it does not follow they are ministers. And the wording of the resolution does not attempt to go that far, because it says that if these men do not hold office legally they have no right to control public business. Nowhere does the resolution say that these hon. members are ministers or that they hold office as such; that has been very carefully avoided. So that the House is asked to say that certain men who are acting in a certain position are in one of two false positions: Either they have no right to sit as ministers, not being legally appointed, or else they do hold such offices legally and therefore are disqualified. If they have any right to sit are they legally appointed or are they not? I submit they are legally in their offices as acting ministers.

Nor is there anything in the arguments which have been advanced which indicates that these hon. members have not beeen properly appointed to take over, as acting ministers, the various departments which they control? I have not before me the opinion of the deputy minister but that ruling as I recall it when it was read this afternoon, and I should like to have it before me, is directly to the point. In plain terms it says that the appointment of these hon. members to be acting ministers was proper and regular in every way. I should have thought that it was useless to go beyond that opinion, I should have thought that the officers of the crown were the proper persons to adjudicate upon the regularity of these appointments that it should not be a matter for legal discussion in this House, nor should this House be required to pass judgment upon such a fine point.

Some trivial matters have been raised, such, for instance, as that an oath is required. My hon. friends forget that that begs the whole question. If the ministers are duly appointed ministers they do by custom take an oath. If they are appointed acting ministers, as in this case, there is no custom by which they take an oath; and the practice in the case of previous governments as well as in the case of the late government of hon. gentlemen opposite has not been for acting ministers to take the oath.

I do not want to labour the constitutional authorities, but will hon. gentlemen bear this in mind? I read in Todd at page 183:

> Upon the resignation or dismissal of a ministry it is customary for the sovereign to send for some recognized party leader, in one or other House of parliament, and entrust him with the formation of a new administration. Or, should the position of parties be such that no particular person appears to the king to be specially eligible for the post of prime minister, he may empower anyone in whom he can repose sufficient confidence to negotiate on his behalf for the formation of a ministry, and to present to him the names of the statesmen who are willing to serve His Majesty in that capacity.
>
> By modern usage, it is understood that no one but the Premier is the direct choice of the crown. He is emphatically and especially the king's minister, the one in whom the crown constitutionally places its confidence.

The Right Hon. Arthur Meighen, in the present case, was chosen by the Governor General and took his place as Prime Minister. His Excellency summoned to the meeting of that Privy Council certain other members of the Privy Council, and they proceeded to make the appointments that are complained of. I ask the House if any government has ever been formed in this country, or could be formed, under any other circumstances? To begin with the sheet is clean. There has to be someone to commence with. There is no miraculous process by which a certain number of men are designated by some power we know nothing about to be ministers. Thus these men are brought together constitutionally and the Prime Minister, who was the one chosen by the crown, makes his choice of those who are to be ministers of the crown or acting ministers. That has been done in the present case as regularly as one could imagine any procedure could be carried out; and we have the authority of the law officers of the crown to the effect that the method followed is perfectly in order. Now one does not suppose for a moment that when the law officers of the crown were discussing this matter and were giving an opinion on it they overlooked section 11 of the statute, which says that in case of all commissions carrying emolument the commission must contain a provision that no emolument will be paid, to avoid disqualification? One cannot begin to think that the law officers of the crown overlooked the very next section to the one they were discussing. Neither can one admit that in saying that all the proceedings were regular those law officers overlooked a requisite which had not been complied with, namely the taking of an oath. There is no oath, even founded on custom, that an acting minister must take.

I want just for a moment to refer—because to my mind it is beyond debate that the procedure in the appointment of this ministry has been regular and correct—to the course of previous proceedings in this House. In September of last year the late Prime Minister inaugurated his election campaign; he complained at that time, in fact complained very bitterly, that he was not able to carry on a government, that he had been obliged to mark time, that the situation had become impossible, that he must go to the country in order to get some sort of endorsement that would enable him actually to carry on the government of this country. He did not come back here with a majority of this House, he did not come back endorsed by the people, he did not come back with the majority that he said was necessary—a majority of his own party—to enable him to carry on. It would be interesting to review his difficulties during the session, but I come at once to the events of the last few days. The late government found itself in an impossible position, and on Wednesday this is what the Prime Minister said with regard to it:

I came to the conclusion that to attempt to carry on public business with a condition such as we were witnessing towards the end of last week would be to bring the great and honourable institution of parliament more or less into disrepute; and having that view I was obliged to consider whether it was desirable to attempt any longer to carry on parliament. I went to His Excellency and said I was of opinion that I would not longer take the resposibility of carrying on as Prime Minister, believing that the best interests of the state were not being served by any government attempting to carry on under the circumstances, which now exist—

And so on. That was the position in which the Prime Minister found himself, and an even clearer statement was made by the ex-Minister of Agriculture, who said:

We ourselves have gone through six months of more or less excruciating agony, wondering at every moment what was going to happen next, and the only gratifying feature of that trial has been the knowledge that during that time, with the aid of our associates, we have been able to put a good deal of first class legislation on the statutes of Canada.

Further on the hon. gentleman said:

—and because of what we suffered, because of my own experience, I feel a certain amount of sympathy for hon. gentlemen opposite now that they are starting to sweat, so to speak. Just as we could not stand indefinitely the humiliation of being over there, neither can they. By the time they prorogue and get out of this House they will know what it is to occupy both benches.

That was the position in which hon. members of the government found themselves on Friday last when dissolution was determined upon. The government was not able to get dissolution, and later on I shall have something to say about that. It resigned and the present government came into office. On Tuesday the debate on the Customs resolution was resumed. The right hon. leader of the opposition has stated to this House that he could have avoided defeat on that resolution with reference to the Customs report. How he knows that is beyond me, because he suffered a slashing defeat at the close of that same day. He says he would have been able to carry on very well and get through the resolution under debate.

Mr. MACKENZIE KING: My hon. friend says this government suffered defeat on that day. Will he tell me what government motion was before the House that was defeated?

Mr. GEARY: The resolution containing the censure of the government.

Mr. MACKENZIE KING: No government resolution before the House was defeated. How can the hon. member say the government was defeated on any resolution? A government is not defeated on resolutions of private members.

Mr. GEARY: It may not have been technically a government motion, but it was a report of its own committee, and there were resolutions before the House which my hon. friends were opposing tooth and nail as a government, resolutions censuring the government and one of its members.

Mr. MACKENZIE KING: Does my hon. friend say that the first vote that took place under this present administration, that went counter to hon. gentlemen opposite, meant that they were defeated?

Mr. GEARY: No. This government secured the biggest majority of the House during this session.

Mr. MACKENZIE KING: In its history.

Mr. GEARY: We had a majority of twelve, or something of that sort, on a division, which shows that we retain the confidence of the House pretty well up to the present moment. However that may be, my right hon. friend says he knew he could have pulled through and weathered the storm. I disagree with him, and subsequent events show that he could not have done so. He saw himself face to face with disaster that could not be avoided, and that is the reason of his resignation. Up till Tuesday last there had been no word of any sort touching this question which is now said to be of more vital importance than any question which has come before this parliament for many years. On Wednesday did my hon. friends on the other side say that this ministry should not be in office, and that there was this great issue before the country? No they did not. They came with still another resolution purporting to be a tariff resolution. They asked this House to say that because of the tariff policy of this party, upon which, so far as I am concerned, I stand four square, it should not be permitted to continue in office. I tell them that that policy as enunciated in June, 1925, is still the policy of the Conservative party. It has been debated many times during this session of parliament. None of my friends of the Progressive party had any doubt as to where the Conservative party stood on that issue. It was nothing new to them, and still they were solemnly asked to censure this government by a vote on that question. However, the government was sustained in this House. The resolution my hon. friends submitted had no relevance whatever to the issue before the House and no relevance to the present situation; it was designed simply as a trick to draw votes against this government. That trick failed, and on Wednesday night we came

to the estimates, in order to pass them if possible. To the extent of many thousand dollars the estimates went through, and the first objection we heard was from the ex-Minister of Customs (Mr. Boivin). His objection was not at all as to the constitutionality of this government seeking to pass money estimates, but only a natural curiosity on his part to ascertain if, providing it got supply, it would spend the money. It was after the ex-Minister of Customs was satisfied with regard to that inquiry that for the first time—after the attempts by side wind before spoken of to procure a vote censuring this government—this matter of constitutionality was brought up, and brought up, as I venture to suggest, not from any bona fide desire to test the constitutional question but as a last resort, a sort of third wave of attack, the other two having entirely failed. We had a strange spectacle when these motions were put. My hon. friends opposite burst out at once against their former friends in the Progressive party. One could imagine their thoughts and one could hear words uttered bitterly, but faintly, very faintly, representing these thoughts. They lost no time, one ex-minister after another, one member after another, came out with reproaches against the Progressive members who voted against the resolution.

