DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1922

OFFICIAL REPORT

Editor: ALBERT HORTON

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FIRST SESSION—FOURTEENTH PARLIAMENT—12-13 GEORGE V

OTTAWA
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1922

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SENATORS OF CANADA

ACCORDING TO SENIORITY

JUNE 27, 1922

THE HONOURABLE HEWITT BOSTOCK, P.C., SPEAKER.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
Joseph Bolduc, P.C.	Lauzon	St. Victor de Tring, Que.
Pascal Poirier	Acadie	Shediac, N.B.
Sir James Alexander Lougheed, K.C.M.G., P.C.	Calgary	Calgary, Alta.
Hippolyte Montplaisir	Shawinigan	Three Rivers, Que.
Alfred A. Thibaudeau	De la Vallière	Montreal, Que.
George Gerald King	Queens	Chipman, N.B.
Raoul Dandurand, P.C.	De Lorimier	Montreal, Que.
John Yeo	East Prince	Port Hill, P.E.I.
Joseph P. B. Casgrain	De Lanaudière	Montreal, Que.
Robert Watson	Portage la Prairie	Portage la Prairie, Man.
George McHugh	Victoria (O)	Lindsay, Ont.
Joseph Godbout	La Salle	Beauceville, West, Que.
Frederick L. Béique	De Salaberry	Montreal, Que.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
Joseph H. Legris	Repentigny	Louiseville, Que.
Jules Tessier	De la Durantaye	Quebec, Que.
L. O. David	Mille Iles	Montreal, Que.
Henry J. Cloran	Victoria	Montreal, Que.
William Mitchell	Wellington	Drummondville, Que.
Hewitt Bostock, P.C. (Speaker)	Kamloops	Monte Creek, B.C.
James H. Ross	Regina	Moosejaw, Sask.
L. George De Veber	Lethbridge	Lethbridge, Alta.
George C. Dessaulles	Rougemont	St. Hyacinthe, Que.
Napoléon A. Belcourt, P.C.	Ottawa	Ottawa, Ont.
Valentine Ratz	North Middlesex	New Hamburg, Ont.
Edward Matthew Farrell	Liverpool	Liverpool, N.S.
William Roche	Halifax	Halifax, N.S.
Louis Lavergne	Kennebec	Arthabaska, Que.
Amédée E. Forget	Banff	Banff, Alta.
Joseph M. Wilson	Sorel	Montreal, Que.
Benjamin C. Prowse	Charlottetown	Charlottetown, P.E.I.
Rufus Henry Pope	Bedford	Cookshire, Que.
John W. Daniel	St. John	St. John, N.B.
George Gordon	Nipissing	North Bay, Ont.
Nathaniel Curry	Amherst	Amherst, N.S.
William B. Ross	Middleton	Middleton, N.S.
Edward L. Girroir	Antigonish	Antigonish, N.S
Patrick C. Murphy	Tignish	Tignish, P.E.I.
Ernest D. Smith	Wentworth	Winona, Ont.
Alexander McCall	Norfolk	Simcoe, Ont.
James J. Donnelly	South Bruce	Pinkerton, Ont.
William H. Thorne	St. John	St. John, N.B.
Charles Philippe Beaubien	Montarville	Montreal, Que.
John McLean	Souris	Souris, P.E.I.
John Stewart McLennan	Sydney	Sydney, N. S.
William Henry Sharpe	Manitou	Manitou, Man.
Gideon D. Robertson, P.C.	Welland	Welland, Ont.
George Lynch-Staunton	Hamilton	Hamilton, Ont.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS
The Honourable		
CHARLES E. TANNER	Pictou	Pictou, N.S.
THOMAS JEAN BOURQUE	Richibucto	Richibucto, N.B.
HENRY W. LAIRD	Regina	Regina, Sask.
ALBERT E. PLANTA	Nanaimo	Nanaimo, B.C.
GEORGE W. FOWLER	Kings and Albert	Sussex, N.B.
RICHARD BLAIN	Peel	Brampton, Ont.
JOHN HENRY FISHER	Brant	Paris, Ont.
LENDRUM MCMEANS	Winnipeg	Winnipeg, Man.
DAVID OVIDE L'ESPÉRANCE	Gulf	Quebec, Que.
GEORGE GREEN FOSTER	Alma	Montreal, Que.
RICHARD SMEATON WHITE	Inkerman	Montreal, Que.
AIMÉ BÉNARD	St. Boniface	Winnipeg, Man.
GEORGE HENRY BARNARD	Victoria	Victoria, B.C.
WELLINGTON B. WILLOUGHBY	Moosejaw	Moosejaw, Sask.
JAMES DAVIS TAYLOR	New Westminster	New Westminster, B.C
FREDERICK L. SCHAFFNER	Boissevain	Boissevain, Man.
WILLIAM H. BENNETT	Simcoe, E.	Midland, Ont.
GEORGE HENRY BRADBURY	Selkirk	Selkirk, Man.
EDWARD MICHENER	Red Deer	Red Deer, Alta.
WILLIAM JAMES HARMER	Edmonton	Edmonton, Alta.
IRVING R. TODD	Charlotte	Milltown, N. B.
JOHN WEBSTER	Brockville	Brockville, Ont.
ROBERT A. MULHOLLAND	Port Hope	Port Hope, Ont.
PIERRE EDOUARD BLONDIN, P.C.	Laurentides	Ottawa, Ont.
MICHAEL J. O'BRIEN	Renfrew	Renfrew, Ont.
JOHN G. TURRIFF	Assiniboia	Ottawa, Ont.
GERALD VERNER WHITE	Pembroke	Pembroke, Ont.
WILLIAM PROUDFOOT	Huron	Goderich, Ont.
THOMAS CHAPAIS	Granville	Quebec, Que.
LORNE C. WEBSTER	Stadacona	Montreal, Que.
JOHN STANFIELD	Colchester	Truro, N.S.
JOHN ANTHONY MCDONALD	Shediac	Shediac, N.B.
WILLIAM GRIESBACH, C.B., etc	Edmonton	Edmonton, Alta.
JOHN MCCORMICK	Sydney Mines	Sydney Mines, N.S

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
Sir George E. Foster, P.C., G.C.M.G.	Ottawa	Ottawa, Ont.
John D. Reid, P.C.	Grenville	Prescott, Ont.
James A. Calder, P.C.	Moosejaw	Regina, Sask.
Robert F. Green	Kootenay	Victoria, B.C.
Archibald B. Gillis	Saskatchewan	Whitewood, Sask.
Sir Edward Kemp, P.C., K.C.M.G.	Toronto	Toronto, Ont.
Archibald H. Macdonell, C.M.G.	South Toronto	Toronto, Ont.
Frank B. Black	Westmoreland	Sackville, N.B.
Sanford J. Crowe	Burrard	Vancouver, B.C.
Peter Martin	Halifax	Halifax, N.S.
Archibald Blake McCoig	Kent (O.)	Chatham, Ont.
Arthur C. Hardy	Leeds	Brockville, Ont.
Frederick F. Pardee	Lambton	Sarnia, Ont.
Gustave Boyer	Rigaud	Rigaud, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

JUNE 27, 1922.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
BARNARD, G. H.	Victoria	Victoria, B.C.
BEAUBIEN, C. P.	Montarville	Montreal, Que.
BÉIQUE, F. L.	De Salaberry	Montreal, Que.
BELCOURT, N. A., P.C.	Ottawa	Ottawa, Ont.
BÉNARD, A.	St. Boniface	Winnipeg, Man.
BENNETT, W. H.	Simcoe, E.	Midland, Ont.
BLACK, F. B.	Westmoreland	Sackville, N.B.
BLAIN, R.	Peel	Brampton, Ont.
BLONDIN, P. E., P.C.	Laurentides	Ottawa, Ont.
BOLDUC, J., P.C.	Lauzon	St. Victor de Tring, Que.
BOSTOCK, H., P.C. (Speaker)	Kamloops	Monte Creek, B.C.
BOURQUE, T. J.	Richibucto	Richibucto, N.B.
BOYER, G.	Rigaud	Rigaud, Que.
BRADBURY, G. H.	Selkirk	Selkirk, Man.
CALDER, J. A., P.C.	Moosejaw	Regina, Sask.
CASGRAIN, J. P. B.	De Lanaudière	Montreal, Que.
CHAPAIS, T.	Granville	Quebec, Que.
CLORAN, H. J.	Victoria	Montreal, Que.
CROWE, S. J.	Burrard	Vancouver, B.C.
CURRY, N.	Amherst	Amherst, N.S.
DANDURAND, R., P.C.	De Lorimier	Montreal, Que.
DANIEL, J. W.	St. John	St. John, N.B.
DAVID, L. O.	Mille Iles	Montreal, Que.
DESSAULLES, G. C.	Rougemont	St. Hyacinthe, Que.
DE VEBER, L. G.	Lethbridge	Lethbridge, Alta.
DONNELLY, J. J.	South Bruce	Pinkerton, Ont.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
FARRELL, E. M.	Liverpool	Liverpool, N.S.
FISHER, J. H.	Brant	Paris, Ont.
FORGET, A. E.	Banff	Banff, Alta.
FOSTER, G. G.	Alma	Montreal, Que.
FOSTER, SIR GEORGE E., P.C., G.C.M.G.	Ottawa	Ottawa, Ont.
FOWLER, G. W.	Kings and Albert	Sussex, N.B.
GILLIS, A. B.	Saskatchewan	Whitewood, Sask.
GIRROIR, E. L.	Antigonish	Antigonish, N.S.
GODBOUT, J.	La Salle	Beauceville, West, Que.
GORDON, G.	Nipissing	North Bay, Ont.
GREEN, R. F.	Kootenay	Victoria, B.C.
GRIESBACH, W. A., C.B., C.M.G., etc.	Edmonton	Edmonton, Alta.
HARDY, A. C.	Leeds	Brockville, Ont.
HARMER, W. J.	Edmonton	Edmonton, Alta.
KEMP, SIR EDWARD, P.C., K.C.M.G.	Toronto	Toronto, Ont.
KING, G. G.	Queen's	Chipman, N.B.
LAIRD, H. W.	Regina	Regina, Sask.
LAVERGNE, L.	Kennebec	Arthabaska, Que.
LEGRIS, J. H.	Repentigny	Louiseville, Que.
L'ESPÉRANCE, D. O.	Gulf	Quebec, Que.
LOUGHEED, Sir JAMES A., P.C., K.C.M.G.	Calgary	Calgary, Alta.
LYNCH-STAUNTON, G.	Hamilton	Hamilton, Ont.
MACDONELL, A. H., C.M.G., etc.	Toronto, South	Toronto, Ont.
MARTIN, P.	Halifax	Halifax, N.S.
MCCALL, A.	Norfolk	Simcoe, Ont.
MCCOIG, A. B.	Kent (O.)	Chatham, Ont.
MCCORMICK, J.	Sydney Mines	Sydney Mines, N.S.
MCDONALD, J. A.	Shediac	Shediac, N.B.
MCHUGH, G.	Victoria (O)	Lindsay, Ont.
MCLEAN, J.	Souris	Souris, P.E.I.
MCLENNAN, J. S.	Sydney Mines	Sydney, N.S.
MCMEANS, L.	Winnipeg	Winnipeg, Man.
MICHENER, E.	Red Deer	Red Deer, Alta.
MITCHELL, W.	Wellington	Drummondville, Que.
MONTPLAISIR, H.	Shawinigan	Three Rivers, Que.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
MULHOLLAND, R. A.	Port Hope	Port Hope, Ont.
MURPHY, P. C.	Tignish	Tignish, P.E.I.
O'BRIEN, M. J.	Renfrew	Renfrew, Ont.
PARDEE, F. F.	Lambton	Sarnia, Ont.
PLANTA, A. E.	Nanaimo	Nanaimo, B.C.
POIRIER, P.	Acadie	Shediac, N.B.
POPE, R. H.	Bedford	Cookshire, Que.
PROWSE, B. C.	Charlottetown	Charlottetown, P.E.I.
PROUDFOOT, W.	Huron	Goderich, Ont.
RATZ, V.	North Middlesex	New Hamburg, Ont.
REID, J. D., P.C.	Grenville	Prescott, Ont.
ROBERTSON, G. D., P.C.	Welland	Welland, Ont.
ROCHE, W.	Halifax	Halifax, N.S.
ROSS, J. H.	Regina	Moosejaw, Sask.
ROSS, W. B.	Middleton	Middleton, N.S.
SCHAFFNER, F. L.	Boissevain	Boissevain, Man.
SHARPE, W. H.	Manitou	Manitou, Man.
SMITH, E. D.	Wentworth	Winona, Ont.
STANFIELD, J.	Colchester	Truro, N.S.
TANNER, C. E.	Pictou	Pictou, N.S.
TAYLOR, J. D.	New Westminster	New Westminster, B.C.
TESSIER, JULES.	De la Durantaye	Quebec, Que.
THIBAUDEAU, A. A.	De la Vallière	Montreal, Que.
THORNE, W. H.	St. John	St. John, N.B.
TODD, I. R.	Charlotte	Milltown, N.B.
TURRIFF, J. G.	Assiniboia	Ottawa, Ont.
WATSON, R.	Portage la Prairie	Portage la Prairie, Man.
WEBSTER, J.	Brockville	Brockville, Ont.
WEBSTER, L. C.	Stadacona	Montreal, Que.
WHITE, R. S.	Inkerman	Montreal, Que.
WHITE, G. V.	Pembroke	Pembroke, Ont.
WILLOUGHBY, W. B.	Moosejaw	Moosejaw, Sask.
WILSON J. M.	Sorel	Montreal, Que.
YEO, J.	East Prince	Port Hill, P.E.I.

SENATORS OF CANADA

BY PROVINCES

JUNE 27, 1922.

ONTARIO—24

	SENATORS.	POST OFFICE ADDRESS.
	The Honourable	
1	GEORGE MCHUGH	Lindsay.
2	NAPOLEON A. BELCOURT, P.C.	Ottawa.
3	VALENTINE RATZ	New Hamburg.
4	GEORGE GORDON	North Bay.
5	ERNEST D. SMITH	Winona.
6	ALEXANDER MCCALL	Simcoe.
7	JAMES J. DONNELLY	Pinkerton.
8	GEORGE LYNCH-STAUNTON	Hamilton.
9	GIDEON D. ROBERTSON, P.C.	Welland.
10	RICHARD BLAIN	Brampton.
11	JOHN HENRY FISHER	Paris.
12	WILLIAM H. BENNETT	Midland.
13	JOHN WEBSTER	Brockville.
14	ROBERT A. MULHOLLAND	Port Hope.
15	MICHAEL J. O'BRIEN	Renfrew.
16	GERALD VERNER WHITE	Pembroke.
17	WILLIAM PROUDFOOT	Goderich.
18	JOHN D. REID, P.C.	Prescott
19	SIR GEO. E. FOSTER, P.C., G.C.M.G.	Ottawa.
20	SIR EDWARD KEMP, P.C., K.C.M.G.	Toronto.
21	ARCHIBALD H. MACDONELL, C.M.G., etc.	Toronto
22	ARCHIBALD BLAKE MCCOIG	Chatham.
23	ARTHUR C. HARDY	Brockville.
24	FREDERICK F. PARDEE	Sarnia.

QUEBEC—24

	SENATORS.	ELECTORAL DIVISION.	POST OFFICE ADDRESS.
	The Honourable		
1	Joseph Bolduc, P.C.	Lauzon	St. Victor de Tring.
2	Hippolyte Montplaisir	Shawinigan	Three Rivers.
3	Alfred A. Thibaudeau	De la Vallière	Montreal.
4	Raoul Dandurand, P.C.	De Lorimier	Montreal.
5	Joseph P. B. Casgrain	De Lanaudière	Montreal.
6	Joseph Godbout	La Salle	Beauceville, West.
7	Frederick L. Béique	De Salaberry	Montreal.
8	Joseph H. Legris	Repentigny	Louiseville.
9	Jules Tessier	De la Durantaye	Quebec.
10	L. O. David	Mille Iles	Montreal.
11	Henry J. Cloran	Victoria	Montreal.
12	William Mitchell	Wellington	Drummondville.
13	George C. Dessaulles	Rougemont	St. Hyacinthe.
14	Louis Lavergne	Kennebec	Arthabaska.
15	Joseph M. Wilson	Sorel	Montreal.
16	Rufus H. Pope	Bedford	Cookshire.
17	Charles Philippe Beaubien	Montarville	Montreal.
18	David Ovide L'Espérance	Gulf	Quebec.
19	George Green Foster	Alma	Montreal.
20	Richard Smeaton White	Inkerman	Montreal.
21	Pierre Edouard Blondin, P.C.	Laurentides	Ottawa, Ont.
22	Thomas Chapais	Granville	Quebec.
23	Lorne C. Webster	Stadacona	Montreal.
24	Gustave Boyer	Rigaud	Rigaud.

NOVA SCOTIA—10

	SENATORS.	POST OFFICE ADDRESS.
	The Honourable	
1	Edward M. Farrell	Liverpool.
2	William Roche	Halifax.
3	Nathaniel Curry	Amherst.
4	William B. Ross	Middleton.
5	Edward L. Girroir	Antigonish.
6	John S. McLennan	Sydney.
7	Charles E. Tanner	Pictou.
8	John Stanfield	Truro.
9	John McCormick	Sydney Mines.
10	Peter Martin	Halifax.

NEW BRUNSWICK—10

	The Honourable	
1	Pascal Poirier	Shediac.
2	George Gerald King	Chipman.
3	John W. Daniel	St. John.
4	William H. Thorne	St. John.
5	Thomas Jean Bourque	Richibucto.
6	George W. Fowler	Sussex.
7	Irving R. Todd	Milltown.
8	John Anthony McDonald	Shediac.
9	Frank B. Black	Sackville.
10		

PRINCE EDWARD ISLAND—4

	The Honourable	
1	John Yeo	Port Hill.
2	Benjamin C. Prowse	Charlottetown.
3	Patrick C. Murphy	Tignish.
4	John McLean	Souris.

BRITISH COLUMBIA—6

	SENATORS.	POST OFFICE ADDRESS.
	The Honourable	
1	Hewitt Bostock, P. C. (Speaker)	Monte Creek.
2	Albert E. Planta	Nanaimo.
3	George Henry Barnard	Victoria.
4	James Davis Taylor	New Westminster.
5	Robert F. Green	Victoria
6	Sanford J. Crowe	Vancouver

MANITOBA—6

	The Honourable	
1	Robert Watson	Portage la Prairie.
2	William H. Sharpe	Manitou.
3	Lendrum McMeans	Winnipeg.
4	Aimé Bénard	Winnipeg.
5	Frederick L. Schaffner	Winnipeg.
6	George Henry Bradbury	Selkirk.

SASKATCHEWAN—6

	The Honourable	
1	James H. Ross	Regina.
2	Henry W. Laird	Regina.
3	Wellington B. Willoughby	Moosejaw.
4	John G. Turriff	Ottawa.
5	James A. Calder, P.C.	Regina.
6	Archibald B. Gillis	Whitewood

ALBERTA—6

	The Honourable	
1	Sir James Alexander Lougheed, K.C.M.G., P.C.	Calgary.
2	L. George De Veber	Lethbridge.
3	Amédée E. Forget	Banff.
4	Edward Michener	Red Deer.
5	William James Harmer	Edmonton.
6	William A. Griesbach, C.B., C.M.G., etc	Edmonton.

CANADA

The Debates of the Senate

OFFICIAL REPORT

THE SENATE

Wednesday, March 8, 1922.

The Fourteenth Parliament having been summoned by Proclamation of the Governor General to meet this day in its First Session for the despatch of business.

The Senate met at 2.30 p.m.

SPEAKER OF THE SENATE

Hon. HEWITT BOSTOCK, having taken the Clerk's chair, rose and said: Honourable gentlemen, I have the honour to inform you that a Commission has been issued under the Great Seal, appointing me Speaker of the Senate.

The said Commission was then read by the Clerk.

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

Prayers.

OPENING OF THE SESSION

The Hon. the SPEAKER informed the Senate that he had received a communication from the Governor General's Secretary informing him that the Chief Justice of Canada, in his capacity of Deputy Governor General, would proceed to the Senate Chamber to open the Session of the Dominion Parliament, on Wednesday, the 8th of March, at 3 o'clock; and a further communication from the Governor General's Secretary informing him that His Excellency the Governor General would proceed to the Senate Chamber to open formally the Session of the Dominion Parliament on Thursday, the 9th of March, at 3 o'clock.

The Senate adjourned during pleasure.

After some time the sitting was resumed.

The Right Honourable Sir Louis H. Davies, K.C.M.G., K.C., Chief Justice of Canada, Deputy Governor General, having come and being seated,

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

Who being come,

The Hon. the SPEAKER said:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I have it in command from the Right Honourable the Deputy Governor General to let you know that His Excellency the Governor General does not see fit to declare the causes of his summoning the present Parliament until the Speaker of the House of Commons shall have been chosen according to law; but tomorrow, at the hour of 3 o'clock in the afternoon His Excellency will declare the causes of the calling of this Parliament.

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

NEW SENATORS INTRODUCED

The following newly-appointed Senators were severally introduced and took their seats:

Hon William Antrobus Griesbach, C.B., C.M.G., D.S.O., of Edmonton, Alberta, introduced by Hon. Sir James Lougheed and Hon. G. V. White.

Hon. James Alexander Calder, P.C., of Regina, Saskatchewan, introduced by Hon. Sir James Lougheed and Hon. L. C. Webster.

Hon. Robert Francis Green, of Victoria, B.C., introduced by Hon. Sir James Lougheed and Hon. J. D. Taylor.

Hon. John McCormick, of Sydney Mines, Nova Scotia, introduced by Hon. Sir James Lougheed and Hon. J. C. McLennan.

Hon. Archibald Beaton Gillis, of Whitewood, Saskatchewan, introduced by Hon. Sir James Lougheed and Hon. Rufus Pope.

REVISED EDITION

Hon. Sir Albert Edward Kemp, P.C., K.C.M.G., of Toronto, Ontario, introduced by Hon. Sir James Lougheed and Hon. R. Blain.

Hon. Archibald Hayes Macdonell, C.M.G., of Toronto, Ontario, introduced by Hon. Sir James Lougheed and Hon. W. H. Thorne.

Hon. Frank Bunting Black, of Sackville, New Brunswick, introduced by Hon. Sir James Lougheed and Hon. I. R. Todd.

Hon. Sanford John Crowe, of Vancouver, B.C., introduced by Hon. Sir James Lougheed and Hon. A. E. Planta.

Hon. Peter Francis Martin, of Halifax, Nova Scotia, introduced by Hon. Sir James Lougheed and Hon. C. E. Tanner.

Hon. Archibald Blake McCoig, of Chatham, Ontario, introduced by Hon. Raoul Dandurand and Hon. George McHugh.

The Senate adjourned until to-morrow at 2.30 p.m.

THE SENATE

Thursday, March 9, 1922.

The Senate met at 2.30 p.m., the Speaker in the Chair.

The Senate adjourned during pleasure.

SPEECH FROM THE THRONE

At three o'clock His Excellency the Governor General proceeded to the Senate Chamber and took his seat upon the Throne. His Excellency was pleased to command the attendance of the House of Commons, and that House being come, with their Speaker, His Excellency was pleased to open the First Session of the Fourteenth Parliament of the Dominion of Canada with the following Speech:

Honourable Members of the Senate:

Members of the House of Commons:

I desire on this occasion to assure you that it is with great satisfaction that I meet the Parliament of the Dominion for the first time since my arrival in Canada, and avail myself of your assistance and advice in carrying out the important duties that His Majesty the King has entrusted to me as his Representative. It is indeed, a great privilege to be called upon to administer the affairs of the Dominion and to associate myself with you in the work you are about to begin.

Our Dominion has not escaped the world-wide economic disturbance and industrial depression but has suffered less from it than other countries. Keen observers of the business barometer feel that the worst is about over and that at an early date we may look for a substantial revival of activity.

In many parts of the Dominion continued depression of business naturally produced, in a much larger degree than usual, the misfortune of unemployment. Whilst of the opinion that unemployment relief is fundamentally a municipal and provincial responsibility, my Government has felt that as conditions have arisen in a measure out of the late war, they would be justified in continuing for the period of the winter months the expedient of supplementing by grants from the Federal Treasury the relief contributions of Provinces and Municipalities for the purpose of alleviating actual distress.

The decline of prices in farm products in 1921, as compared with the prices of previous years, has seriously affected agriculture in many parts of the Dominion. The ill-effects of this inevitable deflation have been emphasized by restricted markets and the absence of any corresponding reduction in the cost of production. While improved methods of culture, grading and storage of farm crops in some parts, and greater diversification in others, would materially better conditions, it is apparent that adequate markets and marketing facilities and reduced transportation and production costs lie at the root of the problem. Recognizing such to be the case, my advisers have lost no time in seeking to gain more favourable conditions of sale and marketing for the products of the farm. Communications have been opened with the authorities of other countries looking to an extension of trade and a widening of Canadian markets, and conferences have been arranged between the railway authorities with respect to the reduction of rates upon basic commodities.

You will be invited to consider the expediency of making some changes in the Customs Tariff. While there are details of revision, the consideration of which will require time and care that are not at present available, there are features of the tariff which it is felt may properly be dealt with during the present session.

In order that Government ownership and operation of our national railways now extending through every province of the Dominion may be given a fair trial under the most favourable conditions, it is intended at an early date to co-ordinate the Government-owned systems in the manner best calculated to increase efficiency, and to effect economics in administration, maintenance and operation. The whole transportation situation is one which will require your best attention. It weighs heavily upon our national finances. To assist in obtaining the information essential to an exact understanding and an adequate appreciation of the problem in its many bearings, it is proposed to supplement the work of co-ordination by a thorough enquiry.

The stream of immigration to the Dominion was much interrupted and restricted during the war. Now that the blessing of peace is with us, a renewal of efforts to bring in new settlers must be made. My Government are fully alive to the importance of this question and will use every reasonable endeavour to attract to our country people of the most desirable class, with particular regard to settlement on our undeveloped lands.

The work in connection with the re-establishment, medical treatment and vocational training of former members of the Canadian Forces is being sympathetically and energetically prosecuted. The care of the disabled still demands the best thought of those who are charged with the duty of administering the benefits provided. It is intended, during the coming session, again

to consult Parliament concerning some of the problems still remaining.

The long standing question of granting the control of the natural resources of three Western Provinces to their respective Provincial Governments has engaged the attention of my Ministers. Sympathizing with the desire of the authorities of these Provinces, which have now advanced to maturity, to have the same control and management of their resources as is possessed by the older Provinces, my Government have made a proposal to the Governments of the several Provinces concerned, which it is hoped may lead to a satisfactory settlement of the question at an early date.

With the object of promoting economy and increasing efficiency, a Bill will be submitted to you, providing for a Department of Defence, in which the various branches of the defence forces of Canada will be co-ordinated under one ministerial head.

During the interval since the last Parliament there has been held in Washington on the invitation of the President of the United States an International Conference to consider an agreed limitation of armaments and in connection therewith to reach an understanding concerning the political relations of the Powers interested in the regions of the Pacific and the Far East. From this Conference treaties of far reaching consequence have resulted. It is the opinion of my advisers that approval of Parliament ought to precede their ratification on behalf of Canada. The treaties with appropriate explanations will accordingly be placed before you during the session.

As the result of recent discussions among the Powers, it has been decided to hold at Genoa a conference with the object of securing, through frank and amicable consultation among the nations who have been at war, a concerted effort to repair the grave dislocations in the economic and financial field that have everywhere followed the war. The Government of Canada has been invited to participate and delegates have been appointed for the purpose.

An invitation has been extended to the Government of Canada by the Government of the United States to take part in a Postal Conference, at which all phases of mail communication from one country to the other may be fully discussed. Reciprocating the spirit that has prompted the invitation, the Canadian Government will, in due course, appoint representatives to meet the representatives of the United States for the purpose mentioned.

Members of the House of Commons:

The Public Accounts for the last fiscal year will be laid before you. At an early date the Estimates for the coming year will be submitted. In their preparation imperative need for economy has rendered necessary the non-inclusion of many undertakings, appropriations for which must await a more favourable financial situation.

Honourable Members of the Senate:

Members of the House of Commons:

In inviting your careful consideration of the important matters which will engage your attention, I pray that Divine Providence may guide and bless your deliberations.

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

The sitting of the Senate was resumed.

NEW SENATOR INTRODUCED

Right Hon. Sir George Eulas Foster, P.C., G.C.M.G., of Ottawa, Ontario, introduced by Hon. Sir James Lougheed and Hon. G. G. Foster.

RAILWAY BILL

FIRST READING

Bill—, an Act respecting Railways.—Hon. Mr. Dandurand.

COMMITTEE ON ORDERS AND PRIVILEGES

Hon. Mr. DANDURAND moved:

That all the Senators present during the Session be appointed a Committee to consider the Orders and Customs of the Senate and Privileges of Parliament, and that the said Committee have leave to meet in the Senate Chamber when and as often as they please.

The motion was agreed to.

CONSIDERATION OF HIS EXCELLENCY'S SPEECH

On motion of Hon. Mr. Dandurand, it was ordered, that the Speech of His Excellency the Governor General be taken into consideration on Tuesday, March 14.

COMMITTEE ON SELECTION

On motion of Hon. Mr. Dandurand, the following Senators were appointed a Committee on Selection to nominate Senators to serve on the several Standing Committees during the present Session: the Honourable Sir James Lougheed, K.C.M.G., the Honourable Messieurs Belcourt, Barnard, Daniel, Prowse, Robertson, Tanner, Watson, Willoughby and the mover.

The Senate adjourned until Tuesday, March 14, at 3 p.m.

THE SENATE

Tuesday, March 14, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED

Hon. Gustave Boyer, of Rigaud, introduced by Hon. Raoul Dandurand and Hon. J. P. B. Casgrain.

GOVERNOR GENERAL'S SPEECH

ADDRESS IN REPLY

The Senate proceeded to the consideration of His Excellency the Governor Gen-

eral's Speech at the opening of the Session.

Hon. ARCHIBALD B. McCOIG rose to move that an Address be presented to His Excellency the Governor General to offer the humble thanks of this House to His Excellency for the gracious Speech which he has been pleased to make to both Houses of Parliament. He said:

In rising to move that a vote of thanks be sent to His Excellency the Governor General in reply to the Speech from the Throne, I want in the first place to express my thanks and appreciation to the honourable leader of the Government (Hon. Mr. Dandurand), as well as the thanks of my constituents, for honouring me by asking me to move this motion.

I desire also to extend to the Prime Minister of this country my hearty congratulations that, after expounding his policy throughout the land, he has been elected to the highest honour in the gift of the Canadian people. He is to be congratulated also upon having selected for his advisers and colleagues such able and outstanding statesmen as surround him, to assist in carrying on the affairs of our country.

I desire also to extend my congratulations to the honourable gentleman who has been selected to preside as Speaker over this Chamber. We were all delighted when we heard the announcement made. Nor must I fail to express our gratitude as members of this House in having with us such outstanding parliamentarian as the honourable gentleman who leads the Government forces and the honourable gentleman who leads the Opposition. We are fortunate in having men of such out standing ability and reputation not only as citizens, but also as statesmen, and we hope that Providence will spare them for many years to give their splendid services to our country and the state.

In the Speech from the Throne reference was made by His Excellency to a number of questions. He referred in the first place to the condition of unrest and to the assistance which would be given to solving the great labour problems. I believe that I am voicing the sentiments of honourable members of this House when I say we are fortunate at this particular time in having as Minister of Labour an outstanding man who is in touch and is familiar with all the great labour problems which will come before Parliament. It is also fortunate and gratifying that we have in this Chamber the ex-Minister of Labour (Hon. Mr. Robertson), who is also conversant with the great labour questions, and whose advice and assistance will help us in grappling with such of those questions as will come before this House.

The Speech from the Throne mentioned that tariff changes were to be made at this Session. May I personally express the hope that whatever changes are made in the tariff will be such as will be in the best interests of the plain people of this country and will tend to reduce the cost of living, thus helping that class in which we are all so much interested.

The matter of arranging for conferences with the railway heads for the purpose of securing a reduction in freight rates on the basic commodities is another proposal which will, I know, meet with general approval; and when it comes to the question of the co-ordination at an early date of the government-owned railway systems, I feel that we are fortunate in having as Minister of Railways a man who is recognized as one of the outstanding business men of this country. He has a great problem to grapple with, but we as Canadians do not feel that it is his problem alone. He must do his part, but it is our task to assist in the endeavour to put our Canadian railway system on a paying basis in order that it may be of the greatest possible assistance to the Canadian people. I believe, honorable gentlemen, if we as members of this Chamber and as citizens of Canada, give to the Minister of Railways all the encouragement possible and patronize the railway system of Canada, we may look forward to the time when the railway system will not be in the condition in which it unfortunately is at the present time, but will be considered as an asset to Canada instead of a liability.

In the Speech from the Throne reference was made to a renewal of efforts to attract settlers to the undeveloped lands, and to the need for negotiations looking to association with other countries, looking to trade expansion; the co-ordination of the country's defences, and to the requirements of our returned soldiers. Honourable gentlemen, neither this Chamber nor the House of Commons has as many members who are conversant with the great problems concerning our returned soldiers as I would like to see, but I know that those we have with us, and other honourable gentlemen, will do everything they can to assist in solving

those problems to the best of their ability, so far as the finances of the country will permit.

The Speech from the Throne referred also to the great question of agriculture. Agriculture, as we all know, at this particular time is not as prosperous as it was in the past. We know that the farming community has been unfortunate owing to the prices of their products being reduced to a very large extent, while at the same time the cost of the articles required in the production of their products was not reduced accordingly. There has been a great deal of dissatisfaction. We find from the press reports that the export trade of some of the main agricultural industries has been falling away. It is regrettable to see that the Canadian bacon trade alone, in one year, from 1920 to 1921, fell off to the extent of nearly 1,000,000 pounds. And that trade which we have lost has been largely gained by Denmark. There is certainly something wrong in this regard, and something should be done by the Government of this country to remedy the situation. I am not saying this in any unkind spirit; but I say, honourable gentlemen, that if other industries in which the farmers are interested are falling off in proportion to the hog industry, there is some justification for the farmers saying that they should have more representation and more advocates in the Parliament of Canada and in the legislatures of the provinces.

At this time I should also like to refer to the unfortunate position that we occupy at the present time in regard to our cattle industry. In the country to the south of us a tariff has been put up against us under which we cannot profitably export our cattle to the United States. Then, too, we read in the morning papers one day that the embargo against our cattle in the old land has been removed; the next day this statement is contradicted. We might as well make up our minds that the embargo is not going to be removed. Then, honourable gentlemen, what have we got to consider? Unless we wish to see our cattle industry ruined, as our hog industry has been, we have got to consider giving some encouragement to the producers of cattle in this country in order to induce them to remain in the business. Otherwise the time will come when, instead of the cost of foodstuffs to the consuming public being reduced, there will be a shortage of foodstuffs in Canada and a corresponding increase in the cost of living to the consumers. What is the solution? What should we do? What can we suggest? We should not be destructionists; we must be constructionists, and I would ask, honourable gentlemen, as we have our great merchant marine, which we obtained at great expense to the people of this country —I am not at this time going to discuss how it came into existence; we have it; it belongs to the people of Canada—why we should not take that great line of steamships and equip it with cold storage facilities, so that our Canadian cattle could be finished on Canadian soil. Why should they not be fed with Canadian feed, tended by Canadian workmen, slaughtered at Canadian seaports, and sent to the Liverpool market as chilled meat? In that way, the profits and the benefits of employment to our Canadian farmers and their sons and the workingmen generally would accrue to us in Canada. As has been proved, we can ship four head of dressed cattle to the Liverpool market in the same space occupied by one live animal shipped on the hoof. Freight rates would be greatly reduced. Then, too, we can send chilled meat to Liverpool in the neighbourhood of six days, whereas our greatest competitor takes nearly four weeks to send meat which is landed in a much inferior condition.

Coming from a section which for a great many years enjoyed prosperity in the tobacco industry, I wish to address a few remarks to that question. Thanks to encouragement by the Government, that industry was developed, and a great trade worked up, in different sections of the country. But, unfortunately, to-day we find that that industry also has been to a large extent ruined because of the lack of markets. The tobacco growers in my section of the country can produce tobacco equal to that produced in any other portion of the country. Should we not give some thought to the reason why they are not able to dispose of their products?

These are a few of the things which I am happy to be able to bring to the attention of the House this afternoon. While there are many other problems to be discussed in the interest of the people of Canada during the present session, without taking up any more of the time of the House, may I have the privilege of moving that an Address be presented to the Governor General to offer the humble thanks of this House to His Excellency for the gracious Speech which he has been pleased to make to both Houses of Parliament.

Hon. GUSTAVE BOYER (Translation): Honourable gentlemen, I appeal to your indulgence as members of this House, for it will be readily understood that it is not without considerable and justifiable emotion that I rise to second the motion so eloquently made by my honourable colleague, the representative of the county of Kent (Hon. Mr. McCoig). It was only a short time before I crossed the threshold of these precincts that I was informed that I should have to fulfil this duty.

But before entering further into the discussion, you will, honourable colleagues, I am sure, permit me to make a short digression, so as to discharge two very important duties.

The first is to thank the members of the Government cordially and sincerely for having promoted me to the Upper House of this country. If the Government alleges that the election of the new representative of the county of Rigaud is due to his personal merit, it would be more fitting and more believable to say that it is rather to honour, in my person, the agricultural class of which I have been the champion all my life, in more than one agrarian movement.

Another motive which I must gratefully acknowledge is the one which the Government had, of doing honour to the electoral district of Vaudreuil-Soulanges, for it is the first time that the senatorial seat of the county of Rigaud has been occupied by an inhabitant of that district. Before the present time it was worthily represented by the Honourable Charles Wilson from 1867 to 1877, the Honourable Joseph Rosaire Thibeaudeau from 1878 to 1908, and the Honourable Arthur Boyer from 1909 to 1921. This time, it was to the county of Vaudreuil-Soulanges that this honour came, and the inhabitants of that district will understand how to appreciate this fine compliment to their cleverness.

Another duty devolves upon me, alas, this one is not of the same nature. It is with a full heart that I recall a recent sorrow; I refer to the sudden death of the one whose place I have the honour to fill. The late Honourable Arthur Boyer embodied within himself all the accomplishments of a perfect gentleman. Endowed with great scholarship and clear judgment, his advice was advantageous to those who took it. Generous, enthusiastic in efforts for any object of general interest, we always found him in the front rank, helping it on generously and effectively. Aristocratic by his whole education and the surroundings in which he had grown up, he nevertheless remained democratic in ideas and inclination. The people of Vaudreuil, among whom he had come to reside, had a special admiration for the late Mr. Boyer, and his death caused them deep and unanimous sorrow. Called to the Senate on the 28th of June, 1909, he represented the county of Rigaud in this Chamber for thirteen years with a dignity and punctiliousness worthy of high praise. In his newly-closed grave sleeps this virtuous man, this excellent citizen who sincerely loved his country. His memory will live on with those who knew and loved him. When I realize that it falls to me henceforward to represent the county of Rigaud and, in these precincts, to take the place of that distinguished man, I greatly fear that I shall not be equal to the task, and I wonder if I shall ever be able to accomplish it with as much dignity and skill as did the late lamented Mr. Boyer. However, honourable gentlemen, I will strive to walk in the steps of my predecessor and to respond worthily to the great evidence of confidence and of honour which the Government has just accorded me. I will strive to preserve, as I have always tried to do, the fair name of the county of Rigaud.

In the Speech from the Throne, among all the great questions which the Government proposes for our consideration, I have noted one especially, which treats of agriculture. I quote:

> The decline of prices in farm products in 1921, as compared with the prices of previous years, has seriously affected agriculture in many parts of the Dominion. The ill-effects of this inevitable deflation have been emphasized by restricted markets and the absence of any corresponding reduction in the cost of production.

All the unrest of the day, whether in commerce, in industry, or in agriculture, finds its excuse in the war. It is the war, the cause of all evils, that is given as the final explanation of the grievances, the commercial distress or the unemployment which prevail in every part of the country. I have read, somewhere, that war is a necessary evil. Is that an axiom, or simply an argument to make men forget the horrors which it accumulates and the painful reverberations which continue long after its last hecatombs?

Whatever it is, it is very important that there should be an end to this evil; for to let things go on as they are would certainly lead to a national disaster. We are reinspired with confidence by the favourable attitude of the Government towards

agriculture, for, if it is admitted that agriculture is the sustainer of the nations, it is important not to neglect it.

During the time of the war a pressing appeal was made to the farmer. He was asked to double his production and not to be afraid of hard work, be the weather fair or foul. All were asked to make an effort. An appeal was made to the patriotism of the people, and every one responded gladly.

The head of the family, the mother, the children left by the fireside after the departure of the older ones, whether for the front or the factory, set to work. Large tracts of land were ploughed and seeded; they feared neither the burning sun nor the rain; and, Heaven helping, the harvests were abundant. Carried over the seas, they served to nourish those who, on the field of honour, were valiantly sustaining the violent shock of a powerful enemy. The farmers, you will answer, were well rewarded by the prices which they received in return for their produce. That I admit. They admit it themselves. But what they cannot understand is that the price of their produce diminishes so considerably when all around them the price of manufactures changes so little. Farmers are forced to sell at low prices, but at the same time they are forced to pay a high price for the manufactured articles which they buy. Why is this reduction not uniform?

The manufacturers answer that that is due to the high cost of manual labour and the demands of the workmen. That may be, in certain isolated cases, but in many more is there not a reprehensible spirit of luxury? Through selfishness, they refuse to co-operate in the re-establishment of commercial equilibrium by consenting to the necessary sacrifices. If certain groups of workmen are intractable, it is because their employers have not always given them a good example. Exaggeration leads to exaggeration. The unreasonable desire of the employers for large profits has led their workers to demand large salaries.

Honourable gentlemen, the equilibrium must be re-established. The new Government promises to make an effort in this direction. Let us see to it that our farmers obtain the maximum of protection to which they legitimately aspire. We must help the Government to solve their urgent problem.

In the promised revision of the customs tariff it is to be hoped that the share of the farmers will be large and generous. Our agricultural commerce suffers in our own markets, especially in our dairy products, very serious competition, and I commend the Government for its policy of opening new markets by agreements with other countries.

In 1910 the Laurier Government signed a reciprocal agreement with the United States concerning farm produce. There is no denying that this policy was very much to the advantage of the farmers. Well, what happened? Laurier appealed to the electors of this country and the question was rejected. They regretted it. This policy is now a fundamental part of the Liberal programme.

What is going to happen? Our chances of having the arrangement of 1911 with the United States revived are more than compromised by the Fordney Bill, which is the opposite of what we are asking for, and this time the opposition comes from the American farmers. That is why the Canadian Government will concentrate its energies and activities on finding other markets, if the United States persist in unwillingness to negotiate with us. The Government will not hesitate to do all that is possible to ameliorate the lot of the farmer. The prosperity of the country depends to a large extent on the prosperity of agriculture.

The Government informs us that it has been decided to hold conferences with the railway companies with the intention of bringing about a reduction in the rates of transport for Canadian products. That is a measure which is being taken, and the sooner it is realised the sooner it will help to ameliorate the lot of the farmer, especially in the dairy industry. Quite recently, at Winnipeg, the National Dairy Council of Canada, the members of which were assembled in convention, adopted resolutions in this sense for the third or fourth time.

One of the most powerful factors in agriculture is certainly the raising of animals from the point of view of the production of milk. The extraordinary number of businesses dependent upon this industry is conclusive proof of the interest which the farmers atach to it.

Like all other farm products, butter, cheese and other derivatives of milk have at present a deplorable market. Vigorous competition on the part of other British countries has just opened our eyes and brought us face to face with a problem fraught with serious consequences if we do not set to work immediately.

But this is a task which is incumbent, not only upon the Government, but upon the producers, who must be convinced that their co-operation with the Government is an absolute necessity. This co-operation will become all the more easy when they see that the Government is coming to their aid to the best of its ability.

In my view there are three things necessary to the progress of the dairy industry in this country:

1. Tools.
2. Dairy control.
3. Classification of dairy products.

Tools include, in the practical sense of the word, good herds, good buildings, and the best methods of production. In these matters the country has made enormous strides and can compare favourably with many other countries. Progress towards amelioration on that side will continue then normally, if the farmers feel that they are supported and encouraged.

Dairy control, of fairly recent date, receives a new impulse each year. It is the indispensable barometer for milk producers who wish to check up the productive value of their cattle. It is not sufficient for certain farmers to declare that the milk industry does not pay, if they have not first found out the yielding capacity of their cattle.

The Department of Agriculture has done splendid work up to the present. It is important that the present Government add new methods of action in the endeavour to popularize as quickly as possible the system of control.

The classification of dairy products exists, properly speaking, only in embryo. Last year Parliament enacted a law giving to the Department of Agriculture the task of framing rules for the application of this law.

Not longer ago than the 7th, 8th and 9th of this month there was held at Ottawa, under the presidency of the higher officers of the Department of Agriculture, a reunion of the principal makers of butter and cheese in this country. Each of the provinces of the Confederation was represented at it. The classification was there approved. I consider that the classification of dairy products is extremely urgent to enable us to resume the high place that we had succeeded in attaining in foreign markets, and especially in the English market. Besides, the classification is a matter of justice for the producers. It will be a practical lesson for those interested and will render justice equally to each of the provinces.

Canadian products, at least dairy products, must not be classified according to the province from which they come but according to their respective values independent of their source; that is to say, not quantity in production, but uniformity in quality.

This law will put an end to a rivalry between our two largest provinces, which has lasted too long; it will render justice to each one of them, under a uniform stamp determining the quality of each of their products and their sale of these products, on a footing of equality.

The Government is disposed to give effect to this new law, which will be applied for the benefit of the community in general. This is another mark of its solicitude for the agricultural class.

I am a convinced believer in the efficacy of co-operation; I commend the association together of groups of farmers to expedite improvements in the raising of different breeds of cattle, in the production of milk and its by-products, and in the sale of their produce. There only lies progress.

These associations, composed of active and enterprising men, generally accomplish what they undertake, to their own benefit, and equally to the benefit of the great mass of farmers.

In my opinion, the Government should not hesitate to encourage, to subsidize, their efforts. They facilitate the work of the Department of Agriculture, and meet the needs of the farmers better than the staff of very competent officers of this important department could do it alone.

Economy, the strictest economy, will be the dominant note of the present Government. We have no reason to doubt their sincerity if we recall the golden age of the Laurier Government when, on entering into office in 1896, the latter had to re-establish the equilibrium in our finances and restore the confidence compromised by the preceding régime. Once more, this is the main task the Government will have to accomplish, in face of the depletion of our national treasury. Our financial situation is truly deplorable. The task of the Government is enormous; but when we consider the patriotism and the worthiness of the members of the Government and of the present Parliament we have the firm hope that it will re-establish confidence and bring back the affluence of former days. What the Government has to do is not only to act, but to teach others that the

precarious situation of the country demands prudence and economy not only on our part but on the part of everybody, not only in the higher spheres but among the masses. The country must extricate itself from the dilemma. The Government will set a good example and it will surely attain its object if the public will lend it a strong hand.

The present Government is not a class Government. It rests upon foundations of the purest democracy. It is neither radical nor reactionary. It is not divided into two groups, one which toils and another which reaps. No; on the contrary, it lives and will pursue its destiny preaching equality of classes and of the legitimate aspirations of individuals. Its mission, shall we say, is providential. In 1896 and the years immediately succeeding, Sir Wilfrid Laurier saved the country from the dilemma in which he had found it. The task is truly very heavy; but, with the support of the representatives of the people, and that of the people themselves, the Government will again perform the miracle of 1896.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I am not indifferent to the fact that since we last had the pleasure of meeting in this Chamber we have exchanged sides, and in the political contest which took place on the 6th of December last the Government of which I was a member succeeded in taking third place. The present Government has not been sufficiently long in office to declare a distinctive policy which we can discuss with advantage, nor has it been long enough in office to have a record which we might criticise. My disposition, therefore, would not be to criticise the policy of the Government nor of the party which it represents, because of an absence in that direction. In fact, I am at a loss to see any particular distinction between the Speech from the Throne which fell from the lips of His Excellency last week and a speech which the late Government might have submitted for the purpose of opening Parliament. It seems to me that, so far as the party which those who sit upon this side of this House represent, we might consider with some advantage the reasons which led to the reversal which took place in December last, and under which we have exchanged places with our honourable friends on the opposite side of the House. I am not disposed to cry peccavi, to admit that in any sense we have sinned, or that in the performance of our duty we have fallen short of what the country would naturally expect from a Government which had held office for the last ten years; nor am I prepared to admit that the results of the late election were expressive in any sense of a condemnation of the late Government, as to its policy, or its acts. I venture to say with a reasonable degree of confidence that the Government which has just entered upon office will not depart to any radical extent from the policy pursued by the late Government. That is probably as high a tribute as I can pay to the Administration which has retired from office. An individual or aggregation of individuals, in their aggregate capacity, suffering a loss or a defeat in the ordinary fields of activity, would naturally take a retrospective view of such a situation and seek to inquire into the cause which led to reversal. It seems to me that possibly I might be able to spend my time more advantageously in the short period allotted to me in dealing with this subject if I were to look to the causes which led to this reversal rather than to make any criticism of the campaign carried on by my honourable friends during the late election contest.

We cannot overlook the fact that the Borden Government came into office at the end of 1911, at a time when an era of prosperity, when a boom which had swept over this continent—probably the greatest of any that we have experienced in our time—had about ended. That Government inherited, as we all know, the many problems which had been assumed by the Laurier Government, problems which had not been fully developed. We inherited at that time, for instance, the railway problems, which were probably the biggest problems that any Government since Confederation had to solve up to that time. I do not propose to enter upon any discussion of these problems at the moment, except to say that, from the time the Borden Government assumed office until 1914, when the world's great war confronted us, not only was the time of the Government occupied in endeavouring to solve these problems, but the financial abilities of this country were strained to meet the obligations then maturing.

It cannot be said that Parliament, during the period from the beginning of the war until its close, manifested any disagreement with the Government as to the policy which it pursued upon that subject. I think our opponents will agree with us that the Government of that day

steered Canada most successfully through a time in which it was confronted with more serious questions than any other Government has had to face in our time.

The policy pursued by the Government during that crucial period placed Canada in the very front rank of nations. Canada, looking back upon that period, has every reason to be proud of the policy pursued by that Government, and we have no apology to advance by reason of any difference of opinion which may exist in the country in regard to the obligations which we assumed. I therefore say that in no case was the defeat of the Government due to scandal, extravagance, or policy.

It seems to me that if the late Government in any sense weakened itself, it was in playing the role of reform—the role which my honourable friends on the opposite side regard as their divine right. When we came into office, we, perhaps unfortunately, were seized with the idea that we had reached a period in the history of Canada when we could carry out successfully certain reforms, such, for instance, as we assumed and carried out, and I think successfully. At no period since Confederation were so many reforms placed upon the statute book as during that particular time. I need only refer to the policy of the Government upon Civil Service, upon prohibition, upon agricultural education, the policy pursued by the Government as to returned soldiers, the policy as to votes for women, a reform which has been very strongly opposed in Quebec by my honourable friends opposite. But, unfortunately, although we assumed the responsibility of carrying out all these reforms and placing them on the statute book and giving effect to them, the result was that the Government rather lost support in the general election than gained thereby.

I think I can say with some justification, that in the late election we sacrificed the prestige and the influence which we might have exercised, had we retained political patronage. We sacrificed that in the interest of placing upon the statute book civil service reform, whereby the Government of the country handed over to an independent Commission the appointment and regulation of the Civil Service.

During the war prohibition became a very interesting and very live subject. The late Government did not hesitate to give effect to what was then considered public opinion upon the subject. But I venture to say that the prohibitionists of Canada did not support the Government in the late election.

I can say the same in regard to the farmers of the Dominion. We did not hesitate to place upon the statute book the most advanced legislation as to agricultural education. We appropriated something like $20,000,000 for education in agriculture. Notwithstanding this fact, the farmers went back upon us.

And what shall I say of the manufacturers? During the last campaign we nailed to the mast the flag of adequate protection for the manufacturer, no matter what the consequences might be. But the manufacturers, observing that my honourable friends opposite were wobbling to such an extent upon the question of the tariff, thought it necessary to give their adherence to the Government now in office with a view to making them solid upon the tariff, and they went back on us.

We made the most generous provision for the returned soldiers. None of the Allied countries approached the generous treatment which Canada accorded to them. In fact, the treatment accorded by Canada to the returned soldier has been a matter of comment throughout the countries of the Allies. But I venture to say that the late Government did not receive the support of the returned soldiers, but that, owing to the uncertainty of the attitude of my honourable friends opposite, they said, "We will go with the Liberal party, inasmuch as they have promised us more." Consequently my honourable friends got the support, generally speaking, of the returned soldiers.

Then, votes for women. Why, we were in the very forefront of this particular reform, and we placed a most liberal provision upon the statute book, whereby women exercise the same rights as men in respect of the franchise. But unfortunately we were not able, it seems to me, to retain the support of the ladies, notwithstanding our policy on this question, for I observe that my honourable friends are here, notwithstanding the very militant attitude which they took in the province of Quebec against extending the franchise to women.

It seems to me, therefore, that the Liberal-Conservative party will have to depend upon the publicans and sinners of the community. We have never been able to get any very great support from the saintly section of the community, and seemingly are driven back to rely upon our old friends, the publicans and sinners;

it is to be hoped that they will muster in the next election and not leave us.

Now, it is a matter for some comment—although, as I said a few moments ago, we took third place in the contest at the polls—that the Conservatives secured within 13 per cent of the votes secured by my honourable friends now in office, notwithstanding the solid vote which they got in the province of Quebec, which we may eliminate from the contest, as that province seems to be out of it.

Hon. Mr. CASGRAIN: And Nova Scotia too.

Hon. Sir JAMES LOUGHEED: The 114 or 115 representatives which my honourable friends have, represent a unit of 11,100, whereas those who sit on the Liberal-Conservative side represent a unit of 18,400. The Progressives represent a unit of 11,800. It will thus be seen that the Conservative members of the House of Commons practically represent a unit of nearly 75 per cent more than those supporting the Government.

Hon. Mr. DANDURAND: Throughout the whole country?

Hon. Sir JAMES LOUGHEED: Yes, taking it as a whole. Furthermore, the vote recorded for the Liberal-Conservatives in all amounted to 971,502 as against 759,387 recorded in support of the Progressives. On the basis of the unit representation of the Liberal party, the Liberal-Conservative Opposition in Parliament would represent approximately ninety seats; so that, notwithstanding the support secured by my honourable friends opposite from the province of Quebec, in which a policy of extirpation was put forth as to the Conservative party, we really came out of the contest with almost as much credit as the Liberal party.

Hon. Mr. CASGRAIN: Everybody is satisfied.

Hon. Sir JAMES LOUGHEED: I simply point out these anomalies under our election laws by which it becomes manifest that our representative institutions are not as representative as they should be.

As I said a moment ago, there were no specially distinctive questions upon which the late Government was attacked at the late election, nor upon which the vote of the electorate was cast. That is to say, there was no distinctive issue except, perhaps, in the province of Quebec. I need not inform this House, because we are all familiar with the facts, that the transportation interests, the banking interests, and the power interests of the province of Quebec went in full force against the late Government, and instructions went forth that under no consideration must a supporter of the late Government be elected in that province.

It appears to my mind that, as the election very largely turned upon the action of the province of Quebec, we might ask ourselves, why this combined attitude of the transportation, banking and power interests, of that province? Why were they arrayed against the late Government? I need not say that it was on account of the policy of the late Government upon the railway situation; and it might not be out of place for me to review that question for a few moments without going too extensively into the figures involved.

I need scarcely say that from Confederation down to the present time the Government of Canada, no matter which side of politics it represented, has been faced with a railway question. It started at the time of Confederation—before that period, I might say. The Government of Canada before Confederation had to assist very substantially the Grand Trunk railway with an enormous sum of money; at the time of Confederation we had to assume the building of the Intercolonial; and we had to build a transcontinental line reaching from the Atlantic to the Pacific for the purpose of completing the union with British Columbia. Hence one is not surprised that when the late Government came into office, and it was found that the National Transcontinental railway and the Grand Trunk Pacific railway had met financial difficulties and could not be completed without the intervention of the Government, there was nothing else for the late Government than to assume all responsibility incident to these operations and the taking over of the system.

Before the late Government came into office, the Laurier Government had not only committed itself to the building of the National Transcontinental and the Grand Trunk Pacific, but it had committed itself to the development of the Canadian Northern into a Transcontinental system, and it had placed the necessary legislation on the statute book declaring that to be the policy of the Government touching that road. We were therefore faced, before we were three years in office, with the necessity of dealing with the railway situation, and there was no alternative for the Government of the day, the Borden Government,

but to take over those roads. What would the transportation interests of Quebec have had us do? I venture to say that if the Laurier Government had been in office during the time we were in power, they would have pursued exactly the same course as the Borden Government did upon this question. There was no alternative. The National Transcontinental, the Grand Trunk Pacific, and the Canadian Northern would necessarily have had to go into liquidation, and at a time when the war was upon us, when it was impossible to finance those undertakings either in the United States or in Europe. We had to face not only the liabilities which they had assumed and the possible financial crises that would arise, but also the guarantees which the Federal Government as well as the government of the different Provinces had given to those roads. It must not be forgotten that there has scarcely been a time in the history of Canada when the railway companies of this country have not met with success in coming to Ottawa and extracting from the Government what was needed for the purpose of meeting their demands. It therefore became a question with the Borden Government whether we should take over those roads or advance to them sufficient money to meet the obligations which were then facing them and not own the roads. It requires very little consideration to come to the conclusion that the only policy to pursue was to assume the obligation and become owners of the roads. The Government of that day did not embark deliberately upon the ownership of railways. It was a situation that we had to confront entirely irrespective of the views which we might have held on the question of government ownership.

Now, why, I ask honourable gentlemen, should the late Government have the strong opposition of those interests in Quebec to which I have referred? What Government was it that initiated a reckless rivalry to the Canadian Pacific railway? It was not the late Government, The building of the National Transcontinental struck a serious blow at the prosperity of the Canadian Pacific railway. Who was it that assumed responsibility for striking a blow at the prosperity of the Grand Trunk railway? It was not the Borden Government. It was the Laurier Government, in inducing that Company to enter upon practically an orgy of expenditure absolutely unwarranted, in building a second transcontinental system. Thus we were called upon during the late election to face responsibilities which in no wise belonged to the Borden Government.

Furthermore, honourable gentlemen, it cannot be gainsaid for a moment that public opinion was behind the Government in assuming the ownership of those roads during the period to which I have referred. Both sides of Parliament supported it. The Opposition in the House of Commons did not oppose the policy of the Government in taking over the National Transcontinental, the Canadian Northern, or even the Grand Trunk. Hence it is difficult to understand why in the Province of Quebec the policy should have been pursued of not only attempting to eliminate the Liberal-Conservative party from Parliament, but also to extirpate it to the extent carried out.

May I quote to the House just a few figures with a view of establishing the contention which I have advanced—that no other sensible policy could have been adopted than that which was pursued by the Government. From Confederation down to the present time the Government of Canada has paid subsidies amounting to about half a billion dollars, including the construction of the National Transcontinental. Excluding the National Transcontinental, we paid out subsidies amounting approximately to $250,000,000, and we likewise have assumed guarantees of bonds approximating half a billion of dollars. We have made land grants to companies exceeding thirty millions of acres. Notwithstanding those enormous obligations which we had undertaken up to the time of our assuming ownership of those roads, Canada did not own a mile of the railways we had so subsidised, in cash, in guarantees, and in land grants. Between 1909 and 1918, in loans and bond guarantees, we gave to the Grand Trunk railway and the Grand Trunk Pacific no less than $70,000,000. During the short period between the creation of the Canadian Northern as a transcontinental system and our taking it over we gave bond guarantees to the extent of $45,000,000, and a loan of $15,000,000, and yet we did not own those properties. I say with the greatest degree of confidence that if the Government of that day had at that time not taken over those roads, but had allowed them to go into liquidation, whoever acquired them would have come back to Ottawa just as soon as Parliament met, and the annual pilgrimage for colossal sub-

sidies would have been made to the Government of the country. No matter what Government might have been in power, they would have been forced to make further advances of the character that I have already mentioned.

My honourable friends opposite have taken a very great deal of satisfaction—and, I think, properly so—from the solidarity of the Quebec vote. If I belonged to the party to which my honourable friends belong, I should probably look upon that as a tribute to the organizing forces of my party. Nevertheless this maintenance of the Quebec bloc and the Progressive bloc—of which I shall speak in a moment—seems to me to threaten the final disintegration of this Dominion if it is continued. Why should the province of Quebec pursue a policy of hostility, as it has done during the last two general elections, to the Liberal-Conservative party? That party, during the fifty-five years of Federal Government, from Confederation down to the present time, has administered the affairs of this country for no less than thirty-four years, and, I claim, thirty-four years with credit to this Dominion and certainly to the Province of Quebec. Yet we know that during the last two elections the cry went out—and this cannot be controverted—that the Quebec bloc was to be maintained to the exclusion and the extirpation of every representative of the Liberal-Conservative party who sought a seat in this Parliament.

If representative institutions are to be maintained in this country, it can only be done by a well-balanced representation of all political parties in the councils of the nation. It must appeal to the common sense of my honourable friend that if by some extraordinary cry a province will absolutely refuse to give fair play, or give representation to a substantial proportion of the people within that province, simply because they belong to a certain party, harmony cannot be maintained in Canada, and our institutions must necessarily suffer from that degree of prejudice and hostility. I am prepared to say further that the trouble in the province of Quebec in the last election was not based upon party consideration, was not confined to party lines. The struggle was maintained upon a plane which is not for a moment consistent with our representative institutions in Canada. It was maintained for the purpose of giving to that province an ascendency by which it would be supreme in controlling the Government of this country. We find the most responsible individuals and organizations in that province forsaking, as we well know, the political sympathies which they had been expression for years and years, severing their adherence to the party to which they had belonged and joining forces with the opposite party for the purpose of forcing and securing an ascendency in Parliament. That condition is inimical and repulsive to all our ideas of representative institutions and does violence to that sense of freedom which should be expressed upon the floor of Parliament.

I am the more surprised at this because of the broad moderation which characterizes Quebec in legislation dealing with moral, social, and secular subjects. I am free to accord to the province of Quebec greater sanity in legislation along secular lines than is shown by some of the other provinces of the Dominion. Quebec has shown less intolerance upon moral and social legislation than other provinces. The security of investment and property is superior in the province of Quebec, in my judgment, to that in any other province in Canada. The people of Quebec have resisted the wave of the present age to the introduction of all kinds of political nostrums and panaceas for the amelioration of imaginary difficulties, and they are the only really conservative province, so far as I know, in the Dominion of Canada. If I were investing money tomorrow in the carrying out of any great undertaking, or advising the investment of capital, I would prefer its investment in the province of Quebec to any other part of the Dominion. In view of these facts I cannot understand the hostility manifested by the province of Quebec against a proper or fair distribution of representation in Parliament.

There are no critics in the Dominion so severe upon the Progressives as the province of Quebec; yet the Progressives from the West have simply followed the example of Quebec, and it is now a contest between the two blocs as to which shall be the stronger. The Progressives have adopted the fundamental idea upon which Quebec has built up its own peculiar bloc, and they have built up a fundamentally similar one in the provinces west of the Lakes. It is the same spirit which actuates both each equally selfish in spirit. One reason why I may perhaps be a little caustic upon the subject is that the policy pursued by the province of Quebec has extended to the West, and we have the mischievous spirit introduced into those Western Provinces of one party controlling

all the interests of that enormous country extending from the head of the Lakes to the Pacific.

Hon. Mr. FOWLER: To British Columbia?

Hon. Sir JAMES LOUGHEED: While British Columbia did not respond to the appeal in the late election, yet I may say to my honourable friend that there has been considerable activity in British Columbia since, and I fear it may find expression in some future election.

We have, in the payment of income tax, a very fair standard by which to judge the responsibility of representation and the measure which should find recognition on the floor of Parliament in a general way. We have 16,652 farmers paying income tax, and out of a total of 194,257 income tax payers. That is to say, the farmers of this Dominion are represented by about one twelfth of those who are paying income tax. They pay about three quarters of one per cent of the income tax and the business profits tax. If we eliminate the business profits tax and consider only the income tax, we find that they pay a little over one and a half per cent of the entire income taxes of this Dominion. Yet, notwithstanding the large cities and towns and urban municipalities in those three provinces, and notwithstanding the fact, that the farmers pay an infinitesimal proportion of the income tax and leave it to other classes to pay the balance, the ground is taken impliedly by the Progressives that they are the only people who shall have representation in Parliament.

This spirit of a province or a group of provinces, seeking to exclude all other classes from representation on the floor of Parliament is exactly the same spirit which expressed itself in Germany during the war, the spirit of insisting upon dominating everybody else, and which Mr. Lloyd George very properly designated, when he spoke of Germany, as the road hog of Europe.

It seems to me that during the late two general elections we have introduced a most mischievous spirit of political rivalry into the electorate, and it is unfortunate that it has been carried out to the extent of which I speak. The interests of all those provinces could be better represented on the floor of Parliament with a fair representation of the different political groups, or under the dual party system, than they are at present with a solid representation of one political party.

Before sitting down may I be permitted to extend my congratulations to His Honour the Speaker upon the recognition paid to him by the Government. My honourable friend's assocation with this House for so many years has impressed all of us with the fact that there is no more painstaking, industrious or courteous member in it—

Some Hon. SENATORS: Hear, hear.

Hon. Sir JAMES LOUGHEED: And I am satisfied that he will fill the high office to which he has been appointed with credit to himself and with satisfaction to the House and to the country. I trust that during the term of office of this Government, whether it is one Parliament or more, my honourable friend may be spared to occupy the Chair which he so well graces.

I have also to extend my congratulations to my honourable friend opposite representing the Government (Hon. Mr. Dandurand). I have been associated with him in this House for a great number of years, and that association has been an extremely pleasant one. During that period, militant as my honourable friend has been when anything affecting his own Province has come before him, I may say that he has always given the greatest courtesy and attention to any matter in which we have been interested. And I must say that during the term of office of the late Government, when I occupied the Chair which he occupies to-day, I received from him all the support I could possibly expect, and a valued assistance which he never hesitated to give in the promotion of measures which were manifestly for the public good. I am sure that the experience and knowledge and ability of my honourable friend will be spent not only in the service of the country, but will be acceptable to this House during the time he occupies the position of Government leader.

I have to congratulate the mover and the seconder of the Address upon their appointment to the Senate and upon the speeches which they have made this afternoon. Both these gentlemen come from the House of Commons, and I am satisfied that their experience in that House will be of advantage to the deliberations of this Chamber, and will facilitate the business which from time to time comes before us.

I am sure that it will give this side of the House the greatest pleasure to contribute in every possible way to the transaction of public business. I do not think that while the present Government is in office

they will be able to say that this side of the House, notwithstanding our numerical strength being greater than theirs, did not show a desire to assist in promoting the business of the country. I trust that the coming Session may be one of harmony in this Chamber and advantage to the public interests.

Hon. RAOUL DANDURAND: Honourable gentlemen, in rising to address this House it should be my first duty—and a very pleasant one indeed—to congratulate ourselves upon the appointment of the honourable gentleman from British Columbia who to-day adorns the Speaker's Chair. I content myself with re-echoing what has been so aptly said by my honourable friend from Calgary (Hon. Sir James Lougheed), because his words carry the more weight, being those of an opponent. We all enjoyed most courteous and friendly treatment at his hands when he was on the floor of the House, and I am sure we shall have constant occasion to congratulate ourselves upon his presiding over us.

At the same time, I should not forget to welcome among us an old and leading parliamentarian, the honourable gentleman from Lauzon (Hon. Mr. Bolduc), who did honour to himself in the Speaker's Chair, and now returns to our midst. We shall enjoy the benefit of his experience. He knows the whole of Canada well, and the Province of Quebec perhaps still better, and I will leave in his hands the defence of the province of Quebec whenever it needs to be defended, for henceforth I shall be obliged to speak for Canada as a whole.

I join with my honourable friend opposite in congratulating the member for Kent (Hon. Mr. McCoig) and the member for Rigaud (Hon. Mr. Boyer) on their performance this afternoon. They did justice to themselves. Their reputations were already established, and I am quite sure that they, representing the farming interests of the two large provinces of Ontario and Quebec, will be a valuable addition to this Chamber, and will give us the benefit of their experience in matters with which they have been more especially concerned.

I am somewhat timid about mentioning the action of my predecessor as leader of the House, since he took the lead by showering me with compliments. Before he proceeded to wish me a hearty welcome, I had intended expressing my regrets at the loss of his leadership of this Chamber; and I fervently hope that in the discharge of my duties I shall have his friendly co-operation.

Here, honourable gentlemen, I crave permission to take up a matter which is not contained in the Speech from the Throne. It may seem a matter personal to myself, but it bears on the conduct of affairs of this Chamber. I refer to an attitude of mind which has permeated the Senate through tradition and for a long period of years. At the root of the matter is the whole question of the function of the Senate and the exercise of its powers. Should it be administered by party groups —by a Ministerial party and an Opposition? I confess that ever since I entered this Chamber I have been reluctant to submit to party rule. I thought that the Senate should be, in appearance as well as in reality, an independent body exercising quasi-judicial functions. When reading the Debates on Confederation I felt that the role which was assigned to this Upper Chamber was, indeed, an ideal one. To cite but one of the fathers of Confederation, the then Attorney-General, since Sir John A. Macdonald, I find that at page 35 of the Debates on Confederation he stated that in his opinion the Upper House should be the controlling and regulating but not the initiating branch; the House which would have the sober, second thought in legislation. And at page 36 he added:

> There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere Chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come to that body, but it will never set itself in opposition against the deliberate and understood wishes of the people.

When examining the proceedings of the first Sessions of this Chamber, from 1867 on, it struck me from the tone of the debates that the action of the Senators was that of independent judges. Perhaps that attitude was due to the fact that it started on its way under a coalition Government. There were but two parties at the time, and the parties were represented in the first Government of John A. Macdonald. But it was not very long, I admit, before they had drifted into the old form of party politics, which obtained in nearly every parliamentary hall.

For my part, from the moment I entered this Chamber, I felt reluctant to call the leader who sat opposite the Government representative the "leader of the Opposition". That term was somewhat repugnant to me because it implied a systematic official Opposition, and I did not see the role of the Senate in that light. It seemed, according to the dictum of the founders of Confederation, that the function of the Upper House was to tender sympathetic advice to the Government, and to postpone or oppose or modify the measures of the Government according to its own good judgment without any party bias. Having these sentiments at heart, I confess that, in assuming the direction of the legislation in this Chamber, I disliked the idea of crossing the floor, having been last Session at your left, Mr. Speaker, and now coming to sit at your right. What did that action purport? Its meaning was that there were in this Chamber victors and vanquished. It seemed to take into account the fact that there had been elections in the country, elections which, to my mind, should affect the popular House but not this Chamber; and I had occasion to tell my honourable friend from Calgary (Hon. Sir James Lougheed) that I was perfectly agreeable to and even insistent upon his remaining on this side of the House.

I thought also, in order to eliminate party politics, that this Chamber should have no Ministers, either with or without portfolio. I was told that the Government business should be handled in this Chamber by official representatives of the Government. I felt that there was a better way—that, instead of everything being in the hands of one man, each Minister could very well select a Senator as his representative, and that, instead of one man taking charge of public Bills, that service could be assigned to ten, twelve, or fifteen Senators. I felt, and I still feel, that we should safeguard the independence of this Chamber, and keep it uninfluenced by any outside pressure. I felt, and still feel, that this Chamber should owe its fealty only to its King and country.

Party divisions in this Chamber have created this state of mind. We have leaders. Well, let the leaders direct; let them lead; let them carry the responsibility and do the work. If the leader set up as that of the Opposition criticises, there is a wave which carries a certain number and causes them to think and feel with him; if—and this is more serious—the leader ceases to criticise and says amen, a vast number in this Chamber will be disposed to repeat amen. I do not believe this is the proper function of the Senate. The Government did not see eye to eye with me when I suggested to its leader and his colleagues that Cabinet Ministers should not sit in this Chamber. The Government was agreeable as far as Ministers holding portfolios were concerned, but thought there should be one who would have a first-hand knowledge of the business of the Government in order to lay it before and impart it to this Chamber. I recognize that the duty of the Government is to furnish information, and that much I intend to do to the best of my ability; but when I have performed that task, it is my feeling that the Senators are then supreme in the judgment which they exercise. For my part, I refuse to lead a Ministerial party in this Chamber; I claim no followers; I shun party discipline and the party whip. I invite criticism of the measures of the Government, criticism from the right as well as from the left; and I feel that it is the responsibility of each Senator to try to improve the legislation that comes before us.

It will be obvious to honourable gentlemen that I do not seek uniformity of thought in this Chamber. In every deliberative assembly the trends of thought are many, and the ideals of government diverse. All shades of opinion are to be found within the walls of every house of parliament, be it an upper or a lower house. These various opinions will be given expression to more freely if they are given full play in an atmosphere of perfect independence.

The Speech which His Excellency was pleased to deliver contained three matters to which specially I would like to revert: Finance, Railways and Immigration.

I believe it is the duty of the Government to reduce the expenditure to the greatest possible extent. Speaking for myself, and I trust for the Government as well, I cordially invite the co-operation of this House in the task of restoring equilibrium in our finances. I want to draw the attention of new members of this Chamber to the powers of the Senate with reference to money Bills, as expressed in a resolution adopted unanimously by this House some years ago. I find in the Journals of the Senate of 1918 that the Honourable Mr. Béique moved:

> That a special Committee be appointed to consider the question of determining what are the rights of the Senate in matters of financial legislation, and whether, under the provisions of

the British North America Act, 1867, it is permissible—and to what extent—or forbidden, for the Senate to amend a Bill embodying financial clauses, the said Committee to report to the Senate as soon as possible.

The Committee was appointed, and honourable gentlemen of the Senate will find at pages 193 and following the report of that Committee, whose Chairman was the present Senator from Middleton (Hon. W. B. Ross), with a memorandum attached, prepared by Hon. Mr. Ross himself. That report asserts the right of the Senate to amend money Bills. It was unanimously adopted by this Chamber. I desire to say that I will not recede from the position I then took. I may question the wisdom, but will never question the right, of this Chamber to intervene in the discussion of the money Bills that are presented to it. The situation is so grave that I am sure the Government and the people are entitled to the co-operation of all the members of the two branches of Parliament in the solution of our financial difficulties.

The Speech from the Throne mentioned the operation of our railway system. We have now absorbed all the railways in Canada except the C.P.R.

Hon. Mr. CASGRAIN: And the Baie des Chaleurs.

Hon. Mr. DANDURAND: The question is in everybody's mind: is there enough traffic originating in Canada, or coming from outside, for our present mileage? It is agreed on all sides that our population is too small to furnish the tonnage necessary to enable us to meet our railway obligations. The most important and pressing thing to do will be to cut down expenditure and eliminate duplications. At the same time, we shall have to see if we cannot increase our population. That is the easiest and surest way to increase our tonnage. But immigration must be selected. It must be directed to our farms. We cannot seek industrial workers in industrial countries when the situation is already so critical as regards unemployment in our cities. We must seek good immigrants. We must place them on the farms.

But what is the present situation in the West? I am informed that very little arable land is left in the possession of the Government within fifteen or twenty miles from any railway in the three prairie provinces, and yet there are in the West over 22,000,000 acres of unoccupied and uncultivated land alienated from the Crown within fifteen or twenty miles of railway lines. This includes the Hudson Bay and the C.P.R. land. What can be done to get those private interests to receive the settler and offer him at a fair price the land which is thus held vacant? That is one of the most interesting and engrossing problems confronting the present Government. I believe we shall have to turn to the Eastern Provinces as well as those of the West, and ask them to compete in offering the best possible terms to the settler. Settlers we need, if we would solve the railway problem and at the same time the financial problem, and in the campaign which will be initiated for the purpose of attracting settlers to our lands I hope to see considerable emulation on the part of each province in offering them the best terms possible.

My honourable friend (Hon. Sir James Lougheed) has dealt at considerable length with the past, and with the causes of the reverse of the Government which went down to defeat on the 6th of December last. I did not intend to touch on any of those questions, nor to turn backward. I felt that henceforth we should apply ourselves to solving the very important problems that confront us. I will say but one word in answer to the honourable gentleman's queries, why has Quebec elected sixty-five opponents of the last Government, and why have the three central provinces of the West, including his own province, gone likewise against the late Government? I allude simply to the two groups which my honourable friend has mentioned. Now, I do not want to be in the least recriminative. Last year, in the discussion of the Address, I gave two reasons why those two groups would be solidly opposed to the Government. Among other reasons that actuated them, I felt that the West had a grievance against the East—that it had reason to complain of what I might call the egotism of certain classes in the East, of which my honourable friend (Hon. Sir James Lougheed) and the right honourable gentleman whom we welcome among us to-day (Right Hon. Sir George Foster) took advantage in 1911. The West wanted markets. Sir Wilfrid Laurier offered them the American market. From 1866 to 1911 the two parties had been in favour of reciprocity in natural products between Canada and the United States. Up to the death of Sir John A. Macdonald the party's credo had been reciprocity in natural products. In the elections of 1891 the Liberal party fought for unrestricted

reciprocity, and Sir John A. Macdonald asked the people to stop at reciprocity in natural products. It was a fight between unrestricted and restricted reciprocity. We all remember Sir John's speech in Toronto at the Albany Club when he was about to dissolve the House in 1891. He said:

> The Conservative party has been instrumental in putting on the statute book every advantage that has ever been obtained from the United States. From the treaty of 1866 to this day every treaty and agreement between the United States and Canada bears the signature of Conservative leaders. To-day we are trying to open to the farmer the American market for his natural products, and the manufacturer will not be affected in the least.

It was on the 5th of March that we met at the poll, and Sir John A. Macdonald and his party won the day. Mr. Blaine, it is true, had denied a few days before the elections that he had offered to discuss reciprocity in natural products; yet Sir John A. Macdonald was victorious, and he sent three Bluenoses—I do not know whether New Brunswickers are included in that term or not—at any rate, he sent Sir John Thompson, Sir George Foster, and Sir Charles Tupper to Washington to try to implement his promise to the farming community of Canada to make an effort to open the American market to Canadian farm products. They failed. In 1911 Mr. Fielding succeeded, but the East denied the West the United States market. I believe that rebuff created an incentive in the breasts of the western farmers to exercise political action under their own banner. Perhaps that was the determining cause.

As to Quebec, I have had occasion to say that it has generally been a fair fighter and a good loser, but it did balk at the War-time Elections Act. It felt that the dice had been outrageously loaded. No quarrel had that Province with those people who favoured conscription for the recruiting of troops; but it felt that at the basis of democracy stood the franchise and that the electors of Canada were entitled to a fair deal. I said that last year; but I added that it was unfortunate—repeating the words which have just fallen from the lips of my honourable friend—that there should be whole provinces—the West, Quebec, Nova Scotia and Prince Edward Island—voting one way. I urged that some means should be found after the ensuing elections (that is, the recent elections) again to divide as heretofore on political lines, so that the sentiment in Quebec to which my honourable friend has referred, and which is largely a Conservative sentiment, might find expression by the return of a goodly number of representatives from that part of the country.

I venture to suggest one remedy for these blocs that appeared on the electoral map of the 6th of December: proportional representation. Can it be applied? I am told it cannot in the large areas comprised in some of the constituencies in the West, where the population is sparse, but it should be in the smaller and more thickly-settled parts of the country. Proportional representation would have given a fairly representative number of adherents to the Conservative party from Quebec on the 6th of December, just as it would have given a fairly good representation to that party from the West and from Nova Scotia. The Liberal party would also have benefited in the West. This is my personal view. I have been from the outset in favour of proportional representation. I might cite—I do not know whether I have ever done so in this Chamber or not—the example of Belgium. Belgium is divided into two races, the Flemish and the Walloon. They seem to be unfortunately divided on religious lines, the Flemish being Catholics and the Walloons to a large extent Socialists and anti-clericals. The division in language and in religion was made a line of cleavage which was most dangerous for the body politic. Proportional representation was established. From the Flemish came a goodly number of Liberals, Radicals and Socialists, who mingled and fraternized with members from the Walloon district; and from the Walloon district came a fairly good representation of Conservatives and Catholics, who fraternized with the Catholic Flemish. This helped to round the angles considerably throughout the years that followed; and it seems to me that it offers a further reason for establishing proportional representation in Canada, because then men of the same opinions from all parts of Canada would meet in the House of Commons, and act together in amity.

Yet, for all that, I am not fearful of the results of the last election. I feel that the men elected to the House of Commons will find a common ground for working together in the best interests of the country. The problems they have to deal with are difficult ones, the financial problem being the most pressing. Canada needs the best efforts of its delegates to the Federal seat of Government. It may surely rely on its enlightened patriotism.

On motion of Hon. Mr. Turriff, the debate was adjourned.

HON. MR. PROUDFOOT

PERSONAL STATEMENT

On the motion to adjourn:

Hon. WM. PROUDFOOT: By leave of the House, I desire to say a few words of a personal nature.

As some of you are aware, I was appointed to this House by the Union Government, and sat on what is known as the Government side of the House. At the late election that Government was defeated, and following its defeat the present Government, pursuant to the terms of The British North America Act, appointed a Speaker for this House. They also, according to custom, went a step further and appointed a leader of what is known as the Government side of this House. The members of this body still following the custom, have changed from one side of the House to the other.

The Senate is to my mind an independent body, and the members should not be tramelled with allegiance to any party inside or outside of the House. I trust the time is not far distant when the result of an election will not mean the shifting of seats from one side to the other by members of this House. In the last election in which I ran I did so as an Independent, being opposed by a Liberal and a U. F. O. During the time I have had the honour of being a member of this House, I gave the late Government an independent support; and I continued that support at the last election. As stated, I stood by the Union or National Liberal and Conservative Government in the late election. Since then its only change was in dropping the word "National" and restoring the old name, the "Liberal Conservative Party." Everyone who has read Canadian history knows that this name was first used in Canada when the coalition Government of 1854 was formed. It was known as the MacNab and Morin Administration, and was composed of six Liberals and four Conservatives. This name was used more or less until the formation of the Union Government; and now that name disappears and the title of 1854 is restored, it is simply a continuation of the Union Government under a different name.

As stated, I gave that Government an independent support. It was defeated. Such being the case, I think it would be an ungracious act on my part at this stage to leave them. If I did so and took a seat with the Liberals, those who were unfriendly to me in the Liberal ranks might very well say, "He ran to cover at the first opportunity on the Liberal Party securing power."

When I reached Toronto at the end of last week I found that the Toronto Daily Star, under the head of Ottawa news, contained a statement that I had decided at the present session to throw in my lot with the Liberals and to sit with them; the Globe also contained a statement that I had given my allegiance to the Liberal party; but, much as I would appreciate being fully in accord with my old political friends of many years' standing, I am not at present prepared to go that far. I at once wrote the following letter to the Globe:

To the Editor of the Globe:

On my return to Toronto my attention was drawn to a photo of myself (Friday issue), and below it a statement "that I had given my allegiance to the Liberal party, etc." This statement is not correct. I have not given my allegiance to the Liberal party, and have no intention of doing so. In the last election for the Local House I ran as an Independent. I was appointed to the Senate by the Union Government. I gave that government an independent support. I have always felt that the Senate should be an independent body, and intend to continue that attitude.

When the Senate resumes on Tuesday next, I will fully define my position.

I would like you in your Monday issue to correct statement you made in as open a manner as it was published.

W. Proudfoot.

Toronto, Ont.

A similar letter was written to the Star.

The Globe published this letter in its issue of the 13th, but so far as I can learn the Star did not. I do not see that with any degree of consistency or fairness any other course but the one I have taken was open to me.

I am informed that it is the intention of the Liberal-Conservative party at an early date to call a Dominion-wide convention of that party. When that convention meets, if it is determined that the party will go back to its old alignment as the straight Conservative or "Tory" party, I reserve to myself the right to consider my position and the course I shall then take. In the meantime I will pursue the course I mapped out when I detached myself from the Liberal party—that is, an independent one—and in doing so I will treat from that standpoint all measures which come before this House, no matter from what side they come, advocating and supporting what I believe to be in the best interests of our common country.

I am sorry to take up the time of the House with a personal matter in which the House is not specially interested. I felt, however, in view of what had taken place, that unless I did so my silence might be misconstrued.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Wednesday, March 15, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

THE GOVERNOR GENERAL'S SPEECH

ADDRESS IN REPLY

Hon. J. G. TURRIFF: In rising to continue the debate on the address, I wish, first of all, to extend to you, Mr. Speaker, the most hearty congratulations that you have been selected to preside over this House. Those of us who have sat in the Senate in past years with you know your unfailing attention to duty, your courtesy at all times, and we feel that with you as presiding officer we are in good luck. You are following one of the best Speakers I have ever seen—my old friend the honourable senator from Lauzon (Hon. Mr. Bolduc), and I feel sure that you will follow well in his footsteps.

I wish also, honourable gentlemen, to extend to my honourable friend, the leader of the Government, my congratulations. He has spent many years in the House, and I am sure that with his well known ability he will conduct the affairs of the Senate and of the Government with credit to himself and to the Government he represents.

The mover and seconder of the Address I desire particularly to congratulate, as they were both old colleagues of mine in the House of Commons, with whom I sat for many years, most of the time in absolute harmony; and, after listening to them yesterday I am sure honourable gentlemen will agree that we have received an addition to our debating talent and that they will prove good working members of the Senate.

Since we parted last year there have been considerable changes. As the honourable leader on this side of the House stated yesterday, his party have come from the other side, and our friends opposite who were sitting here have assumed the reins of Government. Perhaps I am the only man in the House whose position has not been changed at all. Last Session I was in opposition; and this Session I am still in opposition.

Hon. Mr. BRADBURY: That is the Irish.

Hon. Mr. TURRIFF: That is an Irish feeling, perhaps, but I do not happen to be Irish. I hope, honourable gentlemen, that although I am in opposition there may be many measures regarding which I shall be able to render a great deal of support to the Government. However, that does not depend on me at all; that depends absolutely on the Government. If they bring forward measures that are in line with the policy of the Progressive party they will have my sincere support. Likewise, if they bring in legislation along the line of their old policy as outlined in their last convention, and as outlined by the present Prime Minister in the House of Commons, during the last year or two, they certainly will have a great deal of support from the Progressive party. Although the Progressive party have not increased in power or influence in this House, yet they have not lost anything, and they have here a most unanimous party. But in the House of Commons there has been considerable change. In the last Parliament the Progressives had only a handful of members. The general election held in December was the first and only general election in which the Progressives took any part whatever, and they have returned to Parliament about a dozen more members than the old historic Conservative party of Canada.

Hon. Mr. BRADBURY: The Conservative party was not before the country last time.

Hon. Mr. TURRIFF: I think, honourable gentlemen, that the Progressives have every reason to feel pretty well satisfied with the degree of success that followed their efforts in that line.

While I am on that subject, honourable gentlemen, let me say to my honourable friend, the leader of the Conservative party, that I am very glad to see that they have had the good sense to shorten up their name and drop the word "National," and to retain only the old name of Liberal-Conservative. I think they would have done better still if they had gone one step further and made the name the Conservative party of Canada. Then we would have had three straight parties: the Liberal party, which is represented on

the other side of the House; the Conservative party, which is represented on this side of the House; and the Progressive party, which hardly knows where to find a seat in the House.

However, as I pointed out, the Progressive party made great inroads in the other House. Let us see for a moment what has been the cause of the growth of the Progressive party of late years. It started first many years ago. I had the pleasure of going out to the western country 44 years ago. At that time the whole of that country was practically Conservative. The policy of protection did not appeal to the farmers of the West; so after being a few years on the prairies, they gradually drifted over to the Liberal party which advocated a lower tariff. The first thing that started them organizing was the trouble that they laboured under owing to the combine of the grain buyers. After that was remedied to some extent they felt the pinch and the burden of the high protection that made the cost of everything they used in growing grain or raising cattle so high that they got no advantage from their products. Then there was quite a growth of Liberalism in that country. So I consider that what has been the cause of the growth of the Progressive party, more particularly in Western Canada, is first the policy of our friends on this side of the House, and secondly, not the policy of my honourable friends opposite, but the manner in which they carried out or did not carry out that policy. That condition forced hundreds and thousands of farmers in the West, who originally had been Conservatives or Liberals, to the conclusion that there was no hope at all of them getting what they wanted from either of those two parties. They felt for many years after the Liberals came into power in 1896 that they had not been given the redress that was promised them, and that therefore there was nothing much to hope for. I am free to admit, honourable gentlemen, that the late Liberal Government did attempt to do something for the farmers when they introduced the reciprocity proposal on which they were defeated. But, honourable gentlemen, by whom were they defeated? The Conservative party voted against it. We did not expect anything else from them, because the Conservative policy was a protective policy. But what defeated reciprocity very largely was the vote of the Liberals. If all the Liberals had voted for reciprocity in 1911 we would have had reciprocity; but many of my Liberal friends went back on that proposal and voted against it, with the result that although the West went pretty solidly for it, it was defeated and we did not get it.

This in my judgment, honourable gentlemen, is a pretty fair explanation of the reason for the Progressive party and the causes that led to its growth. And one can understand fairly well how deeply the Progressive idea has taken hold on the Western people, when we come to realize that in the Provinces of Manitoba, Saskatchewan, and Alberta—three large provinces that are now entitled to twelve or thirteen more members than they have in the House of Commons at the present time —not one member supporting honourable gentlemen on this side of the House was elected, and that only two members supporting my honourable friends on the other side of the House were elected, one in Winnipeg and one in Regina. The movement has spread to Ontario and there has been a good representation elected to the House from that province. East of the Ottawa river only one Progressive has been elected; but that is a matter which I expect we will be able to remedy to a certain extent in the future, although I am not overly sanguine that in my own old native province of Quebec there will be any very large number elected, but I have no doubt there will be some. There are a good many more or less dissatisfied people in the province of Quebec at present, and I look for the Progressive party to make a start in Quebec and to attain some considerable growth. Whether or not we will be able to do anything in the lower provinces I do not know. We have only one member from New Brunswick, and none at all from the other provinces.

That is the position to-day. And I want to say here, honourable gentlemen, that I think the Progressives have something to complain of at the attitude taken by the supporters of the Government, and also by the supporters of the party on this side of the House. In the last campaign, the misrepresentation that took place, and the policy pursued towards the Progressive party were somewhat extreme. From one end of the country to the other it was heralded abroad that if the Progressives should come into power there would be a general upsetting of things, and that the tariff would be wiped out overnight. If those are not the exact words, that is the exact meaning of what was said by many of the speakers,

the candidates, and the press of both sides. Well, anyone who knows anything about it knows that nothing could possibly be further from the truth than that. Did anyone ever hear the leader of the Progressive party or any of his principal supporters make any such statement as that the tariff would be wiped out? If the Progressive party were in power to-day, with a majority of fifty, there would be changes made in the tariff, and properly so; but anyone who says that they ever advocated that the tariff should be wiped out all at once, and that business and the manufacturers should be subjected to any such treatment are deliberately misrepresenting the attitude of the Progressive party. That party was deliberately misrepresented by both the other parties. But, now that we have a good number of men in the House of Commons, you will probably find that there is not a more able or a more moderate set of men in that House than the group that sits under Mr. Crerar. When I met them after they came here I was pleased indeed to find that two-thirds of them are young men in the prime of life, men who have come down here with a determination and a set purpose, not to work particularly for the advancement or glory of the Progressive party, not to attain power for the mere purpose of attaining power, but to work in the interest of the whole country, not simply in the interest of the farmers. There, I believe, you have the key to the situation. You make the farming and labouring classes of Canada successful, and you will have a very different state of affairs from that which has existed during the past year. What is it that keeps up the manufactures? What is it that they are suffering from now? A shortage of orders—mills standing idle or working on short time; why? Because they cannot get orders for their goods. Why cannot they get orders for their goods? Because the people of Canada, the farmers and the labouring classes, have not the money to pay for the goods and cannot buy. Put the farmers in such a position that they will be successful, and the merchants, the professional men, and the manufacturers all will be more or less successful.

Now I wish to speak for a few moments on the question of reciprocity. I believe, honourable gentlemen, that the Parliament of Canada and the people of Canada are just about to realize the mistake that was made in 1911 in not accepting the offer made by the United States. If that offer had been accepted, does anybody here think we would have had the Fordney Bill? We would not. The conditions in both countries would have so benefited by the operation of the reciprocity agreement that was then proposed that we would have had that agreement in force up to now and for many years to come; and, from our endeavors to get something of the same kind again, the people will begin to realize what we missed. Who is going to suffer most? The whole people generally will suffer, but if there is any one class on earth that is to blame, that was short-sighted, that was foolish, that did not look to their own interests, it was the manufacturers of Canada. The reciprocity agreement did not hit the manufacturers; it particularly left them untouched. If my memory serves me aright, honourable gentlemen, there were only three items of manufactured goods that were touched by the agreement: one was agricultural implements, on certain classes of which 2½ per cent was taken off, and on other classes 5 per cent. It was proposed to make salt free. That commodity had borne a duty of $1.50 a ton. I am not sure, but I think, possibly, 5 per cent was taken off the duty on automobiles. That is the limit of the effect of reciprocity on the manufacturers of Canada. They opposed it tooth and nail, and succeeded. What are the manufacturers wanting now? They are wanting markets. They need markets to-day more than protection, because, while for many years the tariff was the main issue, it is no longer the most important issue to the people of Canada, including the people of the West. The question of freight rates, which I will deal with presently, comes ahead of that. But the manufacturers then had an opportunity of securing the markets of the United States for the agricultural products of the people of the West, which would have enabled them to get money to buy goods. But the manufacturers turned it down, and they will regret that action from this time forward, if they have not done so before now; because, in my judgment, never again during the life-time of anyone here, and longer, will the Canadian people be able to get from the United States such a good agreement as was arranged in 1911. I see that the Government has made an effort to get something of the kind. I will not give them any credit for it just now, but if they succeed they will have the support of the Progressives throughout the country.