Mr. GARLAND (Bow River): The Progressive group has become so accustomed to that attitude on the part of both parties that it makes no impression upon them whatever.

Mr. GEARY: Rolls like water off a duck's back. I am not concerned with the effect on my hon. friends. I have no doubt they can take care of themselves. I am only alluding to the state of mind of hon. gentlemen opposite on finding they had been beaten. One would have thought no friendship was possible henceforth between them, but the funeral bak'd meats were scarcely cold before they were flirting once again.

We have heard a great deal about the dissolution that was asked for and not granted. My hon. friend made a very long speech last night, a very vehement speech, but not good enough, so far as I could see, to be repeated as he repeated it this afternoon. I say that those who read that speech may judge for themselves upon what the right hon. gentleman is basing all the arguments that he has to offer. The people of Canada will find there his attitude in regard to the refusal of his request for dissolution and to any future request.

Mr. MACKENZIE KING: Do I understand my hon. friend to say that we might expect an announcement in a few moments that the House will be dissolved?

Mr. GEARY: Not that I am aware of.

Sir HENRY DRAYTON: The wish is father to the thought.

Mr. MACKENZIE KING: Yes, I would like to see a dissolution.

Mr. GEARY: The right hon. gentleman has referred to that request for dissolution and has couched his thoughts in very careful language, but when he talks of what he hopes will soon come to pass, a request for dissolution, I shall quote his own language without putting an interpretation on it, leaving to those who read it to interpret it. What is moving the right hon. gentleman to use these words?:

> I will wait and see what His Excellency does before I judge of the motive which governed with respect to the non-acceptance of the advice which I tendered and which motive up to this moment I have never questioned.

He leaves it open himself to question not only what may be said on a future occasion, but of saying what he pleases about non-acceptance of the advice which he tendered. He goes on to say further:

> Until His Excellency has had that opportunity, and until I see what course His Excellency takes as a consequence of it, I for one do not intend to offer any criticism whatever of the constitutionality of the course taken up to the present time.

He is still withholding what right he may think he has to say whatever he chooses on some future occasion. It has been said—and I have no reason to doubt what my hon. friends have said—that for many years no dissolution asked for has been refused. That will go to show only one thing, namely, that in all likelihood no dissolution has been asked for under such circumstances as would make a refusal of it proper. That gets us no further on this particular request for dissolution, which, with all respect, I say was properly refused. Todd says:

> A valuable security against the improper exercise of this prerogative is that, before a dissolution can take place, it must be clearly approved of by the sovereign, after all the circumstances shall have been explained to him, and he shall have duly considered them. Upon such an occasion, "the sovereign ought by no means to be a passive instrument in the hands of his ministers; it is not merely his right, but his duty, to exercise his Judgment in the advice they may tender to him. And though by refusing to act upon that advice he incurs a serious responsibility, if they should in the end prove to be supported by public opinion, there is perhaps no case in which this responsibility may be more safely and more usefully incurred than when the ministers ask to be allowed to appeal to the people from a decision pronounced against them by the House of Commons".

Although technically there is said to be no decision as yet pronounced against the late government in the House of Commons, be that as it may, at all events Friday night showed plainly to the country at large that the government of the day had lost the confidence of the House when the Customs report came out. It had lost, too, what remained to it of the confidence of the people.

Mr. MACKENZIE KING: Just in connection with what my hon. friend is saying, does he not anticipate that unless a vote comes before dissolution is announced to-night, the present ministry will go out of office through a defeat?

Mr. GEARY: I am not a prophet.

Mr. MACKENZIE KING: Perhaps my hon. friend could tell us whether we are going to get the announcement of dissolution at midnight?

Mr. GEARY: I suppose the right hon. gentleman wants to hear himself say that. That is the only reason he is asking me about it. Todd also says:

No minister of the crown should advise a dissolution of parliament unless he has a reasonable prospect of securing thereby a majority of members in the new House of Commons, who will "honestly and cordially concur with him in great political principles".

I ask you, Mr. Speaker, and members of this House, if the late Prime Minister could have thought he had any reasonable prospect, if he had faced the country on that Customs report, of getting a majority of members in this House to support him? What are we asked to do to-night on this matter which has now arisen? We are asked to say that there should be recalled to the treasury benches a government which just two days ago suffered the deliberate censure of this House and made its exit from office in disgrace. That will be found upon the records of this House. It is clear to every hon. member that this House has without any equivocation set the stamp of disapproval upon the carrying on of the business of this country by the late government.

12 m.

The hon. member for Bow River pointed to a section of the statute, and I may compliment him upon his interpretation of it, with which I have no fault to find. Section 13 states:

Whenever any person holding the office of President of the Privy Council, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Railways and Canals, Minister of Public Works, Postmaster General, Minister of Agriculture, Minister of Inland Revenue, Minister of Customs, Minister of Marine and Fisheries, Minister of Trade and Commerce or Solicitor General, or any office which is hereafter created, entitling him to be a minister of the crown, and being at the same time a member of the House of Commons, resigns his office, and, within one month after his resignation, accepts any of the said offices, he shall not thereby vacate his seat, unless the administration of which he was a member has resigned and a new administration has been formed, and has occupied the said offices.

He may be sound in his interpretation of the law; but is there nothing to influence the mind of anyone to whom advice is given but the strict letter of some statute? Must he not consider the equities, and is it at all likely that when advice is given in a matter of this sort, equities will be left unconsidered and that the strict letter of the law will govern? Speaking of the general judgment of reasonable wayfaring men, can one conceive of these men saying that a short two days after a government is censured as the late government was censured, they could come back and occupy the treasury benches of this parliament as though such censure had never occurred? I think it is proper to say that this is the third device that has been tried in two days to prevent this government from functioning. The hon. member for Bow River has imagined the advice that was given by the Prime Minister. I know nothing about it whatever.

Mr. GARLAND (Bow River): May I suggest to the hon. member that the most sincere indication his party could have shown of a desire to govern would have been to solicit co-operation with those on whose support they must depend for government? They took no action in that regard.

Mr. GEARY: I do not know about that; but I know that when we were at an impasse, so to speak, the then leader of the opposition did ask across the floor of the House for some opportunity of discussion so that we could work out the business of this session, and he was curtly refused.

Mr. GARLAND (Bow River): Would the hon. member be kind enough to quote the reference? I would like very much to see it.

Mr. GEARY: I have not the reference at hand. What was the advice the hon. member for Bow River imagined was given by the Prime Minister? He imagined his going to the proper place and saying: I have a government that can carry on. If he said that, if that was the course the right hon. gentleman took, it certainly has been justified by events that have happened since then. The government has been able to carry on; the government wants simply to pass supply, close up the session's business and let some-

thing remain on the statute books as a result of this session. What is asked is not an indefinite running on of this government formed in unusual circumstances. It is simply to close supply and finish the legislation which only awaits the last touch.

Mr. PARENT: It must be done legally.

Mr. GEARY: No one has seriously raised the question of legality. The thing is perfectly legal. As I understand it, the question in dispute is the constitutionality of advice given to the Governor General.

Mr. PARENT: There is no difference between legality and constitutionality.

Mr. GARLAND (Bow River): I have now the quotation to which reference has been made, and it verifies absolutely every remark I made. It reads:

> The only statement I wish to make is this. I think on the question of the completion of the session there should be a conference between the Prime Minister and myself, in which conference I am prepared to engage.

Not a word there about co-operation; it is a conference between the then Prime Minister and the right hon. gentleman now acting as Prime Minister. What has that to do with the situation?

Mr. HOCKEN: What would be the purpose of a conference?

Mr. GARLAND (Bow River): Why not confer with the force which is really of use to the right hon. gentleman?

Mr. HOCKEN: In my judgment, the leader of the opposition (Mr. Mackenzie King) owed a duty to the country to close the session in an orderly manner.

Mr. GEARY: A conference is not sought for the purpose of arranging a fight. One does not confer for that sort of thing. The object is to come to some understanding, and what does an understanding imply if not co-operation? It does not occur to me that we get very far by splitting hairs on the meaning of words.

Mr. LAPOINTE: In what capacity did the then leader of the opposition ask for a conference? He had not been summoned to form a cabinet at that time.

Mr. GEARY: I do not care whether or not he had any capacity at that moment, but there was an opening that would lead to a conference between two positions which were sure to be established in the next few hours, as events very soon proved.

[Mr. Geary.]

Mr. LAPOINTE: He had been so nice to us all along that he wanted us to facilitate matters even before he was summoned.

Mr. GEARY: One may take a narrow view of the question.

Mr. LAPOINTE: Yes, we know where the broadminded people are.

Mr. GEARY: At all events the ex-Minister of Justice (Mr. Lapointe) will not say now that the next day, when the Right Hon. Arthur Meighen was summoned to be Prime Minister, the present leader of the opposition (Mr. Mackenzie King) was prepared to enter into a conference.

Mr. LAPOINTE: I hope not

Mr. DOUCET: We knew that.

Mr. LAPOINTE: That is my sincere word.

Mr. GEARY: Since the late government resigned a number of attempts have been made in succession to divert attention from the blasting effect of the Customs inquiry. Hon. gentlemen opposite have endeavoured to secure a majority by some trick or subterfuge in order to get past that vote of censure, and now they are trying to have the House adopt a motion, the effect of which would be to whitewash them and put them back on the benches from which they have been driven.

The ex-Minister of Justice on one occasion, describing something that had occurred on the other side of the House when we sat there, said that it was not cricket. May I ask whether the late actions of hon. gentlemen opposite are cricket? They were given "out", and ever since have been grousing against the umpire's decision. I submit that the interests of the country demand that the government be given every opportunity to do what doubtless was implied in the advice tendered His Excellency, namely, to close out the estimates so that the business of the session may be brought to a conclusion. We have the formal declaration of the Prime Minister that the offices of ministers will be definitely filled, that the necessary elections will be held, and that every other procedure which may be required will be taken. It is not as though the government were attempting to carry on for any length of time with the present ministry, which is temporary. The object is merely to close the work of the session so that the labours of these past six months shall not have been futile.

Mr. C. H. CAHAN (St. Lawrence-St. George): I had intended to consider in some detail the sections of Chapter 10 of the Re-

vised Statutes of Canada to which the hon, member for Quebec East (Mr. Lapointe) referred this afternoon in opening this prolonged discussion. There can, I think, be no doubt whatever of the accuracy and the validity of the interpretation which the hon. member for South Toronto (Mr. Geary) has given to the sections of that act which have been under consideration. The ex-Minister of Justice, whom I hope to see some day again prominently in the public life of this country—

Mr. LAPOINTE: Thank you.

Mr. CAHAN: —failed to refer to section 15 of chapter 10, which has a very important bearing on the discussion. Construe the provisions of section 10, as you will, I can conceive of no other interpretation being possible than that which the hon. member for South Toronto has just now placed upon it. Nevertheless the only penalty provided in the act is contained in section 15, wherein it is enacted that upon a member of this House becoming disqualified, by reason of the acceptance of any of the offices for which any emolument or salary shall be paid, shall vacate his seat. If certain gentlemen have really vacated their seats by accepting offices to which emoluments attach, and for services in connection with which they shall be paid out of the treasury of Canada, then the only way, according to the rules recently laid down by the opposite party in this House, by which their seats may be vacated is by an appeal to the courts of the country, which have full jurisdiction to take evidence and declare as to whether or not any of these members have accepted an office, to which emoluments are attached, which come within the provisions and prohibitions of section 15 of this statute.

Mr. CANNON: Will my hon. friend allow me one question? Does he consider the point he is now making an answer to our contention that a minister must vacate his seat the moment he becomes a minister? This is not a controverted election; he is disqualified because he is a minister receiving salary.

Mr. CAHAN: I am dealing with the very section which says that a member who accepted any emolument thereby becomes incapable of being elected to, or of sitting or of voting in the House of Commons. I say to hon. gentlemen that if they are attacking the seats of the hon. gentlemen referred to in this resolution, they may do so by bringing before the House, on a question of privilege, the issue as to whether these gentlemen are incapable of holding seats in the House of Commons. They are presenting to this House a legal issue similar to that which was brought into the House recently as to whether the hon. member for Peace River (Mr. Kennedy) was entitled to sit as a member of this House. A proceeding dealing with the issue as to whether any member mentioned in this resolution has vacated his seat, by reason of the acceptance of some office to which an emolument or salary or profit is attached, is a legal issue which the courts of this country are quite competent to try. If the arguments advanced by my hon. friends the other day, which arguments obtained the support of a majority of this House, are to prevail in a case such as this, then why not take proceedings in the courts, or why not bring the issue fairly and squarely before this House by moving a resolution to the effect that a writ should now be issued for by-elections in these constituencies?

Mr. MACKENZIE KING: Does my hon. friend think a writ of quo warranto should be issued against each member of the administration to find by what authority he holds office and does he think that we should wait until the courts decide that question before the temporary government becomes permanent?

Mr. CAHAN: You must do that if you accept the doctrines laid down and accepted by a majority of this House during the present session. That is one alternative, but the other is this: If they have vacated their seats, why not bring the issue fairly and squarely before the House on a resolution declaring that writs should be issued?

Mr. MACKENZIE KING: The resolution now before the House brings the whole matter squarely before us.

Mr. CAHAN: I doubt it. I will discuss the resolution before the House in a moment, but I am now raising the preliminary point that the question may be tested in the courts as to whether these hon. gentlemen have vacated their seats. It may be tested in this House under a special resolution directed to that purpose, in respect to which the House, through the committee on Privileges and Elections, must take the necessary evidence which would enable the House to decide as to whether there are emoluments attached to, and received or receivable by them, in connection with the offices they are presumed to administer temporarily.

Mr. MACKENZIE KING: May I ask another question?

Mr. CAHAN: Just a moment; I am going to deal with the resolution itself.

Mr. MACKENZIE KING: I just wanted to relieve my hon. friend's anxiety by saying that if we did not soon get a dissolution in the regular way we might have to begin legal proceedings to get hon. gentlemen out.

Mr. CAHAN: I think possibly that will be the only alternative left to the hon. gentleman. The issue raised in this resolution is not primarily as to whether the hon. gentlemen have vacated their seats; the resolution says that the actions in this House of the hon. members who have acted as ministers of the crown are questioned. The brunt of this attack is against the actions in this House of the hon. gentlemen who have acted as ministers since June 29, 1926, and the resolution names them. By reason of what actions in this House are the hon. gentlemen attacked?

Mr. MACKENZIE KING: May I say to my hon. friend—

Mr. CAHAN: I am not asking my hon. friend, because the resolution should state them, and it should not be left to the conjecture of any member of the House or to some hypothetical suggestions of the right hon. leader of the opposition as to what those actions are. The actions in this House of the hon. gentlemen who have acted as ministers since June 29, 1926, are attacked in this resolution.

Mr. MACKENZIE KING: My hon. friend referred to me just now as to their actions. I would say that the hon. gentlemen opposite who compose the ministry either have been acting or they have not been acting. If they have been doing nothing they should not be here; if they have been doing anything they are doing it illegally.

Mr. CAHAN: The right hon. leader of the opposition has repeated that some fifteen times, I think.