The Finance Minister went to Washington a few days ago to see what could be

done. Let me say that I believe that he was absolutely honest in his efforts. I also believe that many members of the Government would not have been agreeable to sending him down if they had thought for one moment that he had one chance in a hundred of succeeding. Further than that, I will say, knowing as I do nearly all the members of the Government, that I believe many of them were agreeable to the Finance Minister going down and thinking that they were taking the very best method of putting a stop to getting reciprocity in the near future in any shape or form. Why do I take that view? Let us look for a moment at the condition of things in the United States in the last two years. In 1920 there was a presidential election on. At that time the Democratic party under President Wilson was in power. They are the low tariff party in the United States. Conditions had got very bad, more especially in the Western States. The farmers of the Western States were in exactly the same position as our farmers in Western Canada. They had had a good crop and prices had gone up; they were getting big prices for their products. But everything the farmer purchased that went into the production of his crops had increased in a like or even greater proportion. In the fall of 1920 the farmers of the Western States, like our own, had grown a very expensive crop. Then prices suddenly fell and there was a howl set up by the American western farmers that they wanted protection from the competition of Canadian products. The Republicans, like any other party, promised everything, from the Kingdom of Heaven downwards, to the American farmer. Therefore, after they were swept into power by a tremendous wave, when Congress met, in order to implement their promises they passed the Fordney Bill as a temporary Bill, in which they practically shut out Canadian farm products. Any honourable gentleman, particularly those of the West or of Ontario, know what effect that had on our cattle growers and our grain growers. Our cattle were simply practically shut out of the American market, which was our best market for cattle. The year before we had exported into the United States some 350,000 head of cattle. Just imagine the condition when that market was suddenly closed against us. The result was that cattle in the West were practically valueless; you could not get a market for them; and many of the cattle growers have become practically bankrupt through the operation of the Fordney Bill. At first, the Fordney Bill was intended to be only temporary; but the Republican Government immediately set about making a new permanent tariff. What has been the result? That tariff has been incubating for about a year. It has not been passed yet—why? Because a very large section of the Republican party begin to see daylight ahead. They begin to see what is going to happen. They see that if Canada's farm products are shut out, we are not going to buy so much in their country. Their legislation is not against Canada alone: it is against the world; but it so happens that Canada is the only place that it affects, and the people of the United States, especially the manufacturers, are beginning to realize that if we are not allowed to sell in that country we shall buy less there. Our own statistics prove that. They realize that unless we can get an open market for our products their exports are going to be very much curtailed. During the past calendar year the exports of American manufactures to England, Japan, and Canada—those three countries alone—were reduced from the previous year by $1,500,000,000, or about $5,000,000 a day for every working day of the year. Is it any wonder that they are beginning to hesitate as to what they shall do with their permanent tariff? It was at one time supposed that the permanent tariff would largely reduce the Fordney tariff, and before that measure becomes law we find our Government going to the United States to open up the question of a reciprocity agreement. I believe, honourable gentlemen, it would have been far better to have let that alone for a year. Why? Because elections for the House of Representatives and for the Senate will take place in a number of States this year. You are now putting them up in arms. You are putting it into their power to say: "Canada is after reciprocity again; we have to guard against that—to keep our promises to the Western American farmers; therefore this permanent tariff must be a strong tariff against imports of Canadian farm products." So, in my judgment, honourable gentlemen, it would have been better to have waited a while until matters have settled.

But I know perfectly well that many members of the Government of the day are no more in favour of reciprocity with the United States now than they were in 1911. We shall, I think, get reciprocity with the United States—of a kind. It will be some

time yet. But it will be reciprocity not merely in natural products of the farm; as a quid pro quo the United States Government will demand also reciprocity in certain lines of American manufactured goods. That is the reciprocity deal that we shall get, if we get any. Therefore I say that the manufacturers of Canada are the class that will suffer the most in the future for not having accepted the reciprocity proposal of 1911, that did not touch them or hurt them at all.

Hon. Mr. DAVID: Would the honourable member allow me to ask him a question?

Hon. Mr. TURRIFF: Certainly.

Hon. Mr. DAVID: I am interested in the speech of the honourable member. In case the United States refuse to give us reciprocity, what shall we do then? Shall we open our markets to them?

Hon. Mr. TURRIFF: Yes. Surely my honourable friend would not advise that if we cannot get reciprocity we should say to the United States, "You cannot sell any goods in Canada." What would that be doing for the farmer and the workingman? It would be putting the farmer in the position of having to buy any goods used on the farm at any price the home manufacturer chose to ask. Under the conditions which my honourable friend from Mille Iles (Hon. Mr. David) mentioned, my suggestion would be—and this is part of the Progressive policy—that we should lower the duties on all goods coming in from Great Britain; we should increase the preference to Great Britain; or, if the Americans shut out everything from Canada, then we might go so far as to say, "We will open our markets absolutely free to Great Britain." For if the United States shut out our farm products where are we going to find a market for them? They must go to Britain and to Europe. That would be my suggestion as to the best way to meet the condition, and it is quite possible that the condition mentioned by my honourable friend from Mille Iles may come about. However, I have not very much fear of it coming about.

One thing I notice has not been mentioned in the Speech from the Throne. There is no word about redistribution. I can understand that that does not effect a great many people in Canada; but I would like this House to remember that, until we have a redistribution, the West, like all other parts of Canada, is represented in the House of Commons on the basis of the census of 1911. That was taken eleven years ago. We on the prairies would be entitled to, I think, twelve or thirteen new members. If we had had redistribution before the election, as we should have had, there would probably have been nearly that many more Progressives from the Western Provinces. My opinion is, and I suggest it to my honourable friend the leader of the Government, that a redistribution Bill should be brought down at this Session. We do not know what may happen. The Government have not a majority, and they have to depend on the Conservative party or on the Progressives in the House of Commons. They need help from one or the other or they cannot continue. I think it would be good policy to pass a redistribution Bill at this Session. It would probably take only two or three days, for there is now no party in Canada, whether Liberal, Conservative or Progressive, that would try to pass an unfair redistribution Bill. That fact was made plain enough in the returns at the last election. My honourable friend the leader on this side of the House (Hon. Sir James Lougheed) pointed out yesterday that it took 18,000 Conservatives to elect a member of the House of Commons, while it took only 11,000 Liberals or 11,800 Progressives to elect a member. So I suggest that a Bill be brought down. It could be referred to a committee, and the committee would lick it into shape. Only two or three days time would be required for the House of Commons to pass it. Then we should be ready for anything that might happen. My honourable friend the leader of the Opposition—if I may call him so, in spite of what the leader of the Government said yesterday—lamented that, although his party had not been at all to blame and had done everything right, yet the different interests went against them. He mentioned as one instance that they had voted $20,000,000 for the education of farmers, and still the farmers had voted against them. I want to ask my honourable friend from Calgary if he really thought that by educating the farmers they would be induced to vote Conservative.

Hon. Sir JAMES LOUGHEED: Their vote shows want of education.

Hon. Mr. TURRIFF: My honourable friend (Hon. Sir James Lougheed), as his next point, complained of the great newspapers of Canada going against the party as they did. He complained also of the big interests, of the manufacturers of Can-

ada. Then, I think, he was on good solid ground. It was most ungrateful, after all the Conservative party had done for those interests, when they thought there was going to be a change of Government, to desert and leave the Government in the hole. It just proves the old adage that gratitude is a lively sense of favours to come, with no consideration of favours in the past.

Another suggestion I would like to make is that when the Government bring in a redistribution Bill, and particularly when they amend the Election Act, as I suppose they will, provision should be made for proportional representation. If not over the whole of the Dominion, it might be applied at first to the cities and other densely populated parts of the country. My own impression is that it could be applied to the whole country with great advantage. Then there would no longer be such a condition as whole provinces voting solidly for one party. There is not a province in this country that would have been represented wholly by one side if we had had proportional representation in the last election. Quebec would have elected a considerable number of representatives to support this side of the House; so would the Maritime Provinces; so would the West, and it would be an advantage all round to have the people represented in Parliament according to the views and sentiments held throughout the country.

The next matter I wish to discuss for a short time is the railway question with the question of freight rates. In my opinion, honourable gentlemen, the question of railways and freight rates is the predominant problem in Canada to-day. As affecting the farmers particularly, it is of much greater importance at the present time than the tariff. It cannot help but be, and I desire to say right here that the present rates are simply paralyzing the trade of the country. I am not complaining of the rates having been raised during the war. I think it was all right for the Government to raise those rates. It was all right to set aside the Crowsnest agreement and give the Railway Board permission to increase the rates on that road irrespective of the agreement that had been made. But now conditions have changed, and if these rates are kept up you are going to have stagnation. I notice by the Speech from the Throne that the Government expect that there will be better times in the very near future. I want to say, honourable gentlemen, that there can be no better times until the question of freight rates is settled. How are we going to settle it?

One man will tell you that if you reduce the freight rates you are going simply to put the railways out of business; that with the present condition of labour you cannot reduce the freight rates. My answer to that is this: Reduce the freight rates first, then tackle the labour question. If you have the freight rates reduced, the railroads will be able to reduce the wages. Unreasonable wages are being paid on the railways. It is not so much the rate of pay per day; it is the rate of pay for the amount of work that is done. I do not blame the Government for increasing the wages when they did. When the McAdoo award came out we were engaged in the war, and if they had not agreed to those rates there would have been a general tie-up of the railroads all over Canada. We could not afford to have that during the war. The McAdoo award was not so very bad itself, but where some people got in their work was in this, that in addition to the McAdoo award there was inserted a little clause saying, "and all amendments thereto." After that award there were seventeen amendments to it, with the result that the railroad men could do practically what they liked. We travel on fast trains. But take the freight traffic of the country. A crew starts out from a divisional point. At the present time they are getting high wages. The run is one hundred miles for a day's pay. They have eight hours in which to do it. There are a hundred different ways for that railroad crew, if they wish, to delay and get in three or four hours late. That means that for the last three or four hours they can draw as much wages as they did for the first eight, either by receiving pay and a half or by increased mileage. I have had instances brought to my attention, honourable gentlemen. In one instance, I remember, a man who was working on a snowplough got his boy also appointed on the plough. They start from a division and their pay counts until they get to the next division. They may be three days getting to the next division. And what are the wages? For the first eight hours they are paid their ordinary regular wages, and after that they get pay and a half, day and night, Saturday and Sunday, working, sleeping, or eating. They get pay and a half for twenty-four hours a day. This particular man that I am mentioning and his boy were out for the month of February and drew $800 odd.

Hon. Mr. BRADBURY: Each?

Hon. Mr. TURRIFF: $800 for the work for the month.

Hon. Mr. BRADBURY: The two of them?

Hon. Mr. TURRIFF: Yes.

Another case brought to my attention was that of a mechanic. Something goes wrong with an engine. The engineer either cannot or does not want to fix it. He wires down to the divisional point or to one of the big shops, and a mechanic is sent up. He has to have a helper. They come up on the Pullman or in the parlour car. That is all right. But from the time they start out until they come back, they receive pay and a half after the first eight hours for twenty-four hours, day in and day out. Any one knows that under those circumstances if a man made a trip of two or three hundred miles in the West, the bill would be several hundred dollars. That sort of thing cannot go on. Wages have to come down to a proper basis. And remember, I am not in favour of reducing wages to the limit. I like to see a man make a good day's pay, but I want to see a fair day's work done for that pay. At present we are not getting a fair day's work for a fair day's pay. And if freight rates are to come down—and they have to come down if you want prosperity in Canada—then I say wages must come down also.

Why should these men be in any different position from the farmers, for instance? At the present time the farmer does not get one-third of what he did for his products, and still he has to pay an increased price for everything he purchases. At the present time in the West there are many products of the farm on which, if loaded on a car of either the Government railways or the Canadian Pacific railway, you have got to pay the freight in cash when the car is shipped—why? Because the railways are afraid that the carload of the product, whatever it is, will not sell for sufficient at Winnipeg or Fort William to pay the freight. There have been numbers of cases in which a man has shipped a carload of farm products, and has been billed back for a certain amount to pay the freight, the receipt from the sale of the goods not being sufficient to do so.

I ask you, how in the name of Heaven can a country prosper under such circumstances? I say it cannot prosper: there can be no revival of trade till conditions are remedied along the line of reducing freight rates. This agreement giving the Board of Railway Commissioners power to increase the rates on the Crowsnest railroad over and above those fixed by Act of Parliament at the time of the granting of the charter and the giving of the subsidy to build the road should come to an end. We paid millions of dollars to the Canadian Pacific Railway for the building of the Crowsnest road, and we got as a quid pro quo reduction on certain commodities, both east and west—grain, cattle, coal, implements, etc. Now, there is a campaign being carried on, not only in Canada but in the United States, to continue that sort of thing. The shareholders of the Canadian Pacific Railway have been drawing 10 per cent on their common stock for years, and I want to ask why should they any more than anybody else be bonused year in and year out? Is there a man here having investments who has not suffered losses or decreased dividends during the past few years? Why should the shareholders of the Canadian Pacific Railway, a large majority of them outside of Canada, be put on a pinnacle and be permitted to say: "Oh, no, the Canadian Pacific railroad is sacred; the shareholders of that railroad, no matter whether they live in Europe, Africa, or the United States, must be paid 10 per cent on their common stock." Why cannot they eat thin soup as well as the rest of us? Are we going to be taxed day in and day out? The income tax will have to be increased still further in order that the shareholders of the Canadian Pacific Railway, living in affluence in many of the countries of the world may receive 10 per cent on their common stock irrespective of conditions here. I want to point out to my honourable friend (Hon. Mr. Dandurand) that if the Government extends the time under which the Railway Board can set aside the agreement that was made, or if they put up any private member to introduce some little clause that would hardly be noticed but which will have the same effect, there will be a strong reaction through the country, and they will have mighty good reason to regret their action. I think it is time for us to let the Canadian Pacific Railway know that they have got to live up to contracts they made years ago. When that matter was brought up in the House some three years ago, there was a proposal made that without limit on the time the Railway Board should have control irrespective of any Act of Parliament; and I think it was due to my honourable

friend from Portage la Prairie (Hon. Mr. Watson) that the time was limited to three years, and I think Canada owes him a debt of thanks. That three year period will come to an end some time in July, and now is the time for the Government to show its sense of anxiety to do the right thing by the people and to bring the Canadian Pacific Railway back under their own control.

Remember, the railroads are not benefiting very much by the high freight rates. They are not carrying the produce. In the West last year there were millions of bushels of oats which were never threshed —why? Because the oats could not be threshed and shipped to Fort William and sold at a price which would leave enough money after the freights were paid to pay for the threshing. Is that the way to get freight for a railway? Can you have prosperity under those conditions? It is utterly and absolutely impossible. So I say lower the freight rates, then tackle the question of labour on the railroads. Give the men a fair deal; but give the people who have to pay the freight a fair deal as well as the men who are working on the railroads.

I never was a believer in government ownership or operation of railways, but I quite agree that the late Government was not so very much to blame for what has been done. My honourable friend, the senator from Calgary (Hon. Sir James Lougheed), went into that question yesterday. He mentioned of course that the late Government had fallen heir to the railways that were built under the Laurier policy. I think my honourable friend might have added, however, that when they fell heir to this policy they went it one better. I remember perfectly well that when the Canadian Northern railway was building, Sir Wilfrid Laurier and his Government refused time after time—absolutely refused —to give one dollar of assistance for the building of the road from the foot of the Rocky Mountains to Vancouver. The Laurier Government was defeated in 1911, and my honourable friends on this side of the House came into power, and in a short time they gave a big cash subsidy to Mackenzie & Mann to extend the road to Vancouver; and, what was worse, Mackenzie & Mann went to the McBride Government in British Columbia, and got a guaranty from them of $50,000 a mile, and they built that road and I have no doubt put a lot of that money into their own pockets. Later on the Dominion Government had to relieve British Columbia of that liability. So we have $50,000 a mile added to Canada's indebtedness on the cost of the railroad, as well as a subsidy of, I forget, how many thousand dollars a mile which was given by the Borden Government.

I am not blaming the late Government, or trying in any way to exonerate myself or the Laurier Government, which I supported in those days. We made a mistake; but the other party also made a mistake, and recriminations are of no use. We are both to blame, and what is more the people of the country backed up the Government in doing what they did, and they are to blame.

But we have a different condition of things now, and it is for us, not to spend time in blaming each other, but to see how we can remedy the matter. I believe, honourable gentlemen, that if the Government railroads are amalgamated and put under the charge of a man of ability and courage, we may come out all right. No other man in the country needs such an endowment of hard-headed sense and courage.

I am sorry to find so many members of the Government—our friends from Quebec, generally, and many others—wanting the Government to get rid of the railroad. Honourable gentlemen, we are not in this condition because of government ownership of railroads, but on account of the private ownership of railroads. The present unfortunate condition came about on the Grand Trunk and the Canadian Northern railways under private ownership. The loss was made years ago. I see that some man in Quebec wanted to turn them over to anybody who would take them and give a dollar for them. Give them to a private company? Yes, but the Government was to retain all the liability. Another proposal was to turn them over to the Canadian Pacific Railway Company and to let that company manage them, and to undertake to add to our liability by guaranteeing for all time a 7 per cent dividend on the C.P.R. common stock, and let them at the same time take all the steamships, hotels, lands, everything, on which they are now paying 3 per cent on the common stock. To my mind, both propositions are absolutely absurd. We are going to lose money; but if we can have good management, honest management, free from Government interference, we will lose less money by retaining these railroads than by turning them over on any such basis. Let us shut off the unnecessary trains all over

the country. Many trains are being run in the West at an absolute loss for every mile that is run. The same is true in the Lower Provinces, and I have no doubt that the same thing is more or less true in Ontario and in Quebec. Let a man of courage take hold, a man who will have the courage to say: "We are running two trains a day; one is sufficient. We are running three trains a week on this line; one train will do all the work." The service given, perhaps, will not be as satisfactory, but until we get these railroads on a paying basis something of that kind must be done or the people of Canada will have to put their hands into their pockets for millions and tens of millions more of income tax than they are paying at the present time.

There are other things, honourable gentlemen, that I would like to touch on, but I am not going to do so, for the simple reason that there will be other oportunities, and I can well afford to wait until then. In conclusion, I want to say that I have every good wish for the Government; I have every good will towards them so long as they do what I consider to be fairly or reasonably or nearly right; but, honourable gentlemen, as a Progressive I fail to see how a Government that has as many high protectionists and as many men who are dead against Canada operating her own railroads, and who are so utterly at variance with the policy outlined by the Prime Minister, can bring in legislation that either I in this House or the 65 Progressives in the House of Commons will be able to support, judging from the speeches made during the last few days in the House of Commons. I would ask any man in this House or in this country to read the speech of Mr. King, or the speech of Mr. Meighen, both able debaters, both eloquent, and to read the speech of Mr. Crerar, who is not as great a debater as either of the other two leaders, and then to say which is the best speech from the Canadian point of view, the moderate point of view. Talk about Progressives being upsetters. Read Mr. Crerar's speech and if you can carry away from it that idea I shall be very much surprised. I have read the three speeches very carefully, and in my humble judgment Mr. Crerar's speech is the best of the three. Of course, I may be prejudiced.

Hon. Mr. FOWLER: No, no.

Hon. Mr. TURRIFF: I may be prejudiced, but, allowing something for that, just as you would allow a little latitude to my honourable friend from New Brunswick, I think you will find that Mr. Crerar's is a pretty fair, moderate speech. He tells the Government: "Carry out your policies, and you will get a great deal of support, but vary from them and we will be just as ready to give support to measures proposed by Mr. Meighen if we think they are in the interest of the country."

I was glad to see Hon. Mr. Meighen returned again. I think it would have been a pity and a shame if a man of his ability had been shut out of Parliament. I think he will make an ideal leader of the Opposition. He has the ability, he has the courage, and if he does not keep the Government toeing the mark pretty well I am very much mistaken. A good leader of the Opposition is just as necessary as a good leader of the Government. We have in this House one of the old stand-bys of the Conservative party, the honourable senator from Calgary (Hon. Sir James Lougheed). He was a fine leader of the Government. I always found it a pleasure to listen to him when he was in that position, and he will make a fine leader of the Opposition. We all know of his fairness and reasonableness, and, with such a leader of the Government as my honourable friend from De Lorimier (Hon. Mr. Dandurand), such a man as my honourable friend from Calgary leading the Opposition, and I leading the Progressive party, we should meet with every success.

Hon. W. H. BENNETT: In rising to continue the debate let me at the outset congratulate you, Mr. Speaker, on having been elected by the Government to the high office which you are to fill. I judge from your kindness, forbearance and deportment in the House during the years you have been here, as well as in the House of Commons, that you will be a popular Speaker and will receive from the members on either side every consideration possible.

Referring now to the Speech, I want to re-echo all that has been said with reference to the coming of the present Governor General, Lord Byng. Perhaps no man who figured in the Great War is nearer to the hearts of the Canadian people, more particularly those who fought for Canada and the Allied forces, than Lord Byng, and the welcome that will be accorded to him and his estimable wife during their sojourn in this country will be one of the warmest and kindest ever given to any Governor General.

Now, having offered my congratulations, let me extend my sympathies. They are due to some honourable gentlemen who

sit on the other side of the House. Yesterday afternoon we listened to the plea of my honourable friend the leader for mutual forbearance in this House. So far as I am concerned, when the Government are right they shall receive every consideration from me, but when they are wrong I will exercise my right of differing with them. But why comes this appeal from my honourable friend? Had his advent to the House occurred only yesterday, he might be excused. But was he not in this House when there were three Liberal ministers in it? By the way, there was then a Liberal majority too, and I assume that had there been a Liberal majority in this House to-day there would have been three Liberal ministers as well. Our sympathy must go out to my honourable friend from Portage la Prairie (Hon. Mr. Watson), the nestor on that side of the House, that he is not in the Cabinet. Sympathy must be extended also to my honourable friend from De Lanaudiére (Hon. Mr. Casgrain), for I am sure that after all the work he has done for the party it was to be expected that he would be embraced in the Cabinet. The trouble is, the Cabinet could not stand members from the Senate, because there were such demands from various parts of the country. In the first place, there were exigencies to be met. It is true the late Government were defeated—why? By reason of certain actions of theirs, and their general line of conduct during the war. But why did not the honourable gentlemen opposite, without any record at all and with only promises in front of them, succeed in some of the provinces? It was because the people feared them for the forbearance they showed when they were in before, and dreaded the thought of their coming. Consequently, what do we see to-day? The great province of Quebec surfeited with Cabinet ministers. Alberta would not furnish a member for the Government; so Quebec had to take in the Cabinet minister from Alberta. Why has Manitoba not a minister in the Cabinet? True, there is a member from Manitoba who supports the Government, but they knew what would happen if he had to go back to his province for re-election; so of course Manitoba too is out in the cold—it is unrepresented in the Cabinet that was to represent the whole of Canada. And look at the attenuated position of the province of Ontario to-day. Go down to its extreme south-west corner and in three adjacent ridings, South Essex, North Essex and Kent, you find three Cabinet ministers. Why are they congregated there? Is all the wisdom of the province of Ontario in that section? No, honourable gentlemen, but there is a large French and German vote in those three ridings, and that is the reason they are congregated there. Then you skip all of English-speaking Ontario and come east to the county of Russell, which has a French and Irish vote amounting to seventy per cent. That county has a Cabinet minister. Then, turn to the riding which adjoins it—if I am right in my geography—and you find a gentleman who is in the Cabinet, although without portfolio. Why was he appointed? Because his constituency has a large French and German population.

It is all very well for honourable gentlemen opposite to boast that they have carried the country. They have carried it in a way, and yet when it comes to a question of numbers in the House of Commons they are to-day in a minority; and, worse than that, to use the classical phrase of a former minister, a French Canadian, they are fighting like blazes even now—these ministers and this peaceful aggregation.

What is Ontario's situation to-day? It has a split-up representation. But what about the representation of the great Liberal party in the province of Ontario? To-day, out of eighty-two ridings in the province of Ontario, they hold only seven where the English-speaking vote is in the ascendancy, and the German vote and French vote are not considerable factors. Only seven! Yes, they hold North York: the Premier holds that. They hold South Ontario—why? My honourable friend who preceded me (Hon. Mr. Turriff) mentioned the question of automobile duties. If there is any question that exercises the farmers of the Northwest and the people of Canada generally, it is the question of the duty on automobiles, but I can say to my honourable friend, "Peace, be still: there will be no change in automobile duties." The result of the election in South Ontario brought about by the influence of the automobile manufacturers guarantees that there will be no change in that respect. Let the future prove the truth of my statement. Who is the head and front of the automobile industry in this country? A minister of the Crown has a great deal to do with it and comes from a district whose influence permeated every riding in which there was an automobile industry

Let us consider next the riding of Brant. I concede to the honourable gentlemen opposite that they have Brant; but on what promises did they secure it? The City of Brantford has a large agricultural implement industry. It is true that trade was bad and men were walking the streets. The candidate of the Liberal party there spoke to this effect: "Why are you walking the streets to-day? Why are you idle? Because the Meighen Government are not giving you sufficient protection on agricultural implements." That statement was made in the presence of the present occupant of the premiership of Canada, who endorsed it. That is why they won Brantford. Now, are the honourable gentlemen going to raise the duties on agricultural implements. Time will tell whether they are or not. One thing is certain, I venture to say: the duties will not be reduced.

Then the Liberals won North Bruce. Well, that was one of the accidents of the campaign. The Liberal-Conservative candidate there and the representative of the Progressive party were both in accord as to their former politics; consequently the Conservative vote was split and a furniture manufacture slipped in there, representing the present Government. Will the duty on furniture be reduced? Time alone will tell.

Now we come to North Oxford. There was a strenuous fight there, because Oxford used to be the pride of the Liberal party, and they elected one of their representatives by, I think, a paltry hundred of a majority, or something of that kind.

Next we come to Peterborough. Unfortunate differences having arisen in the preceding by-election there, the Conservative party was split and the Liberals succeeded in electing their candidate. On what? A strong protective tariff.

There are the seven ridings in Ontario in which the great Liberal party was able to elect representatives without appealing, as they did appeal, to every passion and prejudice in order to obtain the German and the French vote.

In the riding that I represented what happened? A man who had fought in the forefront of the struggle in Europe for Canada and the British Empire, a man whose services had been recognized with the Distinguished Service Order, was badly defeated. What was his crime? The crime of having been a distinguished member of the Canadian forces. Never before in that riding was the French cry raised as much as in the last campaign. I know what it is to meet that cry, for in that riding, which I represented so many years, it was always raised against me. I have seen even a member of this Chamber go up there to discuss the question of race and religion. That is the cry that went throughout the province of Ontario, and honourable gentlemen opposite may boast that they were successful in fifteen ridings by reason of the German and French vote. Well, that appeal is recoiling on themselves to-day in the province of Ontario. What happened in the rest of the province? Progressives and Conservatives were elected. It recoiled on honourable gentlemen opposite right in the city of Hamilton. And how did it recoil? By the election of two Conservatives there. That religious and racial cry raised in those constituencies where there is a big French vote is reacting on those politicians to-day. In the municipal elections of the city of Hamilton, where there had been peace, harmony, and goodwill among the citizens before that insidious campaign reached fever heat, and where there had been Roman Catholic controllers, councillors or aldermen, there was not one elected. And so long as these gentlemen want to talk about solid Quebec there will be great portions of the province of Ontario that will assert themselves against a solid Quebec.

Right in this city of Ottawa what was the result? The Conservative candidates swept the English-speaking districts, but when they crossed the bridge, as it is called, into the section where the French vote predominated, that was the end of their majority. These honourable gentlemen are perpetually crying out, "Peace, Union and amity," and yet in the next breath, in order to carry elections as they did, not only in Ontario but throughout the whole Northwest, wherever there is a foreign vote they make appeals to passion and prejudice. Let the honourable gentlemen remember this, that in the province of Ontario there are a large number of Roman Catholics who do not thank them at all for such appeals, because they react on themselves in that province.

I commend to honourable gentlemen an appeal that was made lately by a high dignitary of the Catholic Church in the province of Ontario. Let me tell honourable members who may not know the school laws of the province of Ontario the situation with regard to what are known as the public schools. These public schools in my own town and in many other towns

are, I am glad to say, supported jointly by Protestants and Catholics, and I wish it were so all over the province. We know no distinction between Catholic and Protestant teachers there. We accord them all fair treatment, if they have the necessary qualifications. Therefore we get on very well, and I do not believe there will ever be a separate school established in my town, and certainly no young woman, or young man either, will ever be kept out of a school because he or she happens to be a Roman Catholic. I would ask my honourable friends to watch the daily papers of Toronto in the month of June for advertisements for school teachers to teach in schools where there is a mixed attendance and Catholics and Protestants contribute to a common fund. They will see it specified, "Must be Protestant," or, "State religion." Let me tell some honourable gentlemen in this House, you have sown the seed in the province of Ontario by those appeals to race and religion; and as you grow older some of you will reflect and conclude that it would have been better to revert to the condition which prevailed in this country some years ago when we were divided on political lines rather than on lines of race and religion. Let there be no misunderstanding as to the position in the late election.

Hon. Mr. McCOIG: I would like to correct the honourable gentleman when he asks that there be no misunderstanding. I had the honour of being a candidate in the county of Kent in the last election, and I want to inform the honourable gentleman that in the French-speaking township I was in a minority. The Conservative candidate lost his deposit. My large majority of nearly four thousand over the Progressive was from the English-speaking people regardless of religion. Religion was not an issue in the contest in the county of Kent.

Hon. Mr. BENNETT: All I have to say is this. I have not seen the figures. I did not know even who were the candidates, but I will tell the honourable gentleman that in the county of Kent, according to the census returns, the German and the French vote comprised one-fifth, and that is the first county I have heard of in Ontario in which the French vote was balloted against the Liberal candidate. Why should the French vote there, or a large part of it, have been against the honourable gentleman? Was he not an anti-conscriptionist of 1917?

Hon. Mr. McCOIG: That is absolutely false—if that word is not out of order. I supported the Unionist Government in every measure for the prosecution of the war, and I contradict the honourable member when he makes any statement of that kind.

Hon. Mr. BENNETT: Then I accept the statement of the honourable gentleman that he was a candidate of the Government in the 1917 election. Is that correct?

Hon. Mr. McCOIG: That is not correct. I was not the choice of either the Opposition or the Government. I ran as an Independent Liberal in Kent and neither wanted to be nor asked to be the Unionist candidate.

Hon. Mr. BENNETT: I thought that was right. There was a Unionist candidate and the honourable gentleman opposed him. The deduction can be drawn as to whom the honourable gentleman represented.

Now, honourable gentlemen, that is all I want to say to those who are boasting of the victories that have been won. Victories have been won before, and their results may last long or they may not. But this Government must not suppose, because they carried the province of Quebec solidly, and not altogether by means of those racial cries, but also for other reasons to which I will advert in a little while, and because in some of the other provinces they did remarkably well, that they are simon-pure representatives of the bulk of the Canadian people.

The Government has had a long address presented to the two Houses. I do not think that in reading it through you will find much consolation for the people of Canada. My honourable friend from Assiniboia (Hon. Mr. Turiff) a little while ago spoke of their condition to-day and said there was not in this country that state of prosperity which he would like to see. Any man who comes from the West knows the conditions there. Any man who consults the returns from Dun-Wiman's will see the increasing number of bankruptcies occurring in this country. And what is being done by the Government to-day in order to remedy matters? Let us take the manufacturers. What are the manufacturers to receive at the hands of this Government? If they will accept the word of the leaders of the Liberal party when they

were assembled in the city of Ottawa some years ago in convention, the manufacturers know what is going to happen to them; therefore to-day factories all over the country are in what condition? The watchman in possession, waiting to see what the Government is going to do. Has this Government announced at the earliest opportunity what it is going to do? It is true that they say tariff changes will be brought down; but is it stated in an authoritative way what the tendency of the changes will be, whether up or down? Comfort is given to some gentlemen engaged in manufacturing in this country by the statement of the actual leader of the Government, the Minister of Justice, that the tariff will be the tariff which existed under the Laurier Government. If it were decisively announced in the House that the tariff of the Laurier Government was to be the tariff, the manufacturers would go ahead. But would it be believed, after that great conference of Liberals held in the city of Ottawa at which they named the very articles on which the tariff would be reduced? If it is going to be the Laurier tariff, well and good; let it be known to the people and then the manufacturers will have some hope and will know where they stand. However, the House will have to wait a few weeks longer, and then we will see what changes are proposed in the tariff. But mark my words, there will be no change in the tariff on automobiles, or in the tariff on agricultural implements.

I do not intend to go further into the tariff question, but I want to deal with the railway question. The position of the amalgamation of the Canadian Northern and the Grand Trunk railways is simply this. Under legislation enacted prior to the outgoing of the last Government that amalgamation would have been perfected and the roads would have been under one Board and one management, had the late Government been sustained in power. True, there has been an appeal against the award of the arbitrators sitting on the Grand Trunk arbitration; but that did not, does not, and would not prevent the carrying out of the terms of amalgamation. But what do we hear and see about this question? One might have read yesterday in the press of this city what took place in the House of Commons on that question. It was stated by the Premier that it was the intention of the Government to have a Board of Directors who would manage the entire system in a manner that would effect economies and further efficiency very much in regard to what was in view. Why, honourable gentlemen, that is no assurance that there is going to be a consolidation of the whole system. There is to be a board of directors to control the different lines—that is, if they are taken over by the Government; but there is no guarantee as yet that this Government is not going back on the arrangement to take in the Grand Trunk railway.

Hon. Mr. CASGRAIN: I hope they do.

Hon. Mr. BENNETT: Do what?

Hon. Mr. CASGRAIN: Go back on it.

Hon. Mr. BENNETT: I hope the Grand Trunk is taken in too; but what assurance have we that it is to be taken in? We certainly have not anything in the utterances of the present Premier or the Minister of Justice to lead us to believe that this is going to be done. There was a meeting held in the city of Montreal at which the present Speaker of the House of Commons was present, and if any railway policy was discussed that night it was not along the line of the amalgamation of the Grand Trunk railway and the Canadian National railway, but was of a different nature entirely, namely, dual control or interlocking with the Canadian Pacific railway. Neither the Premier nor the Minister of Justice announced that he was opposed to that. There is no use disguising the fact that from one end of Canada to the other there is a campaign of propaganda on foot to prevent any combination of the Grand Trunk railway system with the Government railways. It is to be found in the public press, irrespective of politics; it is to be found in magazines; it is to be found in publications of different kinds and conditions. Let me quote some of these. Here is a publication of the Royal Securities Company under date of May 6, 1921, prior to the election. This article, even at that time, was strongly against any combination of the Grand Trunk railway with the Government railways. Saturday Night, a well known publication in the city of Toronto, comes out along the same line. Search where you will in the Montreal press and you will find an unanimity of opinion that there must not be any combination of the two railway lines. It is true the word "co-ordination" is used; but what does that word mean? As I said a moment ago, when the Premier was asked for an explanation, he did not say that there was to be a central control, but that there was

to be a Board of Directors for the different lines, but each, so far as what he said goes, was to be a separate line run by itself.

Now, who to-day is in charge of the Grand Trunk system—and when I speak of the Grand Trunk system I am referring to old Grand Trunk. Am I right that Mr. Howard Kelley is the president and general manager? Yes. Is Mr. Kelley the friend of private ownership or the friend of national railways? I think I can demonstrate to the House that Mr. Kelley by his actions wanted no Government intervention with the Grand Trunk; wanted no consolidating of that line with the other lines. Mr. Kelley knew the attitude of the late Government. It had been announced in Parliament when it had been the subject of legislation, and Mr. Kelley and those associated with him knew that it was the policy of the late Government to combine the Grand Trunk railway and the Canadian National railway in a system of national railways. The present Government continues Mr. Kelley in his position as president-manager when it is aware by official correspondence that Mr. Kelley is not, at least in my humble opinion, fit for the position he occupies. My honourable friend who leads the House (Hon. Mr. Dandurand) has certainly read the report of the arbitrators in the Grand Trunk arbitration. He must have read it. If he has not done so, and in case any members of the House have not done so, I will read part of it. In a letter published in the Toronto Mail and Empire, a gentleman named Mr. Ferguson, Oriental Club, Hanover Square, London, states his views. I have never heard it stated that this gentleman had any authority as a stockholder of the Grand Trunk Railway Company. He says that he has had the advantage of reading the report of the arbitration, and he makes the following comment:

> I quite agree that the report shows facts which are certainly new and very surprising and disgusting to the shareholders, but that they at all warrant the decision come to by the majority of the arbitrators I most emphatically deny.
>
> There can be no possible excuse for the manipulation of the accounts by the board of directors. This juggling with the accounts by the board was apparently carried through with the purpose of deceiving the Canadian Government and inducing them to act in a certain way, but as a matter of fact, failed in their object, in any case they admit of no defence.

Now, I ask my honourable friend who leads the House, was not Mr. Howard Kelley one of the Board of Directors and the president of the Grand Trunk Railway? Of course he was. And he is one of the gentlemen who stand charged by Judge Cassels with what? With attempting to deceive the Canadian Government and inducing them to act in a certain way. But, he says, as a matter of fact, they failed in their object in manipulating the accounts. I ask the honourable gentleman who leads the House, does not Mr. Howard Kelley receive $60,000 per annum from the people of Canada in his capacity in connection with the Grand Trunk?

Hon. Mr. DANDURAND: I do not believe it.

Hon. Mr. BENNETT: Well, I will ask the honourable leader of the House to announce some day whether or not it is the fact that Mr. Kelley as president of the Grand Trunk Pacific receives $10,000 per year and as president of the Grand Trunk proper receives $50,000 a year. And here is this Government continuing him in office after the finding of one of the highest courts in the country that this Board of Directors has been guilty of fraud. This is a state of affairs with which the people of Canada should be made conversant.

Hon. Mr. WATSON: What is the date of the report the honourable gentleman is referring to?

Hon. Mr. BENNETT: The letter is dated December 11.

Hon. Mr. CASGRAIN: What is the date of Judge Cassel's judgment that you are citing?

Hon. Mr. BENNETT: It was published as a bluebook. Perhaps some of the ministers can tell. I had a copy of that report. I think it is a parliamentary publication. This matter was discussed in the newspapers, and in this letter to the Mail and Empire the writer quotes in extenso the findings of the other arbitrators with reference to certain matters. He is, of course, in accord with the finding of Hon. Mr. Taft as to the £37,000,000 of ordinary and preferential stock being worth at least £40,000,000.

Now, I ask this House, if in the face of the finding of Hon. Mr. Justice Cassels, who stands high, and deservedly so, in this country, a finding made after the hearing of witnesses under oath and the examination of documents presented to him, that there has been a manipulation of the accounts and juggling of the figures, why this Government should keep Mr. Kelley in

his place, drawing the munificent salary of $60,000 per year.

Hon. Mr. McCOIG: How long has Mr. Kelley retained that position?

Hon. Mr. BENNETT: Since he has been general manager of the Grand Trunk. I do not know when he started as general manager, but my complaint is that he still retains that position after that report was made.

Hon. Mr. DANDURAND: When was the report made?

Hon. Mr. BENNETT: I have told my honourable friend that this is the official report.

Hon. Mr. CASGRAIN: What is the date of Mr. Justice Cassels' judgment?

Hon. Mr. BENNETT: This gentleman says: "It was published in September and it is only this month that I have succeeded in obtaining a copy of the same."

Hon. Mr. CASGRAIN: Is it not true that it was made at the beginning of last year?

Hon. Mr. WATSON: The late Government retained Mr. Howard Kelley after the report was made.

Hon. Mr. BENNETT: That is quite true, but it must be remembered that if that report was made in the month of September it was just after that that the general election came on and that other matters had to be considered. The late Government had not an opportunity, perhaps, of looking into the matter and dealing with it at that time. The fact of the matter is, this Mr. Howard Kelley has been the friend and confidant of honourable gentlemen opposite; that is the reason why he is retained in his position to-day, and that is the reason why the public to-day believe that the Grand Trunk will be a separate system and that that system will be managed by Mr. Howard Kelley. Mr. Kelley has some gentlemen under obligation.

Now, let us go a step further in the management of this railway. I cannot give the exact date of the crisis in the affairs of the old Grand Trunk railway, but it is within the recollection of honourable gentlemen. It was when Parliament was sitting in the Museum building; and, if one was ever struck with the pathetic pilgrimages of two gentlemen, it was when they saw Mr. Smithers and Mr. Howard Kelley daily promenading the corridors of Parliament. What happened? The Government of Canada had to go to their rescue; the Government of Canada advanced them $10,000,000 to tide over their affairs. But when that money was given there were conditions attached to the giving. What was the first condition? It was that the Government should have the privilege of forming a committee of five who should have the control of that railway. The Canadian Northern railway and the Grand Trunk Pacific railway, being owned by the Government, were entrusted to a Board of Management which had at its head Sir Joseph Flavelle, a gentleman who has the confidence of every one who knows him, and of the bulk of the people of this country. Nothing more complimentary could have been said of Sir Joseph Flavelle than what was said by the late Senator Edwards in his place in this House last year—that he was well satisfied that the Government of Canada had placed the railroads under the charge of Sir Joseph Flavelle, knowing that that was a guarantee that they would be well handled.

The Board went on with their duties. They did as well as they could. I have heard many complaints as to the administration of the $10,000,000; but this much is certain, that Sir Joseph Flavelle had to entrust to Mr. Kelley and those under him the administration of the money. What happened in the latter part of last year? Sir Joseph Flavelle, who as Chairman of that Board was responsible to the people of this country for what was going on, had doubtless with business intuition examined into the accounts of the Grand Trunk Railway Company and the manner in which its affairs were being conducted. He not living in the city of Montreal, where the meetings, I understand, were from time to time called, there was necessity for a considerable amount of correspondence.

Now, let the House be seized of the conditions and of the positions these gentlemen occupied. Sir Joseph Flavelle was appointed chairman of that committee by the Government of Canada. We agree on that. Mr. Kelley was the second member. I think Mr. Bell, of the Department of Railways and Canals, was the third. A gentleman named Dupuis, I think, was a fourth member, and a merchant in Montreal whose name has slipped my memory was the fifth member.

Hon. Mr. DANDURAND: Mr. Mitchell.

Hon. Mr. BENNETT: Oh, yes, Mr. Mitchell, the accountant of the Grand Trunk.

It was not to be expected that Mr. Bell and Mr. Mitchell could supervise the distribution of the expenditure. That must of necessity be made under Mr. Kelley and the officials of the Grand Trunk. Something may be said later on as to how that money was spent. However, one man was trusted by the people of Canada as the head and front of the aggregation, to control it, and that one man certainly had the undivided support of the people of Canada in accepting the position: that was Sir Joseph Flavelle. In pursuance of the duties which were entrusted to him he looked into the economies between the two railway systems. There was no doubt that there existed a great gulf between the positions of the two gentlemen, Sir Joseph Flavelle and Mr. Kelley, because Mr. Kelley was an employee of the people of Canada on a salary of $60,000 a year, if my information is correct, whereas Sir Joseph Flavelle was assuming the onerous duties entrusted to him, not for any monetary considerations, although his expenses were paid, but simply with a desire to carry out those duties, as he had been requested by the Government. His appointment had been endorsed by prominent Liberals throughout the country. When Mr. Howard Kelley was associated with a man of the stamp of Sir Joseph Flavelle, it behooved him to be on his honour, if he knew what honour meant. What do we find? We find that towards the close of last year, when it had been announced that the services of certain persons were to be dispensed with Mr. Kelley had in his possession confidential letters from Sir Joseph Flavelle. I do not use the word "confidential" in the sense that the public must not see them, for they were the people's documents; but surely there might be confidences exchanged between two gentlemen occupying their positions. Sir Joseph Flavelle, in the discharge of his duties, had written to Mr. Kelley a certain letter to which I will make particular reference. He speaks about conferences they had had in respect to the reduction of staff with a view to affecting economies. I am charitable enough to assume it was for that purpose. Sir Joseph Flavelle, as chairman of the committee, called Mr. Kelley's attention to what was going on:

> Sir Joseph Flavelle, Chairman of the Railway Board, wrote to Mr. Howard G. Kelley, President of the Grand Trunk Railway, under date of October 6th last, a letter touching the pension record of Mr. W. H. Biggar, Vice-President and General Counsel of the Grand Trunk Railway:
>
> "I am led to query if we should renew now the question of the retiring of some of the senior men, not a year hence, but at the end of the year."

Again he says:

> "If you are working up on your plans will you kindly report progress to the (next) meeting of the Board."

Again, on the 3rd of December he asks for an answer to the letters. This Mr. Kelley, this $60,000 employee of the people of Canada, deliberately takes that letter out of the office where it was on the official file and shows it—to whom? He must have shown it to the proprietor of the Montreal Star, Mr. Hugh Graham, Lord Atholstan. Honourable conduct or dishonourable conduct? This Government knows that he did that, and yet this Government retained him. Why did he do it? To gain a political advantage; for that reason and no other. Did he prostitute the position that he held? Mr. Kelley knew just as well as he knew that the sun would rise next day that there were going to be changes in the management of the Grand Trunk railway. Mr. Kelley did not want to see those changes made, and he was going to take the chance that a political change might enable him to hold under a new Government the office he then occupied. So this gentleman, Mr. Kelley, took the letter down and handed it over to the proprietor of the Montreal Star and the proprietor of the Montreal Star made it public.

Hon. Mr. CASGRAIN: In justice to Mr. Kelley may I say that he denied having shown that letter to anybody.

Hon. Sir JAMES LOUGHEED: How did it get out?

Hon. Mr. BENNETT: All I can say is it is rather a belated denial. It has never appeared in the public press.

Hon. Mr. POPE: Hear, hear. Nobody knows of it.

Hon. Mr. BENNETT: What happened next? Mr. Kelley, or some person, having taken this letter out, a certain notable personage in the province of Quebec must have been approached and asked if he would make public the contents of the letter. Who was that gentleman? No less a personage than the present Minister of Justice of Canada. I believe that Sir Lomer Gouin was too old a bird to be caught with a newspaper effusion, and before he made the statement he did make I believe Sir Lomer saw the original. I do not assert positively that he did see it, but I give him credit for being astute enough not to go and

make such statements without first having seen the proof. Sir Lomer Gouin had very good reason to be careful. He had been in politics a long time and he has had associated with him in politics gentlemen who came to grief by not taking great care. I need not recall an incident. It is fresh in the recollection of the honourable gentlemen opposite.

I can imagine a room in the city of Montreal; Mr. Howard Kelley coming in; Sir Lomer Gouin there too; the handing over of the paper; and then a careful search under the table to see that there was no dictaphone. The dictaphone had been a deadly device on a former occasion and had caught some person.

Then, after Sir Lomer Gouin got that letter, if he did get it, and was assured that it was genuine, he went upon the public platform. Now, mark you—and I want to accentuate this fact; you may read the correspondence right through. It shows that there had been discussed the question of the retirement of two gentlemen who were Vice-Presidents of the road. What is the statement that was made by Sir Lomer Gouin? Were there any other letters that were shown except this one to him? I take it that this was the only letter he saw. When Sir Lomer Gouin, having seen this letter, if he did see it, or having been assured that it was in existence, went on the public platform, he received an ovation. He warned the electors against the stratagems of the Conservatives, who, once elected, "will take away from us our railway shop and management, thus depriving at least sixty thousand of our workmen of employment, who would be compelled to exile themselves." The Minister of Justice, because he has been shown a letter—if he has been shown a letter—stating that a couple of officials were going to be retired, goes on the platform and makes that statement which has no basis in fact! That is the way elections are won by the Minister of Justice of Canada! I recall that when I was very young, in politics at all events, there was a story told of a celebrated Minister of Justice being elected in Jacques Cartier county with a ballot box that had a false bottom in it. It is an old story, but it is true. However, he may have been a doughty Minister of Justice, and I would absolve him from the suspicion of having ever made the design of that mechanism. He may have been quite guiltless of it. But the present Minister of Justice, Sir Lomer Gouin, is responsible for the statement he made, and it is a shame and a disgrace to have as Minister of Justice a man who will make what he knows is a misstatement of fact on a public platform in order to delude people and obtain their votes. Worse than that, the statements coming from him in his high position were repeated by the innocent and the unwary. Those innocents accepted the statement on the authority of Sir Lomer Gouin. There was a Mr. Archambault, a member of the House of Commons of Canada, who had seen "letters containing the dismissals of railway men, including a number of senior officials." I cannot believe that Mr. Kelley, or whoever had possession of that letter, was so indiscreet as to show it to Mr. Archambault. But think of the innocent gentlemen who were deluded by the fact that Sir Lomer Gouin, an ex-Prime Minister of the province of Quebec, had made the statement.

Let me give you another statement. "He took up the removal of the shops to Toronto" —went Sir Lomer Gouin one better, told them even where the shops were going to be located. "This was more than the people would stand for." And who do you think made that statement? The honourable Senator from De Lanaudière (Hon. Mr. Casgrain). May I ask the honourable gentleman if he has seen Mr. Kelley's letter?

Hon. Mr. CASGRAIN: No, I did not see the letter. What is the honourable gentleman quoting from?

Hon. Mr. BENNETT: The Montreal Star.

Hon. Mr. CASGRAIN: I said that?

Hon. Mr. BENNETT: Certainly.

Hon. Mr. CASGRAIN: Let us see.

Hon. Mr. BENNETT: It will be found on page 11 of the Montreal Star of December the 5th.

Hon. Mr. MURPHY: The honourable gentleman (Hon. Mr. Casgrain) said worse than that.

Hon. Mr. CASGRAIN: Oh, probably.

Hon. Mr. BENNETT: Perhaps my honourable friend was as fortunate as Mr. Archambault in being taken into the confidence of Mr. Kelley. Did he see Sir Joseph's letter?

Hon. Mr. CASGRAIN: No.

Hon. Mr. BENNETT: No? He relied, I have no doubt, on the assurance of the

Minister of Justice that it was true. I cannot ask the honourable gentleman the source of his information, but he will speak later in the debate. If he finds that there was an imposition, that the letter bore no such construction as that a removal of the shops was contemplated, he will no doubt ask whoever conveyed the information to him to apologise. An apology is due the honourable gentleman, and I hope he will receive it.

Canada is undoubtedly in a serious position as regards the railways. There is a feeling throughout this country that the Grand Trunk railway has been stolen outright under certain management. A high court judge, on evidence before him, says that there has been dishonest handling of the books with a view to defrauding the Government of Canada; and one of the directors is Mr. Howard G. Kelley. Mr. Kelley, out of his own mouth, is practically convicted of having handed out this confidential document, for he was the man who had the letter; and, greatest disgrace of all, after seeing the correspondence—if Sir Lomer Gouin did see it—he exaggerated or mis-stated it with one intention alone, and that was to deceive the public. We have come to a pretty pass in this country when the Minister of Justice of Canada thinks it is fair and right to take correspondence obtained under such circumstances and to read it, not fairly and squarely, but in such a way that the electors throughout the country will be deceived, and that innocent gentlemen like my honourable friend will repeat his statements on the assumption that, coming from Sir Lomer Gouin, they must be true.

How has the Grand Trunk been managed? I will give my honourable friends one instance which comes within my own knowledge. I will not make public the names of the parties, but I will tell them to my honourable friend so that he may look into the books if he so desires. A firm became bankrupt that owed the Grand Trunk Company $180,000 for freight. Is it any wonder that the long-suffering English stockholders are aggrieved at the handling of the Grand Trunk system? And that happened, I feel certain, while Mr. Howard G. Kelley was President of the road. Talk about the handling of the Grand Trunk Railway Company! Every man who lives in the province of Ontario knows that for twenty years there has not been the feeling that is spoken of, an esprit de corps—why? The feeling has been manifested in the strikes that have occurred on that railway from time to time. Every section of the road has been permeated with that feeling. There is no loyalty on the part of the bulk of the employees of the Grand Trunk railway. I have talked to many of them, and they have hailed with delight the idea that they might get out from under the leadership of the men who have been conducting that road.

There is something due from this Government, and that is an explanation as to why Mr. Kelley has been retained in office at a princely salary. And there is something so far as Mr. Biggar is concerned. I have known Mr. Biggar for years, and I am confident that his retirement was hinted at on only one ground, namely, that of economy. He must be a man of 60 or 65 years of age—I have not seen him lately, and trust that his health is good; but I am confident from his high standing that that must be the cause. And since his name has been made prominent, I think it is only fair that Sir Joseph Flavelle should give the reasons for his retirement. No other names are mentioned in the same way, but there are imputations made in reference to two other gentlemen mentioned, namely, Mr. Dalrymple and Mr. Robb. It is high time that the public of Canada knew who are handling the railways, and to whom they are paying these princely salaries. It is regrettable to see a high-priced official like Mr. Kelley so demeaning and degrading his position, and on the other hand to see a Minister of Justice of Canada disseminating information containing not one iota of truth to prove the statements he was making; and if it is going to be a case of ab uno dicte omnes, if we are to judge all his statements from that one, then I say this Government will be shattered by having the Minister of Justice associated with it.

To my mind, the Grand Trunk railway should be taken over at the earliest possible moment; the Government railways should be placed under the control of one man. One man has been found big enough to control the Canadian Pacific railway, and surely another man big enough could be found to control this system. But if there is to be, as the Premier intimates, an interlocking of the whole system under separate managements, I fear that not much is going to be accomplished. But we do not know even yet that the Grand Trunk railway is going to be taken over, and I hope before this debate closes to hear an affirmative statement on this point. The Canadian Northern railway, by reason

of its great potentialities in the Northwest, as an adjunct to the Grand Trunk railway, could be made a great asset.

I have to-day cut a statement from one of the newspapers of the quantity of grain taken to the port of Montreal. It says:

> The greatest number of ships in port on any one day; the greatest number of ocean arrivals in any one year; the greatest tonnage of ships in any year; the advent of the new C.P.R. 2,000 bushel cars for grain, which were in operation throughout the year in connection with the extensive grain movement between Georgian Bay ports and Montreal; the greatest grain movement through the port of Montreal, doubling any former record in the history of the port; the highest annual interest charges to be paid by the Harbor Commissioners, and which the commissioners are pleased to state are being fully paid as they become due.

What does that show? It shows that in the port of Montreal this summer there were handled the enormous quantity of some 60,000,000 bushels.

Hon. Mr. CASGRAIN: 140,000,000.

Hon. Mr. BENNETT: I did not think it ran quite so high. I ask where the bulk of that grain came from. It came from the Canadian Pacific railway and from the Grand Trunk railway. Those two companies occupy a strategic position in respect to the grain trade of the Northwest. The Canadian Pacific railway staked their future on the construction of the line from Port McNicoll to Peterborough and from Peterborough to Montreal. I think in the past season they passed through Port McNicoll some forty odd millions of bushels of grain; I think at the Port of Midland fully forty million bushels were handled by the Grand Trunk system; and from Parry Sound there were handled probably eight or ten millions of bushels. That was the bulk of grain shipped into Montreal.

Hon. Mr. ROCHE: How much of that was American grain?

Hon. Mr. BENNETT: I will come to that in a moment. Of the grain which came through Midland and the other ports I have no doubt some was American grain. A few years ago the Canadian Northern railway carried about 36 per cent of all the grain coming from the Canadian Northwest. When it reached the head of the lakes, owing to the fact that the Canadian Northern had no port, the grain went to Buffalo. With the facilities of Grand Trunk at Midland, and with another large elevator at Parry Sound, it would be easy for the two railroads acting in conjunction to handle upwards of one million bushels of grain. In this connection I would like to point out that last year upwards of one million bushels of our grain of all kinds went to Buffalo. It is infinitely better that that grain should go through our own channels, via the Grand Trunk up to the time that navigation closes; or, on the other hand, by way of the C.P.R. to Montreal. The bulk of the freight coming down to Montreal this year came by rail, very little, comparatively speaking, coming by the canal system of steamers.

The honourable gentleman from Halifax (Hon. Mr. Roche) asked me a question as to American grain. Let me say in reply to that that is a most important factor in the future of this Government railway, and for this reason. You can carry grain from Chicago, Milwaukee, or Duluth over to the ports of Midland and Port McNicoll and thence to Montreal. Once there it can be distributed in the Eastern States even as far as Boston, and a large and profitable trade is being done there at the present time. So the Canadian Government system of railways would have the advantage of attracting not only the trade of the Canadian Northwest, but also a considerable part of the trade of the Western States. On the other hand, if the grain goes to Buffalo it has to be carried eastward an even greater distance than from Montreal.

The question of deepening the St. Lawrence canal has been mooted, and while I do not anticipate that the Government is going to take any action in that matter at present, I trust that some day during the present Session there will be a debate on that subject. I believe that the press of Montreal and a considerable portion of the American press are opposed to the deepening of the St. Lawrence canal. I am in agreement with Montreal on that question. I maintain that the future of the St. Lawrence waterway scheme can only be tested by the success of the elevator system at Port Colborne. The largest boat on the upper lakes, carrying half a million bushels, can be handled there. There the grain is transferred to boats carrying probably 80,000 bushels. Grain can be routed to Montreal either by Port McNicoll or by Midland as cheaply as it can be by Port Colborne: it is therefore fair to argue that if larger vessels could be taken through to Montreal, the grain might be carried cheaper than it is at present. But there are setoffs against this advantage, one of the greatest being that any canalization of the river would entail the operation of these vessels at a very low speed.

No man who has given the subject any thought at all would believe that these large vessels from the upper lakes will go across to Great Britain and there discharge their cargo. Why? In the first place, they would have to be built for ocean service, thus entailing a much larger expenditure than is now required; and, in the second place, can any one imagine these half-million bushel boats coming back from England without a cargo? It is idle to talk about it. To-day it is an abandoned theory that these boats will ever go to Montreal. From there they would have the back haul, and there would be no return cargo. A man might have four or five cases of dry goods placed on an ocean liner, which carries all kinds of packet freight; but fancy boats 600 feet in length turning in to the different towns along lake Ontario to dump off a few boxes here and there.

Hon. Mr. DANIEL: What is their speed?

Hon. Mr. BENNETT: Probably 14 miles an hour. The St. Lawrence scheme is not beyond the range of possibility, but I believe that when the people of Canada hear the subject properly discussed they will not be of the view that so many seem to entertain at present, that the deepening of the St. Lawrence should be undertaken, at all events now. It may be all right as a power proposition—mainly for the benefit of the United States—but beyond that there can be nothing.

I contend that at the earliest possible moment there should be a co-ordination of the Grand Trunk and the Canadian National systems for the benefit of Port McNicoll and Parry Sound, and that if possible every bushel of grain that goes to Buffalo to-day should be carried through those ports. The tonnage on the upper lakes is such that American vessels, having the right to ply from Buffalo to the head of the lakes, Port Arthur and Fort William, will always take a certain quantity of it. No doubt that question some day will be the subject of debate in this House.

I am afraid, honourable gentlemen, that my remarks have been somewhat extended. I have spoken freely and fully on the subject of Canadian nationality. It is to be regretted that Canada has been divided as she has been in the last three or four elections, but I look forward to the time when every province in this Dominion, although it may be divided on party lines, or on trade policies or transportation questions, will be united in matters of race and religion.

As to the good wishes of my honourable friend the leader of the House, I can promise him that when the Government is in the right it will have my support; but if at any time legislation is introduced into the other House which I think is not in the best interests of Canada, he will find me in opposition. The Senate of Canada can render great service. A great many of the members of this House have been well seasoned in the House of Commons, and they bring with them here a knowledge and experience of the requirements of the country. They know what is good and what is bad in public life, and here we are free to speak our will and to act as we think right. As a Conservative I have always believed in the policy of the party, and as a loyal Conservative I may say that I never had more faith than I have to-day in the ultimate triumph of that party and in the policy of that party becoming permanent. I only hope that honourable gentlemen opposite will adopt the policy of the Conservative party, as they did in the time of Sir Wilfrid Laurier, and also that they will follow the policy of the late Government on the question of transportation and will not indulge in wild expenditures. Let us all, therefore, work together with one accord for the good of this Chamber and for the good of Canada.

Before sitting down I want to say publicly, on this first opportunity I have had of doing so, that I regard very highly the ability and the integrity of the right honourable gentleman who leads the Conservative party in this country. I believe that his loss to Parliament would have been an irreparable one, and I predict that Mr. Meighen will see to it, so far as he can, that every piece of legislation emanating from the House of Commons is perfect in every respect.

Hon. Mr. SCHAFFNER: Before the honourable gentleman sits down, I would like to ask if I understood him aright. Did he say that during the present season 100,000,000 bushels of grain went to the port of Montreal? I thought that was what he said.

Hon. Mr. BENNETT: I had a memorandum here.

Hon. Mr. SCHAFFNER: Over 100,000,000 certified. However, that is not the point I want to make particularly. If

100,000,000 or more than that quantity has gone to the port of Montreal, did any of it go by rail? I understood the honourable gentleman to say that most of it went by rail.

Hon. Mr. BENNETT: By rail from the lake ports to Montreal.

Hon. Mr. SCHAFFNER: The honourable gentleman means from Port Arthur or Fort William?

Hon. Mr. BENNETT: Yes, from Fort William to Georgian Bay, and from Georgian Bay to Montreal.

Hon. Mr. SCHAFFNER: I understand by rail. The question I desire to ask is whether that went by rail when navigation was open, or whether it was carried both by water and by rail.

Hon. Mr. BENNETT: Yes, and afterwards to Portland and St John. That from port McNicoll went to St John; that from Midland and Parry Sound to Portland.

Hon. Mr. SCHAFFNER: The point I was trying to get clear is, what amount went by rail from Port Arthur to Montreal?

The motion for the Address was agreed to.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Thursday, March 16, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

CRIMINAL CODE (APPEALS) BILL.

FIRST READING

Bill A, an Act to extend the right of appeal from convictions for indictable offences.—Hon. Mr. McMeans.

PAPERS TABLED IN PARLIAMENT.

On the Orders of the Day:

Right Hon. Sir GEORGE FOSTER: I noticed the other day that the Prime Minister laid on the Table of the House of Commons the reports of the Conference of Premiers held in London not many months ago. I understand these reports are printed documents, and that there is a copy for each member of the House of Commons. I would like to inquire whether there are printed copies available for members of the Senate.

I would like also to make a similar inquiry with reference to the papers laid on the table of the House in respect to the conclusions of the Washington Conference. It is very necessary, I think, that the members of the Senate should have these documents.

Hon. Mr. DANDURAND: I think the honourable gentleman is in error as to the circulation of the document concerning the Conference of Premiers in London, which was laid on the Table of this House as well as on the Table of the House of Commons. The Prime Minister stated that he had cabled for a certain number of copies to be distributed to the members of both Houses, but that, although he had received an answer to his cable stating that copies would be forwarded, they had not yet reached him.

As to the other paper which was laid on the Table, I cannot say whether or not there are copies for the members of both Houses. I will inquire, and if there are copies I shall be very glad to have them distributed to the members of this Chamber.

TRIBUTES TO DECEASED SENATORS

THE LATE HON. MESSRS. POWER, DOMVILLE, EDWARDS, NICHOLLS, CROTHERS, BOYER, BEITH AND MILNE

On the Orders of the Day:

Hon. Mr. DANDURAND: Honourable gentlemen, as we return annually to this Chamber it is our good fortune to see new faces appearing in our family circle, and it is our duty and our pleasure to welcome them to our midst. We form here a group more closely allied than that in in the House of Commons, because we have less occasion to divide and more to unite. Death alone separates us. The Senate is a body wherein friendly ties are more easily formed and maintained. When they are severed we more acutely feel the pang, and we raise our voice to express our sorrow.

An exceptional number of our fellow members have left us during the last recess.

Our senior member, Honourable Mr. Power, was called to the Senate in 1877, and had been during 44 years an active, industrious and painstaking member of this House. He was the last survivor of the Alexander Mackenzie appointees. When that Government resigned office there were but a handful of Liberals in this House, and the critical examination and super-

vision of ministerial legislation fell mostly to the lot of the late Senator Power, who during eighteen years scrutinized all public legislation which reached this Chamber. The old colleagues of our departed friend often expressed their admiration for his minute and conscientious work during that long period. He had so completely mastered the rules and regulations of the Senate that he was at all times a sure guide and mentor, on the floor of this Chamber as in the Speaker's chair. A man of high moral character, Senator Power enjoyed the esteem and confidence of the community in which he lived and of all his parliamentary colleagues.

Senator Domville was also an old parliamentarian. His political career was of less even tenor than that of his colleague and neighbour by the sea. Senator Domville entered this Chamber only in 1903, after having gone through nine elections in New Brunswick. He sat in the House of Commons from 1873 to 1878 and again from 1896 to 1900. The son of Lieutenant-General James W. Domville, he was all his life identified with our militia. For twenty years he commanded the 8th Princess Louise New Brunswick Hussars. In business his activities were many and varied. He had a quick and fertile mind which was never at rest. Every question interested him. No problem frightened him, and he was ever ready to give his best efforts to find a proper solution. He was an optimist who always smiled. He participated often in our debates. He had a great fund of humour, and his good nature made him very popular with his colleagues.

Unlike Senator Domville, our late colleague the Hon. William Cameron Edwards was a pessimist. Was he posing as such, or was his vision really a dark one? That question is not easily answered. His pessimism was an extraordinary trait, for he was a happy and prosperous pessimist. He had given the lie to the aphorism which describes success as the offspring of optimism, for he was uniformly successful in all his enterprises. It was not with his surroundings that he was at variance. While struggling to establish and develop one of the most important lumbering establishments on the Ottawa river, he found time to explore the fields of economics and philosophy. It was against the world in general and the conditions prevailing therein that he rebelled. He would have built or rebuilt it on a more logical plan. His theories were always interesting, and he was a most agreeable "causeur" and companion. His life was a useful one. He played his part nobly, and his memory will be cherished not only by a large circle of friends but by the hundreds of families who have lived and prospered under his guidance.

Senator Nicholls was also one of our worthy captains of industry. While Senator Edwards laboured in the Canadian forest, Lieut.-Colonel Nicholls specialized in iron, steel, and electricity. He came to our shores before he had reached the age of twenty. He had been born in London and had received a good college training. From that world centre he surveyed the world, and decided that Canada offered the best field for his energy and ambition. He settled in Toronto among strangers. He was there alone without a friend, but his faith, courage, and enthusiasm sufficed. He laboured not in vain, and reached the goal of success. One need only read the Parliamentary Companion to realize the extent of his activities and the confidence he enjoyed among his peers in the commercial world. He is another shining example for young men to imitate.

Should I mention the name of one who had a right to a seat in this Chamber but who never occupied it?—Hon. Mr. Crothers, who was for many years a member of the Commons and the head of the Labour Department. It is regrettable that we were deprived of his presence among us. It would have been an advantage for this Chamber to have heard him upon the important economic questions which sometimes divide capital and labour. As we have with us his successor in that office, it would have been interesting to have heard his views, gathered probably from another direction, as he did not belong to organized labour.

Of the late Hon. Arthur Boyer I can speak with greater ease and freedom, because he was a neighbour and friend of long standing. He had the privilege of arranging his life according to his taste and inclination. He had taken a university course abroad and had travelled extensively. He was a lover of fine arts and his library and studio denoted his happy selections. He was for many years a member of the National Art Commission, and gave much time and attention to the development of our Art Gallery. He was for quite a long period a useful member of the Quebec Legislature. In this Chamber he was always heard with sympathy and interest because of the special knowledge he had gathered on many questions and of

his personal experiences. Listening to his discourses and beholding his attitude, mental and physical, I often felt that the same environment and training shaped men as if they issued from the same mould. The late Mr. Boyer had followed, at the same seat of learning, in the footsteps of the late Hon. Sydney Fisher. Later on they met in political association, and were drawn together by natural inclination. All their views and tastes ran in the same groove. One could not hear the one without thinking of the other. They were both adherents of the same doctrines and ideals in the administration of public affairs and ever unbending in their attitude. They were, to my mind, the very type of the English gentry who constitute in the main the British House of Commons.

Hon. Robert Beith was one of the best representatives of the progressive farmers of this country. He did much to improve the Canadian breed of horses, and is deserving of the gratitude of all for his services in that field. He had a good heart, a sober judgment and a willingness to serve.

Hon. Mr. Milne was but a few years with us. He brought to this Chamber a mature mind and wide experience in industrial affairs. He was a prosperous manufacturer and public-spirited citizen of the city of Hamilton. Being a large employer of labour, the problems arising between the labour element and the employer were uppermost in his mind. We often heard him on this all-important question.

To the families of our departed colleagues we express our most sincere sympathies.

Hon. Sir JAMES LOUGHEED: I join with my honourable friend opposite in expressing our deep regret at the loss sustained by the Senate during the recess through the death of the several members of this body mentioned by him. During the few months of recess which transpired between the last Session and the present one, the messenger of death was peculiarly active in removing from this Chamber so many of our colleagues, colleagues with whom many of us had been closely associated for a great number of years.

It might naturally be thought that those of us who have been in this Chamber for a long period and have witnessed the departure of so many of our colleagues would become somewhat familiarized with the taking off of those with whom we had been so closely associated. Since I entered this chamber the deaths have numbered at least double the membership. Death, however, no matter how much or how soon expected, comes with mingled surprise and uncertainty. Last Session saw present in this Chamber, with one or two exceptions, the late members mentioned by my honourable friend, and while most of them had reached the allotted span of life, and all of them but one had considerably exceeded it, yet almost up to their several deaths, they were actively interested in the proceedings of the Chamber and in the duties of their office. Public life had claimed the services and activities of most of them during a period when Canada was most active in its development.

The late Senator Domville had reached the age of four score years. He had been actively engaged in public life since 1873, a period of nearly fifty years, and had been a member of this Chamber for nearly twenty years.

The late Senator Power had also reached his four score years, and at the time of his death was the senior member of the Senate, having entered it in 1877, as mentioned by my honourable friend. During that long period he followed the course of its business more closely than probably any other member of this body.

Our late colleague Senator Edwards had reached the ripe age of 78 years at the time of his death, and had been an active participant in the public affairs of Canada during the last 30 years. He was peculiarly identified with the development of the city in which we are to-day, the capital of Canada, and left his impress deeply upon the business enterprises of this progressive district. His knowledge, experience, and association with so many of the large business interests of Canada brought to this Chamber a mature judgment on questions of business and finance which had no little weight in our deliberations.

The late Senator Nicholls, although not an old member of the Senate, was one of the most representative business men of Canada. The large and successful enterprise with which he had been associated for most of his life, and of which he was the head, stands forth prominently to-day as a great monument to his enterprise and to the faith which he had in the progress and development of Canadian industry.

The late Senator Crothers was for a number of years a member of the House of Commons and for some time a valued member of the late Government. He was appointed to the Senate during the recess, but death called him shortly afterwards and he there-

fore was not spared to take his seat in this Chamber. He was a man of striking individuality, one who had spent most of his years in public life. He was much esteemed in his native province of Ontario and his death is a loss to the public life of the Dominion.

The late Senator Boyer endeared himself to every member of this body. He was a man of culture and education and his association was keenly appreciated by those who had the honour of his friendship. He was a typical French Canadian gentleman, with a broad and cultured knowledge of life, and although a sufferer from ill-health for some few years past, he was always the embodiment of cheerfulness and optimism.

The late Senator Beith had almost reached his four score years at the time of his death, and had been in public life for over 30 years. He possessed the confidence and esteem of those who knew him best and was highly regarded by every member of this Chamber.

The late Senator Milne had considerably exceeded his four score years, and although a member of this Chamber only since 1915, he was widely known in the province of Ontario as one of the foremost business men of that great province. Although unpretentious and diffident, he was a man of sterling qualities and had strongly identified himself with the manufacturing interests of the city in which he lived. During the short period he was in this Chamber we learned to appreciate the business and moral qualities of which he was possessed.

To the families of all our late colleagues we extend our deepest sympathy in the bereavement which they have suffered, and shall not fail to retain pleasant memories of our asociation with them while members of this Chamber.

COMMITTEE ON SELECTION

The Senate took up for consideration the Report of the Committee of Selection appointed to nominate Senators to serve on the several Standing Committees for the present Session.

On motion of Hon. Mr. Dandurand, it it was resolved:

That the Senators mentioned in the report of the Committee of Selection as having been chosen to serve on the several Standing Committees during the present Session, be and they are hereby appointed to form part of and constitute the several Committees with which their respective names appear in said report, to inquire into and report upon such matters as may be referred to them from time to time; and that the Committee on Standing Orders is authorized to send for persons, papers and records whenever required; and also that the Committee on Internal Economy and Contingent Accounts have power, without special reference by the House, to consider any matter affecting the Internal Economy of the Senate, as to which His Honour the Speaker is not called upon to act by The Civil Service Act, and such Committee shall report the result of such consideration to the House for action.

LIBRARY OF PARLIAMENT

On motion of Hon. Mr. Dandurand, it was resolved:

That a Message be sent to the House of Commons by one of the Clerks at the Table, to inform that House that His Honour the Speaker, The Honourable Messiers Bennett, Bolduc, Chapais, David, Gillis, Godbout, Gordon, Griesbach, Hardy, Laird, McHugh, McLennan, Poirier, Taylor, Turriff and Webster (Brockville), have been appointed a Committee to assist His Honour the Speaker in the direction of the Library of Parliament, so far as the interests of the Senate are concerned, and to act on behalf of the Senate as Members of a Joint Committee of both Houses on the said Library.

PRINTING OF PARLIAMENT

On motion of Hon. Mr. Dandurand, it was resolved:

That a Message be sent to the House of Commons by one of the Clerks at the Table, to inform that House that the Honourable Messieurs Chapais, Dessaulles, DeVeber, Donnelly, Farrell, Forget, Green, Legris, McCall, McDonald, McLean, McLennan, Pardee, Pope, Ratz, Robertson, Sharpe, Thibaudeau, Todd, White (Inkerman) and White (Pembroke), have been appointed a Committee to superintend the printing of the Senate during the present session, and to act on behalf of the Senate as Members of a Joint Committee of both Houses on the subject of the Printing of Parliament.

PARLIAMENTARY RESTAURANT

On motion of Hon. Mr. Dandurand, it was resolved:

That a Message be sent to the House of Commons by one of the Clerks at the Table, to inform that house that His Honour the Speaker, The Honourable Messieurs Blain, Green, Lougheed Sir James, Sharpe, Thompson and Watson, have been appointed a Committee to assist His Honour the Speaker in the direction of the Restaurant of Parliament, so far as the interests of the Senate are concerned, and to act on behalf of the Senate as Members of a Joint Committee of both Houses on the said Restaurant.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, March 17, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

COLD STORAGE WAREHOUSE BILL

FIRST READING

Hon. Mr. BRADBURY presented Bill B, an Act to Amend the Cold Storage Warehouse Act. He said:

The purpose of this Bill is to deal with two important matters that are within the jurisdiction of the Dominion Parliament, namely, health, and trade and commerce. The Bill is intended, in the first place, to protect the lives and health of the public by preventing cold storage warehouses from holding foodstuffs until they become unsafe for human consumption and then selling them to an unsuspecting public, the result being ptomaine poisoning, causing great suffering and often death.

The second purpose of the Bill is to prevent the waste of foodstuffs such as meats, poultry, and eggs. Tons of precious food are annually destroyed by cold storage warehouses either because they have been held too long or because of faulty storage.

The third purpose of the Bill is to restore trade to its proper channels so as to bring producer and consumer more closely together. Under the present system cold storage warehouses have succeeded in diverting trade in foodstuffs from its legitimate channels. They operate as middlemen to the great detriment of both producer and consumer, and to their own enrichment.

On the second reading I hope to be able to give a more detailed explanation.

The Bill was read the first time.

ADJOURNMENT OF THE SENATE

MOTION

On the notice of motion:

By Hon. Sir Edward Kemp:

That pending further order, when the Senate adjourns on Friday, it do stand adjourned until Tuesday at eight o'clock p.m.

Hon. Sir EDWARD KEMP: Stand.

Hon. Mr. DANDURAND: I might take advantage of the notice of motion given by the honourable gentleman from Toronto (Hon. Mr. Kemp), which will stand until next week, to move that when the Senate adjourns this afternoon it do stand adjourned until Wednesday next. We have nothing on the Order Paper for consideration next week except perhaps one important Bill; so we can well afford to adjourn for a few days. Therefore, if there is no objection—for we must all be agreed—I will move now that when the Senate adjourns this afternoon it do stand adjourned until Wednesday afternoon at three o'clock.

The motion was agreed to.

The Senate adjourned until Wednesday, March 22, at 3 p.m.

THE SENATE

Wednesday, March 22, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED

Hon. John Dowsely Reid, of the city of Ottawa, Ontario, introduced by Hon. Sir James Lougheed and Hon. Richard Blain.

CENSUS RETURNS AND PARLIAMENTARY REPRESENTATION

INQUIRY

Hon. Mr. DAVID inquired:

Does the Government intend before fixing the representation of the provinces in the Dominion Parliament, to have the last census corrected and rectified where it is presumed as established, that it has been improperly and irregularly made?

He said: I desire to say that in giving notice of this inquiry I forgot to mention that I would call the attention of the House to this subject, in order that we might have an expression of views from honourable members. I think this question deserves the consideration of the House, because if the last census returns do not give the exact figures of the population in certain provinces, then those provinces will not be represented in Parliament as they ought to be However, I can bring up the question at another time, so that it may be discussed, and I simply put the question in its present form.

Hon. Mr. DANDURAND: The answer from the Trade and Commerce Department is: "Only finally revised census statistics will be used as a basis for legislation."

FISHERIES PROTECTION SERVICE, P. E. I.

INQUIRY

Hon. Mr. MURPHY inquired of the Government:

Have notices been sent out by the Department of Marine and Fisheries to dismiss or discontinue the services of the captain and crew of Patrol D which has been engaged in the Fisheries Protection Service on the east and west coasts of Prince Edward Island, with headquarters at Tignish in the province for some years past?

Is it the intention to replace them by others?

2. Is it the policy of the Fisheries Department to discontinue this very necessary patrol service for the prevention of illicit lobster fishing? If so, why?

Hon. Mr. DANDURAND: The crew of the "D" was paid off as usual, when the boat was laid up at the end of the season. The captain was paid off at the end of February. It has not yet been decided who will be employed on the boat next season.

Hon. Mr. MURPHY: I beg to ask the honourable gentleman if the laying off of that crew is the thin end of the wedge.

Hon. Mr. DANDURAND: I do not know what the honourable gentleman means, nor do I know what has been the practice in the past; so I cannot answer his further query.

Hon. Mr. MURPHY: I am probably out of order, but I might explain that this crew has been in charge ever since the patrol boat service was established for the protection of the lobster industry in Prince Edward Island. There was an efficient crew. The captain, who has the efficiency stripes of the Government Fisheries Protection Service, was retained all the year round, and was looked upon as a permanent officer. He received half-pay in winter, full pay in summer. In February, when the boats were laid up, he was, of course, doing nothing. Neither was the engineer, who might be called a temporary man. Without any reason at all, the captain and his whole crew were laid off at the end of February and given official notice of their dismissal. I asked the honourable gentleman if this was the thin edge of the wedge, and the sooner we know the better it will be for all concerned. I think the honourable leader is not so obtuse as not to know what I mean.

Hon. Mr. DANDURAND: I hope that the Minister of Marine and Fisheries will understand the language better than I do. I will transfer to him the remarks of my honourable friend.

Hon. Mr. MURPHY: I am extremely sorry if my English is not as good as that of the honourable gentleman from De Lorimier, but I think it probably is. Honourable members of this House will agree that I have been quite explicit, and there may be some suggestion in the remarks which I have made. I do not think the honourable gentleman who leads this House needs to refer to the Minister of Marine and Fisheries to understand what I mean.

CIVIL SERVICE, 1911-1922

MOTION FOR RETURN

Hon. Mr. DAVID moved:

That an Order of the Senate do issue for a statement showing the number of employees appointed in the different departments of the Government each year since 1911, up to 1922, and the increase of cost of the Civil Service since 1911.

Hon. Mr. DANDURAND: This return may take some time to prepare, but I understand that a similar request was made in the other House last year and that a return was presented. We may find in it all the information that my honourable friend needs.

The motion was agreed to.

THE INDUSTRIAL SITUATION

MOTION FOR RETURN

Hon. Mr. DAVID moved:

That an Order of the Senate do issue for a copy of the report of the ex-Minister of Finance on the investigation made by him concerning the Industrial Situation and requirements of Canada.

Hon. Mr. DANDURAND: I would inform the honourable gentleman that there is no report of the kind to which he refers; so there would be no use in his pressing the motion.

The motion was withdrawn.

SOLDIER SETTLEMENT ON LAND

MOTION FOR RETURN

Hon. Mr. DAVID moved:

That an Order of the Senate do issue for a statement showing the number of soldiers who were established on land in the different provinces, the amount of money expended by the Government for that purpose, and whether any part of that money was reimbursed, and how many after a certain time left the farms upon which they had commenced to work.

The motion was agreed to.

HIGH COMMISSIONER FOR CANADA

MOTION FOR RETURN

Right Hon. Sir GEORGE FOSTER moved:

That an humble Address be presented to His Excellency the Governor General; praying that

His Excellency will cause to be laid upon the Table of the Senate a copy of the Order in Council appointing P. C. Larkin as High Commissioner for Canada in London, with a copy of instructions defining his powers and duties.

Hon. Mr. DANDURAND: There is no objection to this motion being carried. I have the paper for the honourable gentleman, and am laying it on the table.

The motion was agreed to.

OIL SHALES, IRON ORE AND FUEL DEPOSITS

APPOINTMENT OF SPECIAL COMMITTEE

Hon. Mr. THIBAUDEAU (for Hon. Mr. Fowler) moved:

That the following Senators, to-wit: The Honourable Messieurs Donnelly, Farrell, Girroir, McLean, McMeans, Ratz, Schaffner, Tessier, Thibaudeau, Thompson, Turriff, Willoughby and the Mover, be appointed a Special Committee for the following purposes:—

1. To further inquire and report from time to time upon the desirability of the further development of the oil shales, iron ore, coal and fuel deposits of Canada.

2. Whether or not further and better facilities might be placed at the disposal of the Department of Mines for the investigation of the above subjects.

And further that the Committee be empowered to send for persons, papers and records, and, subject to the approval of the Senate, to employ such clerical aid as may be necessary to properly carry on the Committee's investigation.

The motion was agreed to.

NATURAL RESOURCES OF WESTERN CANADA

MOTION FOR RETURN

Hon. Mr. TANNER moved:

That an Order of the Senate do issue for a Return to include all correspondence between the Federal Government and the Ministers and Departments of the Federal Government and Provincial Governments and persons representing such Provincial Governments in regard to the natural resources of the Western Provinces; also all Orders in Council reports, statements, Minutes of Conferences and other documents and writings relating to the subject of the transfer of such natural resources to the western provinces.

The motion was agreed to.

CRIMINAL CODE (APPEALS) BILL.

SECOND READING

Hon. Mr. McMEANS moved the second reading of Bill A, an Act to extend the Right of Appeals from Convictions for Indictable Offenses. He said:

Honourable gentlemen, in rising to move the second reading of this Bill I feel that some explanation is due from me. I have been asked by several honourable gentlemen if this is the same Bill that was passed by this House two sessions ago. I desire to explain for the information of those honourable gentlemen who have recently become members of the Senate that two years ago a Bill was introduced here to provide for appeals from criminal sentences, so that a court of appeal might revise a sentence given by an inferior court or by a judge. That Bill, after passing this honourable House three times, was finally passed by the House of Commons. So the present Bill, of which I have the honour to move the second reading, is in no way connected with that. At the last Session I moved the following motion:

That in the opinion of the Senate it is essential for the better administration of the criminal law that a Court of Criminal Appeal should be established in the different provinces, with jurisdiction similar to that possessed by the Court of Criminal Appeal in England, and will inquire whether it is the intention of the Government to create such Courts.

That motion was very fully discussed in this House last Session, and it is owing to the very favourable comment made on it here and to the suggestions offered by several honourable gentlemen that I have been led to introduce the present Bill. Perhaps it is unnecessary for me to re-argue the question or re-state the case, but I would say for the benefit of those honourable gentlemen who have recently become members of the House that the Bill provides for a very wide departure from the way in which criminal law is administered in this country. I have no hesitation in saying that Canada is to-day the only civilized country in the world in which there is no appeal in criminal cases. Our law is in this peculiar state, that no matter how innocent a man may be, if he is once found guilty by a magistrate, a judge, or a jury, there is no way in which he can ever be pronounced innocent. In the few remarks I made last Session I cited instances of innocent men having been sent to the penitentiary. One man was in penitentiary for seven years. He was arrested a second time and sent down again for seven years. He was proven to be entirely innocent—to have had absolutely nothing whatever to do with the case, but there was no power under the British law as it then existed by which that man could be pronounced innocent.

As a further instance, I would point out that the British North America Act says that if any member of this honourable House is convicted of a crime he forfeits his seat. Mind you, it does not say, "guilty

of a crime"; it says, "convicted of a crime." So if any of my honourable friends should be so unfortunate as to be brought up before a court and found guilty, no matter how innocent he might be, he could never prove his innocence and would forfeit his seat in this House. The only remedy he would have would be to apply to the Department of Justice and ask for the mercy of the Crown. The Crown could pardon him of an offence which he had never committed.

I have not framed this Bill or brought it into the House without giving it some consideration. Prior to the year 1907 there was no court of criminal appeal in England, although it had previously been discussed for about eighty years. The question was introduced Session after Session. By one Administration a committee were appointed to consider the matter, and they made reports on it. As you know, it is a very difficult thing to get a departure from the regular course of procedure in a country like England. However, after various Bills had been introduced on many occasions in the course of many years, the question was referred to a Board of Judges, who took it up and reported favourably on a Bill to reconstruct the criminal law in so far as it related to criminal appeals. A Court of Criminal Appeal was finally established on the recommendation of those judges, and after an investigation by the British House of Commons into two very glaring cases in which persons entirely innocent had been convicted of offences and undergone punishment. I will not enter into the details of those cases, because I have dealt with them before. The only way in which the convicted man in either of those cases could obtain any remedy was to go to a member of the British House of Commons and ask to have his case investigated by a committee of the House. Accordingly that was done, and in those instances that I mentioned the office of the Home Secretary, who dealt with applications of this nature, was severely criticized. It was pointed out by the gentlemen composing the committee in the British House of Commons that if there had been the right of appeal in criminal matters the accused would never have had to undergo the punishment which he did.

One of the writers on this matter has pointed out why, in his opinion, there should be a court of appeal in England:

> Mr. Boulton, one of the members of the British House of Commons, in the introduction to his work on the Court of Criminal Appeal said:
>
> Both the public and the profession had therefore arrived at the conclusion that some review of the evidence upon which convictions in criminal cases rested was necessary.
>
> The disadvantages of the late system may be summed up in a few words. In the first place, the Home Office has no power, if it is dissatisfied with a conviction, of quashing it. If, after full inquiry, the case appears doubtful, the Home Secretary may advise the granting of a pardon to the prisoner, or he can grant a remission of the imprisonment. But the Home Office can give no definite and final judicial finding such as a court of law can give.
>
> In the second place, on a petition to the Home Office the prisoner's case only is before it. The result of that is that the Home Office has to discover the case against the prisoner, to test his conviction and his guilt in order to establish, if possible, his innocence.
>
> In the third place, there is no legal finality in the position of the Home Secretary. The consequence is that, although he might come to a clear and definite decision, he is always exposed to pressure to reconsider his decision.
>
> In the fourth place, the Home Office cannot, as a general rule, state its reasons for its decision.
>
> Fifthly, the Home Office cannot take fresh evidence on oath and allow the cross-examination of witnesses.
>
> The Home Office inquiry is not conducted by legal minds. There is no representation of the accused and no argument. The reasons upon which the decision is based are not disclosed, and therefore unknown to the public.
>
> Of late there has undoubtedly been a tendency to criticize proceedings of the Home Secretary in a tone which would not be tolerated by any judicial tribunal in the country. There must, therefore, be a great advance in our legal system if the burden of an investigation, which must be essentially judicial in its character, is cast upon a judicial tribunal. The Court of Criminal Appeal will be composed of judges of the King's Bench Division. It will have the power of quashing a decision, and thus removing the effect which a conviction must have upon the status of the prisoner. Its decisions will, save in exceptional cases when an appeal to the House of Lords is permissible, be final, and it will be enabled to hear both sides, and, if necessary, to take the sworn testimony of fresh witnesses, or hear fresh evidence and allow of cross-examinations. Finally, it can give the reasons for its decisions.
>
> The Home Office, too, will have an added advantage.
>
> In the first place, the number of cases which come before the Home Office for interference will be greatly diminished, though they will certainly not be altogether removed.
>
> In the next place, it will have a choice. The Home Secretary can either deal with the case as heretofore by confidential inquiry, and arrive at an independent judgment if necessary; or he will be able, under the power given by the Act, to refer the whole case, or any point in connection with the case, for the opinion of the Court of Criminal Appeal.

The Bill at present before the House, honourable gentlemen, is not framed in such a way as to create courts of criminal

appeal. There is no court created, and no additional expense put upon the country; the Bill merely enables the judges of the courts of appeal of the different provinces to entertain applications.

To-day we have the peculiar position in Canada that in a criminal case you can appeal upon a point of law stated by the trial judge; and the time of the court of appeal may be taken up for days hearing argument as to whether or not certain evidence was admissible. But the court of appeal, after hearing the argument, cannot say that in their opinion a man has been improperly convicted. They are not in a position to pronounce upon the guilt or innocence of a prisoner. If the case is referred to the Department of Justice, and it comes to a decision, the reasons for its decision are not made public; and therefore the decision is no guide to the judges or the lawyers or anybody else.

I have here the report of a case which was made in September, 1921. A woman was assaulted on the outskirts of Winnipeg and a crime committed against her. She went home and complained to her mother. The next day she went to the police and described the man, and finally pointed him out. He was arrested, tried before a jury, found guilty, and sentenced to a term in the penitentiary. The trial judge stated a case to the court of appeal on the question, whether or not the complaint made by the woman to her mother was evidence against the prisoner. The court of appeal held that it was evidence that the crime had been committed, but that the judge should have told the jury that it was not evidence against the man who had committed the crime. The court of appeal decided unanimously that there was no reason to interfere with the verdict, and confirmed the sentence. But inside of a month the prisoner was walking around the streets of Winnipeg a free man. The officials of the Department of Justice may have had reasons for what they did, and I am not making any complaint about that; but I do know that one of the judges felt that he should be informed of their reasons, and in what respect the court had erred. He wrote to the Department of Justice asking them to point out why this man, after having committed a serious crime, should be walking around free; and the answer received —I have not got it here—was to the effect that the officials of the Department were astonished that anybody should question their decision, and that it was not usual to make the reasons for their actions public.

I am not criticizing the officials of the Department, but the system under which they work. The vast majority of cases that go to the Department of Justice go there for the purpose of review. If the Department review a case it is only a one-sided investigation; and if they come to a decision nobody knows anything about the reasons for it. If they remit a sentence, or cut down a sentence from ten to two years, or from life to ten years, it is a private matter and is no guide whatever to the judiciary or to the legal profession practising throughout the country.

I do not desire to take up any more time on this matter. As I have already stated, it was pretty well threshed out last Session. If the Bill passes its second reading, I will immediately move that it be referred to a special select committee of the House for consideration. I do not claim that the Bill is in any way perfect, and my object in moving its reference to a select committee is that the members of the committee may have ample time to consider the matter and satisfy themselves as to the facts, and, if necessary, call before them officers of the Department of Justice. If our criminal law is in such a state as I have outlined, I am quite sure that the committee will make such a report as will result in some remedy.

Hon. Mr. DAVID: Will the honourable gentleman allow me to ask him if what is proposed in the Bill is exactly the same as the law in England?

Hon. Mr. McMEANS: The law in England is different in that there is a special Act deals with the matter, creates a criminal court of appeal, or appoints certain judges to sit as a separate and distinct court. That is not proposed here. The purpose of this Bill is simply to give jurisdiction to the Courts of Appeal in the different provinces to deal with the matter. This is along the lines of the English Act, but there is no further expense put upon the country.

Hon. Mr. DAVID: Is this the same as the Bill which the honourable gentleman brought before this House last Session?

Hon. Mr. McMEANS: The honourable gentleman is probably under a misapprehension. I did not bring in a Bill last

Session; I merely moved a motion to try to get the opinion of the House.