Mr. MACKENZIE KING: My hon. friend does not seem to have grasped it.

Mr. CAHAN: Simply because the position stated is so utterly absurd that it is almost inconceivable that any hon. gentleman should have ever made the suggestion.

Mr. MACKENZIE KING: I admit the position is most absurd—

Mr. CAHAN: I ask for the floor in this case; if the right hon. gentleman has any questions I will try to answer them, but I am not going to enter into a personal discussion across the floor of the House at the moment. These actions which are impugned are alleged to be a violation, an infringement, of the privileges of this House. What are the actions which are infringements of the privileges of the House? They are not stated in this resolution at all, but it is alleged that actions which are not stated, which are not expressed, which are not explained, are an infringement of the privileges of this House for certain reasons. First, that the said hon. gentlemen have no right to sit in this House and should have vacated their seats therein if they legally hold office as administrators of the various departments assigned to them by order in council. It has never been suggested that these gentlemen hold any offices; the orders in council, which were passed by a committee of the Privy Council, did not appoint any of them to any office. It is clear from the statements made to parliament that they have never been offered any office, and it is perfectly clear that they have never accepted any office. It is therefore perfectly clear that they are not now holding any office under the crown, except that the Prime Minister of the country occupies the offices of Prime Minister and of President of the Privy Council. You can go through the authorities and find score after score of cases where members of the British House of Commons have been offered or tendered offices in the government, and even the signification by such members that they would accept those offices was not sufficient to vacate their seats in the House. In order that the seat of a member of the House of Commons, who has been offered or tendered an office under the crown to which emoluments or salary attach, may be vacated, it is not only necessary that he should have been tendered the office, it is not only necessary that it should have been accepted by him, but it is necessary that there should have been an actual appointment to that office as well as the taking of the oath of office for its due administration by the person so appointed. Nothing of the kind has taken place with regard to the hon. gentlemen mentioned in this resolution, and in view of the facts which have been adduced, and which are admitted, concerning which no member of the House can have any doubt, it is perfectly clear that the first reason given in this resolution does not apply to any of the hon. gentlemen therein named. The first reason is:

1. That the said hon. gentlemen have no right to sit in this House, and should have vacated their seats therein, if they legally hold office as administrators of the various departments assigned to them by orders in council.

Now everyone admits that they do not come under that heading. If they did, it would not be for them to vacate their seats, for if they did come under that heading their seats would become vacated by virtue of the statute. So that part of the resolution does not apply.

The second reason which is urged why the actions in this House of these hon. members are a violation and an infringement of the privileges of the House is:

2. That if they do not hold such offices legally they have no right to control the business of government in this House and to ask for supply for the departments of which they state they are acting ministers.

Mr. DUNNING: Hear, hear.

Mr. CAHAN: The hon. gentleman says, "hear, hear." But what does it mean to say they have no right to control the business of this House? Who controls the business of this House? This House controls its own business. This House is in supreme control. The members of this House control the business of this House under the direction of His Honour the Speaker. Even when the right hon. the Prime Minister in former days was sitting in the House, he did not control the business of this House. If he wished to make a motion that a certain order of business should be proceeded with, he made it, and the House could adopt or reject the motion as it saw fit. This House has control, under the direction of the Speaker, of its own business. Therefore hon. gentlemen who sit in the seats to my left, and who have been designated as acting for and on behalf of the Prime Minister, selected by him in order to temporarily supervise, during this interregnum, the various departments of the government of which he is Prime Minister—they do not control the business of government in this House.

Let us see what is the other reason. I quote again:

2. That if they do not hold such offices legally—

We admit they do not hold the offices at all, and therefore it is immaterial whether they hold them legally or illegally. They do not hold them at all. But this part of the resolution says:

That if they do not hold such offices legally they have no right to control the business of government in this House.

They do not undertake the control of business in this House. This House controls its own business under the direction of the Speaker and in accordance with the practice and rules of parliament. It proceeds:

They have no right to ask for supply for the departments of which they state they are acting ministers.

When did they ask for supply?

Mr. DUNNING: Yesterday.

Mr. CAHAN: Never. No minister ever asks for supply. His Excellency the Governor General comes to this House with an Address and asks for supply for his government, and, in the ordinary course, any member of this House, when once he has the authority of His Excellency the Governor General to submit the Address from His Excellency dealing with supply, if he has that authority, as a member of a committee of the Privy Council, whether he holds any ministerial office or not, has the right to rise in this House and make the ordinary motion for going into committee of Supply, and when in committee of Supply, to move for the passing of the various items submitted by His Excellency. I have always had the highest opinion of the former Minister of Justice (Mr. Lapointe), and I will venture my reputation that he never drafted a resolution such as that, which it is inconceivable that any member having an intelligent appreciation of the powers of this House and of the action of His Excellency the Governor General in addressing this House for supply, could ever have drafted and submitted to the House.

If I might be allowed to diverge for one moment, Mr. Speaker, to consider the case of privilege which was stated to this House this afternoon, in the discussion of which Your Honour allowed very, very wide departures, if I may say so, from the single definite issue placed before the House in the statement of privilege which was first made, a whole mountain of constitutional controversies was erected in that connection, and now we find that this mountain has laboured and given birth to this ridiculous little mouse which we find in this resolution, the whole tendency of which is to present to the House, by a circuitous way, a motion of want of confidence in the existing government.

Mr. DUNNING: But you say the government does not exist.

Mr. CAHAN: The government exists as long as there is a Prime Minister in this country who is sworn into office and has the right to select the other members of his ministry, and, under our practice, he is given reasonable time to do so. When the government of the right hon. leader of the opposition came into office he was allowed a reasonable time of several weeks in which to form his ministry. How did he form it? What is the basis for the extraordinary criticism made here with respect to a meeting of the com-

mittee of the Privy Council at which certain orders in council were passed? When the right hon. leader of the opposition was selected to form an administration he himself undoubtedly was first sworn into office as Prime Minister, and possibly as the holder of the office of President of the Privy Council. Then he summoned other members of the Privy Council; he could summon any members he might see fit, who were present in Canada. He had the constitutional right to summon them as a committee of the Privy Council, empowered to act further, and he did so. And when the right hon. gentleman sneers at the present Prime Minister for making appointments by orders in council, the latter is following exactly the same practice as the right hon. leader of the opposition followed when he first constituted his own cabinet; and the same practice has been followed in the constitution of each and every government since 1867.

But, Mr. Speaker, I should like to call attention just to one other phase of the question. I listened, as we all listened, with admiration to the address of the hon. member for Bow River (Mr. Garland)—I think it was one of the most eloquent and, on the whole, most impressive addresses that we have heard during this session of parliament. I do not agree with all the hon. gentleman's interpretations as to the law, and I think he overemphasized certain interpretations which he gave to existing constitutional practice. The leader of the opposition stated his position very fully last evening. He says that he visited His Excellency the Governor General on Saturday and discussed with him the question of a dissolution of parliament; that he approached His Excellency on Monday about noon, in accordance with a previous appointment, and he then again discussed the question of dissolution; and that His Excellency declined to follow his advice and to grant a dissolution of parliament.

Mr. MACKENZIE KING: In order that the record may be complete I should say that I also had an interview with His Excellency on Sunday. I did not say anything about that previously.

Mr. CAHAN: We will take it that the right hon. gentleman had interviews with His Excellency on Saturday, on Sunday and on Monday. It was the bounden duty of the leader of the opposition, as the then Prime Minister, to have informed His Excellency with respect to recent proceedings in this House, and recent proceedings in the special committee investigating the Department of Customs and Excise. We know therefore that, if the Prime Minister of that day performed his duty, His Excellency was well informed as to the report of the Customs committee, as to the Stevens amendment moved to that report, as to the fact that that amendment was a reflection, and a serious reflection, upon the administration under the direction and control of the then Prime Minister, who now leads the opposition. His Excellency must have been informed also of the three votes in this House—possibly they were not direct votes of want of confidence, dealing with them in a strictly technical sense—and His Excellency must have been in a position to know that a dissolution of the House, on the advice of the then Prime Minister, would render it impossible for the House, in the exercise of its constitutional functions, to pass the amendment introduced by Mr. Stevens, as amended by one subamendment at least which reflected very severely upon the administration of the government of the day. Now I ask the leader of the opposition to search the records—and he will search them in vain in recent years—to find a case in the British parliament, or a case in any of the dominion or colonial parliaments, if you distinguish between them, in which a prime minister was allowed a dissolution which would have the effect of preventing a legislature then in session from passing a resolution then actually before it, reflecting upon and discrediting the administration of the day.

Mr. MACKENZIE KING: What will my hon. friend have to say if we get a dissolution before the present resolution is voted upon?

Mr. CAHAN: That the present resolution is perfectly ridiculous. I say, and I do not think the right hon. gentleman will deny it, that if the resolution dealing with the Customs report then before the House had been passed when on Saturday, Sunday and Monday the Prime Minister advised dissolution, it would have reflected very seriously upon his administration and have rendered it impossible for the right hon. gentleman to continue any longer in office.

Mr. MACKENZIE KING: Just to show how mistaken my hon. friend is, I really and honestly believe that if I had not resigned because my advice for the dissolution of parliament was not accepted, the criticism that has been levelled against the department would not have been passed at all.

Mr. CAHAN: Oh, well!

Mr. MACKENZIE KING: I am pretty sure it would not have been.

Mr. CAHAN: I do not want to enter into a discussion with the hon. gentleman. But I give him credit for being the most optimistic man I ever came into contact with in public life, and the genial optimism he displays even to-night in the suggestion, that he may come back as Prime Minister by a double shuffle within a week or two, surpasses the reasonable and intelligent anticipations of others who are not equally as sanguine as himself. But coming down now to the question, the right hon. leader of the opposition last evening stated:

> In being declined the right of dissolution I believe I was declined that right because His Excellency had the honest belief that some other member of this House could be found who as Prime Minister could carry on the business of government in this country in the way it should be carried on, befitting the dignity and honour of parliament, and which would therefore avoid the necessity of a general election.

There the right hon. member frankly admits that under the constitutional practice His Excellency the Governor General in the selection of an hon. member of this House, who could carry on the business of the government of this country and avoid the necessity of a dissolution and general election, would be acting within the constitutional practice; and, if the hon. member so selected were able to do so, he would entirely vindicate his selection by His Excellency the Governor General. The present leader of the opposition further says:

> I believe that His Excellency the Governor General sincerely believed that the present Prime Minister would be able to carry on the government of this country in a manner befitting and in accordance with British traditions, in a manner which would accord with the recognized principles of responsible government; and believing that, His Excellency undoubtedly asked the present Prime Minister whether he was prepared to assume office on those conditions. Now if the right hon. gentleman can demonstrate to the country, if he has demonstrated to this House and this parliament, that he is able to do that, after what we have seen and are witnessing in this so-called ministry presented to us to-night, then I say that His Excellency's judgment in the matter has been sound and right, and there is no criticism to offer.

That is the statement he made last night, clearly and distinctly to this House and to the public of Canada. That was before some member on the other side, I do not know who, had had a night to cogitate upon the matter, and to concoct this singularly ludicrous resolution which has been presented here to-night by way of a vote of want of confidence in the existing government; but that the constitutional practice thus stated by the right hon. leader of the opposition last evening is the constitutional practice in this country cannot I think be doubted. For instance, in this late work of Keith's, the edition of April 19, 1924, to which the hon. member for Bow River (Mr. Garland) referred this afternoon, I find in the introduction, which undoubtedly is somewhat later than the writing of the text, he deals with the fact that in England there are now three recognized parties; and the fact that three parties exist and that at any time no one of those parties may have a complete majority in the House will tend to evolve possibly, and probably, a new constitutional practice. He says in dealing with this question:

> The constitutional issue, therefore, has again been raised as to the position of the crown in regard to the dissolution of parliament. It has been suggested that the practice in the dominions—

Mind you, this is written in April, 1924.

> —which empowers the representative of the crown to decline to grant a dissolution to a premier, provided that he is able to find a politician willing to carry on the government and to accept responsibility for the refusal, should be regarded as applicable to Great Britain.

There it is made clear that the practice, which in 1924 prevailed in the dominions of the empire, was to the effect that, provided His Excellency the Governor General was able to find a member of parliament willing to carry on the government and to accept responsibility for the refusal to dissolve parliament, His Excellency would be acting in accordance with recognized constitutional practice in calling upon such member to form a new ministry rather than to dissolve the House on the advice of the preceding prime minister. He says in effect: That now, in view of the fact that there are three parties in Great Britain, the question is mooted whether that same practice, which prevailed in 1924 in the dominions of the empire, should not now be accepted as also applicable to Great Britain, and as in the interests of the people of Great Britain. He further states:

> The question presents considerable difficulty when treated in the abstract. It is, for instance, obvious that the crown could not constitutionally grant a prime minister, who had obtained one dissolution and had been defeated, a second dissolution of parliament if any other means of carrying on the government could be found.

That is stated by Mr. Keith to be the present constitutional practice in Great Britain, and how does it apply to the present conditions in Canada? In September, 1925, the then prime minister of the country, the present leader of the opposition, approached

the Governor General and asked for a dissolution. We have on record what purports to be a complete statement of the grounds which he presented to His Excellency the Governor General in asking for that dissolution. Certain issues were raised which he declared to His Excellency should be placed before the people of this country for a decision, and it was still further stated that for him to carry on the government of the country it was necessary to increase the number of his supporters in this House of Commons so that he would have a majority over both parties in opposition in this House. The result of that election is well known. The right hon. gentleman came back with a minority, with a very substantial reduction in the number of members who supported him in this House, and the two parties which had opposed him in that general election were together in a very considerable majority. What happened then? The Prime Minister of that day, although it was admitted that he had not secured popular support either of the electors or of the members elected by the voters of Canada, approached His Excellency the Governor General and asked that parliament might be summoned in order that the issue, as to whether the majority of parliament would support him for the time being, might be placed before parliament. His Excellency the Governor General granted that request and parliament was convened.

Then came another issue. We now know and it is clear that the usual constitutional practice was to summon parliament; when parliament convened, to have it elect a Speaker, and to place before parliament the issue as to whether the Prime Minister and his government had the confidence of parliament at that time, before any speech from the Throne could be brought down. Still, when the request was made to His Excellency the Governor General, he, to a slight extent, departed from the recognized constitutional practice in order to show to the existing Prime Minister every consideration and assistance possible in the administration of the government of this country.

We then had a speech from the throne brought down which contained little or no reference whatever to any issue placed before the people of this country in the preceding general elections, a speech which contained captivating references to proposed legislation which was likely to receive the favourable consideration of one of the groups in this House. The leader of the opposition, then Prime Minister, prior to that point, so far as we can see from the outside, certainly had received as favourable and as considerate treatment as it was possible for the crown to give to a Prime Minister who held the complete confidence of the crown. But then this matter of the administration of the Department of Customs came up; charges were made in this House and referred to the special committee, and that committee of nine members, four of whom were supporters in this House of hon. gentlemen opposite, brought in, through the chairman of that committee, also a supporter of the Prime Minister, a report, adopted unanimously, containing serious reflections upon the government which had been administering the customs laws of this country. Even if that report had passed, of itself it contained such severe reflections that no Prime Minister having a proper regard for the dignity of his office and his personal self-respect would have continued to hold office after that report had been adopted. Amendments were proposed to that report reflecting more seriously upon the administration of the government, and the temper of the House was indicated by three votes, none of which technically may have been a direct vote of want of confidence in the government, but each and every one of which reflected the studied and considered judgment of this House, to the effect that this House was prepared to approve and to pass the amendment which reflected so seriously upon the government.

Those facts being known to His Excellency, the Prime Minister of that day, the present leader of the opposition, according to his own statement, approached His Excellency and asked for a dissolution, at a time when a resolution of censure was before the House, when it was perfectly clear that that resolution of censure would be adopted although opposed by hon. gentlemen who composed the ministry. There was then a discretion in His Excellency the Governor General, as stated by all the authorities, as there would have been a discretion in the crown of England, to refuse to grant that dissolution at that time and under those conditions, until the right hon. gentleman and his government had submitted themselves to the judgment of this high court of parliament to which they had appealed.