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

On motion of Hon. Mr. McMeans, the Bill was referred to a Special Committee consisting of Hon. Messieurs Barnard, Béique, Bennett, Beaubien, Belcourt, Cloran, Dandurand, Foster (Alma), Fowler, Girroir, Lougheed (Sir James), Lynch-Staunton, Proudfoot, Ross (Middleton), Tanner, Tessier, Willoughby, and the mover.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Thursday, March 23, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

GERMAN REPARATION COMMISSION

INQUIRY

Hon. Mr. GREEN inquired of the Government:

1. Has any payment been received by the Canadian Government, through the British authorities, from the German Reparation Commission? If, so, what is the amount?
2. What is the total amount conceded to be due to Canada from this source?

Hon. Mr. DANDURAND: I am not quite sure that I have the meaning of my honourable friend when he speaks of the "German Reparation Commission". The answer to the first question is as follows:

The Canadian Government has received from the British Government the sum of $6,314,500 on account of the Canadian cost of the army of occupation. No further sum has been received.

As to the second question, I take it that this means the amount that would come to Canada under the treaty of Versailles.

Hon. Mr. GREEN: Yes.

Hon. Mr. DANDURAND: The amount payable for reparation by Germany is too doubtful a quantity to be approximated at the present moment.

ADJOURNMENT OF THE SENATE

On the Notice of Motion:

By Hon. Sir Eward Kemp:

That he will move, that pending further order, when the Senate adjourns on Friday, it do stand adjourned until Tuesday, at eight o'clock, p.m.

Hon. Mr. DANDURAND: I would ask the honourable gentlemen to adjourn his motion until to-morrow. Evidently the Senate will have to sit again next week. We have been expecting a provisional Supply Bill, and we shall know to-morrow on what day next week it will probably reach this Chamber. Therefore it is fairly certain that to-morrow we shall adjourn until next week. As to the day on which we should meet again, we can confer to-morrow afternoon.

Hon. Mr. POPE: Is it possible that this Government is going to present to us a Supply Bill of that character, after the remarks that we heard last year?

Hon. Mr. DANDURAND: My honourable friend is perhaps thinking of remarks made elsewhere. I do not know if he refers to remarks made in this Chamber.

Hon. Mr. POPE: No, because we do not originate money Bills here. But we must be permitted, in speaking of them, to refer to the place where they do originate.

Hon. Mr. DAVID: Will the honourable member allow me to put a question? If the Estimates were voted by the House of Commons to-morrow, could we not adjourn the Senate until Saturday?

Hon. Mr. DANDURAND: I am informed that under the best conditions the Bill could not reach the Senate before Monday evening or Tuesday.

The Notice of Motion stands.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, March 24, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

LIGNITE CARBONIZING IN SASKATCHEWAN

INQUIRY

Hon. Mr. TURRIFF inquired:

1. How much money has been expended to date by the Research Council of Canada, in their experiments in carbonizing lignite near Bienfait, Sask?
2. Names of Commissioners and amount paid to each
   (a) for salaries.
   (b) for expenses.
3. When was active work stopped?

4. Names of Engineers now employed or who have been employed, and amount paid to each
(a) for salaries.
(b) for expenses.
5. What did buildings cost?
6. How many houses have been built for Officers and Engineers, and cost of same?
7. How many houses have been built for workmen, and cost of same?
8. What has been cost of water supply
(a) for plant.
(b) for houses.
9. What is the estimated cost of completing the experiments?
10. How many officers, Engineers and Workmen were on the Pay List for February?

Hon. Mr. DANDURAND:

1. No money has been expended by the Research Council of Canada in connection with the experiments, near Bienfait, Sask., in carbonizing lignite. The Lignite Board has no connection with, and does not receive its appropriation through, the Research Council of Canada.

Questions Nos. 2 to 10, answered by No. 1.

The Research Council was instrumental in the initiation of this investigation, which is jointly supported by the Federal Government and the Governments of Manitoba and Saskatchewan. The Federal Government pays one-half of the cost through the Department of Mines, and the Provincial Governments each pay one quarter of the cost. The Lignite Utilization Board consists of representatives of the three Governments concerned, and is not connected with the Research Council.

Hon. Mr. TURRIFF: I regret that the answer is very indefinite and gives no facts, and is not an answer to the question I have asked.

Hon. Mr. DANDURAND: If the honourable gentleman will leave the question on the Order Paper, I will see that further inquiry is made.

Hon. Mr. TURRIFF: It might be well to make a motion for a return.

Hon. Mr. DANDURAND: Perhaps the honourable gentleman will let the question drop and redraft his inquiry.

The Hon. the SPEAKER: The question is:

How much money has been expended to date by the Research Council of Canada?

I understood the answer to be that no money had been spent. From what I know of this matter I may say that it is the Lignite Utilization Board that spends the money, and that the Research Council has nothing to do with it.

Hon. Mr. DANDURAND: I have suggested to the honourable gentleman that he draft another series of questions in order to get the information he desires.

ADJOURNMENT OF THE SENATE

On the Notice of Motion:

By Hon. Sir Edward Kemp:

That he will move, that pending further order, when the Senate adjourns on Friday, it do stand adjourned until Tuesday, at 8 o'clock p.m.

Hon. Mr. DANDURAND: I would suggest that the honourable gentleman leave his motion on the Order Paper until next week. By leave of the House, I move, seconded by Hon. Mr. Watson, that when the Senate adjourns this afternoon it do stand adjourned until Wednesday next at 8 p.m.

The motion of Mr. Dandurand was agreed to.

EXPORT TRADE ROUTES

APPOINTMENT OF SPECIAL COMMITTEE

Hon. Mr. L'ESPERANCE moved:

That a Special Committee be appointed to inquire into and report, at this Session, upon the conditions which are responsible for a large portion of our export trade (more especially the products of the West), to be routed via American instead of Canadian ports; and that such committee shall have power to call for persons and papers; and that such committee do consist of the Honourable Messieurs Casgrain, Tessier, Watson, Turriff, Kemp (Sir Edward), McCall, Willoughby, Thompson, Chapais, Webster (Stadacona), Bennett, Tanner, Todd and the Mover.

The motion was agreed to.

BRITISH EMPIRE STEEL CORPORATION LABOUR DISPUTE

MOTION FOR RETURN

Hon. Mr. TANNER moved:

That an Order of the Senate do issue for copies of all correspondence (including telegrams) received and sent by the Department of Labour, or the Minister of Labour, or any officer of the Department, in regard to the wage disputes between the British Empire Steel Corporation and its employees in the Province of Nova Scotia in 1921-22.

2. All reports to the Department, or to the Minister, and other documents and papers relating to the said wage disputes.

Hon. Mr. DANDURAND: The Minister of Labour invites the honourable gentleman to call at the Department at his leisure, examine the file, and pick out the documents that he would like to have copied. The Minister will be very pleased to hand

him the whole file, so that it may not be necessary to copy a number of documents which would not serve the honourable gentleman's purpose.

The motion was agreed to.

The Senate adjourned until Wednesday, March 29, at 8 o'clock p.m.

THE SENATE

Wednesday, March 29, 1922.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED

Hon. Arthur Charles Hardy, of Brockville, introduced by Hon. Raoul Dandurand and Hon. A. B. McCoig.

BRITISH EMPIRE STEEL CORPORATION LABOUR DISPUTE

DISCUSSION AND INQUIRY

Hon. CHARLES E. TANNER rose in accordance with the following notice:

That he will call attention to the matter of the wage disputes between the British Empire Steel Corporation and employees of the company in Nova Scotia, and the relations of the Department of Labour to the said matter, and will inquire:—1. What action the Department of Labour has taken in regard to the said matter since the Gillen Award was made.

2. Whether the Minister of Labour, or any officer of the department, has been personally in communication with the parties in the province of Nova Scotia.

3. Whether the Minister of Labour, or any officer of the department, has been invited by the representatives of the miners to visit the part of the province in which the disputes arose, and whether the minister, or any officer of his department accepted such invitation and visited the locality and conferred there with the parties to the dispute.

4. What other action has the Minister of Labour, or officer of his department, taken in regard to the matters?

5. When was the Gillen Award made?

6. At what times did the Minister of Labour, or officers of his department visit Nova Scotia for the purpose of conferring in the said matters?

He said: Honourable gentlemen, my object in asking these questions is to ascertain how far the Department of Labour has intervened for the purpose of bringing about a settlement of these labour difficulties, which have assumed very alarming proportions.

These difficulties have existed for a considerable time. In December last there was an agreement, called the Montreal agreement, made between the workingmen and the management of the Dominion Coal and Steel Company in regard to wages. That agreement apparently was not satisfactory to the company, and I do not know that it was very satisfactory to the men. At all events, disputes arose out of it, with the result that a Board of Conciliation was constituted in the latter part of December, I think; but the company refused to be a party to that Board, with the result that the Department of Labour was called upon to appoint two of the arbitrators, the mine workers appointing the third. A gentleman of the name of Gillen, I believe from Toronto, was the chairman of that Board of Arbitration. The Board sat in Halifax during January, and made an award. Mr. Gillen and the other gentleman appointed by the Department of Labour, Col. Thompson, agreed upon certain reductions of wages. The gentleman who was appointed by the mine workers differed with them in regard to the reductions, claiming that what they proposed was entirely too great.

I might mention, however, in passing, that the three arbitrators unanimously agreed upon a statement, which I think has some significance as far as Nova Scotia and the cost of coal in that province are concerned. After having had an opportunity of examining the cost-sheets of the company —these were not produced at the arbitration for the examination of the mine workers representative, but were shown to the arbitrators privately—the three arbitrators agreed in the statement that there was too much spread between the cost of production and the cost to the consumer of the coal which the company was placing upon the market. In plain language, as I understand that, and as a good many other people in Nova Scotia understand it, it means that the company is taking too much profit; and at the same time, they are seeking to make very drastic reductions in the pay of the men who work in the mines.

I may further say that there is a general opinion, and I think it exists among the miners themselves, who are of a reasonable state of mind, that there should be some reduction in wages. On the other hand, it is very questionable whether the majority of the Board of Arbitrators, particularly under the circumstances which I have just mentioned, did not go too far. I have had a good many years experience among the mine workers of Nova Scotia, and I want to say that generally speaking, they are a body of men of more than ordinary intelligence. After having had some twenty or twenty-five years direct connection with

them in political life, I want to say for them that, while there may be and undoubtedly are at the present time extreme men in some of the higher places, the great body of the mine workers of the province are responsible and intelligent citizens.

After the Gillen award was made the matter went back to the men, and as is their practice, a vote was taken, and the award was overwhelmingly rejected by the miners. Then further negotiations, I think, took place between the representative of the Provincial Government and the miners, and citizens generally in the eastern part of the province, who were deeply interested endeavoured as best they could to bring about a settlement. It looked for a while as though there was going to be a general strike which would involve some 10,000 or 12,000 workingmen, and which would have tied up absolutely the industries of the province, and would have prevented the Provincial Government from receiving a very substantial revenue;—because, as I have no doubt honourable gentlemen know, a very substantial part of the revenue of the province of Nova Scotia is derived from royalties. So I do not need to say a word to impress upon the Government and the honourable members of this House the very great importance of bringing about a speedy settlement of the difficulties.

The mine workers' executive met in Truro after the Gillen award was made, and they were invited to Montreal by the representative of the company. Some of them went up, and they came to an understanding which it was hoped would be agreeable to the mine workers. But that second Montreal arrangement was recently referred to the men, and their vote was again overwhelmingly against a settlement on the lines proposed.

I am not going to attempt to absolve the extreme leaders of the men for things they have done nor to make any excuse for them, because with some of them I have no sympathy whatever. At the same time, I do not want to be understood as exonerating the company, because my information, which I believe to be well founded, is that for a very considerable time before the British Empire Steel Corporation was organized, as well as since, the management of the companies composing it has been anything but politic in dealing with the men. My information is that they have contributed very largely to the crisis which is now confronting the people of Nova Scotia. So I think it is a safe basis to start from that there are faults upon both sides.

Hon. Mr. TANNER.

Now, honourable gentlemen, there is occupying a very high position in public affairs in Canada at the present time a gentleman who, I understand, holds to the principle, and it is probably a very sound principle, that there are more people interested in these labour disputes than the men and the management and the capitalists. As I understand it, he lays down the principle that the community is also interested. That capital, labour, management, and the community are all interested is a doctrine which the Prime Minister of the country lays down. Therefore it is that I am inquiring, on behalf of the community of Nova Scotia, as well as on behalf of the men and of those who have capital invested down there, what the Minister of Labour and his Department have been doing to bring about a settlement of these very important matters. I understand, of course, that the honourable gentleman is new to his office, and I suppose it is only fair to allow him some consideration. But, nevertheless, when such vital questions are outstanding, and such great interests are at stake, I would have expected that the Minister of Labour, instead of travelling out to the Pacific coast to take part in an election, would have travelled down to the eastern part of Nova Scotia in order to endeavour to bring about peace in this very serious labour difficulty. The duty which the honourable gentleman performed on the Pacific coast was very dear to his heart, and in a sense I do not begrudge him the pleasure. Under other circumstances I certainly should not. But I observe that after performing his duty there, as he saw it, he came to the province of Ontario, and, while these vital questions were pending in the industrial centres of Nova Scotia, he stopped off at some point or points in Ontario to address political meetings. I should have expected that the Minister of Labour, if he took his duty as minister to heart, would have been hastening eastward, as I suggested a moment ago, to endeavour to bring about peace. I observe that in the Toronto Globe he discussed the urgency of practical, cohesive effort and co-operation, and the great necessity of grappling with the questions which are confronting the Government. From what I have observed of the honourable gentleman since he has entered upon the important duties of Minister of Labour, as well as for some time before, he has been very free to give advice and at times very free to criticise. He seems to have been desirous of getting into the limelight by making speeches. Early in his career as

Minister of Labour he sent out certain advice to the men employed in the building trades. I have not observed that since he gave that advice he has done anything; nor have I observed, notwithstanding all the other advice which he has been scattering about gratuitously, that he has anything of what he himself calls practical to his credit. Now, I may be entirely misjudging the honourable gentleman—and, as I say, I do not want to be unfair to him under the circumstances; but I do want to urge upon him and upon the Government the very great importance of endeavouring to the utmost of their power to bring about a settlement of these grave questions in the island of Cape Breton.

It appears—if I may be allowed to refer to another aspect of this matter—that, after coming back to Ottawa, the honourable Minister of Labour learned that a document had been issued by an old-time friend of his, a colleague in labour matters, a gentleman with whom he had collaborated on previous occasions before he assumed the duties of Minister of Labour, a gentleman with whose mentality I am sure he must have been very closely in touch and must have well understood. I refer to a gentleman of the name of McLachlan, who occupied the position of secretary of the mine workers' organization in Cape Breton. The document called upon the miners of Cape Breton to enter upon a class warfare against the company. The intention of that class warfare, as I understand the document, was that the employees should loaf upon the work and thereby reduce the profits of the company in the hope that they would thus compel the company to a settlement. That is commonly called sabotage. With that declaration of Mr. McLachlan, I want to say, I am entirely out of sympathy, as I believe all well-thinking people are. I would not be understood for a moment as approving of any such proceeding; nor do I believe that the better-thinking men who are engaged in the mines of Nova Scotia consider it a wise or defensible policy. However, conditions have become so bad down there that apparently for the time being Mr. McLachlan is receiving considerable support.

Hon. Mr. DAVID: Does the honourable member know if the miners have followed the advice which was given them to limit production in order to attain their object?

Hon. Mr. TANNER: I cannot tell my honourable friend with certainty, but I believe that the proposal received a good deal of sympathy in the way of discussion. Whether the employees have actually entered upon the operation or not I am really unable to say at his moment.

I was going to say that the Minister of Labour, observing this document, at once entered into a telegraphic duel with Mr. McLachlan. I am at a loss to understand why the Minister of Labour did not go down to Cape Breton. Surely this was a matter of sufficient importance to demand his presence, or at least the presence of some of his leading officials. An election of a member of the Government out at the Pacific coast was of sufficient importance to call him all the way across the continent. Surely, then, when ten thousand men and their families were threatened with stoppage of work, with the coal mines of Nova Scotia tied up and the Government of that province prevented from receiving its revenue—surely all these things were of sufficient importance to have called the Minister down to that part of Canada. Apparently he did not want to go, and there may be reasons why he did not want to go. Perhaps he did not feel inclined to face his old confrere Mr. McLachlan. At any rate he sent a long telegram—I am not going to weary the House by reading it, though I have it under my hand—in which he protested against any such un-British practice as that which Mr. McLachlan was advocating. Perhaps I might read a paragraph of it, for it is rather interesting in connection with what I want to say. The telegram is a lengthy one. The Minister might have travelled down to Cape Breton at less expense, I fancy, than the cost of this telegram. This is what the Minister said:

> You will, I think, on reflection, agree with me that any strength which organized labour possesses at the present time is the result, not of the underhanded and dishonest methods of undercutting, or, as it is sometimes called, sabotage, but of straight and honest dealings, each worker giving the best that is in him for the wages agreed upon.

With that sentiment I am in entire agreement. But is Mr. McLachlan in agreement? Without reading the whole of Mr. McLachlan's statement, I want to give honourable gentlemen the substance of what Mr. McLachlan said in reply to the Minister of Labour. This is a telegram, too. Mr. McLachlan also seems to be well supplied with funds to pay for such lengthy wires:

I have preached it to individuals—

That is the doctrine referred to—

—to tens, to hundreds, and to thousands. I I have done it on land and on sea, in miners' halls and in churches, on the hillsides of Nova Scotia, and on her busy streets; and, Mister Minister, what are you going to do about it? I shall do it again this week, knowing that a miner has a perfect right to work with his coat on if he wants to. But what kind of innocent or hypocrite are you? Did you not, one year ago, call a strike of the trainmen employed at the Sydney steel works owned by the British Empire Steel Corporation? And did you not circularize the trainmen on the Sydney end of the Government railway to institute a blockade on all Steel Company products, and tell the trainmen to leave the cars with Steel Company goods in the sidings in the woods where there were no telegraph offices? And you made no exception to perishable goods. That was "sabotage" from top to bottom, from start to finish.

That is the response which Mr. McLachlan made to the Minister of Labour, and in view of that I must confess that I get a glimpse into the reason why the Minister was not anxious to go to Cape Breton. He remembered that Mr. McLachlan remembered that in 1920, in November, this Minister of Labour, Mr. James Murdock, went down to Cape Breton, organized the railway trainmen of the Dominion Steel Company, stayed right on the ground to see the strike through, stayed there till about Christmas week, and induced the four heads of the big National railway organizations to issue a statement, which I have under my hand, commanding every railway man in the division to practise sabotage on the work—when any goods were coming out from the steel company, to sidetrack them; when any goods were coming into the steel company to sidetrack them. That was the order the honourable the Minister of Labour, before he became Minister, caused to be put into effect; and it is in effect to-day, because, honourable gentlemen, the strike which the honourable Minister of Labour organized in November, 1920, has not been settled to this day, and, so far as I know, the order for sabotage on the National railways which he instituted, or caused to be instituted, stands to-day as it did in December, 1920. That is the situation which confronts the honourable the Minister of Labour. The strike took place on the 23rd of November. On the 23rd of December the four big heads of the National railways sent a notice to General Manager Kingsland, of the Canadian National Railway. It recites circumstances affecting the trainmen and the Dominion Steel Company and the Nova Scotia Steel and Coal Company, and then comes down to this formal advice:

We therefore advise you that, after serious consideration of the entire situation, it has been decided by us to instruct the men we represent on the Canadian National Railways Lines east, effective December 28th, 1920, to absolutely refuse to handle any material or cars, to or from the property of the above-mentioned companies until such time as these companies will agree to submit the questions involved to arbitration for final settlement.

Honourable gentlemen, if there are extremists, and there undoubtedly are, at the present time taking part in the impending strike between the companies and the mine workers, I want to say that there is a very large measure of responsibility for that situation upon the present Minister of Labour. He is one of the men who educated those workers in Cape Breton into that state of mind, when in 1920 he went down to Cape Breton and set up that strike and then the blockade upon the railway. He need not be surprised if his disciples who helped him in that work are to-day taking his counsel and emulating his example.

I want to say further that in my opinion the Minister of Labour is largely to blame for allowing this matter to drift into the critical stage in which it is to-day. If that honourable gentleman were alive to his responsibilities and his duties, he would have gone right into the island of Cape Breton among those men, among his old confreres. Surely he would have had some influence with the men with whom he formerly collaborated, and, by taking this matter in hand at an early date, by grappling with the question, as he himself says, in a practical way, would have been able, I would hope and expect, to obviate the great difficulties which have occurred. At any rate, the Minister of Labour should have some knowledge, if he has any common sense at all, of the mentality of those men in Cape Breton. He has been close to them. He ate and slept with them in the old days. Therefore he must understand them, and should have gone down to them instead of seeking to spread himself in the newspapers by engaging in this telegraphic duel for the mere purpose, as I understand, of satisfying his cupidity for publicity—for that seems to be the great desire which moves him at all times. If the honourable gentleman had any common sense he would have known that the exchange of telegrams would inevitably stir up worse blood in Cape Breton rather than remove the difficulty. With any common

sense at all, knowing those workmen in Cape Breton as the honourable gentleman ought to know them, or knowing them as I know them, he would understand that the sending of such wires as those the Minister of Labour sent to Cape Breton would only pour paraffine oil upon the fire. That is shown by the response the honourable gentleman has received. There is the response from Mr. McLachlan: "What are you going to do about it, Mr. Minister?" he says. "You are as bad as I am—what are you going to do about it?" What reply can the honourable Minister of Labour have to that statement.

Hon. Mr. MARTIN: Does he reply to it?

Hon. Mr. TANNER: He has not replied at all, for the simple reason that his own order of sabotage upon the railways is set down side by side with McLachlan's order for sabotage in the coal mines. The chickens have come to roost—that is all there is about it. I want to be fair to the honourable gentleman. I do not want to say unkind things about him so soon after his assuming the position; but, from what I have observed of his career, both before his entering this Government and since, I am forced to the conclusion that the honourable gentleman is more concerned about being heard from the housetops than about doing practical things in the interests of the public.

Some of the gentlemen, the mayors of the towns in the mining districts, who are here interceding with the Government, and who, I understand, had an interview with the Prime Minister the other day, also put themselves on record as resenting the attitude which the Minister of Labour had adopted towards the men of Cape Breton. I am referring to what one of them said —Mayor Morrison, of a very large town, as it is called, which as a matter of fact is a city—this was published on the 23rd of this month. He said:

> Long ago, the miners of Nova Scotia began requesting intervention by both the local and Federal Governments. The best they have had so far is a couple of lectures from the Minister of Labour. The first lecture drew a fitting reply from the secretary of the district; and I have no reason to doubt that the second will receive equally fitting treatment. Mr. Murdock may think it good policy to call the miners of this province un-British, un-Canadian and cowardly but he may be assured that their record for personal and moral courage will compare favourably with his own.
>
> "We are going to Ottawa," Mayor Morrison added, "because we feel that the time has arrived when all the authority of both the local and Federal Governments should be addressed to this question. We have had enough of back-and-filling. We want some effective action."

That is the attitude of independent men like the Mayor of Glace Bay. It indicates how ill-advised on the one hand was the want of action, and on the other hand, the action of the Minister of Labour, in sending these telegrams, with which in a sense we may all agree as an assertion of principle, but which he should never have sent if he had, as I would suppose he would have an understanding of the mentality of the men whom he was addressing.

Now, honourable gentlemen, I have no wish to prolong this matter any further. I simply wished to place the situation as I see it before the Government and before this House, hoping that the leader in this House will be able to give us an assurance that some practical action is to be taken to bring about a settlement of this very serious affair.

Hon. Mr. CASGRAIN: Before the honourable gentleman sits down, may I ask if the company did appoint any of the arbitrators?

Hon Mr. TANNER: No.

Hon. Mr. CASGRAIN: By whom were the arbitrators appointed?

Hon. Mr. TANNER: The law, as I understand it, is that when the company refuses to appoint an arbitrator the Department of Labour appoints one on behalf of the company. The company in this case refused to become a party to the proceedings by appointing an arbitrator; consequently the department appointed two and the miners' organization appointed the third.

Hon. Mr. CASGRAIN: Did the company accept the award in which they had no part?

Hon. Mr. TANNER: The company appeared before the arbitrators, and I think were quite willing to accept the award, because a very considerable reduction was made.

Hon. GIDEON ROBERTSON: Honourable gentlemen, I rise not to join in the criticism of any Minister of the Crown, but because I happened to occupy the responsible position of Minister of Labour at the time this trouble started, and therefore I feel that maybe I can say a few words which will throw some light upon the situation, and which I hope may tend in some respect to assist in pointing towards a solution of the trouble.

The difficulty between the employers and the employees in the mining industry in the province of Nova Scotia is one of long

standing, and one which cannot, in my humble opinion, be solved in a day. I first became familiar with it four years ago. In January, 1917, there were lying in the harbour at Halifax ships loaded with munitions of war and foodstuffs for our armies overseas, and there was no coal by which they could have been propelled with those munitions and foodstuffs to their destination. Sir Robert Borden, then Prime Minister of Canada, called upon the owners of these coal properties in Nova Scotia to facilitate and increase the production of coal in order that Canada's part in the war might more successfully be carried to a conclusion. It so happened that within three weeks of the 1917 election this matter was under consideration, and while I was not Minister of Labour at that time I was by the grace of the government of that day a member of that government, and was called in consultation with regard to the matter. It was determined that steps must be taken to produce coal, and the Prime Minister undertook to find out what the trouble was. It was represented to him by a high official of the employing company, who was then but is not now connected with the company, that the difficulty was that the men were—not as my honourable friend has put it, indulging in sabotage, but were not producing the coal. I do not agree with his interpretation of that word. However, I will deal with that later.

Figures were produced to show that in 1914 so many men produced so much coal a day, whereas in 1917 so many men were engaged and a lesser amount of coal was produced, proving mathematically that the quantity of coal produced per day per man had been reduced from 1914 to 1917. That appeared to the Prime Minister of that day and to some of his colleagues to be proof positive that the men's production had been decreased; but whether or not it was wilful or intentional could not be determined. A few minutes' analysis of the figures, however, proved exactly the contrary to be the fact. What happened between 1914 and 1917? Honourable gentlemen in this House, especially those from the Maritime Provinces, know that within twenty-four hours after the declaration of war between Britain and Germany had reached this country, more than 2,000 of the men employed in the mines of Nova Scotia came out of the mines and threw down their shovels and started for Valcartier. Their friends and relatives who were left behind continued to mine coal and continued to support the dependents of those who had gone. In 1917 there were more men employed above ground by these coal companies than there were in 1914; but there was a substantially smaller number engaged in the actual mining of the coal below ground; and that number, when divided into the number of tons produced, showed one-fifth of a ton per day per man of an increase from 1914 to 1917. Therefore the Prime Minister of that day dealt with the matter upon that information, and proved to the Administration, from the figures of the employers, that some investigation was justified. Within two weeks a visit had been made to Glace Bay and Sydney by a member of the Government, who met the company and the men; and subsequently they met again in Montreal, with the result that an adjustment was made with which the men were satisfied, or pretty well satisfied, and under which the employers were able to get labour by reason of the improved conditions offered.

Labour was at a premium in 1917. The wages offered elsewhere were superior and the conditions much more pleasant than those in the mines. That is the explanation why coal was not being produced.

The cost of living had rapidly risen from 1919 to 1920. And just in passing let me say a word in connection with that, if my honourable friend the leader of the Government does not think I am digressing too far. From the time the war broke out until 1919 there was in existence in this country a Food Board under the Department of Agriculture, and a Cost of Living Commission under the direction of the Department of Labour. The cost of living rose slowly—less rapidly than it did in any other country engaged in the war. In 1919 conditions were changed by legislation known as the Board of Commerce Act, and during that year the cost of living advanced more than 300 per cent above the advance in any preceding year. It was during the year 1919 that these men in Nova Scotia had to submit to these conditions that were so onerous.

In 1920, as a result of the situation which existed, they came back to their employers and wanted further consideration. There were, I think 17 coal companies involved. The men applied to the Department of Labour under the Industrial Disputes Act to get an adjustment with their employers. The Department could not very well establish a Board unless the companies agreed upon one man to represent them. They failed to agree, and it was thought that the best way out was to establish a

Royal Commission. That course was followed, and a Commission appointed by the Government went to Nova Scotia, went to the mines, talked with the men and heard what they had to say, and heard what the employers had to say, and after spending several weeks at the task sat down and made a finding which, as sometimes occurs was not wholly satisfactory.

Hon. Mr. BELCOURT: Would the honourable gentleman tell us what the finding was?

Hon. Mr. ROBERTSON: Not knowing that this discussion was going to take place, I may say that I have not any facts or figures before me. All I can say is that the report, as I recall it, was unanimous, that in some respects it was satisfactory to both the employers and the men, and in some respects was satisfactory to neither.

Subsequent to the filing of the report the Department did not cease its efforts to bring about an adjustment, as appears to have been done in this recent case, and it did not send telegrams telling the men they were unpatriotic and disloyal. It brought the parties together at Montreal, and the Assistant Deputy Minister of Labour went to Montreal and met them and succeeded in bringing about the Montreal agreement, which was in effect from October 1920 to the end of December 1921. That brings us up to the present situation.

On the 31st of December 1921 the Montreal agreement expired. Prior to that time steps were taken to ascertain the attitude of both parties with reference to a working agreement after the 1st of January 1922. The workmen were interested, and endeavoured to find out what was going to happen. The employers informed them that a wage reduction must occur, and notice of such intention was given. The miners, through their organization, were unable to reach a satisfactory agreement with the employers. Being law-abiding citizens, the miners, through their organization, made application to the Department of Labour for the establishment of a Board of Conciliation under the Industrial Disputes Act, and the Board was established. My honourable friend from Pictou (Hon. Mr. Tanner) may be correct, but, if my memory serves me, the employing company named Colonel Thompson of Halifax as their representative on the Board. They may not have appointed him officially but I feel sure that he was appointed, and that if the Department appointed him it was with the consent of the employers.

Hon. Mr. TANNER: I do not think so.

Hon. Mr. ROBERTSON: The workmen appointed a gentleman from Nova Scotia who, as far as I know, was not connected with the miners' organization, and I think they are to be congratulated upon that. My experience has rather proven the undesirability of a labour union appointing one of its own officials or any gentleman directly connected with the dispute at issue. That Board sat in Halifax, heard the evidence submitted by both parties, and subsequently brought in two reports—a majority report, and a minority report disagreeing with the views expressed in the other. The recommendation of the Board of Conciliation was submitted by referendum to the 12,000 miners involved in Nova Scotia. Surely honourable gentlemen will agree that when the result was obviously so unsatisfactory it was fair and proper that the committee representing the men should not assume to decide whether or not the recommendation of the Board would be accepted, but should refer it to the 12,000 men directly concerned. Those men by a large majority rejected the proposal to accept the recommendation of the Board.

At this point permit me to make it perfectly clear, if I can, that there was no agreement existing. It having expired on December 31st, 1921, there was no legal obstruction to the men taking any steps they deemed necessary to endeavour to bring about an acceptable agreement with their employers. In brief, they violated no agreement and broke no law. Then a telegram was sent to them, and please be assured that I am not making this statement by way of criticism of the Department, but rather because I regret what I feel to have been a very unwise step which led into a multiplicity of difficulties instead of smoothing them out. The Department then sent a telegram, indicating that a certain gentleman who was recognized as the leader of these men in Nova Scotia was indulging in sabotage. I am not a lawyer, but my interpretation of the word "sabotage" is that it means the destruction of the employer's property for the purpose of restricting output and creating a loss to the employer.

Hon. Mr. CASGRAIN: Turning out poor work.

Hon. Mr. ROBERTSON: Mr. McLachlan, the gentleman charged with using that term, specifically stated in his telegram to the Minister of Labour that he had never used that word and had never referred to it.

Hon. Mr. CASGRAIN: Strike on the job.

Hon. Mr. ROBERTSON: No. He said, "work with their coats on."

Hon. Mr. CASGRAIN: What does that mean?

Hon. Mr. ROBERTSON: That may have meant what my honourable friend has in mind; but there was nothing illegal about it. No law or no contract was violated by the making of any such statement.

A year ago another strike occurred down there in which the present Minister of Labour was involved in another capacity. The 12,000 miners employed in Nova Scotia are dependent to a very large extent upon the stores of the employing companies for the goods they purchase and the food they eat; and I can well imagine that when their food and goods were set off on side tracks in the woods where there was no telegraph office, presumably for the purpose of losing them, and when those people were perhaps short of necessaries of life—and when any of the goods were destroyed in transit by reason of delay, probably prices were raised and the men paid through the nose—those 12,000 miners did not feel altogether kindly towards the man who played them the trick. I am not going into the trouble of a year ago, however, because I do not wish unnecessarily to raise any controversy with the Department; but in my humble opinion that should not have occurred then; and in my humble opinion sabotage tactics, or lying down on the job, as it is sometimes called, is not going to help any.

Hon. Mr. DANDURAND: Could not the honourable gentleman tell us what the action of the Department was a year ago?

Hon. Mr. ROBERTSON: It did not interfere; it was none of its business. When the Minister of Labour said to Mr. McLachlan, "You are un-British, un-Canadian, and cowardly," when Mr. McLachlan had broken no agreement and violated no law, I say the minister interfered and did something that was none of his business.

Hon. Mr. DANDURAND: But is it not the business of the Minister of Labour to reproach a labour leader for giving advice to labourers generally to work with their coats on—to loaf on the job?

Hon. Mr. ROBERTSON: The Minister may have felt it within his prerogative to give advice, but I submit that he has no prerogative to say to a man that he is unpatriotic and cowardly unless that man has done something in violation of the law of the land.

Now, honourable gentlemen, all this discussion will serve no good purpose unless we have something constructive, looking to the future, which may help to find a way out of the difficulties.

Hon. Mr. BELCOURT: What is that? That is what would be interesting.

Hon. Mr. ROBERTSON: I understand that a delegation of gentlemen representing the different communities in Nova Scotia came here during the last couple of days for the purpose of interviewing the Government on this subject, and, while I do not know the details of what occurred at their conference, I understand from press reports that not much satisfaction has thus far been accorded them, but that the suggestion has been thrown out that it might be possible to reconvene the Board of Conciliation that made a recommendation a few months ago. The request presented by those gentlemen from the Maritime Provinces on behalf of their communities was that a new and independent Commission should be constituted under the Inquiries Act without delay, for the purpose of making a free and full enquiry on the ground into the whole matter. I would respectfully recommend to the honourable leader of the Government in this House that it is far wiser to look with favour upon that request and to grant it rather than to attempt to reconvene a defunct Board. In the first place I do not think the Board could be reconvened, because it has ceased to exist. Its functions were completely fulfilled and there is now no Board in existence. If I had been a member of that Board and the Minister said, "Go back and do the work over again," I would most assuredly hesitate about swallowing the recommendation that I made two months before. I do not think it is fair to either the employers or the men, nor is it fair to the members of the Board, for the Government even to suggest the reorganization of the same Board to deal with the same dispute. I therefore hope that the Government will lend a sympathetic ear to the suggestion made by the delegation, representing not the miners, but the people of those communities, who are vitally interested in what may occur if this thing is not settled. I hark back to 1909, when there was a serious strike down there which lasted all winter. Men were evicted from their homes, and men were shot in the streets. Whose fault it was, I cannot say. Great suffering occurred at that

time, and when I was down in Nova Scotia in 1918, the first time that I was intimately in touch with that situation, I found that the heart-burnings of 1909 still continued. Let us not do anything that will cause that undesirable and unenviable situation to be repeated. Let us rather do all we can to guide the contending parties towards each other and to bring them together, as was done in 1920, when they were on the point of having a fight, as they are at present. It was avoided then, and it can be avoided now. But it cannot be avoided if those good old Scotchmen down there, who have been there for generations, are called cowards. They are not cowards. They were not cowards in 1914, and they have not been since, and nobody is going to talk to them in that language.

Hon. Mr. DANDURAND: But do I understand that a telegram was sent to the miners at large? Was it not sent to one man, protesting against his illegal advice to the men?

Hon. Mr. CASGRAIN: And saying that the advice was cowardly.

Hon. Mr. ROBERTSON: The telegram was naturally and necessarily addressed to one man, but it condemned any person who accepted the advice of that man to work with his coat on. It stated that to do so was cowardly, and I say that the men in the Nova Scotia mines or the workmen anywhere in Canada with red blood in their veins, will not submit to any such dictation or any such language from a Minister of the Crown, I care not who he may be.

Honourable gentlemen, just one other point I want to clear up. It has to do with this matter, and yet not directly to do with it, but it was referred to in one of the telegrams that my honourable friend read. I do not think he read this reference, but it is there. For three months prior to December 6th last a gentleman, now a member of the Government, toured this country and on platform after platform announced that the Federal Government at Ottawa had granted to a company known as the British Empire Steel Corporation a charter which permitted that company to issue stock of which nineteen millions, I think, was to represent water, and as a result of that action on the part of the Federal Government the miners of Nova Scotia were now out under the sea, in their bare backs, mining coal to pay dividends on that watered stock. I want to say that that gentleman at the time knew, and knows now, that that statement was absolutely untrue, and notwithstanding his knowledge that it was a misrepresentation, he referred to it in his telegram to Mr. McLachlan the other day in a veiled manner, intimating still that it was a fact. Mr. McLachlan came back with a reply which the Minister did not publish, although he said he would. In that reply Mr. McLachlan pointed out that it was not the Federal Government at Ottawa that issued the charter or had anything to do with it; it was another Government, and no responsibility in that connection could be laid at the door of the Government here. I make that reference just in passing, because I think it is only fair and due to the late Government that the facts should be publicly stated. Thank you.

Hon. RAOUL DANDURAND: Honourable gentlemen, I thought that my duty would be to answer a certain number of written questions that were on the Order Paper, but the discussion which has preceded the questions I am to answer seems to have been rather focussed on a telegram sent by the present Minister of Labour to a gentleman in Nova Scotia by the name of McLachlan. Now, I think that it is but fair to the present Minister of Labour that that telegram, which has been attacked, should be read before the members of this Chamber, and I would ask the honourable gentleman from Pictou (Hon. Mr. Tanner) to be kind enough to hand it to me, so that I may read it and see if I can defend it.

Hon. Mr. ROBERTSON: Will the honourable gentleman permit me? It is more than a week since the honourable member for Pictou asked the honourable leader of the Government in this House to bring that telegram and other correspondence and lay them on the table. They have not yet been received.

Hon. Mr. DANDURAND: It is not in the series of questions that I am about to answer.

Hon. Mr. ROBERTSON: All correspondence, I think, is included.

Hon. Mr. DANDURAND: I do not think so. At all events I would ask my honourable friend to lend me the telegram. He read a part of it.

Hon. Mr. TANNER: There is one telegram I did not read at all.

Hon. Mr. DANDURAND: I am speaking of the telegram which the Minister of Labour is said to have sent to one McLachlan and in which he speaks of certain things being done as un-British, un-Canadian and cowardly.

Hon. Mr. TANNER: That one I did not read.

Hon. Mr. DANDURAND: I was under the impression that the honourable gentleman had read a part of that telegram, and as it seems to be condemned by two honourable gentlemen who have already spoken, I think it is but fair to the Minister of Labour that that telegram should be read in full.

Hon. Mr. TANNER: Well, I have not the slightest objection. The only reason I did not read it was that I did not wish to take up time, and it is rather lengthy. However, I would be delighted to read it—

Hon. Mr. DANDURAND: Will the honourable gentleman read it?

Hon. Mr. TANNER:—but unfortunately the reporter sent in for it and it has been taken out. If my honourable friend has no objection to waiting, it can be brought back and I shall be delighted to read it.

Hon. Mr. DANDURAND: All right.

Hon. JOHN McCORMICK: Being a new member of this House, I had intended not to speak thus early on any subject, but rather to wait a while. However, this matter is of great importance not only to the twelve thousand miners who are employed in the mines of Nova Scotia, but to the five hundred thousand people who live in that province, and to the people of Eastern Canada generally. I am glad to know that the advice offered by McLachlan, an extreme radical, to strike on the job, has not been acted on by the miners of Nova Scotia. While I do not agree with the attitude that that man takes on a great many labour matters in Nova Scotia, yet I recognize that he has great support from the mining population there. The source of his strength in this matter, I believe, lies in his public statement that in the organization of the British Empire Steel Corporation, there was included not only the capital involved in the constituent companies, but also nineteen million dollars of watered stock. Now, the sum of nineteen million dollars on which a dividend is expected to be declared is a very important factor in any industry in this country. I can remember the time, and it is not so very long ago, when the earnings from all the mines of Nova Scotia were less than what are expected to be the earnings on nineteen millions of capital in this company. The matter is one that I think should be inquired into. The steel works at New Glasgow are idle. The steel works at Sydney Mines have been idle a year last November. The shipbuilding plant at Halifax, and works of that kind, are not producing, and they are likely to be nonproductive for an indefinite time to come. Under these circumstances, when the miners are told that they have to work to produce the dividends not only on the capital of the companies incorporated in this new concern, but also on $19,000,000 of watered stock, that statement is one cause of the unrest and dissatisfaction and one reason why it is not easy to settle this question, which, as I have said, concerns not only the 12,000 employees, but also the 500,000 people in the province of Nova Scotia.

It is stated that the labour cost in connection with the mining of coal in Cape Breton is less than three dollars a ton. When the people are charged seven dollars a ton, there ought in my opinion to be some explanation. I think it is a matter that should be inquired into. Up to this time it has not been possible to have the matter investigated before a Conciliation Board. You can understand how the situation affects the people down in the province of Nova Scotia, where we have that great deposit of coal. It affects the people who want to engage in any sort of manufacture or industry, as well as those who must use coal to heat their homes. They are discouraged. There is a handicap on them because of the exorbitant price of coal. An inquiry should be made for the purpose of ascertaining whether it is not possible to pay the men well, as they ought to be paid, because their calling is hazardous, and at the same time to provide a reasonable or generous return on the private capital invested. I do not know what the powers of this Parliament are. The Company was incorporated not here, but in the province of Nova Scotia. However, the matter is of such importance that, even if there is no legislation at present, some action ought to be taken which would bring about an inquiry to let the people understand precisely the state of affairs. If something is not done you will not have peace nor a settlement that will be satisfactory to the people down there. In view of this state of affairs I urge upon this

House and upon the Government the necessity of taking steps at as early a date as possible to inquire into these matters; to see whether in Nova Scotia coal is mined at a cost of less than $3 per ton for labour and sold to the people at $7 a ton. Why should there be a spread of $4 a ton? That is a very large difference betwen the cost of production and the selling price.

This situation affects not only the matters I have referred to, but it concerns the operations of the railways. In 1919 $4.30 a ton was paid for coal for the Government railway, and last spring the price was $6.30. If there is any truth in the statement of Mr. McLachlan, which, up to this time has not been contradicted, that there is $19,000,000 of watered stock in addition to the capitalization of all the constituents of the British Empire Steel Corporation, I do not wonder that the miners are dissatisfied. If there is any power in this Parliament to prevent this company demanding from the mining population of Nova Scotia an earning on capital that does not exist—if there is any power to prevent this company denying coal at a reasonable price to the people of the province of Nova Scotia, and to a large extent of Eastern Canada, and at the same time curtailing the operations of the railways of this country, it should be exercised. I would therefore urge this House to make every effort to obtain an inquiry into the whole question of the cost of coal.

When the inquiry was held at Halifax the Board was told, as my honourable friend from Pictou (Hon. Mr. Tanner) has said, that the operators were prepared to produce their costs to the gentlemen of the Board, but that they refused the information to the men representing labour. They said that if they did that they would be giving away their costs to their competitors in the United States. I have no doubt that their competitors in the United States know to a five cent piece the cost of production of many of the mines in Nova Scotia. This is too important a matter to be brushed aside for any such reason as that. The coal miners should be in a position to know whether or not the exactions of the company with regard to wages are what they should be.

I saw the statement in one of the financial papers of Montreal the other day that the miners of Nova Scotia were receiving fancy pay. There are something like 12,000 men engaged in the coal mines of Nova Scotia; and when I tell you that 8,000 of those men are offered $3 a day, including the increase proposed by the company, and when you know that during the winter of 1920-21, and during the summer of 1921 the mines were working only about half time, you will come to the conclusion that the men are not overpaid. These men, working down in the mines, go to a depth in some places of 1,500 or 2,000 feet, and as far as 2½ and sometimes 3 miles under the sea. They are exposed to the dangers of gas, falling roofs, and all that sort of thing, and yet 8,000 of them are paid only $3 a day. I simply mention this to correct any mistaken opinion that may exist with regard to the statement that they are getting fancy pay.

Hon. Mr. TANNER: My only reason for not reading these letters in full when I was speaking a few moments ago was that I did not want to detain the House any longer. However, this is the wire from the Minister of Labour to Mr. McLachlan:

> My attention has been called to a despatch appearing in to-day's Ottawa Journal, dated from Sydney, and reading in part as follows: "The war is on, class war." In these words of a manifesto issued to-night, J. B. McLachlan, secretary of District 26, United Mine Workers, calls on the 12,000 miners of Nova Scotia to join him in a policy of cutting the output as the most effective method of waging a labour war against the British Empire Steel Corporation. I have thought it well to bring the above statement to your attention and should be obliged if you would let me have word immediately if any such document as is here outlined has been issued with your approval. I trust the published statement may prove to be without foundation and take this opportunity, in any event, of expressing the hope that yourself and other officers and members of your organization will cast your influence definitely against any such policy as is indicated in the statement above quoted.
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> You will, I think, on reflection agree with me that any strength which organized labour possesses at the present time is the result, not of the underhanded and dishonest methods of undercutting, or, as it is sometimes called, sabotage, but of straight and honest dealings, each worker giving the best that is in him for the wages agreed upon. Any union or trade practice which is not in absolute agreement with this principle will inevitably bring disaster, and workmen who unwisely allow themselves to be misled into the adoption of such methods will ultimately repudiate the leadership of those who have betrayed them. I trust I may receive from you an assurance that you are in sympathy with the view expressed in this message, and, since the despatch from which I have quoted and which has credited you with action on contrary lines has received much publicity, I shall gladly do my best to see that any reply received from you by way of disavowal or otherwise receives equal prominence. I am handing this message to the press.

The reply from Mr. McLachlan to the Minister of Labour, which is dated March 20th, 1922, is as follows:

Replying to your lengthy telegram of Saturday, wish to state that in manifesto issued by me on 16th inst., neither the thing known as "sabotage," nor the word itself, were mentioned. Once, however, I did in that document strongly advise the miners to cut down production to a point where all profits for the British Empire Steel Corporation would vanish. This tactic, as a method of retaliation for a highly unjust encroachment of the employers on the wages of their workmen, and an invasion on an already all too slender living, I have proclaimed openly and in the face of day, and there is nothing dishonest about it; you to the contrary, notwithstanding. I have preached this with the blessing of my friends and amid the curses of my enemies. I have preached it to individuals, to tens, to hundreds and to thousands. I have done it on land and on sea, in miners' halls and in churches, on the hillsides of Nova Scotia and on her busy streets; and, Mister Minister, what are you going to do about it? I shall do it again this week, knowing that a miner has a perfect right to work with his coat on if he wants to. But what kind of innocent or hypocrite are you? Did you not one year ago call a strike of the trainmen employed at the Sydney Steel works, owned by the British Empire Steel Corporation, and did you not circularize the trainmen on the Sydney end of the Government Railway to institute a blockade on all Steel Company products and tell the trainmen to leave the cars with Steel Company goods in the sidings in the woods where there were no telegraph offices? And you made no exception to perishable goods. That was "sabotage" from top to bottom, from start to finish.

Our method of fighting this unjust wage imposition is effective and within the law, and the prime reason why the stock gamblers at Montreal got you to wire a lecture to me is this: Listen, Caledonia mine, for the week ending December 16, hoisted eight thousand five hundred and sixty-one tons of coal, at a labour cost of two dollars and two cents per ton. That was before the cut in wages was made. Since the first of the year wages have been cut thirty-two per cent. For the week ending January thirteen, the labour cost per ton was one dollar and sixty-two cents. And then the miners refused to strip themselves naked to the waist to give the best that is in them, as you put it. Instead they cut down production, and for the week ending January 27, produced two thousand three hundred and twenty-two tons, at a labour cost of two dollars and twenty-five cents per ton. Add on the other overhead charges on that miserable two thousand tons of coal, and you may be able to guess why the hallelujah chorus is ringing in the soul of the miners who are actively fighting an unjust wage, and why the stock exchange gamblers at Montreal are reduced to seek the assistance of an innocent like you.

There is no wage agreement of any kind here. The British Empire Steel Corporation is seeking to impose a rate as low as two dollars and eighty-five cents per day, and refuses to give men with that small wage anything like six days per week. They are imposing these miserable wages to enable them to pay dividends on huge blocks of watered stock and on acres of idle junk that they call steel works.

We shall continue to fight the imposition of this iniquitous wage reduction, if we have to rock the ramshackle institution known as the British Empire Steel Corporation from its rotten sills to its bending and shaking rafters.

J. B. McLachlan.

Hon. Mr. TANNER.

Now the reply of the Minister of Labour, addressed to Mr. McLachlan, and dated the 21st of March:

Your telegram received and handed to the press. The written and actual record of the action authorized by the undersigned with others in connection with the strike of train and engine men in the steel works at Sydney in 1920 speaks for itself, and cannot be changed by any interpretation you may care to place on such action. Have no doubt whatever you have preached, as you say, so-called passive strike methods for some time and will continue to do so. In my judgment it is un-British, un-Canadian and cowardly to pretend to be working for a wage rate in effect while declaring to the world that only partial grudging service will be given. My experience has been that men quit like men and walk off the job when unwilling to work for wage rates or conditions offered, but the advice you give would place you and those who accept such advice surely in some other class. Be assured that the undersigned has no brief for or personal sympathy with certain methods adopted by the British Empire Steel Corporation, and I regard it now, as during the recent general election campaign, as one of Canada's tragedies that any corporation should appear to be able to undertake to dictate government policy or to shape the course of public events to its own purposes. Two wrongs, however, do not make one right, and red-blooded Canadian citizens will not, in my judgment, follow your advice in the pretence of loyally staying on the job for the purpose of penalizing the employer.

The message is signed "James Murdock, Minister of Labour."

Hon. RAOUL DANDURAND: I am glad the honourable gentleman has read that correspondence, because I had not a very clear recollection of the words used by the Minister of Labour, although I had a clear recollection that very many newspapers, representative of all shades of opinion, had approved of the declarations and statements of the present Minister of Labour, more especially the statement that it was un-Canadian and un-British to practically cheat an employer by systematically loafing on the job. I am quite sure that every member of this House will approve of the sentiments contained in that telegram. Of course, the propriety of corresponding with Mr. McLachlan by telegram has been questioned; but the honourable gentleman from Pictou (Hon. Mr. Tanner) himself has said that he had no complaint to make as to the expressions used by the Minister of Labour in criticising the action of McLachlan.

Hon. Mr. TANNER: What I said was that I would not approve of men pretending to work and not working and drawing pay for what they were not doing.

Hon. Mr. DANDURAND: That is what the Minister of Labour said. This state-

ment of the Minister of Labour referred to the action of McLachlan, and expressed the hope, as my honourable friend to the right (Hon. Mr. McCormick) has done, that no miner would follow that advice.

As to the conduct of plain Mr. James Murdock in the year 1920 I have nothing to say.

Hon. Mr. TANNER: And he himself has nothing to say.

Hon. Mr. DANDURAND: I have not a statement of the facts before me, and I would leave him to the tender mercies of the ex-Minister of Labour, who was then in a position to apply proper chastisement if it was deserved. He informs us that he did not then intervene.

I am not going into the question of the strike itself. I had intended limiting myself to reading the answer which came from the Department of Labour. I know something of the difficulties that occasionally crop up between employer and employed in the coal mines of Nova Scotia. We are face to face with the fact, however, that an arbitration took place, that a judgment was rendered, that the labour element refused to comply with that judgment and are doing their best to upset it by using the various means at their disposal.

The situation is a very difficult one. The operators have not enough contracts to give employment to the men six days a week. During the last nine months—and I think my honourable friend the ex-Minister of Labour will corroborate me in this—they worked about three days a week, and for some months during the winter they simply banked coal. Now the companies are offering the men a lesser wage. The men are striking for the maintenance of their wage. Wages went up periodically during the war, and it is not for me to stand between two parties and say what the wage should now be. The economic laws will prevail in the matter of coal mining wages, as they should and will prevail in the case of wages of railway employees. I expressed my opinion last year as to the extraordinary wage, and in some cases, as I said, the scandalous wage that was being paid to the men under the McAdoo award. I felt then, and still feel, that that wage forced up freight rates to an extraordinary extent, and that it is a contributory cause of the present depression.

This is the situation that now confronts us. Some people think they can lift themselves by their boot-straps, but it is found that as wages increase, so does the cost of living. This is but travelling in a vicious circle. How shall stability be restored and normal conditions maintained? That I am not prepared to say. I have my own feeling regarding the conditions as they are to-day and what they will be to-morrow, but we may have to pass through more critical times. The situation as it prevails in Nova Scotia will develop in the United States, for our neighbours are threatened with a formidable coal strike. A like situation will develop in Canada because of our close labour relations with the United States. There may be a similar menace when we come to the readjustment of railwaymen's wages. However, all these matters must be adjusted some day, and the country may feel a considerable tremor before we return to normal times.

The answers to the questions asked by the honourable gentleman from Pictou (Hon. Mr. Tanner) are as follow:

1. (a) On receipt of the findings of the Board of Conciliation and Investigation certificated copies of the same were forwarded to the respective parties to the dispute, with the request that each party would state its attitude to the findings.

(b) An officer of the Department was present at the negotiations which took place subsequently at Montreal as between officers of the employing company and officers of the workmen's union, at which was framed a draft working agreement based largely on the Board's findings and approved at the conference in question but subject to ratification of the union membership.

2. The present Minister of Labour and the Minister of Labour in the late administration and various officers of the Department of Labour have been in communication from time to time with both parties concerned in the dispute in question.

3. The files of the Department do not disclose any recent invitation from representatives of the miners to the Minister of Labour or to any officer of the Department to visit the part of the Province in which the dispute arose, but an officer of the Department visited the locality and conferred there with the parties to the dispute.

4. The Industrial Disputes Investigation Act, 1907, the statute under which the dispute was referred to a Board of Conciliation and Investigation, does not contemplate action on the part of the Minister or Department of Labour looking to compelling or requiring either party to the dispute to accept the findings of a Board. In view, however, of the importance of the present dispute this situation has been followed

closely with a view to taking advantage of any opportunity that might offer for the protection of the public interests in so far as this may be necessary and practicable. Whilst the tentative agreement made at the Montreal conference mentioned in reply to question No. 1 was not ratified by the union membership, the agreement in question is understood to be still supported by certain of the union officers, and it is not yet clear that means may not be found of continuing work and preventing the injury to the public interests which would arise from a shutdown of the coal mining industry.

5. The text of the award in question was received by the Registrar on January 30, 1922.

6. An officer of the Department of Labour spent some time during February in the affected portions of the province.

Hon. E. L. GIRROIR: Honourable gentlemen, if it is permitted to me to make a few remarks in connection with this all-important matter I will do so. I feel a certain duty—

The Hon. THE SPEAKER: I call the honourable member's attention to the fact that after the Minister has replied it is not customary for any honourable member to speak.

Hon. Mr. GIRROIR: I bow to your ruling, Mr. Speaker.

PASSENGER TRAFFIC ON C. N. R.

MOTION FOR RETURN

Hon. Mr. McLENNAN moved:

That an order of the Senate do issue for a statement showing:

The number of passengers to and from points north and west of Moncton, from points on the C.N.R.

(a) East of New Glasgow.

(b) from Halifax (excluding passengers from abroad travelling on through tickets in both cases).

Mr. DANDURAND: I have tried to ascertain if such statistics are available as those which my honourable friend is seeking. I have not yet had the answer. However the motion may pass, and if there are no fresh statistics we shall be some informed by the Department concerned.

The motion was agreed to.

TIMBER LICENSES IN WESTERN PROVINCES

MOTION FOR RETURN

Hon. Mr. PROUDFOOT moved:

That an order of the Senate do issue for a return showing:

Hon. Mr. DANDURAND.

1. A list of all licenses issued by the Government, now in force, for timber berths and the right to cut timber on Crown Lands in the provinces of Manitoba, Saskatchewan, Alberta and British Columbia?

2. The names and residence of the holders of such licenses and the area contained in each berth.

3. On what terms and conditions were such licenses granted?

4. What is the area and location of timber berths in said provinces still unlicensed and the estimated quantity and description of timber in each berth?

The motion was agreed to.

INLAND NAVIGATION AND POWER INVESTIGATIONS

REPORT OF INTERNATIONAL JOINT COMMISSION

Hon. Mr. DANDURAND laid on the Table the Report of the Joint International Commission on the Inland Navigation and Power Investigation. He said:

There are appendices which will shortly be available. This report has not been printed but is typewritten. It is hoped that the printed report which has been distributed to the members of the Senate and the House of Commons will be satisfactory and that the country will not be called upon to go the expense of printing the typewritten report.

Hon. Sir JAMES LOUGHEED: It depends on how interesting it is.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Thursday, March 30, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Bill C, an Act for the relief of Wentworth Barnes.—Hon. Mr. McCall.

Bill D, an Act for the relief of Hazel McInally.—Hon. Mr. McCall.

Bill E, an Act for the relief of Edward Lovell.—Hon. Mr. Proudfoot.

Bill F, an Act for the relief of Elizabeth Lillian Sharpe.—Hon. G. V. White.

Bill G, an Act for the relief of Percival Andrew Jamieson.—Hon. Mr. Blain.

Bill H, an Act for the relief of Frederick Henry Gill.—Hon. Mr. Prowse.

Bill I, an Act for the relief of Blanche Elizabeth Macdonell.—Hon. Mr. Prowse.

ELECTORAL LISTS

MOTION WITHDRAWN

On the notice of motion:

By Hon. Mr. DAVID:

That an Order of the Senate do issue for a statement showing:—

1. The approximate number of women inscribed on the electoral lists of the different provinces, and the approximate number of those who voted.

2. The comparative cost of the preparation of electoral lists, and of the holding of the elections in 1911, 1917 and 1921 respectively.

Hon. Mr. DANDURAND: I suggest to the honourable gentleman that he should not press his motion. The first portion of the motion asks "The approximate number of women inscribed on the electoral lists of the different provinces, and the approximate number of those who voted." The preparation of such a statement would entail the examination of the poll-books of the whole of Canada, and would involve a considerable outlay. Of course, my honourable friend can press for the information; but if he will be patient the electoral officer may, be able to satisfy him by taking a poll here and there and reaching an approximation.

As to the second part, "the comparative cost of the preparation of electoral lists, and of the holding of the elections in 1911, 1917, and 1921 respectively," I may inform my honourable friend that the reports for 1921 are not yet complete so as to allow of an official statement such as he asks for being issued. Perhaps, after seeing the Electoral Officer himself, the honourable gentleman may decide to put his question in another form or may renew it.

Hon. Mr. DAVID: I will renew it at another time.

The motion was withdrawn.

ADJOURNMENT OF THE SENATE

On the motion to adjourn:

Hon. Mr. DANDURAND: Honourable gentlemen, I have been asked when the Senate could be freed from its duties for the customary Easter holidays. My answer is that we have been waiting during the whole week for an interim or provisional Supply Bill from the Commons, which has not yet reached us. I trust that by to-morrow afternoon we may receive it, because it would be advantageous to all that we have it before we go; but my inclination is to move that when the Senate adjourns to-morrow it do stand adjourned until the 19th of April. If this Bill does not reach us before the adjournment to-morrow we shall be able to deal with it in the week following Easter. I give notice that I will move that when the Senate adjourns to-morrow it do stand adjourned until the 19th of April.

Hon. Mr. DAVID: If the Estimates were passed by the House of Commons to-morrow, could we not adjourn till Saturday, so as not to be obliged to come back next week?

Hon. Mr. DANDURAND: If the Supply Bill should be passed in the Commons at any time to-morrow, we could arrange to sit to-morrow night and pass the Bill and have it sanctioned before we go.

Hon. Mr. DANIEL: If the interim Supply Bill does not come up from the Commons to-morrow, is it the intention to wait until it does come, or is it the intention to adjourn to-morrow whether it has come or not?

Hon. Mr. DANDURAND: I have just stated that my inclination would be for the House to adjourn to-morrow until after Easter if the Bill does not reach this Chamber by to-morrow evening.

Hon. Mr. FOWLER: I understand, honourable gentlemen, that the money will be needed on the 15th of April. That is, the supply is exhausted. Are you going to adjourn till the 19th of April and disrupt all the financial arrangements of the Government for the sake of the Senate having a long holiday? I do not wish to see this Government abused.

Hon. Mr. DANDURAND: I would not like to wrench the conscience of my honourable friend, but I would draw his attention to the fact that the 16th of April is Easter, and that the 17th, Easter Monday, is a legal holiday. We shall be here on the 19th, or the 18th—my notice was for the 19th, but we might revert to the 18th—in due time to allow of cheques being issued and the liabilities of the country met.

Hon. Mr. MITCHELL: In case the Commons passed the Supply Bill next Monday of Tuesday, would the Senate be held responsible for delaying it until the 17th or 18th of April?

Hon. Mr. DANDURAND: But, as I understand, there will be no special need of the Bill until after the 15th of April.

Hon. Mr. MITCHELL: I see.

Hon. Mr. TURRIFF: I would point out that it is customary to pay the Civil

Servants on the 15th, and, as there are a few holidays about that time, a great many Civil Servants will be disappointed in not getting their pay for the month, and will probably not be able to make any trips they had intended.

Hon. Mr. BRADBURY: Or buy Easter hats.

Hon. Mr. TURRIFF: It seems to me that to keep them waiting four or five days longer is somewhat of a hardship.

Hon. Mr. McMEANS: I would ask the honourable leader of the House whether, if the Supply Bill is passed by the Commons to-morrow, this honourable body is to have no time at all to consider it? Are we to pass it and adjourn the same day?

Hon. Mr. DANDURAND: Oh, no. When the Senate receives the Supply Bill it can proceed with it from day to day to its full satisfaction.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, March 31, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

LOANS TO FARMERS

INQUIRY

Hon. Mr. TANNER inquired of the Government:

1. To how many persons in each province has the Government made loans or advances to farmers? (*a*) For the purpose of purchasing seed? (*b*) For other purposes except soldier settlement?

2. During what years were such loans or advances made, and to how many persons in each year in each province respectively were the loans made?

3. What is the total amount loaned or advanced in each year in each province, and what is the rate of interest charged upon such loans or advances?

4. In what manner and through whom were such loans or advances made, and what is the nature of the security held by the Government for such loans or advances?

5. If any balance is due to the Government in respect to such loans or advances, what is the amount unpaid by persons in each province respectively? (*a*) For principal? (*b*) For interest?

Hon. Mr. DANDURAND:

1. (a) Since 1914: Saskatchewan, 43,706; Alberta, 17,822; Manitoba, 3,215; British Columbia, 60.

(b) Other relief since 1914: Saskatchewan, 28,558; Alberta, 20,146; Manitoba, 3,120; British Columbia, 18.

2. 1876, 1877, 1878, 1881, 1884, 1886, 1887, 1888, 1889, 1890, 1891, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1917, 1918, 1919, 1920, 1921.

3. Since 1914: Saskatchewan—1915, $8,655,698.41; 1917, $19,960.96; 1918, $293,458.63; 1919, $308,928.19; 1920, $452,049.93; 1921, $119,545.15.

Alberta—1915, $3,535,871.84; 1917, $51,417.51; 1918, $71,018.51; 1919, $243,462.39; 1920, $770,741.44; 1921, $327,282.66.

Manitoba—1915, $116,275.11; 1917, $1,379.05; 1918, $4,362.78; 1919, $1,021.00; 1920, $4,596.57; 1921, $1,560.60.

British Columbia—1915, $1,762.00; 1917, $198.50; 1918, $100.25; 1919, $68.25; 1920, $42.30.

Rate of interest from 1876 to 1900 was 6 per cent. On the 7th July, 1900, an Act was passed reducing the rate of interest on these advances to 5 per cent, and from that date until the 1919 Seed Grain Act was passed the rate of interest remained unchanged. On advances since 1919 the rate of interest is 7 per cent.

4. Advances prior to 1919 were made directly by the Dominion Government Advances made under the 1919 Seed Grain Act are made through the chartered banks and guaranteed by the Dominion Government. Fodder and relief advances since 1919 are made jointly by the Dominion and Provincial Governments, the distribution being in the hands of the provinces. The security is in the form of liens.

5. The amounts outstanding in the four provinces to the 31st March, 1921, are as follows:

Year.	Principal.	Interest.
1876.. .. ..$	26,005 60	$ 62,083 80
1877..	72 30	175 77
1878..	52 26	124 65
1881..	96 60	171 24
1884..	21 22	41 63
1886.. .. ..$	188 38	$ 335 55
1887..	2,449 65	4,291 35
1888..	4,307 52	7,190 45
1889..	111 60	192 32
1890..	1,545 28	2,364 36
1891..	2,174 10	3,443 39
1893..	9 75	13 68
1894..	4,227 81	5,952 98
1895..	11,868 20	15,475 01
1896..	8,231 97	10,426 14
1897..	2,217 80	2,715 3?

Year.	Principal.	Interest.
1898..	689 54	764 91
1899..	483 73	538 65
1900..	676 11	695 65
1901..	1,934 67	1,895 58
1902..	1,103 78	976 00
1903..	164 50	146 60
1904..	246 75	208 95
1905..	1,142 83	920 99
1906..	525 65	395 39
1907..	378 80	254 85
1908..	21,085 34	12,621 51
1909..	2,078 78	1,061 20
1910..	1,997 20	1,024 36
1911..	25,665 29	12,147 87
1912..	37,194 57	16,076 07
1913..	7,934 44	3,017 68
1914..	19,547 59	6,563 35
1915..	2,682,365 95	736,024 37
1917..	27,740 73	5,524 56
1918..	272,294 57	40,192 34
1919..	481,502 48	65,390 02
1920..	481,395 86	32,005 67

Note: The advances prior to 1914 were not kept by provinces. The answer to question No. 5, while showing the outstanding balances from 1876 to 1920, is not, therefore, divided by provinces. The financial statements of indebtedness from 1876 to date against each settler are now being compiled by provinces, and by the 30th June we shall have available the exact indebtedness due by the settlers in each province up to the 31st March, 1922.

STRIKE IN PRINTING TRADES

INQUIRY

Hon. R. S. WHITE inquired of the Government:

1. Is the Government aware that there has been a strike in the printing trades in Canada for the last nine months?
2. Is the Government aware that under instructions from headquarters at Indianapolis the Canadian members of the International are forbidden to arbitrate the question of hours in order to obtain a settlement?
3. Is the Government aware that all arbitration, as a consequence, has been refused?
4. Is the Government aware that during the last nine months men who sought and obtained employment in printing offices have been induced to leave their employment by bribes, threat and violence?
5. Is it the intention of the Government to offer protection to employers against conditions of this character?
6. Does the Government regard this situation satisfactory to Canadian industries?

Hon. Mr. DANDURAND:

1. Yes.
2. The Government is aware that the striking employees object to arbitrate the question of hours.
3. The Government is aware that certain employers have also refused to submit the dispute to arbitration.
4. The Government has no information on the subject.
5. The Government has received no representations from employers on the subject.
6. No situation indicating serious friction between employers and workers is satisfactory to Canadian industries.

LIGNITE CARBONIZING IN SASKATCHEWAN

MOTION FOR RETURN

Hon. Mr. TURRIFF moved:

That an order of the Senate do issue for a Return showing:—

1. How much money has been expended to date by the Lignite Utilization Board experimenting in carbonizing Lignite near Bienfait, Sask.
2. Names of Commissioners and amount paid to each
   (*a*) for salaries.
   (*b*) for expenses.
3. When was active work stopped.
4. Names of Engineers now employed or who have been employed, and amount paid to each
   (*a*) for salaries.
   (*b*) for expenses.
5. What did buildings cost.
6. How many houses have been built for Officers and Engineers, and cost of same.
7. How many houses have been built for workmen, and cost of same.
8. What has been cost of water supply
   (*a*) for plant.
   (*b*) for houses.
9. What is the estimated cost of completing the experiments.
10. How many officers, engineers and workmen were on the Pay List for February, 1922.
11. Who owns the land on which the plant and houses are built.
12. Who is the directing head in connection with the above mentioned experiments.
13. Is the National Research Council of Canada in any way connected with the above mentioned experiments.
14. What payments, if any, have been made, or are to be made to the National Research Council or any member thereof.

The motion was agreed to.

PUBLICATIONS BANNED FROM CANADA

INQUIRY

Hon. Mr. McMEANS inquired of the Government:

What papers, periodicals, magazines or other publications are banned from Canada?

Hon. Mr. DANDURAND: The following is the list of publications the transmission of which by post is prohibited in Canada:

Post Office Department:

Name of paper—Place of publication

Asino (L'), Rome, Italy.
Bits of Fun (and Fashions, Fads and Fancies), London, England.
Cupid's Columns, St. Paul, Minn.
Eagle and the Serpent, Franston, Ill.
Fantasio, Paris, France.
Golden West, Los Angeles, Cal.
Illustrated Police News, London, England.
Illustrated Boxing Record, etc., New York, N.Y.
Jim Jam Jems, Bismarck, N. Dakota.
Le Journal Amusant, Paris, France.
Lapatassu, Superior, Wis.
London Life, London, England.
Masses, New York, N.Y.
Menace, Aurora, Mo.
The National Police Gazette, New York, N.Y.
Les Pages Folles, Paris, France.
Referee, Chicago, Ill.
Les Refractaires, Orléans, France.
Le Rire, Paris, France.
La Revue des Tirages, Paris, France.
Ten Story Book; America's most daring Sex Magazine, Chicago, Ill.
Truth Seeker, New York, N.Y.
La Vie Parisienne, Paris, France.
Volutta, Firenze, Prov., Florence, Italy.
Winning Post Winter Annual, London, England.
Winning Post Summer Annual, London, England.

Department of Customs and Excise:

1. Item 1201, Schedule "C" of the Tariff, classes as prohibited importation into Canada "books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious or of an immoral or indecent charter."

Hereto is a list of publications and books in respect of which Collectors of Customs generally have instructions to prohibit importation.

Importation of many other publications and books and other goods of the class named in the item has been prohibited, but instructions to collectors generally are only issued when such importations are found to be widespread.

2. Reprints of Canadian copyrighted works and reprints of British copyrighted works which have been copyrighted in Canada, are prohibited importation, under item 1202, Schedule "C" of the Tariff.

Title—Published at

American Cottage Home, The, Jersey City.
American Household Journal, The, Jersey City.
American Fireside and Farm, Jersey City.
American Homestead, The, Jersey City.
Agents' Guide, The, New York.
American Agent, The, Boylston, Ind.
American Nation, The, Boston, Mass.
American Farmer, The, Portland, Me.
Agents' Herald, Philadelphia.
Advance, The, Passumpsic, Vt.
Blue Devil, The, Louisville, Ky.
Breeze The, Augusta, Me.
Chicago Dispatch, or the Chicago Journal, Chicago.
Climax, The, Chicago.
Chicago Mascot, The, Chicago.
Cheerful Moments, Boston,
Cupid's Columns, Dean, Minn.
Detroit Sunday Sun, Detroit.
Detroit Sunday World, Detroit.
Fantasio, Paris.
Fox's Weekly, New York.
Gatling Gun, The, Cleveland.
Gil Blas (Illustré), Paris.
Household Companion, The, New York.
Home, The, Boston.
Hearthstone, The, New York.
Home Circle, The, New York.
Home and Fireside, The, New York.
Hours at Home, New York.
House and Home, New York.
Illustrated Police News, London, Eng.
Illustrated Monthly Fireside Gem, Waterville, Me.
Illustrated New York News, The, New York.
Illustrated Companion, The, New York.
Illustrated Record, The, New York.
Illustrated Sun, The, Detroit.
Jim Jam Jems, Bismack, North Dakota.
Krums of Kumford, New York.
L'Asino, Rome.
Life, London.
London Illustrated Standard, London.
Le Journal Amusant, Paris.
La Vie Parisienne, Paris.
La Calotte, Paris.
Lapatassu, Hancock, Mich.
Les Refractaires, Orléans, France.
L'Anarchie, Paris, France.
Menace, Aurora, Mo.
Merry Maker, The, New York.
Music and Drama, New York.
Metropolitan and Rural Home, The, New York.
Modern Stories, New York.
New Photo Fun, London.
Our Country Home, New York.
Pages Folles, Paris.
People's Journal, The, Washington, D.C.
Public Herald, The, Philadelphia.

Police Gazette, The, New York.
Police News, The, New York.
Police News, The, Boston.
Photo Bits, London.
Photo Fun, London.
Rambler, The, Bridgeport.
Social Visitor Magazine, Boston.
Treasury Home, The, Waterville, Me.
Truth Seeker, The, New York.
Welcome Friend, The, New York.
Welcome Visitor, The, Augusta, Me.
Youth and Home, Cadiz, O.
Yank, The, or the Columbian, Boston.
Young America, Washington, D.C.
Young Magazine, New York.
Ally Sloper's Half Holiday, London, Eng.
Illustrated Bits, London, Eng.
New Fun, London, Eng.
Illustrated War Bits, London, Eng.
Masses, The, New York.
Eagle and the Serpent, The, Evanston.
Volutta, Firenze, Italy.
Mother Earth, New York.
Collyer's Eye, Chicago.
Ten Story Book, Chicago.
Bovha (or Volna) Russian Anarchist Magazine.
Sinn Feiner, The (Oct. 30/20), New York.
Hot Dog—The Regular Fellows Monthly, Cleveland.

Title—Author

Arabian Nights (unexpurgated edition), Burton.
Always Lock the Door, Guy de Maupassant.
After the Pardon, Mitilde Serao.
Confessions of a Princess, The, Anon.
Cynthia in the Wilderness, Hubert Wales.
Diary of a Lost One, The, Margaret Bohme.
Diseases of Men, Bernarr McFadden.
Double Pins, The, Guy de Maupassant.
Droll Stories, Balzac.
Her Reason, Anon.
Hippolyte's Claim, Guy de Maupassant.
Jereboam, Guy de Maupassant.
Lonely Lover, The, Horace W. C. Newte.
Marriage a Life-Long Honeymoon, Anon.
Memoirs of Prince John de Guelph, Anon.
Mistake, A, Guy de Maupassant.
Mr. and Mrs. Villiers, Hubert Wales.
Mrs. Drummond's Vocation, Mark Ryce.
One Day, a Sequel to "Three Weeks," Anon.
Rose Door, The, Estelle Baker.
Strange Traffic, A, Guy de Maupassant.
Super Virility of Manhood, Bernarr McFadden.
Three Weeks, Elinor Glynn.
Thrift, Guy de Maupassant.
Tree of Knowledge, The, Anon.
Woman Herself, The, Anon.
Wedding Night, The, Guy de Maupassant.
Woman's Wiles, Guy de Maupassant.
Yoke, The, Hubert Wales.
Songs of Bands Mataran, or Echoes of the Mutiny, Published at San Francisco.
The Social Revolution in Germany, by Fraina.
Chapters from My Diary, by Leon Trotsky.
Brann the Iconoclast, Published at Waco, Texas.
With Drops of Blood the History of the Industrial Workers of the World has been written (Pamphlet).
Forms requesting contributions for the defence of members of The Industrial Workers of the World held in penitentiaries and jails throughout the United States.

The Senate adjourned until Wednesday, April 5, at 3 p.m.

THE SENATE

Wednesday, April 5, 1922.

The Senate met at 3 p.m., Hon. Mr. Bolduc, Acting Speaker, in the Chair.

Prayers and routine proceedings.

THE ROYAL ASSENT

The Hon. the ACTING SPEAKER announced that he had received a communication from the Governor General's Secretary informing him that the Right Hon. Sir Louis Davies, Chief Justice of the Supreme Court of Canada, acting as Deputy of the Governor General, would proceed to the Senate Chamber at 5 p.m. this day for the purpose of giving the Royal Assent to a certain Bill.

APPROPRIATION BILL NO. 1

FIRST READING

A message was received from the House of Commons with Bill 26, an Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1922.

The Bill was read the first time.

SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, while we in this Chamber recognize that it is peculiarly the function of the House of Commons to vote supplies for the carrying on of His Majesty's Government, yet it has not been unusual for this Chamber to reserve to itself the right to criticise Supply Bills.

I am sure my honourable friend opposite who has charge of the Bill would be disappointed if this Bill passed the Chamber on the present occasion in silence. This Supply Bill, probably more than any other, has been peculiarly associated with features which have come under the attention of both Houses of Parliament and of the public generally. I have no desire to enter upon any discussion on what might be termed parliamentary ethics, so far as the treatment of such Bills is concerned, but the attitude of those related politically with my honourable friend, in respect to interim Supply Bills, has been, to say the least, interesting. I recall that about two years ago, when the late Government submitted to Parliament an interim Supply Bill, it met with very emphatic opposition in another place, because of the principle involved of asking Parliament to pass supplies en bloc, without an opportunity being given Parliament to discuss the details of the Bill. On that occasion, I remember, the leader of the Opposition, the present Prime Minister, ventured to say in effect that it would be only over his dead body and those of his followers that the Bill would be passed. However, no tragedy of the kind was at that time enacted, so far as the gallant leader and his merry men were concerned. Our adoption of more peaceable methods in the passage of the Bill averted such a tragedy, and accordingly they were spared to discharge in a larger sphere other duties than that of sacrificing themselves to prevent the passage of an interim Supply Bill.

During the last Session of Parliament similar obstruction met the submission of the Supply Bill by the Government, and that Bill, for a month or six weeks, remained in the cockpit of Committee, and was attacked most vigorously, until finally the Government had to use more persuasive tactics in order to give finality to the measure. My honourable friends had scarcely warmed their seats in Parliament before they submitted an Interim Supply Bill. It was presented to Parliament last week, and on twenty-four hours' notice Parliament was asked to vote the supplies embodied within its four corners. I might point out, in pleasing contrast with the obstruction which was offered to former Supply Bills, presented by the late Government, Parliament has on this occasion assented to the present Bill within a week or very little longer. Now, there is such a thing in parliamentary life as consistency. It may be an old-fashioned virtue, yet it seems to me it is one of the most valuable assets that either Parliament or public men constituting Parliament can possess; and when consistency is trampled upon for the sake of party expediency, it seems to me that it would not be out of place to point out the desirability of maintaining something like consistency in dealing with subjects such as the one now under consideration.

The Main Estimates amount to $466,983,-359. When this Bill was introduced it was placed upon the Table of Parliament in silence. No remarks were made in explanation of its contents. We were surprised on the following morning to observe in the press that the present Government had reduced last year's Estimates by no less a sum than $136,000,000. A pæan of praise of the Government at once went up from the press in fact, a hallelujah chorus was sung throughout the whole Dominion, and the genius of the present Finance Minister was very much enlarged upon for his having effected this marvellous reduction in so short a time. The next morning, I must say, the press of the Dominion seemed rather to have reconsidered the pronouncements they had made on the preceding day as to the amounts saved to the country. In the meantime no explanation was made by the Government as to how its marvellous reduction had taken place. The Government, with a maidenly modesty, which was really delightful to behold, accepted the tribute of praise as a tribute to which it was entitled.

It is quite apparent, and I fancy that every honourable gentleman in the Chamber is familiar with the fact, that, instead of a reduction having been made from the amount of the Main Estimates of last Session, the present Supply Bill, when analyzed correctly, means that a very much larger expenditure will be made than was provided by the Supply Bill of that time. Up to the 20th of March the expenditure arising out of the entire Supply Bill of the Session of 1921-22, including a guarantee for $50,000,000 payable in connection with

railways, amounted to only $422,889,000, whereas upon making a close analysis of the present Supply Bill, we find items eliminated that appeared in the last Bill which would reduce the Main Estimates of last year's Government by $124,339,346—amounts which were absolutely unrelated to economy; amounts which had been voted last year and were inescapable and obligatory, growing out of the war, and which would not have to be renewed.

Take, for instance, the railway vote, which was reduced by $82,617,000; soldier settlement, $23,017,000; shipbuilding, $8,330,000; interest on public debt, $2,229,393; soldiers' civil re-establishment, $4,956,500; housing, $2,449,920; and the votes on behalf of the Canada Temperance Act, and for the memorial war graves, amounting in round figures to about $1,000,000.

Had the late Government remained in office, these items would have been eliminated from the Supply Bill for the present year. Hence we find that, instead of a reduction of $136,000,000 having been made, as was claimed by the press favourable to my honourable friends, there is an increase in the Estimates by at least $10,000,000; and, furthermore, in comparison with last year's Estimates there would be an increase by $50,000,000 if expenditure is carried out according to the lines of the present Supply Bill.

Notwithstanding the pledges of retrenchment and economy given by the present Government during the late election, we find that no such attempt is made. I am not hypercritical of the course pursued by the present Government on the question of retrenchment, because they have been in office only since the beginning of the year, and I quite freely admit that a full opportunity has not been given them up to the present time to make a close investigation into all branches of expenditures with a view to reducing the Estimates. At the same time, honourable gentlemen, there should be some evidence on the face of the Supply Bill, as we have it before us, to show a desire on the part of the Government to practise economy and retrenchment. But that evidence I do not find. On the contrary, I find evidence of a desire not only to vote but to expend larger sums than were expended during the abnormal times through which we happily have passed so successfully. I need scarcely point out that a new Government is in a peculiar position to practise economy, to enter upon a new regime of expenditure that will be characterized by thrift and retrenchment. A Government approaching a general election, as the late Government did, would naturally be called upon to make expenditures, where a succeeding Government would not be called upon to do so.

Hon. Mr. DANDURAND: It would be tempted.

Hon. Mr. CLORAN: It is the same thing.

Hon. Sir JAMES LOUGHEED: They should not yield to such temptation. However, that would be an unimportant matter to my honourable friend. Sometimes there is a certain amount of pleasure in yielding, and I see evidence of that in the present Supply Bill. However, I desire to point out to my honourable friends, and to impress upon them during these times of reconstruction, when there is not only a strong desire, but a national effort to return to normal conditions, that there should be practised by the Government such economy and retrenchment as will reduce the expenditure of this country, and thus restore business and national affairs to the footing upon which we seek to place them. This requires courage. I need not say that courage in a Government is probably the element most wanting. It is more difficult almost to find courage among Ministers than among any other class of persons. I quite appreciate the fact that so much pressure is brought to bear upon Ministers and Governments to make expenditures that it is almost irresistible; but since Confederation no other Government has ever entered upon office with as great an opportunity of establishing a record for economy and thrift and national retrenchment as the present Government, and I hope when the Supply Bill of next Session is presented to this House we may see manifest evidence of the desire of the Government to reduce expenditures.

Hon. RUFUS H. POPE: Honourable gentlemen, before we proceed with this measure, I desire to call the attention of the representative of the Government to the condition of the returned soldier on the farm in Canada. I notice that in another place they have, as usual, an Agricultural Committee to deal with matters of agricultural importance. But this is away and beyond that, and I do not think we should wait for another day to announce to the disappointed men on farms in Canada the fact that we are going to come to their relief at an early date.

You will appreciate the fact that the property they bought—not only the farm, but the stock and the machinery—is to-day

not worth 50 cents on the dollar compared with what they paid for it. If a farmer had 10 per cent to put up, he bought a farm; that is to say, if he had $400 to put up on a farm costing $4,000, he was allowed to go on the farm after inspection. The machinery and cattle were purchased for him at the prices of that day, which certainly were three times as great as they are to-day. There is not a farmer, however good he may be, or in whatever part of Canada he may be, who during the past year has been able to make both ends meet. Whether he happened to be a soldier or an old practical farmer, when all things were paid for, nothing was left. Think of a man who was put upon a farm under the conditions I have just mentioned, and who has paid only 10 per cent of the principal and still has interest to pay on the balance, trying to make a living and meet his payments upon the property. It is absolutely impossible for these men to carry out their agreements. What has happened? In my part of the country, as in other parts, some of them have been sold out, with the result that the farm is either in the hands of the Government, or has been sold for about half of what the Government paid; and the same is true as to everything associated with it.

I beg to call the attention of the Government representatives in this House to that fact. Why should it not be intimated at as early a date as possible that there will be a readjustment in these cases? If the principle of returning men to the soil was sound and good, surely, it is equally sound that they should be kept there; and that cannot be done under present conditions if these men do not get relief. Whether the relief should be in the form of an extension of the time for payment or a reduction of values, or both, it is not for me to say. I have not that responsibility. We have not in the Senate a Minister with portfolio. Since the days of Confederation until now we have had ministers in this chamber, and we have produced some of the best men that ever sat around the Cabinet table. I regret that we have not one or two now. I think the dignity of this honourable House is worthy of that much confidence on the part of this wonderful Government that is now in power or any other government that may sit after them. I think we are entitled to some recognition, and if I were advising the honourable gentleman who leads this House with such ability—and we all know his worth, and know that he is entitled to a place in the Cabinet—I would tell him that if they had offered to me the job he has, I would have told them to go and stick it up on the wall somewhere: I would not have taken it. In the government that has just passed out of power we had in this House the Minister of Soldiers Civil Re-establishment. We know the tremendous task that was imposed upon him in dealing with the returned soldiers and the hospitals; and I want to take this opportunity of saying that, so far as Canada is concerned, irrespective of politics, no Minister of that government has received more thanks or recognition for his services than the honourable gentleman who leads this side of the House. What we did then we can do again with the material placed at our disposal on the other side of the House. I am sure it is a healthier condition for us to be able to discuss matters with a full-fledged Minister of the Crown rather than an apology for what?

I do not intend to move any resolution, and I do not desire to take up the time of this House; but I wish to say that the situation I have just pointed out with regard to the returned men is of a very serious character. We are just coming to the spring season when we begin to sow grain and prepare for the next year; and some immediate hope should be extended to the men who fought the fight for us, and whom we attempted to recognize when they returned.

Hon. J. G. TURRIFF: Honourable gentlemen, as this will probably be the only day on which we may discuss the public expenditure before the Main Estimates come down, I wish to say only a word or two. I think it must be admitted that the criticism of the leader of the Opposition has been very mild under the circumstances. However, I quite agree with the action of the Government in bringing before us in the present situation this Bill, for part of the money that is necessary to carry on the business of the country. But, as the leader of the Opposition has said, it comes with rather bad grace from the men who had so much to say about that policy a year or two ago; but it just proves that there is very little consistency in politics at any rate. I have not the slightest doubt that the criticism of a year or two years ago was for the one and only purpose of playing politics, and not because of any real objection to voting the Estimates.

I altogether agree with what my honourable friend has said about the lack of any evidence of economy on the present occasion. There may be many thousands of people throughout the country who have

looked upon the present Government as being likely to introduce economy, and under the circumstances economy is absolutely necessary; but if the present policy is persisted in, and there is not more evidence of economy when the Main Estimates come up for discussion than one is at present led to expect, I would not think the Government would succeed in getting a great deal of the support that they are no doubt expecting, and that they will need in order to carry on the Government. I am free to admit, however, that they have been only a few months in power: the Estimates were prepared by their predecessors, I understand, and I know something of the difficulty of cutting down expenditures. But if we are going to make the revenue of this country keep pace with the expenditures, we have got to do it, not by increasing the taxation on the people, but by cutting down unnecessary expenditures; and it can be cut down by at least $100,000,000 without any great enterprise suffering to any extent whatsoever. The pruning hook will have to be applied, and vigorously applied, all round. I am not going to condemn the Government just now; but if there is not a great deal more evidence of economy next Session than there is to-day, I will consider that the Government has been false to the promises made to the people during the last campaign, and will not be deserving of the confidence of the people. There must be some evidences of economy if we are to face the future with any considerable hope of success.

That is about all I want to say on that subject at present. Just a word on the subject raised by my honourable friend from Compton (Hon. Mr. Pope). I agree to a certain extent with what he has said. It would have come better, however, from the honourable member two or three years ago. I think I was probably one of the few members who pointed out in this House, as I had pointed out in the House of Commons before coming here, with regard to the proposition of putting returned soldiers on the land, under the auspices of the department of my honourable friend opposite (Hon. Sir James Lougheed), that under the circumstances they had not one chance in ten of succeeding. I am on record as having made that statement both in the House of Commons and here, and I am not at all surprised that they are now finding difficulties and are not able to succeed. What led me to think that success would be impossible was the fact that I have lived for many years out in the West. I am now speaking only of the West. The farmers down East may be able to do far better than our farmers out there can do. I know hundreds of cases in which a man who had two or three thousand dollars of his own would get a loan of, say, a thousand dollars, and year after year, for five, ten, or fifteen years, he would be unable or would find it inconvenient to pay off that loan. Such being the case, how can a man succeed who has only $500 of his own and has very little experience—who has never farmed at all, but has taken a short course of three or four months at some agricultural college? He has obtained a loan of $4,000, $5,000, $6,000, $7,000—up to $7,500, and after a couple of years' exemption from interest he must pay interest on the amount. I ask, what chance on earth had that man to make good? He had no chance whatever, and I am not in the least surprised that those men are not making a success.

I do not agree with my honourable friend from Bedford (Hon. Mr. Pope) that the Government must come to their rescue and revalue the lands that have been sold to them. The lands have not decreased in value by 50 per cent. I can understand that the implements and stock have depreciated more than 50 per cent, but not the land. The Government is going to make a loss of tens of millions on that scheme. Almost $100,000,000 has been put into it, and I will venture to say that in the end the Government will not get back from it $35,000,000. I believe that the more money advanced by the Government now the greater will be the loss, because under the circumstances, and the terms most of those men cannot be successful. Giving them more money will only put off the evil day. There can be but one result: the great majority of them will certainly fail.

There is at present a great deal of talk about immigration, and I want just here to say to the Government that, so far as the three Prairie Provinces are concerned, unless we happen to have a good crop out there next year, and perhaps even if we do have, the problem for the Government will be, not to bring immigrants into that country, but to try to keep on the land the men who are there to-day. There is going to be an exodus from the land unless something is done, in the way of lower freight rates and lower duties, to enable the men on the land to make a living. I refer now, not to the returned soldiers who have received the Government loans, but to

the settlers generally, and I maintain that unless there is a great reduction in freight rates and in duties, the problem will be, not to get immigrants, but to keep our settlers from emigrating.

Hon. Mr. MITCHELL: May I ask the honourable gentleman, who is responsible for that state of affairs?

Hon. Mr. TURRIFF: I think the Liberal party was responsible for a great deal of it; and I think the Conservative party was responsible for a great deal of it.

Hon. Mr. MITCHELL: That is very kind of the honourable gentleman. The party which he supported was responsible for it, and the honourable gentleman knows it. There has been no legislation by the present Government.

Hon. Mr. TURRIFF: Certainly. That is just what I said to the honourable gentleman a minute ago—and perhaps that is why I left the party. There is no doubt that both parties are responsible, and the people of the country are also responsible. But we have now to deal, not with what the Liberal party did twenty or ten years ago, nor what the Conservative party has done since 1911. What we have to deal with now is the present condition of affairs: how are we going to better that? I say the thing for the Government to do is to practise rigid economy, of which we see so little evidence now, but which I hope will be more apparent a year from now than at present. The Government will also have to be mighty careful about piling another $25,000,000 or $50,000,000 on the amount advanced to the men who are on the land, because the men are not going to make a success anyway, and the more money is paid out now the bigger will be the loss in the end.

Hon. Mr. POPE: Would the honourable gentleman suggest that they be driven off the farms?

Hon. Mr. TURRIFF: No.

Hon. Mr. POPE: Well, then, go to them and help them.

Hon. RAOUL DANDURAND: Honourable gentlemen, I offered no remarks in moving the adoption of this Bill, because I took it for granted that the principles underlying the Supply Bill would be discussed when the Main Estimates came before us. Of course, I recognize that this will be at the last hour of the Session, and I would welcome any suggestions that might be made, in detail rather than generally, in favour of a reduction of expenditure. This is but an interim measure; we are voting supply for two months of the twelve. I hope that the general discussion in both Houses may tend towards a reduction in expenditure. The reductions that have appeared, amounting to quite a large sum, we cannot but regard with favour. I would like to see a large reduction of expenditure in all the departments, if possible. In expressing that hope I am not pledging myself personally, for I have no department, and the effort does not fall to myself. I will not discuss the action which may have been taken by the political parties in the Commons in resisting demands for interim supply. Those objections may have been justifiable. A Session might be called in time for passing supply before the fiscal year is out. In the present instance the Government was sworn in about the 1st of January. The members of the Cabinet with portfolios had to go before their electors, and were not back in their departments to attend seriously to business until the end of January; so they had hardly five or six weeks in which to look about and see what might be done in their various departments. I have reason to believe that when the House met they had hardly familiarized themselves with the faces of their deputies in their respective departments. The Estimates which are before us have therefore been prepared mainly by the deputy heads. I recognize, with my honourable friends from Calgary (Hon. Sir James Lougheed), Bedford (Hon. Mr. Pope) and Assiniboia (Hon. Mr. Turriff), that the situation calls for very great efforts towards economy. The revenue shows signs of weakness in many departments. We do not know what revenue the present year will yield; we do know what are the fixed charges upon our debts, upon our pensions, and upon our railways, and I feel that it should be the effort of the Government to reduce the expenditure to the lowest possible minimum.