Talk about a storm arising in this country over the action of His Excellency! If there ever should be a governor general holding that high office, who should become such a partisan of any party as to grant dissolution to a prime minister in order to enable him

to escape from the censure of the parliament then sitting, you would have a storm from the Atlantic to the Pacific that would rock the very foundations of constitutional government in this country. But here we have His Excellency refusing to act on the advice of the Prime Minister; refusing to grant a dissolution and, following the constitutional practice laid down by the leader of the opposition himself, in the effort to ascertain if there is some member of parliament who was prepared to accept the duty of forming a new administration, His Excellency called upon the then leader of the opposition. the Right Hon. Mr. Meighen. The office of Prime Minister is now filled. It is now quite open to the present leader of the opposition (Mr. Mackenzie King) to bring before this House any motion of want of confidence that he deems fit.

We still have, despite all the right hon. gentleman may say to the contrary, responsible self-government in this country, on exactly the same basis as responsible self-government exists in England, with regard to all matters which are within the legislative jurisdiction of this parliament, or within the administrative jurisdiction of the government of this country. If hon. gentlemen opposite think that this government now existing is not worthy of the confidence of this House, let them take the manly and courageous way, bring in a direct resolution of want of confidence and test the House. Let them not be content with this flimsy production, which does discredit to an ordinary, illiterate schoolboy, dealing with the actions in this House of certain members who admittedly have conducted themselves with most perfect decorum.

1 a.m.

Mr. MACKENZIE KING: If the House were to pass that flimsy, contemptible resolution, would it not be a horrible vote of want of confidence in the government?

Mr. CAHAN: It might possibly be considered a vote of want of confidence, but why has not the hon. gentleman the frankness and the courage to come forward with a direct motion having that object in view, instead of a resolution which may with difficulty be distorted in some way into a motion of want of confidence?

Mr. MACKENZIE KING: The hon. gentleman wants to know why we have moved this—what does he call it?—flimsy, contemptible—

Mr. CAHAN: I did not say contemptible. That would have been unparliamentary and I should have been called to order.

Mr. MACKENZIE KING: At any rate something awful.

Mr. CAHAN: Yes, more than that, something ridiculous and discreditable.

Mr. MACKENZIE KING: Of course it is all that because it gives the reason why the opposition have no confidence in the government. But surely we cannot help it if a ridiculous situation exists opposite.

Mr. CAHAN: All I have to say is that both reasons indicated in the motion are absolutely false and without foundation, and the motion could have been brought before the House only for the purpose—well, I had better not finish the sentence.

Mr. MACKENZIE KING: One or other of the reasons must be true.

Mr. CAHAN: Not necessarily. I have cross-examined witnesses too many times not to be able to frame a question to which no answer could be given that might not tend to convict the accused. I see my hon. friend, the ex-Solicitor General (Mr. Cannon) sitting beside the leader of the opposition (Mr. Mackenzie King) and as I know he is an adept at framing such questions, I rather suspect that he may have drafted this resolution.

Mr. CANNON: If this motion is of so little importance why speak so long?

Mr. CAHAN: I am trying to do justice to the inordinately long speech which the leader of the opposition made last night and which he has continued to-day. I have so much respect for the right hon. gentleman that really I could not with propriety reply in less than an hour.

Mr. CANNON: We are enjoying it.

Mr. CAHAN: It is suggested by one bright mind—it may have been the hon. member for Bow River (Mr. Garland)—that possibly we may have a repetition of the double shuffle such as we had in 1858, when a government went out and came in again, and its members resumed their former offices. May I point out to the leader of the opposition, however, that, even if the double shuffle should now occur again, there is one member of the opposition who would not come in to office, and that is himself, for the simple reason that for a considerable number of years now in this country the office of Prime Minister has carried an emolument and the moment the hon. gentleman, no matter what

might happen to his ministers, took the oath of office, he at least would have to vacate his seat in the House. A good deal would also depend upon whether the Prime Minister recently resigned for himself and his ministers as well, or whether his ministers put in their individual resignations. Undoubtedly under the statute as it exists to-day, a minister who tenders his individual resignation may within thirty days be appointed to and fill another ministerial office without a by-election. But the leader of the opposition, even if this resolution passes and the present government resigns, will not be in a position to attend sessions of the House and conduct the administration.

This resolution does not ask that writs be issued to fill vacancies; it does not ask that an address be passed in this House reflecting on the conduct of His Excellency the Governor General, which has formed the whole body of hon. gentlemen's criticism. It is a resolution which I have described in apt terms as so ridiculous that it would not do credit to the skill of an ordinary schoolboy, and it does not contain a single statement of fact which can be relied upon. In other words it is an imposition on the intelligence of the House.

Mr. W. F. MACLEAN (South York): I would not take part in this debate but for the fact that the hon. member for Bow River (Mr. Garland) referred to my views regarding the future of Canada and the status which she should hold in the British Empire. I believe that a great federation of British parliamentary commonwealths, a federation greater than the United States of America, is in process of formation now and within that federation every unit will have absolute independence in the conduct of its own affairs. That has always been my belief. The chief feature of such a federation will be in my opinion an absolute equality as between one commonwealth and another in self-government.

I was impressed with what the hon. member for Bow River said, as well as with the remarks of the ex-Prime Minister (Mr. Mackenzie King), to the effect that any parliamentary principle that obtains in the Mother Country should be respected in any of the dominions. If the Prime Minister has the right in the Mother Country to advise the sovereign, with the assurance that his advice will be accepted, the same right should obtain in this country. And I believe that will be the view of the Prime Minister now in office (Mr. Meighen). What is good enough for the Old Country should be good enough for Canada and Australia and all the other commonwealths of the empire. Unless we have absolute self-government here at home we shall not be able to compete with the great republic to the south of us.

Some hon. MEMBERS: Hear, hear!

Mr. MACLEAN (York): Hon. gentlemen applaud that statement. Well, the Conservative party has always held that position. It was the view held by Sir Robert Borden and I am sure the present Prime Minister will hold it. Now we must take a step forward and, as I say, if we have not complete home government we shall be unable to compete with our neighbour. Canada must be put on an equality with every other country on this continent in the matter of government, and nothing will help to bring this about so much as the co-operation of the Mother Country.

I cannot support the motion before the House; it is more or less a subterfuge. It is a subterfuge in view of the recent finding of a committee of this House in regard to the Customs scandals; that is a finding of the House and a finding of the country, and the people want an opportunity of expressing themselves in regard to it. I have been in this House perhaps longer than any other member; I hope the new Prime Minister will back me up when I say we should have dissolution right away and that this question should be submitted to the people. While I am saying that on my own account I believe it is what the people ask for. The Globe, the leading Liberal paper of Ontario came out three or four weeks ago demanding dissolution; the Montreal Gazette, expressing Conservative opinion, came out this very week with a similar demand, while the Winnipeg Free Press, which represents the western Progressive element, calls for the same thing. I hope the Prime Minister will find a way to go to the country on this question in order to clean up affairs in Canada. The present situation is most unsatisfactory; we can no longer bear the bad name which we have acquired. We must try to clean up the situation and to my mind the only way it can be done, and the way which will be insisted upon, is an appeal to the highest court of Canada, the men and women who constitute our electorate. They are the people to clean it up; they are ready to do so, and I am sure the public opinion now forming will be effective, possibly under the leadership of the new Prime Minister, in having this matter cleaned right up. I am sure that opinion will be supported by members on both sides of the House, because there are men patriotic enough, men who have studied the constitu-

tion enough to believe that they should take their part in cleaning up our public affairs. We want better administration; we want cleaner administration; we want to get away from distillery rule in this country, and we want to get away from the rule of great interests or anything of that kind. We must have a number of reforms, and the reform which I have advocated from my first day in this House is that great principle of public ownership. To-day the people of Canada have the greatest railway in the world.

Some hon. MEMBERS: Oh, oh.

Mr. SPEAKER: Order.

Mr. MACLEAN (York): Hon. members opposite are applauding me now. This great railway is in jeopardy to-day, yet it is succeeding as no other railway ever succeeded before. The west is asking for lower freight rates; the industries of this country are asking for lower freight rates, and the way to make our country great is to consolidate our railways into one, re-route them to get a greatly improved service, and have lower freight rates by land, rail, sea and air. It is not a question of railways alone; it is a question of transportation, and the people in power in this country must deal with this question in all its phases.

That is the main thing I have to say to-night; I am quite willing to do anything I can to assist the new Prime Minister in appealing to the country, and I am sure some hon. gentlemen opposite will help also. I would not be surprised if the ex-Minister of Finance (Mr. Robb) would help, and perhaps the ex-Minister of Justice (Mr. Lapointe) would do something also.

I am not going into the merits of the whole question, but a way must be found to clean up this situation. We have been saying that parliament is supreme; I say the men and women voters of Canada are supreme in this country, and they want an opportunity of deciding the issue now before us. I have not taken much time in saying this, but I hope it will produce some response, because the country is looking for some gesture towards the clean-up of affairs which have existed in this country. Much as I admire the speech the leader of the opposition made last night, he is out of the running for the present; he has to take care of the scandals and revelations which have come out. We must have integrity in our public men; if we have it there we will have it in our whole public service, and that is the great requirement of our country to-day. I appeal to you, Mr. Speaker, and to this House to join hands in cleaning up conditions, in getting better and cleaner government and in making Canada what it is on the eve of becoming, namely, the greatest example of free parliamentary government in the world. This country has the richest resources of any country in the world; consider our agriculture, our mines and our industries, and most of all consider the desire of our people to work out their own destiny.

Mr. J. L. STANSELL (Norfolk-Elgin): I do not profess to be a lawyer, to understand constitutional questions or to be able to debate them in the able way they have been debated by hon. members on both sides of the House. I have, however, a firm belief in the common sense of the people of Canada, and I believe that applies as well to members of this House. Most of us know very well why this particular debate has been precipitated just now; we have seen speakers on the other side of the House work themselves almost into a frenzy over the danger to our constitution. But let me say just here, Mr. Speaker, that if the same zeal and energy now displayed by the leader of the opposition for the welfare and wellbeing of the people had been displayed when he was in power, the sordid conditions revealed in the Customs report would not have existed, and this matter would not have been a live question to-day. If the right hon. leader of the opposition had had the same zeal for constitutional protection when this House was summoned last January as he displays to-day when in opposition, we might have had a different story to tell.

I can recall no member of this House who has been louder in his declaration of the supremacy of parliament than has the right hon. leader of the opposition (Mr. Mackenzie King). I know of no members who have been louder in their protestations that the day has long since passed when our procedure should be determined by musty precedents and rulings centuries old than have the hon. members who sometimes occupy the seats diagonally opposite, just now conspicuous by their absence. They say: We want something more up to date, something more along the lines of common sense, something that will enable parliament to function more intelligently than it has done in the past, and not this system of party warfare. I am somewhat concerned to know what these champions of change in parliamentary procedure will do on a question like this. They know just as well as any hon. member in this House that this discussion has been brought on, in the judgment of many of us, to distract attention from the real question before the House and the country, and to attempt to gain once more by some desperate means the seats of power. In that I have full confidence, Mr. Speaker, that they will be disappointed.

With many of the arguments that have been presented by able members on both sides of the House I might be in accord if they were applied to a government assuming office under ordinary circumstances, if it was a government that was attempting to bring down a speech from the throne and submitting a programme or initiating legislation. But that is not the situation at the present time. All that has been attempted by this provisional government is simply to bring order out of the chaos into which the country has been thrown by the action of the former Prime Minister. The action that has been taken in this case has been an honest, patriotic effort to make sure that the legislation that we have worked on for months in the interests of many portions of this Dominion should not be lost, and that supply should be voted. In connection with the voting of supply, if any of the estimates are extravagant in character or improper in any way, hon. gentlemen on the other side must know of it, but we are willing to assume that the estimates were properly and carefully prepared.

The spectacle we have in this House is that certain estimates have been passed, but not all of them. Hon. gentlemen opposite have refused to pass further estimates and to make provision for the carrying out of their own legislation, which had been nearly carried to completion, and would have been carried to completion but for certain investigations and disclosures reflecting on the late administration. All that this provisional government is doing is not to initiate legislation at all, but simply to endeavour to carry to completion the legislation and the estimates that are before the House and which have been approved by hon. gentlemen opposite, who are now unwilling to carry it to a completion.

Mr. SANDERSON: Will the hon. gentleman permit a question?

Mr. STANSELL: I think that sufficient time has been taken by hon. members on the other side. I intend to speak for only a few minutes and I should like to conclude.

Mr. MACDONALD (Antigonish): Your group has spoken for the last two hours, obstructing the vote.

Sir HENRY DRAYTON: You have done that for two days.

Mr. STANSELL: I shall finish in two or three sentences, and then my hon. friend may put his question. I do not think it is too much to ask hon. members in this House to reserve criticism until there is something to criticise. They have anticipated what may be going to happen in the next few days or the next few weeks, and they have proceeded to criticise, and most of the criticism has been directed against an individual or individuals not in this chamber. It would appear to me to be the sound and proper thing to do, in view of the circumstances, to finish up the actual business of the House in a common sense way, and then go to our homes.

Mr. SANDERSON: What would the hon. member call the common sense way, and what does he mean when he refers to a provisional government?

Mr. STANSELL: I would call the common sense course the direct opposite of that which has been taken by my hon. friends opposite yesterday and to-day.

The House divided on the motion (Mr. Robb) which was agreed to on the following division:

YEAS

Messrs:

| | |
|---|---|
| Beaubien, | King, Mackenzie (Prince Albert), |
| Bettez, | Laflamme, |
| Bird, | Lanctot, |
| Boivin, | Langlois, |
| Bothwell, | Lapierre, |
| Bouchard, | Lapointe, |
| Boucher, | Lavigueur, |
| Bourassa, | Letellier, |
| Brown, | Macdonald (Glengarry), |
| Cahill, | Macdonald (Antigonish-Guysborough), |
| Cannon, | McLean (Melfort), |
| Cardin, | Macphail (Miss), |
| Casgrain, | McIntosh, |
| Coote, | McKenzie, |
| Delisle, | McMillan, |
| Denis (St. Denis), | McPhee, |
| Denis (Joliette), | Mercier (Laurier-Outremont), |
| Descoteaux, | Mercier (St. Henri), |
| Deslauriers, | Millar, |
| Dionne, | Morin (Bagot), |
| Donaghy, | Motherwell, |
| Donnelly, | Neill, |
| Duff, | Parent, |
| Dunning, | Perras, |
| Elliott, | Pouliot, |
| Evans, | Raymond, |
| Evanturel, | Rhéaume, |
| Fafard, | Rinfret, |
| Fiset (Sir Eugene), | Robb, |
| Forke, | Roberge, |
| Fournier, | Robichaud, |
| Gardiner, | Robitaille, |
| Garland (Bow River), | Ross (Moose Jaw), |
| Gervais, | Sanderson, |
| Girouard, | Séguin, |
| Goulet, | Spence (Maple Creek), |
| Guérin, | Spencer, |
| Hall, | Steedsman, |
| Hatfield, | Stewart (Edmonton West), |
| Heaps, | Stork, |
| Heenan, | Sylvestre, |
| Jelliff, | Tobin (Richmond-Wolfe), |
| Jenkins, | Tobin (Wetaskiwin), |
| Johnston (Long Lake), | Totzke, |
| Kay, | |
| King (Huron North), | |
| King (Kootenay East), | |

Vallance,
Verville,
Woodsworth,
Young (Saskatoon),
Young (Weyburn).—96.