My honourable friend from Bedford (Hon. Mr. Pope) has spoken of the effect of the policy of placing soldiers on the land. I would rather have had the honourable gentleman address those remarks to the Senate before my honourable friend from Calgary (Hon. Sir James Lougheed) rose, because my honourable friend from Calgary would have been in a better position to treat the subject to the satisfaction of this Chamber. I know that he will have occasion to do so. The policy he inaugurated was a large one. It was a laudable effort to try to place as many soldiers as possible

on farms. The question was as to the selection of those soldiers, and as to their ability to make good on the land. I have not been able to ascertain upon what principles those selections were made. I have no doubt that one of these days, in the Senate, my honourable friend from Calgary (Hon. Sir James Lougheed) will have occasion to discuss in detail the policy that he pursued while he was at the head of the department and its results.

My honourable friend from Bedford (Hon. Mr. Pope) has complained that there is in this Chamber no Minister with portfolio. I would draw his attention to a little bit of history.

Hon. Mr. POPE: Ancient.

Hon. Mr. DANDURAND: My honourable friend need not go very far back; he need not go back farther than 1911. My honourable friend from Calgary (Hon. Sir James Lougheed) was Minister without portfolio for five or six years, and perhaps longer.

Hon. Mr. CASGRAIN: And he did very well.

Hon. Mr. DANDURAND: He was the only representative of the Cabinet in this Chamber.

I do not intend at this stage to elaborate more fully my own views as to the part which the Senate should be called upon to play and as to how we should assure its absolute independence and freedom from outside influences. That we may have occasion to do later. I have already expressed myself on this point. For the moment I will content myself with joining with the honourable gentleman who spoke before me in expressing the hope that next year the Government will go still more deeply into the question of reducing the expenditure, in order that the deficit which we shall face annually for a certain number of years may be thereby substantially diminished.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

CANADIAN EXPORTS TO FRANCE

INQUIRY

Hon. Mr. DAVID inquired of the Government:

Is it true that a certain class of articles exported from Canada in France are taxed two or three times more than the same articles exported from the United States in that country and does the Government intend to try to have that discrimination removed?

Hon. Mr. DANDURAND: Under a Ministerial decree dated the 28th of March, 1921, the French Government increased its maximum tariff to a considerable degree, and such Canadian articles as fall under that maximum rate are paying a higher duty than the United States producer, that country being absolved from the operation of the said decree. The matter is now the subject of negotiations between this Government and the French authorities.

ADJOURNMENT OF THE SENATE

Hon. Mr. DANDURAND moved:

That when the Senate adjourns to-day it do stand adjourned until Tuesday, the 25th instant, at 8 o'clock in the evening.

The motion was agreed to.

JUDGES BILL

FIRST READING

Bill 19, an Act to amend the Judges Act—Hon. Mr. Dandurand.

DIVORCE BILLS

SECOND AND THIRD READINGS

Bill C, an Act for the relief of Wentworth Barnes.—Hon. Mr. McCall.

Bill D, an Act for the relief of Hazel McInally.—Hon. Mr. McCall.

Bill E, an Act for the relief of Edward Lovell.—Hon. Mr. Proudfoot.

Bill F, an Act for the relief of Elizabeth Lillian Sharpe.—Hon. G. V. White, Pembroke.

Bill G, an Act for the relief of Percival Andrew Jamieson.—Hon. Mr. Blain.

Bill H, an Act for the relief of Frederick Henry Gill.—Hon. Mr. Prowse.

Bill I, an Act for the relief of Blanche Elizabeth Macdonell.—Hon. Mr. Prowse.

FIRST, SECOND, AND THIRD READINGS

Bill J, an Act for the relief of Frank Charles Butt.—Hon. Mr. Proudfoot.

Bill K, an Act for the relief of Edward Sydney John Turpin.—Hon. Mr. Proudfoot.

Bill L, an Act for the relief of Georgina Gibbings.—Hon. Mr. Proudfoot.

Bill M, an Act for the relief of Albert Bethune Carley.—Hon. Mr. Proudfoot.

Bill N, an Act for the relief of Ernest Zufelt.—Hon. Mr. Proudfoot.

Bill O, an Act for the relief of Harry Johns Leach.—Hon. Mr. Proudfoot.

Bill P, an Act for the relief of Nellie Berry.—Hon. Mr. Proudfoot.

The Senate adjourned during pleasure.

THE ROYAL ASSENT

The Right Honourable Sir Louis Davies, K.C.M.G., Chief Justice of Canada, Deputy Governor General, having come, and being seated at the foot of the Throne, and the House of Commons having been summoned and being come with their Speaker, the Right Honourable the Deputy Governor General was pleased to give the Royal Assent to the following Bill:

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1923.

The Right Honourable the Deputy Governor was pleased to retire.

The House of Commons withdrew.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, April 25, at 8 o'clock p.m.

THE SENATE

Tuesday, April 25, 1922

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED

Hon. Frederick Forsyth Pardee, of Sarnia, introduced by Hon. Raoul Dandurand and Hon. A. B. McCoig.

DIVORCE BILLS

FIRST READINGS

Bill Q, an Act for the relief of Ethel Turner.—Hon. Mr. Ratz.

Bill R, an Act for the relief of Walter Michie Anderson.—Hon. Mr. Ratz.

Bill S, an Act for the relief of Mary Elizabeth Fredenburg.—Hon. Mr. Ratz.

Bill T, an Act for the relief of Sheriff Elwin Robinson.—Hon. Mr. Fowler.

Bill U, an Act for the relief of Rhoda Renfrew McFarlane Brown.—Hon. W. B. Ross.

NOTICES OF MOTION

Hon. Mr. DANDURAND: Honourable gentlemen, I would draw attention to the rule of the Senate which calls for notices of motions or questions being given to the House. It seems important that that rule should be observed by honourable gentlemen giving the notices in such a tone that they may be heard by the House. In the first place, if the notice is worth anything it is worth listening to. In the next place, sometimes it may be in violation of a rule, and yet the Senate does not know whether that is the case or not if it does not hear the notice. I make this general remark, because it is of interest for the Senate to know the purport of the preliminary proceedings in the form of notices of motions or inquiries.

LEINSTER ROYAL CANADIAN REGIMENT

INQUIRY

Hon. Mr. TANNER:

1. Has the Government received any communications in regard to the 1st Battalion, Leinster Regiment, Royal Canadians, in regard to the disbandment of the said regiment?
2. From what persons have the communications been received?
3. What is the general nature of the representations which are made to the Government in this regard?
4. What action is the Government taking in this matter.

Hon. Mr. DANDURAND:

1. Yes.
2. From the Officer Commanding the 1st Battalion, the Leinster Regiment, and from the late O.C. (Lt. Col. J. D. Mather at present residing in British Columbia).
3. Asking to be retained in British Army as "Prince of Wales Royal Canadian Regiment," and pointing out that Canada is the land of their origin.
4. The matter was referred to the Secretary of the War Office and the following reply was received:

. . . I am to say that it is with very deep regret that the Council have felt compelled to recommend the disbandment of this corps. Such action is rendered necessary by the Articles of Agreement for a Treaty between Great Britain and Ireland, which contemplate the establishment of a military defence force by the Irish Free State. In view of the present need for economy, involving a general reduction of the Army, it would be impossible to substitute reformation in another form for disbandment.

WEEKLY ADJOURNMENT

MOTION

Hon. SIR EDWARD KEMP moved:

That, pending further orders, when the Senate adjourns on Friday it do stand adjourned until Tuesday at 8 o'clock p.m.

Hon. Mr. FOWLER: Honourable gentlemen, there has been a shifting of the scene since we moved across to this side of

the House. Formerly all these motions which altered the organized course of procedure with regard to adjournments were made by honourable gentlemen from Montreal, but now the motion comes from an honourable gentleman from Toronto. I do not know why we cannot meet in the afternoon the same as usual. It is very awkward for those of us who are stricken with years to have to come up here at night, whereas we should come only in the afternoon, and I certainly desire to raise my voice—somewhat feeble, I admit—against the procedure. I do not think it should be followed in order to convenience some people who do not like to travel at night and who want to travel in the day time. Let the honourable gentlemen from Toronto start the night before and get here in the morning, attend the Committees in the forenoon and the meeting of the House in the afternoon and do their duty by their country, as they are supposed to do it when they become members of this honourable body.

The motion was agreed to.

BRITISH EMPIRE STEEL CORPORATION WAGE DISPUTES

MOTION POSTPONED

On the notice of motion:

By the Honourable Mr. Tanner:

Will move, that a special committee of the Senate be appointed to inquire into and report to the Senate upon the causes of and all matters incidental or relating to the wages disputes existing between the British Empire Steel Corporation and the mine workers in the employ of the said corporation; with power in the committee, if it deems it advisable, to hold all or any of its hearings at places outside of the city of Ottawa; and also with power to call for persons and papers to take evidence upon oath, and to engage such secretarial and stenographic assistance as may be necessary.

Hon. Mr. TANNER: Honourable gentlemen, in view of the fact that negotiations are still proceeding in this matter and it may be necessary to proceed with this motion, I take the liberty of moving that it stand over until this day week.

The notice of motion stands.

PRIVATE BILLS

FIRST READINGS

Bill 2, an Act to incorporate the British Empire Assurance Company.—Hon. Gerald V. White.

Hon. WILLIAM ROCHE: Honourable gentlemen, I beg to announce to the House that on the second reading of this Bill I will oppose the title of it, which is the same as that of another company in Canada, and I shall have something to say regarding the desirability of having the title to the Bill remodelled. I have no objection, however, to the substance of the Bill.

Bill 3, an Act respecting the Burrard Inlet Tunnel and Bridge Company.—Hon. Mr. Green.

Bill 7, an Act respecting the Kettle Valley Railway Company.—Hon. Mr. Green.

Bill 9, an Act respecting the Canada Trust Company.—Hon. Mr. Blain.

Bill 10, an Act to incorporate the Canadian General Insurance Company.—Hon. Mr. Casgrain.

Bill 11, an Act respecting La Campagnie du Chemin de fer de Colonisation du Nord. —Hon. Mr. Pope.

Bill 12, an Act respecting the Interprovincial and James Bay Railway Company. —Hon. Mr. Gordon.

SALARIES AND SENATE AND HOUSE OF COMMONS BILL

FIRST READING

Bill 14, an Act to amend the Salaries Act and the Senate and House of Commons Act. —Hon. Mr. Dandurand.

PENITENTIARY BILL

FIRST READING

Bill 25, an Act to amend the Penitentiary Act.—Hon. Mr. Dandurand.

DEPARTMENT OF NATIONAL DEFENCE BILL

FIRST READING

Bill 27, an Act respecting the Department of National Defence.—Hon. Mr. Dandurand.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Wednesday, April 26, 1922,

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILL

FIRST READING

Bill V, an Act for the relief of Abraham Leibovitz.—Hon. J. D. Taylor.

CANADIAN REPARATION CLAIMS

INQUIRY

Hon. Mr. PROUDFOOT inquired:

1. What is the total amount of the claims filed with the Government of losses incurred during the late war and for which claims for reparation have been made.

2. What steps have been taken by the Government to provide for the payment of these claims.

3. Is the Honourable Mr. Hazen still the Commissioner appointed to deal with such claims. If not, when did he resign?

4. If the Honourable Mr. Hazen resigned has any one been appointed in his place? If so, who?

5. If an appointment has not been made does the Government intend to appoint a Commissioner or take steps to enforce payment of said claims?

Hon. Mr. DANDURAND:

1. Claims for reparation:

Germany.—Total number of claims, 627; (of this number, 35 claims, information incomplete). Total amount of claims, $25,273,977.54.

Austria.—Total number of claims, 8. Total amount of claims, $57,499.59.

Bulgaria.—Total number of claims, 2. Total amount of claims, $110,220.06.

Turkey.—Total number of claims, 316; (of this number, 1 claim, information incomplete). Total amount of claims, $5,283,280.29.

Total number of claims, 953. Grand total amount, $30,724,977.48.

2. Claims for reparation were advertised for. The claims submitted were classified and listed for further consideration. The honourable Sir Douglas Hazen was appointed a Commissioner to investigate and report upon all such claims filed.

3. Sir Douglas Hazen has not resigned.

4. No one has been appointed in the place of the Honourable Sir Douglas Hazen as Commissioner as aforesaid.

5. The policy of the Government upon the subject is under consideration.

THE LEAGUE OF NATIONS

DISCUSSION AND INQUIRY

Right Hon. Sir GEORGE E. FOSTER rose in accordance with the following notice:

That he will call attention to the aims and work of the League of Nations and will inquire:—1. If the Government has received any report from the representatives of Canada as to the second Assembly of the League of Nations held in Geneva in September and October, 1921, and if so, will this report be laid on the table for the information of members?

2. If the Government has received the printed reports of the Council of the League of Nations made to the first and second Assembly, and if so, will copies of these reports be laid on the table for the information of members?

3. If the Government has received the printed monthly summary and supplementary reports of the League of Nations, and will copies of these reports be brought down?

He said: Honourable gentlemen, I am not going to begin the few remarks which I shall make to-day by offering any apology for calling the attention of the Senate to the subject-matter noted in the inquiry on the Order Paper. Two men as well qualified to form a judgment as could be well imagined—Viscount Falloden, who was Minister for Foreign Affairs in and before 1914, and Lloyd George, now Prime Minister of Great Britain—have declared, and their declaration is on record, that if there had been a League of Nations in 1914 there would have been no war. The Right Hon. Arthur Balfour, in Geneva, at the second Assembly of the League of Nations last autumn, after noting the report made by the Council of its doings and work in the interim, declared that if any person were to ask himself, what is there in existence or what could be brought into existence which would take the place of the League in the event of the League being abandoned, and if such a person tried to answer that question, he would rise from a perusal of the record a convinced and life-long supporter of the League of Nations. Those two statements make it impossible for a thoughtful man to pass the League of Nations by as something which is in the region of the clouds and is impracticable—as something which during its existence has been little heard of and has done little in the way of bringing about solid results, or is not in itself or in its work worthy of the most careful consideration and the strongest support of every lover of humanity.

In an almost untroubled and unclouded sky, in 1914, there gathered the lurid storm-clouds out of which suddenly shot the thunderbolts of war, and for four years thereafter the world's sky was brightened by no clear and hopeful rays of the sun of Peace. When the representatives of thirty-two nations gathered in Paris in the early part of 1919 to take account of the wreckage of that war and to make terms and conditions of peace which should tend towards resettlement and readjustment, they were confronted with the most lurid object-lesson that the world's history has ever presented to an observant humanity. During that war eight million adult soldiers bit the dust and perished from off the face of the

earth. More than nineteen million casualties in wounded and hurt are chargeable to that war. But worse probably than all was the horrible trail of consequences —the damage entailed upon the world in orphans, in widows, in destroyed material wealth, in degenerated moral fibre, in malnutrition and the terrible trail of famine and pestilence which has followed in its wake. It is beyond the conception of the human mind to make an adequate tabulation of the miseries and hurts and horrors succeeding such a war. The representatives of the thirty-two nations of the world in Paris then sat face to face with that object lesson, and remembered that this war, the greatest and most destructive of all, was the climax of a policy which for all preceding generations in the world had been followed in the settlement of international disputes—war-force and its destructive agencies. They set about, first and foremost, to see whether or not it was possible to reverse the policy of the ages, and to introduce new methods in this 20th century, by which a settlement of international disputes could be brought about by peaceful means, and whether war could be relegated at least to a back place, and in the end possibly prohibited from any place at all. So, before the terms and conditions of peace were discussed and settled, they set themselves to devise some scheme or plan which might take the place of the old, and which might be substituted in the world's work for the future.

Sometimes it is said that the Covenant of the League of Nations was an emanation of one mind—the mind of Ex-President Wilson. That, however, is not true. Ex-President Wilson did not come to Paris with any scheme prepared. There was in his mind the same thought that was in the mind of all—that, if it was possible, something should be done to realize a higher ideal and to initiate a better line of policy internationally in the world's history. The first thing that was done then, was to appoint a very able representative Committee, of which President Wilson was the head, and from the early sessions of the Peace Conference until February 14, 1919, these gentlemen were engaged upon that work. At the end of that period they presented a draft scheme for a Covenant of Nations. That was published to the world, and remained open to suggestion and criticism; then the matter was taken up anew, and on the 29th of April of that year they reported unanimously the scheme which is known by the name of the Pact, or the Covenant of the League of Nations.

This was introduced into a plenary session of the Peace Conference. It was discussed shortly, and approved unanimously, and then was afforded a spectacle unique in the history of the world. Never before had the representatives of the thirty-two most important nations in the world met in conference, and never before that time had representatives of anything like that number of nations pledged themselves to the Covenant of a League of Peace.

Now, it is well for us, I think, just here to bear in mind what that ideal is. Details are to be avoided as much as possible in this talk that I am making to the Senate, so all I shall do is to read the preamble of the Covenant which gives the ideal and the purpose of the action which I have detailed.

The high contracting parties,—

That is, the thirty-two nations of the world there assembled—

—in order to promote international co-operation, and to achieve international peace and security, by the acceptance of obligations not to resort to war; by the prescription of open, just, and honourbale relations between nations; by the firm establishment of the understandings of international law as the actual rule of conduct among governments; and by the maintenance of justice and a scrupulous regard for all treaty obligations in the dealings of organized peoples with one another; agree to this Covenant of the League of Nations.

There was the pledge, the greatest in the history of the world, and marking a new point of departure entirely—a pledge taken and subscribed to in good faith and all sincerity by thirty-two of the nations of the world.

That is a mighty thought translated into an experiment to realize the ideal contained therein. Thirty-two nations set their seal to that pledge and the Covenant; but there were neutral nations who had not been engaged in the war on the Allied side, and an opportunity was given them to come in and join the League. Within two months all the neutral nations had done so. Since then others have acceded to the Covenant and have become members of the League of Nations, admitted through the authorized channel, the Assembly of the League, until at the present time fifty-one of the nations of the world are gathered unitedly on the basis of the Covenant of the League of Nations;—fifty-one of the nations of the world, which comprise 75 per cent of the total population of the world, and about 65 per cent of the total area of the world.

This in itself shows that, although the ideal was new and hitherto unattempted, yet in the effort to realize it the nations that stood by their first faith have been joined by other nations; and, as a result of two years of work, all the members of the League stand by it and under it with deeper conviction and greater force than at the period of its inception. That is an argument for us to conclude that there must be in it a possibility capable of being translated into a great and crowning good to the human race.

My remarks this afternoon will be directed to the answering of three questions. One is: What is the League of Nations? Another is: How does it operate or function? And the third is: What has it accomplished in the time it has been at work?

I have already explained to the House what the ideal of the League of Nations is, and how it arose out of the war and the horrors entailed thereby. The Constitution of the League, from which it gets its primary powers, is contained in the Covenant of the League of Nations, consisting of 26 articles. The first article has reference to membership. Then follow six articles which have to do with the organs or functioning agencies of the League. There are nine sections devoted to what is the primary object of the League—the prevention of war—by the diminution of armaments, by arbitration, by reference to Council and Assemblies, and by a judicial court which it was proposed to have established and which has since been established. That is the kernel and gist of the whole Pact, and the whole plan involved in the Pact. After that we have sections dealing with the registration of treaties and with the rearrangement of treaties which have become inapplicable, or which are contrary to the spirit and aim of the League of Nations. Then we have sections in the Constitution which have to do with mandatories, a new form of administering backward and conquered countries. Sections 23, 24 and 25 refer to the humanitarian and philanthropic agencies and activities of the League, which form a very important part of the League's work.

Section 26 provides for the amendment of the Covenant. For, please bear in mind from the first, that, while the Covenant of the League of Nations was the product of the best thought and ripest experience which could be bestowed upon it at that time, it is an amendable document, open to such changes as suggestions and experience and altered conditions may necessitate.

Another point to be borne in mind is that the League of Nations under its Constitution is no super-government. It rests absolutely upon the assent of the nations that belong to it. There is no coercion, no attempt to interfere with national prerogatives or national functions. All depends upon the consent of the members of the League.

I think that is sufficient to indicate to the Senate what the League is.

Now, as to how it functions. Because on paper a League may be very fine and look very promising, but it can only attain success in proportion as its functioning arms and organs are sufficient and capable to embody in practical working the ideal of the League itself. These are simple, and it is scarcely possible for one to understand the League in any proper way unless he has an idea of its organs, its manner of functioning, and the way in which its activities are carried out.

First, then, as fair men, I think we must bear in mind, in making up our judgment as to the work of the League, the fact that it was not in operation until January 10th, 1920, when, by the ratification of the Treaty of Peace and the proclamation of peace, it became an entity. Then it had one sole officer, the Secretary General, who had been appointed by the Peace Conference for the succeeding five years. It had no home; it had no staff; it had no plan of operation. Deducible from that is the patent fact that the first part of the work of the League of Nations, coming into existence as it did, was to organize itself. And if organization is a wonderfully complex and wonderfully important thing in even small endeavors, what must it be with reference to a world of nations, fifty-one of whom are already in the League, and when there are others who shall come in from time to time in the future? So, in asking ourselves the question what the League of Nations has done, and forming our judgment on the answer, we must take into account the fact that a large proportion of its time during the first year was spent in organization.

Again, we must keep clear of what I think is an error. Some people have the idea that the League of Nations was formed in order to bring about peace. That is not true. The League of Nations had nothing to do with the formation of the terms or conditions of peace; that was a work which was carried on by the great powers, Allied and Associated, and to which work the Conference in Paris had devoted itself. It

was the supposition that the League should come into operation after peace had been made, after the terms of peace had been signed, and after the willing assent and accordant action of the nations who had signed the treaties had full effect. But everyone knows that after the Armistice, for months and months, countries were in turmoil all through Europe and in other sections of the world; and that even up to the present time the last Treaty of Peace has not been ratified and is consequently still hanging in the air. We must take that into account when we form our judgment as to what the League of Nations has performed.

The organization of the League of Nations is simple, and, as it has stood the test of experience, turns out to be a wonderfully skilful and practical organization. Looking at it, you will find that there are some points in which there seems to be overlapping of authority between its organs of action. There are defined special duties and there are co-ordinating duties between its two organs. Over and above these it has general powers of dealing "with any matter within the sphere of action of the League or affecting the peace of the world."

The first organ of activity of the League of Nations is the Council. The Council is formed of eight members; nine were supposed to be its number at the formation of the League of Nations. There is one representative for each of the great powers. That would be one for Great Britain, one for France, one for Italy, one for Japan, and one for the United States of America; but the chair reserved for the United States of America is still vacant, and consequently up to the present time the great powers are represented by four in the Council. Then the League Assembly has the authority to select four members of the Council who shall represent the other nations of the League—members of the League outside of the great powers. So that the Council has been functioning up to the present with eight members, made up of one for each of the four great powers, less the United States, and four selected by the Assembly, who at present represent China in Asia, Brazil in South America, and Spain and Belgium in Europe.

The authority for action and the scope of action of the Council is laid down in two sets of documents—in the League of Nations Covenant itself, and in the various Treaties, where, for the carrying out of their terms and conditions, the supervising or directing authority is conferred upon the Council of the League of Nations. So that you have to search the Treaties as well as the Covenant itself to get the full powers and obligations that are imposed upon the Council.

The Council meets from time to time as occasion requires—sometimes in Paris, sometimes in London, sometimes in Italy, sometimes in Belgium; and, since headquarters have been established at Geneva it meets there as well.

The Council can be called together in any emergency. As a matter of fact, during the first broken year of its existence, it met ten times, and any one reading the reports of those ten meetings would be somewhat astonished at the variety and importance of the business that came up for adjudication, examination and decision; and the uniform success which attended the decisions and recommendations of the Council.

Before any primary matter can be disposed of by a decision it is necessary that the Council shall be unanimous with reference thereto. That provision at first caused a deal of criticism against the League of Nations and doubts as to its functioning. It was said, "That makes an unworkable proposition, since a majority of the representatives in the Council may be in one direction, but one dissentient can avail to make the Council's opinion and conclusion nugatory." The very same criticism was made in relation to the Assembly, which is composed, as I shall afterwards explain, of representatives from all the nations. It was objected that if in the small—and yet not very small—Parliament or House of Commons of the world's fifty-one nations you made it impossible for any primary matter to be concluded without the unanimous consent of the represented countries, you would throw into the practical workings of the Assembly a wrench which would render its best efforts futile.

But there was wisdom in that proposition in both cases. In the first place, you were starting out on an unknown and hitherto untried venture, to the success of which were necessary the amity, the lack of suspicion, the full confidence of as many nations of the world as possible—all of them, if it were possible to get all. But you have small nations and you have great nations; and the small nations are as tenacious of their national standing and national privileges as are the large ones. The fact that you must have unanimity was a guarantee to the small nations that

they could not be overridden in their rights if it came to a question and to the great nations that they could not be overruled by a combination of small nations. This rule has had the test in both the Council and the Assembly for now nearly two years, and in no single instance has that condition of unanimity been a bar to the examination, the consideration, and the conclusions arrived at by either one or the other on any important matter.

The next great branch or organ of activity of the League is the Assembly, which meets yearly, and is representative of all the nations which are members of the League. Each nation-member of the League has three representatives, but has only one vote. The three representatives sitting in the Assembly have the privileges of expression and of examination, but when it comes to the vote it is the nation that votes, and not the delegation: one nation has one vote, though it be the biggest of all; and one nation has one vote, though it be the smallest of any. So that there you have perfect equality; and there again, you have that guarantee to the small nations that their rights will be respected, and will not be overridden. The method of decision referred to has had its test in the Assembly of the League of Nations for two sessions, and has not been found to interfere with the speedy and efficient despatch of business, or with the ultimate conclusions of the Assembly.

The first Assembly of the League of Nations met in the old Hall of the Reformation at Geneva in the autumn of 1920. It was made up of representatives of 47 different nations of the world, of every language, of every creed, almost every nationality and colour. They were about 120 in number, and very few of them had ever seen the other members of the delegations or had any acquaintance with them.

People said: "You will have a second Tower of Babel on a small scale; how will you understand each other? How will you shake yourselves together? How will you come to the essential end of understanding the viewpoints of one another, and so get on efficiently with your business?" An ounce of experience is worth a ton of speculation in that respect. When I say to you that that assembly of men from all portions of the world met and organized themselves, chose their president, their rules of procedure, their vice-presidents, organized their committees—six great committees with 42 members upon each, each nation being represented on the grand committees, and all within six days of the date of their assembly—I give you a key to the problem. If anyone had been asked to express an opinion as to the possibility of that accomplishment before the thing happened, he would have said it would be absolutely impossible. But it was not impossible, and the solvent that made things easy, and made action prompt and efficient, was the spirit of loyalty and devotion to the great object of the League, which was to procure peace for suffering humanity; and in doing that every possible effort was made, and every possible sacrifice of what was comparatively unimportant, in view of the great object ahead. And so we have the experience of that first Assembly through a session of a little over six weeks during which subjects of the greatest importance were taken up, thoroughly threshed out, and conclusions reached, and there was no difficulty in one delegation understanding the viewpoint of another.

The official languages were French and English. Translations were quickly and most efficiently done; in fact, very often the translator made a better speech than did the original speaker himself; but, such was the facility and the wonderful power that they possess, that they would sit beside you whilst you made a half-hour's speech, take a few shorthand notes, and then give every point you made, much of the language you used, and sometimes a great deal of the spirit in which you made it. So in that regard we had no more difficulty than we found at the Peace Conference in Paris.

I have thus hurriedly explained what are the two important organs of the League. For all the early part of the year the Council of eight did the whole work of the League—mostly organization, but a large amount of executive work as well. But it was not until the Assembly of the Nations—the popular body, the body fresh from every nation-member of the League—met and took on its duties, and functioned in those duties, that the vital fluid passed from the nations to the Council through the Assembly, and the organization became thoroughly effective and in good working order.

What about a possible clash between Council and Assembly? That was a possibility much spoken of and largely criticised. But men are sensible, and from the first to the last, in both the first and second Assembly, no clash took place. Men thought and spoke about defining the respective duties of the Council and of the Assembly, but no definition of them was made; and, as in that wonderful creation, the Con-

stitution of the British Empire—which has been left to gather itself out of the void, unrestricted and not formulated in writing, but which has worked out in a practical way of great advantage and utility—so the operations of Council and of Assembly, instead of clashing, have gone on in the greatest harmony and with the best attendant results.

But I must not leave out another of the organs of activity and work by means of which the Council on the one hand and the Assembly on the other have carried out what they proposed and decided to have done, and that is the Secretariat. The Secretariat of the League of Nations is a wonderful body. It is not nominated by the different nations who are members of the League of Nations. The Secretary-General, who was appointed by the Peace Conference, had instructions to form a Secretariat, and he formed it with the approval of the Council,. His nominations went before the Council, and the Council approved of them or not. The Secretariat is therefore not a series of groups representing national bodies. It is a Secretariat of the League of Nations, that is, of the 51 nations, and it owes its allegiance to, and does its work under, the supervision of the Secretary-General of the Assembly and of the Council. It is chosen for merit.

To judge the Secretariat one has to see what are the various operations carried on. Let me give you two that are carried on by the Council and the Assembly. Take, for instance, that great organism known as the Commission on Transit and Communication. If I get on a car at Quebec or Halifax and go to Vancouver, I pass entirely through one country. I may extend my voyage through the United States of America; I pass a border, but a border where I perceive no difference. But if you start on the Orient railway from Paris or from Berlin and go to Anatolia or Mesopotamia, you pass through a succession of different nations with widely different forms of government, with racial and credal and national prejudices, and after the war, in the rebuilding of parts of dismembered empires, and in the new aggregations of nationalities, you meet every here and there a distinctively hostile border. Thus transport became disrupted into a dozen sections, where it should have run on uninterruptedly through the whole. Now, the Transit and Communication Commission was one of the first technical bodies formed. For that work you must have the best experts you can get in the world. Those experts must be on the job all the time, and au fait with all the conditions. They are men of sterling worth, sterling experience and sterling probity. They form part of the Secretariat. It is not mere formal work: it is work which calls for the best that mankind can give it. Again, you start from central Europe with the idea of getting out to the open waters, and if you start from Poland or some other inland country of Europe and pass down the Danube you use water communication, and you meet with the same series of obstacles. Again, the air is open and above every nation, and as air services multiply and extend you must have transit and communication arrangements between all the nations of the world.

That is one example of a Commission operating with the Secretariat under the Council and the Assembly; and it carries out its purpose through conferences of states that adjoin each other, and through conferences of all the states that would be interested in any agreement or arrangement made. By constant pressure they are carrying on the work, by methods the most pacific possible to get at desired results; and, although there are still troubles in Europe, and large troubles up to the present time, the amount of amelioration which has been brought within the last year and a half by virtue of such action as I have spoken of is very encouraging in its ultimate results.

Then, there is the Economic and Financial Commission. Anybody who reads the newspapers—and we all do—anybody who has any relation to business—and most of us have—knows the dire state of confusion in which Europe and the world have been plunged as a result of the war. One of the first actions of the Council of the League of Nations was to summon the greatest and most representative financial and economic conference that the world has ever seen. Thirty-nine nations, the foremost nations of the world, were represented. It was brought to Brussels, and there in six weeks of deliberation it examined the economic and financial questions of Europe and the world. It laid down its conclusions in resolutions and recommendations which have been since, and are today, invaluable in the foundations they give for the readjustment, painfully slow though it is, which is taking place in Europe. That Economic Commission is a surviving and persisting body made up of foremost financial and economic experts, and their aid is called in by country after country, and their aid is given. Austria

was dismembered. The head was left; all the productive portions of the body were cut out and made up into other nations. That was not done by the League of Nations; that was done by the Allied and Associated Powers in setting out the terms of peace. Austria was close to bankruptcy. The Economic and Financial Commission took it in hand, applied with modifications the principles adopted at the Brussels Conference, and, by hope first and by practical work afterwards, saved Austria from immediate bankruptcy and chaos. In order that the financial readjustment of Austria might be worked out, the immense debts which overwhelmed her had to be in some way disposed of; so the effort of the Commission was to get every country to which Austria owed debts to postpone those debts for a period of twenty-five years. Up to within six months ago every nation had done that with the exception of the United States of America; but until the United States of America joined in, the thing was incomplete and could not be completed. At the present session of Congress a resolution was passed by the Senate and the House of Representatives making the postponement in the case of the United States; and now, all postponements having been made, and Austria having agreed to the conditions upon which the credits should be used, under the supervision of the League of Nations, the financial and economic reconstruction of Austria is well within view. That is one of the many things that have been done; and the same principle is now being applied, or is sought to be applied, to other states. But for such work high-grade and experienced men are necessary.

Hon. Mr. BELCOURT: Would my honourable friend allow me at this stage to ask him a question? I hope he will not mind my interrupting his narrative. The subjects which my honourable friend has just mentioned—the economic question, now being debated at Genoa, and the disarmament conference at Washington—are both, I take it, quite within the jurisdiction of the League of Nations. I do not know—I want the information, and I have no doubt my honourable friend can give it to us—how it is that these conferences, the one at Washington and the one at Genoa, and others, have taken place and that the League of Nations has not dealt with those subjects, which are, as I assume and believe, quite within its own jurisdiction.

Right Hon. Sir GEORGE E. FOSTER: If my honourable friend will allow me, instead of giving him the answer just now, I will take the question in the order of my remarks. Both of those subjects I will treat shortly, before I finish what I have to say.

Now, I do not think that at this time it would be profitable for me to go farther in reference to these three great organs or functioning agencies of the League. It is open to every member of the Senate to study the matter for himself, and the materials for study are ready at hand. Meanwhile the time at my disposal admonishes me to pass on to something else.

I come now to answer, very briefly and perhaps somewhat imperfectly, the third question, what the League of Nations has accomplished in the short period of its existence; and I will do that by citing particular instances. It has administrative functions to perform, which plainly could not be performed as well, if at all, by the Great Powers. These obligations are in some cases laid upon the League by the Treaties themselves.

Take as one example of administrative work the Saar Basin. During the course of the war, and particularly in the latter part of it, the French mines in the north of France were almost completely destroyed. They were not destroyed for military reasons, or for military purposes; they were destroyed solely and entirely for the sake of destruction and of crippling the future prosperity of France. When we came to the treaties of Peace it was decided that reparation in kind was due to France for that destruction of her coal mines. It is said that some of them will never be reconstituted, that many of them will take twenty years to put into fully as good form as before, and so on in proportion to the destruction done to them. One condition in the Treaty was this, that the Saar Basin, which is a great producer of coal, should become, so far as its coal mines were concerned, the absolute possession of France for fifteen years, and that during those fifteen years France should have the sole right, undisputed and untrammelled, to work those mines. It was also part of the Treaty that the Reparations Commission should take into account the values of the coal taken from those mines and should make those values, applied to the tonnage, a credit to Germany on her ultimate reparation account. For fifteen years that was to go on under the management of the League of Nations, and at the end of fifteen years a plebiscite should be held and the district so administered for fifteen

years would be able to say whether or not it preferred to keep the League status, whether it preferred to go to Germany, or whether it preferred to join France.

With a population of 750,000 people in an intensely complex industrial and productive region, where German laws have always been in force and German customs and German regulations followed, two things were impossible: it was impossible that France should put a representative of France in there to do that administration; and it was equally impossible that Germany should be allowed to put a German in there for that purpose. Two nations separated by a half century of hate and discord, enlivened and burnished by the late war, in which that hatred and discord was emphasized, could neither of them be trusted to make an impartial administration of the district. So it was made obligatory that the administration should be placed in the hands of the League of Nations, and the Council of the League nominated the larger part of the Delimitation Committee and afterwards nominated the whole administrative Commission of five. On that Administrative Commission of five Canada has a representative in the person of Mr. Waugh, of Winnipeg, whose work in that administration has been—not to say anything out of the way—as practical and as efficient as that of any other member of the Commission.

That Commission has the right to levy taxes; it has the right to constitute additional courts, if these are necessary; but it governs according to the German laws which were in force there at the time of the Armistice, modified, if they can or ought to be modified, by consultation with the people of the district assembled in a representative capacity. I need not go into detail with reference to that. Any disturbance or dispute or disagreement which takes place is subject to appeal to the Council of the League of Nations, and appeals have been quite numerous, but they have all been decided by the Council of the League, and the decisions have been acceded to by the people of the district. There is an instance in which it would seem that no authority other than the sublimated authority of 51 nations acting in an un-national, impartial and loyal way could possibly be sufficient to carry on the administration as it should be carried on. That is one example.

Poland, up in the north of Europe, is an inland country. Out of its ancient parts, long segregated, it was made into a new nation of about 15 millions of people, but they had no access to the Baltic sea. There was Danzig, an immense German city. I do not know what percentage, but by far the larger proportion of its people are Germans. An article of the Treaty provided that a corridor should be opened from Poland to the sea, so that Poland might get breath and sea-water for her commerce. The administration of Danzig was put under the League of Nations, and Danzig was to be made a free city; but, unlike the case of the Saar Basin, the people of Danzig were to have the right to form a constitution, which, however, must be made in conformity with the view of the High Commissioner, who at first was appointed by the Great Powers and afterwards by the League. The Constituent Assembly has been formed, the Constitution drawn up, modified by the League, has been virtually assented to, and Danzig is now a great, free, self-governing city with a corridor attached to it, but under the supervision of the League of Nations. It is interesting to read its history of the last twelve months. There is a large German population, with Poland surrounding it. There are 15 millions of people who demand access, personally, individually, and for their commerce, to and from the sea. There are the railway and other transit equipments, partly German, partly Polish, partly of the city of Danzig. All these things have to be brought into correlation. Suffice it to say, in a word, that at the present time all those conditions have been brought into correlation, and the trade of both Germany and Poland, under proper agreements and proper supervision, goes on uninterruptedly and in peace. Never could a Polish or a German administrator be allowed to undertake an administration of that kind. Again I say, it requires the sublimated authority of all the members of the League. I do not know whether that word "sublimated" applies exactly or not, but my meaning is this. In the Council of the League of Nations you get a composite of 51 different nations belonging to the League; consequently it is not the case of a foreign power interfering with a Pole, or a German, or a citizen of Danzig; it is an impartial, just and helpful tribunal, whose only object is to bring peace out of dissension and to administer so that the greatest good may come to all.

Another example, of a somewhat different nature, shows what the League is purposeful to do and what it succeeds in doing. All of you will remember the trouble which took place with reference to Upper Silesia. That is a district which is made up of Poles,

Germans and other peoples, but mainly Poles and Germans. There was to be a plebiscite held, and according to the plebiscite the territory was to be allocated. The plebiscite was held, but the allocation of the territory was the troublesome thing, and the great Powers, Allied and Associated, had to struggle with that problem. Upper Silesia has a most complex series of affiliated industries and productive agencies. If in the delimination of territory a line of demarkation were to be drawn through it, the division of these would be like the dividing of the Siamese Twins by cutting the connection between them. The essential thing in making the allocation was to maintain the complex affiliations of production and exchange in practical and efficient working. Well, differences will arise, even amongst the great powers, and differences arose between the great powers in reference to the allocation in Upper Silesia. France had one view, Great Britain had a different view; and France and Great Britain stood pretty closely to their contentions. For twelve months or more no progress was made, and all the time armed bands and armies stood ready to engage in internecine strife. At last the great powers hit upon the practical expedient: "Why not hand it over to the League of Nations and bind ourselves to agree to the recommendation and the plan that they propose?" Agreed! The Allied Council was at one. Poland assented, Germany assented, and then the Council of the League of Nations took up the matter. They employed practical peace methods. They chose Mr. Calonder, who is an ex-head of the Swiss Republic and is a very clever and very much respected man. They made him Head Commissioner: they sent him up to the district. Germany chose its members of the Commission, Poland chose its members. Mr. Calonder headed them, got them around a table, divided them off into eleven different committees, gave to each of these its special subject, told the committee to examine it and to prepare its report for him, and to meet him at Geneva. They did so: they met him at Geneva; but before they came there Mr. Calonder made a second personal visit and sat in with these commissions, every one of them, at the same table, and talked with them as a friend would talk to a friend. When they finally brought their report to Geneva they had agreed upon most points, but had not agreed upon all, and the night before the day on which he was to give the decision if they had not agreed, they told him that they had found it impossible to agree. He said to them: "Gentlemen, I am to give my decision to-morrow; but I will send you back. Get around a common table and come to an agreement if you possibly can. If you do not come to an agreement by to-morrow, I will make my decision then, and it will be final and must be accepted." They went back, saw light, and made an arrangement, and to-day the work is going on pleasantly, peacefully, and efficiently, under the direction of the League of Nations.

Now, if I am not wearying you, let me give you one other point which has a different range entirely. Finland and Sweden are coterminous countries with a stretch of water and ice and islands between them. The Aaland islands, since 1808, have belonged to Finland, but 95 per cent of the population of those islands are Swedish and speak the Swedish language, so that often before, and more especially when the Peace Conference came on, self-determination got into their heads, and they asked to be annexed to Sweden. Sweden did not push her rights, but said: "We think they ought to have the privilege of a plebiscite and to choose for themselves." There were interested in that question some eight or ten of the Baltic Nations, and upon the settlement of this particularly tinder-like point depended the peace of those smaller Baltic countries, and perhaps of others contiguous thereto. So the question was delivered over to the League of Nations The Council used the same means that I have mentioned: they sent out a Commission, which made its investigation, got together delegates from Sweden and Finland, and in the end made their report, which, by a convention of twelve nations signing its ratification, has been finally agreed to and is of record; and the Aland islands, for all time to come, are lifted out of the area of probable dissension and possible war. What has been done is this. Finland keeps her right to the territory, but gives guarantees as to how she shall act with reference to the islanders themselves. The terms are set out in the Convention signed by twelve of the Baltic nations, and by Sweden and Finland, and made a definite document. If trouble arises the League of Nations is to look into the trouble; if anyone violates the pact, the League of Nations is to say what shall be done to bring the violator to justice; and the twelve nations pledge themselves to see that the decision of the League is carried out. One term of the agreement is that no

armaments of war of any kind shall be established, made, imported into, or in any way had in the islands. They are neutralized so far as that is concerned.

I will now pass from that class of cases, which are largely administrative, but the last of which is more than administrative —because the Great Powers seeing the recent results of their own unsuccessful efforts to bring about a proper solution said: "Here is a comparatively neutral body, the friend of all; hand it over to them and let them settle it in the best way possible, and we will stand by their decision." In the year and a half of its existence the League of Nations has been gradually conquering a position of trust and confidence among the smaller nations of Europe, and among the larger nations as well; and to-day their activities and efforts are legion in connection with the clearing away of disputes and dissensions and the bringing about of agreements which result in peace and avoiding war.

Now, I come to the question of my honourable friend (Hon. Mr. Belcourt): Is it not a proof that something is wrong when the United States, for instance, must call a convention on naval armaments, and when to Genoa must be called a convention of the different nations on economic questions, both of which subjects, the first more particularly, are to a large extent handed over and made part of the duty of the League of Nations? Well, we have to take the circumstances into account. Take armaments. The doing away of armaments down to the minimum of national security—that is all that is contemplated—is a chief duty of the League of Nations, and the League of Nations has not forgotten or been unmindful of that duty. But take into account the circumstances. Here is a Europe which is not yet pacified. There is a Russia on one side that has and boasts of an army of 1,500,000 Reds and 200,000 of a gendarmerie, or police, in addition. There is maintained in Poland itself, on a long border which may be disputed any hour of any day in the year, an army to preserve her national existence. There are the other nations of Europe, all in a greater or less degree maintaining armaments. There is the United States, which is not a member of the League, and which does not sit in with the other members of the League in their examinations and in their conclusions. Could you ask Japan and Great Britain to dismantle their fleets, and so come within a recognition of the demands of the Covenant of the League of Nations to diminish armaments, when they did not know what the United States was going to do, and when the programme of the United States was set for the building of a fleet which would have made it the most powerful in the world? If the United States, who sat in during the war, and during the formulation of the terms and conditions of the peace, but who sat out directly the work of readjustment commenced, could have sat in with the other 51 powers of the world, then the question of armaments could have been taken up and settled in Geneva and settled for all nations and not merely for four. But until the mind of the United States was known, and that great uncertainty was removed, no great power was justified in scaling down her naval equipment. The same is true with reference to war armaments by land and by air.

Now, what happened? Immediately the League and the Council were formed, a very influential Armaments Commission was framed. It went to work and made its reports, and came to the Assembly with the reports; but at that point the Assembly said: "We cannot go any farther; the United States is not here; Russia is not here; it would not very much matter if Russia were not here, if the United States were here; but she being out, we cannot make much progress." Though the United States is not a member of the League, I yet have faith to believe that she ultimately will be. Nine-tenths of the people of the United States, to every heart-beat, are one with the aspirations and ideals of the League for the destruction of war methods and for the substitution of peace methods; and the conference called by President Harding, and the stand taken on naval armaments, have cleared one difficulty out of the way of the Armaments Commission of the League of Nations, and have made their future work much more easy than it has been in the past or would have been had this not taken place. Meanwhile the Armaments Commission is pursuing its inquiries, gathering its statistics, and will submit to the next Assembly its plan of disarmament.

The League of Nations has no grudge against the operation of any other powers inside or outside its membership. If they will facilitate the objects and aims of the League, so much to the good: that makes the path it has to travel all the easier of being travelled. Take the position with reference to the economic re-establishment of the world. It is true that incidentally

it is part of the function of the League of Nations to bring about economic and financial resettlements and readjustments. It is a gigantic task; it cannot be done in a trice; the situation in Europe is so tense, so widespread, so permeated with national dislikes and prejudices, and so honeycombed underneath with lack of production, lack of credit, and consequently lack of earning power, that it requires every possible aid; and the Genoa Conference has been called, not as a rival of the League of Nations but as a coadjutor and helper; and if it comes to any conclusions which are helpful along the lines which have been set out, it is so much accomplished and makes so much easier the work that the League of Nations has to perform.

Now, honourable gentlemen, I have given in a somewhat unconnected and not very efficient manner some explanations with regard to the League of Nations. I must hurry to a conclusion. My brain is but a small portion of the brains of this Chamber. Other people have made their inquiries and have their views, and will probably express them. I have done my part in introducing the question. There is no worse god to whom adoration and tribute may be paid than the god of lazy forgetfulness. So long as I am a member of this Senate, I shall make an opportunity at least once every year for passing in review that wonderful thought, being wrought out in an almost equally wonderful practical way, certain of much in the past and promiseful of much in the future, so that we may be an informed public in Canada. The League of Nations will do its work and be kept up to its prime of energy and efficiency only in proportion as the democracy of every nation that has membership in it is an informed and intelligent and convinced democracy in favour of peace and against the war methods of the past. So it becomes us to study this question. We are greatly interested in a country post office; and what one party has said and another party has said assumes tremendous importance to a politician. Honourable gentlemen, we went into the war; we did our part in it; we came out leaving 60,000 of our dead on the field of battle; we shouldered two and a half billion dollars of debt and bore all the scars of war. Would not we all have given our last dollar and the last drop of blood in our veins to have avoided such a war? But there will be another war unless the world takes heed and care lest we forget that awful lesson which is fast fading out of our minds; lest we forget that we as a constituent part of the League of Nations have our work to perform, and do that work as loyally and efficiently as we did the work of the war when the war was on. That is our duty. We must avoid the pitfall of apathy; we must get behind this League the moral sanction of the Dominion of Canada, as other nations are getting the moral sanction of their people behind the League. One man says: "You cannot do anything without an army; you have got to have force." At first sight, there seems to be a great deal in that contention; but who will limit the frontier of moral force in the world? We have in this country a police which is but a fraction of the 8,000,000 people who live in Canada and observe the conventions of society. It is the moral sentiment of the community, the force of law and its administration, which, after all, is only moral sentiment put into the shape of statute books, that keeps our people on the right track; it is not the few police or the few regular soldiers that we have. And, depend upon it, in this matter that we are discussing moral force never had such a widely-distributed basis or such a fervour behind it as is behind the prayer of the women and children and men of the world: "Give us peace." Fifty-one nations have pledged themselves to forego war and to employ the methods of peace. That is a wonderful moral force in the very beginning. Councils, Secretariats, Assemblies, Leagues are behind these principles, gaining credit for them and efficiently carrying them out. All the philanthropic and religious societies of the nations are behind peace and against war; and in every mother's heart that breathes its prayer for peace is a perennial source of moral force to be exerted along the lines of the League of Nations. My own conviction is that it is absolutely possible to bring the League of Nations to the fulfilment of those ideals without the force of arms or equipment. Put the United States along with the other fifty-one nations of the world in the Council of the League of Nations and you will not need either armies or navies. There is no force in a single nation, even if there is a desire, which will make it a violator of its covenant in the face of the moral sanctions of 51 nations of the world, plus the United States of America. And so it is that the moral sanctions, strong in themselves, growing constantly, are the backbone and the subbasis of that which is to be reared and supported—this great machinery for good

in the history of the world's international relations.

There is more than that. You had an inkling of it in another place, not a thousand miles from here, the other night, and I have some sympathy with it. An inkling of what? That the legislatures of the world are in no mood to be asked for vast sums of money for equipment of navies and armies. A pressure, economical and material, in every nation of the world, is now being exerted, and will hereafter be more and more exerted along that line. I would admire what I was about to call the audacity of a chancellor who, without the best of world reasons combined with national ones, will come down to Parlament asking for extraordinary expenditures for armies and navies in the future.

Then there is the economic blockade. Any nation that violates the pact can be sent to Coventry; it can be embargoed; diplomatic relations with it can be suspended by all the other nations of the world. Anybody knows what would happen in a world so closely affiliated as ours if the great majority of nations in the League of Nations itself sent a nation into Coventry. The threat of it, in ninety-nine cases out of a hundred, would prevent a violation; in the hundredth case it would be effective, and it would cost infinitely less than a war.

Now I take five minutes to ask the attention of my honourable friend who leads the Government, particularly, to two or three observations. We are a part of the League of Nations. We signed the treaty, we helped to organize the League; we have been represented in its every meeting; it is a part of ourselves. Shall we own or disown, or, what is equally bad, neglect a child of our own? What do we know of what the League of Nations is doing? Pick out a hundred men on the street, and how many of the hundred will tell you even an infinitesimal fraction of what is being done by the League, of its purposes, and of the results of the pact? That must not be. The League is constantly sending to Canada full information. To whom does it go? The League issues its monthly report, its official record, its monthly summary, and all its papers. To whom do they go? Where do they lodge?

What I want to ask the Government—if it has not already been done it should be done—is to take into account the necessity for organizing a small staff in connection with External Affairs, to whom and through whom these communications shall come from the League of Nations, and which shall serve as a liaison between Canada, who pays for the results and wants to know what is doing, and the League of Nations and its doings. Put a vote in the Estimates which will place in the hands of every member of Parliament the official record, published monthly, and the monthly summaries of the doings of the League—a small amount of money will do it—and then every member will have in his own possession the information which is necessary to make him an intelligent and convinced supporter of the League. Twenty-one nations of the world to-day in the League have established delegations to remain in Geneva and work in accordance with the League. Twelve other nations have arranged these liaison officers or staffs in their own capitals. I am not going into details as to how things can be done; I am simply intimating that something ought to be done, so that when any man in Canada wants to know about the League of Nations he can apply and get the information. As far as possible the printed page which gives the information should be put into the hands of our legislators. I would put it into the hands of every legislator, Dominion and Provincial, in the Dominion of Canada, as a necessary duty on our part to make known the doings of one of our own institutions.

Now, I thank you, honourable gentlemen, for the kind attention which you have given to me. I leave one question with you. Search history through and through, and never has such a noble idea been launched. Follow up the search, and never has so much of it been already put into practice. Never was there such a hope lighting up, in the far-off sky, of a greater and greater possibility of world peace. We must stand, as the nations of the world, behind the League, and sustain it with our money, with our moral sympathy and influence, and keep it up to its high ideals, which it now has, and which it has been carrying out for the last two years. There is a possibility—and if only a possibility it is worth striving for—that humanity may in good time reach that point where law and moral force will do for the international world what these now do for its international units.

My limit of time has made it impossible for me to explain that great creation, the permanent Court of International Justice, which has now been established, and which holds its first session in the Hague in June of this year; which has received the unanimous ratification of the members of the League, and with reference to which eighteen members of the League have

asked that it may be made compulsory for all cases of dispute, whether the parties agree to the matter or not.

I leave with you one question: if not this, what? In the words of Mr. Balfour, "Were the League of Nations abolished to-morrow what body either exists or could be found to take its place?" And with Mr. Balfour I hazard the assertion that no reasonable, intelligent person will rise from the pondering of that question, and the perusal of the information upon which it depends, without becoming a life-long and convinced supporter of the work of the League of Nations.

Hon. Mr. LYNCH-STAUNTON: I would like to ask the honourable gentleman to explain one question. I understood from him that if any member of the League of Nations were to backslide the other members could send him to Coventry. Now, is there anything in the constitution of the League of Nations which prevents any member from honourably resigning, thus leaving him free to declare war on the others?

Right Hon. Sir GEORGE E. FOSTER: There is nothing to prevent any member of the League of Nations from severing its connection with the League. As I said before, the League of Nations depends on the assent of the nations, and if a nation becomes dissatisfied and wishes to end its connection, the Covenant of the League provides a way of honourably severing that connection. But there is in the Covenant of the League itself, and there is in the purposes of the League, this: that suppose you get the great majority of the nations into the League itself, and some nations remain outside, and those nations propose to carry on war, they may be invited to make use of the instrumentalities of the League in order that war may be avoided and that peace may in the end prevail and if they still persist they too could be effectually sent to Coventry.

Hon. G. D. ROBERTSON: Honourable gentlemen, we have listened with much pleasure, and I think great profit, to the able speech which the right honourable gentleman has just finished. There is one phase of this important question which I think merits some attention, and probably the time and other business of the House will not permit that to be dealt with to-day. I therefore beg permission to move the adjournment of this debate until to-morrow.

The motion was agreed to, and the debate was adjourned until to-morrow.

JUDGES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 19, an Act to amend the Judges Act.

He said: Honourable gentlemen, this is a very short Bill, composed of one paragraph, which has for its object the increasing of the number of puisne judges of the Court of Appeal for Saskatchewan from three to four, and authorizing the treasury to pay the salary of that judge. This increase has been sanctioned, and the Bill is presented as a sequence to a provincial Act which constituted the Court of Appeal. As every honourable gentleman knows, under our Constitution the provinces create the office; the Federal Government fills the office and pays the salary.

Hon. Mr. FOWLER: What necessity is there for another judge in Saskatchewan?

Hon. Mr. DANDURAND: Of course, that lies largely, I would say exclusively, in the discretion of the legislature of each province. The Legislature of Saskatchewan has affirmed the necessity for an additional judge, and I have observed that the members from that province who spoke in another place on this subject endorsed the need. The Attorney General of that province communicated to the Minister of Justice his opinion to the same effect, and the Federal authorities, including the Minister of Justice, have deemed it expedient to comply with the demand from Saskatchewan.

Hon. Mr. FOWLER: Does this Bill cover the province of Prince Edward Island, which I understand is asking for another judge?

Hon. Mr. DANDURAND: This Bill covers only the case of Saskatchewan. I do not know anything about Prince Edward Island.

Hon. Mr. FOWLER: It is a matter of some importance now, in view of the very considerable salary that is paid to a judge, and in view of the financial condition of this country at the present time, and of the fact that it can no longer subsist by taxes taken from us without our feeling it extracted from us imperceptibly by means of customs duties. We are to-day paying taxation for Federal purposes by an income tax which some of us feel pretty keenly, and I say it is a matter of some importance that an additional judge should be appointed and the additional cost placed

upon the country. It is a very simple matter for provincial legislatures to create judgeships from some political necessity, in order to get rid of some politician, perhaps, who cannot be otherwise provided for, and who is a stumbling block in the way of effective government by the party—for party reasons solely, and not for reasons of public necessity. I say that this Parliament should be very careful before they provide for additional judges. In many of the provinces there are too many judges now; there are more judges than there is work for. That goes to show that we are not a litigious people, and so we have a larger bench of judges than there is real necessity for, and the country pays the cost. I think that this government and this Parliament would be well advised to insist on some good and cogent reason—a public reason, not a party reason or a private reason—why the country should be saddled with the cost of an additional judge in the province of Saskatchewan. I question very much if the public desires or requires an additional judge in that province, or in any one of the provinces of Canada. So I would hope that better reasons would be advanced why we should vote this amount, or why we should pass this Bill. Indeed, no reason whatever has been given by the honourable leader of the Government, who is charged with the duty, in this House at least, of protecting the treasury of this country. We have just borrowed one hundred millions of dollars in the United States.

Hon. Mr. ROBERTSON: And paid two and a half millions for the privilege.

Hon. Mr. FOWLER: We are not paying our way to-day in this country. Outside of the province of Quebec, and perhaps the province of British Columbia, there is not a province in Canada to-day that is not more in debt at this time than it was at the same period last year. Where are we going to end? Where are these things going to stop? Surely the Federal Government should set an example. Our income to-day is not equal to our expenditure; and yet we are asked, in this off-hand way, to declare that there shall be another judge, and another large amount taken out of the treasury to support that judge.

I ask honourable gentlemen to think over this. I ask them to consider whether or not they are doing their duty to the people of this country, who pay the bills, in gaily voting this amount, or passing legislation which will call upon Parliament to vote this amount. I appeal to the honourable gentlemen in this Chamber, who are not swayed by party passion, or party prejudice, or party reasons, but are prepared, or should be prepared, to give every matter that comes before them a fair, independent and impartial treatment—I appeal to them to remember that, no matter what attitude may be taken by gentlemen of the Lower House, who claim to be the representatives of the people, there is laid upon us the duty of seeing that no hasty legislation is passed which shall injure the body politic, and that we are just as good judges of what is best for the people of Canada as are the men who are directly elected by the people. Now I have nothing further to say. I merely sound a note of warning and ask the honourable members of this Chamber to think over this before passing legislation which would make further imposts upon this country.

Hon. Mr. McMEANS: May I ask the honourable leader of the Government when the legislation was passed requiring the appointment of a judge? At what session of the provincial legislature of Saskatchewan?

Hon. Mr. BLONDIN: At the last session of the legislature of Saskatchewan. The Minister of Justice referred to it.

Hon. Mr. DANDURAND: Yes. I was looking into the statement of the Minister of Justice. I am told that he made the statement that it was at the last session of the legislature.

Before answering the honourable gentleman (Hon. Mr. Fowler) I will wait to see if there are other honourable gentlemen to speak on this matter. If no one desires to put any further question—

Hon. Sir JAMES LOUGHEED: Would my honourable friend permit me to put a question? I am unaware whether he is in a position to answer it or not. It seems to me that throughout the provinces of Canada there is no well established practice by which the judiciary is increased intelligently. As my honourable friend from Kings and Albert (Hon. Mr. Fowler) has just pointed out, a political exigency may arise and suddenly a Bill is introduced in the legislature to increase the number of judges, imposing upon the Federal exchequer a very substantial addition to the public expenditure. I challenge, in a sense, the knowledge of the provincial legislature on the question whether an increase in the judiciary is really advisable or not.

From my observation and knowledge of the manner in which this subject is dealt with in the various provinces of Canada, I believe that the legislature knows very little about it. The Attorney General of each province is usually regarded as the spokesman, or as the depositary of knowledge upon questions of this kind, and yet it is very seldom that the Attorney General of a province is in close contact with the judiciary and with the volume of work falling upon that body. The law society of a province is probably the best authority upon the question whether the judiciary should be increased or not; but my observation is that it is very seldom that this class of information is obtained from the law society of any province. I do make with every confidence the statement that no uniform practice is followed out by the provinces of Canada as to the increase of the judiciary; that instead of the requirements of the public being considered, the political requirements of the dominant party invariably determine the question. I have no desire to oppose this Bill—in fact, I am not opposing the Bill. I am fully aware of the very rapid growth of legal work in those western provinces, and I do not question at the present time the desirability of increasing the judiciary in the province of Saskatchewan, particularly the Court of Appeal. At the same time, inasmuch as the Federal Government is called upon to pay the bill, there is no reason why it should not exact from the provinces of Canada some intelligent and uniform method of determining whether the judiciary should be increased or not.

Hon. Mr. FOWLER: May I ask the honourable gentleman a question? Does he know how many members there are in the Court of Appeal to-day?

Hon. Sir JAMES LOUGHEED: My honourable friend informs me that this is to create a fourth member.

Hon. Mr. DANDURAND: No, a fifth.

Hon. Mr. FOWLER: The fifth wheel of a coach. Cannot four men decide just as well as five? They sit en banc. Why are not four as good as five, or three as good as four?

Hon. Sir JAMES LOUGHEED: I was about to observe that from my observation as a member of the legal profession—I have not been working at it very closely of late years—it is my judgment that the judiciary of Canada is not an overworked body. I venture the further statement

that the judiciary of Canada to-day is too numerous for the volume of work it has to do, and inasmuch as we have entered upon a period of thrift and retrenchment, the Government could very well set the example by questioning the desirability of increasing the judiciary of Canada and thus adding to the burden which we have to bear.

Hon. Mr. DANDURAND: Honourable gentlemen, we are told that the provincial legislatures are not the best bodies to furnish information to the Federal Parliament as to the necessities of the judiciary. Unfortunately the constitution lays upon the legislature the obligation of providing the offices and of administering justice in the province, and it seems at all events that there was some sense in thus dividing powers between the province and the federal authorities. I confess that I know nothing, and can know nothing, about the requirements of Saskatchewan, and it seems to me that the legislature that sits in Regina alongside the court or the Attorney General, who is responsible for the administration of justice in that province, is better fitted than the Minister of Justice, who sits in Ottawa, and comes from another province.

Hon. Mr. TANNER: He is.

Hon. Mr. DANDURAND: I have said from the outset that it is my duty to furnish information to this Chamber. I must take that information from the best source. In another place, as far as I can see, only two representatives from the province of Saskatchewan rose to their feet and spoke on the question. It seems to me that their opinions are worth citing. They are not followers of the present Government. Mr. Johnson, of Moosejaw, a barrister, says:

> Some months ago,—

I know I am violating a rule, but I think it is only common sense for us to take the best information that is at hand—

> Some months ago, before even the position was created by the Saskatchewan Government, this matter was drawn to my attention by some members of the legal profession in the city of Regina. I believe it was advanced as an argument by the Chief Judge of the Court of Appeal of Saskatchewan that the work was in arrears; that they could not possibly keep up with it; that there was an absolute necessity for the appointment of another judge to the Court of Appeal, this argument was put up to me, and I believe it was pretty well accepted in Saskatchewan some time before the position was created by the legislature of that province.

Mr. McConica, from North Battleford, gives his opinion as follows.

Hon. Mr. FOWLER: Is he another barrister?

Hon. Mr. DANDURAND: I think he is, and I infer from a statement which I will now quote that he was at one time a member of the judiciary. He said:

I think it was quite well understood throughout the province of Saskatchewan that there would be a request for an additional Judge of Appeal for the bench in that province, no matter what party was returned to power as a result of the last election. The Estimates show that in Manitoba there are five judges in the Court of Appeal.

The population of Manitoba is much smaller than that of Saskatchewan.

The estimates show that in Manitoba there are five judges in the Court of Appeal, in Alberta five, and in Saskatchewan four. I was formerly connected with the courts of Saskatchewan, and I am well advised that the Court of Appeal in that province is crowded. I am not sure that they are despatching the work as expeditiously as some other courts are doing, although I am perfectly sure that they think they are. I suggest to hon. gentlemen that if this Parliament could arrogate to itself the right to say that Saskatchewan shall not have this judge, then it would have the same right to stop the wheels of justice altogether in that province or in any other province.

Hon. Mr. FOWLER: That is a beautiful argument, surely.

Hon. M. DANDURAND (reading):

If we can refuse this request we can refuse to implement any other action which any province, under the constitution, has the right to take in matters relating to the administration of justice. I certainly think that the province should have the additional judge.

Hon. Mr. FOWLER: I will swear that the man is not a barrister who talks in that way.

Hon. Mr. DANDURAND: These are the only two members from Saskatchewan in the other Chamber who spoke on the matter, and I give their opinions for what they are worth.

Hon. Mr. FOWLER: Both those men are farmers, I understand; so the information the honourable gentleman got from alongside of him is somewhat defective.

Hon. Mr. TANNER: Honourable gentlemen, I was a little interested in this matter for one reason—

The Hon. the SPEAKER: I do not like to interrupt the honourable gentleman, but I understood that the honourable leader of the Government was making his reply, and if any honourable gentleman wanted to speak he ought to have spoken before the honourable leader of the Government.

Hon. Mr. FOWLER: We were going to have a long debate. Surely you are not going to shut us off now.

Hon. Mr. DANDURAND: I looked around to see if anyone intended to speak, and the honourable leader of the Conservative party (Hon. Sir James Lougheed) did rise and speak, and I thought he was closing the debate. But if the honourable gentleman (Hon. Mr. Tanner) wishes to speak, perhaps it might be done by general consent.

Hon. Mr. FOWLER: The discussion is not going to close as early as that.

Hon. Mr. TANNER: I was waiting until other honourable gentlemen had finished. I had a few remarks to make about the matter. As I have said, I was interested in it for one reason. There has been unfortunately a vacancy on the Supreme Court Bench of Nova Scotia since the 16th of March, and we have only six Supreme Court Judges in that province. These six Supreme Court Judges have to try all the cases; that is to say, they have all the ordinary King's Bench work, they have to hear all the appeals, they have to dispose of all divorce cases, of which there were fifty last year and fifty the year before. Since the 16th of March there are only six to do the whole work of the Superior Court. In Saskatchewan there are at the present time eleven Supreme Court Judges and eighteen District Court judges. It occurred to me that, if there is need for a great deal of hurry in the creation of another judgeship in the province of Saskatchewan, there should be some reason for the Government moving in regard to the vacant judgeship in the Province of Nova Scotia.

Hon. Mr. FOWLER: What is your population as compared with the other?

Hon. Mr. TANNER: We are about 500,000.

Hon. Sir JAMES LOUGHEED: How does the volume of litigation compare with that of Saskatchewan?

Hon. Mr. TANNER: I will give you that in a moment.

Hon. Mr. DANDURAND: I suppose that the Government could perhaps find a barrister in Nova Scotia ready to accept the call.

Hon. Mr. TANNER: Oh, I think so.

Hon. Sir JAMES LOUGHEED: Several of them.

Hon. Mr. FOWLER: There are so many of them that you cannot pick them out.

Hon. Mr. TANNER: I understand that there are more than one who would be quite willing to take the appointment.

Hon. Mr. FOWLER: More than one hundred.

Hon. Mr. TANNER: If my honourable friend can hasten the appointment of one of the gentlemen who are very well qualified for the position, I am sure he will confer a favor on the public and also on the other members of the Bench.

Hon. Sir JAMES LOUGHEED: And particularly on the man who is appointed.

Hon. Mr. TANNER: And particularly on the man who is appointed. Now, I want to say in this connection, too, that I think there should be a better reason given for the creation of an additional judgeship in Saskatchewan. Like any other honourable member, I have no desire to prevent Saskatchewan from having all the judges that the business of the province requires, but I think, agreeing with my honourable friend in front of me (Hon. Mr. Fowler), that we are entitled to have reasons. For my part, I dissent absolutely from the ground which I understand was taken in the other House, and which apparently is taken here, that we must accept the judgment of the provincial legislature. Would my honourable friend (Hon. Mr. Dandurand), for example, accept the judgment of the provincial legislature if this were a recommendation to increase the number of judges in Saskatchewan by three or four? Or, suppose they came down with the proposition that they should double the Court of Appeal, would he accept that without any question? Would he not feel that, inasmuch as we here in this Parliament are the custodians and trustees of the money of the people, we have a duty to perform, as well as the gentlemen who compose the provincial legislatures.

Hon. Mr. DANDURAND: Would the honourable gentleman allow me to put to him a question?

Hon. Mr. TANNER: Yes.

Hon. Mr. DANDURAND: Is there not something in this fact? Saskatchewan is asking to increase its judges in the Court of Appeal from four to five, and on both sides of Saskatchewan—in Manitoba and Alberta—there are five judges in the Court of Appeal. My honourable friend speaks of a demand being possibly made for four or five more judges. Just at present there seems to be an equalizing procedure as amongst those three provinces.

Hon. Mr. FOWLER: Take one judge out of the eleven and put him in the Court of Appeal.

Hon. Mr. DANDURAND: And Saskatchewan has a larger population.

Hon. Mr. TANNER: Honourable gentlemen, I do not accept the view that because the province of Alberta has five judges in its Court of Appeal the province of Saskatchewan is entitled to five. There must be some sounder basis to proceed upon than that. I would prefer to proceed upon the basis of the litigation work that is to be done. If there is work in Saskatchewan for five judges, very well, let them have five. But if there is not work in that province for five judges, why should they want that number? Simply because the province of Alberta has five? I do not accept that as a reason, any more than I accept the reason which is given, that because the legislature chooses to pass an Act saying that the Court of Appeal shall consist of a chief and four instead of a chief and three, this Parliament is bound to accept that as the final judgment. I regard it as the duty of this Parliament to satisfy itself that these judges are necessary. We are not appointing judges merely as ornaments; we are appointing judges to administer the law; and if there is work for them, well and good, but if there is not work for them, they should not be appointed. I think that it is the duty of the honourable leader of the Government in this House to satisfy this House that owing to the quantity of work in that province there is need for another judge upon the Court of Appeal in the province of Saskatchewan.

I have gone to the trouble to read over the reports. I have taken the provinces of Saskatchewan and Alberta for comparison with Nova Scotia and New Brunswick. In Saskatchewan they have four judges in the Court of Appeal, seven judges on the King's Bench, and eighteen district judges. In the province of Alberta they have five judges in the Court of Appeal, six judges on the King's Bench, and twelve district judges. In Nova Scotia, as I explained a moment ago, we have seven judges, who do all the work—trial work, chamber work,

appeal work; and seven county court judges. In New Brunswick they have three in the Appeal Court, four on the King's Bench, and six county judges. That is the outfit. I have taken the Law Reports for these provinces for the last three years that I could find in the Library, and averaging these three years I find that the province of Saskatchewan had an average of 75 appeal cases each year for the three years; the province of Alberta had an average of 149 appeal cases; the province of Nova Scotia had an average of 102 appeal cases, and the province of New Brunswick had an average of 70 appeal cases.

If seven judges in the province of Nova Scotia can try all the cases at nisi prius and can do all the chamber work and carry on all the admiralty business, as they have to do, and dispose of the divorce cases, which have accumulated very greatly, and also hear 102 appeals, what reason can be advanced to satisfy us that four appeal court judges who have nothing to do but hear appeal cases cannot dispose of 75 appeals? Three Appeal Court judges in the province of New Brunswick disposed of an average of 70 cases a year.

Hon. Mr. FOWLER: And they have not enough to do to keep their feet warm.

Hon. Mr. TANNER: I submit, honourable gentlemen, that the work to be done is the only basis upon which the membership of a court can properly be increased. If there is so much work that the present Appeal Court cannot overtake it, if they are overwhelmed and business is dragging behind and suitors are delayed, these are reasons for increasing the number of judges. But the mere fact that there is out west a politician who is in close communication with this Government, a politician in distress, for whom the clock has struck twelve, and who has decided to get out while the getting out is good, is no reason for increasing the number of judges on the Appeal Court Bench in the province of Saskatchewan. That is no reason for adding $9,000 a year to the pay roll. This gentleman may be a very good lawyer, or he may not. I know nothing about him in that regard, but I take it for granted that the leader of the Government will not deny for one moment that this legislation is going through with a view to the appointment and for the personal advantage of Hon. Mr. Martin, ex-Premier of the province of Saskatchewan.

Hon. Mr. FOWLER: He never heard his name before. He does not know him.

Hon. Mr. TANNER: I am aware that it was said in another place that that information had not leaked through to the Department of Justice. To my knowledge it has been paraded in the newspapers for the last four or six weeks; in fact, one could not take up a newspaper containing news from the West without learning that Mr. Martin was going out of the Government of Saskatchewan, that he was to be succeeded by Mr. Dunning, and that he was to be appointed to a place on the Appeal Court of the province.

I have that very interesting information under my hand. No later than the 18th of this month a very responsible newspaper known as the Citizen, published in Ottawa, announced in connection with the creation of the new Government in Saskatchewan:

> That when the Senate returns, the Bill creating an extra Judge of Appeal in Saskatchewan will be passed, and it is expected that former Premier Martin's appointment will follow immediately.

That is only one of a score of announcements made in the newspapers, and I am very much surprised that that information has never drifted into the Department of Justice, as would appear from remarks made in another place when this Bill was under consideration.

I do not know how other honourable gentlemen were impressed during the latter part of last year, but I was very much impressed by the statements which were frequently made by the Prime Minister and by gentlemen who were supporting him in regard to the morality of appointing political friends to public offices; and, on the other hand, the great urgency of exercising economy. These were two staple subjects upon which the Prime Minister and his friends expressed themselves on numerous occasions. On more than one occasion the Prime Minister held up his hands in horror at the idea of the late Government appointing political friends to this Chamber and to the Bench, and I for one got the impression that when that honourable gentleman had come into the position which he now occupies we would have a new era in this regard, and that no longer would men be appointed to important and responsible positions for mere partisan purposes.

Hon. Mr. FOWLER: Did you really think so?

Hon. Mr. TANNER: Thinking that, I never thought for one moment that the Prime Minister and his colleagues would so far forget what they had said, and that they would be doing not only what they had been charging against their political predecessors, but actually consorting and agreeing—I would not like to use the word conspiring—but consorting and agreeing with a politician in distress at the western end of the string, not only to appoint him to an office, but to have an office and a salary created for him. As I understand this matter—and if I am wrong I shall be glad to be corrected—that is precisely what is being done in this instance. What is the situation at the other end? The honourable gentleman who is to be put upon the Bench was the Attorney General and Prime Minister of the province of Saskatchewan. The time came when the invasion of the farmer hosts began to menace his position. The signals of danger went up. The honourable gentleman came to the conclusion that if anything were to be done on his personal behalf, it had better be done quickly. The announcement went out that he was going to leave the Government. But before he left the Government he was very careful to leave something which would provide the ways and means to prevent his being altogether shipwrecked. The honourable gentleman himself, as Attorney General and Premier of the province of Saskatchewan, introduced a Bill in the Legislature of that province. I have a copy of that Bill under my hand. It is entitled, "An Act to amend the Court of Appeal Act," and it provides that:

> His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:
>
> 1. The Court of Appeal Act is amended in the manner hereinafter set forth.
>
> 2. Subsection 1 of section 3 is amended by substituting the words "four" for "three" in the fourth line.

That is the section which provides for the number of judges in the Court of Appeal; and that Bill was introduced by Mr. Martin, whose name is on it. It became law on the 9th of February, 1922. One month after it became law the Minister of Justice in this Parliament introduced his resolution providing for the approval of this action and the creation of an additional judge and the payment of $9,000. I think we ought to have some explanation of a matter of that kind, if honourable gentlemen are going to the length of creating judgeships for the purpose of providing for their friends. This honourable gentleman in the West creates the office, and my honourable friend opposite and his colleagues are going to put into that office the gentleman who created the office. That is a queer kind of political morality, as I understand it, and I think it is a very queer kind of reason for asking this Parliament to authorise the appointment of an additional judge at a salary of $9,000.

Hon. Mr. FOWLER: And there is more: there are his expenses.

Hon. Mr. TANNER: As I said before, it is plain to me that the whole matter is arranged between Ottawa and Regina. The statutes of Saskatchewan were consolidated in 1920. This amending Act relates to the Consolidated Act of 1920. If there was a great demand for an additional judge in the province of Saskatchewan I would presume that they would have had some idea of it in 1920, a little over a year ago, and would have made provision at that time. But when the statutes were consolidated they said that three judges with the Chief Justice would be enough in the Court of Appeal. Out of political exigencies—and I use that phrase advisedly on the evidence I have before me—and not because of the need of another judge, we are being asked to create a new judgeship and to provide $9,000 for pay for it.

Hon. Sir JAMES LOUGHEED: Could my honourable friend say whether in his researches he met with any indications of this necessity previous to the 6th of December last?

Hon. Mr. TANNER: None. I think the great extremity arose when ex-Premier Martin was playing on both sides of the fence during the early part of the campaign. In the last week of the campaign he decided to come out in support of the present Prime Minister. That caused a break-up in his Government, Mr. Maharg, a Progressive member, resigning. It was then that the light came into the mind of Mr. Martin that he had awakened enemies and created a situation that would be his own undoing; and he consequently decided that he had better make the going good, which he did by this little Bill to which I have referred. Now my honourable friends opposite come to his assistance. I say, honourable gentlemen, the reasons given by the leader of the Government are not sufficient for the passing of this Bill, and I think he should defer further consideration of the Bill before asking us to vote this additional charge on the Treasury.

Hon. Mr. McMEANS: Honourable gentlemen, I regret that I have no information to give to the House in regard to this matter; but while the honourable gentleman who has just taken his seat was speaking it struck me that there has been undue haste in this matter. I know of cases in which provincial governments have made provision for an extra judge and in which no appointment has been made for several years. Here we have the case of an Act of the Legislature being passed in February and a Bill being introduced in the House of Commons as soon as it meets and being sent to us so that we might act as a rubber stamp—or, rather, it is a case of dropping a nickel in a slot and out comes a judgeship worth $9,000 a year. A short time ago I listened to a discussion in another place in which it was stated that we could not afford to send the militia of this country out for five or six days training. I have no desire to oppose this appointment if there is any necessity for it; but if it is put on political grounds, I think this honourable body should not be expected to carry out any political manoeuvres at the instigation of honourable gentlemen in another place. I know that at the present time there is a vacancy in Manitoba, and I do not know of any haste to make an appointment.

The leader of the Government in this House has not given us any facts in regard to this case. In the province of Manitoba is the third city in size in the Dominion of Canada, where there is a great deal of litigation of a very important character, and I have no hesitation in saying that even there the Court of Appeal could get along very well with only four judges. We all know that an Appeal Judge does not try any cases, but that before they come to him they must be tried in the first place by the trial judges. I should like to ask the leader of the Government if this appointment is going to be made immediately if this Bill goes through?

Hon. Mr. DANDURAND: I know nothing about it. I may also say that I have not read in the newspapers the information which my honourable friend from Pictou (Hon. Mr. Tanner) has imparted to this Chamber. But, as my honourable friend has asked for some further data as to litigation in Saskatchewan, and the necessity for the fourth judge—

Hon. Mr. McMEANS: The fifth judge.

Hon. Mr. DANDURAND: I have no objection to adjourning this motion in order to get the information that he desires and that is probably in the possession of the Department.

Hon. Mr. McMEANS: Under these circumstances, I move the adjournment of the debate.

Hon. Mr. TURRIFF: Before the debate is adjourned, may I say a few words? Not being a member of the legal profession, I do not know anything at all as to the amount of litigation in Saskatchewan as compared with that in the other provinces; but I would like to point out that Saskatchewan has about 200,000 more people than either the province of Manitoba or the province of Alberta. The conditions in the province of Saskatchewan are absolutely the same as those in the adjoining provinces.

Hon. Sir JAMES LOUGHEED: No, not at all. One is agricultural, and the other is very varied indeed.

Hon. Mr. TURRIFF: There is very little difference, except that in Alberta they have less grain growing, and more cattle raising, and that there is a good deal of coal mining. The conditions are very much the same, and naturally there will be more litigation where there are 200,000 more people in a province than where there are that many less. Yet my honourable friends thought it was all right to appoint five judges to the Appeal Court in both of those adjoining provinces. My honourable friends are very anxious to practice economy, but there is another case along these lines that I would like to draw to their attention as to the Government making places and positions and providing salaries for their friends. If there is one case in the country that is objectionable I think it is that of the late Minister of Justice, a man drawing a good pension from Canada; yet when he resigned the office of Minister of Justice a position was made for him, and a salary, not of $9,000 a year, but of $10,000 a year was provided in addition to his pension, and he is drawing that salary now.

Hon. Mr. McMEANS: Why don't you cut it off?

Hon. Mr. TURRIFF: If there is not work enough for judges to do in some of the provinces, there is ten times less need for a man to do the work for which that honourable gentleman was appointed. My honourable friend has taken a sudden fit of economy.

Hon. Mr. FOWLER: We had nothing to do with that appointment; it did not come before us. I think that is as objectionable as this is. Both should be cut off.

Hon. Mr. TURRIFF: If he thinks so, well and good: we did not hear anything of that kind up to the present minute.

Hon. Mr. FOWLER: We had nothing to do with it.

Hon. Mr. TURRIFF: All that I wanted to point out was that in the province of Saskatchewan, with a much larger population, there is more necessity for an increase in the Appeal Court than in any of the adjoining provinces; but, as I said, I do not know enough of the legal work of the provinces to speak with any very great authority on that subject. I am glad, however, to see that my honourable friend, the leader of the Government, is going to bring down the necessary data, or whatever data the Department of Justice may have.

On motion of Hon. Mr. McMeans, the debate was adjourned until Wednesday next.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Thursday, April 27, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

THE LATE HON. SENATOR THOMPSON

TRIBUTE TO HIS MEMORY

Hon. RAOUL DANDURAND: Honourable gentlemen, the flag flying at half-mast on the tower and the flowers by my side bespeak our loss. It is my sorrowful duty to inform the Senate of the demise of an old and esteemed colleague, Senator Thompson.

He had been with us for over twenty years, having been appointed to the Senate in 1902. He came to this Chamber fully equipped to discharge his duties from a long life of commercial and industrial experience crowned with success, and from activities in the public life of his own province. He was without doubt to the last day of his life a public-spirited citizen of the province of New Brunswick. He was a councillor and warden of the county of York; he was a member of the Legislative Assembly; he was a member of the Legislative Council up to the time of its abolition; he was a member of many boards of commercial and industrial corporations. He was interested in philanthropic work in and around Fredericton, and in that field displayed the same public spirit and large heartedness. He was President of the Victoria Hospital at Fredericton.

We had occasion to realize that he was a man of good judgment and wise counsel; one of the weighty members of this House, who always showed a deep knowledge of the questions that we debated, and who brought the fruit of his experience to the solution of these questions in Committee and in the House.

He had a warm friendship for his colleagues, and was indeed an ideal friend. Our sympathies, I am sure, will go to his family and to a bosom friend of his who sits among us, our esteemed colleague, Senator Yeo, whom I desire to name inasmuch as one could not think of the one without thinking of the other—those two friends whom we saw moving about among us as though they were brothers. My contact with Senator Thompson was, like that of the Senators at large, a most agreeable one; and I am sure that I express the thought of everyone when say that the Senate has lost a loyal and good colleague who has done honour to this Chamber and to the country at large.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, when the senior member for Halifax (Hon. Mr. Roche) yesterday directed our attention to the serious illness of our late colleague, we were filled with hope that that illness would not prove fatal. I have known the late Senator Thompson for the last twenty years; I have had the pleasure and the honour of a very close friendship with him; in fact, he possessed a temperament which peculiarly attracted to him the sympathy and friendship of his fellow men. He had a host of friends. Although he had been closely associated with the Liberal party during most of his life, yet I feel confident in saying that his friendly affiliations were almost as much identified with the party to which he was politically opposed.

The late Senator had been for twenty years a member of this Chamber—in fact, he was a very active member. We all regarded ourselves as fortunate if he accepted the responsibility of the chair-

manship of any of the committees of the House, an honour which was repeatedly thrust upon him, and a duty which he discharged with great efficiency and acceptability to those who constituted the committees. He had been a business man during practically his entire life. He had been identified in a large way with business, in this Chamber we had the advantage of the experience, observation and judgment which he brought to bear upon all business questions and problems with which we have had to deal.

His death has come as a shock to all of us. It was, I think, only a week ago that I had the pleasure of dining with him. Although at the beginning of this Session he came to us in impaired health, he was, at the time to which I refer, optimistic as to his early recovery and seemed to me to possess his usual health and spirits. I was therefore particularly shocked when the other day I learned that he had been taken to the hospital in a very serious condition, a condition which has proved fatal to him. It reminds us, honourable gentlemen, of what shadows we are and what shadows we pursue. I am sure that this Senate will for many years cherish the pleasant memories which we entertain for our late colleague, and we to-day express our sympathy with his family in the great bereavement which they have suffered.

DAGENAIS DIVORCE CASE

REPORT OF COMMITTEE

Hon. Mr. PROUDFOOT moved concurrence in the twenty-fourth report of the Standing Committee on Divorce, to whom was referred the petition of Marie Louise Dagenais, together with the evidence taken before the said Committee.

Hon. GEORGE W. FOWLER: Honourable gentlemen, usually Bills of this kind pass through this Chamber without contest. The House is perfectly satisfied, as a usual thing, with the conclusions and judgment of the Committee. But, looking over the evidence adduced before the Committee in this case, I am not satisfied that this divorce should be granted. I do know whether or not honourable gentlemen are familiar with this evidence. It is largely of a hypothetical nature, and it seems to me does not under all the circumstances completely support the findings of the Committee. It was alleged that the husband was unable to consummate the marriage; that owing to some physical infirmity he was not capable of that consummation which is so important, and, I suppose, pleasurable, in connection with the ancient institution of matrimony. This lady lived more or less in connubial bliss with Mr. Dagenais for twenty-four years, during all of which time the same incappacity on his part was present, without any complaint or effort being made by her to have the marriage tie dissolved. This fact, it seems to me, militates against her. It does seem to me that having passed the period of youth and exuberance, when the consummation would be of great importance to the lady, she might have spent the rest of her existence in the same condition. Because for some reason or other the lady desires to get another partner in life is not in itself sufficient cause to dissolve the marriage contract. There is no evidence, nor is any attempt made to introduce evidence, that outside of this one particular thing the husband was not a proper husband and did not do his duty by his wife faithfully, honestly, and honourably. So I ask that honourable gentlemen, before voting for this Bill, will carefully scan the evidence in this particular case. I do not profess to read the evidence in all these cases, but this case had peculiar incidents connected with it, which caused me to look it over. The evidence of the lady herself, it seems to me, is faulty. She claims that certain things occurred during the attempts that were made at consummation, and it does seem to me that it would be difficult for her to speak accurately as to what the results were. The evidence of the medical man certainly does not add any strength at all to the case, because he was unable to say that the husband was incapable of performing the act which is necessary for the consummation of a marriage.

As I have said before, I do not think that the Senate should encourage divorce; for it is a solemn thing for two persons to pledge themselves in a contract for life, and it is only in exceptional cases that that contract should be dissolved; and I must say honourable gentlemen, that to my mind the evidence adduced here, particularly the evidence of the medical man, does not support the case for the petitioner.

Hon. Mr. MURPHY: He was very careful.

Hon. Mr. FOWLER: He was very careful, properly so.

Hon. Mr. McMEANS: Was the case defended? Was anybody heard representing the opposite side?

Hon. Mr. FOWLER: No; the case was not defended. I suppose that the husband probably did not like to appear in a case of that kind. My honourable friend, I fancy, would feel likewise. So that is not to be taken against him, honourable gentlemen. He would have a natural reluctance to come before the Committee and exhibit himself or give evidence in regard to the matter. I do not know how that might be done except in the presence of the Committee, and it would be shocking, I am sure, to the Chief Justice who presides honourably over that Court to have an exhibition of that kind. Taking it all in all, honourable gentlemen, I think that this report should be rejected. I—for one—will vote against it, because I do not believe in easy divorce. I look upon the marriage contract as a very sacred thing, and I think it is only, as I say, in exceptional cases that marriages should be dissolved. We should require before this tribunal, this high court of Parliament, at least as strong evidence as would be required before a court; and, as a barrister of considerable length of time and practice, I confidently state that no court in the land charged with the conduct of divorce would grant a divorce on the evidence adduced in this case. I am sure that in my own province it would not be done, and I do not think this high court of Paliament should accept less evidence than would an ordinary court of divorce and matrimonial causes.

Hon. Mr. PROUDFOOT: Which is the honourable gentleman's province?

Hon. Mr. FOWLER: Mine is the province of New Brunswick, I am happy and proud to say.

Hon. Mr. MURPHY: Not a bad province either.

Hon. Mr. PROUDFOOT: I thought the honourable gentleman might be from the province of Quebec.

Hon. Mr. FOWLER: I do not know of a better province in Canada. My honourable friend (Hon. Mr. Proudfoot) has spoken of Quebec. I do not know whether or not he speaks in slighting terms, but I want to say right here and now, though I do not come from the Province of Quebec, that, so far as legislation is concerned, Quebec is the most sane province in Canada. That is my answer to the suggestion of my honourable friend that I come from Quebec. Quebec is opposed to woman suffrage, which is one of the greatest curses ever inflicted on this country; and Quebec is opposed to prohibition, which is another fact in its favor. Honourable gentlemen, even if alone in doing so, I intend to vote against this report.

Hon. WILLIAM PROUDFOOT: Honourable gentlemen, as Chairman of the Committee I want to say a few words on this matter. The evidence given was, to the mind of the Committee, satisfactory, and I am certain that if any honourable member of this House will sit down and read carefully the evidence as it was given before the Committee, he will come to the conclusion that this was a proper case in which to grant a divorce. We had the advantage of hearing the witnesses; we had the advantage of knowing the stand that was taken, not only by the petitioner, but also by the doctor who gave evidence.

Hon. Mr. FOWLER: There was no stand taken, that was the trouble.

Hon. Mr. PROUDFOOT: Well, the statement made by my honourable friend just now shows clearly, if it is correct, that the Committee were perfectly justified in taking the course they did take.

Hon. Mr. FOWLER: That was the allegation.

Hon. Mr. PROUDFOOT: I was only referring to what the honourable gentleman said.

Hon. Mr. FOWLER: I say that was the allegation.

Hon. Mr. PROUDFOOT: It is a pity that such an eminent barrister as our honourable friend is not a member of that Committee.

Hon. Mr. FOWLER: God forbid!

Hon. Mr. PROUDFOOT: If he were a member of that Committee, I am perfectly safe in saying he would have taken exactly the same view that the members of the Committee did, and would have favored the granting of the divorce.

Hon. Mr. FOWLER: No.

Hon. Mr. PROUDFOOT: The honourable gentleman says no now because he desires to raise the question in the House. I do not know exactly why he desires to make objection to this particular divorce, but of course every one is entitled to his opinion. All I have to say, honourable gentlemen, is that if you have not had an opportunity of reading over the evidence and you feel that you are not in a position to deal with the case to-day, we can let the report stand over. I have no desire to

push the matter to a vote to-day if honourable gentlemen have not had the opportunity of examining the evidence.

Hon. Mr. WATSON: The honourable gentleman (Hon. Mr. Fowler) is satisfied with the explanation now.

Hon. Mr. CASGRAIN: Stand.

Some Hon. SENATORS: Carried.

Hon. Mr. FOWLER: Stand.

Some Hon. SENATORS: Carried.

The Hon. the Speaker declared the motion carried.

Hon. Mr. FOWLER: We will have a vote.

Hon. Mr. CLORAN: No, no; I say it is "not content". I want a vote on this question called by His Honour the Speaker.

Hon. Sir JAMES LOUGHEED: I would point out to honourable gentlemen that His Honour the Speaker has already declared the report carried. It is too late now.

Hon. Mr. CLORAN: I say it is not carried. I want a vote taken.

The Hon. The SPEAKER: I would explain to honourable gentlemen that I waited long enough for members to rise, and I did not see more than one honourable gentleman standing. That is not sufficient according to our rules.

Hon. Mr. FOWLER: There were two who rose.

The Hon. The SPEAKER: I declare the motion carried.

The report was concurred in.

DIVORCE BILLS

SECOND READINGS

Bill Q, an Act for the relief of Ethel Turner.—Hon. Mr. Ratz.

Bill R, an Act for the relief of Walter Michie Anderson.—Hon. Mr. Ratz.

Bill S, an Act for the relief of Mary Elizabeth Fredenburg.—Hon. Mr. Ratz.

Bill T, an Act for the relief of Sheriff Elwin Robinson.—Hon. Mr. Fowler.

Bill U, an Act for the relief of Rhoda Renfrew McFarlane Brown.—Hon. W. B. Ross.

BRITISH EMPIRE ASSURANCE COMPANY

SECOND READING

Hon. G. V. WHITE moved the second reading of Bill 2, an Act to incorporate British Empire Assurance Company.

Hon. Mr. ROCHE: Honourable gentlemen, the title of this Bill is the British Empire Assurance Company. There was a company called the British Empire Mutual Life Assurance Company, which was amalgamated with the Phœnix Assurance Company of London, and absorbed by it, as I am informed. I have been asked by the Phœnix Assurance Company of London to object to the same title being given to this company as was held by the former company, because it would conflict with the other company, and might induce intending insurers to think that they were insuring in the Phœnix Assurance Company of London when they were insured in the other company, and to prevent further friction. I have carried out that request by giving notice of this protest. I have no objection to the remainder of the Bill, its machinery or its conditions, and I would move that it be submitted to the Committee on Banking and Commerce, so that those who promote the Bill might there have an opportunity of conferring with the Committee and altering the title of the company. The other objects of the company can then be carried out.

Hon. G. V. WHITE: In reference to the objection raised by the honourable member from Halifax, I beg to state that when this matter came before the Committee on Banking and Commerce of the House of Commons this objection was raised. I have taken occasion to look into the matter, and have discussed it with the Superintendent of Insurance, and I find that the facts are as follows. Prior to 1903 a company was incorporated under the name, British Empire Mutual Life Assurance Company. In 1903 this company was merged with the Pelican Life Insurance Company under an Imperial Act, with the name Pelican and British Empire Life Office Act, 1903, this company doing solely a life insurance business. The British Empire Assurance Company, whose Bill is before us to-day, is a fire company. In the Pelican and British Empire Life Office Act as passed in 1903 was the following section:

6. From and after the commencement of this act the British Empire Company shall wholly cease to undertake any new business in the way of Life Assurance or otherwise and when the transfer of the assets of the British Empire Company has been completed pursuant to the Memorandum of terms the British Empire Company shall ipso facto be dissolved and the British Empire Mutual Life Assurance Act 1852 shall be and the same is hereby repealed. A certificate in writing under the hands of a majority of the directors of the Combined Office

that the transfer aforesaid has been completed shall when filed with the Registrar of Joint Stock Companies be conclusive evidence thereof.

This goes to show that that company waived the right to the use of that name. I understand that in 1908 these companies were merged with the Phoenix Assurance Company of London, England, and did away entirely with the former name. In so far as this objection is concerned, I feel that it is not well founded I might also point out that one of the other companies, the British America Assurance Company, also raises objection to the name in view of the fact that they had a subsidiary or underwriters' company called the British Empire Underwriters of the British America Assurance Company. I am not a lawyer, but from all I can learn these underwriter companies are not incorporated companies, and the Insurance Department does not recognize them as such. That being the case, the objection raised by the British America Assurance Company does not seem well founded. Under these circumstances, and in view of the fact that the Superintendent of Insurance informs me that this company has satisfied all the requirements imposed by the Insurance Act, it seems to me that no just grounds can be taken for objecting to the name of this company.

Hon. JOHN WEBSTER: I rise to second the resolution offered by the senior member for Halifax. I hold in my hand a letter from one of the managers of the Phoenix Assurance Company, which refers to clause 6 in the Dominion Insurance Act of 1917:

> Before issuing a license to a company, the minister must be satisfied that the corporate name of the company is not that of any other known company incorporated or unincorporated, or any name liable to be confounded therewith or otherwise on public grounds objectionable.

That is a very essential matter, I think, which would engage the attention of most policy holders. The British Empire Mutual Life Assurance Company was owned and controlled by the Phoenix Assurance Company for some time. I am told it has hundreds of policies throughout this country, and I fail to see why this company could not select some other name that would not conflict with a name that has been in existence for such a long period. I think they could easily find some name that would be just as reasonable as the one they have selected. The difference is very slight; one of them is known as the British Empire Mutual Life Assurance Company, which is owned by the Phoenix Assurance Company, Limited, whilst the other one is the British Empire Assurance Company. I think there is too much sameness, and that policy holders would be apt to make the mistake that the member from Halifax has mentioned.

Hon. Mr. MURPHY: I do not usually agree with my honourable friend from Halifax, but in the present instance I think he has made a very reasonable suggestion —that this Bill should go to the Banking and Commerce Committee and be threshed out there. There is a good deal to be said on both sides of the question, and when five or ten men get together around a table they will probably arrive at some conclusion that will be reasonable.

Hon. Mr. TURRIFF: I think there is another objection to the title of this Bill. We have in Canada a large insurance company doing business under the name of the North Empire, which is very much like the name of the proposed company, and a good many people could very easily get the names mixed—North Empire or British Empire. The North Empire is a fire insurance company; I do not know whether the proposed British Empire Company is for fire, or life, or what.

Hon. G. V. WHITE: Fire.

Hon. Mr. TURRIFF: Then they are both in exactly the same business, and one would be known as the British Empire and the other as the North Empire. I think it would be very objectionable to have two names so much alike. As the company is not yet incorporated I think it would be possible to choose a name that would not be objectionable.

Hon. G. V. WHITE: I would like to point out that the incorporators of this company submitted several names to the department, and no objection was taken by it to this name. Might I also point out that at the present time there are numerous insurance companies doing business in Canada with the word "British" attached to the title, such as the British Crown, the British General, the British Traders, the British Colonial, and the British Northwestern. I would also say that when this matter came up one of the officials of the Insurance Department telephoned to the agents of several companies in this city and asked them if they did business in connection with a British Assurance company. They immediately asked whether he meant the

British Colonial, the British Traders, the British General, or what specific British company was alluded to. Therefore, I think the objection raised, that the term "British" would be misleading, is not well founded.

Hon. JOHN WEBSTER: In reply to the honourable member from Pembroke. . .

The Hon. the SPEAKER: I do not like to interrupt the honourable gentleman, but he has already spoken. I would also point out to the House that the motion made by the honourable member for Halifax is really unnecessary. After the Bill gets its second reading, it goes to the Banking and Commerce Committee, where it will be discussed as to title and terms.

Hon. Mr. DANDURAND: The general practice has been to leave these matters of title to the Committee, which reports upon them.

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

PRIVATE BILLS

SECOND READING

Bill 3, an Act respecting the Burrard Inlet Tunnel and Bridge Company.—Hon. Mr. Green.

Second reading (Bill 7), an Act respecting The Kettle Valley Railway Company. —Hon. Mr. Green.

Second Reading Bill 9, an Act respecting The Canada Trust Company.—Hon. Mr. Blain.

Second Reading Bill 10, an Act to incorporate Canadian General Insurance Company.—Hon. Mr. Casgrain.

Second Reading Bill 11, an Act respecting La Compagnie du Chemin de fer de Colonisation du Nord.—Hon. Mr. Pope.

Second Reading Bill 12, an Act respecting The Interprovincial and James Bay Railway Company.—Hon. Mr. Gordon.

PENITENTIARY BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 25, an Act to amend the Penitentiary Act.

He said: Honourable gentlemen, this Bill has for its object the settling of a difficulty which has existed for a number of years in the transfer of prisoners from a common jail to the penitentiary after they have been condemned.

Hon. Sir JAMES LOUGHEED: That is, for a capital offence?

Hon. Mr. DANDURAND: No, for all offences. The Penitentiary Act requires that the surgeon of the jail in which the prisoner is detained shall give a certificate of good health to the prisoner, and that when he has reached the penitentiary the surgeon of the penitentiary shall certify again to the state of health of the prisoner, and to the fact that he is not infected with a contagious disease. If he is the warden of the penitentiary is not authorized to receive him, and yet he has been delivered over by the jailer or the sheriff of the district. The question has arisen as to the right of the jailer to receive him back after he has been refused at the penitentiary, and it is in order to overcome that difficulty that the present Bill has been introduced. I do not know whether honourable gentlemen wish me to read the Act as it stands and then the proposed amendment.

Hon. Sir JAMES LOUGHEED: Reserve it until the Committee stage.

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

NATIONAL DEFENCE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 27, an Act respecting the Department of National Defence.

He said: Honourable gentlemen, this Bill has for its object the uniting of the Department of Militia, the Naval Department, and the Air Service of Canada into one Department, namely, that of Defence. The Act will be cited as the National Defence Act. It is for the purpose of simplifying the work of these various branches of the defence of Canada, and, if possible, reducing the expenditure.

Hon. Mr. FOWLER: Is it the intention of the Government to reduce the staff by getting rid of some of the heads of departments, and thus effect a saving in salaries to the country, or are they going to carry an unwieldy staff?

Hon. Mr. DANDURAND: I think there is power vested in the Minister to retire some of the officers who may be deemed to be useless, and to allow them pensions. When we go into Committee I think my honourable friend will find that machinery is provided for reducing the staff. To what extent the Minister will succeed I do not know; but, if I am not mistaken, he has indicated in the other Chamber his desire to do so.

Hon. Sir JAMES LOUGHEED: Can my honourable friend say to what extent this fusion has been carried out up to the present time? I understand that the Naval Branch of the Marine and Fisheries Department is a distinct department. I undestand that the Naval Department is now under the authority of the Minister of Militia.

Hon. Mr. DANDURAND: Yes, that is as I understand it.

Hon. Sir JAMES LOUGHEED: And the fusion is already taking place. Of course, since its inception, the Air Service has been connected with the Department of Militia; hence the only department of the public service which will become fused with the Militia Department is the Naval Department. To what extent has that merger been carried out up to the present time? Have the officers of the Naval Department been retained, and are they administering the services of that Department as separate and apart from the defence duties as formerly administered by the Department of Militia?

And before my honourable friend rises to answer, may I ask to what extent are we maintaining the Air Service at the present time? Shortly after the Armistice was entered into, the Air Service was established on a rather elaborate scale, but I think it has since been diminished very considerably.

Hon. Mr. DANDURAND: Instead of giving my honourable friend pure and simple impressions, I will postpone my answer until we go into Committee on the Bill, when I shall have the exact data.

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

THE LEAGUE OF NATIONS

DISCUSSION CONTINUED

The Senate resumed from yesterday the adjourned debate on the inquiry of the Right Hon. Sir George E. Foster:

That he will call attention to the aims and work of the League of Nations and will inquire:—1. If the Government has received any report from the representatives of Canada as to the second Assembly of the League of Nations held in Geneva in September and October, 1921, and if so, will this report be laid on the table for the information of members?

2. If the Government has received the printed reports of the Council of the League of Nations made to the first and second Assembly, and if so, will copies of these reports be laid on the table for the information of members?

3. If the Government has received the printed monthly summary and supplementary reports of the League of Nations, and will copies of these reports be brought down?

Hon. GIDEON D. ROBERTSON: Honourable gentlemen, it is not my purpose long to detain the House in the discussion of this question. I think we all appreciate the usefulness of the very frank and instructive address made yesterday by the right honourable member for Ottawa (Right Hon. Sir George E. Foster), who very fittingly mentioned his purpose in bringing the question before this House, and his intention to remind the House and the country from time to time of this important institution, its prospects, its opportunities, and its accomplishments.

There is, however, one feature of the work of the League of Nations which my right honourable friend did not specifically refer to; and it is not because of any particular desire on my part to bring before the House the achievements or the desires of Organized Labour throughout the world, but rather for the purpose of smoothing, if possible, the way to better understanding on the part of public men, and to help to promote, if possible, better relations between employer and employed, that I take this opportunity of saying a few words with reference to the Labour Convention and the labour clauses of the Treaty of Peace as set out in Article 13 of that document.

In ancient times war usually emanated from one of three causes: the desire for conquest; the desire for revenge arising out of the memory of previous contests; and, very often, the prospects of plunder. But, due to the march of civilzation, conditions changed throughout the world, and wars were brought about by other causes, and we find that economic pressure due to the desire and the necessity of commercial expansion, the restriction of countries because of lack of raw materials required for their industrial life, and sometimes immigration, wield an influence on this question; and, again, we frequently find wars arising because of a desire to turn the attention of the people of a nation from their own internal difficulties. I think that the last great war was perhaps at least hastened in some degree by reason of the latter cause.

For some years past Organized Labour throughout the civilized countries of the world has steadfastly turned its attention in the direction of promoting and assisting in the promotion of universal peace. It

formed an organization known as the International Organization on Labour Legislation, to render aid and assistance to the Hague Tribunal in the efforts being made in that direction. In 1914, when the unfortunate World War swept down upon us, there were millions of working people who still clung to the hope, and, indeed, the belief that that determination of Labour throughout the world would have a salutary effect in preventing a world war. That hope was clung to tenaciously by some for a considerable period, but as time went on it became apparent that it must be set aside, and that every country that loved liberty, and the people in every country who believed in democratic institutions, must put their shoulder to the wheel and do their part to carry on the great struggle.

If there is any doubt in the mind of any honourable gentleman, I can perhaps best illustrate that and prove it to the House by simply referring to the actions of Organized Labour on the North American continent. There are resolutions on record as far back as 1913, clearly indicating the tendency that I have mentioned, and the desire on the part of Organized Labour in North America to foster and promote universal peace. In 1916 that idea was temporarily abandoned; and we know that in that year the legislative mouthpieces of Organized Labour on this continent the Trades and Labour Congress in Canada, and the American Federation of Labour in the United States—went on record as approving, as necessary, unstinted participation in the war. We know that in 1917 the American Federation of Labour at its convention made very strong pronouncements upon this subject. We also know that in March of that year there was held in the city of Washington a gathering of representatives of something over one hundred different labour organizations, representing over 4,000,000 men, the result of which was that a delegation waited upon the President of the United States and submitted to him the views of Organized Labour. It is a matter of history and record that within three weeks of the time that document was placed in the hands of the President of that great country, the period of procrastination ended and the United States came in.

During all this time, and again in the fall of 1917, Organized Labour reiterated its faith in the policy of universal peace, and its readiness to participate in such a policy; and urged that whenever the war might end the common people, the wage-earners who, by the way, represented more than 50 per cent of the Canadian army, and I assume that the same percentage might be found in every army in the field—should have some right to recognition and consultation when the terms of peace came to be discussed. Resolutions to that effect were passed in various countries, and submitted to the Governments of those countries. The Governments, however, had already recognized the necessity of co-operation with the men who must do the work, and that the war was not being won on the field of battle alone, but in the munition factories, the mines, and other institutions throughout the countries participating in the war.

Perhaps I may best emphasize that fact by pointing out a few simple illustrations. In France, I think just about the time war was declared, if not shortly before, two outstanding gentlemen in the labour world, both socialists, were wielding a strong influence against military aggression. One of them for reasons which, so far as I know, have never been ascertained, was assassinated; his colleague was on the point of touring France and speaking in protest against that crime when the war came. What was the result? That gentleman, who is now the head of the International Labour Office at Geneva, was almost immediately taken into the Cabinet of the French Government, and became Minister of Munitions. I mention this to indicate that when the pinch came, when France was in danger, when the people and the Government of that country were attacked by a foreign foe, what may have been regarded previously as advanced radical views on labour and social questions were set aside in the mind of that man and many others like him, who turned in and did their part, and an important part, in the carrying on of the war.

Likewise in England we find such men as the Hon. George Barnes, Mr. Clynes, and Mr. J. H. Thomas all taking a prominent part as members of the Government; also another prominent labour man in England, Mr. Peter Wright a gentleman who has visited this country on several occasions. We know the sentiments expressed by those men, and believe them because of the work they did in assisting to carry the war to a successful conclusion.

In North America, we know what the President of the American Federation of Labour did—his bringing together in April the convention of which I speak, and his voicing of labour's views before the

President of the United States. We know how Labour got behind the efforts of the Governments of the United States and Canada.

So when the time did come to sit around the table at Versailles and discuss the Treaty of Peace there was practically no voice raised in opposition to the desire of Labour to have representation and to have its future considered when the conference was attempting to reach its conclusions. Quite early in January of 1919, quite early in the formulation of the Treaty of Peace —I think, in Article 22—the high contracting parties agreed upon certain basic principles on this all-important subject and appointed a special commission to deal with it. I do not desire to weary the House by reading at length, but I would like to quote just that one little paragraph. This is Article 22 of the Treaty as it was proposed:

> The high contracting parties will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in thier own countries and in all countries to which their commercial and industrial relations extend, and to that end agree to establish as part of the organization of the League a permanent bureau of labour.

A special commission was appointed, as I have said, to deal with this all-important subject and to work out such clauses and regulations as were necessary to be inserted in the Treaty itself. Mr. Samuel Gompers, the President of the American Federation of Labour, was unanimously elected by the delegates from the various countries there present as the chairman of that commission. The commission held thirty-five sittings, and in April, I think, brought in its conclusions and recommendations, which formed the basis of what is Part XIII of the Treaty of Peace. Doubtless honourable gentlemen have perused the Treaty, but perhaps they have not read that one clause with all the attention that it merits, and I crave your attention for just a moment. Let us consider why the nations, members of the League, inserted Part XIII, what their object was, and whether or not it was a proper and laudable one. If it was, does it not deserve our best support?

Section 1 of the Labour part, Part XIII of the Treaty, states:

> Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;
>
> And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;
>
> Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;
>
> The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following:

Then follow the various clauses of the Labour convention in the Treaty. Briefly they provide for the organization of a permanent office which shall be the central point from which shall emanate to all the governments of countries that are members of the League, and to the organizations chiefly representative of capital and of labour in those countries, all information respecting industrial conditions throughout the world; and it is provided that there shall be held annually a conference which shall be attended by four delegates from each country in the League, two representing the government, one representing employers, and one representing labour, together with such advisers as the country may determine to send, a schedule in that connection being outlined as a recommendation.

The first International Labour Conference was held in the City of Washington in November, 1919, and was attended by representatives of governments, of employers, and of labour from thirty-eight countries of the world. It was an experiment. It was, as I might term it in my homely way, a glorified board of conciliation. Instead of individual employers and workmen sitting down to adjust a difference or dispute, there were representatives of employers from thirty-eight countries, representatives of labour from thirty-eight countries, and representatives of thirty-eight governments, sitting in conference and trying to harmonize different viewpoints. When one discovered the tremendous divergence of opinions and the great difference in conditions in various countries, one could readily realize the difficulty of trying to bring about on any particular subject any standard of condi-

tions that would be satisfactory, or even fair, to all of those different nations.

The various subjects under consideration were naturally and properly referred to different committees, upon which most of the countries had representation, and on almost all subjects unanimous conclusions were subsequently reached.

On some questions, it was obvious, uniformity was not possible. For example, on the question of hours of labour it was obvious that some of the countries represented at that conference could not adopt a universal eight-hour law, or even go back and recommend such a law to their government under their existing conditions—why? Because they had not yet advanced one step along the path of progress and in those countries people were working twelve hours a day and seven days a week, and children of eight to ten years or age were employed in their factories. It would entirely upset their system of industrial activity to make all these changes overnight.

The International Labour Conference was wise enough to realize that a revolutionary action of that sort could not be taken at once; but steps were taken in the proper direction, and the three countries principally concerned—Japan, China, and India—all made promises of improvement. They determined what those promises should be and then made them to the Conference. As a result, the industrial conditions in those three countries have improved since then, and as time goes by the conditions of employment and of life among workmen throughout the different countries of the world, parties to the League, will become more and more standardized; so that the disputes that arise because of the competition of cheap labour in one country as against the labour of our North American continent, for example, will gradually fade away and the possibilities of international disputes arising out of those industrial questions will dissappear.

I want to express, however, my very sincere and honest conviction that, while the League of Nations is theoretically an admirable institution and we all hope and pray for its final success, we must not be under the illusion that its stability is in any way, as yet, really assured. It is to me a house of cards. It is beautiful in appearance and is destined, if nobody kicks a hole in it, to be a great blessing to the world; but that can be accomplished only by the exercise of consideration and care and thought and patience on the part of all the members. I may be a little pessimistic on this point because of some years of experience in connection with the adjustment of industrial disputes. In thinking of the difficulties that we encounter even in the adjustment of disputes on a reasonably large scale, my thoughts wander back to 1918, when in the city of Vancouver there were 10,500 men on strike, members of eleven différent organizations, employed by 55 employers, and I had a committee of 24 employers and 52 labour men sit down and try to adjust that dispute. Well, we had a merry time for nine days, and finally a conclusion was reached that satisfactorily ironed out the difficulty. But I can imagine what it must mean to magnify the situation to the extent of seating together representatives of fifty odd nations, each of whom is in his own country more or less a dictator of policy and comes to a convention of that sort firm in his conviction that the methods and views of his own country are right. There must be a great deal of care and patience exercised and diplomacy indulged in to prevent accident if not disaster. I think we cannot too highly appreciate or commend the splendid progress that has been made thus far and the sagacity with which these questions of tremendous international importance have been handled; and, so far as our country is concerned. I sincerely hope that it may continue along the lines that it has followed since the League came into existence, and that Canada may continue to do her part. There is a great responsibility upon each member of the League—a responsibility that cannot be excused even because of failure to participate in the deliberations of the League and of the organizations subsidiary thereto. At the Washington Conference, for example, there was an almost everwhelming desire and a persistent attempt on the part of at least two countries to arrange internationally for the control and direction of immigration in the various countries of the world. Honourable gentlemen can readily appreciate how Canada would view a proposition of that sort. A young country that is receiving immigration and has no emigration to other countries to speak of, Canada necessarily takes the position that it must retain local autonomy in the matter of its immigration policy. So I say that so long as Canada is a member of the League of Nations she must, in order to fulfil her obligations, take an active interest in the deliberations not only of the League itself, but of all the organizations subsidiary thereto; otherwise, if something

is "slipped over"—may I use that term? —we cannot repudiate our own responsibility because of not having paid attention to it.

There is very much that might be said in connection with this important branch of the work of the League of Nations. I am confident that there is no doubt of the help that Organized Labour can be, and will be if the governments in the various countries, parties to the League, will continue the same policy of recognition of Labour and co-operation with it that they followed during the war, when they needed Labour's assistance, and will not revert to policies that were followed by most countries prior to the outbreak of the war. Referring just briefly to our own country, I think honourable gentlemen know full well that from 1917 on, with the exception of some radical minds and radical advisers in Canada, the working population of this country did its duty. It stood behind the Government and the State in performing its part in the war. When we think of some of our large industrial and transportation organizations and of what their men did—when we remember that over 11,000 men out of about 60,000 in the employ of the Canadian Pacific railway alone voluntarily offered their services to their country; that in the city of Toronto, out of 2,300 men employed on the Toronto street railway, 832 men, or more than 25 per cent, voluntarily enlisted for military service; that in the Maritime provinces, where a large proportion of the industrial population is of Scottish or other British descent—

Hon. Mr. MURPHY: Not all British.

Hon. Mr. ROBERTSON: —at least 20 per cent did likewise,—we must appreciate that the working population feel, and have a right to feel, that now that the dangers consequent upon the war have passed they are entitled to consideration and consultation when matters of national interest and national policy are under discussion. During the period of the war, from 1917 on, it was the announced policy of the Government—and I have never heard anyone say it was not properly and fully carried out—to give labour representation on all important commissions, boards, etc., that had to deal with public matters. Labour was given representation, I think, on every single one, and I have heard no complaint in that connection. When it came to the negotiation of the Treaty of Peace, the Premier of Canada took with him probably the foremost and most experienced man in the organized labour world in Canada—I refer to Mr. P. M. Draper, Secretary of the Trades Congress—with him to Versailles, and Mr. Draper and Sir Robert Borden played an important part in the working out of the details and the final consummation of Part XIII of the Treaty of Peace. Then it became Canada's duty to do its part and to participate in the conferences to which I have referred. To the Washington Conference in 1919 the Government sent two Government representatives and the full complement of employer and labour delegates. It participated in the conferences at Genoa and at Geneva, and succeeded in obtaining representation for this country on the governing body of the International Labour Office. The impression that was made and the prestige obtained for Canada at the Washington Conference, largely through the splendid work of the Hon. Mr. Rowell, who was one of the Government's representatives there, have placed the Labour movement and Canadian Labour high in the opinion of other countries of the world. I hope to see that position maintained. I regret to note that during the past few months there has not seemed to be that same desire for Canada to co-operate fully and to do its full part in these meetings.

In addition to our participating fully in those international questions, I think each member of the League is under obligation to attempt to do its best to maintain such relations internally between Capital and Labour as will ensure its ability to play a useful part in any international field. It is in that connection that I fear somewhat for the future. I recall that about the 9th of January last an announcement went forth from a Minister of the Crown that the labour difficulties in Canada must be settled by Capital and Labour getting together, and that they must and shall do so. One week later, on the 17th of January, one of the largest organizations of employers in this country, who had been working in close co-operation with the organizations of workmen in that same industry—I refer to the Building and Construction industry, which employs many thousands of men throughout Canada—went on record by passing a resolution repudiating any attempts at further co-operation along the lines of an industrial council, and, referring to the declaration that was made by the Minister of the Crown, asked, "Who is this that says we must and shall do these things?" Honourable gentlemen, it is to me lamentable

and regrettable that any mistake should be made within our own country that would have the effect of retarding the promotion of friendly relations between Capital and Labour.

Then, shortly after the event just mentioned, it was announced that our most outstanding business man in Canada, at least one of them—the head of an institution that had been condemned and spoken of throughout this country as the arch-profiteer—was selected by the Government of Canada, and I think wisely selected, to go to the Economic Conference at Genoa to represent the interests of Canada there. I say it was a wise choice, and there was no objection whatever to it, except that it demonstrated very clearly the insincerity of the statements of the gentlemen who had been condemning the institution of which that gentleman was the head; but I say that there should have been sent with him some outstanding man who knew the economic questions of this country from the labour standpoint.

If this Government, or any other government in this country, is going to get back to the old idea that the working people of Canada will sit quietly by and raise no voice in protest when their interests are being overlooked and ignored, I fear greatly for our own industrial peace; and, if that same policy is being carried on in other nations of the world, I say that it does not speak well for the future success of the League of Nations.

Hon. J. S. McLENNAN: Honourable gentlemen, in the few remarks I make I will take a more optimistic strain, and look over a somewhat wider field, than the honourable gentleman who has just taken his seat. While I am in perfect sympathy with him in the aspiration which he has voiced, that only in the proper relation of the two great factors of production can we hope for success, it seems to me that the subject more immediately before us is the international aspect of affairs, which was so admirably and so thoroughly placed before us by one who speaks with the authority of a long parliamentary career, with the prestige of having taken part in those great negotiations at Geneva, and who with his colleagues, by their conduct there, by the contributions they made to the results which were there reached, did so much, as any one who has recently been in Europe must know, to enhance the reputation of Canada. We have to congratulate ourselves on having heard the right honourable Senator (Rt. Hon. Sir George Foster) yesterday. I regret that more of us did not have the opportunity of hearing Mr. Zimmern speak this morning. He is an English historian, a publicist who has given the greatest attention to all these matters. He gave an informing and illuminating address on much the same subjects as those on which the right honourable Senator spoke yesterday.

I am glad to say that both of these gentlemen were optimistic in their outlook. We all heard what our colleague said, and Mr. Zimmern agreed with him in the main, as to the hopeful prospects, notwithstanding all the difficulties that lie before them, of ultimate reconstruction and rehabilitation of prosperity in the old countries.

It seems to me that there are certain other aspects, also optimistic, which might well be referred to. One of these is the remarkable way in which diplomatists and statesmen trained in the old school were able to grasp the new conception of the world which it is hoped will be shaped out of all the struggles of the last few years, and that it will take a better form than any that civilization has hitherto seen. Those men, trained as exponents of the old school, have taken up this new idea, this new conception of what government should be internally in each nation, and in their mutual relations; and as we have heard, even in the short couple of years that have gone by, they have produced wonderfully successful and real and distinguished achievements, as foundations for a loftier and more spacious building of future years.

More than that: with one deplorable exception, those representatives at Paris and Versailles have carried with them the peoples for whom they spoke, who have implemented all the pledges that have been given by their representatives. The world is prepared to abandon the old method of force—of getting all that we possibly can, irrespective of the rights of other people; of each fighting continually for his hand—those methods that were so ingrained in all the peoples of the world; and the new desire is to have peace and harmony, on which will be built up an enduring prosperity.

Another cause for hopefulness that things will work out right is largely based on the untruth of the saying, "Human nature being what it is, there must always be strife between nations and between different classes in the same country." I think that view overlooks entirely the fact that new

conditions have been created. Leaders of humanity, with insight greater than the average, with quickened consciences, have taken new views, and other people have responded to the appeal to their intelligence and their conscience and their hearts, and so have brought about new standards. Human nature does not change; we will always have to fight, and our descendants will always have to fight, the deadly sins—envy, hatred, malice, and all uncharitableness; but as external conditions change and as various influences are brought to bear, partly personal and partly external and concrete, new views of what is permissible, of what is right, of what is expedient, or what pays, are developed, and these views finally get behind them the great force of public opinion which controls everyone except the criminal and those hardened in selfishness.

Let us take a few examples. Within the memory of all except the very youngest of us, see the extraordinary change that has taken place as regards temperance. I am not speaking of total abstinence necessarily, because I think that is possibly the least of the benefits of two or three generations' dealing with that great social question. I refer to the standard of what is permitted to people in responsible positions and exercising functions of importance. Look at the difference with railway men and all people connected with transportation on the land and sea; the standard of what is now considered as temperance is vastly different from what it was twenty, forty, or sixty years ago. The New Year's call of forty years ago, when revered fathers of families came back at night in a condition over which their descendants would like to draw a veil, has absolutely and entirely disappeared.

Take, again, another thing—the duel. More than one of us here has known people who have taken part in duels as seconds, or even as principals. Now duelling has absolutely disappeared. Anybody who would propose to settle a social difference by fighting a duel would expose himself to worse than reprobation—ridicule.

Hon. Mr. DANDURAND: Except between German students.

Hon. Mr. McLENNAN: Yes. Still more important than that, many of us can remember distinctly a war which lasted for four years to drive out slavery from the last of the civilized countries where it obtained—the United States. Up to that time there had been scores and scores of people who were conscientious and God-fearing, who believed that slavery was a divinely-appointed institution for the benefit of the cotton-growing states. In that war men fought as they fought in the late war. Women of that time in the southern States sent forth their sons with as whole hearts and as high hearts as women sent their sons to the great World War; and yet it is now very hard for the young to realize that slavery, that cursed institution, ever had such a hold on people like ourselves.

Time was when people spoke with complacency of employees as "hands." Today the man who works has not only a "hand" but a head, and a heart to which we have as much right to appeal, with as much success in the appeal, as we have to any other class of the community.

I say that all these things go to show that, while human nature does not change, the ideas by which human nature is governed and controlled do change; and it seems no more improbable that the time may come when it will be realized that settling international disputes by war is stupid and barbarous and costly in all that is most precious and is as wrong as to the whole world slavery now seems. These, I think, are some of the things which give cause for the hope that the meetings of the nations, the work that is being carried on in Geneva, and the work which has been done for a longer time by what is really the first of the Leagues of Nations, namely, all the nations of the British Commonwealth acting together, will go on to something which will justify all the hopes with which the best of humanity longs for the new era of justice, of equity and for the success of things of mutual fair dealing.

On motion of Hon. Mr. David, the debate was adjourned until Tuesday next.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, April 28, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Bill W, an Act for the relief of Joseph Robert Lloyd Beamish.Hon. Mr. Ratz.

Bill X, an Act for the relief of Clarence Robinson Miners.—Hon. Mr. Ratz.

Bill Y, an Act for the relief of Mary Eleanor Menton.—Hon. Mr. Ratz.

Bill Z, an Act for the relief of Harvey Easton Jenner.—Hon. Mr. Ratz.

Bill A2, an Act for the relief of Marie Louise Dagenais.—Hon. Mr. Ratz.

Bill B2, an Act for the relief of Alexander Lawrie.—Hon. Mr. Proudfoot.

THIRD READINGS

Bill Q, an Act for the relief of Ethel Turner.—Hon Mr. Ratz.

Bill R, an Act for the relief of Walter Michie Anderson.—Hon. Mr. Ratz.

Bill S, an Act for the relief of Mary Elizabeth Fredenburg.—Hon Mr. Ratz.

Bill T, an Act for the relief of Sheriff Elwin Robinson.—Hon. Mr. Fowler.

Bill U, an Act for the relief of Rhoda Renfrew McFarlane Brown.—Hon. W. B. Ross.

SECOND READING

Bill V, an Act for the relief of Abraham Leibovitz.—Hon. Mr. Taylor.

DAYLIGHT SAVING TIME

Hon. Mr. WATSON moved that the Senate do now adjourn.

The Hon. the SPEAKER: Honourable gentlemen, I ought to draw the attention of the House to the fact that when we meet again on Tuesday the city will be going on daylight saving time, and the railway time will be an hour later. There has been no motion made in the House to deal with this question and I do not know what the House desires to do in regard to it.

Hon. Mr. FOWLER: Before the House adjourned I was going to ask the honourable leader of the Government—and at the same time I should like to congratulate him on his position, which he occupies with proper dignity—as to the time we are to meet.

Hon. Mr. WATSON: I move that we meet by Ottawa city time. That will be daylight saving time.

Hon. Sir JAMES LOUGHEED: With the leave of the House.

Hon. Mr. DANIEL: I should like to know whether the clocks in this building will be in conformity with the city time or not. I imagine it would be very inconvenient to have one time in this building and another time outside.

The Hon. the SPEAKER: I have no information at the present moment, but I presume that if the House of Commons is going to adopt city time, and the Senate does likewise, the clocks will be fixed accordingly.

Hon. Mr. WATSON: Yes. I understand the House of Commons is going to meet by Ottawa city time on Monday.

The motion was agreed to.

The Senate adjourned until Tuesday, May 2, at 8 p.m.

THE SENATE

Tuesday, May 2, 1922.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

HUDSON BAY COMPANY DOCUMENTS

INQUIRY

Hon. Mr. GRIESBACH inquired of the Government:

1. Is it a fact that documents of importance to the history of Canada are in the possession of the Hudson Bay Company in England?
2. If so, is it the intention of the Government to secure possession of the same or to have the same made available for research in Canada by procuring copies?

Hon. Mr. DANDURAND:

1. Yes.
2. The papers in England are the property of the Company, and the Government has no control over them. Fifty-five volumes of the records in England have already been copied by the Public Archives.

UNITED STATES LAWBREAKERS IN CANADA

INQUIRY

Hon. Mr. GRIESBACH inquired of the Government:

1. Is it a fact that at Rouse's Point on the 20th instant United States police pursued an alleged law-breaker from the United States across the International Boundary line four miles into the Province of Quebec, discharging fire-arms throughout the pursuit, and finally arresting the alleged law-breaker and taking him back to the United States without process of law?
2. If so, what action has the Government taken or what action does the Government intend to take to maintain the sovereignty of Canada and International Law with respect to such incidents?

Hon. Mr. DANDURAND: The Department of Justice has no information.

THE UNEMPLOYMENT SITUATION

MOTION WITHDRAWN

On the notice of motion:

By the Honourable Mr. McDonald:

That a Special Committee of the Senate be appointed to inquire into the causes of unemployment in Canada and to report to the Senate before the close of this session in regard thereto; that such Committee shall have power to call for persons and papers, and that the said Committee do consist of the Honourable Messieurs Robertson, Blain, Casgrain, Girroir, Harmer, L'Espérance, McCall, Mitchell, Murphy, Michener, Planta, Pope, Tanner, Turriff, Crowe, McMeans, Donnelly, McCormick, Belcourt and the mover.

Hon. G. D. ROBERTSON: Honourable gentlemen, in the absence of the honourable member from Shediac (Hon. Mr. McDonald), may I observe that at the time this motion was brought down it did seem desirable that something be done by way of inquiry along the line indicated in the motion; but that since then an announcement has been made in another place that it is the intention of the Government to call a conference of representatives—I think, the premiers—of the provinces to discuss this question and others closely allied therewith. I am therefore authorized by the mover of this motion, on his behalf, to suggest its withdrawal from the Order Paper, for the present at least, pending the action of the Government.

The motion was withdrawn.

RAILWAY COMMITTEE

MOTION

Hon. Mr. DANDURAND moved:

That the name of the Honourable Mr. McDonald be added to the Standing Committee on Railways, Telegraphs and Harbours.

The motion was agreed to.

DIVORCE BILL

THIRD READING

Bill V, an Act for the relief of Abraham Leibovitz.—Hon. Mr. Taylor.

COLD STORAGE BILL

SECOND READING PROPOSED

Hon. GEORGE H. BRADBURY moved the second reading of Bill B, an Act to amend the Cold Storage Warehouse Act.

He said: Honourable gentlemen, I must ask the indulgence of the House this evening for a fairly long time, while I attempt to deal with a matter of very great importance. I regret that I am not in better form, and I would ask that you bear with me if I very often refer to my notes.

Before discussing the Bill proper, I think it wise, honourable gentlemen, to review briefly the history of the cold storage system as we have it in Canada to-day, so that we may all be seized of the information and know exactly what we are dealing with. In looking over the records of the legislation in Canada on this matter, I find that the first was a short Act, passed in 1907, intituled "An Act to encourage the establishment of cold storage warehouses for the preservation of perishable food products." The Statute is a short one, and it may be well to place it on record, so that the House may know exactly what was done in the first place. It is chapter 6:

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This act may be cited as The Cold Storage Act.

2. The Governor in Council may enter into contracts with any persons for the construction, equipment and maintenance in good and efficient working order, of public cold storage warehouses equipped with mechanical refrigeration, in Canada, and suitable for the preservation of all food products.

3. The location, plans and specification of every such warehouse, its equipment, and the amount to be expended theron, shall be subject to the approval of the Governor in Council.

4. The Governor in Council may, out of any moneys appropriated by Parliament for the purpose, grant towards the construction and equipment of any such warehouse a subsidy not exceeding in the whole thirty per cent of the amount expended or approved of in such construction and equipment, and payable in instalments as follows: upon the warehouse being completed and cold storage at suitable temperatures being provided therein, all to the satisfaction of the Minister of Agriculture, a sum not exceeding fifteen per cent of the amount so expended; and at the end of the first year thereafter seven per cent of the said amount, at the end of the second year thereafter four per cent of the said amount, and at the end of each of the two next succeeding years two per cent of the said amount: provided the warehouse is maintained and operated to the satisfaction of the Minister of Agriculture.

5. The Minister of Agriculture may refuse to pay any part of the said subsidy if, in his opinion, the operation of the warehouse has not been of such a character as to provide for the proper preservation of such products as may be stored therein.

6. The Minister of Agriculture may order, and cause to be maintained, an inspection and supervision of the sanitary conditions, maintenance and operation of such warehouse, and may regulate and control the temperatures to be maintained therein in accordance with the regulations to be made as hereinafter provided.

7. The rates and tolls to be charged for storage in such warehouses shall be subject to the approval of the Governor in Council.

8. For the effective carrying out of the provisions of this act the Minister of Agriculture may appoint inspectors, who shall have access to all parts of such warehouses at all times.

9. The Governor in Council may make such regulations as he considers necessary in order to secure the efficient enforcement and operation of this act; and he may by such regulations impose penalties not exceeding fifty dollars on any person offending against them; and the regulations so made shall be in force from the date of their publication in The Canada Gazette, or from such other date as is specified in the proclamation in that behalf.

10. Chapter 7 of the statutes of 1897, intituled An Act respecting Cold Storage on Steamships from Canada to the United Kingdom and in certain cities in Canada, is repealed.

This, honourable gentlemen, was the initiation of our cold storage system as we have it in Canada to-day. Strange to say, nothing further was heard of that Act until 1914, when I find there was an Order in Council passed providing that cold storage companies that had received subsidies should give the public preference in the use of any refrigerated space in such warehouses. Evidently the subsidy had already been paid to all the cold storage warehouses that had been built under the Act of 1907. These Acts, apparently, were never enforced and were not enforcible. Shortly after this the Government realized that it had paid out over $700,000 of the people's money to create this great cold storage system in Canada without having secured any interest in, or any control of, the industry.

Before drafting the Bill which is now before the House, I took the precaution of writing to the Department of Agriculture asking what regulations, if any, had been framed under the Cold Storage Act of 1914, and I received from the Deputy Minister of Agriculture the following reply:

With further reference—

I had been speaking to him over the telephone—

With further reference to the Cold Storage Warehouse Act, I am including herewith a copy of the act as it passed in 1914, and in this connection would advise you that up to the present no regulations under this Act have been approved by Council and, consequently, as it is through regulations that this act would be administered, you can readily understand that there is nothing being done by the department in this regard.

As to the reason why no regulations have been passed, I am including for your information copy of a letter addressed to me by the Deputy Minister of Justice in 1919 when certain proposed regulations were submitted to him. From this you will note that there is very grave doubt as to the validity of any regulations—

I would like you to mark these words, honourable gentlemen—

—for dealing with the licensing and inspection of cold storage warehouses under this act.

In order that the House may be properly informed, I am going to read the letter of the Deputy Minister of Justice, as I think it is very important:

Department of Justice,

Ottawa, April 28, 1919.

Regulations of Cold Storage Warehouses

Sir,—I have been requested to advise upon the draft regulations which have been submitted to the Governor in Council for approval under the provisions of the Cold Storage Warehouse Act, 4-5 George V, chapter 22, as to whether the same may be regarded as within the legislative authority vested in the Dominion by the British North America Act. I note that these regulations provide in effect that no person shall operate a cold storage warehouse without a license from the Dominion. The purpose of this proposed licensing system is, I understand, to insure that the proper temparatures and humidities and sanitary conditions are maintained in these warehouses to preserve the articles of food in the best possible condition. The regulations are applicable to all cold storage warehouses whether the same are public warehouses or are operated exclusively for the preservation of the articles of food of the owner of the warehouse. It appears further more from the regulations that it is not the intention to control the rates charged for cold storage service in the public warehouses and that you do not anticipate that any serious opposition will develop to the licensing and inspection system proposed to be adopted.

The validity of such legislation as this must be regarded as somewhat doubtful in view of the decision of the Privy Council in the Insurance Reference in 1916. In that case a provision of the Dominion Insurance Act was under consideration, which prohibited every person from engaging in the insurance business without a Dominion license, and it was held by the Judicial Committee that the authority to legislate for the regulation of trade and commerce does not extend to the regulation by a licensing system of a particular trade in which Canadians would otherwise be free to engage in the provinces. The restriction thereby imposed upon the Dominion to legislate with respect to trade and commerce was not satisfactorily defined but I should say, upon the assumption that the main purpose of this legislation is the regulation of trade and commerce that, at least in so far as the warehouses in question handle articles of food which may be said to be intended for provincial trade they cannot be validly subjected to the provisions of the Cold Storage Warehouse Act by reason of the authority of the Dominion to legislate for the regulation of trade and commerce.

However—

I would like you to note this, honourable gentlemen—

> However, it occurs to me that possibly the chief purpose of this legislation may be said to be the protection of public health and if this be true, other consideration may be urged in support of it. Upon the whole I am not very sanguine about the validity of this measure, but you may nevertheless consider it expedient to undertake to put it into operation.
>
> I have the honour, etc. etc.,
>
> (Sgd.) E. L. Newcombe,
>
> Deputy Minister of Justice.

The House will note that, while the Deputy Minister of Justice doubted the power of Parliament to control the licensing and inspection of cold storage warehouses under the Act of 1914, he did hint very broadly that the Act might be enforced under the powers held by the Federal body to protect the health of the people of Canada. This is one of the points that I am stressing in this Bill—the protection of the health of the people. The Department of Agriculture, however, failed to take the hint and up to this moment absolutely nothing has been done to frame regulations under the Act of 1914. Therefore we find that the cold storage system of to-day, in 1922, so far as government control was concerned, is in exactly the same position as in 1907, when it was initiated in Canada.

Hon. Mr. BELCOURT: It has not been enforced, then?

Hon. Mr. BRADBURY: It has never been enforced. When the Government first undertook this legislation it was proposed that the Government subscribe thirty per cent of the total cost of construction of many large warehouses throughout Canada.

I would like the House to note that, although the Government adopted the Bill of 1914, it made no attempt to enforce any part of it until 1919, five years after. So it must be apparent to everybody that there was no inclination on the part of those responsible to control the cold storage system of Canada.

This is the condition in which I found the cold storage system in 1914. At that time I prepared a Bill and brought it down in the House of Commons. The Bill was prepared after securing reliable information from almost every state in the Union regarding the manner in which they had dealt with this subject. As is well known, the states to the south of us have had long and varied experience in the cold storage system.

I submitted the Bill to the Commons in 1914. After it had been before the House some weeks, the Government of the day, or the Department, more properly speaking, were awakened to the fact that some one was moving in this direction, and a Bill was prepared which was fathered by the Government and brought down. Strange to say, it comprised nearly all the salient points of my Bill; in fact, in many cases it was a copy.

Hon. Mr. FOWLER: That is strange.

Hon. Mr. BRADBURY: When the Government introduced their Bill, however, one great difference between it and my Bill was that mine was obligatory in most cases, but the Government measure held a joker which reads as follows:

> The Governor in Council may make such regulations as he deems necessary or expedient, to provide for a supervision of cold storage warehouses.

The consequence of this is that not one regulation has been framed on that Bill. The cold storage system as it now exists in Canada is practically the same as it was when first inaugurated in 1907.

In looking over the records connected with this matter, it would seem that from the very inception of this system there was a lack of intelligent effort on the part of those responsible to control the cold storage system of Canada. Although Canada contributed thirty per cent towards the construction of many of the large cold storage warehouses, aggregating $700,000, after paying out this large amount of money, we find that we do not own one share of stock in any of these great corporations, neither do we exercise any control over the operation of these plants. We have created by generous subsidies this immense system of cold storage, only to find that we cannot control one foot of space in these warehouses. They are private property, and are run entirely in the interest of the stockholders.

No doubt when the system was conceived it was intended that there should be great public storehouses, available to all citizens who desired to use them at a rate to be fixed by the Government; but unfortunately those responsible for the Government aid extended to this industry failed to safeguard the public interest by making proper provision that the public should be allotted space to store what foodstuffs they desired from time to time. That this is a fact is evidenced by a letter received by me a few days ago from the Deputy Minister of Agriculture, after 12 years' experience in the operation of these cold storage warehouses, which the Government had aided to

the extent of 30 per cent of their total cost. The Department advised the Government to discontinue the policy of subsidizing cold storage warehouses.

Now, in order that the House may properly understand the matter I am going to read this document:

P. C. 1103

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 26th May, 1919.

The Committee of the Privy Council have had before them a Report, dated 20th May, 1919, from the Minister of Agriculture, submitting as follows:—

The Cold Storage Act of 1907 as amended in 1909, provides that with the approval of Your Excellency in Council, contracts may be entered into by the Department of Agriculture to pay subsidies on Cold Storage warehouses to the extent of 30 per cent of the approved cost;

It is also provided that the rates to be charged on goods in storage, the location of the warehouse, and the plans and specifications shall be approved by the Minister of Agriculture;

Under the provisions of the said Act, 34 cold storage warehouses have been erected, located in different parts of Canada;

The total refrigerated space thus provided was 4,928,304 cubic feet, and the total cost of the warehouses was $2,408,354.85.

The total subsidies so far paid by the Department of Agriculture amount to $722,506.41, made up as follows:—

Subsidies paid..	$690,640 97
Instalments withheld..	14,024 00
Instalments not yet due.. ..	17,841 44
Total subsidies..	$722,506 41

Only one contract has been entered into since the beginning of the War, and the said contract was for the revival of an old one.

It was originally intended that the said subsidy should be paid only to public warehouses, but as all the attractive locations had already been occupied before the said Act came into force, it was found that it was hardly possible to operate a warehouse strictly on a public basis, that in order to make these warehouses successful, the owners were obliged to engage in trade to fill the space.

Difficulties have arisen, however, in this connection. There has been a tendency on the part of owners after the four year period has expired, during which the said subsidy is paid in instalments, to restrict the use of the warehouses to their own business and thus exclude the public.

In view of the above, it would appear unadvisable to continue the payment of subsidies, except in the case of warehouses to be erected by municipal or other public governing bodies.

The Minister, therefore, recommends that in future subsidies under the Cold Storage Act be paid only on Cold Storage warehouses that may be erected by municipal or other public governing bodies.

The Committee concur in the foregoing recommendation, and submit the same for approval.

(Signed) Rodolphe Boudreau,
Clerk of the Privy Council.

Hon. Mr. DANDURAND: What is the date of that Order in Council?

Hon. Mr. BRADBURY: There is no date on it, but it is enclosed in the letter that the Deputy Minister sent to me stating that this was the Order in Council that was passed after they found they could not control the warehouses, after 1919. not only has our money been wasted, but we have helped to create what may be a very dangerous industry if not properly controlled by the Government. It will be noted that, as usual, the people have been made the goat by lack of proper and efficient control of this great industry.

It is worth while to note the great difference between Canada and the United States in this regard. While the United States have absolute control of every foot of Cold Storage, private or otherwise, that holds good in a temperature of 45 degrees Fahrenheit or lower, the states have not contributed one dollar to the building of these great plants; but we, on this side of the line, have furnished part of the money to create this huge industry that is owned and controlled absolutely in the interest of private investors.

Hon. Mr. BELCOURT: Will my honourable friend permit me to ask a question? Is the control over cold storage in the United States exercised by the federal authorities, or the state authorities?

Hon. Mr. BRADBURY: By both. My information in that regard is that the state primarily has control, but the federal house in Washington passed a federal Bill giving them control of all the cold storage houses in the United States to a certain extent; just how far it goes I am not aware.

Hon. Mr. BELCOURT: Giving them—you mean the federal authorities?

Hon. Mr. BRADBURY: Giving the federal authorities control.

Hon. Mr. DANDURAND: Taking control, rather.

Hon. Mr. LAIRD: I would like to ask, what is the nature of this control in the United States, and how far does it go?

Hon. Mr. BRADBURY: I will deal with that before I get through.

Hon. JOHN WEBSTER: Would the honourable gentleman explain to the House the difference in rates charged in the city of New York in cold storage, and in the city of Montreal?

Hon. Mr. BRADBURY: That question I am not dealing with now, but when I come to that I will answer my honourable friend. However, that is really not germane to what I am dealing with, which is, the lack of control of the cold storage system that we have in Canada to-day.

Hon. Mr. GIRROIR: Is there any control?

Hon. Mr. BRADBURY: There is no control in the Dominion. The cold storage men are all-powerful.

Hon. Mr. DANDURAND: The honourable gentleman implies also the lack of inspection.

Hon. Mr. BRADBURY: Lack of inspection and control. The result of the cold storage system in Canada is that, although the people have contributed generously to the construction of many of those cold storage warehouses, they are owned and controlled privately. There is absolutely no limit to the power of this great industry. I would like honourable gentlemen who are interested in the cold storage system to listen to this—it will not be new to them—

Hon. Mr. FOWLER: Will the honourable gentleman point out some of the evils which are coming to the people of Canada by reason of the lack of control of the cold storage by the Federal or the provincial Government.

Hon. Mr. BRADBURY: If the honourable gentleman will just possess his soul in patience for a little while, I will come to that. There is absolutely no limit to the power this great industry holds at the present moment regarding the control of our food supply.

The purpose of the Bill before the House is to invoke the two great subjects that were specially reserved under the British North America Act for Federal enforcement viz. Health and Trade, both of which have been violated at times by this great cold storage system. If this Bill is adopted the obligatory clauses will go far to safeguard the health of the people, by insuring to some extent, at least, that the foods taken out of the cold storage and sold to the public will be wholesome; and the Minister can, if he will, exercise control which would not only protect the health of the people but would enable him to order foods released from storage when he had reason to believe the best interest of the consuming public would be served. In other words, it puts the matter up to the Government of the country to see that the cold storage warehouses are kept in a sanitary condition, and the food stuffs are pure and wholesome which are taken from these storages and sold to the people, and that hoarding of foodstuffs will not be tolerated. My honourable friend would realize, if he had given half the attention that I have given to the Bill, that there is an inclination on the part of these great cold storage systems to hoard the foods of this country—in other words, to corner them.

I will now deal with the Bill proper, and I will take it up clause by clause so that I will be able to explain, as fully as I am competent to do, what the clauses mean.

Hon. Mr. BELCOURT: Will my honourable friend allow me at this stage, before he goes into the Bill clause by clause, to ask that he give us any information he has in regard to the constitutionality of this Bill; I mean, as to the Power of the Dominion Government to deal with this subject. I am inclined to think it is an infringement on the provincial constitution, which gives the provinces exclusive jurisdiction in property and civil rights. It seems to me that this is a matter of property and civil rights. I have very grave doubts whether we have power to pass such a bill as this. If my honourable friend has information on that subject, I would like to have it.

Hon. Mr. BRADBURY: I am not a lawyer, but before proceeding with this Bill, when I realized the position that the Department of Justice had taken regarding the legislation of 1914, I did ask if it was competent to pass legislation to protect the health of the people, and if any legislation aiming at the protection of health would come within the jurisdiction of this House; and I am stressing that point in this Bill specially.

Hon. Mr. BELCOURT: Then why is it that the Department involved, the party interested, has not done anything to enforce these various acts? After parliament passed them surely it was up to the departments concerned to endeavour to make regulations and enforce them. Is is not because of the opinion of the Department of Justice that the Act was not constitutional?

Hon. Mr. BRADBURY: In reply to my honourable friend's question, I think not: I think it was a lack of inclination. The mere fact that the legislation was passed in 1914 taking all these powers, and no attempt was made to enforce them until 1919, would make me very suspicious of

the department that had control of this Act.

Hon. Mr. BELCOURT: Unless there was some good reason such as the one I have indicated.

Hon. Mr. BRADBURY: If there are any such reasons, they are not on record. I have read to you everything I could get in connection with it. I have given you the reasons given by the Minister of Justice, and honourable gentlemen realize that while the Minister of Justice pointed out his doubts regarding the power of the federal parliament to legislate in connection with the licensing of these institutions, he hinted very broadly that from the standpoint of health they might be enforced. That is why this Bill is introduced. Clause 1 is as follows:

> No article of food which is tainted or otherwise unfit for human consumption shall be placed in cold storage.

This clause is intended to protect the health of the consumer by prohibiting the storage of tainted or bad food such as poultry, meat, fish, or eggs. It is well-known fact that especially eggs, fish and poultry have been placed in cold storage after having shown signs of decomposition, and when they ought not to have been placed there.

Hon. Mr. LAIRD: Where does the honourable gentleman get his authority for that statement?

Hon. Mr. BRADBURY: If the honourable gentleman will give me time, I will try to give him all the information he asks for.

While cold storage, with a proper temperature of 40 degrees Fahrenheit, or lower, may arrest decay, it cannot restore the food to its earlier state of freshness or purity. Consequently, when food already showing signs of decomposition is admitted to cold storage, such food is a standing menace to the health and lives of the general public, who eventually consume these decaying foods, which may be held for months, sometimes for years, in storage, and then taken out and sold to an unsuspecting public, resulting in serious illness, often ptomaine poisoning and death. While this may sound startling, it falls short of describing in full the serious results that occur from the consumption of tainted or impure foods.

This clause, if properly enforced, would also have the effect of saving much of the great and sinful waste that takes place on account of foods being stored in an improper condition. It is a well-known fact that tons of food stuff is destroyed either on account of improper storage or because it was stored after decay had set in, and therefore was not in a fit state to be placed in storage, or, as sometimes happens, food has been held longer than it ought to have been in storage. If we can prevent the storage of decaying food we will have done much to protect the health of the people who eventually consume the food knowing nothing about its condition or history. Pure, wholesome foods are essential to good health.

This is one of the most important clauses, if not the most important, in the Bill, and is contained in almost every cold storage law adopted in the different states to the south of us. The laws affecting this industry in force in the states are far more drastic than anything I am proposing in the Bill before the House. For instance, Ohio Law in this regard reads as follows:

> 1155-10. It shall be unlawful for any person, firm or corporation to place in any cold storage warehouse, to keep therein or to sell, offer or expose for sale, any diseased, tainted, or otherwise unwholesome food.

I want to say, honourable gentlemen, from my own personal experience, that it would be a godsend to Canada to have such a law on the statute book. There is food sold in this city every day that is absolutely unfit for human consumption. The Illinois law is as follows:

> No article of food intended for human consumption shall be placed, knowingly, received or kept in any cold storage warehouse, if diseased, tainted, otherwise unfit for human consumption, or in such condition that it will not keep wholesome for human consumption.

And the New York law also says:

> No article of food shall be placed, received or kept in any cold storage warehouse or temporary storage place unless the same is in an apparently pure and wholesome condition. The commissioner may seize and condemn any articles of food in any cold storage warehouse or temporary storage place which are found to be unfit for human consumption, and such articles of food shall be destroyed or otherwise disposed of under such conditions as he shall prescribe.

This clause is the foundation of necessary legislation to protect the health of the consumers of this country. If I attempted to quote all the authorities supporting similar clauses in cold storage laws on the other side of the line, I could fill a good sized Hansard proving the wisdom of such legislation. I have had the assistance of reading nearly every cold storage law

passed by the larger states of the Union, and with one exception they contain provisions to prevent the putting into cold storage of food that is tainted or otherwise not fit for human consumption. 4A, subsection 2 reads as follows:

> Articles of food which have been taken out of cold storage shall not be returned to cold storage except in such cases and subject to such regulations and conditions as specified by such regulations.

In looking over this clause, I believe it can be very much improved, and in Committee I will move an amendment which will read as follows:

> Eggs, poultry, fish and other fresh meats which have been taken out of cold storage shall not be returned to cold storage. Other foods that have been taken out of cold storage shall not be returned to cold storage, except in such cases and subject to such requirements and condition as may be specified by regulation.

It will be noticed that this amendment is obligatory as far as fresh meats, poultry, fish, and eggs are concerned. The Minister can permit other foodstuffs that have been taken out of cold storage to be returned to cold storage if he is satisfied it is perfectly wholesome and fit for further storage. It is quite a common occurrence that boxes of eggs, crates of poultry and fish are taken out of cold storage, where they have been for months, and are exposed to the air and offered for sale. They lie exposed often all day in store windows or in other parts of the store. The same can be said of fresh meats. The eggs are not frozen.

Hon. JOHN WEBSTER: Sometimes they are.

Hon. Mr. BRADBURY: It is a scientific certainty that all such foods as I have mentioned, that have been held in cold storage, when taken out and exposed to the air and a warmer temperature deteriorate very rapidly. Consequently, when such foods are again returned to cold storage after this experience, it becomes a standing menace to the innocent and unsuspecting public, who eventually have this same food served up to them in one shape or another. This food when restored may remain there for weeks or months, and then is again taken out and sold to the consumers, who know nothing about its history, and as a result serious hardships are entailed upon the public by eating diseased food which often causes serious illness, causing much suffering and often death. But even where immediate illness does not take place, scientific investigation has proven without any reasonable doubt that the eating of impure or decayed food is often the commencement of a long line of ailments such as intestinal trouble which develop at times to be very serious. We are told that it impairs the lives and certainly the health of children, and on the whole it works great and lasting hardships upon the general public. Therefore I am asking the Government to intervene in order to protect as far as possible the health and lives of our people by making it impossible to return to cold storage foodstuffs such as I have mentioned, that have been taken out and exposed to the air.

I might say that almost every state of the great Republic to the south of us that has cold storage has, after years of experience, adopted this clause only in a more drastic shape in their storage legislation. For instance, the Ohio law reads as follows:

> Section 1155-14. After food has been withdrawn from any cold storage warehouse for the purpose of placing it on the market for sale, it shall be unlawful for any person, firm or corporation to return such food, or any portion thereof, to such warehouse, or any other similar warehouse. Food may be transferred from one cold storage warehouse to another provided, that the total length of time such food shall remain in cold storage, for the purpose of sale, shall not exceed the time specified in section thirteen of this act. (107 v. 596).

—which is twelve months.

The Minnesota law reads as follows:

> Returning food to cold storage—transfer.
> Section 12. After food has been withdrawn from a cold storage warehouse, for the purpose of placing it on the market for sale, it shall be unlawful for any person, firm or corporation to return such food, or any portion thereof, to such cold storage warehouse, or to any similar warehouse. Subject to such regulations as may be prescribed by the Commissioner of Agriculture, food may be transferred from one cold storage warehouse or refrigerating plant to another; (u) provided, however, that the total length of time such food shall remain in such cold storage for the purpose of sale, shall not exceed the time specified in section 8 of this act.

For the information of the House I have a clipping from the evidence taken before a Committee in Washington, in which Dr. Wiley was examined on this very subject. I may say in explanation that Dr. Wiley is perhaps one of the greatest food experts in the world; his name is known, I think, all over this continent.

> Senator Frazier: Is it not true that there is more probability of ptomaine poisoning existing in nine months than there is at the beginning?

Doctor Wiley: I think, Senator, so long as an article is frozen there is scarcely any danger of ptomaine poisoning, even for a longer period. After it is thawed out there is great danger of any product developing ptomaine or poisonous substances very rapidly, but not while it is in cold storage.

Senator Frazier: That statement would apply to the provisions in cold storage for three months as well as provisions in cold storage for nine months?

Doctor Wiley: I think that would take place in any cold storage goods no matter how short a time they are kept. The mere act of freezing does increase the tissues.

The Chairman: I think before you came in the Doctor stated more at length that any chickens or goods that had been subjected to cold storage, after they are thawed out, causes the progress of disintegration as quickly after a short period as after a long period. That is the real danger point. He said that in his judgment they should be sold while yet frozen and exposed to sale while yet frozen.

Hon. Mr. FOWLER: How would they eat them when they were frozen?

Hon. Mr. BRADBURY: Honourable gentlemen, in view of this indisputable evidence of the great danger of taking food that has been frozen out of a cold storage plant, exposing it for sale, and putting it back into cold storage and selling it again—and this is what has been going on in this country for years—I am asking the Government to intervene and to adopt legislation similar to that which has been adopted by every great state of the Union to the south of us. I think we might learn a lesson from those states which have had such vast experience in connection with these matters.

Hon. Mr. FOWLER: The honourable gentleman has stated that goods have been taken out of cold storage, thawed and allowed to become unfit for food, then refrozen and put back into cold storage. Has he any evidence to produce before the House to show that that has been done in any of the cold storage plants of Canada?

Hon. Mr. BRADBURY: I am not dealing with just that phase of the question; my Bill says that it shall not be done. I presume it has been done, and I am making provision to prevent its being done again.

Hon. Mr. FOWLER: Why do you want to pass a law when no offence has been committed?

Hon. Mr. BRADBURY: I think there will be no difficulty in proving that there have been offences. Clause 4b of the Bill reads in part as follows:

No article of food mentioned in the schedule of this Act shall be kept in cold storage longer than the time scheduled for such articles.

On further consideration of this clause, honourable gentlemen, I realised that the schedule might complicate matters, and decided to change this clause, and will in Committee move the following amendment:

No article of food shall be kept in cold storage longer than 12 months provided, however, that if the Minister is of the opinion that the conditions of the market are such that any such article be no longer held in cold storage, he may require such article to be taken out of cold storage forthwith, provided also that if the Minister is of opinion that the further keeping of any such article in cold storage is likely to result in deterioration he may order that such article be forthwith taken out of cold storage.

This is similar to legislation adopted by nearly all the great States to the south of us. The Farm and Market Laws of New York State provides:

94. (b) Time that cold storage foods may be kept. It shall be unlawful for any person, firm or corporation to keep or permit to remain in any cold storage warehouse, any article of food which has been held in cold storage, either within or without the state, for a longer aggregate period than twelve calendar months.

You will note, honourable gentlemen, that this includes all articles of food. My Bill deals only with perishable foods. I hope the House and the country will become educated to legislation of this kind, and that in the near future there will be a far more drastic law passed by this House. The Minnesota law reads as follows:

Section 8. Length of Storage Period. No person firm or corporation shall keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the state for a longer aggregate period than twelve months (n) except with the consent of the Commissioner of Agriculture, as herein provided.

The State of Ohio makes this provision:

No person, firm or corporation shall sell, or offer, or expose for sale, any of the following foods which have been held for a longer period of time than herein specified in a cold storage warehouse.

Whole carcasses of beef, or any parts thereof, six months: whole carcasses of pork, or any parts thereof, six months: whole carcasses of sheep, or any parts thereof, six months: whole whole carcasses of lamb, or any parts thereof, six months; whole carcasses of veal, or any parts thereof, four months; dressed fowl, ten months; eggs, ten months, butter nine months, and fresh fish, nine months.

That is the regulation in force in the State of Ohio. It seems to me that we ought to be able to learn some very valuable

lessons regarding this subject from the long and varied experience of our cousins to the south of us, who have had to protect the food supply of millions of people. They have wrestled with this problem for years and have had to fight powerful interests which were controlling their food supply. The result of all their efforts is legislation similar to, but more drastic than, that which I am asking this House to adopt.

I think it wise to put on record here the opinion of one of the greatest food experts on this continent, Dr. Wiley, on the subject of cold storage. His evidence, honourable gentlemen, was taken before a Federal committee, and I had the privilege of procuring a copy of the findings of that Committee and of gleaning some of these things from their report. Dr. Wiley says:

> Eggs may be kept for a considerable length of time without deterioration in cold storage.

Hon. Mr. CASGRAIN: At what temperature?

Hon. Mr. BRADBURY: He tells it right here, and I will give you that information.

> In this case it is advisable to reduce the temperature to the lowest possible point to retain the semi-fresh condition of the contents. Water freezes at 32 degrees, but for the reasons above mentioned the temperature at which the egg is stored may be reduced notably below 32 degrees without danger of solidifying. The eggs kept in cold storage gradually acquire a taste and aroma which are quite different from the fresh article and the period of preservation should never be prolonged. Probably a month or six weeks is the extreme limit for keeping eggs which can still be regarded as having the qualities of the fresh article.
>
> In practice, eggs are kept often a very much longer time since the principal object of cold storage is to lay in a supply in the spring and summer when they are abundant and keep them over until the next winter. The average age of cold storage eggs is probably more than six months. At this time the eggs have acquired a distinctly unpleasant odor and flavor which enables even one who is not an expert to distinguish them and the fresh article.

I would like honourable gentlemen to mark this:

> Such eggs should not be allowed on the market except under their proper designation so that the purchaser may know the character of the product he is getting. There is a determined opposition on the part of those dealing in cold storage eggs against such marking, an opposition which can only be explained by the fact that the amount of deterioration is fully as great as specified. If cold storage eggs have not been kept long enough to develop any of the objectionable conditions mentioned above and are inferior only in respect to taste and aroma there seems to be no just reason why they should be forbidden sale. They usually bring a lower price than fresh eggs produced at the time of sale and thus are brought more readily within the means of those who are less able to pay the higher prices. Cold storage eggs are extensively used for baking purposes and in this condition escape the detection of the consumer. This appears, however, to be no just reason for their use without notice.

—That is one of the provisions of this bill, honourable gentlemen, that everything in a cold storage that is sold to the public should be marked—

Hon. Mr. CASGRAIN: Dated.

Hon. Mr. BRADBURY:—so that people may know what they are getting, and how long the stuff has been in cold storage. Why should the public be deceived? If you go into a store to buy anything, you want to know what you are getting—whether you are getting cold storage goods or not, and, if so, how long they have been in cold storage.

Hon. Mr. LAIRD: May I ask the honourable gentleman a question? Why should the public know, for instance, in the case of apples, or potatoes, or perishable products of that kind? What difference would it make to the public whether they knew the goods have been in cold storage or not?

Hon. Mr. BRADBURY: My honourable friend does not seem to realize that my bill is not dealing with apples or any of those things at all.

Hon. Mr. CASGRAIN: Fish?

Hon. Mr. BRADBURY: I am dealing with perishable meats and fish.

Hon. Mr. ROCHE: Why should fish be kept longer in cold storage than meat?

Hon. Mr. BRADBURY: Fish ought not to be held there, as my honourable friend may know. I may say to this House and I presume there are honourable gentlemen in this room who can corroborate this statement—that I have known of fish kept for over two years in cold storage and sold to the public, and I challenge any honourable gentleman who knows anything about fish to stand up in his place any say he would eat any of those fish. I am sure no one would.

Hon. Mr. FOWLER: Were they frozen all the time?

Hon. Mr. BRADBURY: They were frozen all the time.

Hon. JOHN WEBSTER: And kept frozen?

Hon. Mr. BRADBURY: And kept frozen; still they were not fit to eat. If they were

not poison, at least they were not good food, and no man will say that they were.

I hold in my hand a further extract from the evidence of Dr. Wiley, which I want to place on record. I know I am taking a good deal of the time of the House on this matter, but I believe that it is very important; that if this House can assist in framing proper cold storage legislation that will protect the public it will have done one of the most popular things it has ever done in its history. This is the evidence as continued by Dr. Wiley:

The Chairman: I believe you suggested that eggs in cold storage should be disposed of by the first of March.

Dr. Wiley: Yes.

The Chairman: Would you suggest such a provision requiring their disposition by the first of March in preference to fixing a twelve months maximum limit for cold storage commodities?

Dr. Wiley: I do not think an egg ought to be kept in cold storage longer than the first of March of any year. They could not be sold in competition, after March, with fresh eggs. You could not sell them in competition with fresh eggs very well, even at a lower price.

The Chairman: You suggest a Bill compelling their disposition by the first of March of each year, instead of allowing them to remain in cold storage the full twelve months?

Dr. Wiley: I think that would be the limit for eggs.

The Chairman: What limit would you suggest for all products that enter into cold storage?

Dr. Wiley: I would make twelve months the extreme limit—

I would like honourable gentlemen to realize what the doctor is saying here.

I would make twelve months the extreme limit, and all articles that have a natural market or scarcity within the twelve months should be brought out during that period of scarcity. I would say that all foods, with the exception of the surplus grain, which we must hold up to the next harvest, ought to go out of storage early in the season, even before the twelve months are over.

The Chairman: It has been suggested that different time limits be fixed for eggs, butter and other commodities.

Dr. Wiley: I think that is the sensible thing to do—to fix a different time limit for the different articles. April and May are the great butter months, and November, December and January are the scarce months. Butter ought not to be kept over the second summer, in my opinion; so it comes almost under the same ruling as eggs, only you ought to have a different period for storage—up to June even.

The Chairman: In your opinion, should a maximum time limit be fixed for which all articles may remain in the cold storage?

Dr. Wiley: A limit on all articles, but not the same for each kind.

The Chairman: What limit would you suggest for butter, for instance?

Dr. Wiley: Well, I think butter ought to go out by the first of May anyway of the succeeding year. There is always plenty of fresh butter coming in then, and all that is withheld is kept out of the currents of trade and increase the price of that that is freshly made to the consumer.

Hon. Mr. FOWLER: Has the honourable gentleman any Canadian evidence to offer? Hitherto the evidence has all been from the United States.

Hon. JOHN WEBSTER: Where the storages are not nearly as good as those in Canada.

Hon. Mr. FOWLER: Give us some Canadian evidence.

Hon. Mr. BRADBURY: It is really amusing how anxious these honourable members are to secure information that they must know does not exist.

Hon. Mr. WATSON: Selkirk fish is good evidence.

Hon. JOHN WEBSTER: How was it that the butter that came from New Zealand and Australia at the close of the war, and that was three years old, was sold in the City of London, where they have the best inspectors in the world?

Hon. Mr. BRADBURY: If the honourable gentleman noticed the way the clause read—

Hon. Mr. WEBSTER: I noticed it.

Hon. Mr. BRADBURY: —he must have seen that Dr. Wiley was not stressing very strongly the unsanitary condition of the butter, but was pointing out that it was a crime against the public that this butter should be held when the public needed it. He pointed out that it was kept out of the currents of trade—

Hon. Mr. WEBSTER: They needed that butter in London.

Hon. Mr. BRADBURY: —and that it was held in storage for the purpose of increasing the price.

Hon. Mr. WEBSTER: Not so in Australia.

Hon. Mr. FOWLER: Why should a butter maker sell his butter at a very low price, perhaps below the cost of production? Why should he not hold it in cold storage?

Hon. Mr. WEBSTER: That is his liberty.

Hon. Mr. WATSON: The manufacturer does not hold it.

Hon. Mr. BRADBURY: It is pretty hard to answer all these questions. The honourable gentleman (Hon. Mr. Fowler) is going

to have a splendid opportunity to make an answer himself.

Hon. Mr. WATSON: The butter maker does not hold the butter.

Hon. Mr. FOWLER: It is pretty hard to answer that question on the honourable gentleman's (Hon. Mr. Bradbury's) line.

Hon. Mr. BRADBURY (reading):

The Chairman: What limit would you suggest for fresh meats?

Dr. Wiley: Well, there is another thing. The meat market is going on all the time. It used to be that a farmer had his food cattle in the fall, but now they have them in every month. In our county there is not a month that there are not cattle ready for the market. I do not think any meat ought to stay in storage over four or five months. It ought to be stored to improve it, and then after four months, about, get rid of it.

Hon. Mr. CASGRAIN: Frozen or chilled?

Hon. Mr. BRADBURY: Not frozen, but cooled or chilled.

Hon. Mr. CASGRAIN: Chilled.

Hon. Mr. BRADBURY: Certainly.

Hon. Mr. WEBSTER: That is long enough.

Hon. Mr. BRADBURY (reading):

The Chairman: In your opinion does it deteriorate after five months in cold storage?

Now this will answer the question of some of my honourable friends.

Dr. Wiley: In freezing meat there is not so much deterioration, but it is infringing on the future's rights. We have got not only to live to-day, but to-morrow, and the farmer has got to live for to-day and to-morrow as well as the consumer. Any withholding of the food supply is hard on the consumer and hard on the farmer. They equally suffer.

That is very sound, I think. That is exactly what is occurring in this country to-day.

The Chairman: How long can frozen meat be kept and still be palatable?

Dr. Wiley: I do not think that meat ought to be kept over twelve months at the maximum, frozen meat. I think most of it ought to go out at the end of four or five months. If it has been frozen all the time—

Hon. Mr. FOWLER: Will the honourable gentleman say cold storage works injuriously to the farmer?

Hon. Mr. BRADBURY: I most undoubtedly say so, and I think I shall prove it before I take my seat if the honourable gentleman will just wait.

Hon. Mr. FOWLER: The honourable gentleman is always promising what he is going to do, but he has not done it yet, and I would like to see the proof.

Hon. Mr. BRADBURY: I would point out to this House that the honourable gentleman (Honourable Mr. Fowler) is not new or inexperienced in Parliament. He has had a great deal of experience and has made a good many speeches, and likely he has stated that the information sought by honourable members on different sides of the House was to come later. If he will just wait, the information he seeks will be given a little later.

Hon. Mr. FOWLER: Do not make it too late.

Hon. Mr. BRADBURY (reading):

The Chairman: How long can frozen meat be kept and still be palatable?

Dr. Wiley: I do not think that meat ought to be kept over twelve months at the maximum, frozen meat. I think most of it ought to go out at the end of four or five months. If it has been frozen all the time, it will still be edible, but if it is thawed once it would go all to pieces; it just breaks down; you cannot refreeze it and make it good. If meat is frozen and kept frozen it is edible after a year, I will admit . I would not like to eat it, but it is edible. But you thaw it once. and refreeze it, that is where the danger is.

There is one point that I perhaps should mention, and that is that the length of storage to which food can be subjected is not the point that is before you, as I understand it, because I can show you foods that have been canned five or ten years that are still good. That is not the point. What is the use of withdrawing food that long from commerce? It is an outrage and an indefensible expense. It is not how long you can keep food, but how short a time it should be kept. It seems to me that is the problem in the conservation of our food supply.

The Chairman: Is food, in your opinion, ever held in cold storage for the purpose of enhancing the price?

Dr. Wiley: I think there is a great deal of food in storage for that sole purpose. I feel convinced about it.

This is the opinion of one of the greatest food experts, if not the greatest, in the world. He has been chief of the Bureau of Chemistry, Department of Agriculture, Washington, for many years. He has devoted his life to the work of determining the wholesomeness of food, and many years to the effect that cold storage has on foods and on their proper distribution. To-day he is 77 years of age, and after long years of investigation he strongly urges the absolute control of the cold storage system. Surely we can learn something from men of this stamp.

It will be noted that if this clause is adopted the cold storage warehouses will

be empowered to hold any foodstuffs for a period of not longer than twelve months and regulations can and ought to be framed so as to compel these warehouses to be emptied and thoroughly cleansed at the end of this period. This would have the effect of guaranteeing to some extent the purity of the food that was placed on the market from these great storehouses. It will also be noted that in the case of hoarding by cold storage corporations, which may cause a shortage on the market or enable dealers to exact unreasonable prices for foodstuffs, which may be held in large quantities by cold storage companies, the Minister can under this clause order all such foods to be released from storage. This would have the effect of steadying the market and giving to the public such foods at reasonable and fair prices.

I submit that powers of this kind are absolutely necessary to control the food speculators, who are enabled to gather up the food products all over the country and cause a shortage on the market, and consequently inflated prices.

I submit further that the cold storage system as operated in Canada has diverted the trade in foodstuffs from its proper and legitimate channels and in doing so has worked serious hardships on the masses of our consumers.

These great storage plants have become the middlemen between the producer and the consumer, often to the detriment of both. Owing to the financial strength of these great corporations during the season of plenty, they become serious and active competitors with the consumers of this country and are able practically to control the supply by gathering in from the surrounding country such foods as eggs and poultry during the season when thrifty housewives usually are laying up their year's supply. I submit that they are often able to do this without in any way benefiting the producer as regards prices, simply because they can go to the different districts and control the food at the lowest possible price prevailing in the district. There are times, however, when, because it is necessary to secure their ends, they inflate prices, and to such an extent that the average wage-earner cannot compete and secure these foodstuffs, which are really necessary to all who live in a country like ours.

There is no doubt in my mind that the cold storage system as operated here is practically a monoply. As far as the food supply of Canada is concerned, they work systematically. Take eggs and poultry, for example—they may have, and I find they do have millions of dozens of eggs and millions of pounds of poultry stored in these Cold Storage warehouses. For instance, on April 1st, according to returns furnished by one of the departments, they had one million dozen eggs and about six million pounds of poultry. You can understand how this must affect the market. It practically means they have a corner in poultry, having taken it out of the legitimate channels of trade, and in doing so have caused an inflation of the price to the consumer, however, this is one of the methods adopted by the food speculator. It is a cold business proposition. They buy as cheap as they can and sell as dear as they can. I presume that under ordinary circumstances that would be called good business, but I doubt the wisdom of this country allowing any set of men to gamble in the necessaries of life to the extent that this Cold Storage system enables them to do at the present moment. The farmer suflers from the fact that these storages have secured a large quantity of any of the commodities they deal in. They can very well slacken up from buying until the producer is willing to take less; then they can fill up their store-houses knowing that the consumer has eventually to pay practically anything they like to ask for those commodities. They have thus succeeded in making a luxury out of what is an everyday necessity—meats, chickens and eggs. The average wage earner cannot afford to provide very much of this luxury for his growing family. Under the present system of distribution of our perishable foods there is only one class of people who are benefitting, and they are becoming millionaires—that is, the food speculator. The producer and the consumer are both victims of the greed and avarice of these men.

Now I am going to answer my honourable friend's question: Has the Cold Storage system been a blessing to the farmer, as is often asserted? I think not, and to give some reason for this opinion, I am going to review briefly the conditions surrounding the live stock industry of Canada. This, honourable gentlemen, is illuminative, and if my honourable friend is anxious that the farmer should be properly protected, that he should have a fair chance in this country, surely he should support this bill that is before the House, in order to give him that opportunity.

One other phase of this question to which I desire to refer to, which is of very great importance to both the producer and the consumer, is the meat trade of this country. In looking over the returns furnished by a number of Cold Storage Companies to the Bureau of Statistics I find that to-day we have stored over eighteen million pounds of beef. I also find that most of this beef was stored last fall, during the months of October, November and December—the months when cattle were at the lowest price. According to the same Department, I find that choice steers sold in Toronto at 5.61 per lb., Montreal at 5.56, and in Winnipeg at 4.42, live weight.

Hon. Mr. FOWLER: Would the honourable gentleman say that eighteen million pounds of beef stored would be an extraordinarily large amount, considering the population of Canada?

Hon. Mr. BRADBURY: I would.

Hon. Mr. FOWLER: About two pounds per head.

Hon. Mr. CASGRAIN: To do us for a year.

Hon. Mr. FOWLER: Yes, two pounds per head would last a week.

Hon. Mr. BRADBURY: That the House may have some idea of the huge profits that are made out of these animals, I am going to lay before you a statement taken from a reliable publication in the United States, The National Provisioner.

Good beef, say	1,200 lbs.
Farmer gets, say 7 cents, a fair average price	7
Farmer receives	$84 00
This animal dresses up	60%
or	720 lbs. beef.

This cuts up as follows, figured at local prices:

Shanks	.3%	which is	21⅜ lbs. at	7 cts.	$ 1 51
Plates	.13%	"	93⅜ "	16 "	14 98
Ribs	. 9%	"	64⅛ "	25 "	16 20
Chucks	.27%	"	194⅜ "	18 "	34 99
Loins	.17%	"	122⅜ "	38 "	46 51
Rounds	.23%	"	165⅜ "	25 "	41 40
Flanks	. 4%	"	28⅝ "	18 "	5 18
Suet	. 4%	"	28⅝ "	20 "	5 76
Amount paid by consumer					$166 53

for an animal for which the farmer got $84.

Hon. Mr. WATSON: What about the hide?

Hon. Mr. BRADBURY: I am coming to that. The by-products come to $15; so the cold storage and the retail men got $181.53.

Hon. JOHN WEBSTER: Are you sure that carcase went to cold storage?

Hon. Mr. BRADBURY: I am giving an example, if my honourable friend will be able to understand that.

Hon. JOHN WEBSTER: But you mentioned the cold storage.

Hon. Mr. BRADBURY: I understand that. It is pretty hard to convince men when you are bucking up against their own interests. I realized that before I started this speech; but if I have to speak plainly I will speak, so you had better leave me alone. The cold storage and retail men on an animal of that kind realize $181.53—or a little over 115 per cent of a spread between what the farmer got and the consumer paid. But that is not all, it is only a start. According to returns from the Department of Agriculture, choice steers at Toronto, in November, 1921, 1,000 to 1,200 lb., sold for 5½ cents. For a 1,200 lb. animal the farmer got $66. The retailer gets prices, percentages taken from the National Provisioner, when the animal is cut up, as follows:

				Local prices	
Shanks	.3%	which is	21⅜ lbs. at	7 cts.	$ 1 51
Plates	.13%	"	93⅜ "	16 "	14 98
Ribs	. 9%	"	64⅛ "	25 "	16 20
Chucks	.27%	"	194⅜ "	18 "	34 99
Loins	.17%	"	122⅜ "	38 "	46 51
Rounds	.23%	"	165⅜ "	25 "	41 40
Flanks	. 4%	"	28⅝ "	18 "	5 18
Suet	. 4%	"	28⅝ "	20 "	5 76
Amount paid by consumer					$166 53
By-products					15 00
Storage and retail got					$181 53

In Ontario, at Toronto, the farmer got for the animal $66 00
which is $115.53 profit, or 174%.

Hon. Mr. CASGRAIN: But consider the work, and the license, and the butcher's cart, and all the rest of it.

Hon. Mr. BRADBURY: Honourable gentlemen, I don't need to stress this. I do not think it is very hard to answer my honourable friend's question whether the cold storage was a benefit to the farmer or not.

Hon. Mr. FOWLER: Who made this profit—the butcher?

Hon. Mr. BRADBURY: The cold storage man and the butcher between them.

Hon. Mr. FOWLER: Suppose they did not go into cold storage, the butcher would

make it all. Is it not true that there is a market in this city to which farmers bring their produce, and people of Ottawa go and get it? They cannot buy any cheaper than they can in the meat market. I know that as a fact, because I have tried it.

Hon. Mr. BRADBURY: I am afraid my honourable friend's facts are not very well founded.

Hon. Mr. FOWLER: Yes, they are; they are founded on actual experience.

Hon. Mr. BRADBURY: You can pick up a paper any morning you like and you can find beef selling down at the Ottawa market at 5½ cents for fore-quarters and 6 to 7½ cents for hind-quarters; so if that answers my honourable friend's question—

Hon. Mr. FOWLER: If you buy meat by the quarter in a butcher shop you get it just as cheap as you do in the market.

Hon. Mr. CLORAN: Oh, no, you don't.

Hon. Mr. BRADBURY: These figures, honourable gentlemen, are surely illuminating, and ought to open the eyes of every honourable gentleman as to the absolute necessity of controlling the cold storage system of this country, when they realize the farmer receives only $66.00 for an animal after spending three years of care and many anxious hours to protect its life, and the large expense of feeding, while the food speculator, who does not spend an hour in any extra care, and takes absolutely no risk, clears on his transaction over twice as much. This evidence indicates clearly that the cold storage system, as manipulated, works to the detriment of the farmer as well as to the detriment of the consumer. The principle of cold storage is sound when it is used for the purpose of caring for the surplus perishable goods of this country, but when it is allowed to practically control all the perishable foods, it is in a position to dictate the price that it shall pay to the farmer, as well as dictate the price the consumer shall pay for it.

Now, honourable gentlemen, I do not think my honourable friend would have any difficulty in realizing that the cold storage system is not a great friend of the farmer. To verify what I have said, I want to place on record here that the cold storage companies filled up their plants when meat was cheap. That was a good business proposition, and I do not blame them for that at all, but I do blame the system for taking advantage of the circumstances that surrounded the farmer last fall. In the west we ran short of fodder. Farmers proposed to sell their cattle, and this great institution that had cold storage facilities, could have cared for a lot of this meat, and if they had been generous and fair, would have taken this meat and paid fair prices for it, because they knew that the consumer was going to pay just whatever they asked for it, and thus they would not lose anything. Instead of that, they took full advantage of the farmer's unfortunate position. Steers were sold in Edmonton last year, weighing 1,200 and 1,500 pounds, for $15 and $20. The cold storage magnates did not have any sympathy with the poor farmer. They could have come to his rescue. They could have taken his stock and paid him a fair price for it, knowing that the consumer would pay them back, because they had the whip hand; but they bought the meat cheap. Yet that fact did not make one cent difference to the consumer.

Hon. Mr. McMEANS: But the fact that there was an immense quantity of meat stored in cold storage warehouses caused the dropping down of the price of beef to the farmer. That is, the farmer could not sell his beef for anything at all in the west. I know places where he could not even pay the freight on it when it was sent to the stock-yards; but it was explained to me that the reason for that was that the cold storage warehouses had stored up such a huge quantity of beef that they did not want to buy.

Hon. Mr. BOLDUC: But how is it the consumer had to pay so much more than before?

Hon. Mr. BRADBURY: I have no doubt there is a good deal in what my honourable friend says, but it carries out what I have said—that those cold storage people are able to fill up their warehouses and to say to the farmer, "We are full; we don't want your meat." But when it came down to the last possible cent—some of it, I am told was sold for 2 or 3 cents a pound, live weight—they made a good profit on it. I can prove it by the returns here.

Hon. Mr. LAIRD: Is the honourable gentleman aware that there was not a cold storage plant in western Canada last year, or for a number of years, that bought one single pound of beef? The packers who bought it, but not the cold storage people. The cold storage people do not buy beef at all.

Hon. Mr. BRADBURY: My honourable friend seems to make a difference between the packer and the cold storage man. I am not making any difference. I am speaking of the cold storage men that buy this meat. My honourable friend knows that the packers are cold storage people; they have had cold storage warehouses. He knows that the people in Winnipeg have perhaps one of the biggest cold storage warehouses on the continent. He knows that Pat Burns has a cold storage house at Calgary, and one at Edmonton on the very same line. My honourable friend's cold storage may be a little different, and may be run on a different basis, but I am not criticising that kind of cold storage.

Hon. Mr. ROBERTSON: I should like to clear up a point here. The honourable member has stated that in certain cold storage plants the cold storage regulations have not been effective, for reasons which he stated, and that there was no supervision. I think it is true that all the packing houses are properly supervised by government inspectors, and every bit of meat that passes through them is properly inspected, and that the observation in reference to no inspection does not apply so far as meats are concerned.

Hon. Mr. DANIEL: Is that meat for export, or is any of the meat that passes through packing-house refrigeration?

Hon. Mr. BRADBURY: I am thoroughly aware of what my honourable friend has said; but he has gone a little far. There was an inspection under the Bureau of Statistics, I think it was, that took powers that it did not have.

Hon. Mr. ROBERTSON: The Department of Agriculture conducts an inspection.

Hon. Mr. BRADBURY: The Live-stock Branch do, but it is only in the abattoirs and packing houses. They have no more right to-day to go into the cold storage warehouses and conduct an inspection than they had in 1907. The honourable gentleman can see that from the letter of the Minister of Justice.

Hon. Mr. ROBERTSON: We are informed that meat is not stored in such places.

Hon. JOHN WEBSTER: It is not stored in the public warehouses; it is stored in the packing-house-owned abattoirs.

Hon. Mr. BRADBURY: I do not know whether my honourable friends are anxious to mix me up, or whether they are sincere in trying to enlighten the House, but what I say is this: that we have absolutely no control over the thirty-four cold storage plants subsidized by the Dominion Government, at an expense of $700,000 of the people's money. We cannot command one square foot of storage; we do not own one share of stock, whether they store meat or not. I am dealing with the storehouses that do store meat.

Hon. JOHN WEBSTER They often have their own plants.

Hon. Mr. BRADBURY: I have before me some returns, that I should like to place on record to show how rapidly the quantity of meat in storage grew.

On October 1st, 1921, there were 3,882,000 pounds of fresh pork, 16,223,000 pounds of pork of all kinds, cured and otherwise, and 9,947,000 of beef; in November of 1921 there were 4,285,000 pounds of fresh pork, 17,607,000 pounds of pork of all kinds, and 15,282,000 pounds of fresh beef; in December of 1921 there were 5,711,000 pounds of fresh pork, 23,435,000 of pork of all kinds, and 21,847,000 of beef. In January of 1922, when the farmer was selling his stock cheap because he could not keep it—and, of course, when the market broke in the West the packers did not buy, and the market broke down here—there were in storage 6,355,000 pounds of fresh pork, 24,381,000 pounds of pork of all kinds, 25,318,000 pounds of beef; in February there were 10,697,000 pounds of fresh pork, 27,200,000 pounds of pork of all kinds, 22,890,000 pounds of beef; and on the 1st of March there were 10,176,000 pounds of fresh pork, 27,851,000 pounds of all kinds of pork, and 19,840,000 of beef.

I have given you these figures, honourable gentlemen, for the purpose of confirming the statement which I have made that the cold storage people took advantage of the condition of the farmers. These gentlemen filled up the cold storage warehouses when meat was selling at 4½ cents a pound in Winnipeg and 5½ cents a pound in Toronto. If they had given the consumer the benefit of the drop, it would not have been so bad; but I will ask any houourable gentleman who knows anything about the prices paid for meat whether he does not realize that the consumer got no benefit whatever from the condition of the market, and that the farmer lost heavily.

Honourable gentlemen, I have spoken at greater length than I intended. I have

very little more to say, and could finish in perhaps half an hour.

Some Hon. MEMBERS: Adjourn the debate.

Hon. Mr. BRADBURY: I move the adjournment of the debate until to-morrow.

On motion of Hon. Mr. Bradbury, the debate was adjourned.

SALARIES AND SENATE AND HOUSE OF COMMONS BILL

SECOND READING.

Hon. Mr. DANDURAND moved the second reading of Bill 14, an Act to amend the salaries and the Senate and House of Commons Act.

He said: Honourable gentlemen, the purpose of this Bill is to provide a salary for the Minister of National Defence. It will replace the salary formerly paid to the Minister of Militia and Defence. In Committee this Bill will follow the other Bill constituting the new Department of National Defence.

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

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Wednesday, May 3, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Bill C2, an Act for the relief of Alexander Frederick Naylor.—Hon. Mr. Ratz.

Bill D2, an Act for the relief of Margaret Yallowley Jones Conalty.—Hon. Mr. Proudfoot.

Bill E2, an Act for the relief of Telesphore Joseph Morin.—Hon. Mr. Proudfoot.

Bill F2, an Act for the relief of Daisy Mary Nicholson.—Hon. Mr. Blain.

ROYAL IRISH CONSTABULARY

INQUIRY

Hon. Mr. GRIESBACH inquired of the Government:

1. Is it a fact that one thousand discharged members of the Royal Irish Constabulary, who were anxious to come to Canada as settlers, and whose application has been considered by the British Overseas Settlement Board, have been prevented from immigrating to Canada by the British Overseas Settlement Board?

2. If so, does the Government propose to take any steps to investigate the matter with a view to securing the immigration of these very desirable men?

Hon. Mr. DANDURAND: The Government have no information, but are investigating the said newspaper report.

G. T. R. REVENUE AND EXPENDITURE

INQUIRY

Hon. Mr. BELCOURT inquired of the Government:

1. What were the gross operating monthly revenue and cost of operation of the Grand Trunk Railway System from the 1st of January to the 1st of April, 1921?

2. The same for the period dating from the 1st of January to the 1st of April, 1922?

Hon. Mr. DANDURAND:

1. Gross revenue, $25,483,514.71; operating expenses, $21,814,400.28.

2. Gross revenue, $25,029,399.94; operating expenses, $21,814,400.28.

N.B.—Includes operation of Central Vermont.

CREDITS FOR EUROPEAN COUNTRIES

On the Orders of the Day:

Right Hon. Sir GEORGE E. FOSTER: I would like to call the attention of the honourable leader of the Government to a despatch which appears in the morning papers to the effect that Canada has subscribed £1,000,000 towards an international corporation, or consortium with other nations of the world, designed as a basis for credits for European countries. Can my honourable friend inform the House whether or not he is in a position to affirm or deny the statement made in the despatch?

Hon Mr. DANDURAND: I am without any information on this matter. I shall be in a position to answer my right honourable friend to-morrow afternoon.

COLD STORAGE BILL

SECOND READING—REFERRED TO SPECIAL COMMITTEE

The Senate resumed from yesterday the debate on the motion of Hon. George H. Bradbury, for the second reading of Bill B, an Act to amend the Cold Storage Warehouse Act.

Hon. GEORGE H. BRADBURY: When the House adjourned last night I was discussing the effect of cold storage warehouses or abattoirs upon the live meat trade. During the discussion, I presume largely on account of the many interruptions that occurred, I failed to explain that under another act there is a certain inspection into the killing of and caring for our meat. I stated that there was absolutely no inspection or control of any kind under the Cold Storage Act, and in that respect I was quite right; but there is another Act under which the Live Stock Branch of the Agricultural Department was given authority to inspect all animals killed, and all meats placed in cold storage warehouses or abattoirs for export purposes or for interprovincial trade. This fact, honourable gentlemen, proves to my mind beyond any doubt the constitutionality of the Bill now before the House; it proves that the Government can control every cold storage warehouse in Canada that holds food for trade between the different provinces or for export purposes. The ruling in that regard was made by Sir Allen Aylesworth some years ago, and I understand that the department has been carrying on an inspection of abattoirs and packing houses throughout Canada ever since that date. I want to be absolutely fair in this matter, and I make that explanation so that there may be no misunderstanding. I have no quarrel with the men conducting the cold storage business, but I believe that the Government ought to have absolute control of all storehouses that are storing the food supply of Canada.