NAYS

Messrs:

Anderson (Toronto-High Park),
Anderson (Halton),
Armstrong (Timiskaming South),
Armstrong (Lambton East),
Arthurs,
Baker,
Bell (St. Antoine),
Bell (St. John-Albert),
Black (Yukon),
Boutillier,
Bowen,
Boys,
Bury,
Cahan,
Cantley,
Casselman,
Chaplin (Kent, Ont.),
Chaplin (Lincoln),
Clark,
Davis,
Dickie,
Doucet,
Drayton (Sir Henry),
Embury,
Esling,
Fansher,
Fish,
Foster,
Fraser,
Garland (Carleton),
Geary,
Gott,
Grimmer,
Guthrie,
Hamilton,
Hanson,
Harris,
Hay,
Hocken,
Hodgins,
Hubbs,
Jones,
Kaiser,
Kennedy (Winnipeg South Centre),
Ladner,
Lennox,
Lucas,
MacDonald (Cape Breton South),
Macdonald (Kings),
Macdonald (Richmond-West Cape Breton),
Macdougall,
MacLaren,
Maclean (York South),
MacNutt,
McClenaghan,
McGibbon,
McKillop,
McQuarrie,
Maloney,
Manion,
Morand,
Mullins,
Murphy,
Nicholson,
O'Neill,
Peck,
Pettit,
Preston,
Price,
Quinn,
Robinson,
Rogers,
Ross (Kingston City),
Rowe,
Ryckman,
Ryerson,
Senn,
Short,
Simpson,
Sinclair,
Smith,
Smoke,
Spence (Parkdale),
Stansell,
Stevens,
Stewart (Leeds),
Stinson,
Stirling,
Sutherland (Oxford South),
Sutherland (Oxford North),
Thompson,
Tolmie,
Tummon,
Wilson (Wentworth),
Wright.—95.

PAIRS

(The list of pairs is furnished by the chief whips.)

Messrs:

Morin (St. Hyacinthe),
Dubuc,
Fontaine,
Benoit,
Dussault,
Lacombe,
Baldwin,
St. Père,
Euler,
MacLean (Prince),
Lacroix,
Malcolm,
Howden,
Howard,
Wilson (Vaudreuil),
White (London),
Flemming,
Chabot,
Church,
Cotnam
Black (Halifax),
Johnstone,
Maybee,
Edwards (Waterloo),
Messervy,
Edwards (Frontenac),
Duncan,
Hannesson,
Bell (Hamilton),
White (Mount Royal),
Goodison,
Gershaw,
Marcil,
Power,
Jacobs,
Desaulniers,
Cross,
Prevost
Charters,
Barber,
Perley,
Mewburn,
Bristol,
Culligan,
Bennett,
Langworthy.

Mr. SPEAKER: I declare the motion carried.

Mr. CANNON: Before you declare the motion carried I wish to call the attention of Your Honour to the fact that five members have voted whose vote can be challenged. However, I do not wish to bring this question up to-night; I am simply calling Your Honour's attention to the fact that I reserve my right to take any further action which may be necessary.

Mr. SPEAKER: I would remind the House that the challenging of the vote of an hon. member cannot be made by raising a point of order. There must be a direct charge embodied in a substantive motion.

Mr. HANNESSON: I was paired with the hon. member for St. Boniface (Mr. Howden). Had I voted I would have voted against the motion.

Mr. EDWARDS (South Waterloo): I was paired with the hon. member for North Waterloo (Mr. Euler). Had I voted I would have voted against the motion.

Mr. MORIN (St. Hyacinthe): I was paired with the hon. member for London (Mr. White). Had I voted I would have voted for the motion.

Mr. FONTAINE (Translation): Mr. Speaker, I was paired with the hon. member for Ottawa (Mr. Chabot). Had I voted I would have voted for the motion.

Mr. BIRD: I wish to explain to the House, and with extreme regret, that I was paired with the hon. member for Peace River (Mr. Kennedy) who had retired from the House on account of indisposition, and I cast my vote inadvertently.

Mr. PARENT: Mr. Speaker, I think the rule is that once a vote has been cast and recorded it cannot be recalled.

Mr. SPEAKER: Order. The rule is that when a vote has been recorded, when the result has been proclaimed, and when the motion has been declared carried or lost, that expresses the judgment of the House. This principle is to be found in May, who says at page 343 that a vote once given cannot be withdrawn.

As regards the claim made by the hon. member for Nelson that he was paired, May, at page 336, says:

There cannot be any parliamentary recognition of this practice (pairing) although it has never been expressly condemned and it is therefore conducted privately by individual members or arranged by gentlemen known as the whips, who are entrusted by their political parties with the office of collecting their respective forces on a division.

Therefore, the hon. gentleman having voted in the House, the vote must stand as it was proclaimed by the Clerk.

An hon. MEMBER: Do you refuse to recognize the practice of pairing?

Mr. SPEAKER: I rely on the authority of May as set out at page 336, which I have just quoted, and on the constant practice of this House.

Sir HENRY DRAYTON: In the first place, let me congratulate my hon. friends—

Some hon. MEMBERS: Hear, hear.

Sir HENRY DRAYTON: —upon the partial success they have achieved.

Some hon. MEMBERS: Partial!

Sir HENRY DRAYTON: Yes, upon the partial success they have achieved, which was made possible by the accident which has occurred. The next matter I want to refer to is the statement which the ex-Solicitor General was kind enough to make with respect to the votes cast. There is no charge here within the meaning of the rule. I may say that hon. gentlemen have different ideas as to the propriety of the action taken.

Mr. CANNON: If my hon. friend would allow me—

Some hon. MEMBERS: Sit down.

Mr. CANNON: On a question of privilege, Mr. Speaker.

Sir HENRY DRAYTON: I may draw the attention of the House to the fact that when there is a direct charge against anybody—

Mr. CANNON: I am rising on a question of privilege, Mr. Speaker.

Mr. SPEAKER: Order.

Mr. CANNON: I was making no charge against my hon. friend, and he knows it, but I say that when the seat of any member, in view of a motion, is in question, he is not entitled to vote. The motion just disposed of is a motion of that nature. I make no charge against my hon. friend and he knows it.

Sir HENRY DRAYTON: It sounded like it. This is not a charge against the seat in that connection at all, but I wanted to make it clear that there were two ways of fighting; one we believe in and one we do not believe in. When there was a direct charge in connection with the ex-Minister of Customs, we said nothing against his vote and allowed it to be recorded. I want to say one further thing. I am now rising for the purpose of—

Mr. SPEAKER: There are only two cases provided for in the rules of the House in which members can be debarred from voting The first case is covered by rule 69, where the seat of the member is in jeopardy. The second case, covered by rule 22, is that of a member who has a pecuniary interest in the matter at issue. I have studied the matter in connection with the vote taken the other day, thinking perhaps the point might be raised.

Sir HENRY DRAYTON: We have never raised such a point.

Mr. SPEAKER: As the hon. member states, and as I said a moment ago, the vote of an hon. member cannot be challenged unless it is by a direct charge embodied in a subsequent substantive motion.

Mr. CANNON: A motion. I gave notice that I might make a motion.

Sir HENRY DRAYTON: I rose originally, Mr. Speaker, for the purpose of moving the adjournment of the House, in order to consider the position in which the government finds itself in view of this vote. We had in the first instance to consider the vote of this House censuring the former administration, which was carried by a majority of ten, and we now have the vote which has just been taken, a tie vote if the proper votes were counted, censuring the government. I move that the House adjourn.

Mr. MACKENZIE KING: I shall assume, in view of the decision that the House has given on a very important motion, that the Prime Minister who is advising His Excellency will immediately advise His Excellency that this House has declared that his government has no right to be in existence and that he has found it impossible to carry on.

Sir HENRY DRAYTON: In answer to my right hon. friend I would assume that the Prime Minister, reporting to His Excellency according to the facts as they actually occurred, will have to tell His Excellency that in this House his administration stands at least nine votes better than my hon. friend's party.

Motion agreed to and the House adjourned at 2.15 a.m. (Friday).

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## DISSOLUTION OF PARLIAMENT

The Fifteenth Parliament was dissolved on Friday, July 2, 1926, by proclamation of His Excellency the Governor General.



END OF VOLUME V.