During the discussion last evening, a number of gentlemen took objection to the coupling of the meat trade and the cold storage system. What I said regarding the manner in which the livestock trade of Canada was encouraged, or rather discouraged, by the action of these men who store meat, referred to the cold storage system only. I understand the situation thoroughly, honourable gentlemen. I understand that a large number of private cold storage warehouses do not store one pound of beef; at the same time, honourable gentlemen, every abattoir, every packing house has its large cold storage system; if it had not, it could not care for its products. So, in referring to the meat trade, I was referring, of course, to the packing houses, the abattoir businesses, and the men who kill the meat and store it. Other cold storage systems in Canada are concerned by this bill only in so far as they handle the products dealt with by the Bill; if they store eggs or poultry or fish, they will come within the scope of the Bill.

I contend, honorable gentlemen, that the Parliament of Canada is properly seized with power to legislate on this matter. I cannot for the life of me understand why the Cold Storage Bill passed in 1914 was practically allowed to become a dead letter through lack of enforcement, particularly in view of the ruling of Sir Allen Aylesworth that the Government had power to inspect the abattoirs, and every pound of meat that goes through them, and the buildings themselves, and to insist upon a cleanly and sanitary condition being maintained. To my mind that fixes the responsibility upon the Federal Parliament to legislate to control every cold storage warehouse in Canada containing perishable foodstuffs, for either export or interprovincial trade.

You will understand, honourable gentlemen, that there are some cold storage warehouses that do not hold food for interprovincial trade. I am not sure, but I presume, that in a great city like Montreal, there are cold storage warehouses that store food for use only within the province. A storehouse of that kind, perhaps, would not be affected by this Bill. Such a situation might require provincial legislation. But I contend that the federal Government should go as far as it can along the lines I have indicated, to take control of these great storehouses that store the necessaries of life in such huge quantities.

I was going to deal with the effect of this system upon the hog industry of Canada; but I really do not think it is worth while taking up much more of the time of the House. I simply wish to say that every argument I have advanced in regard to the methods of these great packing houses throughout Canada in connection with beef applied equally to their operations in connection with the hog industry of this country. All these great packing houses are business concerns run on business lines; and I am not quarrelling with their methods of taking advantage of the markets and securing products from the farmers at the lowest possible cost. I find that last fall hogs sold in Toronto at $9.45 in October; $9.13 in November; and $10.33 in December. During those months, and later, when the market was depressed, the great packing houses were filled up until they contained, as they do to-day, something like 30,000,000 pounds of pork. If the consumer was reaping the benefit of the low prices received by the farmer, perhaps there would be

some argument in favour of the methods employed by the great packing houses; but when honourable gentlemen realize that to-day we are paying practically war prices for bacon and ham—60 cents a pound for bacon in the city of Ottawa, and 45 and 50 cents a pound for ham; and in proportion no doubt for other parts of the animal—they will understand the huge profits that these packing houses are making.

While arguing along this line last evening, I was interrupted by the honourable gentleman from New Brunswick (Hon. Mr. Fowler), who said, "Why should not the manufacturer or maker of butter store it and hold it for a greater price?" Honourable gentlemen, there is no reason in the world why he should not do it; but the fact is that he does not do it. The butter, in ninety-nine cases out of one hundred, leaves the manufacturers and passes into the hands of speculators. They are the men who store the butter and the food products of this country. If proper facilities were provided in which the producers could store their products until they could command reasonable prices, there would be no just argument against them doing it; but I submit that when a combination of business men with millions of dollars behind them can go into the market and control every pound of butter and every dozen of eggs produced in Canada, and put them into these great warehouses and hold them there until the consumers are ready to pay whatever price they may be asked, they are taking advantage of a condition which is immoral, and which ought not to exist in any civilized country. What is the logical result of a system of that kind? The logical result is that a combination of these men, being all-powerful, and having millions of dollars behind them, can practically starve the people of Canada by holding up the foodstuffs of the country. Honourable gentlemen may laugh, but I want to say that during the last two or three years probably hundreds of thousands of people in Canada have not been able to purchase some of these products, because they could not afford the prices that were being asked. This is not a secret: it is a well-known fact.

In view of the facts, I appeal to this House and ask whether it is not wise to have a system which would give the Government control over these institutions? If there is nothing wrong with them, why should they object to Government control? If everything is above-board, they should have no objection to the Government having control. In the interests of the health of our people we ought to be assured that everything that is sold on the markets of Canada is at least pure and wholesome. In another place at the present time an agitation is going on for the creation of a Wheat Board in Canada. What for?—To intervene between the speculator and the farmer. I am not going to argue whether that is justifiable or not—

Hon. Mr. DAVID: That is not the same case.

Hon. Mr. BRADBURY: But I am going to say that if the Government can justify the creation of a Wheat Board to control a commodity that is not perishable, a commodity that will keep for years when properly stored, they are in duty bound to create a system of abattoirs and cold storage warehouses throughout Canada to protect the man who is raising live-stock, the real farmer of Canada. Think of what occurred in the West last year. Hundreds of our farmers lost almost everything they had in live stock, simply because there was a shortage of fodder, and because there was no way of taking care of the animals. If the Government had had a system of abattoirs, a cold storage system, these cattle could have been killed and put in cold storage by the producers, and the consumers of this country would have got the benefit, because they would have been in a position to buy their meat a great deal cheaper than they could buy it from the speculators. I contend not only that this is practicable, but that there can be good, sound reasons adduced as to why it should be done—far better reasons than can be given for the creation of a Wheat Board in Canada.

Now, honourable gentlemen, I am not going to weary the House much longer. I just wish to refer to another clause of the Bill. Clause 4d provides that:

> All parcels of food which have been in cold storage and are exposed for sale shall be marked with a card attached so as to be plainly in view of the public, on which shall be printed in red block letters, not less than two inches in length, upon a white ground the words cold storage goods.

This clause has been included in nearly every cold storage law adopted by the states to the south of us.

Every honourable gentleman will admit that the long and varied experience in legislating to control the handling of foodstuffs by our neighbors to the south is very valuable to us who are endeavouring

to formulate a wise and sane policy on this question.

For the information of the House I will read from two or three of the Cold Storage Acts adopted by different states, bearing on the clause in question. The New York State law reads as follows:

Clause 94—Cold storage food when sold must be represented as such. It shall be unlawful to sell, or to offer for sale, any article of food which has been held for a period of more than thirty days in cold storage either within or without the state, without representing the same to have been so kept. Any invoice or bill rendered for such foods shall clearly describe the commodities, using the words "cold storage goods". In case of transfer of ownership of foods while still held in cold storage the seller of the same shall notify the buyer in writing of the day, month and year in which said food was originally placed in storage.

This, honourable gentlemen, may seem pretty drastic legislation, but those who have paid attention to the question know that the State of New York has been fighting this cold storage question for years; and after long experience has adopted that clause. The argument is that the public ought to know what it is buying, and when a consumer goes into a store, and is offered cold storage goods, he should be notified that they are such. The Ohio State laws are very much the same as those of New York.

I have here a short statement from Dr. Wiley, bearing on the necessity of notifying the public what they are buying. Speaking of poultry, Dr. Wiley said:

Whenever a fowl is kept for a longer period than a week or ten days for the purpose of improving its flavor and palatability, it is necessary that it be placed in cold storage. This method of keeping poultry or other foods is wholly unobjectionable, unless carried to excess. Poultry is a food product which under the present scientific methods of production can be furnished in a fresh state all the year.

That is absolutely true; and if so, why should we have 6,000,000 pounds of poultry locked up in the cold storage warehouses of Canada to-day? Dr. Wiley continues:

The necessity for cold storage therefore, is not so apparent in this case as in that of fruit and other perishable foods. It appears, then, that cold storage only should be extended to that limit necessary to secure its delivery to the consumer. There can scarcely be any excuse for the placing of poultry in cold storage at certain seasons of the year when they are slightly less in price by reason of the abundant production than at other season. The methods of producing poultry are such at the present time that this excess in supply can easily be avoided on the part of the producer, and thus maintain an even price and an even supply the year round. The producer as well as the consumer is benefitted by such a condition. The necessity, often, for cold storage in the limited sense above referred to is acknowledged by all, and a reasonable degree of time in cold storage cannot be regarded as in any way measurably harmful with reference to the character of the product. It is probable that as long as four or six months may be regarded as a justifiable limit for securing a proper market for poultry in cold storage, though the exact length of time in which it may be left in cold storage will be determined only by careful scientific investigation. There seems to be no necessity whatever for carrying fowls for a longer period, and especially, as has been known, for a year or even two years. The deterioration, even if the temperature is far below the freezing point, is very marked during these long periods of time, and actual danger may accrue to the consumer in the possible development of poisonous degradation products in the flesh. Municipal, state, and national regulations should be of a character to inform the consumer of the exact length of time which the poultry he proposes to purchase has been in cold storage. This is the least which the consumer has the right to know, and is a right which the producer and packer should concede without discussion. The unwillingness which has been manifested on the part of dealers in poultry to make public the length of time which it has been in cold storage is of itself a suspicious condition. The argument is constantly heard that the length of time poultry has been in cold storage does not impair its palatability or wholesomeness. If this be true, then a statement of the length of time cannot in any way injure the market. But to this, reply is made to the effect that if the consumer is told the fowl has been in cold storage a certain length of time he will not purchase it. To this the evident answer is,—why should you deceive the consumer by selling him an article which, if he knew its character, he would not buy? It is evident that such deception is nothing more or less than obtaining money under false pretences. The remedy for the evil of cold storage is the label which will indicate the length of time which has elapsed since the slaughter of the fowl.

I have read that for the purpose of giving the House the benefit of the opinion of one of the greatest food experts on this continent. In addition to this, permit me to say that common decency and honesty demand that the consuming public should not be deceived, but should be informed as to the nature of the foods they are buying. The public at the present moment has absolutely no protection regarding the quality or wholesomeness of perishable foods. The authorities have sadly neglected what is perhaps the most important factor in preserving the health of our people, that is, a thorough and efficient inspection of all perishable foods that are offered for sale. I have seen in this city and in others fish, poultry and meat exposed in windows for sale that I would not give to a dog to eat, except that I wanted to destroy the dog. I have seen fish black, and any man who knows anything about fish knows what that means; as soon as the eyes of a fish begin to sink and the black discolouration occurs

in the backbone of the fish it is absolutely unfit for consumption; yet thousands and millions of pounds of such fish are sold to the people of Canada to-day owing to the lack of proper inspection. Some innocent person would likely get this food not knowing anything about its condition or history. If they were vigorous and strong they would likely throw off the poison that would be occasioned by eating this food, but if they were not strong the poison would likely take effect and their health would be undermined. I don't think this is overdrawing the situation. The lack of proper supervision by the authorities on the foods that are selling to the people in this country is certainly a sad reflection on those responsible for protecting the health of our people. I am, therefore, stressing this clause in the Bill, in the hope that it will be made law, and if properly enforced it would go far towards protecting the health of the consuming public.

I intend to move an amendment at the end of the Bill, to give the Government more power than it has at present. I am asking that the following be added to the Bill as clause 3:

3. The said act is hereby amended by inserting therein immediately after section 6 the following as section 6a.

6a. The minister shall cause every cold storage warehouse to be inspected at least once a year for the purpose of ascertaining whether the cold storage warehouse is in a sanitary condition, and also for the purpose of ascertaining how long each article of food therein has been held in cold storage therein.

This, I believe, is necessary to insure proper inspection of the cold storage warehouses in Canada, and thus protect the health of the people by assuring that all these plants are kept in a clean, sanitary condition. This is following along the lines of the precautions taken by many of the states to the south in their cold storage laws. I find that Ohio and Minnesota have this law, and I presume also New York, and many other States. This gives the Government power to go in and examine every cold storage warehouse in Canada.

While the proposed bill does not deal with all these phases of the question which I have discussed; but honourable gentlemen will notice that I have purposely broadened out the discussion and dealt with matters not mentioned in the Bill for the purpose of awakening the public opinion in regard to this matter. The fact that the cold storage system of Canada has at the present moment locked up 20,000,000 pounds of beef, 30,000,000 pounds of pork, 6,000,000 of mutton and lamb, and 6,000,000 pounds of poultry, will give honourable gentlemen some idea of the stranglehold those institutions have upon the producer and the consumer in Canada just now. I claim, and it is not hard to demonstrate, that the locking up of this meat works injuriously to the consumer. But the question arises, why is it locked up there? It was placed there last fall, and during the winter much of it was put on the market and sold; but just now very little is taken out and put on the market. because cold storage meat will not stand exposure to warmer temperature without breaking down. The gentlemen who control the cold storage will hold this meat until next fall, when it will probably come into the market in competition with the farmer who has his live stock ready to sell then. Because of the fact that the cold storage men have their warehouses filled from the fall previous, they will get the opportunity of purchasing from the farmer at prices very much lower than he ought to receive.

Any man who knows anything about farming conditions in Canada, especially Western Canada, realizes that it had been the hope of public men to build up in those Western provinces a great live stock industry; but that is absolutely impossible under present conditions. Something must be done to give the farmer some guaranty that if he raises cattle, sheep or hogs he will find a market at reasonable prices when he wants to sell. That can be done by the Government creating abattoirs, or even by taking possession of some of the big ones that exist.

When I was speaking last night one of my honourable friends interrupted me with the statement that not one cold storage house in the West had stored any meat. Of course the honourable gentleman had overlooked the great cold storage warehouses and the packing houses in Edmonton and Calgary, the great Gordon-Ironside cold storage warehouse and packing house in Winnipeg, the Gallagher packing house in Winnipeg, and the Swift Company warehouse, an American concern. I venture to say millions of pounds of beef are stored in those plants.

In view of these facts, and what I have stated in argument, I ask this House to give this Bill fair and honest consideration. I do not claim it is perfect; I know it is not; but I ask the House to assist in framing legislation that will be effective in protecting the public of this country. I will go further than that. I would say

to the Government of the day that I would be only too glad to have them take this Bill over, provided they retain in it the obligatory clauses, without which I would have very little hope of any legislation being effective which the Government would pass.

When this Bill comes to its second reading I intend to move that it be referred to a special committee with power to secure persons and papers such as may be required.

Hon. Mr. DAVID: No doubt this Bill deserves the most sympathetic consideration of the House, and I believe the intent is very good, because I know that in Montreal thousands of dozens of eggs and thousands of pounds of butter became rotten after remaining in cold storage warehouses during two or three or six months. But I do not see that the time is specified in the schedule referred to in Section 4B. Would my honourable friend show me where the time is mentioned?

Hon. Mr. BRADBURY: In framing this Bill I believed that limiting the time in a schedule was the proper way of legislating, but I realize that it would occasion a good deal of misunderstanding, and as I was anxious to accomplish something I modified that, and I intend to move this amendment:

That Clause 4b be struck out and the following substituted:—

No article of food shall be kept in cold storage longer than twelve months, provided that if the minister is of the opinion that the conditions of marketing are such that it is desirable that any such articles be no longer held in cold storage he may require such articles to be taken out of cold storage forthwith;

Provided also, that if the minister is of the opinion that further keeping of any article in cold storage is likely to result in deterioration, he may order that such article of food shall be taken out of cold storage.

That gives the Minister absolute power to take it out of cold storage.

Hon. G. G. FOSTER: Honourable gentlemen, the Bill which has been submitted by the honourable member for Selkirk (Hon. Mr. Bradbury) is one that should receive from the members of this Chamber the greatest possible care and study, not only because it relates to the commerce of the country, not only because it is of interest to the farmer and consumer, but because a very wrong impression may very easily go out in connection with the manner in which he has presented it, as to the attitude that this Chamber takes in regard to this legislation. I am perfectly well aware that the motive of my honourable friend was to secure the enactment of the bill which he submitted, but as in the discussion of it he has invoked the possibility of cheap food and the wrongs done to the farmers and to others, it is important that the people of Canada should understand that our attitude is one which we believe to be in the interest of the country at large.

My first criticism of the legislation proposed by my honourable friend is that he has selected the wrong time in the commercial history of our country to introduce this Bill. I submit that this is not the time in which this Parliament, or any other legislature in Canada, should pass a law which would interfere with the commerce of the country or cause a state of unrest among the farmers, who are trying to carry on and make a living. I am informed that there is to-day in Canada no industry that is giving greater worry and concern to those interested in it than is the business of packing houses and cold storage plants, to which my honourable friend has referred. While I do not share the opinion that is entertained and expressed by certain people in regard to the condition of the farmers, yet I do know that we have in Canada so many farmers who are uncertain as to their future that we ought not to do or say anything, or pass any legislation here, that would tend to add to the unrest and hardships from which they already suffer. My honourable friend (Hon. Mr. Bradbury) has quoted largely from American authorities with regard to the legislation that is in effect in the United States. I would cite to him one more American authority that it would be well for him and other members of this House to bear in mind. In a statement made the other day by the President of the United States he said that what the business conditions of that country needed was that the politicians should let business alone; that there should be less politics in business, and that sound, well-tried business methods should be applied to legislation more than they are at present in the different legislatures of the United States. And I say to this Chamber to-day that under present conditions in Canada, as they are known to the members of this Chamber, we should hesitate very much before adopting a course that would add to the unrest that already exists.

In the presence of so many men who know the cold storage business far better than I could hope to know it, I will not attempt to deal with this question in detail, but I want to say one word regarding the cold storage proposition from the stand-

point of the farmer, and I shall leave it to other honourable members to suggest the remedies for the wrongs that have been mentioned by my honourable friend (Hon. Mr. Bradbury). The history of the cold storage business in Canada is a short one. In 1894 modern cold storage was practically unknown in this country. From 1894 to 1919, aided by the very bonuses from the Government to which my honourable friend sneeringly referred, there developed in this country a splendid, first-class business known to us as the packing and cold storage industry, which is not only of great importance in the preservation of food for consumption in Canada and in the promotion of Canada's foreign trade, but is likewise important to the farmers of Canada. I do not know what we in this country would do to-day if it were not for the cold storages that exist, and against which my honourable friend appears to have a grievance. With a scattered population in a vast country, limited only by the two oceans, and with each province in a position to grow products that other parts of the country cannot raise, we have to depend upon cold storage. Vegetables, fruits and other products—some of which are luxuries, though we often think of them as necessaries—are grown in distant parts of this country and are available to every market in Canada solely because we have developed cold storage in the manner which I have indicated. In order that honourable gentlemen may appreciate the development of cold storage in this country, I would ask your permission to read from a report which was made on this subject in 1919. There were at that time 266 installations of mechanical refrigeration in cold storage warehouses, abattoirs and other manufacturing establishments. Nine were equipped with the gravity brine system, and there were forty-four small freezers where ice and salt were used as refrigerants. The total refrigerated space at that date was 33,347,774 cubic feet. Of the total number of warehouses 76 were classified as public or semi-public cold storages, 46 were for creamery purposes, and 200 were listed as private establishments connected with packing houses, etc.

Since 1919 many additions have been made to the cold storage plants. The principal one is the erection in the city of Montreal by the Harbour Commissioners, of the largest cold storage warehouse in Canada. When completed, as it will be in a few days, it will be not only the largest in this country, but one of the most modern and most scientific constructions in the world. I respectfully suggest to my honourable friend (Hon. Mr. Bradbury) and to this House that at this time, when it is necessary, as we all appreciate, to encourage such enterprises, it is not right or fair to the commerce of Canada to raise any question calculated to cause unrest amongst the men who have invested their money in those undertakings, which are so essential to the future development of our country.

I am going to call the attention of this House, not to all the details of the Bill that my honourable friend has submitted, but to two only. In doing so I desire to say that I am acting solely on behalf of a class of people in whom I am interested more than in any other, namely, the farmers. If the business of the farmers of this country is going to be further interfered with by legislation, their output will be curtailed and the prices at which they can sell their products will be reduced, and I do not know what will be the future of this country. There are in my honourable friend's Bill two important items that would of themselves cause untold misery to the farmers of the East, and, so far as I know, to the farmers throughout the whole of Canada. The schedule in the Bill provides that eggs (April and May) shall not be held longer than two months.

Hon. Mr. BRADBURY: Will the honourable gentleman permit me to interrupt for just one moment? He does not realize that that has been amended. That is not the clause we are discussing.

Hon. Mr. FOSTER: Would the honourable gentleman kindly tell me what is the amendment? I did not hear it.

Hon. Mr. BRADBURY: For one year.

Hon. Mr. FOSTER: Then my honourable friend has corrected one of the greatest wrongs involved in the Bill, and perhaps that is an answer to the criticism I was about to make. Has any amendment been made with regard to poultry?

Hon. Mr. BRADBURY: Everything is classed at twelve months.

Hon. Mr. FOSTER: All farm products can be kept in cold storage for a year?

Hon. Mr. BRADBURY: For one year.

Hon. Mr. FOSTER: I did not have the advantage of hearing my honourable friend's amendment, and, while it does not answer the principal criticism that I have

made, yet it removes the great wrong which would make the Bill as presented to us a crime against the people of the eastern part of our country.

I do not think, honourable gentlemen, that we are justified in passing the Bill at present. I should like to move at the proper time that its consideration be adjourned for one year. During that period we can obtain more information, nearer home, than my honourable friend has given us to-day and yesterday. We shall be able to study the question and know more about the conditions of trade and of the farming class than we can possibly do to-day. We shall hope that the farmers may be in a better position then, and we may then be able to meet some of the objections that will be offered under present conditions. I believe that in the matter of cold storage there are regulations enforced by the Government of this country for the protection of life and health, that amply protect the people from the dangers pictured by my honourable friend (Hon. Mr. Bradbury). I have never known of any person to die from eating goods that were proven to have been in cold storage. I am aware that as pointed out by the hon. member from Montreal, some goods taken out of cold storage have not been in first-class condition—there is no question about that; but on the other hand I do not know in what condition those goods were when they were placed in storage. Their condition may be due not to the length of time they were in cold storage, but rather to the condition in which they were when placed there. It may be a question of the desirability of having such goods inspected when they are placed in storage. When we have had time to study the matter thoroughly we may find useful the suggestion to establish a system of inspection. I do not know whether there is anything in this suggestion or not, but I give it to the House for what it is worth.

The Bill which my honourable friend proposes, and especially the amendment to it, would seem to entail the expenditure of money. As I understand, he proposes that inspectors of perishable products should be appointed. I do not know to what extent the Senate has the right to originate a Bill of this kind. That point is worthy of consideration by the Government.

The Hon. the SPEAKER: Do I understand that the honourable gentleman wishes to move a motion?

Hon. G. G. FOSTER.

Hon. Mr. FOSTER: Yes. I would move, if I can find a seconder, that the consideration of this Bill be postponed for one year.

Hon. Sir JAMES LOUGHEED: May I point out to my honourable friend that that would be entirely out of order. It would carry the Bill over to next Session. This Chamber certainly has no authority to pass a resolution, to be effective next year, which would prohibit the members from dealing with the same subject then. Hence it is customary to move that the Bill be not considered for six months, or three months, as the case may be.

Hon. Mr. FOSTER: Six months.

Hon. The SPEAKER: Is there any seconder for that motion?

Hon. Mr. McLEAN: Yes, I second it.

Hon. JOHN WEBSTER: Honourable gentlemen, I listened with the deepest interest to the honourable member from Selkirk (Hon. Mr. Bradbury) discussing this Bill pertaining to cold storages in Canada. In the statement he made last night he referred to some members who were butting against their own interests. I want to say that I have not one dollar invested in any way in cold storage, in Canada or anywhere else; but I have been a patron of cold storages, to a greater or lesser degree, for the past thirty years, and I fully realize the necessity for the cold storages which we have. Let me say further that I have been in a good many of the cold storages in the State of New York, including the city of New York, and, to the credit of Canada be it said, we have in the city of Montreal the best cold storages to be found anywhere on the American continent. The Canadians, in following up this business of cold storage, have adopted the latest improvements.

I quite agree with the honourable member from Selkirk (Hon. Mr. Bradbury) that a year is long enough for any food product such as fish, eggs or meat to remain in a cold storage. There may be some other food products which it might not be advantageous to remove in a year and which would not be injured by being kept longer in cold storage. Take, for instance, dried fruits. such as prunes, dates, evaporated apples, apricots and peaches. They would not be injured at all by being kept in cold storage. But one point of the Bill that I object to is the labelling of everything that has been in cold storage and is offered for sale in any merchant's place of busi-

ness. That would mean a very big contract for the printing houses of this country. Take for instance a man who imports a car of lemons. Anyone who is familiar with the trade knows that lemons must be put into cold storage immediately on reaching this country; otherwise they will not be preserved and the loss will be considerable. But why should a man who brings a box of lemons from storage and offers it for sale in his store be required to have on the box a label a foot and a half by two? Every person knows that the lemons were in cold store. It is not necessary to tell any one.

Hon. Mr. BRADBURY: May I interrupt the honourable gentleman? I am sure he does not wish to be unfair. The Bill does not deal with lemons at all; it deals only with butter, eggs, fish, poultry and meats.

Hon. Mr. WEBSTER: It mentions fish, meat and other food products. These products are all food products. The honourable member (Hon. Mr. Bradbury) spoke last night of contamination in cold storage. Let me tell the honourable member, as to ptomaine poisoning, that there are ten cases due to ice cream for every one due to meat. Why? Because the injurious bacteria have got into the cream before it is frozen. Those bacteria have lain dormant at a certain temperature, but as soon as the product comes out and is exposed to heat it becomes poisonous. That is not the fault of the cold storage: that is the fault of the producer.

The honourable gentleman says that cold storages are injurious to the interests of the farmers. I cannot agree with him. It is well known that if I have any interest at all in this world it is in agriculture. I want to see the producer prosper. I want to see him get the best prices obtainable. The honourable gentleman referred to the price of cattle last autumn throughout this country. What would have been the price of cattle if we had no cold storages into which to put the meat? What would have been the price of poultry last fall without cold storage? What would be the price of eggs today if you removed the competition on the market from the people who placed eggs in cold storage? I see by to-day's Gazette that butter is selling as low as 32 cents a pound. Well, if we had no cold storages in which to preserve that butter, buyers would not be paying that price for it. Cold storages are just as essential in Canada to-day as is the elevator on the plains, or the reservoir to furnish a continuous supply of water to a big city.

I regret very much that the honourable gentleman (Hon. Mr. Bradbury) did not see fit to have his committee named prior to introducing this bill. If he had done so the measure introduced would, in my opinion receive very much warmer support. I for one would be glad to make any suggestions I could to the honourable gentleman in the way of improving the present bill. One of its provisions states that goods that have been in cold storage and removed shall not be put back again. Let me give you a concrete illustration of what that means. Suppose that I am a butter merchant in the city of Ottawa. I hold a thousand boxes of butter, bought from some of the dairy boards in the Eastern Townships, where the best butter in Canada is made. I take a truck and take out fifty boxes of that butter and go around to the stores and supply my customers. They want only thirty boxes. What am I going to do with the other twenty?

Hon. Mr. BRADBURY: Sell the butter at a reasonable price.

Hon. Mr. WEBSTER: That shows you the injustice that would result from this bill. Am I going to cheapen the product by doing business in that way? That clause would put me out of business.

I oppose the Bill for these reasons. It would restrict trade. It would increase the cost to the consumer. If the Bill were to go into effect and penalties were attached, it would be necessary for a cold storage concern like Gould's in Montreal to make an outlay of at least $10,000 a year for additional clerks and for printing. Who would pay that? It would be the consumer. Any legislation that we have in this House should be carefully thought out and should be in the interests of the citizens of Canada as a whole, and not of any one class of people.

A great deal of the information afforded us last night by the honourable gentleman came from the south. He refers to Dr. Wiley as an expert. I could give him some information that is perhaps much stronger. I would refer to the record made during the war by Canadian doctors at the soldiers' camps, where we had the least mortality of any nation in the world. Such men as my honourable friend from Manitoba (Hon. Mr. Schaffner) looked after their business, and there were not any cases of poisoning. I think we have in Canada just as intelligent doctors as they have in the United States, and I should like this Bill to be very carefully looked over by my honourable friend be-

fore it comes back to the House. I agree with the honourable gentleman from Brome (Hon. G. G. Foster), that this is not the time to introduce legislation of this kind. There is enough unrest amongst the farmers of this country at the present time, owing to the Fordney tariff, and other things, and we should not do anything to add to it.

Hon. H. W. LAIRD: The Bill before the House deals with a subject which closely touches the daily life of every man, woman, and child in the country. It also affects an industry in which millions of dollars are invested in plant and machinery; and indirectly affects the organization and establishment of thousands of business concerns which deal in food products, with all the business ramifications which that involves. Such being the case, we should approach any extensive or radical change in the present law with discretion, and any departure from established business customs and practices should be adopted only after the most careful inquiry, investigation and consideration. The object of this Bill would appear to be two-fold: first, to surround the cold storage business with additional safeguards as regards the health of the public; and, second, to protect the public against what is alleged to be a business system which tends in the direction of food hoarding, the natural consequence of which is to increase the price of food products to the consuming public.

What are the facts? Is modern cold storage a menace to the public health, and does it lend itself to increasing the price of food products? And, if so, is the proposed Bill calculated to remove those evils and protect the public, and will it have a tendency to reduce the price of commodities which the public have to buy?

Having been interested in the subject of cold storage for many years, and therefore having given the subject more or less close observation and study, I have no hesitation in joining issue with the promoter of this Bill and challenging his contentions. In fact, I go further than to challenge the accuracy of his claims; and submit that modern cold storage, in solving the question of the preservation of food products, has conferred upon mankind a boon which scientific research has failed to achieve in other activities of business life. We have only to consider what would happen to the food supply of the country if cold storage facilities for the preservation of food were suddenly cut off, or ceased to exist, in order to get a viewpoint of the value to our everyday life, which modern cold storage affords. There may be grievances on the part of the public which is the keenest kind of competition has failed to eliminate. It would be unreasonable to assume that a business, extending so widely from the Atlantic to the Pacific, and touching so closely the every day life of every individual in the community, did not in some of its details or ramifications fail to work out to the complete satisfaction of everybody. While that may be true, I am prepared to argue that the proposed Bill is not calculated to improve matters or provide what may be considered desirable relief; but, on the contrary, that if it becomes law, it will so complicate matters that the cost of living will be materially increased, and, as a result, that the enormous business in food products will be disorganized, and the object in view, no matter how meritorious, will not be attained.

The cold storage business, honourable gentlemen, as has already been stated, dates back to the year 1894, when the original plant in Canada was started in the city of Montreal. Since that time the business has grown until in 1919, when the census of industry was taken, there were 266 refrigeration plants in Canada, involving an expenditure in plant and equipment of over $35,000,000. Since that time numerous other plants have been added, so it is safe to estimate that at least over $40,000,000 are invested in plant and machinery in this business as now established.

I am not going to the republic to the south of us to get authority or evidence of the general usefulness of these institutions in Canada. I think we have in the employ of the Government of Canada an authority upon whom we can safely rely. I refer to Professor J. A. Ruddick, Dairy and Cold Storage Commissioner in the Department of Agriculture. This gentleman contributed an article to the Montreal Gazette on January 7, 1922, and it will be interesting to see what he has to say with reference to the usefulness of this industry. He says:

> The geographical features of Canada, with its immense territory and long distances between points of production on one hand, and large centres of population on the other; the differences of climate, which permit of certain foods being produced within limited areas that are not produced at all in others; the necessity of securing a year's supply of many food products during a producing season of six to eight months, all combine to make the question of cold storage of great importance to the country from the standpoint of both the domestic and export trades in perishable food products.

It would be natural to assume that a business so widely extended as this is could not grow without meeting difficulties, and perhaps encountering misrepresentation in connection with its various activities. Professor Ruddick, our own Commissioner, deals with that question very succinctly in the same article, where he says:

> The cold storage industry has had to contend with much misunderstanding and misrepresentation. It has been the football of the demagogue, the self-seeking politician, and others who pander to popular prejudice. The general public, getting its information largely from such sources, has been misinformed as to the proper functions and uses of cold storage. There has been much confusion of mind even in certain circles, and very often the term "cold storage" is used when the reference is to something which is purely a matter of trading, and has really nothing to do with cold storage.

Right here I wish to make a passing reference to the power of the Federal Government to pass such legislation as is now before the Chamber. This question has already been referred to by the honourable gentleman from Ottawa (Hon. Mr. Belcourt), who questioned the constitutionality of passing such legislation. I would pay a great deal of deference to his opinion on the question of the power of the Federal Government to pass such legislation as is involved in this Bill. Not only have we the question of the honourable gentleman from Ottawa, but we have the opinion of the deputy Minister of Justice, clearly expressed in a letter which was read by the honourable gentleman from Selkirk (Hon. Mr. Bradbury) in moving the second reading of the Bill, expressing grave doubt as to whether or not the Federal Government has power to pass this legislation. If these doubts exist on the part of the Federal authorities—and the fact that they are submitted in writing indicates that they do—what kind of opposition may be expected from the provincial authorities in case it is proposed to exercise the functions proposed in the Bill? I submit that it is reasonable to expect antagonism and very strong opposition to any such legislation.

The promoter of this Bill, in moving the second reading, covered a great deal of ground, and it is not my intention to follow him in his various arguments. I wish at the outset, however, to correct an impression which he left upon my mind—I do not say he left it upon the minds of other honourable gentlemen—when he claimed that it was an outrage that after the Treasury of Canada had contributed such an enormous sum to put this business on its feet the Government should find itself absolutely without control over it. He quoted with great enthusiasm the statement that the Government had contributed the sum of $700,000 to assist in the establishment of certain cold storage plants; and he went further and said that the value of the cold storage plants which had been assisted amounted to some $2,000,000. When we consider that the total investment in this property in Canada amounts to between $35,000,000 and $40,000,000, the amount that he mentioned, namely $2,000,000, is a mere bagatelle; and when we remember that the amount contributed under the Government bonus system was only $700,000, we surely will not say that any great injustice has been done to the country when the Government find themselves without the control that they expected. Out of the $35,000,000 expended, private industry has contributed more than $32,000,000. So, I submit, the promoter of this Bill cannot fairly claim that the country is suffering, or that any injustice is being done.

The honourable gentleman also referred to the hoarding of food products. Well, it may be that in some institutions, particularly the packing plants where large quantities of meat products are stored, this hoarding process is carried on to some extent; but these packing plants do not constitute the whole cold storage system of Canada. There are from one end of this country to the other private institutions affording cold storage facilities to farmers and business men and anyone else who desires to use the service which they render. I have in mind some cold storage plants. I know of one which sells its facilities to the farmers in the surrounding district; I know that there are over five hundred farmers who kill their beef during the winter and place it in this local cold storage plant where it remains until it is drawn out by the farmers themselves on Saturday nights during the summer months, so that they always have their own meat at their disposal, and kept under proper conditions. I have in mind another institution in which over 1,000 farmers place their meats under similar conditions. I have in mind an institution in which the facilities are patronized by the butcher for a radius of 50 or 100 miles around the countryside. They place large quantities of beef in there in the winter months, and during the summer months they cause shipments to be made to them by express of one, or two, or three

or four quarters of beef, as they require it, and in that way are enabled to carry along during the summer months. So, from the standpoint of hoarding, the farmer, the business man, and the private individual has the same opportunity as anybody else if he desires. And what applies to beef applies also to eggs and to every other perishable product of the country.

The promoter of the Bill has also made the statement that tons and tons of food products are constantly being destroyed in cold storage institutions. I have had a close and intimate relationship with this business during the last fifteen or eighteen years, and I do not think I can recall more than one or two instances during that period in which any quantity of food products was thrown out and destroyed as being of no further use. I think the speech of the honourable gentleman has been very largely exaggérated, no doubt due to the information which has come to him, and which he, no doubt, has believed, but which is wrong in many respects. I do not believe that such a condition of affairs as he describes exists in this country or in any part of it.

Another statement he made was that tons of eggs were put into cold storage after decomposition. Those were his words. That is another statement that I cannot credit, and which no man who knows anything about the cold storage business can credit, and for this reason: In cold storage plants certain rooms are set apart for the storage of eggs, and if a quantity of eggs such as the promoter of this Bill has referred to were put into a room containing 3,000, 4,000 or 5,000 cases of eggs, every egg in the whole room would be tainted and they would all be destroyed. No cold storage plant would allow a condition of affairs like that to exist. Many of the provinces specifically provide in their legislation that no eggs shall go into cold storage without first being candled, and that if they remain in storage for thirty days they must be re-candled.

Hon. Mr. BRADBURY: Would the honourable gentleman explain then how it comes that the honourable gentleman from Montreal (Hon. Mr. David) has just told us of a large quantity of eggs being thrown out of cold storage in Montreal?

Hon. Mr. DAVID: Hear, hear. I know that is true.

Hon. Mr. BRADBURY: And in Winnipeg and in Ottawa too.

Hon. Mr. MURPHY: Chinese eggs.

Hon. Mr. LAIRD: I cannot explain every individual case that has occurred, but I can say this: that I do know of a shipment of Chinese eggs that came through from Vancouver and were delivered to Montreal and Ottawa—and it is just as fair to assume that it was those eggs, that were ordered to be confiscated and destroyed, as it is to assume that it was some others. If they were not Chinese eggs, I am not in a position to accept the statement that this enormous quantity of eggs was thrown out as being unfit for use.

In considering the Bill before the House, I want to draw the attention of the honourable gentleman to one fact which has a very important bearing upon the whole argument, and that is the fact that the Bill is directed against all cold storages. In considering this business we must bear in mind that there are cold storages in connection with packing plants, where a large quantity of beef products are kept and stored; then we must remember that there are all over this country private institutions which confine themselves exclusively to the storage business. These institutions are cold storage plants just as much as the others. This Bill is directed against all cold storage plants; consequently the effect of it will be directed against the private cold storage plants, which confine their activities to storage and which own nothing within the walls of the building except the machinery and the equipment, and which have not a dollar invested in eggs or meat or any other food product. The Bill is bad in that it affects the institution which does not own any of the contents of its building just as much as it does the packers whose business it is intended to control. That is one of the objectionable features I have found in this Bill. It makes no exception at all; it deals with all institutions of this kind, on the same basis, whereas they should not be so considered. Now, there are other authorities than federal authority which deal with this matter of cold storage.

Hon. Mr. GIRROIR: Did I understand my honourable friend to say that there were provincial regulations dealing with cold storage?

Hon. Mr. LAIRD: Yes; I am coming to that. We have Dominion legislation on the federal statute book, to which I will refer, and we also have provincial statutes in connection with cold storage plants. In

addition to those we have municipal by-laws in every city and every community where there is a cold storage plant. So that we have the three bodies combining in the oversight of these institutions.

First, we have the Dominion authority; Chapter 22 gives the Governor in Council power to make such regulations as he may deem necessary or expedient to provide for the supervision of all cold storage business. Under that act, section 4, the Governor in Council has power to license all cold storage warehouses; to inspect such warehouses; to require periodical and other reports from owners of those warehouses, showing the quantities of storage in the several articles of food. The statute also gives him power to limit the periods of time during which the respective articles of food may be held; power to inspect food products before they are placed in the warehouse, also while they are in such warehouse, and when they are removed from it. It also gives him power to require labelling and marking of food products when placed in such cold storage houses and when removed from them for sale. So we have the Dominion, in this Act, taking the power to regulate this business to that extent.

It may be asked why this power was never exercised; why regulations under the Order in Council were never made effective. My honourable friend from Selkirk answered that, from his standpoint, by saying there was no reason why that was not done; and he rather blamed the department for not having done it. But I think I can submit two reasons why it was not done, and I have authority for making this statement. In the first place, there was involved a very grave question of doubt as to whether the department had power to make such regulations. The next reason, as I am informed on the best authority, was that conditions were not considered sufficiently bad; there were no grievances in this country, no complaints sufficient to warrant such action being taken. Consequently, in the opinion of the department, those regulations were not put into effect. That explains the Federal situation with regard to the control, or the attempt to control, cold storage business.

Now we have the present Bill, which the honourable gentleman proposes to amend in committee. It is pretty difficult to follow a Bill and come to certain conclusions in regard to it, then suddenly be told that the whole insides are to be taken out of it, and that it is going to mean something else, and then arrive at a proper conclusion as to its ultimate meaning. On the motion for second reading, when we are discussing the principle of this Bill, I presume the only thing we can do is to consider it as it stands and not what it may possibly be at some future date.

The Bill, in clause 4B, makes provision that food mentioned in a certain schedule at the back of the Bill cannot be kept in storage except for the time specified opposite the names of the various products. This may have a two-fold purpose. It may be to protect the public from a health standpoint, as the originator of the Bill said; but he also stated that it was for the purpose of preventing the public from hoarding food products.

Viewing the Bill from the standpoint of hoarding, I submit that anyone who wants to hoard meat products in a cold storage plant has just as much right as a farmer who wants to hoard his grain on his farm or in an elevator. I submit that we would be as fully justified in passing a bill to prevent a man from keeping a certain quantity of grain for a certain time; or to compel the farmer to sell his cattle, for instance, after they were two years of age, or his hogs when they were one year old; or to require that a merchant should not carry sugar on his shelves for over six months. The principle is exactly the same, from the standpoint of hoarding. This Bill might possibly be justified, in the mind of the honourable member for Selkirk, from the standpoint of public health; but from that of hoarding the principle is absolutely the same as in the cases I have cited.

In this schedule there are many items which are objectionable, and I am glad to see the promotor of the Bill has possibly arrived at the conclusion that they are more or less absurd. Others are not reasonable, because if the articles were kept as long as the schedule provides their sale would have to take place in the next producing period, which I submit is absurd on its face. Such provisions are not necessary, because the cost of storing these products for the period mentioned in the schedule, plus the interest and storage charges, would eat into the cost of the goods so much that no man with any common sense, no firm or business institution, would carry them in storage so long.

There are other provisions in the Bill that upset the whole object of cold storage, which is to preserve food in times of plenty and provide for periods when there is no supply. I refer particularly to the matters of eggs and poultry; but I see that the honourable member for Selkirk has been wise in removing those articles from the

schedule in order to save the fate of his Bill, instead of providing that under certain circumstances eggs should not remain in storage longer than two months, or poultry longer than three months. I commend his action in that regard, and believe that the Bill will have a better chance than it otherwise would in getting through this House.

Another provision of this Bill is that the Minister may extend the time in which goods may be kept in storage. Well, that seems to me a very great responsibility to place on the Minister. There are cold storage plants in this country and the United States that are paying enormous salaries to men who can read the future: and if we had a Minister of Agriculture who could tell what future prices of food products were going to be, I think he would be wasting his time in serving the people of this country as such Minister when he could get the enormous salary that would be open to him as manager of some produce concern whose vital existence depends on the knowledge of future prices. If the Minister were a fortune teller of that capacity he would command an enormous revenue, such as he could not get as Minister of a department of Government.

There are other objections to the Bill, namely, the labelling of goods when they go into storage and when they come out. Under clause 4C it is necessary to attach a label to every article that goes into storage. This label, bear in mind, must be in black letters at least one-half of an inch in height, and must give:—

(a) A description of the article.
(b) The name and address of the firm or person on whose behalf the article is to be stored.
(c) The date of killing, taking, packing, manufacturing, or otherwise procuring or producing, as the case may be.
(d) The net cost of the article on the date of storing per pound, dozen, package or other unit of price.

Now, it is quite a proposition for an owner of goods, who wants to put them into cold storage, to fill out labels containing all that information. Bear in mind that he must put the net cost of the article on the label.

Hon. Mr. FOWLER: A label on each egg.

Hon. Mr. LAIRD: I presume that eggs would be labelled by the case; but I am not responsible for this Bill, so don't ask me. I submit that the provision requiring the net cost of the goods to be put on the label is manifestly unfair. Why should a man have to display the cost of goods in the produce business, when the dry goods man and those in other trades do not have to submit to such a requirement?

Hon. Mr. BRADBURY: I do not suppose it is of any use to draw attention to the fact that that is amended. My honourable friend is discussing the Bill just as it is; but that clause is not in the Bill that is coming before the House.

Hon. Mr. LAIRD: I thank the honourable gentleman for his information. I do not recollect having been told that. I was not aware of that, and there are a number of others here that were not aware of it. Now, that is the label that has to go on for a commodity entering into storage. Then, the storage men have to put on their labels all this information:

(a) The number of the license under which the warehouse is operated.
(b) The name of the firm or person operating the warehouse.
(c) The date on which the article was delivered for cold storage.
(d) The date on which the article was placed in cold storage.

The manager of the storage plant under this Bill, is held responsible for performing this duty, the neglect of which is a criminal offence. I would like to ask the promotor of the Bill how the manager could manage an institution and at the same time see that these labels go on for every commodity that enters his warehouse, and thus protect himself from criminal prosecution.

Now, two labels are not enough, but there is a third label, although the proposer of the Bill in introducing it mentioned only one label. I would ask him now if he stands by his Bill, and requires the three to go on.

Hon. Mr. BRADBURY: In reply to my honourable friend, I might say the labelling as set out in the Bill with which he is dealing is the Bill that is before the House, all excepting where it refers to net cost; that line is struck out. That method of labelling has been adopted by every state in the Union that has legislated on this question; I have copies of the labels here.

Hon. Mr. LAIRD: So that, according to the intention of the promotor of the Bill, we are to have a third label; and this third label is placed on the goods when they go out, and it is to contain:

(a) The date on which the article was removed from cold storage.
(b) The name and address of the firm or person to or for whom the article was delivered by the cold storage warehouse.
(c) The date of such delivery.

(d) The name and designation, the placing of which on the label shall be held to be a certificate that these particulars have been correctly stated to the best of his knowledge and belief.

We have three labels on every article now, so that the article is pretty well covered up. Let us see how this will work out in actual practice. Each package would look very much like a travelling trunk after coming from a continental tour through Europe. Take a car of potatoes, for instance; there are 800 sacks of potatoes in a car. Three labels have to go on every sack of potatoes, and we all know how roughly they are handled; they are heavy, and hard to handle; yet they will all have three labels, two printed in black ink, one printed in red ink, and if either of those labels should be omitted or misplaced the warehouse man would be held criminally responsible.

Hon. Mr. BRADBURY: I would like to ask my honourable friend to try and be fair. This Bill is not dealing with potatoes, and he knows that.

Hon. Mr. LAIRD: Whenever our friend, the promoter of this Bill, is cornered, he says, "Oh, it doesn't deal with that particular product." I submit that this Bill is directed against every commodity that enters into a cold storage warehouse; and if he intended that it should only be directed against meat products he should have said so in his Bill when he introduced it.

Hon. Mr. BRADBURY: The Bill says so.

Hon. Mr. LAIRD: I beg the honourable gentleman's pardon. The Bill does not say so; it speaks about every article in cold storage, and I submit that in dealing with this Bill I am entitled to refer to potatoes. But take the case of a carload of 3,000 crates of grapes. Under this Bill three labels will have to go on every one of those small crates of grapes. Take a carload of apples, with 1,000 cases; under this Bill three labels will have to go on every case of apples that enters the cold storage warehouse.

Now, my honourable friend was talking about reducing the cost of living; but in the case of each carload of produce, 10,000 labels will have to be put on goods such as I have mentioned. The labels will have to be printed, and in addition to that they will have to be written, filled out and stuck on. Now, who is going to pay for all this labour? The work in connection with labelling will require a special staff of accountants. Who will pay for this extra staff? It will certainly be put up to our dear old friend, the consumer, and he will have to pay it, under this Bill.

I submit that this system of labelling is not necessary in the case of vegetables or fruits, because when they are offered for sale the customer can see them and inspect them. The fact that they are in cold storage does not make any difference in them; there is nothing hidden in their appearance; consequently labelling is unnecessary on those things; but the Bill makes it necessary. In the case of meats, eggs, etc., the trade itself provides a means whereby the length of the storage period can be traced by the warehouse receipts which cover the goods when they come into storage. That is a matter which every man in the trade knows. For instance, if one broker sells another broker 1,000 cases of eggs, or 100,000 pounds of beef, he naturally asks, "How long has this been in cold storage?" —and he is told. He does not have to accept the word of the man who sells these goods that they have been in storage for only that length of time. Honourable gentlemen can understand that in a trade of this kind that runs into thousands and millions of dollars there must necessarily be some business system whereby a record goes with the goods, the same as a bill of lading goes with a car of wheat. That system is established in the cold storage business, and it is followed in such a way that when goods are received into cold storage they are allotted a number and given a description, which is entered on the warehouse receipt, and that receipt is turned over to the owner of the goods. In a good many cases the owner pledges it to the bank, because the warehouse receipt is negotiable. When the goods come out, and when, in selling them, it becomes necessary to establish how long they have been in storage, the warehouse receipt is produced to the purchaser, and he accepts it, because it is made out by the cold storage company, whose business it is to make out such receipts, and who are regarded as impartial, having no interest in the goods other than the mere storage of them. That custom of the trade protects the buyer and the seller with regard to the length of time the goods have been in storage. So I say that these regulations would only be handicaps to trade, and the legislation in the form in which it stands to-day is of a mischievous nature and is not calculated to be of any general benefit.

I spoke a moment ago about the power of this Parliament to pass this legislation. Ap-

parently my honourable friend from Ottawa (Hon. Mr. Belcourt), has doubts on this question. The Deputy Minister of Justice has very grave doubts about it, and so states in a letter quoted by the promoter of this bill. But the provincial governments are not doubtful; they have very decided opinions on this question, for they have proceeded to legislate with regard to it. I have before me a copy of the Egg Marketing Act of the province of Saskatchewan, controlling the sale of eggs. It provides in clause 3:

> No person shall buy for resale or sell or offer for sale eggs which are unfit for human food.

That is similar to one of the clauses of my honourable friend's (Hon. Mr. Bradbury's) bill. So the province of Saskatchewan has already legislated in this respect. Clause 5 of the Saskatchewan Act says:

> Every person who receives on consignment or buys eggs for resale, whether from producers or from any other source, shall candle the same.

It says that eggs cannot go into cold storage unless they are candled. That means the elimination of bad eggs. Subsection 3 says:

> All eggs which have been in storage for more than thirty days shall be candled when removed therefrom.

That provides for another candling and another inspection. The act further provides that a record must accompany the eggs.

> There shall be placed on the top flat of every case of candled eggs by the person candling the same a record in a printed form on a card or sheet of paper not smaller in size than two and three-eighths inches by four and one-quarter inches, which shall give under the word "Saskatchewan" the license number of the person for whom the eggs were candled, the name, initial or other distinguishing mark of the person by whom they were candled, and the date of candling.

The other western provinces have established the same principle as the province of Saskatchewan: they have already undertaken the inspection and control of foodstuffs. So we do not have to ask what the provinces think about the question. They have already legislated on it.

Moreover, I may inform my honourable friend with regard to the matter of inspection, in order to show how close a system of inspection is already provided, that before a carload of eggs containing 450 cases, is shipped, a Federal inspector will walk in and select twenty-five cases out of the 450 and will himself candle every egg in those twenty-five cases, and so strict is his inspection that if he find more than six off eggs in the case of 360 he condemns the whole carload on that grade. A carload cannot be shipped without being subject to that rigid inspection by an inspector of this Government, and, I repeat, if six off eggs are discovered, in the case of 360, the whole car load is condemned and cannot be shipped as No. 1 eggs. Then the municipal authorities come in. Hardly a week goes by that the health inspector for the community does not call. He sees to it, particularly in the summer, that everything is in sanitary condition. So it is apparent that we already have a pretty rigid, efficient and effective inspection of food products.

Now, to sum up what I have endeavoured to make plain. The promoter of this Bill stresses the period of twelve months as the longest that food products should be allowed to remain in storage. So far as that period is concerned, that will be perfectly satisfactory to every cold storage man in the country, because, as I can state here on authority, no food products are kept in storage for anything like twelve months. No cold storage plant wants to keep goods in store longer than twelve months; so a provision of that kind is not necessary. It would not be objected to by the trade that is interested. Another main point that the honourable gentleman made was that nothing should go into storage that was unfit for human consumption. No one would object to that provision, because nothing does go in that is unfit for human consumption. There is not a cold storage plant in the country that would object to that. However, as those are the two main points the honourable member stresses in his Bill, it strikes me that instead of this measure being passed, its real purpose could be achieved by having regulations passed under the Act that is now in force—chapter 22 of the Statutes of 1914, which I have already cited and which gives the Governor in Council the power to pass such regulations. If the Governor in Council passed those two provisions which the honourable gentleman has advocated, there would be no objection from the cold storage business, and if the honourable gentleman has faith in the correctness of his arguments, he must regard such regulations as a relief to suffering humanity in this country. Therefore I submit that instead of handicapping the enormous interests of cold

storage throughout Canada by paternal legislation of this kind, we should lend our efforts rather to encourage the industry and make it more useful to the public. Improvements have been made in the business since 1894, when the first Canadian plant was installed in Montreal, and improvements will continue to be made.

The farmers, I think, might very well, and with profit to themselves, utilize the facilities which are offered by local cold storage plants. Last year there was in the country a superabundance of onions and no one would buy them and put them into cold storage to be kept until the time when there would be none on the market. What has been the result? Only three weeks ago I saw with my own eyes a carload of onions which had been brought all the way from Australia, a distance of ten thousand miles, into the interior of Canada, and were being placed in cold storage there for the purpose of keeping the public supplied with onions—in a country like Canada, which can grow more onions than would feed the entire world. Simply because the farmers did not take advantage of the facilities which were at their doors, it is necessary to send all the way to Australia to buy onions for our own use.

I have said that the cold storage business would make great strides. It offers greater opportunities and openings for the future than have been possible in the past. Within the last year or two experiments have been made by the Department of Agriculture of the United States, and the results of those experiments have now been given to the public, bearing the imprimatur of the statistican and the food experts connected with that department. It is recommended to the people that instead of having small fruits and vegetables tinned, they can advantageously have them frozen in the time of plenty—that is, in the summer—and put into cold storage. Fruits like raspberries, strawberries, gooseberries, loganberries and others that I cannot at the moment recall, and vegetables like the tomato, can be frozen in a cold storage plant in the summer, when they are plentiful, and considerable saving can thus be effected. The housewife can be saved the labour of putting them down—preserving them. The tinning of them and the manufacturing of cases can be saved, and likewise the freight on all the extra covers and casings. The fruits when taken out of storage at any time during the winter will have all the flavour of fresh fruits. I made the experiment myself last summer, and found this method to be very effective. During the months of January and February I was able to have fresh raspberry pie on the table whenever I wanted it. This is an advance which the cold storage business has made, and the improvement is going to be more pronounced as time goes on. It is possible that within a reasonable time people in far-away parts of the country will be able by utilizing cold storage facilities to preserve small fruits and vegetables in a frozen condition until they desire to use them in the winter, and will then be in the happy position of having fresh fruit instead of stale canned stuff to consume during the winter months. So I say that this is a business which is capable of great expansion and of conferring great benefits on the people of the country, and instead of imposing handicaps and holding it back by paternal legislation such as this, we ought to encourage the efforts which are being made to develop the cold storage industry and to make it more useful to the general public.

Hon. Mr. DANIEL: Will the honourable gentleman allow me a question? Would the passing of this Bill adversely affect the proprietors of cold storage plants in the Dominion in a financial way?

Hon. Mr. LAIRD: My answer to that question is that it would, by reason of the onerous impositions with regard to labelling and the serious inroads it would make upon the revenues of many of the cold storage plants. In fact it would make it practically impossible for them to carry on under present conditions. They would have to enlarge their staff, management, etc., to such an extent that unless they could pass the extra cost on to the consumer it would be impossible for them to carry on business.

Hon. J. G. TURRIFF: Honourable gentlemen, it is not my intention to speak at length on this subject, for the simple reason that it is a subject with which I am not very familiar. My honourable friend from Selkirk (Hon. Mr. Bradbury) is deserving of a good deal of thanks from this House and from the country for introducing this Bill in the way that he has done. He has evidently given much thought and consideration to it and has presented it to the House in a plain, straightforward manner. The criticism which has been offered, and which to a large extent has

come from persons who are interested in cold storage, seems to furnish all the more proof that this bill should be proceeded with; that is, that it should be given a second reading and referred to a committee, in order that we may all learn something more about the question and determine which is right—the contention of my honourable friend from Selkirk or the statements made and criticism offered by my honourable friend the cold storage man from Regina (Hon. Mr. Laird). I judge from the statement of my honourable friend from Regina that practically the whole objection to the Bill is that it would add considerable cost in the way of labelling goods that were in cold storage. If that is the case, surely we can adjust the matter when the Bill comes before the special committee or the committee of the whole House.

Usually I am quite in agreement with my honourable friend from Alma (Hon. Mr. Foster). Very seldom do I find myself in disagreement with him. But I must say that I do not follow him in the argument that he advanced this afternoon, that because conditions are not very good for the farmer in Canada at the present time, or for the business interests, we should not take any action or try to better the conditions. The way to better conditions is, in my opinion, not to give the Bill the six months' hoist, but to look into it very closely and try to determine whether or not the Bill is necessary. If it is found to be unnecessary, it will be time enough then to throw it out; but if it is necessary, let us amend it in such a way that it will be a good Bill and in the interest of the people of Canada.

As I understand my honourable friend from Selkirk, what he is trying to bring about is something that will be of advantage to the general public. I have not heard one word from him in any way against the cold storage business of Canada. We all agree that cold storage is one of the modern developments, one of the necessities in business. But if the proper condition does not exist in Canada at the present time, surely there ought to be some way of remedying the situation. If I understand rightly my honourable friend who introduced the Bill, he is trying to bring about conditions which were evidently intended by the Government in 1914 when they introduced the Cold Storage Warehouse Act. It provided for certain safeguards. To my mind, one of the great safeguards which my honourable friend from Selkirk wishes to have enacted into law is that there should be an inspection of food products, particularly perishable goods, going into cold storage, in order to see that they are in absolutely perfect condition at the time they enter. The desirability of having such a safeguard has not been refuted at all in any criticism offered so far. If food that has started to decompose or is in any way tainted is placed in cold storage, the fact that the cold storage is all right will not improve it. There is no doubt, honourable gentlemen, that tons and hundreds of tons of all kinds of perishable food placed in cold storage are thrown on the dump-heap every year. My honourable friend from Regina could not call to mind any instances of considerable quantities being thrown out, but I remember reading time and time again of such instances. Scarcely a week goes by that we do not find in the newspaper the statement that some perishable food has been taken out of cold storage and dumped in the nuisance ground as being unfit for human food. In all probability that food was never inspected before it was placed in cold storage. The Bill of my honourable friend from Selkirk would provide for the inspection of the food before storage. A great deal of food that is tainted when it goes in is sold to the consuming public before it becomes so bad that it would have to be thrown out. I have read accounts of hundreds of tons of food being wasted in that way.

Hon. Mr. WATSON: Two hundred tons of fish at Selkirk.

Hon. Mr. TURRIFF: My honourable friend from Portage la Prairie tells me that 200 tons of fish were thrown out at Selkirk. I know in particular of one case of ptomaine poisoning in which the man almost lost his life as a result of eating some canned fish; but I do not know whether the fish had been in cold storage or not. It may never have been in cold storage at all. However, I do think that in the interest of the people of Canada we cannot be too careful about the quality of the food that goes into cold storage.

The honourable gentleman from Regina (Hon. Mr. Laird) two or three times quotes the Deputy Minister of Justice as expressing grave doubts regarding the right or the power of this House to pass this legislation. True, my honourable friend from Selkirk read us a letter in which the Deputy Minister of Justice stated his grave doubt that Parliament could pass this legislation under a Cold Storage Act; but the Deputy

Minister also pointed out very strongly that practically the same thing could be accomplished under the Public Health Act. It matters very little to the people of Canada whether the work of inspection is done under one Act or another. The fact remains that the Deputy Minister of Justice has indicated a way by which it can be done.

Now, honourable gentlemen, I will not proceed further, because I have not given to this subject the time and attention that I like to give to any matter before undertaking to speak on it. However, these thoughts have occurred to me in listening to my honourable friend from Selkirk and to the criticism that has been offered. I may say to my honourable friend from Alma (Hon. Mr. Foster) that it will nearly always be found that those engaged in a business do not want anything further done. My honourable friend's argument reminded me of the attitude usually taken by the Manufacturers' Association. Never since I was a boy has there come a time that the Manufacturers' Association deemed to be opportune for revision of the tariff, especially if a downward revision was hinted at. That time never comes; and if my honourable friend listens to the cold storage men, I imagine it will come, and that this time next year it will be necessary to move another six months hoist. I do not believe in moving the six months hoist now. I say let us consider the Bill, and then, if we find that it is as unnecessary as the criticism would lead one to believe, it will be time enough to drop it. I am not familiar enough with the Bill to be able to express an opinion on that point at present; but I say let us by all means send the Bill on to Committee, and find out whether there is anything we can do to better the condition of the people of Canada. I for one do not want to put anything in the way of the cold storage men; theirs is a big business, one which means much to the consumers and farmers of Canada; but, if we can, it should be our business to improve the Bill and, if necessary, to amend it so as to make it suitable to conditions. If we do not get it right this time, we can always amend it. Practically every Bill that comes before Parliament returns again and again for amendment after we have discovered the difficulties of working it out. I trust that the motion for the six months hoist will not be carried, and that we shall be given an opportunity to fully consider the Bill.

Hon. N. A. BELCOURT: Honourable gentlemen, I have but a very few observations to make. I want first to be allowed to join my honourable friend in congratulating the honourable gentleman from Selkirk (Hon. Mr. Bradbury) upon the pains he has taken, and the results which he has submitted to the House. Probably at this time more than ever before members of this House can be useful to the country in doing just exactly what my honourable friend has done—in thinking of the subjects of general interest, subjects of immediate interest to the public, matters which, owing to the pressure of other business, are not receiving the attention which they deserve. We can deal with these subjects; and, by devoting time to them, I think this House will make itself more useful, and will perhaps earn the thanks and gratitude of the community. The fact that we have no member of the Cabinet in this House, except my honourable friend the leader of the Government, who is Minister without Portfolio, probably contributes to exaggerate the tendency that I have always found to exist with regard to this House, the tendency of succeeding Governments to allow the Senate to do only that which it is specially invited by the Commons to do. I think we ought to practise the initiative of which my honourable friend from Selkirk has given us an example.

Personally I am in sympathy with the Bill. I think that everything possible, within the Constitution, should be done to afford the community the greatest protection possible in the matter of food. I have suffered a great deal in my life from indigestion, and I appreciate how necessary it is to protect the food in which human beings indulge. I believe that a great many people have killed themselves, and are killing themselves to-day, by over eating, of meat especially; and I believe that adulterated food is one of the things against which the public ought particularly to be cautioned and protected. Therefore, my sympathies are with the Bill, and I should be very sorry indeed if, because of the question I put to my honourable friend last night, anyone should be influenced by the opinion I then indicated as to the constitutionality of the matter, and thereby induced to vote against the second reading.

While the question of law is a very difficult one, and while I am not prepared to say definitely that I have an opinion about it, there are such strong arguments

to be advanced in favour of the Bill that I think it should go to Committee, and I am going to vote for the second reading. The question of the relative jurisdiction of the Dominion and the provinces in matters of trade and commerce and public health have been the subject of discussion ever since this Parliament first existed. If you read the debates of either House you will find that at no time has this question been satisfactorily settled. It is still an open question, and for my part I do not know just exactly which side presents the strongest argument. I sometimes think that when the question goes to the Privy Council, it may be decided by the flip of a coin. If this Bill is unconstituional, we are driven to the conclusion that the following Acts, which are in force to-day, are also unconstitutional; the Animal Contagious Diseases Act; the Act with regard to Tuberculosis in Cattle and Hogs—and in parenthesis it is perhaps not out of the way to say that we ought to give the animal man as much consideration as we give the animal hog—the Inspection of Animals Act; the Inspection of Foods Act; the Food Adulteration Act. These are all subjects which are as much open to question with regard to constitutionality as the one now under discussion. At the time these Bills were introduced there was a great deal of diversity of opinion with regard to them, but they were passed, and they are being acted upon to-day. Another Bill in which I took a great deal of interest was the Bill respecting the Pollution of Navigable Rivers. The constitutionality of that measure was queried in the same way. This House, however, passed that Bill unanimously on five different occasions; so, after all, I think the balance of argument is at present in favour of the constitutionality of the Bill before us; and I should be very sorry if anybody voted against the second reading on the ground that it may not be within our jurisdiction.

Hon. J. W. DANIEL: I am very sorry indeed that the honourable gentleman from Brome (Hon. G. G. Foster) has thought it necessary to move the six months' hoist of this Bill. The honourable gentleman from Selkirk (Hon. Mr. Bradbury), who has fathered this Bill, and introduced it into this House, has evidently spent a great deal of time and taken a great deal of trouble over it before bringing it to this Chamber, which ought to be competent, and which ought to take the time and the trouble, to look into it thoroughly and not give it what I might almost call the contemptuous hoist.

The subject of cold storage, so far as Parliament is concerned, commenced, I think, about fifteen years ago. At that time, I remember, the honourable Minister of Agriculture of that day—I think it was the honourable Sydney Fisher—was instant, in Parliament and out, in pressing the great importance of cold storage, and in speaking of refrigeration on board our steamers as well as on the ordinary railway transports. At the present time we all know that the great improvements which have taken place in the methods of refrigeration have been such as to pretty well clear away all the objections to cold storage as it was when it started out originally, I suppose, from the domestic ice box. It is now so general that it has become practically a part of our domestic existence, and we are really dependent to a large extent upon the cold storage system for a large proportion of the food that we eat. In this way, it becomes important as a health matter; it really affects the public health to such an extent that all of us must naturally take an interest in it.

I know nothing more of the legal aspect than has been expressed by the Deputy Minister of Justice. According to his opinion it is certainly within the power of this Parliament to make rules and regulations affecting the public health. It would almost seem, therefore, that under the circumstances it would be better to place the cold storage system of this country under the Department of the Minister of Health rather than under the department of Agriculture. In that way the Department, in the interest of public health, could make regulations dealing with cold storage plants, so far as they might be considered necessary.

Now, what does this Bill do? As far as I am able to see, it simply makes an attempt to protect the consumer. My experience in Parliament has been that to a very large extent—the largest extent, indeed—the protection given by legislation has been to various classes: the manufacturers, the farmers, and people like that. Here we have a very great change; here is a Bill brought in to protect the ordinary public; and, as we are all consumers, I think we ought to look upon it with the very greatest sympathy. The objection has been raised by some of those who have spoken against the Bill that the label

would be very objectionable to the cold storage people. It appears to me that the label showing the date on which the goods are received, and other information, is the crux of the whole business. If you take that provision out of the Bill, to my mind the rest of it would be of very little use. At the present time the consumer has no knowledge of what he is buying; he does not really know, I suppose, that what he is purchasing has ever been in cold storage at all; and there is nothing to guide him in that respect. I think he is entitled to know what he is buying.

So far as the cold storage people are concerned, I do not see that this provision is going to affect them injuriously. I am told that they do not fill up their warehouses with goods, but that other people, traders in food products, speculators, if you like, buy these things and put them into the cold storage warehouses. The burden of putting on the label containing the information as to date, and so on, is not put upon the cold storage proprietor, but upon the man who puts the goods in the storage. Why should the cold storage people object to that? I do not see that it is going to injure them at all. On the other hand, it is going to protect the consumer; and as that is all I can see in this Bill, I feel compelled to vote against the amendment, and I sincerely hope that it will be defeated. After all, the trouble which the honourable gentleman from Selkirk has taken in preparing this Bill, I think the least we can do is to give it proper consideration. I would say, give the Bill its second reading and send it to some committee where it may receive the study of which the subject is worthy.

Hon. JOHN McLEAN: Honourable gentlemen, my objection, in the first place, is to the schedule of the Bill. For instance, it says that butter should not be held in cold storage longer than eleven months; that eggs, in April and May, should not be held longer than two months.

Hon. Mr. BRADBURY: That is all changed.

Hon. Mr. McLEAN: The objection I took was to the Bill as it was introduced. For instance, fish, not for export, should not remain in cold storage longer than eight months; fish for export, three months.

I am not interested in the cold storage business any further than this. Our firm have a chemical cold storage plant; we ship fish right to the city of Ottawa; we do not get those fish until August, September and October.

Hon. Mr. BELCOURT: Why is it that we get such bad fish in Ottawa?

Hon. Mr. McLEAN: You do not know how to cook them. I can show the honourable gentleman as good a haddock as he ever saw in his life, and it was put into cold storage last October.

Hon. Mr. BELCOURT: You never see them here.

Hon. Mr. McLEAN: You do not go to the right store. The honourable gentleman who introduced this Bill quoted American authorities and spoke of the inspection of fish, and all that sort of thing. I leave it to any honourable gentleman from the Maritime Provinces to say whether or not the regulations proposed would be applicable in the Maritime Provinces. Herring, for instance, are caught down the Richibucto and in that vicinity in May and June; along the coast of Shelburne they are caught in July, August and September. We catch our mackerel in the month of June, and put them into cold storage. We ship them to New York in the month of Janaury, because we have no accommodation for shipping them across in the summer time; and I could produce a letter which was written about six weeks ago saying that mackerel had never been received in better condition than those we had put into cold storage last June. Those fish went into the United States without any certificate and without any labels. If the authorities there had been as particular as my honourable friend from Selkirk says they are, those fish could not have been shipped into New York.

I have no objection to the inspection of cold storage; my objection is to the times named in the schedule, which, to my mind, with one or two exceptions, are wrong. In the case of fish, not frozen for export the schedule states three months. If you put that into force it shuts out the business altogether.

Hon. Mr. BRADBURY: Will my honourable friend permit me? I know he wants to be fair. This Bill was introduced for the purpose of trying to do good, not harm; and the honourable gentlemen must have heard me state that I was going to move an amendment which would wipe out that schedule altogether, and that twelve months would be the period for all goods.

Hon. Mr. McLEAN: I would suggest that the Bill be turned inside out, and another Bill brought in, because this schedule, with one or two exceptions, is wrong. It might be corrected in Committee, and I would have no objection to that being done. In reference to the honourable gentleman's statement that $700,000 was paid in bonuses to cold storage businesses, I would point out that a great deal of that money was thrown away, not by the Government intentionally, but the Agricultural Department tried a system of cold storage by salt and ice, and 25 or 30 such plants were started in the Maritime Provinces, but they all proved failures, as goods could not be kept for any length of time by that system. They then commenced the subsidizing of chemical freezers, which have proved a great success in the Maritime Provinces. In regard to labelling goods that come into cold storage, we have a cold storage plant for our own particular business, fish; but in the fall of the year people kill off their fowl, and farmers will come in and want to put 20 or 30 fowl, geese, ducks, etc., into storage and hold them till the end of the year. They do the same in regard to carcasses of beef and pork. If we had to label all those things we could not allow those people to put their goods into storage without charging them for the cost of the clerk to keep the record. If we had the Bill in committee, and subpœnæd practical men from cold storage plants, we could probably frame a Bill which would meet the approval of the whole House, and be a benefit to the entire country. While I object to the Bill in its present form, especially in regard to the schedule, I would be very glad to assist the Committee to improve it as far as possible.

Hon. G. G. FOSTER: In view of the expressions of opinion given by members of this House, evidently with the opinion that something might have been said or done by me that was in any way discourteous to the honourable member for Selkirk—which I never intended, and do not intend—I would be willing, with the desire and consent of my seconder, to withdraw the motion which I made for a six months' hoist, and consent to the Bill going to a committee. I think that my honourable friend should give notice of the committee that he is going to nominate, and it is very important that that committee be chosen from the whole House, from the ranks of the different professions represented here; and if he will give notice of his committee I will withdraw the motion which I made, with the consent of my seconder.

Hon. Mr. DANDURAND: Honourable gentlemen, I wish to congratulate my honourable friend on his decision to withdraw his amendment to the second reading of the Bill. The Bill itself has for its object the improvement of the Act, chapter 22, of 1914. I will not examine now into the Bill which is before the House, because it contains quite a number of amendments. Even if there was virtue in only one of those amendments, it would be sufficient to justify the Senate in allowing the second reading, and having it discussed in committee. I hope the honourable gentleman does not intend, if the second reading passes, to urge that the general committee of the House examine this Bill, but that he will move for a special committee before whom parties may be heard. There is to my mind an additional reason of considerable importance for allowing this Bill to go to a special committee. It is this, that unfavourable impressions have been spread, and prejudices aroused, against the cold storage business, and these will be considerably increased, perhaps, by the speech of my honourable friend from Selkirk (Hon. Mr. Bradbury). He has given the authority of his position to the impression that exists outside this House, that there are very many wrong things done by the cold storage people. I know that for the last three years, when prices have been high, when there has seemed to be a scarcity of food in the land, the people have been considerably prejudiced by the news that tons of foodstuffs were being thrown out of the cold storage warehouses, unfit to be used, because they had been retained there too long through the rapacity of the owners of those foodstuffs, who were holding on in order to sell at a higher price. It seems to me that in the interest of the cold storage business, which is an important one, this matter should be thoroughly ventilated by a committee of this Chamber, and that men of standing who know all about this business should be examined so that the public might be better informed and, I hope, reassured.

The amendment of Hon. Mr. Foster was withdrawn.

Hon. Mr. BRADBURY: I can assure my honourable friend from Alma (Hon. Mr. Foster) that there was not a word that he uttered that in any way hurt me. I have been too long in the political game

to be thin-skinned; but, even if I were not, the honourable gentleman has not said one objectionable word; in fact, I have never heard him say a word in this House that would hurt anyone. I would like to feel that I could say that for myself. I hope that in any discussion that takes place in this House I will never say anything that will hurt or offend any honourable member. I am very glad that the honourable gentleman has seen fit to withdraw his amendment, because I believe it is important that this matter should be investigated. Let me emphasize what I said that as far as the Cold Storage Bill is concerned I believe it is absolutely sane, and that the best interests of Canada demand that we should take care of it. That is what has moved me in connection with this matter. I want to try to have the Bill made perfect, so that it will do no injury to the masses of the people of this country; and, if the packer or anybody else has anything to fear as far as this labelling is concerned, we can thresh all this out in committee. I have much pleasure in moving the second reading.

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

SPECIAL COMMITTEE APPOINTED

Hon. Mr. BRADBURY: Honourable gentlemen, in conformity with what I said a few minutes ago, I have the honour to move:

That Bill B, entitled An Act to amend the Cold Storage Warehouse Act, be referred to the consideration and report of a special committee composed of the following Senators: Hon. Messieurs Belcourt, Casgrain, Daniels, Foster (Alma), Michener, McCoig, McHugh, McLean, McMeans, Pope, Tanner, Taylor, Turriff and the mover; and that the special committee have power to send for persons, papers and records.

I presume that the committee will have power to examine under oath if necessary. I have tried as far as possible to get men from every province on this committee.

Hon. Mr. FOWLER: The honourable gentleman in this House who probably knows most about cold storage, judging from his remarks here to-day, has been left off that committee; and if the statement of my honourable friend is what he really means —and I think it is, knowing him as well as I do—he should be desirous of having men on that committee who understand the subject-matter. I suggest that the name of Senator Laird, of Saskatchewan, be added to that committee.

The Hon. the SPEAKER: Is it the pleasure of the House that the name of the Hon. Mr. Laird be added to the committee?

Hon. Mr. BRADBURY: I am not going to object to that. The reason why I did not put the honourable gentleman on the committee was that I thought there was a rule that honourable gentlemen who were directly interested should not be on a committee or take part in it.

Hon. Mr. FOWLER: You put Senator McLean on, and he is directly interested.

Hon. Mr. BRADBURY: I did not know he was. However, I am quite satisfied to have Hon. Mr. Laird on.

The motion, with the addition of the name of Hon. Mr. Laird to the committee, was agreed to.

PRIVATE BILL

FIRST READING

Bill 20, an Act respecting the Baptist Convention of Ontario and Quebec.—Hon. Mr. Turriff.

DIVORCE BILLS

SECOND READINGS

Bill W, an Act for the relief of Joseph Lloyd Beamish.—Hon. Mr. Ratz.

Bill X, an Act for the relief of Clarence Robinson Miners.—Hon. Mr. Ratz.

Bill Y, an Act for the relief of Mary Eleanor Menton.—Hon. Mr. Ratz.

Bill Z, an Act for the relief of Harvey Easton Jenner.—Hon. Mr. Ratz.

Bill A2, an Act for the relief of Marie Louise Dagenais.—Hon. Mr. Ratz.

Bill B2, an Act for the relief of Alexander Lawrie.—Hon. Mr. Proudfoot.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Thursday, May 4, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Bill G2, an Act for the relief of Edwin Dixon Weir.—Hon. Mr. Ratz.

Bill H2, an Act for the relief of Henry James Bristol.—Hon. Mr. Harmer.

Bill I2, an Act for the relief of Florant Brys.—Hon. Mr. Pope.

Bill J2, an Act for the relief of Catherine Rudd.—Hon. Mr. Proudfoot.

Bill K2, an Act for the relief of Norman Edward Harris.—Hon. Mr. Proudfoot.

Bill L2, an Act for the relief of Maria Amy Drury.—Hon. Mr. Blain.

CUSTOMS DEPARTMENT AT EDMONTON

INQUIRY

Hon. Mr. GRIESBACH inquired of the Government:

1. Is it a fact that the Civil Service Commission in the fall of last year submitted to the Government a submission dealing with the status of the following ex-service men in the Customs Department at Edmonton, viz:—

P. E. Dennison,
J. W. Duke,
George Edgecombe,
A. H. Elliott,
J. E. Lee,
T. C. Sims.

2. If so, when does the Government propose to deal with the said submission?

Hon. Mr. DANDURAND:

1. No. The Civil Service Commission is not required to report to the Government. The Commission did approve increases recommended by the Department and so advised the Department, at the same time calling attention to the necessity of obtaining the approval of the Governor in Council for the payment of said increases.

2. Recommendation was submitted to Council on November 17, 1921, recommending increase in salary for the officers mentioned. This recommendation, however, was returned to the Department without action.

RIVER ST. LAWRENCE HYDROGRAPHIC SURVEY

INQUIRY

Hon. Mr. BELCOURT inquired:

1. Has the Government of Canada caused to be made a hydrographic survey of the River St. Lawrence from Cornwall to Montreal?

2. If so, when, by whom and where now kept?

3. Has the Government of the United States caused any such survey to be made and, if so, when, by whom and where kept?

4. If none made by Canada, why?

Hon. Mr. DANDURAND:

1, 2, and 4. A survey of the navigable portions of the St. Lawrence River between Cornwall and Montreal has been made by the Hydrographic Survey of the Dominion Government between 1890 and 1910. Charts of these areas may be obtained from The Hydrographic Survey, Ottawa, or the Agent of Marine, Montreal.

3. The Canadian Government is not aware of any surveys having been made for this area by the United States.

ADJOURNMENT OF THE SENATE

Hon. Mr. THORNE moved:

That when the Senate adjourns to-day it do stand adjourned until Tuesday, 9th instant, at 8 p.m.

The motion was agreed to.

CREDITS FOR EUROPEAN COUNTRIES

On the Orders of the Day:

Hon. Mr. DANDURAND: I desire to answer the question which was put to me yesterday by the right honourable gentleman from Ottawa (Right Hon. Sir George Foster) as to Canada having subscribed a million pounds towards an international corporation or consortium with other nations of the world designed as a basis for credits for European countries.

A cablegram has reached the Government informing it of the proposal before the conference at Genoa, or a committee of the conference, and stating that papers bearing on the question were being sent by mail. Until these papers arrive and are considered by the Government, no definite information can be given.

DIVORCE BILLS

THIRD READINGS

Bill W, an Act for the relief of Joseph Lloyd Beamish.—Hon. Mr. Ratz.

Bill X, an Act for the relief of Clarence Robinson Miners.—Hon. Mr. Ratz.

Bill Y, an Act for the relief of Mary Eleanor Menton.—Hon. Mr. Ratz.

Bill Z, an Act for the relief of Harvey Easton Jenner.—Hon. Mr. Ratz.

Bill A2, an Act for the relief of Marie Louise Dagenais.—Hon. Mr. Ratz.

Bill B2, an Act for the relief of Alexander Lawrie.—Hon. Mr. Proudfoot.

PRIVATE BILLS

THIRD READINGS

Bill 3, an Act respecting The Burrard Inlet Tunnel and Bridge Company.—Hon. Mr. Green.

Bill 7, an Act respecting The Kettle Valley Railway Company.—Hon. Mr. Green.

Bill 11, an Act respecting La Compagnie du Chemin de Fer de Colonisation du Nord. —Hon. Mr. Pope.

Bill 12, an Act respecting The Interprovincial and James Bay Railway Company. —Hon. Mr. Gordon.

The Senate adjourned until Tuesday, May 9, at 8 p.m.

THE SENATE

Tuesday, May 9, 1922.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

MANUFACTURE OF EXPLOSIVES

INQUIRY

Hon. Mr. BOYER inquired of the Government:

1. Has any permit been granted to the Northern Explosives Company for the manufacture of explosives at Rigaud?
2. On what date?
3. By what officer and under what authority?
4. Had not the Dominion Government been informed that the Quebec Provincial government and the Municipal Council of the parish of Rigaud have, neither the one nor the other, granted the permit for the said manufacture, to the said Company, and that the said company, under the provisions of Article 1270, R.S. of Q., 1909, Revised Statutes, Edward VII, has no right to manufacture such explosives, unless permission is granted by the two above-mentioned bodies?
5. Being informed of these facts, and after having verified them, can the Government suspend the said permit until the question has been disposed of by the Quebec Provincial Government and the Municipal Council of Rigaud, so that the Dominion Government be not accused of enroaching upon provincial rights?
6. At what distance from the C.P.R. tracks are situated the buildings where such explosives are manufactured, especially the building called the "Nitrator."
7. At what distance from the main highway are situated the buildings where such explosives are manufactured, especially the building called the "Nitrator?"
8. At what distance from the residence of Messrs. Louis Dandurand and Michel Besser are those buildings situated?
9. What is the capacity of the permit of manufacture granted by the Dominion Government?
10. What is the number of explosive works in operation in this country?
11. Where are they situated, and the names of the firms who operate them?
12. What is the number, the name and the locality of the works operated in 1918?

Hon. Mr. DANDURAND:

1 Yes.

2. October 28, 1921.

3. Minister of Mines. The Explosives Act (Section 7), Chapter 31, 4-5 George V.

4. No.

5. A license issued by the federal Government may be cancelled by reason of "discontinuance (of operations), misuse, or for other adequate cause." (Order in Council of 13th August, 1921—P.C. 2864).

(Section 26 of the Explosives Act says: "Nothing in this Act shall relieve any person of the obligation to comply with the requirements of any license law, or other law or by-law of any province or municipality, lawfully enacted, with regard to the storage, handling, sale or other dealing with explosives, nor of any liability or penalty imposed by such law or by-law for any violation thereof.")

6, 7 and 8. The air-line distances from (a) the "Nitrator" and (b) the other nearest building containing explosives to the Canadian Pacific Railway tracks, the main highway, and the residences of Messrs. Louis Dandurand and Michel Besser, and the minimum distances required in each instance, are set forth in the table immediately below:

From	To Nitrator		To other nearest building containing explosives	
	Required (Yds)	Actual (Yds)	Required (Yds)	Actual (Yds)
C.P.R. Tracks.....	200	303	125	291
Highway.....	83	391	75	373
Residences of Mr. L. Dandurand.....	395	750	160	766
Mr. Michel Besser....	395	643	125	533

The distances given as "required" are those which, in the case of buildings containing a considerable quantity of explosives, are those called for if and when these buildings are screened by substantial artificial mounds. Actually, in the cases under consideration, they are screened from the points referred to not only by artificial mounds but in addition by an intervening small hill.

9. The terms of a license do not specify the capacity of a factory as a whole, but limitations are set to the quantity of explosives which may be present in each building, and these limitations are determined by consideration of the isolation and protection of each from any other within or without the factory, and having regard to the safety of the employees and of the public.

10. Seventeen.

11. List of explosives firms operating May 1st, 1922:

Name—Location—For the manufacture of—

Can. Explosives Ltd., Beloeil, Que., blasting explosives.

Can. Explosives Ltd., Windsor Mills, black powder.

Can. Explosives Ltd., James Is., B.C., blasting explosives and black powder.

Dom. Cartridge Co., Brownsburg, Que., ammunition.

Giant Powder Co. of Canada, Limited, Nanoose Bay, B.C., blasting explosives and black powder.

National Explosives Ltd., Camp Mohawk, Ont., blasting explosives.

Central Railway Signal Company, Iberville, Que., railway torpedoes and fusees.

J. J. Heney, Prescott, Ont., fulminate of mercury fireworks.

T. W. Hand Firework Co., Hamilton, Ont., fireworks.

R. Ruffo, Cornwall, Ont., fireworks.

International Fireworks Company, London, Ont., fireworks.

Can. Safety Fuse Co., Brownsburg, Que., safety fuse.

Burrowite Explosives, Ltd., Amherstburg, Ont., blasting explosives.

Northern Explosives, Ltd., Dragon, Que., blasting explosives.

Thompson Powder Co., Ltd., Deseronto, Ont., blasting explosives.

T. W. Hand Firework Co., Brandon, Man., fireworks.

Toronto Fireworks Co., Hamilton, Ont., fireworks.

12. No record, as the Explosives Act came into force only on March 1, 1920.

UNMARRIED WOMEN VOTERS

MOTION

Hon. L. O. DAVID moved:

That this House is of the opinion that it would be opportune to amend the articles of the Electoral Law respecting female suffrage in such a way that unmarried women not being at least thirty years of age be not entitled to vote.

He said: Honourable gentlemen, I do not intend to make a very long speech on this motion. As usual, I content myself with only a few words. Enjoying as we do the benefit of political institutions, I have always thought that in the application of those principles we ought to be guided as much as possible by what is done in England, in order to secure the good and efficient working of those institutions. When one reads the books written by the great historians of England and the speeches made by the illustrious members of the English parliament, one cannot but admire the

principles which they advocated and act in accordance with their teachings. One of the questions which has most exercised their minds is the question of the franchise, and men like the famous Lord Brougham, Fox, and others thought and said that the best law on that matter was the law that gave the right to vote to the greatest number of those who were able to give an intelligent, independent, and honest vote. There is no doubt that if the vote were always intelligent, independent, and honest, democratic institutions would be as nearly perfect as human institutions can be. It has been under the influence of the principles established by the great English parliamentarians that British institutions have done so much good to the world and have produced so many great men. Naturally the number of those able to give an intelligent, independent, and honest vote has increased, and the progress of democracy and of education has required and obtained that suffrage should be extended as much as possible and even given to women. That was the extreme. But it was restricted or limited to women being at least thirty years old and occupying premises of the yearly value of five pounds or married to men duly registered. Why did the British parliament make that restriction? It was because the members thought that a woman below that age would not have the qualifications, and could not give a vote based upon sufficient knowledge to be in the best interest of the country.

If our law had been framed in accordance with the English law, it would be less objectionable and less dangerous; and it is in order to make it as similar as possible to the English law that I move this resolution to have it amended. If there is reason for that law in England, there is more reason for it in a young country like Canada, where what is wanted is not political women, but women who will give their time and solicitude to their children. I have a high idea of the mission of woman and of her influence, when she limits herself to the function which has been assigned to her by Providence—when she devotes herself to the welfare and happiness of her family and society. There is the realm in which she must exercise her activities, her zeal, and her moral influence; and she must keep away from everything which may weaken her authority and prestige, and prevent her from doing what the interest of family and society requires. I have always had the greatest admiration and praise for woman and the role which

she plays in this world. Experience will show that her introduction into the political field will do her no good and will do no good to society. But I want to protect at least, our girls, our daughters, from the contamination of politics at an age when they should be preparing themselves to fulfil their duties as mothers and wives, and when they are not in the condition enabling them to give what the great English parliamentarians called an intelligent and independent vote. Generally they do not wish the right to vote; and I think honourable gentlemen will be obliged to admit that they were wrong in giving them that right. What do girls between the ages of 21 and 30 years know about politics? They know nothing at all about politics, and they do not care to know anything; and, if they were consulted, I am certain that the great majority of them would be opposed to the law giving them the right to vote. There are thousands of girls who voted at the last election who did not know who was the Prime Minister or who was the chief of the Opposition, or what their policies were. Think, honourable gentlemen, of the thousands of servant girls, poor girls, who never heard a word of politics or read a political paper, and who did not even know what the word "tariff" meant—whether it was a man or a woman.

Hon. Mr. CASGRAIN: Oh, oh.

Hon. Mr. DAVID: You may laugh; but I know what I know. How can they give an intelligent vote, honourable gentlemen? They will vote as they are told by either their master or their mistress, and you simply have a useless and costly multiplication of votes. You load the electoral lists with voters who do not cast an intelligent vote.

But there is something worse. Sooner or later they will come under radical influences, and the result will be that the vote of the man who has studied political questions for twenty-five or thirty years will be annulled by the vote of his little servant girl. Is it not absurd? I am told that in the last election, in a little town not far from Montreal, the girls employed by a big manufacturer were saying: "Our masters are for the Government candidate; we will vote for the other man."

Hon. Mr. CASGRAIN: Well, they were right.

Hon. Mr. DAVID: It is said that there is no reason for refusing them a right which is given to boys or young men of the same age. Yes, there is a reason—a strong reason. A great number of these young men are students, who, in the colleges and universities, have acquired political knowledge, who have studied political economy, and have continued to learn what enables them to give an intelligent vote. And generally almost all young men between 21 and 30 years of age read political papers and frequent the clubs and assemblies where political questions are discussed. But where and how will girls of the same age acquire political knowledge? Will they be advised to attend clubs and public meetings, to go to places where they would see and hear nothing good, where their modesty, delicacy of feelings and moral qualities would be more or less affected? Knowing what I know, if I had girls of that age, I would certainly forbid them going to these places, or these meetings. It is not the atmosphere where they will acquire what family and society will require from them, where they will prepare themselves to fulfil the duties of their noble mission. We know how girls are impressionable and subject to all kinds of influences. Let us leave them at home under the beneficent influence of their mothers, in the sanctuary of the family, as far away as possible from everything more or less dangerous.

We like to say that we are preparing the destinies of a great country—of a great nation. Women must do their share in that patriotic work, provided they do it in the family and social sphere and leave to men the political domain. There is so much good to do in the social world, so many miseries to relieve, so many evils to remove, as to afford an unlimited field for their devotedness, their intellectual and moral activities.

Not wishing to discuss the whole question of female suffrage, I wish only to remove what I consider the worst features of our law, and I hope that the members of this House will consider my motion worthy of their consideration. I have often said that the Senate was the place where the political and social problems which concern the welfare and the future of our country should be properly and independently discussed, in order to show its usefulness. It is the place where everything which may affect the good working of our beloved British institutions and disorganize our social world must be opposed and fought with energy.

The motion was negatived: yeas, 19; nays, 33.

PRIVATE BILLS

FIRST READINGS

Bill 23, an Act respecting The Prudential Trust Company, Limited.—Hon. Mr. Casgrain.

Bill 28, an Act respecting The T. Eaton General Insurance Company.—Hon. Mr. Proudfoot.

Bill 48, an Act respecting The Aberdeen Fire Insurance Company.—Hon. Mr. Griesbach.

Bill 49, an Act respecting The Armour Life Assurance Company.—Hon. Mr. Griesbach.

SECOND READING

Bill 20, an Act respecting the Baptist Convention of Ontario and Quebec.—Hon. Mr. Turriff.

THIRD READINGS

Bill 9 an Act respecting The Canada Trust Company.—Hon. Mr. Blain.

Bill 10, an Act to incorporate Canadian General Insurance Company.—Hon. Mr. Casgrain.

DIVORCE BILLS

FIRST READING

Bill M2, an Act for the relief of George Daly.—Hon. Mr. Bradbury.

SECOND READINGS

Bill C2, an Act for the relief of Alexander Fred Naylor.—Hon. Mr. Ratz.

Bill D2 an Act for the relief of Margaret Yallowley Jones Conalty.—Hon. Mr. Proudfoot.

Bill E2, an Act for the relief of Telesphore Joseph Morin.—Hon. Mr. Proudfoot.

Bill F2, an Act for the relief of Daisy Mary Nicholson.—Hon. Mr. Blain.

PENITENTIARY BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 25, an Act to amend the Penitentiary Act.

Hon. Mr. Blain in the Chair.

On section 1—prisoner may be kept in penitentiary, etc., until necessary documents, including a certificate of health, are delivered to warden:

Hon. Sir JAMES LOUGHEED: May I ask my honourable friend, can there be any doubt as to a prisoner being properly in the penitentiary to which he was originally sentenced?

Hon. Mr. DAVID.

Hon. Mr. DANDURAND: There is a gap in the Act which, according to my information, had been noticed by very many Ministers of Justice, but as there seemed to be no difficulty arising it was not sought to cure the difficulty by legislation. What has prompted the present Minister of Justice to move in that direction I cannot say, except that I see what is sought by this legislation.

Hon. Sir JAMES LOUGHEED: Would my honourable friend, while he is on his feet, tell us where the prisoner would be kept except in the penitentiary to which he was sentenced, and within the walls of which he is in custody until he is transferred to some other?

Hon. Mr. DANDURAND: If my honourable friend will listen to the reading of section 45 of the Penitentiary Act to which it is proposed to add this proviso, the matter will be made clear. Section 45 of the Act reads as follows:

> Whenever a prisoner is ordered by competent authority to be conveyed to any penitentiary from any other penitentiary, or from a reformatory prison, or from a gaol, there shall be delivered to the warden of the penitentiary receiving such prisoner, together with all other necessary documents, a certificate signed by the medical officer of the institution from which such prisoner has been taken, and countersigned by the official in charge of the penitentiary, reformatory or gaol from which such prisoner has been taken, declaring that such prisoner is free from any putrid, infectious or contagious disease, and that he is fit to be removed.

Now, the addition runs as follows:

> Provided that a prisoner sentenced to imprisonment in a penitentiary, or ordered by competent authority to be conveyed to any penitentiary from any other penitentiary, or from a reformatory, prison, or from a gaol, may remain and be kept in lawful custody in the penitentiary, reformatory, prison or gaol from which he was sentenced or ordered to be conveyed until the necessary documents, including the certificate hereinbefore required, shall have been delivered to the warden of the penitentiary receiving such prisoner.

This covers the case of a prisoner conveyed to the penitentiary without that certificate, and while the certificate is sought for his detention in the penitentiary, although he may be returned later on, under clause 46, which is to be amended, to the gaol from which he came. So this empowers the warden of the penitentiary to retain him provisionally while this certificate is being obtained.

Hon. Mr. DANIEL: Who is to pay the expense of the prisoner's detention and care? As I understand it, this clause is intended to prevent prisoners affected with infectious and contagious diseases from

being taken into the penitentiary. Not being a lawyer, and not knowing about these things from a technical viewpoint, to my mind such a prisoner, as soon as he is sentenced, comes under the control of the Federal Government, which becomes liable for his detention and all the expense in connection with him. I understand that there are very few ordinary gaols and other prisons throughout the country that have the necessary accommodation for sick prisoners, and it would certainly become rather a serious question as to how such prisoners would be looked after and who would be responsible for them. I think the clause ought to stand a while and have a little more consideration. Apparently it does not make any difference what is the cause of the prisoner's sentence. It might be for murder, or for some other serious offence; still the local authorities would be responsible for his care and keep, and all expense in connection with it. I think consideration of the clause ought to be postponed, and some amendments made to it so that the local authorities on whom the prisoner is imposed may have some idea as to how they are to be reimbursed. Considerable expenses may be incurred for extra guards, nursing, doctors, etc. Perhaps the honourable gentleman who introduced the Bill will explain that matter.

Hon. Mr. DANDURAND: The amendment sought by this Bill simply sanctions a practice that has so far been uniform. As to the objections of my honourable friend to the Federal authorities throwing upon the Provincial authorities the obligation to attend to sick prisoners, they relate more properly to the legislation at present on the statute book. The amendments now proposed are but consequential. The principle embodied in clauses 45 and 46 is that after a prisoner has been condemned to the penitentiary he must be conveyed from the provincial jail to the penitentiary, and the warden of the penitentiary is prohibited under clause 46 from receiving him—

Hon. Mr. MURPHY: Even now.

Hon. Mr. DANDURAND: —even now, if he has not the certificate from the medical authority of the jail from which he comes and that certificate is not ratified by the medical authority of the penitentiary. Yet there is in the conveyance of the prisoner this little difficulty, that he has been transferred to the penitentiary, he is there practically in the hands of the warden, and the warden has him under his charge, but has not the certificate of the doctor of the jail nor the certificate of the penitentiary doctor. The provincial authority—the jailer or the sheriff of the district from which the prisoner comes—could perhaps say: "I have delivered the prisoner to you and will not take him back." That is the second case. In the first instance the warden may say: "I am prohibited from accepting the prisoner until I have the two certificates: I have not got the first one." Or, if he has received the first one, he may say: "I have not yet received the certificate from the penitentiary doctor." Still, the warden has the prisoner irregularly in his charge. This amendment is simply to provide that the fact that the warden has the prisoner shall not prevent the warden from complying with clauses 45 and 46 and requiring those certificates.

Hon. Sir JAMES LOUGHEED: The clause is all right as it is—no doubt about that.

Hon. Mr. MURPHY: A man's liberty may be taken away under our laws. The purpose of this amendment, I suppose, is to protect the public, particularly persons who may innocently get into contact with that man. Does the honourable leader of the Government not think it would be better to let this matter stand, and to have in our penitentiaries a place of segregation where competent medical service could be rendered to prisoners? We know that such service is not rendered, and there is no place to render it properly, in the ordinary municipal or provincial jail.

Hon. Sir JAMES LOUGHEED: That question does not arise in this connection.

Section 1 was agreed to.

Section 2 was agreed to.

The preamble and the title were agreed to.

Hon. Mr. MURPHY: Under the circumstances I want to make just this remark, that our penitentiaries have not the proper safeguards. It is provided that there must be a certificate. Well, it is very easy for a man who is not qualified for his position, or whose conscience is not scrupulous, to write out a certificate. I have seen a good many instances. However, I want to draw attention to the fact that there is in this country no penitentiary that should not have a place of segregation where prisoners could be properly treated. A man sent to

penitentiary may be suffering from a disease that might infect others. He should be put away and cured of that disease. I do not believe that this Bill as it now stands is right. However, we will see more of it later.

The Bill was reported without amendment.

DEPARTMENT OF NATIONAL DEFENCE BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 27, an Act respecting the Department of National Defence.

Hon. Mr. Bolduc in the Chair.

On section 1—short title:

Hon. Sir JAMES LOUGHEED: Would my honourable friend be good enough to say how the Act will operate? What will be the effect of the absorption of the other Departments into the Militia Department—for instance, with regard to pensions and as to the different advantages or provisions now extended to the members of the Militia? Is it proposed that there shall be any distinction as between the Naval Service, the Militia, and the Air Service, and will their separate rights be continued and maintained, or is it proposed to merge all the services in one general fusion, so that the policy of the Department, say respecting the matter of pensions, will extend similarly to all branches? I do not find any provision made for that.

Hon. Mr. DANDURAND: From my reading of the Act I see nothing that changes the positions of the different classes of service men. Authority is taken for retiring a certain number of them, and pensioning them off, but I do not see anything that would vary their positions.

Hon. Sir JAMES LOUGHEED: What is the intention of the Government, so far as my honourable friend can inform us, as to bringing all branches of the service under one policy? Or is it proposed to maintain a different policy in regard to each service, or to continue that which now pertains to each, instead of placing all the members of the different services upon the same basis in one Department of National Defence?

Hon. Mr. DANDURAND: Of course, I do not know whether a uniform rule could be applied to the Naval Service and the Militia at the same time. They are governed by special Acts. But this question did not arise when the Bill came before the other House. I do not see any pronouncement from the Minister who had charge of the Bill and from whose Department it emanates, but I will ask him the question and will inform my honourable friend before we finish with this Bill whether or not any uniform policy is to be adopted.

Hon. Sir JAMES LOUGHEED: Can my honourable friend give us at the moment any information—and if he cannot, will he be good enough to inform the House after he has made inquiries—as to the provisions touching pensions, with reference to the Militia, the Department of Naval Service, and the Air Service? Are there special Pension Acts touching all those services? And what would be the policy of the Department as to the future?

Hon. Mr. DANDURAND: I will make inquiries.

Hon. Mr. MURPHY: I would like to tell the honourable leader of the Government that the Pension Board's classification with respect to venereal diseases is the most absurd that there could be. I will not go into detail or discuss the matter in its finest points. I hope the Government will reconsider this classification and put it on a rational basis.

Hon. Mr. DANIEL: I think that the Committee might be given some reason why the Government is making this change. Is it on the score of economy, or for what reason are the different departments united? If it is on the ground of economy, I think the honourable gentleman who leads the Government should give us some idea of what economy will be effected by this change. Will there be any difference in the deputy ministers? Will there be any fewer than there are now? Or what economy will really be effected by placing these three departments under one head—outside, of course, the economy of having one head instead of two.

Hon. Mr. DANDURAND: It was felt that logically the three departments pertaining to defence should be united, and the hope was expressed that in uniting them considerable economy might be effected by amalgamating the staffs that are now doing similar work in the three separate departments. I know, for instance, that there will be an amalgamation of the accounting staffs and a reduction in num-

ber when a single staff is formed. Likewise in the purchasing departments. The Naval and Militia departments have each its purchasing staff, and gradually—though in what form I do not know—the two staffs will be brought down to half their present number. Various economies can be effected, but the principal object was to unite under one head the departments of defence—the Air Board, the Naval Service and the Militia Department. I find that on that point there was unanimity amongst all the members in the other House who had occasion to express themselves.

Hon. Sir JAMES LOUGHEED: Could not my honourable friend give us some idea or some illustration to show where in those economies will be effected? It would seem to me that when the Government of the day first took up the proposal to merge those departments, they must have had outlined before them some particular plan showing the economies to be effected, and it ought to be an easy matter to inform the House what those economies are, or to give us some outline of the method that will be followed by the Government in fusing the two departments. The Air Service is already within the Militia Department, so that the only Department that will be imported into the Department of Militia is the Naval Service. So far as I can observe from a reading of the Bill, there is no provision for doing away with the Deputy Head of the Naval Service, or with the staff of that Department. Presumably the Naval Service will require a staff that will be peculiar to that particular branch of the Department. That is to say, officers familiar with militia work would not be familiar with naval work. Before we have finished considering this Bill my honourable friend will doubtless be able to illuminate the subject with information which may possibly incline us to a different conclusion, but at the moment I am rather at a loss to see wherein any good purpose will be served by this merger.

Hon. Mr. DANDURAND: I do not know whether or not the Minister of Militia could himself give in detail all the economies he expects to secure by having those three services united. My honourable friend says that the Air Board was under the Militia Department. That is not quite exact, because the only connection was that the chairmanship of that board belonged to the Minister of Militia. The Board itself seemed to be autonomous and to be working outside the purview of the Militia Department. The Naval Service and the Militia, by being united, can undoubtedly be administered more economically than they have been administered singly. At all events, that is the hope of the Minister of Defence. I have mentioned the accounting branches. In the purchasing branches also there are economies to be effected by having only one branch instead of one for each department. As the minister examines the situation he may find a considerable number of economies that he can make. However, I am not sure that the minister can at this moment go into the details. Of course, he is better informed than I am, and he may be able to do so. I have no doubt that the uniting of the departments will give the Minister an opportunity to use the pruning-knife.

Hon. Mr. DANIEL: If the amalgamation is not made on account of economy, I cannot understand what reason there would be; and the more I examine and consider the matter, the less can I see where economy will be effected, unless there are changes to be made of which the honourable gentleman who has just taken his seat has not been able to assure us. There will be one Deputy Minister whereas there are now at least two. I think the Air Service was always more or less under the Militia Department; but, the Naval Service was not a department by itself, but was under the head of the Marine and Fisheries Department. There is no Cabinet position saved by this change; there is no head of a department saved; and what is saved? Apparently not even a deputy minister.

As far as the purchasing branch is concerned, as I understand it—perhaps I am wrong—there is a Purchasing Board which makes the purchases for all the various departments. So I do not see where there is going to be any economy effected there, so far as the heads of departments are concerned.

Hon. Mr. DANDURAND: There will be.

Hon. Mr. DANIEL: There cannot be.

Hon. Mr. DANDURAND: It is not the intention of the Minister of Militia to retain two deputy heads for this department when it is united.

Hon. Mr. POPE: It would seem to me that under the present Administration it is useless to take up the time of this House in asking questions as to what the Minister of Militia proposes to do, particularly after the exhibition in another place a few days ago. He informed the Dominion of Canada from his seat in the House that so far as the militia was concerned he

would reduce the expenditure to the lowest possible consideration, which was $1,400,000. After the caucus of the party to which the honourable gentleman belonged, it was discovered that a further economy of $700,000 could be made, and that efficiency could still be maintained. I say it is useless to take up the time of this House asking the Minister of Militia what economy he proposes to effect by this Act. I think it would be far better if we were to send a delegate to attend the caucus of the Government, and to ascertain what the Government is going to be permitted to do with regard to the Militia of the Dominion and other matters affecting the welfare of the country.

Hon. Mr. McLENNAN: I would call the attention of the House to the fact that this movement is along the line recommended some time ago by the Committee of this House on the Machinery of Government, the ground taken by that Committee being that the more you could concentrate similar services the greater efficiency you would get. This step in this direction, I take it, is possibly due to the work of that Committee, which received more attention in other countries than it has in Canada. It is a step in this direction just in the same way that the establishment of the Department of Public Health was a step towards getting greater efficiency.

Hon. Mr. DANIEL: What is the connection between the army and the navy?

Hon. Mr. McLENNAN: They are both for the purpose of defence; and it concerns us that there are two branches of the same thing, one on land and one on the sea.

Hon. Mr. GRIESBACH: Generally speaking, it can be said of this Bill, as of any other proposal of a similar nature, that a good scheme with poor men to carry it out will probably fail; conversely, it may be said that a poor scheme with good men to carry it out will probably succeed. The arguments put forward in support of this Bill in another place, and suggested here to-night, are the arguments of economy and efficiency. I do not know that I heard very much said here about efficiency, but there was a great deal said about it in another place. As a matter of fact, there is only one real argument which influences me, and which will induce me to support the Bill. That argument is the fact that you have here three services—the army, the navy, and the air force—three great departments of the Government, which function in three distinct elements—on land, on the water, and in the air. These three departments have nothing in common. Some reference has been made to a purchasing department. The purchasing departments will scarcely be merged, because they are not purchasing the same things. The argument which appeals to me in support of this Bill is that these three Departments of the Government, having a common object to fulfil, namely, the defence of the country, will function best if they are all brought under the control of one brain. That is the argument which should induce honourable gentlemen to support this proposal; and what I said in the beginning follows, that the best possible scheme will fail unless you have the right men carrying it out, just as the worst scheme may possibly succeed if good men have the control.

The Bill as advanced by the Government is based upon two arguments: firstly, that of economy, and, secondly, that of efficiency. There is not very much in common between these Departments; and, in order that they may be properly administered, they must have heads in the future as they have had in the past.

I can see no economies, except arbitrary economies, which are probably false economies, and which will seriously affect the efficiency of all the services. These economies probably mean a lower standard of efficiency, if that be possible. I have prepared a statement of the figures which are involved in the discussion, in order to show exactly what the economies are which will be claimed by the Government from the inauguration of this scheme. Last year the expenditure on militia was $11,954,178.75; this year it is $10,718,400, a decrease of expenditure, or an economy, if you like, of $1,165,778.75. Last year's expenditure on the Navy was $3,726,980; this year it is $2,701,400; a decrease or an economy of $1,025,580. On the Air Force last year we spent $1,625,000; this year we will spend $1,000,000, a decrease or an economy of $625,000. The total of these three services last year was $17,306,158.75; this year it will be $14,489,800, a decrease or an economy of $2,816,358.75.

These are the economies for which the Government will claim credit. It then becomes interesting to inquire how these are arrived at and what will be the results as to efficiency. My first observation in that regard is that these economies are not and were not based upon technical advice; they were not based upon expert opinion; they

have no regard for national sentiment, national status, our aspirations or our responsibilities. They are, in fact, based upon political expediency, and, what is probably worse, political impotence, as has been stated by the honourable gentleman opposite. Let us consider for a moment the Militia estimates as brought down. In the first place, there is no possible doubt that the technical advisers of the Government who prepared these Estimates had been told that they would be required to bring down Estimates in these three branches of the public service which would be less than the expenditures of last year. That is the starting point—that they must be lower than were those of last year. However, they are brought down and handed to the Minister. The Minister carries out the paring process; he says he pared to the bone. The Estimates are then brought to the Cabinet and pared closer to the bone; they are finally agreed upon and brought to the House. Then we see the spectacle of a measure which has been carefully considered by the Cabinet, and brought to the House as being the lowest possible expenditure consistent with efficiency, being rejected, and of the Estimates finally having to be disposed of in a caucus of the supporters of the Government, with the result that there was, so we are told, a substantial reduction. I recollect that in a similar case Lord Roseberry saw fit to resign his portfolio; and I would commend that incident to the consideration of the honourable Minister of Militia.

Military efficiency is based on men, money, and leadership; and the greatest of these is leadership. But leadership without money is helpless. What is the use of the best leadership in the world if it is not backed by men and money? We in Canada have never had such leadership in things military as we have at the present time. Our experience in the war has produced men who know what ought to be done in things military. But these gentlemen have not been heard; their advice has not been taken; and the matter is being disposed of on a basis of political expediency—and that is the basis of these economies.

Now, the Bill to amalgamate these two Departments is before the House, but it is now being practically carried into effect. What is the result of the amalgamation so far, and what is the result of the situation which has been brought about by the Government at this time? The first result is that, by reason of these arbitrary and false economies, service in the permanent army of Canada is becoming a joke. There are curtailments of expenditure which involve a shifting and changing in the service. Positions are being done away with or minimized, and the future of a man in the permanent service of Canada is not worth bothering about. To-day, good men who distinguished themselves in the great war, and who are competent and qualified to occupy their positions, have decided that there is no future for them in the permanent force of Canada, and they are getting out. Some have gone, and others are going. That is the first result of the economies under this proposal. The second result is that it is now manifest to every man who has interested himself in the militia work of this country that there is no encouragement in the Service. There are to be no funds; nothing is to be done; the Service is to stagnate and perhaps to die; and there is no reason why any high-spirited man should bother himself further with it.

As a result of these things, failure is in sight, and men who have given a great deal of time and money to the Service have already made up their minds that under this Administration they had better get out while the going is good.

The next effect of the economy under this proposal is confusion. To-day preparations are going forward, or ought be, for the annual training of the Militia. That is a large undertaking. It involves the securing the camp grounds, the moving of large bodies of men and horses, provision for fodder and food; it also involves in every hamlet in Canada the gathering together of men, the issuing of clothing and equipment and arms. Under normal conditions the whole Militia would be astir now; we are within thirty days of the opening of this training. But because of vacillation, lack of courage, and impotence of the Government, no one knows whether or not there will be training; and there is such confusion as there has never been before. If money is not found for the annual training of the Militia this year, it means that in one year the Militia will go back so far that it will take five years of hard work in the future to bring it to where it is now. These units are for the most part, indeed almost wholly, commanded by men who served in the war; men who are tired of war, war weary, and who would have liked very well to have been relieved of the responsibility of raising these units and endeavouring to reorganize the Militia; but they have been induced by officials of the Government to take the work in hand, and asked to give their time and money

to the work. But they have been confronted with the greatest possible difficulties; and now, at this late date, within thirty days of the annual training, when they hear the discussion which has taken place, they are left in doubt as to what is to happen in the future. One thing only would seem to be clear, and that is that the Government do not appreciate their services; indeed, that the Government does not require their services. In another place there have been discussions of the Militia which, in my humble opinion, are not at all creditable to the gentlemen who have taken part in them. There is on the part of some people a contempt for the Militia and for the men who are giving their services. One member of the other House referred to the officers of the Militia as parasites; another gentlemen referred to the annual training as "gold-lace parades." How long do you think these men are going to continue to give their services? How long do you think the military spirit of this country is going to stand up against this sort of treatment, and what do you think is going to be the future of voluntary military service in Canada unless the Government is prepared to support that service in the only way that it can—by adequate grants of money.

Now, passing from that aspect of the case—I will return to it again—I would like to draw the attention of the House to a few facts in connection with the world situation. There are to-day in the world three times as many men under arms as there were in 1913. There are fifty times as many men trained for war to-day as there were in 1913. There are situations in China, in India, in Germany, in Russia, in Ireland, in France, South Africa, and in scores of other countries which arouse the greatest concern. In Europe three old empires have gone down, and in their places have arisen eleven states which are armed camps, and which nourish grievances against each other and causes for quarrels, any one of which might be sufficient to embroil the whole world.

We hear a good deal of talk in these days to the effect that the last war was a war to end war, and a great many people base their calculations for the future upon that. Well, that statement was a piece of propaganda designed to delude the ignorant, and it appears to have done so. There are a number of wars now going on. Revolutionary activity manifests itself in almost every civilized country. The other day we had the spectacle of a revolution in South Africa, which flared up apparently unnoticed, but which required for its suppression all the resources of the Government and the use of all the engines of warfare. Against such forms of revolutionary activity as oppress the world to-day, there is only one answer, and that is armed force.

We hear the argument that because Germany is done with and powerless there is no need in these days for any armed force. But that is a false conclusion, drawn from false premises. As a matter of fact Germany is not powerless. You have before you in the public press fairly definite information as to the existence of a military treaty between Russia and Germany. Seven millions of trained men live in Germany. German industry is the most scientific, energetic and aggressive in the world; and the Germans can turn out war material in larger quantity and in a shorter time than any other race in the world. Sixty-five millions of people live there—a homogeneous people occupying a solid block of country, highly patriotic, and intensely earnest in their determination that they shall not be made to suffer the full effects of the great war. Every few weeks one reads in the papers that the Disarmament Committee of the Allies constantly discovers great stores of arms hidden in secret places throughout Germany, all of them bearing dates of manufacture subsequent to the Armistice.

Then, it must be remembered that we never armed against Germany. Field Marshall Wilson, speaking in the House of Commons in England the other day, said: "We did not arm a man, we did not build a gun, nor did we move a wheelbarrow in anticipation of war with Germany." We armed previous to the great war for a general situation, and that general situation is worse to-day than it was in 1913. The very men who oppose preparation to-day are the men who protested to the country that they were quite certain there never would be war with Germany. All the preparation that was then made was a preparation against the general situation, and not a particular one.

We have the United States to the south of us, occupying a position very much like our own, with a peaceful neighbour on the north and the great oceans on either side. They have twelve times the population that we have. Making that allowance, and reducing the discussion to a pro rata basis, it is interesting to observe what they are doing in this matter. This year the United States will spend upon its regular army

$224,722,308.67. Canada will spend upon her regular army this year $6,000,000. While the United States is twelve times greater than Canada in population, her military expenditure is thirty-six times greater, and on a pro rata basis her expenditure upon her regular army is three times what ours is. In addition to that, the United States federal government will spend this year upon her militia $21,130,300, in addition to the expenditure of the forty-nine states who control their own militia—which will run into hundreds of millions of dollars. There are to be eighteen divisions of the National Guard, numbering 360,000 men; an organized reserve of 500,000 men, and a regular army of 133,000 men. Now, if a great, peaceful country, a strong country, like the United States, with no enemies, sees fit to make this tremendous expenditure, it ought to give us pause, make us think, and ask ourselves why they make these preparations, and why we should not also provide ourselves with suitable defence.

A few days ago we listened to a very eloquent speech from the honourable gentleman from Ottawa (Right Hon. Sir George Foster) on the League of Nations. I think we were all tremendously impressed with what has been done and what they hope to do, and surely every one in this House will wish that a large measure of success may crown the efforts of the League of Nations. But we ought not to shut our eyes to the teachings of history; nor should we fail to observe that this League of Nations, and the other leagues that have preceded it, have usually been based upon war-weariness and poverty. The nations of the world are tired of war: they are war-weary and they are poor; consequently they lean towards a settlement by a league of this sort. There is an ever-growing number of people in the world who disregard the facts of history, who disregard human nature, believing that it is possible for a number of men to get around a table, look each other in the eye, meet each other face to face, and settle almost any question, even such as involve the dearest interests, matters of honour, of credit, and of national respect.

This League of Nations is not by any means the first venture of its sort. Honourable gentlemen will remember that in 1878 a great congress was held at Berlin, following upon the Russian-Turkish war, in which it was thought that arrangements had been made to ensure a lasting peace for the whole world. You will remember that Lord Beaconsfield returned to London and made his famous speech, "Peace with honour." Five years had not passed before the factors that made that congress posible began to dissolve, and the structure began to crack, and war was on in a very short time. Previous to that again, in 1815, following the Napoleonic wars, another great congress was held at Vienna, and things were done, adjustments were made as between nations, and new kingdoms were carved out. In fact, if one would take the trouble to read the doings of that congress he would be surprised to find the close analogy between its work and what the League of Nations has done; and yet within a very short period the world was at war again. The factors which bring people together in that way do not last, because, after all, human nature remains pretty much as it always has been; fear, greed, and ambition sway men's minds to-day, as they have been swayed through six thousand years of recorded history.

There is a natural tendency, when the world is weary, and when the world is poor, to talk of peace and to plan for peace. Let us hope these plans will be successful; but after all is said and done one remembers the old rhyme:

> When the devil was sick, the devil a saint would be;
> When the devil got well, the devil a saint was he!

Passing from the world situation, let me discuss for a moment the situation in Canada. We have in Canada a large number of trained men. One hears that statement put forward as an argument against any further expenditure or any further preparation. But the very men who advance that argument forget that other nations also have a large number of trained men, and what constitutes an asset to us is also an asset to them.

During the great war there were new engines and implements of war discovered or re-discovered, and used. For instance, everybody has heard of the bomb and its use, and how it was made to serve men. You have heard of the effects in a battle of running out of bombs. Do you know that in Canada to-day we have not a single bomb? There may be a few, just enough to show the units of the militia what a bomb looks like, but we have no store of bombs whatever.

Another weapon used in war was the mortar. No defences could be held without the use of the mortar; but there are no mortars in Canada except a few for demonstration purposes.

A great weapon discovered in the war, and used for the first time—a weapon which saved thousands of lives, and which was the answer to the machine-gun and wire entanglements—was the tank. There is not a single tank in Canada.

Another weapon which was used, and which caused tremendous consternation when first used—a devilish invention, one of the most terrible things that a man could confront—was gas. We have not in Canada any preparation for the making of gas; and, what is still worse, we have no defence against gas. There is not a gas mask or box respirator to-day in the militia department; and if we went into action to-morrow we would be in precisely the same position as we were in 1915 in that respect.

We have an insufficiency of rifles. There are barely enough rifles to arm the militia, and there is a great shortage of equipment.

Our position to-day is worse, if that be possible, than it was in 1914; and we dare to occupy this position because in the back of our heads we think that if we ever got into serious trouble we might rely on Great Britain to get us out. That was well enough in 1914, though it never was highly creditable to us, and was not a very honourable position for us to occupy; but, though it might have done in 1914 it will not do to-day. The reason is very plain. As a result of the war, Great Britain is tremendously in debt; the taxes are extremely heavy; there is a desire there to retrench, as there is a desire here, and, although the British army has not as yet been reduced to the strength that it had in 1914, nevertheless it has been substantially reduced. Notwithstanding that reduction, the new commitments following the war—that is, new territories which require to be policed and guarded, and mandates taken over at the request of the League of Nations—made demands on the British army three times as great as they were in 1914. The consequence is that that army is not as efficient and as ready for war as it was in 1914, nor can it be assembled and mobilized at is was then. The British army is scattered over the whole world to-day, and cannot be called together as was done in 1914. In that year four British divisions were in France within a few days of the declaration of war, and two divisions followed shortly after. To-day the position, as stated in the House of Commons in England, and not controverted, is that one division could be sent to Europe in the event of war, another division might follow in three weeks, and other divisions could not be secured under several months. If that is so—and it is—the theory that we may continue to rely upon the support of Great Britain to get us out of trouble no longer holds good. The time has come when we should be prepared to paddle our own canoe.

Defence is the first duty of the state. John Stuart Mill, in his work on Political Economy, lays down the general proposition that defence is greater than opulence. That I take to mean that there is no activity of the Government which transcends in importance the duty and the obligation of defence. Of what use is it to develop a country, to accumulate wealth, to have national aspirations, to demand equality with other powers, and a place within the Empire, unless we are prepared to back up our pretentions, and unless we are ready in the last analysis to put forth that force which, when it comes down to the fine point, is the only thing that sustains national dignity?

I should like to glance for a few moments at the military history of this country. Surprising as it may be to some people, we in Canada have been going to war once every fifteen years in our history. There are many men within sound of my voice to-night who have recollections of many of those periods. Taking them by their fifteen years intervals, we have the great war, which for the purpose of discussion we may call 1915. What was our condition? 33,000 men were concentrated at Valcartier, to be moved across the seas. Every article of equipment which was supplied to us was discredited before we got to the front. The boots went, the clothing went, the wagons went, the rifles went. All the equipment that we had was finally ditched, because it was no good; and the first Canadian fighting soldiers did not get to the theatre of war until six months after war was declared, and we asked the little British army that existed in those days to make a rampart of their dead bodies, behind which the unprepared Canadian army might take six months of precious time to equip and train themselves for the struggle. That was our record in 1915.

In 1900 we had the South African war, which was a rather small affair, and there was the same confusion. I remember well our boiling white helmets in coffee to turn them khaki colour. The troops were supplied with clothing which the rain came

through and the wind blew through, and which turned white after a few weeks of wear, and we were not completely equipped until finally the material came to us in South Africa from England.

In 1885 we had a similar experience when the Militia were called out. There was great enthusiasm. The rebellion never would have taken place at all if sufficient money had been spent before that time to increase the Mounted Police from 300 to 1,000 men. But there was a rebellion, and the Militia were called out. They turned out with what they could get. The Canadian Pacific Railway in many parts was not completed, and the troops had to march over those broken intervals, and the rugged shores of Lake Superior showed a stream of blood from the bleeding feet of Canadian volunteers who marched over those broken strips of country in tennis shoes, dancing pumps and all sorts of ill-fitting boots, for lack of suitable preparation.

In 1870 we had the Red River expedition. It took many months to get a small force into Manitoba.

In 1866 we had the Fenian Raid, and again the militia turned out without water bottles, without haversacks, without greatcoats; and they ran out of ammunition in the middle of a battle, and finally they fled for their lives, because they were not sufficiently equipped. The losses in casualties and the expense of that trouble would never have been incurred—the trouble would have never taken place—if there had been any reasonable or adequate preparation.

What is true of all those events was true also in 1837 and in 1812. Lack of preparation resulted in lack of equipment and the Canadian soldiers were sacrificed to this god of economy.

In all these campaigns, all these undertakings, two factors are present: firstly, surprise; secondly, unreadiness. There is a third factor to which also I should refer, and it is this. There have been all through our history men who have preached some degree of readiness, and there have been a very much larger number of men who poohpoohed the idea of readiness; and it is singular to observe that the men who in days gone by have pleaded for readiness are the men who go to war, and those who reject the idea are the men who stay at home. If we are to be a nation and to give ourselves the airs of a nation, this sort of thing cannot go on. We are now miles below the safety line. I have here some figures which may interest the House, showing the expenditures of seventeen civilized countries for army, navy and air forces. These figures have been before the country already, but they are so important and so impressive that I desire to give them again. Their importance lies in the fact that of the per capita expenditure of all the civilized countries to-day for army, navy and air forces, that of Canada is the lowest. I would like to have this document printed with your unanimous consent, or I will read it if the committee thinks I ought to do so.

Hon. Mr. RATZ: Hand it in.

Hon. Mr. GRIESBACH: I will hand it in.

Statement shewing Expenditure on Defence by the Principal Countries of the World for which Figures are available.

	Population	Military	Naval	Air	Total	Per capita
	$	$	$	$	$	$
Canada.....(Estimate)	9,000,000	11,890,000	2,500,000	825,000	15,215,000	1 69
Australia	5,000,000	13,874,998	14,062,500	2,700,000	30,637,498	6 13
New Zealand	1,200,000	2,876,638	1,688,499	.....	4,565,137	3 80
Union of South Africa.....(Whites only)	1,276,242	.....	.....	.....	7,089,619	5 55
United Kingdom	45,000,000	477,000,000	371,155,500	85,650,300	933,805,800	20 74
Japan	57,070,936	.....	.....	.....	272,141,500	4 77
United States	105,000,000	(a)639,275,503	644,515,731	95,000,000	1,378,791,234	13 13
Argentine Republic	8,279,159	13,500,000	9,020,749	.....	22,520,749	2 72
Brazil	27,000,000	36,846,864	17,081,963	.....	53,928,827	2 00
Chile	3,945,538	14,225,000	(b) 6,000,000	.....	20,225,000	5 06
Denmark	2,921,000	21,250,000	8,250,000	12,500	29,512,500	(c) 10 10
Netherlands (Holland)	6,778,699	16,210,228	?	.....	16,210,228	2 04
Norway	2,632,010	8,730,000	3,803,975	.....	12,535,975	4 76
Portugal	5,957,985	44,228,346	12,803,803	.....	57,032,149	9 58
Spain	20,719,598	(d) 29,841,916	(e) 20,541,564	.....	50,583,480	2 43
Sweden	5,813,850	(f) 67,428,914	(g) 14,095,930	.....	81,524,844	14 03
Switzerland	3,937,000	8,689,450	Nil	.....	8,689,450	2 20

(a) Exclusive of expenditure by individual States on State Militias (National Guard).
(b) Estimated.
(c) It is possible that the figures for Denmark are inflated by reason of Mobilization of considerable bodies of troops for duty in Plebiscite Zone in Schleswig-Holstein.
(d) Exclusive of $18,852,556 budgeted for military activites in Morocco.
(e) Includes one sixth of a building programme of $50,000,000 to be spread over six years.
(f) and (g) Figures for Sweden include special expenditure for Defence amounting to (i) Military $33,923,739 and (ii) Naval $5,534,030.
Normal figures for France and Italy are not available.
The average expenditure per capita for the above named countries, exclusive of Canada, works outs at $6.88.

It is the duty of the Government in matters of this sort to lead public opinion and not to follow it. But the performance of that duty calls for knowledge, courage, and power, and perhaps never in the whole history of Canada have we had a government that was so lacking in those three essentials of government as is the present Administration. Defence is the first duty of the state. It transcends all other duties. We have a great country, wonderfully rich and diversified, and full of great promise for the future; but no nation in all history has attained to wealth or greatness, or to any degree of permanence, without struggle and war, suffering and sacrifice. Let us take heed that this country, which promises so well, shall not fail to keep its engagements as a part of the British Empire, or as a world power; that it shall not go down to ultimate ruin in humiliation and disaster.

Hon. J. G. TURRIFF: Honourable gentlemen, I intend to support the Bill that is before the House, for the simple reason that it seems to be a step in the right direction. It would appear to me that by amalgamating the three departments, which are all connected with the defence of the country, better work can be accomplished and it can be done in a more economical manner. I am pleased to see that the Government are taking this step for the purpose of bringing about some economy. I think that everybody will agree that, in view of our revenues and expenditures, if any economy can be accomplished by putting the three departments under one head, it is a good thing to do.

I do not agree with the criticism that has been made on this Bill to-night to the effect that it cannot be definitely shown how the economy is to be brought about. Perhaps it might have been shown to a greater extent. I heard some of the discussion in the other branch of parliament, and it seemed to me that a pretty fair case was made out. But we can afford, I think, to give the Government a year to see what they will do in the way of bringing about economies, and we shall be in a better position to judge next year.

My honourable friend who has just taken his seat has made a very elaborate and very able speech, but all on the line of war and preparedness for war. I think my honourable friend will find that that sort of thing does not go very well with the people of Canada, and I would like him or any one else to point out a single case wherein preparedness or the spending of money by the hundreds and thousands of millions has kept peace or has kept any nation out of war. Which nation in modern history was the greatest in its warlike aspirations and its preparations for war? It was the Empire of consolidated Germany. No other nation in the history of the world made such stupendous preparations for war.

Hon. Mr. GRIESBACH: May I ask the honourable gentleman a question? He has asked me to name any nation which kept out of war by preparation. I will counter that by asking him to give me the name of any nation which has avoided war by failure to prepare.

Hon. Mr. TURRIFF: I can point to the United States as a good example. We have had a hundred years of peace along the border line between Canada and the United States. Have the United States ever suffered because of not being more prepared for war than they were?

Hon. Mr. GRIESBACH: The United States have been at war seven times in that period.

Hon. Mr. TURRIFF: My honourable friend may say that, and he may tell us that we in Canada were several times at war. And did we not always come out ahead? Could we have done more wonderfully if we had been prepared—prepared along the lines that my honourable friend indicates? I claim, honourable gentlemen, that the country that conserves its resources is better prepared for war when the time comes than is the country that wastes its resources by the hundreds and thousands of millions for many, many years in time of peace; and I claim, again, that preparing by spending vast sums of money does not necessarily put any country in a good position and does not keep it out of war.

How are we going to get the money to-day for carrying on the warlike preparations that have been advised here to-night? Are any of us willing to have direct income tax imposed upon us to have them carried on? I think not. I think very few people would support preparedness for war under these circumstances. And what if war comes? It is not so very likely to come at the present time. I think there never was a time when the nations were getting together so much as they are at present. It is true that some outlying countries are at present engaged in warfare. We have had the threatenings of war close to home

—in Ireland. There is war in China at the present time, but I do not think that is going to affect us very much. I believe that the policy followed by Britain in the past, of conserving her resources, has been a good policy and has done more to bring Great Britain and her Allies out ahead in the recent great war than has any other policy that could have been adopted.

Therefore I think, honourable gentlemen, that the Bill before the House is a step in the right direction, and I hope that the day is far distant when we shall find Canada adopting the warlike ideas of many of the nations of Europe. I do not for one moment agree with what my honourable friend has said of the manner in which the soldiers of Canada have been treated, or neglected. I notice this, that since the war has closed, scores and scores of men who were in the war have been kept on when there was no particular need for them, and they have been given promotion after promotion right along, so that they might be retired with a good, large pension. Is that bad treatment of them? I observe that a couple of officers have been retired just lately. One is to receive a year and a half of full pay and then a retiring allowance amounting to either $5,900 or $6,900 and some odd dollars. I do not remember which figure is right. Another has been retired with a pension of over $4,000 a year. Is that bad treatment for any man? It seems to me it is pretty good treatment.

Hon. Mr. MACDONELL: Most of the money that he draws as a result of long and faithful service has been taken out of his own pay. Five per cent of his pay has been deducted and applied towards the pension fund. So the Government has augmented in a very small degree the allowance on which he retires.

Hon. Mr. TURRIFF: All I can say to that is that he must have been drawing a mighty handsome salary all along when five per cent of it gives him a retiring allowance of $5,000 or $6,000. So I do not think there is any great ground of complaint in that respect.

Hon. Mr. GRIESBACH: The honourable gentleman, I am sure, does not intend to misrepresent me.

Hon. Mr. TURRIFF: No.

Hon. Mr. GRIESBACH: I do not think any other honourable gentleman in this House understood me to refer to the officers in the class to which my honourable friend speaks. I referred not to what is behind us, but to what is in front of us. I referred to the officers of the Militia who are organizing units and carrying on to-day. I did not speak about officers who had retired after thirty-five or forty years' service. I was talking about the Militia. The honourable gentleman appears to know so little about the subject as not to know the difference.

Hon. Mr. TURRIFF: My honourable friend is probably quite right when he says I do not know as much about military service as he does. I do not dispute that at all: but I say this, that I know a good deal more about the views of the people of the Dominion of Canada regarding military service than my honourable friend does—a good deal more. I remember the proposition that my honourable friend made a year or two ago, that every man in Canada should be trained as a military man. Well, that is all right in some countries. Some people like that sort of thing. But I can tell the honourable gentleman that the people of Canada are not going in for that sort of thing; and to my mind it would not be a source of strength for us to spend, as my honourable friend apparently suggests we should, $100,000,000 a year in keeping up Canada's military force. What would be the result of that expenditure? It would be that year after year we should be piling another $100,000,000 on our debt, in addition to what we are adding without this expenditure. We are now going behind—or we have been of late years, since the close of the war—$100,000,000 a year. Does my honourable friend, or any other honourable gentleman in this House, want to go behind to the extent of $200,000,000 or $300,000,000 a year in order to keep up a military force?

Hon. Mr. TANNER: I would like to ask my honourable friend how much this country would have gone behind if the Canadian soldiers who went across had not added their assistance to the British forces and the Allies to defeat the Germans. Suppose the Germans had won the war, how much would this country have gone behind?

Hon. Mr. TURRIFF: My honourable friend has exactly proved my argument, and I thank my honourable friend for doing so.

Hon. Mr. TANNER: I am glad to hear it.

Hon. Mr. TURRIFF: We sent our half million men across, and we did not send

them because we had spent millions of dollars beforehand in preparing them. Our men were practically all volunteers.

Hon. Mr. TANNER: Some of them were.

Hon. Mr. TURRIFF: Yes, some of them —the great bulk of them were volunteers, and they will volunteer again; and many of the men who went from the fields and the cities of Canada and arrived in the trenches a few months afterwards turned out to be just as good soldiers as any on the face of the earth.

Hon. Mr. MURPHY: After they were trained.

Hon. Mr. ROBERTSON: Will my honourable friend not agree, however, that there are thousands of Canadian boys pushing up the daisies to-day who would in all probability not have been in that position if greater preparedness had been practised and proper equipment had been supplied to them?

Hon. Mr. TURRIFF: If the Ross rifle had been a good rifle, or if it had not been used, there might have been some difference; but I do not believe, honourable gentlemen, that preparedness would have kept us out of war, or would have done anything for us in that war. We did our duty and accomplished our purpose just as well, and better, by the course that had been taken in Canada for many years previously. The British army was nearly all a volunteer army, and it did good work. So it does not seem to me that we are going to better ourselves in any way by following out the course that has been advised by the honourable Senator from Edmonton (Hon. Mr. Griesbach). In my judgment that would not put us in as good a position as we shall be in if we adopt this measure and bring about some sort of economy in expenditure in those three forces.

Hon. Mr. MURPHY: Does my honourable friend believe in educational efficiency? Does he think that our boys over there would not have been a lot better if they had been trained before they went and jumped into the conflict?

Hon. Mr. TURRIFF: I can answer that question by saying that they went up against the trained men of Germany and Austria and the other Allied enemies, and proved better men than the ones who had been trained for five or ten or fifteen years.

Hon. Mr. MURPHY: That is not my question. Do you not think that if they had been properly trained they could have done better?

Hon. Mr. TURRIFF: I think they were properly and well trained before they went into the trenches. It is not necessary to drill a man for five years to make a soldier of him. They were trained for a few months—

Hon. Mr. MURPHY: That is what they call intensive training. Many of our boys died as a result of it.

Hon. Mr. TURRIFF: I do not think we can do better than follow the example of Great Britain. Great Britain has very largely reduced her navy, which is the chief arm of her defence. If it is good policy for Great Britain to reduce her defence force surely it is good policy for us, for she has more to fear from enemies than we have. Whom are we to fear? Are we likely to get into war with the United States? I do not know of any other nation with which we would be likely to have trouble.

In my judgment, it is not necessary to keep up a large standing army. My honourable friend (Hon. Mr. Griesbach) says that we have the lowest military expenditure in the world. I am very glad to think that we have; I am very glad to think that Canada has more sense in that respect than the other nations. If our neighbours to the South are spending so much more than we are, perhaps they are better able to afford it. To my mind it would be very foolish for Canada to undertake great military expenditures; and I think the idea of the Government cutting down expenses in some of these lines is a mighty good one, and it is going to have my solid support.

Section 1 was agreed to.

Sections 2, 3 and 4 were agreed to.

Subsections 1 to 3 of section 5 were agreed to.

On subsection 4 of section 5—Comptroller:

Hon. Mr. DANDURAND: I wish to move an amendment to paragraph 4, so that it will read:

> The Governor in Council on the recommendation of the minister may appoint an officer to be known as Comptroller, with the rank of Deputy Minister if deemed expedient.

Hon. Sir JAMES LOUGHEED: What is the distinction?

Hon. Mr. DANDURAND: Honourable gentlemen know that in the amalgamation

of these two departments there will be practically two staffs to consolidate. The suggestion of the Minister of Militia that a Comptroller be appointed to take charge of all financial matters was highly commended by his predecessors in office who discussed this Bill in the other House. He asked authority to give the rank of deputy minister to the person so appointed. It may be that someone who already has that rank will be appointed, and under this provision he will retain his title and all that goes with it.

Hon. Mr. BENNETT: Why not add somewhere in the Act that the retiring Deputy shall be "as you were," because it is apparently intended that the now retiring deputy will be advanced to deputy.

Hon. Mr. DANDURAND: The appointment of a Comptroller seems to have been welcomed in the other House by the gentlemen who previously administered that Department. It may be that the Minister of Militia will deem it opportune to appoint someone who already has the title of Deputy.

Hon. Mr. CALDER: It appears to me that if this provision is made, it is simply going to get the Department and the Government into trouble. As I understand it, the total proposed expenditures of the Militia Department are somewhere in the neighbourhood of $13,000,000—may be $14,000,000 or $15,000,000. It is proposed that the person charged with handling the finances of the Department shall be styled "Comptroller," and shall also have the rank of Deputy Minister.

Hon. Mr. DANDURAND: If it is deemed expedient.

Hon. Mr. CALDER: There is no question about its being deemed expedient. The appointment will be made, and the gentleman who gets the appointment will receive the rank of deputy minister.

Hon. Mr. DANDURAND: I may say that if the Comptroller has not that title already, he will not get it.

Hon. Sir JAMES LOUGHEED: If the appointment of a comptroller is necessary to deal with an expenditure of approximately $15,000,000, assuming that the three services are combined, why should there not be a comptroller for each of the large spending departments? The Public Works Department has to deal with very much more important subjects financially than the Militia Department, and the same statement would apply to the Railway Department, which is spending very large sums of money; but I do not see any suggestion to appoint a comptroller to those departments. We have the Department of Soldiers' Civil Re-establishment spending something like $50,000,000 a year; but there is no suggestion that a comptroller should be appointed to take charge of that expenditure. Why should it be done in the Militia Department? Furthermore, apparently it is proposed to give this Comptroller the status of a deputy minister, and to put him under the Deputy Minister of National Defence. That is a most contradictory provision. It says:

> The Governor in Council on the recommendation of the minister may appoint an officer to be known as Comptroller, with the rank of deputy minister, if deemed expedient, who under the Deputy Minister of National Defence shall be charged with all financial matters pertaining to the Department of National Defence.

Why not make the Deputy Minister of National Defence responsible? After all, the Comptroller will be only a glorified accountant or book-keeper. Why should we appoint an officer with this high-sounding title, and at the same time make him subordinate and give him the same rank as the other Deputy Minister? It seems to me that we are multiplying expenditures and officers, and are already demonstrating that this Bill is not going to effect the economy contemplated.

Hon. Mr. DANDURAND: My honourable friend speaks of the Department of Soldiers' Civil Re-establishment. He knows that the expenditures of that Department are coming down; and that if there did at one time exist a necessity for a general supervision of the expenditure of that Department, there will be less and less need for it as time goes on.

Hon. Sir JAMES LOUGHEED: You are reducing very substantially in this Department.

Hon. Mr. DANDURAND: My honourable friend has had the benefit of an experience that I have not had. The Minister of Militia explained the necessity, as he saw it, for such an appointment, and the late Minister of Militia, General Mewburn, said that the minister was working on absolutely sound lines. From my short experience while in charge of the Department, I know that there was sadly needed a capable business man to oversee the financial organization.

Hon. Mr. CALDER: That was in war time.

Hon. Mr. DANDURAND: Here is a Department which is being consolidated, and which will be formed of three branches. Can you refuse to accept the statement of the Minister of Militia that he needs that official—a statement which received the corroboration of his predecessor? My recollection is that the late Minister of Militia, who left office on the 1st of January, the honourable gentleman from Wellington, was also present, and did not demur to this section, which was passed unanimously. I leave this consideration to my honourable friend: Personally I cannot give him any better evidence of the necessity than I am furnishing.

Hon. Sir JAMES LOUGHEED: I intimated to my honourable friend in the earlier part of the discussion, and I venture to say now with a degree of certainty, that there must have been some outline prepared before this consolidation was determined upon; and it seems to me that we should have some information in regard to the merging of these three different services. I would point out to my honourable friend that the Navel Service has been taken out of the Department of Marine and Fisheries, one of the large spending departments, which heretofore administered both branches without a comptroller of its financial affairs. The Department of Public Works, the Department of Railways, and the Department of Interior, probably all spend more than the Militia Department. We are adding deputy ministers to deputy ministers, and I venture to say that we have in Canada at the present time probably twice as many deputy ministers as departments. The theory has always prevailed that there should be a deputy at the head of each department. We have in each department to-day a deputy minister, and assistant deputy minister, and various other officers, all of whom have the status and salaries of deputy ministers, although they are not generally known as deputy ministers. If we are entering upon a programme of economy—and I cannot commend that too highly, and am prepared to support it in every way—I think we should have some information to satisfy us that economy will be effected by this provision.

Hon. Mr. DANDURAND: If my honourable friend takes the responsibility of saying that there is no need for the appointment of such an official as is described, and if there is a majority in this Chamber who share his opinion, that settles the matter; but, if my honourable friend is not ready to do that, in view of what has been said in another place by the gentlemen I have mentioned, I ask what objection there is to allowing the Comptroller, if he happens to be taken from amongst the deputy heads who will be freed under this Act, to retain his status? Surely my honourable friend would not refuse that satisfaction to one who has had that title?

Hon. Sir JAMES LOUGHEED: There is nothing to assure us in that regard.

Hon. Mr. DANDURAND: If the official is a man who should be appointed, surely it costs nothing to let him retain a title which he already has.

Hon. Sir JAMES LOUGHEED: Is my honourable friend prepared to give us the assurance that say the Deputy of the Naval Service is to be the Comptroller? And if that is the case, is my honourable friend prepared to-night to state the qualifications of that gentleman as to financial matters? If there be a deputy without duty, and it is proposed to provide for him, I should like to know his financial qualifications before supporting a clause of this kind.

Hon. Mr. DANDURAND: I have no authority to inform my honourable friend that the Deputy Minister of the Naval Service will be chosen as Comptroller.

Hon. Sir JAMES LOUGHEED: What other deputy is there?

Hon. Mr. DANDURAND: If he should be chosen for the position, I know of no man better qualified in every respect. I have known that gentleman since my school days, and his record in the public service is one of unvarying devotion to duty, fidelity, and efficiency.

Hon. Sir JAMES LOUGHEED: Then, why discharge him? Why not leave him?

Hon. Mr. DANDURAND: As my honourable friend knows, there is this consolidation, and it is not intended to have two Deputy Heads at the head of this Department.

Hon. Sir JAMES LOUGHEED: We have it in other Departments.

Hon. Mr. DANDURAND: We may have, but my honourable friend will realise that if we want to secure unity in this Department it should be administered by one head.

Hon. Mr. MURPHY: We seem to be at loggerheads, and I would ask the leader of the House to allow this clause to stand. By to-morrow, we shall have time to think it over, and perhaps by that time we shall be in a better position to come to a conclusion.

Hon. Mr. DANDURAND: This Bill has been before us for the last three or four weeks, and it is important to the consolidation that the Bill should move forward.

Hon. Mr. MURPHY: Is twenty-four hours going to make much difference?

Hon. Sir JAMES LOUGHEED: I hope my honourable friend will see his way clear to withdraw the amendment, or to hold it until the third reading, so that we may give it further consideration. But if my honourable friend proposes to put the amendment now, he will at once be going outside of the principle of the Bill in appointing a second Deputy Minister.

Hon. Mr. DANDURAND: No, my honourable friend is in error. If a comptroller is to be appointed he will be appointed. The fact that the party who will be appointed may have or retain the title of Deputy Minister will not increase the expense.

Hon. Mr. CALDER: Taking the whole section, it provides really for three deputy ministers. As the law is now administered there are but two, a Deputy Minister of Militia and a Deputy Minister of Naval Affairs, with the rank of deputies and with the salary of deputies. As I read this, it provides generally for a Deputy Minister of National Defence. In addition to that, it provides for the appointment of another officer who may be given the rank of deputy minister. There being no question at all that that officer will get the rank and will be paid the salary of deputy minister, this amendment practically means that to administer the affairs of this department there will to all intents and purposes be three deputies instead of two, with the salaries of three deputy ministers.

Hon. Mr. DANDURAND: I should have explained to the Senate subsection 3 of section 5:

> The Governor in Council, on the recommendation of the Minister, may appoint an officer who shall, in relation to the Naval Service, administer, exercise and perform all the powers, duties and functions vested in or exercisable by the Deputy Minister of the Naval Service by or under The Naval Service Act, and who shall have the rank and salary of a Deputy Head of a Department, and shall be a member of the Defence Council.

I may say that the present head of the Naval service is the one who is covered by this subsection 3, but that appointment will be but a provisional one for the time necessary to merge those two departments.

Hon. Sir JAMES LOUGHEED: Where do you find that it is provisional? Where do you make provision that it is only provisional?

Hon. Mr. DANDURAND: It is not in the Act.

Hon. Sir JAMES LOUGHEED: I would point this out further. My honourable friend says that the term "Comptroller" and the status of a Deputy Minister are practically convertible terms. But if the Comptroller has the status of a Deputy Minister he will get the salary of a Deputy Minister, even though he be only a $3,000 or $4,000 man. I do not see why we should fix the salary of a Comptroller at this point at $6,000 a year, with all the advantages of a Deputy Minister. Furthermore, the question is one which, to my mind, should have been introduced in the Commons, and originate there. It means that by this amendment we propose to fix the salary of this Controller at $6,000, which the Senate clearly cannot do or should not do.

Hon. Mr. DANDURAND: I do not accept the interpretation which my honourable friend gives to this amendment. The fact that that comptroller may have the rank of a Deputy Minister, if deemed expedient, does not give him the salary of a deputy minister.

Hon. Sir JAMES LOUGHEED: Oh, yes, it does. My recollection of the Civil Service Act is that there is an arbitrary provision that all deputy ministers are entitled to a salary of $6,000, and I might say to my honourable friend that that is the inducement which leads so many worthy officials in the Government to seek and to be given that status. It is not for the empty honour of their being termed deputy minister; it is rather for the very substantial advantage of receiving $6,000 a year.

Hon. Mr. DANDURAND: I may say that the description which the Minister of Militia gave of the duties of the Comptroller of Defence, the authority which would be granted to him, and the magnitude of his

work, would quite justify to my mind a salary of $6,000, because I know of similar positions outside the Service which are at least as well remunerated; but, since my honourable friend sees difficulty in adopting this clause at this time, and as it is an amendment of which I should have given notice, I will ask that this clause be suspended, and that we proceed to the other clauses.

Subsection 4 stands.

On subsection 5—holder of any position abolished may be appointed to another position:

Hon. Mr. CALDER: Would the honourable leader of the Government kindly explain the purport of this subsection?

(5) Any person whose position is abolished on the coming into force of this Act may on the recommendation of the Minister be appointed by the Governor in Council to such position in the department and with such rank, title and salary as shall be prescribed.

It appears to me, offhand, that this subsection is in direct opposition to the provisions of the Civil Service Act. In the case of any other Department, where an official is retired or transferred, the Civil Service Commission acts, and makes the appointment. If this clause is adopted it seems to me it would be simply riding a horse and carriage clean through the Civil Service Act.

Hon. Mr. DANDURAND: My recollection is very clear that it is made for the purpose of transferring officials whose positions will be abolished by the amalgamation of these Departments.

Hon. Sir JAMES LOUGHEED: But you cannot give them any higher position.

Hon. Mr. DANDURAND: I do not see it so.

Hon. Sir JAMES LOUGHEED: That is, you do not keep them on the same plane that they occupy at present.

Hon. Mr. CALDER: As I read the section, it means that on the coming into force of this Act any position in either of those Departments, the Naval or Militia Department, may be immediately abolished, and just as soon as that position is abolished the Governor in Council is given full authority to take the official and give him any rank, title and salary it pleases in that Department.

Hon. Mr. MURPHY: In any department.

Hon. Mr. CALDER: No, in that Department.

Hon. Sir JAMES LOUGHEED: No question of that.

Hon. Mr. CALDER: The principle embodied in this section seems to me to be absolutely contrary to the Civil Service Act.

Hon. Mr. DANDURAND: My recollection of the information which was given to me was that this clause was necessary to safeguard the positions of the officials who must be retained and placed in the aggregated Department.

Hon. Mr. MURPHY: But we will look after that; they need not be afraid of us.

Hon. Sir JAMES LOUGHEED: They come under the Civil Service Act. May I ask my honourable friend why the officials of these departments should be placed in any different position from those of any other department? Such changes as these are going on continually. This change is not something unique or novel. Every day transfers are taking place, or positions are being abolished. Why should this particular favour be applied to the officials of this Department, whereas equal advantages are not given to those in other departments?

Hon. Mr. DANDURAND: Well, it seems to me quite plausible—

Hon. Sir JAMES LOUGHEED: Oh, it is plausible.

Hon. Mr. DANDURAND: —quite plausible and understandable that, two departments being merged, the officials of one department to be retained in the aggregation should not have to run the gauntlet of examinations under the Civil Service Commission when they are already in the Service.

Hon. Sir JAMES LOUGHEED: It does not touch that at all; but this unlimited discretion—

Hon. Mr. DANDURAND: I might say that I should have had the advantage of the presence and information of the Deputy Minister of Militia if he had not been retained this evening in the other Chamber, where the various Estimates are being considered. So I will ask that the Committee rise and report progress.

Hon. Sir JAMES LOUGHEED: We are just as curious as the other House to have information on that subject.

Hon. Mr. ROBERTSON: Before that is done, may I point out to my honourable friend that in the reorganization of some other departments of the Government in recent years—I have in mind, for example, the Printing Bureau—there was a very substantial reorganization, the abolition of many old positions, and the creation of new ones. The Civil Service Commission, on the recommendation of the experts employed by that Department, reported what official positions in the Bureau were necessary, and the Civil Service Commission selected those officers, and not the Secretary of State, who was then the Minister in charge of the Printing Bureau. The question naturally occurs to one, why there should be any discrimination as between departments when a reorganization takes place?

Hon. Mr. CALDER: Before the Committee rises, I would like also to call my honourable friend's attention to the next section, because I propose to raise a point in connection with it; that is, as to the necessity of including in the last clause:

—if he had been retired under the provisions of any act applicable to him, after adding from one to two years, as the Governor in Council may deem advisable, to his actual term of service.

In effect that means this, that in the case of amalgamation of the departments, if it is found necessary to retire any Civil Servant, the Governor in Council asks power to add one or two years to his service in order to fix his gratuity or retiring allowance. I would like to know why there should be any differentiation between this Department and any other Department in the Service. It seems to me the Government is only laying up trouble for itself if it carries that provision through. Why should officers in the Militia or the Naval Service of the Department, who have retired from the Service, be treated in any other way than any other servant in a department? There should be a very good explanation given of that.

Hon. Mr. DANDURAND: I would commend to the honourable gentleman from Edmonton this desire of the Government to treat more paternally the officials of the Militia Department than those of any other Department.

Hon. Sir JAMES LOUGHEED: But this is the Naval Department.

Subsection 5 stands.

Progress was reported.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Wednesday, May 10, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Bill N2, an Act for the relief of Wrae Elizabeth Snider.—Hon. Mr. Ratz.

Bill O2, an Act for the relief of Oliver Kelly.—Hon. Mr. McMeans.

Bill P2, an Act for the relief of Vera Hamlin.—Hon. Mr. Proudfoot.

Bill Q2, an Act for the relief of George Drewery.—Hon. Mr. Proudfoot.

Bill R2, an Act for the relief of Kate Holmes.—Hon. Mr. Proudfoot.

Bill S2, an Act for the relief of Ernest Hull.—Hon. Mr. Proudfoot.

Bill T2, an Act for the relief of Leslie George Dewsbury.—Hon. Mr. Proudfoot.

Bill Q2, an Act for the relief of John Douglas Stewart.—Hon. Mr. Proudfoot.

Bill V2, an Act for the relief of Charles William Murtagh.—Hon. Mr. Proudfoot.

Bill W2, an Act for the relief of Helen Garrett.—Hon. Mr. Proudfoot.

Bill X2, an Act for the relief of Arthur Leslie Smith.—Hon. Mr. Blain.

MONTREAL DRY DOCK COMPANY

MOTION FOR RETURN

Hon. Mr. BOYER moved:

That an Order of the Senate do issue for a copy of the different leases between the Government and the Montreal Dry Dock Company.

The motion was agreed to.

ST. LAWRENCE SHIP CANAL

DISCUSSION AND INQUIRY

Hon. J. P. B. CASGRAIN rose in accordance with the following notice:

That he will call the attention of the Senate to the St. Lawrence River Ship Canal.

Hon. Mr. TANNER: I have no desire whatever to prevent my honourable friend from making his speech. I would like very much to hear him; but, for the sake of

other honourable members, who are sometimes stopped under the rules of order, I would like to ascertain, for my own information, whether or not the honourable gentleman can proceed on the notice as it appears in the Order Paper. When he introduced it in the House it was made under the head of inquiries. I think it is now under the head of motions; but, as honourable members will observe if they read it, it does not contain any of the elements of a motion.

So far as my experience in the House has gone, I understand that there are two ways of bringing a question before the Senate. One is by proposing a motion in order to obtain the judgment of this House upon it; the other is by asking a question in order to ascertain the views of the Government of the day. This is a very important question, and I have no doubt honourable members are desirous, as I am, to hear my honourable friend. It is so important a question that I presume the Government of the day has views and, no doubt, has a policy in regard to it. If I read the rules of the House correctly, I should expect my honourable friend either to ask the judgment of the House on this question or to ask for the views and the policy of the Government. The honourable gentleman might learn the judgment of the House by making a motion, which would be regularly put before the Senate; or, under a special rule of the Senate, as I understand it, he could give notice that he intends to call attention to the matter and to ask questions of the Government regarding it.

My principal reason, as I have said, is not to stop my honourable friend, but to ascertain whether or not, if it is open to my honourable friend to proceed in this form, it would be open to any other honourable member of this House to proceed in a similar manner. For instance, some honourable member may desire to discuss the Wheat Board. He may say: "I give notice that I will call attention to the question of the Wheat Board." Or he may desire to discuss the question of redistribution, and simply say: "I give notice that I will discuss the question of redistribution." Or he might want to know whether the headquarters of the Canadian National Railways are to be at Montreal or at Toronto, and might give notice that he would discuss that question, without asking for the opinion of this House, or for the views or policy of the Government. Knowing, as we all do, that this Government has no difficulty whatever in formulating its policies and in adhering to them, and has no unwillingness whatever to state what its policy is upon any important public question, I would presume that my honourable friend has no desire to embarrass the Government. Therefore I would suggest to him that he amend his motion, if I am right in my understanding of the rules. If I am not, I shall be pleased to know, and in that event any other honourable member may be free to proceed as my honourable friend intends doing, on a notice of this kind.

Hon. Mr. DANDURAND: Will the honourable gentleman state the article of our rules which would be violated by this procedure?

Hon. Mr. TANNER: The rule that, as I understand it, deals with notices of inquiries, is:

> When it is intended to make a statement or raise a discussion on asking a question, the Senator having such intention, as part of the notice under rule 21, gives notice that he will call attention to the matter inquired into.

My honourable friend does not say in this notice that he intends to inquire of the Government; he simply says that he is going to call attention to the St. Lawrence River Ship Canal. He has used part of this rule, but has not complied with it fully. It is rule 40.

The Hon. the SPEAKER: If no other honourable gentleman wants to discuss this question, I may say that in my opinion the point raised by the honourable Senator from Pictou (Hon. Mr. Tanner) is correct. I think that, under our rules 40 and 21, if an honourable member wishes to raise a question, stating that he will call the attention of the Senate to the matter and will inquire, it should be done under the head of inquiries. The present question comes up under motions. Of course, the honourable Senator for De Lanaudière (Hon. Mr. Casgrain) may put himself right before the Senate under rule 28, which says:

> Any Senator who has made a motion may withdraw or modify the same by leave of the Senate.

If the Senate chooses to give leave to the honourable member to modify the motion, he may do so now.

Hon. J. P. B. CASGRAIN: Honourable gentlemen, I should like, with the leave of the Senate, to amend the motion. I will ask the Government for the production of papers, and that will cover the point.

Honourable gentlemen, it is only after a great deal of study and thought that I rise to discuss this question. The honourable gentleman who has just taken his seat (Hon. Mr. Tanner) might know that when for three or four weeks, outside of business hours, one has done nothing but cram oneself with information, he is in the condition of a steam boiler which has been overheated. An explosion will take place if I am not allowed to let off some steam immediately.

I may also claim, honourable gentlemen, that there is a certain degree of urgency about this matter. You know that a discussion upon it is going on in another place. You know also that in both Houses of Congress in Washington this question has been very much agitated. Even the President of the United States has written a famous letter with regard to this matter within the last few days. It is therefore about time that this Senate, an independent body, should take it up.

I may say right here and now that, although I am asking for papers, the papers that may be brought down will not change my opinion about this question. I have a perfectly open mind with regard to this most important project. As to the opinion of the Government, I know what opinions of Governments are, I have been so long in this House, and much as I might value them, especially at the present moment, I think you will agree that I can live on very nicely without them, and can also hold my own.

The question before us is certainly the most important and involves the largest amount of money of any question that ever came before the Parliament of Canada. Two Canadian Pacific railways or two Panama canals would not compare with it as to the amount of money required, and, if honourable members will lend me an attentive ear for a few moments, I think I can prove that statement to their satisfaction. Therefore it behooves this Senate at the earliest possible moment to take notice of this question and to study it. Remember, honourable gentlemen, that this project has been approved by an international joint commission, which has dealt with the improvement of the St. Lawrence river between Montreal and lake Ontario for navigation purposes. That international commission was not appointed by us, but we suggested the names of Canada's representatives and the Imperial government appointed our nominees. This proposal has been unanimously approved by our commissioners, together with the three commissioners representing the United States of America, and I do not know—I leave it to the honourable gentleman from Montreal or the honourable gentleman from Hamilton to say—how far Canada may have been committed by the unanimous approval given in the report which has been issued. I do not know whether many of my honourable colleagues have read this book or not. It is very dry reading, and, I may say in all humility, it requires a little technical knowledge to be able to master all the subjects. During the last three or four weeks, outside of business hours, I have devoted my entire time to this question, and I thought I might be of some use to some of my colleagues, who have so very many other things to interest them, if I were to give a brief and impartial summary, and that is all I desire to do at the present moment.

Let me say here and now that I have an open mind on this subject. I have no prejudice with regard to it. Moreover, not one of the arguments that I shall have the honour of presenting to this House will emanate from Montreal, the place where I live, or from the City of Quebec, where I was born. I desire simply to give a brief account of my findings.

This International Joint Commission is a very important body. It has done great service to Canada. It was created under the regime of the late-lamented Sir Wilfrid Laurier. Canada cannot appoint a member of an international commission; he has to be appointed by the Imperial Government. The names of Canada's representatives had been submitted some months prior to the elections of 1911, but the Imperial Government had taken no action. As you all know, there was a change of government in 1911, and when that change took place the administration, quite properly in my opinion, immediately cabled, as I am informed, to the Home Government: "Stay your hand: we will give you other names." And they gave them some very good names. The first name they submitted was that of the Hon. T. Chase Casgrain, a cousin of mine, and he was made the chairman of the commission. Another name was that of Mr. C. A. Magrath, an engineer and land surveyor, like myself—a man of wide experience in his calling. The third man recommended was Mr. Powell. Both Mr. Magrath and Mr. Powell had been members of Parliament, but they had gone down to defeat, I think, in 1911. They were appointed Canadian commissioners. The United States com-

missioners, when there was a change of government, were likewise changed. The two Canadian members who are now on that commission and have been there from the start, are Mr. Magrath and Mr. Powell. The other Canadian member is Sir William H. Hearst, who has replaced the Hon. T. Chase Casgrain, who resigned the chairmanship to become a member of the Borden Government and was Postmaster General in that Administration until his death.

The unanimous recommendation of the International Joint Commission is that there be a channel twenty-five feet in depth from Montreal to Lake Ontario. That seems to be a small affair—a matter of some 182 miles from Montreal to Lake Ontario. Not much else is dealt with in this report. That portion, 182 miles, is only one-eighth of the total distance from Montreal to Duluth.

Before proceeding to deal with this question, may I be permitted, as this is the first time since the opening of the Session that I have had the honour to address this House, to call attention to the galaxy of very able men, ex-cabinet ministers who have joined our ranks, adding distinction to this House. Looking around this Senate, I observe, as an old member, that there are to-day only eight or nine members of the Senate who were here in 1900, when I had the honour of entering this House. Among the newcomers from another place the first whom I, as one of the oldest members, would like to mention and welcome to this House is the right honourable the ex-Minister of Trade and Commerce (Right Hon. Sir George Foster), a man who is a distinct addition to this Chamber. For more than thirty years, in another place, his power of intellect and almost unrivalled eloquence as a debater, made the halls of the Canadian Parliament famous. Sometimes he was caustic; sometimes, when he was younger, he was aggressive; but now he has mellowed with old age and has broadened out from his experience in travelling abroad, for he has been a sort of ambassador of the Canadian people since 1911 and has visited all parts of the world. He has been to Australia. He was at Geneva. He has even learned to speak French, for he found that, after all, when there is a diplomatic part to play, it is very necessary to know French—and you would be surprised at how much he does know of it. And he brought from Geneva something stil more precious to him than all the international experience he gained there.

The next gentleman to whom I would allude is the former Minister of Railways (Hon. Dr. Reid). He is an old friend, a dear friend of mine. He also for thirty years was in the House of Commons. I remember very well that some twenty years ago he joined with me in preventing some of my own friends from doing away with the bonds of some English interests that I represented in Canada. Through his valuable help I was able to protect those interests, and they were considerable, amounting to more than a couple of millions of dollars. I enlisted the help of the honourable gentleman for the protection of those interests, because I considered that if we did not look after foreign investments in this country and protect bondholders or mortgage holders the credit of the country might suffer.

Next is the honourable gentleman who was for a long time the Minister of Soldiers' Civil Re-establishment, the honourable member for Toronto (Hon. Sir Edward Kemp). Then I come to one who was our friend for many years, and I wish he were our friend again to-day. He was Minister of Colonization, I believe, in a former Administration. Be that as it may, he is a very able man and a great addition to the Senate. It is a great pleasure for me to welcome also the other honourable members who have recently been appointed to the Senate. I must add that these honourable gentlemen might have remained in another place if they had chosen to do so, but they preferred the serene atmosphere and safe haven of the Senate. I admit that I feel a little overawed at the influx of such a galaxy of able statesmen. However, I must make bold and get accustomed to it.

Now, the great difficulty on this question is to select from the mass of information on the subject. Honourable gentlemen can see this report, with plans, specifications, detail work of which it would be impossible in the short time allotted to me to give more than a very brief account. Therefore, for the benefit of everybody, I will avoid all details, all technical terms, and all figures.

May I be allowed, for the first time in twenty years or more, to make one personal reference, even at the expense perhaps of appearing a little bit egotistical; but I think it is necessary for me to do so to convince my colleagues who do me the honour of listening to me at this time—to state that I have been familiar for a great many years with the St. Lawrence route and the great lakes. In 1874 I, like many other

students, was pulling a chain on the Canadian Pacific railway survey. In 1875 I was on the construction of that railway from Fort William. That is forty-eight years ago, and honourable gentlemen know that when a person is young the impressions are much stronger than at any other time. I have always taken a deep interest in the St. Lawrence route ever since, and also in the immense potentialities of those great lakes, those inland seas. For twenty years I have also been connected with a navigation company which during these many years has turned out to be the greatest inland navigation company in the world. If it has a good second anywhere in the world I would like to be informed.

This subject is so vast that I divide it into three parts, and at present I will treat of only one part—navigation. As to the development of power, I do not intend to touch that subject, to-day at any rate. Then, third, there is the legal and international problem, and I think I can very well leave that question in the hands of my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), who can deal with that, because it would be vain for a laymen and a land surveyor to talk about international law, let alone the common law. But there would be material for a speech, and a long one, on each of those subjects; therefore we will talk on navigation only.

What is the aim, the object, of the proponents of this scheme? Nothing else, as openly stated, at any rate, than that ocean-going vessels may go up to the Great Lakes and come back therefrom to the ocean without breaking bulk. That is the kernel of the question. Those people seem to think that breaking bulk in the carriage of grain would be the principal thing, and would be an awful thing. I think I can demonstrate that it will not; and, if it is not so, and if the rates can be proven to be cheaper than could be accomplished even without breaking bulk, then why would we be any better off?

Honourable gentlemen have noticed that there has been a great deal of enthusiasm for this project during the past two years, particularly in the middle and northwestern States—in those States in which are located the very sources of the Mississippi—and eloquent speeches have been made visualizing before the people the fact that the flags of all the nations of the world would be flying on the ships that would be gracefully riding in the roadstead of every bay and every harbour on the Great Lakes. That is a captivating picture—that Chicago should become an ocean port, that Detroit and Cleveland and all the other lake cities should become ocean ports. That would appeal to the people if the project were economically feasible or commercially practicable. There has been an immense amount of money spent on this movement. Last summer there was a deputation from all those western states, even down to Kansas, numbering among them the Governor of Kansas; and I had the honour and pleasure of going some fifteen miles west of Cornwall to meet them, as they were on one of the Canada Steamship Line steamers, and I went with the President to welcome them, and accompanied them as far as Montreal. Of course, we did not like to mar their pleasure or spoil their fun. The honourable member from Montarville (Hon. Mr. Beaubien), who is nicely sleeping just now, was far from sleeping that night in Montreal, and none of us threw cold water on their project. For myself, I considered the project so chimerical that there was no object in spoiling their pleasure.

In Canada we are more calm on this subject; we have been accustomed to that story for some fifty, nay sixty, years—of the flags of ocean ships flying on the Great Lakes. That was all gone through in connection with the old Georgian Bay canal. I myself made speeches on that project in this House, and I was absolutely sincere at the time.

The Maritime Provinces appear to be quite unconcerned about this project, believing the scheme chimerical, because they know too much about navigation, and they do not care about it at all.

Quebec thinks the project is visionary in many ways and at any rate inopportune.

British Columbia, very much like the Maritime Provinces, is quite unconcerned. The people there are on the seaboard and they know what ocean ships are, and they know they are not made for beating against both sides of a canal or getting into trouble in shallow waters, and that insurance rates are prohibitive. They know all that.

The prairie provinces have got their own pet scheme, and that is one thing for which I thank the Hudson Bay railway project. They think grain should go by the Hudson Bay, and all the money we have spent on that scheme will have been well spent if it keeps us from spending $1,300,000,000 on the present scheme.

Hon. Mr. MURPHY: It is not wasted.

Hon. Mr. CASGRAIN: No, it is well spent. There remains the Province of Ontario—and when I say Ontario it is only the southern portion thereof, called old Ontario, because the northern portion of Ontario has had for fifty years its pet scheme also, which is the Georgian Bay canal, of which honourable gentlemen have heard in another place; therefore it has no use for this project. But even the southern part of Ontario is not very much excited over this matter, as compared with what has taken place in the Western States, but I believe the southern part of Ontario is favourable to the scheme.

In Canada generally the enthusiasm is not very great, nothing like what it is in the United States. As far as the Georgian Bay canal is concerned, I remember very well the honourable gentleman from Mille Iles (Hon. Mr. David) coming to me and saying, "Sir Wilfrid Laurier would like the Georgian Bay canal to be expounded in this House," and I gave a lot of thought to it. The honourable Senator from Ottawa (Hon. Mr. Belcourt) was strongly in favour of it, and perhaps he is still, and he made very able speeches on the Georgian Bay canal. Honourable gentlemen, if they consult Hansard, will find that the speeches on the Georgian Bay canal in this House occupied about as many columns as any other subject. There was only one dissenting voice; that was the voice of another honourable gentleman from Ottawa, the late W. C. Edwards. He got up and in his practical way explained to the House that it would take longer for a large boat to go up French river, through lake Nipissing, Turtle Lake, Trout Lake, Talon Lake, down the Mattawan River, down the Ottawa River, and back into Montreal, and rise some 160 feet from Georgian Bay to Lake Nipissing, and then come down, than by going around the other way. That threw a great deal of cold water on the scheme, and the discussion ended there and then, because honourable gentlemen know as well as I do that time is an indispensable factor in the operation of boats. If you want to make a profit in navigation, the boats must be kept moving; every minute, every hour, when a boat is in port, the overhead charges are running on the same—the wages of the crew and all other expenses—and the only difference is the fuel, which is a very small item compared to the other expenses. According to the views of the late Senator Edwards, the Georgian Bay canal would have been of no advantage, as a boat going around the other way would have done the trip and got to Montreal perhaps ahead of time of the one that went through the canal.

But the demand for the Georgian Bay canal was so great that the Borden Government apointed a Commission on it. Now, if you want to give a project its death and a beautiful burial and first-class funeral, you have only to appoint a Commission, for the Commissioners are drawing so much a day, and they keep the thing going for two or three years. In fact, the Commission that was appointed ten years or more ago has not made a report yet. I remember that Mr. Sanford Evans, of Winnipeg, was the Chairman; General Meighen was another one, and he had to go to war; so I suppose he had not time to make the report, and we are still waiting for it. But in the meanwhile the death knell of the Georgian Bay canal was sounded when the Welland canal was started, because with twenty-five foot navigation in that canal there was no more need of the Georgian Bay canal. Whether the Welland canal should have been built or not is a question which we will not debate now, but I might say that both the Laurier Government and the next Government were committed to it.

Hon. G. V. WHITE: Might I ask the honourable gentleman how long it takes a ship to travel from Montreal to Fort William via the St. Lawrence?

Hon. Mr. CASGRAIN: I am coming to that in a few minutes; that will come in better order when I get there. So that, in Canada, we have heard, through the Georgian Bay canal discussion for so many years, of ocean vessels with the flags of all nations flying on the Great Lakes, until we got sick and tired. There was no novelty about it: perhaps also the hard times had something to do with stopping it. Therefore we can conclude that Canada is now lukewarm on the project of the St. Lawrence Ship canal.

However, the International Joint Commission has recommended it. How far Canada is committed to it is for the legal gentlemen to say. I have nothing to do with that, and do not attempt to deal with it, but I do believe that this immense project, this colossal enterprise, deserves the full consideration of this House. The magnitude of it is so great that it involves an amount equal to half our national debt—$1,100,000,000.

Now, the figures given in this report which I hold in my hand are $252,000,000, but that takes in the development of hy-

draulic horse-powers only in the international part of the river, which means between Lake Ontario and the town of Cornwall. Where Canada owns the whole of the water-power, in this report there is a dam sketched on the plans, with the words, "Might be developed later on." If it were, it would cost more than the other one; therefore we can conclude that if that one is going to cost $252,000,000, the other one, which would be erected not very far from the city of Montreal, according to the plans in the report, would cost as much or more, because there is a greater difference of level and a greater head. This would make the cost of the project, according to report, some $500,000,000. Although they mention only $252,000,000, and that is only for the development which we would share with our friends to the south of us—and I have absolute information that there is no idea at present of developing where we might do so without having any international obligation. In developing the power from Montreal to Cornwall, we would have more power than we would in the other case, because in the former there is a difference of 129 feet in level, while between Cornwall and lake Ontario there is a difference in level of only 92 feet.

I said that the St. Lawrence project would cost two Panama canals; some people say three. When the Panama canal was taken over by the United States of America the cost as estimated by very good engineers was $144,000,000. However, Congress voted $145,000,000, and having had the opinion of a corps of engineers, very efficient men, one would naturally suppose that they would be near the mark; but before a ship passed through that Canal they had spent $280,000,000—200 per cent above the estimate—and since then, for sanitation, some fortifications, interest on money, some French indemnity, etc., the cost has amounted to the round sum of $625,000,000 out of the Treasury of the United States of America—four times the original amount. If we take that as any criterion, we get for ours a cost of $1,100,000,000, and too little at that.

We have had the experience of the Transcontinental railway and the Grand Trunk Pacific railway. Honourable gentlemen will remember that at first the Transcontinental was going to cost only $13,000,000. Then they raised the ante a bit and called it $30,000,000. But what did it cost?—$200,000,000. But that is nothing. Then we had the Grand Trunk Pacific. According to the late Collingwood Schreiber, who gave an estimate for the construction of that road on the prairies, it would cost $17,500 per mile. Why, the superstructure, that is, the work above grade—the ties, the ballast, the fishplates, stations, sidings—alone cost $12,500 a mile at that time, as the ex-Minister of Labour, who has been a railroad man, will bear me out. That would have left the beautiful sum of $5,000 a mile for building the road; yet the bridges from Winnipeg to Edmonton alone cost more than $5,000 a mile, divided over that part of the system.

Then we have, in our own time, the Chippewa-Queenston hydraulic power being developed by the Ontario Hydro-Electric Power Commission. How much more is that costing than the original price? Will it be three times, four times, more? I do not know, but it seems to have run very much above the estimate—so much so that the province of Ontario is quite exercised about it.

There is a gentleman whose name is prominently mentioned in this report—Colonel Hugh L. Cooper. He is a very well-known man in the United States of America, and also pretty well known in Canada amongst engineers. He was famous for having built the Keokuk dam across the Mississippi river. In one place he gave the cost of this canal and those improvements between Montreal and lake Ontario at $1,100,000,000. In another place he gives it as $1,300,000,000. Well, a couple of hundred millions one way or the other does not matter very much just now, I suppose.

There is another thing. Those who advocate this project say they can develop 5,000,000 horse-power. Colonel H. L. Cooper is one of them; he is in for the 5,000,000. Others say 4,500,000; still others say 4,000,000. We have in Montreal Mr. R. M. Wilson, electrical engineer, who has just developed at the Cedars a plant where there are at present in actual operation 124,000 horse-power, with a possibility of a total of 160,000 horse-power. If there is any one who should know the problem of developing horse-power, it is that man; and what does Mr. Wilson say in this report on that subject? He says that it will cost, to develop according to the scheme recommended by the Commission, between $300 and $325 per horse-power; while at the same time, on the St. Maurice river, horse-power is being developed at $80 to $100 per horse-power. Honourable gentlemen will thus see that

by the proposed project it would cost three times as much for horse-power as it does on the St. Maurice river, and the latter power would compete with it, because the power now developed on the St. Maurice river moves all our street railways in Montreal and does all our lighting, and so on. Therefore, if you take Mr. Wilson's lowest figure of $300 and multiply it by the 4,000,000, you will have the sum of $1,200,000,000 as the cost of the enterprise. So you see that we arrive by four or five different ways at a cost of over $1,000,000,000. And that is only for the works along one-eighth of the route.

If you are going to have navigation, it will entail dredging for stretches all the way along down to a depth of 25 feet, and the deepening of the harbours, at an enormous cost.

It is said that the United States need this electric development and are very anxious to use it. Well, honourable gentlemen know as well as I do that within a radius of 300 miles of the Long Sault, where this power is supposed to be developed, the United States now have 10,000,000 of horse-power actually in operation, while Canada has a development of roughly 2,000,000 horse-power also in use. Therefore I ask where would you sell all this horse-power? In addition to the development that I have mentioned, the United States has at present 10,000,000 undeveloped horse-power in their own territory, which would be available for development without the waste and expense of the long transmission—

Then I would refer to another authority. The New York Times, a very serious and reliable paper, estimates the cost at $1,300,000,000. And all this is to compete, at three times the price, with the power from the St. Maurice river. In the province of Quebec, we have a dam, commonly called the Gouin dam, at the headwaters of the St. Maurice river. While I am not in favour of Government operation, I should like to refer to a most interesting fact in connection with this work. Before it was decided to commence the Gouin dam, in order just about to double the horse-power development on the St. Maurice river, before a dollar was spent, the provincial Government went to the users of water on the river, and said: "What will you give us if we double your power? Will you pay so much per horse-power toward the creation of a fund?" And these users, solvent companies like the Laurentide, the Shawinigan, and others, actually signed up with the Government, agreeing to pay so much for every extra horse-power over and above what they then had and were using. So that the Government in the backward, priest-ridden province of Quebec were able to go ahead without taxing the people of the province one dollar. The bonds were issued; and in the specifications it was stipulated that the contractors would have to accept the bonds of the province at 4 per cent. The amount derived in that way from the various users of water amounted to enough to pay the interest on the bonds and to extinguish the bonds, by sinking fund or amortization, so that after forty years the province will be in possession of the works in connection with the Gouin dam without the expenditure of one cent of the people's money.

But there is more. Every new user of power brings a profit to the province. Last year, after paying all expenses, the Government realized a profit on these works of $200,000. The original users of the power paid enough to finance the whole works, and every new user brought a profit. Between that and the Liquor Commission the province of Quebec will have enough to pay off its debt and some of the debts of the other provinces, as they have been doing ever since Confederation.

Hon. Mr. WATSON: Whisky and water.

Hon. Mr. CASGRAIN: My honourable friend to my right (Hon. Mr. Dandurand) asks how this dam compares with the Assouan dam. I may tell him that the Gouin dam contains two-and-a-half times as much water as the Assouan dam. There is only one dam in the world, and that is not for storage purposes, which contains more water, and that is the Gatun dam of the Panama canal, which holds back 180,000, billion cubic feet of water. The Gouin dam holds back 160,000 billion cubic feet of water, and the Assouan dam retains less by two-and-a-half times than the Gouin dam.

Colonel Hugh L. Cooper puts the price of the dam near Cornwall at $300,000,000. That would be some dam. But, remember, honourable gentlemen, that that dam would be 74½ feet in height. So you see that this enterprise will certainly cost as much as two Panama Canals.

But, before going further as to the cost, let me ask what would be the good of it in any event? For instance, if a ship were going up the canal light, and there were a beam wind, she would have to tie up; she could not go ahead. It is difficult

enough to steer these great lakers, with the large freeboard that they have when they are light, in restricted waters. Last summer, when the proponents of this scheme who came from the United States were with us on board the steamer Turbinia, we encountered trouble in all the canals, especially in the Lachine canal. First we struck one side of the canal, and then the other, until finally we were jammed for four hours, with her bow on one bank and her stern on the other, before the tugs could pull her off. Anyone who knows anything about navigation knows that when ships have no headway they cannot be steered; and they have to stop in approaching the gates of canals. That is why insurance rates jump up so tremendously in the canals. Why, going through the Welland canal increases the insurance 1 per cent. Every summer you hear of ships being sunk in canals and navigation being interrupted; you hear of ships having too much headway and bumping into the gates of the locks, and so on, and in that way interrupting navigation. So, with a beam wind—and I got this information from a very practical man skilled in the operation of boats in canals—you cannot safely navigate a boat in a canal when she is light. Besides that, in shallow, restricted waters a boat will not steer; she will not steer unless she has plenty of water under her.

Then there is the matter of the pilot. When an ocean ship comes up the St. Lawrence, at Father Point she takes on one pilot who goes as far as Quebec; at Quebec she takes on what they call a branch pilot, who brings her from Quebec to Montreal. But where are these ocean ships going to get their pilot from Montreal on. The river and lake boats are manned by men who have certificates as to their qualifications to navigate the St. Lawrence and the Great Lakes. But it would be very difficult to get pilots for these ocean ships. If an ocean ship came along she would have to whistle a long time before a pilot would come. Nobody would give up steady employment to pilot a ship once a month or so. Then there is another feature. How many times would you have to change pilots on the trip? From Father Point to Montreal you have two changes of pilots. As these boats keep going day and night, two pilots would be necessary; and they say in this report that sometimes three would be required. That would be another great objection. These men would have to be paid sufficient wages to indemnify them for the time they would have to wait for employment.

An ocean ship would take a very long time to go through the new Welland Canal, with its seven locks, with a lift of 46½ feet to each lock, making a total rise of some 326 feet from Lake Ontario to Lake Erie. At Sault Ste. Marie we have an instance of what would happen. During the last forty-eight years, off and on, I have passed through the Sault canal, and I do not remember ever passing either up or down when we were not about three hours at least in getting through; either there were other vessels in front of us, or there was some other cause of delay. The big lake ships are very hard to moor at the docks, and it takes a very long time to get them through the locks. That being so, just imagine how long it would take to raise these ocean ships from one level to another.

On the way up, you come to the Detroit river, the navigation of which is very precarious because of the tremendous traffic passing Detroit. Then you have the St. Clair flats. I remember when I was very young hearing of a strange incident in regard to the St. Clair flats; perhaps the ex-Minister of Trade and Commerce remembers it. There is now a very beautiful wide channel, and on each side there is sheet piling, like two dykes, overgrown with beautiful trees. In the seventies the United States Government proceeded to excavate in the St. Clair flats and to build a channel, but they built it in Canada. At that time the honourable Hector Langevin was Minister of Public Works. He went up to Windsor in great pomp, and in the name of His Majesty the King took possession of the works of the United States, who were then not as powerful as they are now, and who gave up the works without any compensation. The difficulty of navigation in the Suez Canal, the Kiel Canal, the Manchester Canal, and the Panama Canal, are all much less than the difficulties of navigating the canals of the St. Lawrence, because they are nearly all at sea level, or, like the Panama Canal, have only one lift. Here we would have twenty lifts, and the difficulties would be multiplied twenty times.

In the case of the Panama Canal they have heavy steam locomotives running on four rails on each side of the canal. The ships are attached to these locomotives by steel hawsers, and proceed very slowly. They are actually run from the shore. This is done to prevent them gaining head-

way, as they might do if they were under their own power, when, if a wrong bell was given a ship might very easily go through the gates and cause disaster. These gates are 80 feet in height, and, if they were injured, traffic would be stopped for I do not know how many weeks or months.

This dam that some people want to erect near Cornwall would be 74½ feet in height, and would develop about 1,500,000 horsepower. But as conditions are at present, without any dam at all, the river has been known to rise from 20 to 30 feet during ice jams, and there have been floods. If you build a dam 74½ feet high the ice jam will not take place at the dam, because there will be a body of water like a lake above the dam. But the jam will take place at the upper end of this lake, and the whole country round will be flooded. Just imagine what would happen, honourable gentlemen, with a dam 74 feet high. The banks of the St. Lawrence river keep going down with the river. Imagine the floods that would take place. It is admitted in this report that the river would flood 29,000 acres of land on the Canadian and the American sides. That would flood many villages, and, in addition, several burial grounds which are more than one hundred years old. According to this report Morrisburg, Aultsville, and all such towns along the river would have to be protected by dykes; and the sewage of these towns would have to be pumped over the dykes. You may approve of such a project, honourable gentlemen, but it seems to me that it is not a very desirable one. It seems that during the last two years some people have lost all idea of what money means; but I should think that the statement that this work would cost as much as two Panama Canals ought to appeal to their imagination.

And I ask in all sincerity, if these works were carried out, would there be one more bushel of wheat sent down the St. Lawrence river? What would we gain? Why, there is not enough grain to keep the ships that we now have busy during the season. In the spring of the year there is a rush until about the 20th of May, and during that rush the ore boats turn in and compete in the carrying of grain until the ore business is running smoothly. Those ore boats come in and take whatever grain may be offering; but by the 20th of May the rush is over, and by the 1st of June all the grain that wintered at Port Arthur or Fort William is at the seaboard, so there is no further need of those vessels at that time. In the fall of the year there is another rush, which commences about the 15th of September, and the same thing happens. By that time the ore has been moved; nearly all the big steel companies have brought all their ore down during the fine weather, before the bad weather sets in. So the vessels return to the grain trade, and by the 1st of November, when freezing sets in, there is no more moved.

I am asked by the honourable leader to move the adjournment of this debate, so that the House may proceed with the other business. I therefore move that this debate be adjourned until to-morrow.

The motion was agreed to, and the debate was adjourned.

DIVORCE BILLS

THIRD READINGS

Bill C2, an Act for the relief of Alexander Fred Naylor.—Hon. Mr. Ratz.

Bill D2, an Act for the relief of Margaret Yallowley Jones Conalty.—Hon. Mr. Proudfoot.

Bill E2, an Act for the relief of Telesphore Joseph Morin.—Hon. Mr. Proudfoot.

Bill F2, an Act for the relief of Daisy Mary Nicholson.—Hon. Mr. Blain.

PRIVATE BILL

THIRD READING

Bill 2, an Act to incorporate British Empire Assurance Company.—Hon. G. V. White.

PENITENTIARY BILL

THIRD READING POSTPONED

Hon. Mr. DANDURAND moved the third reading of Bill 25, an Act to amend the Penitentiary Act.

Hon. Mr. MURPHY: Honourable gentlemen, to this Bill I took exception last night, and I now take exception again. It is wrong, and I ask that it be allowed to stand.

Hon. Mr. DANDURAND: Would the honourable gentleman give the reasons why he objects to the Bill?

Hon. Mr. MURPHY: My reasons are these. A man who has perhaps stolen an orange is taken by the neck and thrust into prison. He may be incubating a disease, and that disease develops in him. There are no proper facilities for treating the prisoner. There should be in the insti-

tution to which such a prisoner is taken a proper place to treat him, and a competent physician for that purpose. Not only should the prisoner be taken to that special place of treatment, but he should be taken there at once. His disease may develop while he is awaiting trial. I went to see my honourable friend to-day in order to discuss with him the very important reasons why the present condition of affairs should be remedied. I would ask that the honourable gentleman allow the Bill to stand until to-morrow.

Hon. Mr. DANDURAND: I would suggest to my honourable friend that he should rather bring the matter he has in mind before this Chamber in the form of a resolution, which could be discussed, because such a resolution would be much wider in scope than this Bill.

Hon. Mr. MURPHY: I want to suggest to my honourable friend that it is sometimes not propitious to discuss in this Chamber or in any other public place certain matters that it is essential to mention. If the honourable gentleman will allow this Bill to stand until to-morrow, I will discuss it with him personally and accept his suggestions.

Hon. Mr. DANDURAND: Stand until to-morrow.

The motion stands.

DIVORCE BILLS

SECOND READINGS

Bill G2, an Act for the relief of Edwin Dixon Weir.—Hon. Mr. Ratz.

Bill H2, an Act for the relief of Henry James Bristol.—Hon. Mr. Harmer.

Bill I2, an Act for the relief of Florant Brys.—Hon. Mr. Pope.

Bill J2, an Act for the relief of Catherine Rudd.—Hon. Mr. Proudfoot.

Bill K2, an Act for the relief of Norman Edward Harris.—Hon. Mr. Proudfoot.

Bil L2, an Act for the relief of Maria Amy Drury.—Hon. Mr. Blain.

JUDGES BILL

SECOND READING

The Senate resumed from April 26 the debate on the motion for the second reading of Bill 19, an Act to amend the Judges Act.—Hon. Mr. Dandurand.

Hon. Mr. DANDURAND: Would the honourable gentleman from Winnipeg (Hon. Mr. McMeans), before taking the floor, allow me to give to the Senate some information which I obtained in order to auswer the honourable gentleman from Pictou (Hon. Mr. Tanner), who asked me some questions as to the activities of the Court of Appeals of Saskatchewan. The honourable gentleman, after perusing the law reports of Saskatchewan, expressed the opinion that the Court of Appeals of that province had during the last few years passed judgment in an average of 75 cases, whereas the average number of judgments rendered by the similar court in Alberta was 149, in Nova Scotia 102, and in New Brunswick, with three Appeal Court judges, 70.

The statement of the Attorney General of Saskatchewan is considerably at variance with the findings of my honourable friend from Pictou; and I am not surprised that there should be a difference in the figures, because the law reports do not give all the legal decisions that are rendered. I asked the Department of Justice, after the debate was adjourned, to communicate with the department of the Attorney General in Saskatchewan on the questions that had been put in the Senate, and the first telegram which came, dated April 29th, runs as follows:

Regina, Sask., April 29th, 1922.

Sir Lomer Gouin,
Minister of Justice,
Ottawa, Ont.

Reference your wire of yesterday, Bill increasing Court of Appeal in Saskatchewan from four to five judges was introduced and passed by the Legislature at the last session as the result of a request received from Sir Frederick Haultain, the Chief Justice of the Province. The Chief Justice, in his letter, making request for immediate action, stated that the work of the court rendered the increase necessary. Also stated that an Appeal Court should consist of an off number of judges in order to prevent even division which sometimes occur, and drew attention to the fact that all the Appeal Courts in the Western Provinces consist of five judges. British Columbia, Alberta, Manitoba, all have Courts of Appeal consisting of five judges, and it is safe to say that the amount of work done by the Court of Appeal in Saskatchewan is as great if not greater than that done in any other Western Province. Saskatchewan has a population by far the greatest among Western Provinces. British Columbia, Alberta, Manitoba, have each six Superior Court trial judges; Saskatchewan has seven, the additional one having been created by the Legislature in 1920 as the result of a request received from the Chief Justice of the King's Bench and at that time the request was for two additional trial judges, but the Legislature provided for one only. The Legislature of Alberta at its last session passed an Act, to come into force by order of the Lieutenant Governor in Council, providing for an additional judge of the trial division of the Supreme Court of that Province, thereby placing Alberta in the same position as Saskatchewan in so far as Superior Court trial judges are concerned. The Saskatchewan Court

of Appeal during the year 1921 heard 161 appeals, which number does not include a large number of motions. The work has been continually congested, and I strongly urge that in the interest of the public service provision be made for an additional appointment to the Court of Appeal and thereby carry out the desire of the Legislature of the Province as expressed in the Act passed at the last session creating the additional judgeship.

J. A. Cross,
Attorney General.

On the 2nd of May a further telegram was sent to Sir Lomer Gouin, as follows:

Regina, May 2nd, 1922.

Sir Lomer Gouin,
Minister of Justice,
Ottawa.

Further reference Appeal Court, Saskatchewan. Number of cases heard by Court outside ordinary motions are as follows:

Year	
1919	145
1920	178
1921	161

These figures obtained from Registrar of Court.

J. A. Cross,
Attorney General.

The average is thus, not 75 cases, as stated by my honourable friend from Pictou, but 161, according to the law records.

Hon. Mr. McMEANS: Honourable gentlemen, when I moved the adjournment of the debate for the purpose of giving the honourable leader of the Government an opportunity to secure the information which he has just furnished, I had no desire to oppose the legislation in any way. I am glad indeed that he has given this House sufficient information to justify the appointment of an additional judge.

While I am on my feet, might I indulge the hope that when the Government of the country make the appointment of a judge, they will not create the same scandalous state of affairs as has existed during the last two weeks, when we find newspapers and bar associations throughout Canada protesting against the appointment of certain judges. That sort of thing will only bring the courts of justice in this country into contempt, and deprive the people of the respect that they should have for the dignity of the judges, because of the appointments that have been made. In making appointments the Government should take notice of the wishes and representations made by the bench and bar of the different provinces. I just point this out to the leader of the Government, who must be aware of what has taken place in the last few weeks, and of what has been published in the press of the provinces.

Hon. Mr. DANDURAND.

Hon. Mr. WILLOUGHBY: In regard to the return brought down by the honourable leader of the House I have no criticism to make. I agree with him that the honourable member from Pictou (Hon. Mr. Tanner), in stating the number of cases decided by the Appeal Court of Saskatchewan, might have been misled by merely looking at the published reports of that province. I presume every province in Canada has a different method of publishing its law reports. It was my privilege and honour to be a member of the Law Society of Saskatchewan and a bencher for many years. During that period we changed on different occasions the method of publishing our reports; that is, we restricted the number of cases to those that were worthy of reporting. I think that at one time it was the practice to report nearly everything; but to-day a large portion of the work of the Appeal Court of Saskatchewan consists in hearing appeals from the District Courts, which correspond with the County Courts in other provinces, and it is not customary, as a rule, to print those unless they are important. That is left to the judgment of the editor of the reports; hence anyone looking at the published reports of Saskatchewan, of which alone I speak, might be misled as to the volume of work that comes to the hands of the Appellate Court in the discharge of its duties. I venture to say, without having any figures by me other than those quoted by the leader of the House, that perhaps not one-half of the cases on which the Appeal judges pronounce judgment are thought worthy of reporting, inasmuch as they contain no really new points. It is quite in keeping with the latest method of publishing law reports that they should not be unduly multiplied, and that no report should be published unless it is of real importance to Bench and Bar throughout the country, and should perhaps set out new points of departure or deal with new points that have been raised.

Hon. Mr. DANDURAND: And create jurisprudence.

Hon. Mr. WILLOUGHBY: And create jurisprudence, not being merely the repetition of a judgment on tax, or reversal of tax, in a subordinate court. I happened to be in the Legislature when the Act was passed creating the Court of Appeal in Saskatchewan, and dividing the old Supreme Court of the Northwest Territory into two subordinate parts, the Court of King's Bench and the Court of Appeal. My recollection is, though I may be wrong,

that I took part in the discussion at the time, and that we decided that the Courts should be composed of three and four, not four and five, judges respectively; I may be wrong in that, for I have not refreshed my memory; but the growth of population in the province of Saskatchewan has been very rapid since the courts were established. If five judges in the Court of Appeal are not too many in Manitoba, and not too many in British Columbia or in Alberta—on which I pass no judgment—then the province of Saskatchewan, with a population 200,000 larger than that of any one of those provinces, may well find an equal amount of work for the Appellate Court to do. It is remarkable that in the newer provinces there is rather more litigation than the reverse. In my earlier life I practised in the city of Toronto, and had some knowledge of the current volume of litigation in Ontario. My experience and observation in the older parts of Ontario is that the amount of litigation is rapidly declining, and has been declining during the last twenty years. I presume that is within the observation of every practising lawyer. In the newer portions of Canada, where conditions are perhaps not so settled, where there are a large number of new comers who have not been altogether too fortunate financially, the volume of litigation more than keeps pace with the growth of population. In other words, I have no doubt that the volume of litigation in the province of Saskatchewan or the province of Alberta or the province of Manitoba is very much greater per capita than it is in the province of Ontario, the province of Quebec, or the Maritime provinces; because we find that in the older portions of rural Saskatchewan, the longest settled, where the settlers are best off, there is the least litigation. In other words, the farmer, who constitutes the largest group of our population, is better able to meet his obligations, and, with the growth of settlement and increase of wealth of the country, litigation diminishes rather than increases. It is quite true that in the great cities like Montreal or Toronto, and the large cities of the Maritime provinces, there may be an increasing amount of litigation, for all I know. That is due to those large cities being the centres of population, and the great loaning, insurance, and other companies have a tendency to congregate in those cities. In the province of Saskatchewan we have no large cities. We have three cities of moderate size, and several smaller ones, but no place that is dominant, such as Winnipeg in Manitoba, and litigation is perhaps as common at one end of our province as at another. If public opinion warrants the creation of an Appeal Court of five in Alberta, Manitoba and British Columbia, it warrants the creation of a similar court in Saskatchewan.

Hon. Mr. BENNETT: If the amount of comment on the action of the present Minister of Justice is as great in the next year or two as it has been in the past six months, in connection with the selection of judges, it will become a public scandal in this country. Complaints have been made that the Minister of Justice does not consider on their merits applicants for appointment, but weighs only political activity on the part of his political friends. This particular case in Saskatchewan is only an incident, and an illustration of what is going on in the Dominion from one end to the other. Personally I hope that Mr. Martin will be appointed in this case. His name might as well be mentioned, because there is no use mincing matters. For the first time we hear to-day that there are 161 appeals in the province of Saskatchewan. Why cannot the judges who are there now dispose of that trifling number?—161 appeals are not many. In the province of Ontario, I am bound to say, the number would go well toward the thousands, as shown by the newspaper reports, week by week, of cases that have been dealt with there. Then there is complaint of the inordinate haste of this Government in making appointments. I see by the newspaper that they made an appointment in British Columbia to-day. I think, in common decency, that the deceased judge should at least have been buried—because he could hardly have been buried before the appointment was made. With the same comment comes the fear, the doubt, the trembling of the lawyers, as represented by their Bar Associations, that the appointments will be political or otherwise improper. Honourable gentlemen can read what the lawyers in British Columbia have communicated to the Minister of Justice—I am not going to read it—that they want to be consulted as to any appointment that will be made. This article ends by saying that a Mr. McDonald has been appointed to-day.

What is the trouble in the province of Quebec? In the newspapers from day to day what do we see? Not that a trifle like 161 cases are in appeal. I read a report in a paper the other day, I think it was La Patrie, that the Attorney General had

been talking to the lawyers of the city of Montreal.

> The Attorney-General, who certainly knows what he is talking about, expresses the opinion that it is due to both causes, and whilst promising to give to the province all the judges it really needs, he advised the advocates to practise all the celerity they can to render justice to their clients.

Then he said:

> We have good judges, who are enlightened, fair and upright; but our judicial organization is often denounced because it is seemingly slow. There are thousands of cases pending in the civil courts, and some of the litigants must wait months and sometimes years before their case is tried.

That is one of the conditions that the Attorney General adverted to the other day. Now, why are these appointments not made in the province of Quebec, if it is necessary to make appointments?

Hon. Mr. DANDURAND: I did not catch the point as to the province of Quebec. I do not know that there are any vacancies.

Hon. Mr. BENNETT: That is just the point—good judges in the provinces. I will read another extract that will indicate the condition; perhaps it will enlighten us more. This is from Hon. J. L. Perron, K.C., after his election by acclamation to the position of Batonnier of the Montreal Bar:

> In this matter, he said he was in absolute harmony with Premier Taschereau in idea and ideal, and if it was that justice was delayed through the inability—owing to ill-health—of certain judges, and if they did not realize their responsibilities and resign, then "it would be the painful duty of the Bar to seek legislation that would meet the contingency."

This is said by a person who must be conversant with all the conditions in Montreal, and he states that there are thousands of cases standing there to-day, as reported in the public press. The Minister of Justice can move with great celerity in British Columbia, making the appointment before the man is buried.

Hon. Mr. DANDURAND: Yet he must await the demise.

Hon. Mr. BENNETT: No; there are ways of proceeding against judges. If they are so ill that they cannot do their duty, surely there is power under the constitution to deal with such cases. I think there is.

Hon. Mr. DANDURAND: If my honourable friend will allow me, there is only one way of dealing with the extreme cases of judges who, being too ill to perform their duties, still cling to their positions.

Representations may be made to them, but direct action can be taken only by an address from both Chambers of Parliament.

Hon. Mr. BENNETT: Well, even that might do. Is not the condition in the province of Quebec as was stated by Mr. Perron publicly in his address the other day? It is said the trouble is that beardless youths are applicants for the positions that those gentlemen occupy, and the Government will not interfere. In the next place, it is said that there have been some appointments made in Quebec by this Government—I suppose in certain districts—but that under this Government and the present Minister of Justice the condition precedent is that a man must be a politician first and a lawyer afterwards; consequently those who might be fit for the position are not acceptable politically to the Government; and as the Government has not, from time to time, enough gentlemen of their own political faith to fill those positions, the congested condition of the courts is the result. It is not fair to the people of the province of Quebec, if what La Patrie says is true, that affairs should continue as they are to-day in that province. It is true, as everybody knows, that the cost of the administration of justice in this country is very high.

Hon. Mr. McMEANS: In the province of Quebec?

Hon. Mr. BENNETT: In all the provinces; that has been a matter of discussion in this House. I know that the late Government tried to avoid, to a certain extent, over-expenditure in the province of Ontario. What was found there in the matter of county courts? It was found that in many counties appointments had been made by both political parties, but more by the honourable gentleman's party between 1906 and 1911, and they simply satiated the country with county court judges. They had gone into counties where one judge could quite well discharge all the duties, and had appointed their political friends to junior judgeships. The late Government took the matter in hand, and said: "Wherever we find a vacancy occurring we will promote one of these junior judges who is sitting at home doing nothing." That plan was followed very largely; but within the past six months what have honourable gentlemen opposite done? Although in the province of Ontario there were some thirteen or fourteen of these junior judges, not one of them has been

appointed to a senior judgeship when a vacancy has occurred. Right here in the city of Ottawa Judge Gunn died; and a gentleman named Mulligan was sent here from the north country. In the county of York there was a vacancy and Mr. O'Connell was appointed. In the county of Elgin, Mr. Duncan C. Ross, a former member of the House of Commons was appointed. I am not saying anything against these men personally; I do not know Mr. Mulligan, but I know Mr. Ross and Mr. O'Connell; but why did not the Government appoint one of these fifteen assistant or junior judges to one of these three positions?

I took the trouble the other day of looking up the returns of the cases disposed of in the province of Ontario by some of the County Court judges. I will mention one instance. Honourable gentlemen, when in power before—and when the appointment of judges was a political matter just as much as it is to-day, although they bid fair now to work overtime—constituted a district called Manitoulin, and appointed a judge to that district. The return shows, although the salary of a junior judge is very considerable, I think some $4,000 a year, that there was not one case tried in the County Court in that district, last year.

Hon. Mr. DANDURAND: Does that cover the island only?

Hon. Mr. BENNETT: It covers the island only. I know the gentleman who was appointed there; he was a man of particularly good standing as a lawyer, and would compare favourably with any of the three recent appointees. On account of his having literally nothing to do, living at a little place called Gore Bay, the offices of that gentleman were sought, and he was brought to Toronto, where, owing to the increased jurisdiction of the County Court, many cases are tried. Yet, Judge Hewson is passed over, and these three friends of the Government are all appointed County Court judges under the approval of the present Minister of Justice. It is all very well for the Minister of Justice, when there is considerable discussion of the question to say, that he had not read the newspapers and did not know what was going on. I should think it was the business of the Minister of Justice of this country to know who are going to be the judges, and to look very carefully into their qualifications before they are appointed.

Now, let me take some other cases. Here is the county of Bruce, with two judges. According to the information I have, only eight County Court cases were tried in that county in a year. In Algoma District, adjoining Manitoulin, with two judges, only five County Court cases were tried. The island of Manitoulin could have been united with the district of Algoma, and Judge Hewson could have been brought down to Toronto. Nipissing District, with two judges, had only four cases tried in the year; and right here under the guns, in the county of Prescott, there were two judges with only four County Court cases tried during the year. As the honourable gentleman who leads this House knows, since this Government has come into power the appointment of judges has depended upon the political faith of the appointees. Apparently the present Minister of Justice is not going to pay any heed to public opinion, and is going to do just as he did in the province of Quebec while Premier of that province. He had silenced opposition politically, and was doing what he liked; and apparently he is going to try to continue that policy in the matter of the judiciary. Take this case from Manitoba. I noticed in one of the newspapers the other day that not only are the members of the Law Society protesting against the appointment of Mr. Adamson—a gentleman of whom I know nothing—but that they practically say—perhaps I had better put the article on record. It says:

> At a joint meeting of the benchers of the Law Society of Manitoba and the executive of the Bar Association of Manitoba, held to-day, the following resolution was unanimously passed: This meeting regrets that according to newspaper reports of yesterday, the Government has decided to appoint as judge of the Court of King's Bench of this province a member of the Bar whom we consider wholly unfit for the position. It appears to us that such appointment, if made, will be solely as a reward for party faithfulness or services. We desire to register our most emphatic protest against the appointment, believing as we do that it cannot but tend to destroy the confidence of the public in the judiciary of the province. We trust that we may have your assurance that the newspaper report is unfounded and that no such commission will issue.

Now, what happened? Sir Lomer Gouin wired back to the Benchers as follows:

> Your wire dated May 2 duly received. I am unware of the name mentioned in the newspaper reports you refer to. After full and mature consideration the Government has decided to appoint Mr. J. E. Adamson as judge of the Court of King's Bench, and I desire to assure you that none of the reasons mentioned in your protest inspired the selection made.

On the one hand, we have the Benchers opposing the man who was to be appointed, and protesting against his appointment; and on the other hand, although they say, "We consider him utterly unfit for the position," we have the Minister of Justice saying that none of the reasons mentioned inspired the selection made.

The Minister of Justice is not so innocent as he pretends to be. Where does he get his inspiration in the appointment of judges? Is it conceivable that judges are appointed down here in the East Block without their names ever coming before Council. In the record of the Liberal party from 1896 to 1911 as to judges, this Government has a hard record to beat. Some of the appointments made when this party was in power before were such screaming farces that they were openly laughed at by the leading papers of the country. One gentleman was appointed who had practically never been a lawyer in his life, except for the fact that he had passed an examination. Yet he was placed in one of the highest courts in the Dominion. One of the leading law journals at the time said: "Hon. Mr. So-and-so has been appointed to such-and-such a position. Apropos of his appointment, we relate the following story of a man who had not the best reputation." They were not insinuating that the appointee had a bad reputation. This bad man had died, and was to be buried, and the neighbours called around to do him what respect they could. No person could think of a kind word until one man said: "Well, we must admit that he had one redeeming quality." Someone bolder than the rest then said: "What was it?" The answer was: "Oh, he was an excellent smoker." So a High Court Judge was appointed by honourable gentlemen opposite when they were in power before, and the only comment that a leading paper would make about him was that inferentially he was an excellent smoker.

Let me make a suggestion. I would suggest that in every case the name of the appointee should be made known to Parliament before the appointment is made. Personally I have no opposition to Mr. Martin; and, if someone will second it, I will move that it be stated in the Bill that Mr. Martin is to be appointed; because, after all the discussion which has taken place, there may be a slip, and it would be rather too bad if he did not get the position.

I do not know whether the old principle prevails. The leader of the House smiles. He has in recollection the case of a gentleman who was going around with a pledge promising him a judgeship because of his services in the past. The case became notorious. That agreement was a very good thing, because if this gentleman did not get the judgeship he was assured of getting another position in the province.

The Minister of Justice must understand —at least, I should think he must—that he is responsible for every judge appointed in this country; and that when he pleads ignorance and says that he has no knowledge of the facts, he will be disbelieved by the people of the country. They will not credit him with being so innocent that he pays no attention to the names handed to him. I hope that such appointments will not be made in future as will shake the faith of the public in the judiciary, as some of these appointments are doing today. Can a judge go on a Bench in any court in this country and try cases involving hundreds of thousands of dollars when his name has been paraded from one end of the country to the other as that of a man who is thoroughly unfit for the position to which he has been appointed? If men who are utterly unfit for the positions are appointed, what then? If they are trial judges, they must decide cases; when they decide cases, they must give decisions; and if they are unfit for their positions their decisions will necessitate appeals, and the cost of those appeals will fall on the litigants. Let the leader of the House say: "We will not be pharisaical or canting about it at all; we have been in the business of making appointments of judges politically; but I will have a heart-to-heart talk with the Minister, and we will, God helping us, try to do better in the future."

Hon. Mr. TANNER: I should like to ask my honourable friend if the statement he read a few moments ago comes from the Registrar of the Court?

Hon. Mr. DANDURAND: Oh, no. The Registrar of the Court is mentioned in it by the Attorney General as having furnished him with the number of cases decided by the Court of Appeal during the years 1919, 1920, and 1921.

Hon. Mr. TANNER: I wanted to ask if the statement contained any information as to the number of days upon which the Appeal Court sat during the year. How much time did those appeal cases

occupy? Can my honourable friend give us any information on that?

Hon. Mr. DANDURAND: I have no information. I know how these things were managed in the city of Montreal when I was practising at the Bar some fifteen years ago. There have been some changes, but at that time, there were four terms in Montreal. The roll was called and cases were heard; then an adjournment was taken for the purpose of deliberating upon those cases, and at a certain later date judgment was given. In the city of Quebec, where a smaller number of cases were inscribed on the list, there were also four terms. Yet the judges, although they had those eight terms, were fully occupied, and there were some years when in the city of Montreal there was quite a waiting list. I have no information as to the time given to the hearing of those cases and to their study preparatory to judgment.

Hon. Mr. TANNER: I only wish to point out, in reference to the figures in this memorandum, which are larger than the figures I gave the other day, that I took the Law Reports of Saskatchewan, Alberta, Nova Scotia, Alberta and New Brunswick. I understand from this statement that the number of cases actually heard in Saskatchewan is larger than the number reported; that is, that a number of cases were heard which were not reported. That, to my mind, proves nothing whatever, because I take it that the same circumstances exist in respect to the province of Alberta and the other provinces. I made a comparison, and I think it stands, because what happens in one province happens in another.

Hon. Mr. DANDURAND: Not necessarily. According to the honourable gentleman from Moosejaw (Hon. Mr. Willoughby), the reporting of the cases in the province of Saskatchewan has been altered lately in order to restrict the reports to cases which constitute decisions on points of law.

Hon. Mr. TANNER: That is the case in the other provinces also.

Hon. Mr. LYNCH-STAUNTON: Honourable gentlemen, I should like to say a few words, not particularly upon the appointment in Saskatchewan, but upon the administration of justice generally. I do not have to depend upon newspaper reports, although I think in this case they are quite trustworthy. I have it on very high authority that in the city of Montreal the present condition of administration of justice is scandalous; and that it arises from the fact that there are on the Bench a number of old men who are utterly incompetent to perform their duties. The Government is blamed for not having retired those gentlemen. I have been informed by more than one Minister of Justice that the view of the successive Governments of this country has been that they have no power under the British North America Act to retire a judge so long as he can crawl on to the Bench and pretend to perform his duties. The last Government, in my humble opinion, did a great deal to encourage incompetent judges to remain on the bench. Before the Judges Act was amended to increase the salary the law provided that when a judge attained a certain age and retired he should be entitled to a retiring allowance equivalent to the salary that attached to his office at the time of his retirement. The amendment to the Act increased the salary, but said that thereafter the judge who retired should not receive the increased emolument as a retiring allowance. That Act should have been styled "An Act to encourage incompetent judges to remain on the bench."

Hon. Mr. DANDURAND: Not so much incompetent as invalid, my honourable friend means.

Hon. Mr. LYNCH-STAUNTON: It is the same thing. They are incompetent when they become invalid, I should imagine. At all events the result is that judges who would otherwise retire and who perhaps have very slim resources are tempted to stay on the bench, and the temptation overcomes their sense of what is right and what is wrong. I think it is the duty of the Government of Canada to remedy this wrong to the people of this country. To have the bar of Montreal, the commercial capital of Canada, protesting against the condition of affairs is something which should make any Government stop, look and listen. This situation has existed more or less acutely in Canada as long as I have been practising at the bar, and we have had occasion after occasion to complain of men remaining on the bench when their usefulness was gone. I cannot understand the listlessness of any Government in not taking action on these cases. If they will not take the trouble to apply for an amendment to the British North America Act to give them the powers which they think they require, I will tell them a short course:

they should declare that a judge when he attains a certain age must retire, or thereafter his salary shall be one dollar per year. That would bring conviction, I think, to the dullest intellect. It is not too drastic a course, because the personal interest of a judge is not to be placed above the interest of this country, and it seems to me it is only a proper course that a judge be compelled to retire when the whole world knows that he ought to retire, or else that he cease to be paid for malpractice on the bench.

I think also that, in justice to the judges, that Act of which I have already spoken should be amended so as to give a judge the retiring allowance which was promised to him when he went on the bench. I think that this country has a statutory contract with every man who was appointed to the bench before the amendment of the Act, to give to him a retiring allowance equal to the salary which was attached to his office at the time of his appointment; and if that were done, I think you would find that there would soon be a number of appointments to be made in the city of Montreal.

The Minister of Justice has been accused here to-day of being responsible for the appointment of judges in the Dominion of Canada. I know nothing at all about the ability of any of the western judges. I have heard it said here that they were incompetent. I do not know whether they are or whether they are not. But if I am rightly informed—and I have been told many times—the Minister of Justice has not the appointment of the judges of this country; the members of the government from the different provinces arrogate to themselves the power of nominating judges, although among the Ministers from one province there may not be a lawyer at all. I have been told by Ministers of Justice that, contrary to the time-honoured practice in the Dominion of Canada, and to what is the case in any other department, they have not full power or control—they have not the last word in the appointment of the judges of this country.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, there is only one remedy that can be applied to abuses of the kind pointed out. The late government was very deeply impressed with the necessity of exercising such authority as would warrant a proper administration of justice throughout Canada, by preventing men who had become incompetent or helpless by reason of old age, from remaining on the Bench. The Minister of Justice about three years ago brought up in the House of Commons, if I remember rightly, the desirability of the House approving of an address for an amendment to the British North America Act. Unfortunately, in many matters we are prescribed by a written constitution. That written constitution applies particularly as to the retention of office by judges during life. A judge, no matter how incompetent he may be, whether from old age or other cause, can simply defy the Government of Canada and public opinion, and persist in retaining his position. That should not be the case. I remember that when the matter was brought up by the then Minister of Justice in the House of Commons, the official opposition of that day took very strong ground against any such amendment being made to the British North America Act as would place authority in the hands of the Government of Canada to terminate the office of such a judge. Apprehension was felt that possibly the independence of the judiciary might be interfered with by reason of the exercise of that very proper authority by the Government of the day. Surely if the people of this country have any confidence in the Government of Canada they can safely place in the hands of that Government the authority to terminate the office of any judge who is unable to perform his duties. The disability of certain judges and their incompetence to discharge their duties became subjects of wide public discussion in the province of Ontario for many years, and the same is true of other provinces of Canada. It seems to me that, in view of the present state of public opinion upon this question, the Government of Canada should at once take steps to have the Constitution amended so that the Government at any time may exercise its authority in the direction indicated. They should recede from the position which they took in this respect two or three years ago. They have prevented the realization of that condition which is so desirable, and they should be frank enough to come out and say, "We were mistaken, and we are now prepared to assume the responsibility of asking the Imperial Government to amend the Constitution."

Hon. F. L. BEIQUE: Honourable gentlemen, I had no intention of taking part in this debate, but I must say that personally I would not be prepared to go as far as the honourable gentlemen suggests. I think it is a very serious matter to put into

the hands of any Government the power of interfering with the administration of justice. It is true that the judges have the right to hold office for life, but they are subject to impeachment by the two branches of Parliament, and I think that is the remedy which should be exercised in all cases where a remedy is required. I should have much more faith in a remedy of that kind for the future than in leaving the remedy to either a Liberal or a Conservative Government. We know perfectly well that mistakes may be made by governments, whether Liberal or Conservative. Governments are sometimes carried too far; too much political pressure may be brought to bear upon them; and even if no mistakes were made, they would be open to the suspicion that they were actuated by political motives, and their action would be criticised. I think we have the remedy in the right to impeach judges who, being unable to discharge their functions, persist in remaining on the Bench, and that right should be exercised.

Hon. Sir JAMES LOUGHEED: May I ask my honourable friend a question? In view of the fact that we have never invoked the remedy which he has pointed out, notwithstanding the fact that since Confederation we have had that right, is my honourable friend prepared to allow matters to continue as in the past?

Hon. Mr. BEIQUE: The right has been exercised—

Hon. Sir JAMES LOUGHEED: I am unaware of it.

Hon. Mr. BEIQUE: —in a couple of instances, but of course when the judges saw that they were to be impeached they gave up.

Hon. Sir JAMES LOUGHEED: Can my honourable friend recall any case of a Superior Court judge ever being impeached on account of physical helplessness?

Hon. Mr. BEIQUE: Oh, yes; but not on on account of physical helplessness?

Hon. Sir JAMES LOUGHEED: Misconduct is a different thing. I am not talking about misconduct.

Hon. Mr. TANNER: Can the honourable leader of the Government give me any assurance in regard to the vacancy in Nova Scotia? Several judges have been appointed in other provinces since we had a discussion on this subject on a previous day. It is believed by a good many people that the vacancy in Nova Scotia is being reserved for the Solicitor General. Perhaps my honourable friend can tell me if that is true, and if the appointment will be made at an early date.

Hon. Mr. DANDURAND: Honourable gentlemen, many things that have been said this afternoon, and that represent suggestions for constructive legislation, will be welcomed, I am sure, by the Minister of Justice. He has been himself considerably exercised over the difficulties that he has had to face, and some of them are as serious as stated by my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton). The great problem is to find within the terms of the Constitution a way to bring to the attention of the judges the necessity for their retiring without recourse being had to the very solemn process of an address by both branches of this Parliament. It has occurred to me in studying the situation that possibly the Minister of Justice might find a solution in this procedure, which is somewhat along the lines of the suggestion made by the honourable gentleman from Hamilton: that when a judge has been away from the bench for six months, whether with or without the authority of the Minister of Justice, he be notified that if within the next three months he is unable to return to his functions, and if he does not ask for his pension, the Minister will advise as to what should be done. The situation in many cases has been this. Judges have asked for a congé or have been absent through illness. After their leave expired they have not returned to the bench; they have simply allowed the situation to continue without their giving to the public any service in return for the considerable salary which they were drawing. I wonder if the Department of Justice might not find a remedy in notifying a judge who has been away practically twelve months—six months on leave of absence and six months without leave, or perhaps with a second leave—that if he does not ask for his pension his salary will be suspended until he returns to the bench. If this suggestion could be carried out I think it would not be long before application would be made for the judge's retirement.

Hon. Sir JAMES LOUGHEED: Why not bring down a Bill?

Hon. Mr. DANDURAND: But a Bill would mean an amendment to the Constitution.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. LYNCH-STAUNTON: No; an amendment to the Salaries Act.

Hon. Sir JAMES LOUGHEED: An amendment to the Judges Act would do it.

Hon. Mr. DANDURAND: It might perhaps be done under the Salaries Act. I have asked the Minister of Justice to examine the question and have it examined by his Department, for the purpose of endeavouring to find some means of meeting such cases as have been mentioned. I know that in more than one place in the country the situation is glaring, and something should be done to remedy it. My honourable friend from Simcoe (Hon. Mr. Bennett) has spoken of political appointments and has mentioned dates at which such appointments have been made to the Bench. The honourable gentleman means, I suppose, members of the Bar who have been active in politics. Well, the opinion has been given by prominent men that a member of the Bar, of good standing, who has had some experience in political life, is very often all the better equipped for his functions on the Bench. My honourable friend has spoken of a few years past. I suppose he means the years that he has lived. But I can remember more than one case in which the men appointed did not seem to have had a very active practice at the Bar, but they made very good judges. I remember the case of a Solicitor General who was appointed to the Bench in Montreal. There was considerable feeling and criticism. It was in 1895, and the Government was shaken to its base in the province of Quebec over the appointment; an election or two came on, and strong protests were made against the appointment, because the judge had not been an active practitioner for the fifteen or twenty years that he had been in the House of Commons. Yet, ten, or fifteen years after he died, the whole Bar of Montreal was unanimous in expressing the opinion that he had been one of the best judges we had had on the Bench. We have had first-class lawyers, with splendid reputations, who have made very poor judges. This does not affect the general rule—that appointees should possess the first quality which should adorn anyone who is called to the Bench.

I will close these rambling remarks by stating that we had a Chief Justice in Montreal, Sir Francis Johnstone, who, in his younger days on the Bench, used to call some of his colleagues, "My dear old Necessity," and when someone asked him what he meant, he said, "Necessity knows no law." Most of my honourable friends have heard this story.

I will not pass judgment upon the Bench in other provinces, because I do not know the conditions, but I might say that the Bench of the province of Quebec has the full respect of the Bar, whose members can best estimate the ability of the judiciary. The complaint is that some judges have grown old, and do not realize what they owe to themselves and to the public; and this discussion, if they will deign to read it, may perhaps prompt them to do the right thing by the people of Canada, who have to put up with the present condition of things.

Hon. Mr. TANNER: My honourable friend has not given me any information about Nova Scotia.

Hon. Mr. DANDURAND: I may say that I know nothing about the conditions in Nova Scotia, but I shall be very happy to draw the attention of the Minister of Justice to the grievance of the Bar in that province.

Hon. Mr. TANNER: Yes, we would like to get the appointment made.

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

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Thursday, May 11, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

PENITENTIARY BILL

THIRD READING

Bill 25, an Act to amend the Penitentiary Act.—Hon. Mr. Dandurand.

DIVORCE BILLS

THIRD READINGS

Bill G2, an Act for the relief of Edwin Dixon Weir.—Hon. Mr. Ratz.

Bill H2, an Act for the relief of Henry James Bristol.—Hon. Mr. Harmer.

Bill I2, an Act for the relief of Florant Brys.—Hon. Mr. Pope.

Bill J2, an Act for the relief of Catherine Rudd.—Hon. Mr. Proudfoot.

Bill K2, an Act for the relief of Norman Edward Harris.—Hon. Mr. Proudfoot.

Bill L2, an Act for the relief of Maria Amy Drury.—Hon. Mr. Blain.

DEPARTMENT OF NATIONAL DEFENCE BILL

FURTHER CONSIDERATION IN COMMITTEE

The Senate again went into Committee on Bill 27, an Act respecting the Department of National Defence.—Hon. Mr. Dandurand.

Hon. Mr. Blain in the Chair.

Hon. Mr. DANDURAND: I would ask leave of the House to bring Colonel Orde, Judge Advocate General of the Department, on the floor of the House.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, for my own information I should like to ask just where we are with this legislation. As a rule, I have to wait until the day following, when the proceedings are printed, to know what has been done; consequently I may be silently giving my adhesion to some things which, after consideration, I might think quite heretical.

The leader of the Government a few days ago read us a salutary lesson about speaking up. I am afraid he has not profited by that instruction himself. There are members in this Senate who are no bigger than I am, and I hear them because they stand up and speak to the House; there are others who speak into their papers, or directly to the Speaker, who does not care a hang what they say, because he is not particularly interested in it, and turn away from those who do have an interest in what they are saying. I should like the leader of the Government to tell us where we are at the present time in regard to this Bill. And will the Chairman put his apparatus into working order so that the breath behind will send his voice so that we at this the farther end of the Chamber, will know exactly what is going on?

Hon. Mr. DANDURAND: I thank the right honourable gentleman for the good advice he has given to myself and my colleagues. I will try to speak in such a way that I may be heard at the four corners of the Chamber—

Right Hon. Sir GEORGE E. FOSTER: I can hear you now.

Hon. Mr. DANDURAND: And whenever I am deficient in this respect, I want to be called to order.

We had reached clause 5 of the Bill. We had passed subsections 1, 2 and 3 of this clause, and were discussing subsection 4. I intend to ask permission to refer to subsection 3 of section 5, because I have an amendment to move to that subsection. Before doing so, however, I desire to give a few explanations which are called for as a result of the preliminary discussion of the Bill which we had the other evening.

I may say at the outset that the Minister of Militia, when he introduced this Bill, explained his intentions in regard to the application and carrying out of the Act. I echoed those intentions in this House, but, as they were not crystallized in black and white, I was asked where I could find them in the Bill. I intend to incorporate in the Bill, by a few amendments, the intentions of the Minister of Militia in order to satisfy this Chamber that they will be carried out.

Before addressing myself to the section of the Bill, I should like to make a brief statement as to the savings that are expected from the amalgamation of the Departments. This amalgamation, as honourable gentlemen know, covers the Militia Department, the Naval Service, and the Air Board. The saving effected by the joining of those Departments will be in the Branch of Accounting and Pay; in the Purchasing Branch, including both the buying and the inspection of supplies; in the Central Registry, including the storage, care, and distribution of official files and papers; in the Printing and Stationery Branch; in the Libraries; in the Transport Services to the outer forts at Halifax; and in the Records Branch. The amalgamation of these different branches will mean a saving of at least 25 per cent of the number of clerks at present employed, without impairing the efficiency of the service. It is the hope of the Minister of Defence-to-be that by reason of the amalgamation he may be able to do away with quite a number of temporary employees, and to carry on with the permanent staff of those branches; and he has expressed the opinion that under that head alone a saving of over $700,000 a year will be made.

Hon. Mr. REID: May I ask whether the saving of $700,000 is from temporary employees alone, or does it include all the other items which the honourable gentleman has just mentioned?

Hon. Mr. DANDURAND: If my honourable friend will look up the statement of

the Minister himself, at page 684 of the Commons Hansard, he will find that the economy will be in the reduction of the staff itself, thereby effecting a saving of over $700,000.

Right Hon. Sir GEORGE E. FOSTER: May I ask the honourable gentleman if, having arrived in the end at the conclusion that there would be a saving of $700,000, he has a record of the items of saving, which, when totalled up, amount to $700,000, or is it just an estimate? I do not see how one can base the amalgamation of the different Departments on the ground of economy unless he puts before the House the items on which he expects to make the saving.

Hon. Mr. DANDURAND: I am informed that on the 1st of April some 400 employees were dispensed with, and that a like number will be dispensed with in the very near future when this amalgamation has taken place.

Right Hon. Sir GEORGE E. FOSTER: I think my honourable friend will see that, if the saving of that many clerks was made on April 1st, it has not resulted from the amalgamation, but is a saving which would have taken place had there been no amalgamation. If, therefore, that is put in to make up the total amount of $700,000, I am afraid that it is not a fair representation of the ground on which to base the amalgamation.

Hon. Mr. DANDURAND: I feel on safe ground in saying that there will be in the amalgamation a saving of 25 per cent. Of course, we shall be in a better position to make the calculation next year; and even if we fall short by a few points, anything in that line, I suppose, will be welcomed in this Chamber and in the country.

Hon. Mr. GRIESBACH: What is this estimate of 25 per cent based on? Is it based on the services which have been mentioned: Accounts and Pay Branch, Purchasing and Inspection, Central Registry of Files, Printing and Stationery, Libraries and Transport Records? If the saving of this 25 per cent amounts to $700,000, then I take it that the total cost of this service is $2,800,000. As a matter of fact, is it? Who knows that it is?

Hon. Mr. DANDURAND: The statement that a 25 per cent reduction will ensue is based on the fact that these Departments, when amalgamated, will mean a smaller number of men to do the work.

Hon. Mr. REID: May I ask the leader of the Government if it is not a fact that the purchasing for all the departments is being done by a Purchasing Commission, and that therefore there is no Purchasing Department in the Naval Branch? If that is the case, how does he intend to abolish it?

Hon. Mr. DANDURAND: The Purchasing Commission only co-ordinates the purchases between the different departments, and passes on the work of each department. I am under the impression that there are departments which have left this work to the Purchasing Commission; but I know a number of departments have not abandoned their purchasing departments, and are simply using the Purchasing Commission to obtain prices.

Hon. Mr. REID: Is it the intention that the same accountant and the same staff of the Militia Department shall do the extra work in connection with the Naval Department? As I understand it, the accountant of the Militia Department and his staff had sufficient work to keep them occupied almost all the time. Is it the intention to dispense with the services of the staff of the accounts and pay branch?

Hon. Mr. DANDURAND: It was expected that the permanent staffs of both branches would be able to keep up with the work, and that most of the temporary employees, who were numbered in the hundreds, would be dispensed with. There will be services in the Militia section which will need to be strengthened, but others may be found to be sufficiently manned if only one staff is retained. But the work will have to be co-ordinated, and the Minister and his Deputy will have to be governed according to the needs of the new department.

Hon. Mr. REID: I take it that many of these temporary employees who will be laid off have been in that employment for a good many years. May I ask the leader of the Government if those whom it is necessary to let out will be given the first opportunity in case a vacancy occurs in the service afterwards? I think that was the rule of the Civil Service Commission. Is it the policy of the Government to follow that rule?

Hon. Mr. DANDURAND: The Government have no policy on this matter, because it is outside their jurisdiction. If the Civil Service Commission has made such a rule

—and I commend it—I would be surprised if it were not adhered to.

If honourable gentlemen are ready to enter upon the discussion of the Bill section by section, I will ask leave to revert to subsection 3 of section 5.

On subsection 3 of section 5—appointment of officer to exercise powers of the Deputy Minister under Naval Service Act:

Hon. Mr. CALDER: Before the Minister proceeds I would like to know if I have a clear understanding of the statement he has made in so far as economies in the staff are concerned. It seems to me he has just gone this far—that under the amalgamation only temporary employees will be dispensed with, and the permanent staff as it now exists will be retained.

Hon. Mr. DANDURAND: The honourable gentleman is mistaken if he has taken that meaning. I have spoken of the expectation of the Minister of Militia that he would be able to carry on with the permanent staff, and dispense with the temporary one, but I have seen nowhere a statement from him to the effect that he would bind himself to retain all the permanent officials. He will have to prepare a classification, find out the needs of the new Department, and then submit the classification to the Civil Service Commission.

Hon. Mr. CALDER: On the other hand, however, the Minister of Defence has not made a statement, so far as I understand, to the effect that there will be a reduction in the permanent staff; he has not gone that far; and we have not had a statement to that effect here, either to-day or when we had the Bill under discussion. It seems to me that if this measure is going to have the value it should have we should look forward to a substantial reduction in the permanent staff; it should not amount only to the retirement of temporary employees, because, after all, during the last five or six years there have been a large number of temporary employees for whom there is practically no work at the present time; so it is not at all unusual to retire those temporary employees. In the Militia Department I remember that at one time, in a comparatively short period, something like 1,200 were retired. In the Department of Soldiers Civil Re-establishment during a certain period over 5,000 were retired. That was to be expected; but, if we are to have this amalgamation, and reduction is to be made, we should look for such reduction in the permanent staff as well as in the temporary staff.

Hon. Mr. DANDURAND: No one looks forward with more expectation than myself to reductions in the carrying on of the affairs of this country. These reductions are necessary, and impose themselves on all heads of departments in view of the financial condition of the federal exchequer. I said, in explanation of subsection 3 of section 5, that it was intended simply in order that the Deputy Minister of Naval Defence should continue on provisionally until the services were absorbed or amalgamated. I was asked by the honourable leader of the Conservative party in this Chamber, "But where is the word 'provisional' in the clause?" I think the point is fairly well taken, though the Minister of Militia had made a similar statement in the House of Commons and it had been accepted. But I have no objection to propose that the following words be included in that clause, "for a period not exceeding six months," after the word "appoint" in the second line. The subsection will then read:

> The Governor in Council, on the recommendation of the Minister, may appoint, for a period not exceeding six months, an officer who shall, etc.

So that the intention of retaining this Deputy Minister for the purpose of uniting and harmonizing the Departments will be in black and white in the Act.

Hon. Mr. REID: Might I ask the honourable leader of the Government if that amendment would really place the Minister in a position at the end of six months to make another appointment for another six months, and so continue indefinitely? Why not provide in the Bill that the present Deputy Minister shall remain in office for six months in order to carry out the amalgamation?

Hon. Mr. DANDURAND: There may not be need of retaining the Deputy Minister for the whole six months. In two months or three months time his services may not be further required. My impression is that there is greater elasticity in the amendment as proposed.

Hon. Mr. REID: I might say that on retiring a Deputy Minister the Government as a rule give them six months leave, or a few months leave of absence; so that if he

works for a couple of months I should think it would be hardly fair to cut him off without any such leave.

Hon. Mr. DANDURAND: I may inform my honourable friend that it is the intention of the Minister of Militia to offer the Deputy Minister of the Navy the position of Controller of Finance, which is dealt with by the following section, so that this section will be but a provisional one, and his office will be maintained so long as necessary for the harmonizing of the two departments.

Hon. Mr. REID: That really means, then, that the intention is to keep the present Deputy Minister on as a permanent officer under the title of Controller and Deputy Minister at the same salary that he now has under the Act.

Hon. Mr. DANDURAND: The Office of Deputy Minister of the Navy will be abolished when the term mentioned expires. After the six months there will be no deputy head of the Naval service.

Hon. Mr. REID: But might I ask the honourable leader of the Government this question? If the next subsection is adopted, to appoint a Comptroller with the title of Deputy Minister, is there not at present an Act giving to any official who has the title of Deputy Minister the salary of a Deputy Minister?

Hon. Mr. DANDURAND: No, there is not. The question was raised the other evening on this very point, and I have obtained the opinion of the Department of Justice—of Mr. Newcombe—on this question. This is running somewhat ahead of the next section to be taken up, but I may as well read the opinion of the Deputy Minister of Justice:

Memorandum—

The Deputy Minister of Justice expressed the opinion that the granting to a member of the civil service of the rank of a Deputy Minister does not in effect give him "the salary of a Deputy Minister," nor does it ipso facto make him a Deputy Head of a Department.

The granting of the rank of a Deputy Minister merely relates to matters of precedence at official functions, etc. Furthur, the salary of a Deputy Minister is now governed by the Civil Service Classification, and there will be found on page 249 of the classification list a provision to the effect that the salary of a Deputy Minister shall be such as may be granted by the Governor in Council, having regard to the nature of the duties which the appointee is called upon to perform, and will not be less than $4,200, or more than $8,000 per annum. The classification was confirmed by Section 10 of Chapter 10 of the Statutes for the Second Session of 1919.

Hon. Mr. REID.

Under the circumstances, therefore, the Deputy Minister of Justice considers that the amendment to subsection 4 of section 5 as brought down in the Senate does not purport to fix the salary of the person appointed Comptroller.

May Tenth, 1922.

Right Hon. Sir GEORGE FOSTER: I congratulate my honourable friend on the move he has made in reference to this subsection 3. I have no objection in the world to employing the services of an experienced man such as Mr. Desbarats, who has had under his supervision that branch of the service in all its mechanical work, and the oversight of the whole. I think it would be of great advantage to the new Department to have the benefit of his experience for a time; but I was not favourable to having another Deputy Head created. I think two Deputy Heads in one department would be a very prolific source of trouble to the coming Minister, whoever he may be. It would be like throwing half a hundred monkey wrenches into the machinery, because there will be points of difference between the two Deputy Ministers, and the temperaments of the two may be such that it would be very much to the disadvantage of the smooth working of the Department. Then, again, I suppose Mr Desbarats is not a technical naval officer; it was the civil part of the business that he had under his charge, and consequently it did not seem to me to be necessary that a special Deputy Minister for the Naval branch should be appointed permanently. I am glad, therefore, to see that, whilst the Minister will have the advantage of the experience of the present Deputy Head of the Naval service, it is not proposed to make that a permanent appointment, and that the one Department will have its one Deputy Head. The examples in re-arrangements that we have already had go to show that that is the better method of procedure, and I am glad it is being followed in this matter.

Hon. Mr. TAYLOR: With respect to the last few words of this subsection, the Minister just now read a letter from the Deputy Minister of Justice stating that the salary of a Deputy was fixed at not more than $8,000. That letter was written with reference to the paragraph now under discussion.

Hon. Mr. DANDURAND: No, the next one—section 4.

Hon. Mr. TAYLOR: What I have to say is in reference to the paragraph now under discussion. While the Act does limit

salaries of deputies to $8,000 there are well-known means within the Civil Service administration of increasing this sum; and this paragraph provides, according to the practice of the Militia Department, that this Deputy whom we are creating shall receive a salary about fifty per cent in excess of that which has been mentioned to the House. It seems to me that, while we are so close as we are at present in the expenditure upon the Militia, while we are cutting off the pay of the private soldier all over Canada, and almost abolishing him, we should pay a little attention to these extra-departmental gifts that have become so lavish lately towards the higher officials of those services, and that when we provide that this officer should be a member of the Militia Council we should at least provide that there should be no extra salary attaching to that function. I am fairly familiar with the work in the departments at Ottawa, and I know there are no duties cast upon a member of the Militia Council that do not come within his ordinary services in connection with the Department, but that those gentlemen are appointed exofficio. Because they hold certain offices in the Department they are appointed members of the Militia Council, but that involves no extra time or work. I think it is time for some one to protest that if we are to have economies in the Militia they should start at the top, and should not all be confined to the members of the lower ranks.

While on my feet I would like to refer to something that has not been explained at all, so far as I have noticed, during this discussion. While we are amalgamating the Naval service with the Militia service, we are not really abolishing any department. The Naval service has always been administered simply as a branch of the Marine and Fisheries Department. We are now transferring that branch to the Militia Department, and it seems to me that anything that we are adding to the expense of the Militia Department by such transfer should be taken away from the Marine and Fisheries Department. These savings we are told of are very largely mythical. There is no intention to take away from the ordinary management expenses of the Marine and Fisheries Department, while we are adding to the expense of the Militia Department. So far as I can recollect, that has not been touched upon at all, but I think it is a matter well worthy of consideration.

Reverting to what I rose to say, I do think we should put an end to these extraordinary grants to high officials of the department which are made through various inter-departmental manoeuvres.

Hon. Mr. GRIESBACH: It might bear on the question if we knew whether there was going to be any navy at all. The estimate of $3,700,000 last year has been reduced by $1,025,500 this year, and there is an item in the morning paper to the effect that the present ships might be returned to Great Britain. It might be well to inquire whether there is going to be any Navy Department at all.

Hon. Mr. DANDURAND: We may consider the opportunity of making our own contribution to the world-wide desire for disarmament.

Hon. Mr. DANIEL: I would like to ask whether the services of this official as a member of the Defence Council cease at the end of six months, or is he made a permanent member of that Council? It appears to me the paragraph is not very distinct.

Hon. Mr. DANDURAND: With the adoption of this proposed amendment the full powers and functions of the Deputy Minister of Naval Service will come to an end. He can be a member of the Defence Council, if he is appointed thereto, only during the six months that are mentioned as the maximum time during which the office of Deputy Minister of Naval Service will be in existence.

Hon. Mr. DANIEL: Then he ceases to be a member of the Defence Council?

Hon. Mr. DANDURAND: Yes; because if we are referring to the person to whom it is intended to offer the Comptrollership under that subsection 4, I do not see that he is to be made a member of the Defence Council.

Hon. Mr. TAYLOR: I would like an answer to the question I asked the honourable gentleman—whether this appointee is to receive a second salary as a member of the Defence Council?

Hon. Mr. DANDURAND: I am informed that the answer is in the negative.

Hon. Mr. TAYLOR: Does the Minister state that authoritatively?

Hon. Mr. DANDURAND: There is no Defence Council organized at this moment. It is simply mentioned that the Deputy Minister of Naval Service shall be a mem-

ber of the Defence Council, but he will be a member of the Council only so long as the office of Deputy Minister of Naval Service exists, which will be for only six months.

Hon. Sir JAMES LOUGHEED: When we reach clause 8 we can discuss that with greater advantage.

Hon. Sir EDWARD KEMP: Honourable gentlemen, my honourable friend from Edmonton (Hon. Mr. Griesbach) a few moments ago asked the honourable leader of the Government, as the representative of the Government, if it was the Government's intention to put out of commission those vessels which were presented to us by Great Britain two or three years ago, in order to effect a certain amount of economy. The honourable gentleman did not ask the question in the words which I have given, but that is what I understood my honourable friend to mean. Great Britain presented Canada with a cruiser and, I think, two torpedo-boat destroyers and two submarines. Is it the intention to put those out of commission, to do away with their services in Canada, and to return them to Great Britain?

Hon. Mr. DANDURAND: I am not in a position to answer my honourable friend. I do not know what decision, if any, has been reached. Announcement will be made by the Minister of National Defence, who will have the Naval Service under his charge, when the naval estimates are before the House of Commons; but I can inquire, and before the Commoners have been informed I may be able to give the information to my honourable friend.

Subsection 3 of section 5, as amended, was agreed to.

On subsection 4 of section 5—Comptroller:

The Hon. the CHAIRMAN: Hon. Mr. Dandurand has moved an amendment.

Hon. Sir JAMES LOUGHEED: Is the amendment withdrawn?

Hon. Mr. DANDURAND: No. It is that there be added the words, "with the rank of Deputy Minister if deemed expedient." As honourable gentlemen will realize, there will be under this Act a Deputy Minister of Naval Defence. There may be for a short time a Deputy Minister of Naval Service, but his functions will cease after six months. Then will remain the Deputy Minister of Defence. If this subsection 4 is agreeable to this Chamber, the Governor in Council may appoint a Comptroller "who, under the Deputy Minister of National Defence, shall be charged with all financial matters pertaining to the Department of National Defence," and he may have, under the amendment which I suggest, "the rank of Deputy Minister if deemed expedient." This amendment is for the purpose of retaining to the Deputy Minister of Naval Service his status as Deputy Minister if he is offered and accepts the Comptrollership. This would be the only case in which the amendment would operate in favour of the ex-Deputy of Naval Service, who would then not suffer a reduction in rank, with all that it represents—may I say?—socially, for I do not know in what other respect.

Right Hon. Sir GEORGE E. FOSTER: That is equivalent to stating that it is the present intention of the Government to make the present Deputy of the Naval Service the Comptroller.

Hon. Mr. DANDURAND: Yes, that is the intention.

Hon. Sir JAMES LOUGHEED: Yesterday I pointed out the undesirability of creating such an office as this of Comptroller. There are three objections that may be advanced, and, I think, advanced with the soundest reasons, for desisting from the passing of such a clause. In the first place, there is a provision under subsection 2 of section 5 that "such officers may be appointed as are necessary for the carrying on of the business of the Department, all of whom shall hold office during pleasure." This is manifestly an evasion of the Civil Service Act, for it is supposed that an officer shall be appointed on the recommendation of the Minister. In the second place, it is contrary to the policy laid down by my honourable friend the leader of the Government, as well as by the Government itself in introducing the Bill into the House, namely, that this is being done in the interest of economy. There is no economy in the appointment of an officer who is, in my judgment, entirely unnecessary. If this officer is to be charged with "all financial matters pertaining to the Department of National Defence", I would like my honourable friend to tell us what the Deputy Minister of National Defence is going to do? Is he to be a cipher? Is he to be relieved of all responsibility? In the third place, it is not only an extravagance and an evasion of the Civil Service Act, but it also means the appointment of another Deputy Minister. We were very much impressed, when

this Bill was introduced, with the fact that there was to be one Deputy Minister for the entire Department. Now we find that there are to be two deputy ministers.

Hon. Mr. DANDURAND: I think the honourable gentleman is in error. There will not be two Deputy Ministers; there will be a Deputy Minister and a Comptroller.

Hon. Sir JAMES LOUGHEED: Precisely; but my honourable friend must appreciate the fact that if a Comptroller is appointed and is given the status of a Deputy Minister, he certainly will draw the salary of a Deputy Minister and will share all the honours, importance, and responsibilities of the Department with this so-called Deputy Minister of National Defence, who according to this Bill will have nothing to do except assume the office of Deputy Minister. I am struck with the fact that the Government has particularly outlined the duties of the Deputy Minister of the Naval Service and the duties of this comptroller who is to become also a Deputy Minister, but has said nothing about the duties of the Deputy Minister of National Defence, whose office is provided for in the first subsection of paragraph 5.

The next consideration is this. Why should there be a Comptroller appointed at a large salary and with the status of a Deputy Minister, for the Department of National Defence? It is not the most important department of the Government. There are half a dozen other departments expending more money than the Department of Militia, and they are not crying out for comptrollers. The Deputy Minister of each of these Departments assumes the responsibility for the expenditures. What about the Department of Railways? What about the Department of Public Works? What about the Department of Marine and Fisheries? What about the Department of the Interior? And what about the Post Office? Why, there are half a dozen other Departments without comptrollers, whose expenditure is very much greater than that of the Militia Department. It seems to me, as I said yesterday, that we are multiplying officers upon officers and expenditure upon expenditure; and yet this Bill is being brought down in the interest of economy. I would strongly urge upon my honourable friends that reconsideration be given to this proposal and that subsection 4 be stricken out and the Government rely upon subsection 2 of section 5, which provides all the machinery for the appointment of all the officers that may be necessary for the administration of National Defence.

Hon. Mr. REID: I might state another reason why this question should be fully considered. It is this. In many of the other departments there are comptrollers. When those other gentlemen find that we have passed legislation giving to a person filling a similar position in another department a much higher salary than they receive, there are likely to be hard feelings on their part. For that reason I think we should go very slowly in this matter.

There is another reason. In the Militia Department there must be an official who fills the position of Comptroller of Militia. It may not be under that title, but he is filling a position of this kind. If you are abolishing the office of Deputy Minister of Naval Service and having all three departments under one head, why should you have two comptrollers? You should have just one man at the head of each of these departments. If you have two officials filling similar positions as Comptrollers, there will surely be friction.

It may be unfortunate that in the amalgamation Mr. Desbarats is affected. Personally I feel very sorry so far as he is concerned; but to pass legislation simply for this one case will surely cause trouble with other officials in the departments. I know of men who have been for years filling the position of Comptroller—in fact, some of them as long as Mr. Desbarats has been in his present position; and if you pass a Bill of this kind they will, I am sure, feel very sore at not being treated in the same manner. They would undoubtedly like to have the title of Deputy Minister, so that socially they might do as other Deputy Ministers. But I do not think we in this House should pass any Act simply for social purposes; it should be passed in the interest of the country as a whole.

Hon. Mr. POPE: Strike it out.

Hon. Mr. DANDURAND: I may inform my honourable friend that when that clause providing for the appointment of a Comptroller was drafted it was not the intention to ask the Deputy Minister of Naval Service to accept that position. In fact, it was since the Bill passed from the House of Commons to this Chamber that it occurred to the Minister of Defence that he could offer the Comptrollership to Mr. Desbarats. Feeling that Mr. Desbarats would be a suitable person to fill that position, the

Minister thought of suggesting the amendment that I have now proposed, in order that Mr. Desbarats might retain the rank he has had of Deputy Minister and enjoy the advantage of that status. It is all very well for people to say that it matters little that one person should be diminished in rank. Of course, the reduction of a neighbour's rank does not affect oneself, but it does affect the neighbour. We have an official who has rendered very good service to the State, who is now just a little over sixty years of age—I know that, because I was at school with him—and who has but a few years more to devote to the State. It seems to me that when a man, by his own merits, his faithful service, his talent, and his loyalty to the Government, has ascended the ladder from the simple position of unattached engineer to the point to which Mr. Desbarats has reached, there is something humane in the idea of offering him now a position which will not lower him in the rank he has enjoyed. I leave that to the honourable gentlemen of the Senate. But that does not affect the merits of the question which has been raised by my honourable friend the leader of the Conservative party—

Hon. Sir JAMES LOUGHEED: Will my honourable friend pardon me? If this is so sympathetic a case, may I ask the Government why they are decapitating Mr. Desbarats—why they are wiping out his position?

Hon. Mr. DANDURAND: The answer is self-evident: because there is an amalgamation of two or three departments, and everyone has approved of the principle that there should be one head.

Hon. Sir JAMES LOUGHEED: If that is the case, why does not my honourable friend stop there? The next step is to recreate him. That is what it means.

Hon. Mr. DANDURAND: I beg my honourable friend's pardon. The Minister of Militia and Defence has expressed the opinion that, in the very intricate situation of the finances of this department, where there are four different kinds of pay-sheets, there should be a financial comptroller. He said so although a newcomer in that Department, and he was at once backed by the ex-Minister of Militia, Mr. Mewburn, who commended that declaration in these words:

> The Minister is on absolutely sound lines. I know from my short experience while I was in charge of the Militia Department that there was badly needed a capable business man to oversee the finance organization.

And he said that in the presence of another Minister of Militia, who did not demur to the suggestion. It is true that this Chamber may set its opinion against that of the three Ministers of Militia, the present Minister and his two predecessors, and I do not begrudge it the right to decide. We are here to revise, and we must apply our own judgment to the questions that come before us. Yet there seems to be some value in the opinion which I cite, of three Minister of Militia, who feel that for the intricate administration of the finances of the Department there should be a Comptroller. My hon. friend asked me two or three nights ago if Mr. Desbarats was to be appointed and whether or not he had the proper qualifications. I think that he has all the qualifications of a capable watch-dog that will see that the money of the country is not expended unduly and that we get a dollar's worth for every dollar that is spent.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, what seems to me to be the question that we ought to decide first is whether there is need for a Comptroller or not. We have had before us for some time the question whether there was need for two deputy heads. The Government has —wisely, I think—come to the conclusion that one deputy head is sufficient, and we have so legislated as far as this measure has gone. The question now is not that of providing for any one; the question is primarily whether or not it is necessary to have a Comptroller with powers such as are given to this Comptroller. We must exercise our own judgment, and I am going to exercise mine, notwithstanding that a former Minister of Militia said that in his judgment it would be advantageous to have a Comptroller. There is no definition at all of the duties of this Comptroller. The provision is as wide as the dome of the sky. He is to be "charged with all financial matters pertaining to the Department of National Defence." Even if we thought it best to have a Comptroller, I do not feel inclined to favour having a Comptroller whose duties are so undefined. But for what will a Comptroller be useful in that Department when it is amalgamated, over and above what was necessary before, in either one Department or the other? It is not because the total expenditures are so much greater, because, as my honourable friend has said, other departments that spend as much or more money get along without comptrollers. But just look

at the rationale of the thing. The Government passes these Estimates down to the House, and the House agrees or amends, and then you have the appropriations which are given for the various services. Those appropriations are set. There is the amount, and there is the purpose of the appropriation: no Comptroller on earth can change either the amount or the direction in which it is to be applied. When you come down to the working out of the Estimates as they are passed, and when the appropriations are released to the different Departments, you have a financial system which has been in vogue for years: you have your Deputy Minister; you have your accountants with their different branches and different lines of work; they are skilled in it; they are chosen because they are efficient; they are kept because in experience they are efficient. Are you going to bring in another man and put him over that recognized and efficient machinery to see that the appropriations are properly expended in the direction given to them by Parliament? What can he do, a tyro, a new man, that the efficient and recognized officials of the Department are not able to do, and do infinitely better? I cannot for the life of me see why a Comptroller is necessary; but I can see that if you put another man in, you are in the first place doing for that Department what you are not doing for any other, and in the second place you are laying up trouble for the efficient working of the Department.

I am led to be a little suspicious of this move—why? Because the Minister has stated that it is the intention of the Government to provide a place for an old and competent civil servant. I am just as strongly in favour of old and competent civil servants being properly provided for as he is; but it should be under the law and according to the custom of our administration. But I am not prepared to make a place simply to look after a public servant whose usefulness has gone because an amalgamation has taken place and his Department has been taken over. There are other ways of acknowledging the services of a useful and experienced man when he goes out because his office has lapsed; and I am more suspicious now of this whole thing because it turns out that it is to provide a place for Mr. Desbarats. What did the Minister say in a different House from this? The only plea he made to the House was that he wanted an A1, live, modern business man at the head of these people, who, after years of experience, have been carrying out the appropriation of the Estimates. He said he might find such a man inside, but he thought he would have to go outside for him. He wanted a driver for the whole business, a man with modern business ideas. Now I say, with all due respect to Mr. Desbarats, that he is not in my opinion a man who fills the requirements which were made by the Minister of Defence himself in the other Chamber when he asked that a Comptroller be appointed. A man in the administration of this Department, who goes into it under the rule, gets to be a man of rule and custom and habit, and if a Comptroller were necessary at all, it would be a Comptroller brought in from the fresh, breezy business world outside, a man who is up to modern business, and who, in himself, would be powerful and strong and efficient enough to adopt methods by which economies might be carried out and greater efficiency brought into play.

However, at the present time I do not think it is necessary to have the Comptroller; and, if it were, I do not think that the Comptrollership should be established merely to make a place for an old public servant. We have had to dispense with old and experienced public servants before. We have made provision for them under the law. It is not a good policy, nor is it one which has been acted upon by the Governments of Canada, to make a position which is not necessary—a position, the requirements of which, as expressed by the Minister, I do not think would be fulfilled by the Deputy Minister of Naval Service.

Hon. Mr. DANDURAND: I simply rise to ask honourable gentlemen to mark that the statement made by the right honourable gentleman from Toronto (Right Hon. Sir George E. Foster) justifies to the letter my statement that the decision to appoint a Comptroller was not for the purpose of giving a position to an old servant of the State, because the Minister himself declared that he intended seeking a business man, and would probably have to go outside of the public service to get him. It was after the Bill had left the House of Commons that it occurred to the Minister that he could perhaps find within the Service one who could fill the position. The members of this Chamber may or may not agree with the new idea of the Minister of appointing the late Deputy Minister of the Naval Service to the position; and, after reading the remarks of the members of the Senate, the Minister may decide to follow his first idea and go outside for a business man.

This section will only be adopted if the Senate is convinced that there is need of a Comptroller, and I will enumerate the duties of the Comptroller so that the Senate may see what it is intended he shall control. If it is deemed opportune to create that position, the Senate will vote for the section; if it is not deemed opportune, the Department of Defence will go without that official. The duties of the Comptroller would be the co-ordinating of the accounting of the Militia Service, the Air Service, and the Naval Service, on the civil side, and the pay of the civil staff of the Department. The duties would include the auditing of these various services, which means a pre-audit as well as a post-audit. They would include the co-ordinating of the pay branches of the Militia, Air and Naval services. There is a distinction in all these services as between the civilian and the military or naval. There are technical points that the Comptroller will have to solve, and he will have to see to the rates of pay of the three services. The duties of the Comptroller are so detailed that the Deputy Minister of the Department cannot, in addition to his other duties, supervise and administer the actual routine of the branch. This is what has actuated the Minister in suggesting the creation of this new office.

Hon. Mr. GRIESBACH: Is it not a fact that there is already a financial member of the Council who discharges all these duties?

Hon. Mr. DANDURAND: No, there is no such officer. There was one up to four years ago.

Hon. Mr. ROBERTSON: I desire to make a few observations regarding this Bill from a point of view which as yet has not been emphasized very strongly. The leader of the Opposition referred to it briefly yesterday, I think. The Civil Service Act of Canada is a piece of legislation that I think the people of the country and the employees in the Civil Service generally regard as fair, honest, and just. I see in this and subsequent clauses of this Bill what appears to me to be an effort on the part of the Government to curtail the jurisdiction and control of the Civil Service Commission over the appointment and rating of Civil Servants, and to transfer that authority to the hands of the Minister. It is because of that that I purpose making these few remarks.

Hon. Mr. DANDURAND: Does the honourable gentleman intend to address himself wholly to the section under discussion?

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. DANDURAND: Not to the Bill generally.

Hon. Mr. ROBERTSON: I desire to observe that subsection 2 of section 5, which we are now discussing, specifically provides:

> Such officers may be appointed as are necessary for the carrying on of the business of the department, all of whom shall hold office during pleasure.

That subsection is sufficiently wide and ample to meet all requirements, and any officer necessary, be he Comptroller or acting in any other capacity in carrying on the work of the Department of National Defence, can be appointed in the manner now prescribed by law, namely, upon the recommendation of the Civil Service Commission. The reorganization of different departments has been carried on during the past two or three years, and some very substantial savings in the cost of administration have been effected; but in every instance it was done after investigation and upon a recommendation submitted to the Government by the Civil Service Commission, the body which has been put in charge of that particular work by Parliament.

Hon. Mr. BELCOURT: Will my honourable friend allow me to ask him a question?

Hon. Mr. ROBERTSON: Certainly.

Hon. Mr. BELCOURT: That would not apply to discharges and dismissals, because they would not fall under the jurisdiction of the Commission.

Hon. Mr. ROBERTSON: I beg my honourable friend's pardon. In the case of the Printing Bureau, over 300 employees were let out of the service.

Hon. Mr. BELCOURT: Would not the Minister have jurisdiction, exclusively of the Commission, to dismiss any officer whose services he did not think were any longer necessary?

Hon. Mr. ROBERTSON: The Governor in Council might, but, so far as my recollection goes, the Government has always relied upon that expert body of men appointed by Parliament for the purpose of carrying on that work.

Some Hon. SENATORS: No, no.

Hon. Mr. ROBERTSON: Except in cases of gross misconduct. The number of employees required in that department of the Government has been determined upon the recommendation of the Civil Service Commission.

Hon. Mr. BELCOURT: My question is whether the Minister would have the power to do that independently of the Civil Service Commission.

Hon. Mr. ROBERTSON: This legislation is obviously to give him that power.

Hon. Mr. BELCOURT: It is evident that my honourable friend does not intend to answer the question.

Hon. Mr. ROBERTSON: I think that is a fair answer to the question. If the Minister of Defence or the Minister of any other department has the power suggested, subsection 4 is wholly unnecessary, because subsection 2 gives full authority. In the subsequent subsections of this same section, this tendency is much more clearly indicated and will be referred to later on. But I feel that there is no necessity for retaining subsection 4 in this Bill. Subsection 2 gives ample opportunity for the appointment through the legal and proper channel as now arranged for under the Civil Service Act. I therefore beg to move:

That subsection 4 of section 5 of this Act be stricken out.

The Hon. The CHAIRMAN (Hon. Mr. Blain): The amendment of Hon. Mr. Dandurand will have to be dealt with first.

Hon. Mr. DANDURAND: With the leave of the House, I would suggest that my amendment be suspended, and that the amendment moved by the honourable gentleman from Welland (Hon. Mr. Robertson) be moved first, because it addresses itself to the whole section.

The amendment of Hon. Mr. Dandurand was accordingly withdrawn.

Hon. Mr. BELCOURT: I do not think there is now any necessity for the amendment of the honourable gentleman from Welland. It is simply negativing the main motion.

Hon. Mr. DANDURAND: If the point is well taken, then I ask that my amendment be revived and put.

The Hon. The CHAIRMAN: It has been moved by Hon. Mr. Dandurand that subsection 4 of section 5 be amended by inserting after the word "Comptroller" the words "with the rank of Deputy Minister if deemed expedient."

The amendment of Hon. Mr. Dandurand was negatived.

Hon. Mr. BELCOURT: I would suggest that the leader leave the clause so that it may be considered later on, after consultation with the Government.

Hon. Mr. DANDURAND: Let it stand.

Subsection 4 of section 5 stands.

On subsection 5 of section 5—holder of any position abolished may be appointed to another position:

Hon. Mr. DANDURAND: I have an amendment to propose:

That the words in this subsection be deleted, from the words "Governor in Council" in the third line, to the end of said subsection, and the following be substituted therefor: "to such position in the Department as shall be prescribed, with the same rank, title and salary."

So that subsection 5 would then read:

Any person whose position is abolished on the coming into force of this Act may on the recommendation of the Minister be appointed by the Governor in Council, to such position in the Department as shall be prescribed, with the same rank, title and salary.

We must not lose sight of the fact that the Militia Department, the Naval Department, and the Air Force are by this Act abolished—wiped out—and that those officials must be reinstated into the new department; so that the head of the department, under this section, would recommend to the Governor in Council the reappointment of such officials as he needed for the administration of that new department, "to such position in the department as shall be prescribed, with the same rank, title and salary." When this classification, according to the needs of the new department, is made and sanctioned by Order in Council it will have to go to the Civil Service Commission to be passed upon and approved.

Hon. Mr. LYNCH-STAUNTON: I may not understand the honourable leader of the Government, but it seems to me that this amendment will force the Government into the position of appointing in the new department as many deputies and other officers as now exist in all the departments that are being consolidated; that it will force the Government to appoint all the officers of those three departments, with the same rank, the same position, and the same salary in the new department, so

that we shall have treble the number that are required in the new department. I drafted an addition to the section which I thought would meet the condition. My amendment is that we add to the section the words:

But such salary shall not exceed the salary which such person received in the position abolished.

The way the honourable leader proposes to amend it is that the rank, title, and position shall not be abolished. If the department is abolished it seems to me that the rank, title and position are necessarily abolished, but with my proposed addition to the section, while a man may be put into the new department with such rank, title and position as the Government may desire, his salary cannot exceed the amount he now receives. If the amendment as proposed by the leader of the Government is adopted, we shall have three deputies in the new department if there are now three deputies in the three departments, because his amendment says each shall have the rank, title and position which he now has. I submit, with respect, that this will be the result, but it is not the one which the Government intends.

Hon. Mr. DANDURAND: My honourable friend may not have taken note of the amendment to subsection 5, which begins with the words:

Any person whose position is abolished on the coming into force of this Act—

—that is, all the officials of those departments. Then I would draw attention to section 6, which reads:

The Governor in Council may make such orders and regulations as are deemed necessary or advisable for the proper and efficient administration and organization of the Department.

I take that to mean that under the law the Civil Service Commission will have passed on that classification. The safeguard which is found in the amendment I am making is that in the positions which will be created by the reorganization the old officials shall have the same rank, title and salary as they had in their previous employment.

Hon. Mr. LYNCH-STAUNTON: But will the honourable leader explain why it is necessary to prescribe that they must be given the same rank, title and position? I should think it would be better to say, "with such rank as now, but the salary may not be increased." In addition to making it mandatory that the same rank, title and position should be maintained, the Government or the Minister should be able to define the rank and title, and not continue the same one if he does not so desire. It seems to me that the section is worded all right now, if we only provided that the salaries should not be increased.

Hon. Mr. BELCOURT: I take it that those words are put there so that the Minister may not give a higher rank or higher salary to the officer.

Hon. Mr. LYNCH-STAUNTON: I think we should amend it so that he could not make the salary higher.

Hon. Mr. BELCOURT: Does not my honourable friend think that this section covers that now?

Hon. Mr. LYNCH-STAUNTON: No; I think the section is proper as it stands if we provide that the salary shall not be increased.

Hon. Mr. BELCOURT: I think that is the inevitable meaning of it as it stands.

Hon. Sir JAMES LOUGHEED: But suppose the office should not command the salary, what then? It should not be mandatory that the same salary would be paid.

Hon. Mr. CALDER: Let me give the House an illustration. I find on looking over the Estimates that the Naval Service Department has a Departmental Accountant of Grade 6, which is the highest class of accountant in the service, drawing a salary of $4,500. The Militia Department has an accountant of the same class at present. Now, this amalgamation is going to take place, and whereas in every other Department there is only one accountant of that class drawing a salary of $4,500, it is now proposed that those two gentlemen shall be continued in the new department in the same position, with the same rank, and the same salary.

Hon. Mr. DANDURAND: Where does my honourable friend see that it is proposed that that should be done?

Hon. Mr. CALDER: By the amendment, as I understand it. It reads in this way:

Any person whose position is abolished on the coming into force of this Act may—

It is true it says "may"—

—may on the recommendation of the Minister be appointed by the Governor in Council to such position in the department as shall be prescribed, with the same rank, etc.

Now, it seems to me that as soon as the Act comes into force the positions of all

those officers are abolished; and then it is proposed that every one of those officers in the two departments should immediately be appointed to the same position with the same rank and at the same salary.

Hon. Mr. DANDURAND: Surely it is not all those officials. A certain number will have to be retired.

Hon. Mr. CALDER: Yes, that goes to the very heart of the section, and that is why I think that in its present form it should be amended. During the course of the last three or four years we have had very considerable reorganization in several of our departments. Did the Government at any time step in and control those reorganizations and decide who should fill this position and that position, and what rank they should have, and what should be their salaries? Not at all. We never did it in any one case: that matter was left entirely to the Civil Service Commission, and I think that should be done in this case. If there are going to be changes in their positions, their salaries and ranks, and everything of that kind, I think the Government would be well advised not to take that responsibility on itself. That matter should be left to be very carefully reviewed by the Civil Service Commission before the Government's or the minister's recommendations are put in force. If the matter is left entirely in the hands of the Government and the minister to make the report to the Governor in Council, I claim that it is absolutely contrary to the spirit of the Civil Service Act. It seems to me the Government would be well advised not to undertake that authority at the present time, because, whether rightly or wrongly, the Parliament of Canada has adopted a measure of civil service reform. We may not all agree with it, but it is there, and if we are going to attack it or abolish it or amend it, let us do it directly, with our eyes open, and know what we are doing, and let us not select any one department in the service and begin to get in the thin edge of the wedge so far as that department is concerned. That is the stand I take, and I think it is the proper stand. If the Civil Service Act is to be amended, if we are to go back to the old method of patronage, if there is to be favouritism—I am not saying there is going to be favouritism at all—but if there is to be favouritism or patronage, let us know exactly what we are doing. That is my view, and I doubt very much the advisability of allowing this section to go through in its present form.

Hon. Mr. GRIESBACH: Might I ask the leader of the Government how many employes there are in the Naval Department at Ottawa?

Hon. Mr. DANDURAND: I am informed there are about 135 civilians in the naval branch.

Hon. Mr. REID: If this clause is passed in its present form, I would ask the leader of the Government if it would not be possible for the Governor in Council to make an appointment of a Deputy Minister. For instance, this section states:

> Any person whose position is abolished on the coming into force of this Act—
>
> The present Deputy Minister's position will be abolished—
>
> —may on the recommendation of the Minister be appointed by the Governor in Council to such position in the Department, and with such rank, title and salary as shall be prescribed.

Does that clause not give the Governor in Council power to appoint any one of the officers to the same position and rank as he now has in the Naval Department? If so, of course I object to it strongly. In fact, it is simply taking out of the hands of the Civil Service Commission all appointments in the Naval Service, because those dismissed or whose positions are abolished can be told, "Now, in the very next position there is we will appoint you; you will not have to go to the Civil Service Commission at all." I object to any section which takes an appointment from the Civil Service Commission unless, as has been stated by the honourable member, it is shown that it is really intended to go back to patronage.

Hon. Mr. CALDER: In order that we may keep our discussion to the point under consideration, I would suggest this amendment:

> That subsection 5 of section 5 be struck out and the following be substituted in place thereof:
>
> Any person whose position is abolished after the coming into force of this Act may be transferred or appointed by the Governor in Council to such position in the public service—
>
> —either in this department or any other department, because if there is to be an amalgamation and a reduction in staffs, I think an opportunity should be given to the officials displaced to get into some other department of the public service—

—to such position in the public service and with such classification and salary as may be recommended by the Civil Service Commission.

My experience during the last two or three years, in the reorganization of departments, goes to show very clearly that nothing need be feared, in so far as the Civil Service Commission is concerned, in that respect. They have a very difficult task on their hands, and they approach it with the greatest sympathy. They have a desire to do the right thing by the staffs and by the departments, and I think the Government will act wisely if it follows the course suggested by this amendment.

Hon. Mr. BEIQUE: I would suggest, instead of the words "after the coming into force," that it should read "on or after the coming into force."

Hon. Mr. SCHAFFNER: Cannot they do that now, without this amendment?

Hon. Mr. CALDER: I doubt very much if they can do it in the case of an extensive reorganization.

Hon. Mr. DANDURAND: I would draw the attention of my honourable friend to the weakness of that amendment in the fact that it does not purport to reorganize or organize the Department of Defence which is now being created by this Act. My honourable friend speaks of appointment under the Civil Service Commission. I have no objection to that part of his amendment which gives that power of appointment, but the amendment does not clinch the question of organization of the Department of Defence.

Hon. Mr. CALDER: As a matter of fact that organization may not take place in a day. The section as it now stands, without the amendment, says that on the abolition of those positions the Governor in Council may reappoint all those people to certain positions.

Hon. Mr. DANDURAND: Not all.

Hon. Mr. CALDER: Well, we will say the great majority. That is not reorganizing the department. You cannot reorganize a department such as this overnight. The reorganization will take weeks unless they have it ready; and, if they have it ready, all they have to do is to walk over to the Civil Service Commission, discuss their plans, and have them approved.

Hon. Mr. LYNCH-STAUNTON: But where is the authority to do it?

Hon. Mr. CALDER: Authority for what?

Hon. Mr. LYNCH-STAUNTON: Unless that section, or some modification of it, is passed, where is the authority to constitute the department and appoint the officials?

Hon. Mr. BELCOURT: Not only that, but the amendment which is now proposed does not add anything at all to the powers of the Commission. All that is provided in my honourable friend's amendment can now be done, as has been pointed out by the honourable gentleman opposite. There is no need of that amendment at all; it adds nothing to the law, for the Commission can transfer or appoint officers anywhere in the public service independently of this amendent.

Hon. Sir JAMES LOUGHEED: No; they are put in motion by the action of the Governor in Council or by the Minister. The purpose which we have in view can be accomplished by the Minister or the Governor in Council requisitioning the Commission to carry out the instructions.

Hon. Mr. BELCOURT: But why cannot the Governor in Council do that independently of anything we say in the matter? The Civil Service Commission has to-day the power to appoint at the request of any Deputy Minister.

Hon. Sir JAMES LOUGHEED: But the objectionable feature of subsection 5 is that the authority of the Civil Service Commission is superseded by that of the Minister—

Hon. Mr. BELCOURT: I can quite understand that.

Hon. Sir JAMES LOUGHEED:—and it was never intended that it should be.

Hon. Mr. BELCOURT: That may be. I am not discussing that at all.

Hon. Sir JAMES LOUGHEED: That is what I understood my honourable friend to refer to.

Hon. Mr. BELCOURT: No, I am discussing the amendment moved by the honourable gentleman (Hon. Mr. Calder).

Hon. Sir JAMES LOUGHEED: If that will not fully meet the purpose of the Government, that purpose can be fully met by striking out the word "Minister" and inserting the words "Civil Service Commission."

Hon. Mr. BELCOURT: I am not discussing that. I can quite understand that the point raised by my honourable friend

is open to a good deal of discussion, but the only point I am trying to make is that does not add anything to the situation. The Civil Service Commission has all those powers to-day.

Hon. Mr. CALDER: No, no; the Civil Service Commission has not to-day the power—

Hon. Sir JAMES LOUGHEED: To organize a department.

Hon. Mr. CALDER: To undertake the organization of any department.

Hon. Mr. BELCOURT: I did not say that it had; I said that the Civil Service Commission, at the request of a Minister, had power to consider the qualifications of applicants for any position which the Minister wishes to fill.

Hon. Mr. CALDER: But that is in the case of new officers.

Hon. Mr. BELCOURT: That is the case with either new or old. It does not necessarily apply only to applicants who are old officers, or only to new applicants: it applies to all.

Hon. Mr. CALDER: But let me give my honourable friend an example in the case of the amalgamation of two departments. Take the Inland Revenue Department and the Customs. When the Government decided to amalgamate those two departments, they had to be dovetailed into each other, and many officials had to go; others had to have their positions changed; and in many cases salaries were increased.

Hon. Mr. BELCOURT: It is the same here.

Hon. Mr. CALDER: The Civil Service Commission has no power to undertake that work unless it has first received instructions from the Government to do so. In this case it is not proposed that the Government give the Civil Service Commission authority to undertake the work.

Hon. Mr. BELCOURT: That is not the point at all.

Hon. Mr. CALDER: It is proposed to leave the matter entirely in the hands of the Minister, who is to report to the Governor in Council, who will in turn carry out whatever decision is made.

Hon. Mr. BELCOURT: That is not my point at all. It is my own fault that I cannot make myself understood. I quite understand that the work of reorganization, the abolition of a department or the creation of a new department, is not within the jurisdiction of the Civil Service Commission. When Parliament authorizes the amalgamation now proposed, the Minister, if he does not need certain employees, will discharge them without any reference at all to the Commission. If he needs new officials, or if he wants to transfer old officials to new positions, he will submit to the Civil Service Commission the question of each applicant's qualifications, whether the applicant is a new one or is already in the service. What I mean to say is that my honourable friend, by his amendment, does not propose anything that does not now exist.

Hon. Mr. CALDER: Of course, I do not agree with my honourable friend. I think he is putting upon this clause a construction that is not correct. There is nothing in subsection 5 as it stands, nor is there anything in the present Civil Service Act, as I understand it, that would require the Minister to make any reference whatever to the Civil Service Commission in connection with changes in the department, because in subsection 5 originally printed it is stated very clearly and explicitly that this matter is in the hands of the Minister and the Governor in Council.

Hon. Mr. BELCOURT: I do not dispute that for one moment.

Hon. Mr. CALDER: Then we are talking at cross purposes.

Right Hon. Sir GEORGE E. FOSTER: I would like to have the benefit of the legal opinion in this House on a question that puzzles me. It is said that in some cases "may" means "shall" and in some cases it does not. What does it mean in this subsection:

> Any person whose position is abolished on the coming into force of this Act may on the recommendation of the Minister be appointed...

But it does not say that he shall get the place. Is the old saying right in this case, that "may" means "shall"?

Hon. Mr. BELCOURT: No, no.

Right Hon. Sir GEORGE E. FOSTER: —and must the Minister recommend every one of the 135?—

Hon. Mr. DANDURAND: Oh, no. In this case the word "may" means "may" and not "shall".

Right Hon. Sir GEORGE E. FOSTER: Then I want to make that point clear.

Hon. Sir JAMES LOUGHEED: It is intended that he shall.

Hon. Mr. BELCOURT: May I interrupt my right honourable friend?

Some Hon. SENATORS: Order.

Hon. Mr. BELCOURT: If my right honourable friend is willing, I do not see why other honourable gentlemen cry "Order". The answer to my right honourable friend's question is that when you are dealing with the Crown you never use the word "shall"; you always use the word "may".

Hon. Mr. SCHAFFNER: It means the same thing.

Right Hon. Sir GEORGE E. FOSTER: Then I have to go behind that. I have in point the answer made by the honourable leader of the Government. In the case of 135 men or women now in the employ of the Naval Service, their positions will all be abolished. There is your Minister of Defence up against 135 persons who have been in steady employment for a number of years, more or less, and are now absolutely out of the serivce.

Hon. Mr. DANDURAND: And far more than that number; the Militia Department besides.

Right Hon Sir GEORGE E. FOSTER: It is within the option of that Minister to look over those 135 persons and say, "I will take twenty of you and recommend your appointment, but I will not recommend the other 115". Is that what the effect of this clause will be? If it is, it is most unfair for the Government to take such a position, and is most unjust to the 135 employees, or to the 115 who will not be chosen. That is giving the patronage absolutely into the hands of the Minister. He can say to Jones: "I do not want you in there: I have my own reasons: I will not recommend you for the title, place, and salary that you have at present." He may go through that whole staff of 135 and eliminate all or most of them, and then he may on his own recommendation appoint 135 others without reference to the Civil Service Law or Commission. I say that that is not fair to the employees. Surely no Government, with the legislation which is at present on the statute book—legislation which has been supported by themselves, in the other House and in this—will make so serious a breach in the Civil Service regime.

Hon Mr. LYNCH-STAUNTON: I think the honourable leader should have these sections revised.

Hon. Mr. DANDURAND: My right honourable friend is quite correct when he says that there will be 135 officials or employees from whom the Minister will have to choose. Indeed, there will be far more. That number represents only the Naval service, but the whole Militia service and the Air service are also abolished by the abolition of these departments. A certain number of persons will have to be retired. The Bill provides the means whereby they are to be retired. When this Bill has been sanctioned those services will form a single department, but it will have to be manned by a staff ready to continue the work. There must be no gap; there must be continuity. Those departments when formed into one will be but an empty shell if some power is not given to the Minister to prepare for the coming into force of the Act by arranging for the manning of the new department comprising these three services. How is it to be done? The Minister will prepare a list of members of the new staff, composed of old employees, and will submit it for approval to the Governor in Council. I surmise that there will have to be a reclassification made immediately by the Civil Service Commission. But the machinery will be set in motion by the Minister himself, who will state what are his needs and will present his scheme of organization, upon which the Civil Service Commission will have to act.

Hon. Sir JAMES LOUGHEED: Will my honourable friend answer me this question? Wherein under clause 5 as at present framed will the authority of the Civil Service Commission be invoked in any way? Is the matter not absolutely under the authority of the Minister and the Governor in Council? Is it not intended to supersede absolutely the Civil Service Commission? I would point out to my honourable friend that the Civil Service Act already makes provision as to what shall be done upon the abolition of an office.

Hon. Mr. DANDURAND: In this case it is a department.

Hon. Sir JAMES LOUGHEED (reading):

> An employee holding a permanent position that is to be abolished, or which is no longer required, shall be laid off and his salary discontinued, but his name shall be placed, in the order provided by the regulations of the Commission, on the eligible list for the class of position from which he was laid off or for any other position for which he may have qualified.

Now, may I ask, why should discrimination be exercised in favour of this reorganization or amalgamation? It was

not exercised in connection with the Printing Bureau or in the amalgamation of the Inland Revenue and Customs Departments. Why not follow the course that was pursued in the case of those reorganizations? Why should special legislation be imported into this Bill taking the matter entirely out of the Civil Service Act and placing it entirely under the Minister?

Hon. Mr. SCHAFFNER: These words, "shall be prescribed," are not clear to me. Perhaps it is my own fault. If I understand this subsection aright, I agree with the honourable gentleman from Grenville (Hon. Mr. Reid). It provides:

Any person whose position is abolished on the coming into force of this Act may—

Though not a legal man, I may say to the right honourable gentleman from Ottawa (Right Hon. Sir George E. Foster) that I interpret the word "may" in this case as meaning "shall"—

—on the recommendation of the Minister be appointed by the Governor in Council to such position in the Department, and with such rank, title and salary as shall be prescribed.

I take that to mean such as shall be prescribed by the Minister and the Governor in Council.

It has been stated in the debate, as I understand it, that we are going to do away with the office of Deputy Minister of Naval Service. On the other hand, if I read this clause correctly, the Minister, through the Governor in Council, may if he sees fit appoint the Deputy Minister whose office has been abolished to a position with the same rank, the same title, and the same salary that he had when he was Deputy Minister of a department. I do not see that this cannot be done.

Hon. Mr. LYNCH-STAUNTON: Of course it can. Will the honourable gentleman (Hon. Mr. Dandurand), while he is answering the twenty questions that he has already been asked, tell us what is covered by this subsection that is not covered by subsections 1, 2 and 3?

Hon. Mr. ROBERTSON: While the honourable leader of the Government is looking up the information to answer those questions, I would like to make an observation which, it seems to me, is fundamental. I understand now, from remarks made a while ago by the honourable leader of the Government, that he regards the coming into force of this new Act as automatically making vacant all the positions now held by employees of those three branches of the service. If that is to be the situation, could it not be readily cured by giving this Bill another title, calling it the Department of Militia and Defence Act, if you like, and letting that Department absorb the Naval Service, just as the Interior Department has absorbed the Immigration within the last few months without any legislation and without upsetting and disorganizing the Civil Service and disturbing all the employees? Then the reorganization could be carried out after investigation as to what changes could be made in the interest of economy. Surely the Government, for the sake of calling the new department the Department of National Defence, is not going to deprive of their positions over a thousand employees now engaged in those three branches of the service. It seems to me that the sensible thing to do is to continue the name of the Department of Militia and Defence and to absorb the other services into it. If the thousand employees now engaged in those three branches of the public service which it is proposed to amalgamate are declared to be automatically out of the service when the Act comes into force, and if the Governor in Council, on the recommendation of the Minister, has the only say as to who shall be the employees engaged in the department, then I agree absolutely with my right honourable friend from Ottawa (Right Hon. Sir George E. Foster) that it is unjust to the employees; indeed, it is an act to which I should not have thought any Government, in the face of the Civil Service law now on our statute book, would resort.

Hon. Mr. BEIQUE: I would suggest, now that the House has the amendment of the honourable member from Moosejaw (Hon. Mr. Calder), that subsection 5 be allowed to stand.

Hon. Mr. REID: If the honourable leader of the Government is going to allow the motion to stand, may I mention another matter with reference to this clause? It has come into my mind only at this moment, and, as it may affect some employees, I mention it merely for consideration. There may be many officials in this Department who have been there a good many years and who come under the Superannuation Act; and, if I remember rightly, under the Superannuation Act, if you abolish a position and let a man out and re-employ him, he loses his pension. You could not re-employ him without an Act specifying that if his position were abolished and he were re-employed, he would then come under the

Superannuation Act in the same way that he had been for so many years. I do not know whether there is anything in that, but I think it is worthy of consideration before letting the clause go through. In the Civil Service Act, which I have before me, I see that the Civil Service Commission have power, after consulting the Deputy Head, to re-organize a department. For instance, subsections 2 and 3 of section 9 read:

1. If, after such approval, the deputy head or the Commission is of opinion that any such plan or organization might with advantage be in any way changed, the Commission shall in a similar manner prepare a report upon such proposed change, and shall submit the same for the approval of the Governor in Council. No change shall be made in the organization of any department until it has been so reported upon by the said Commission.

2. As soon as any plan of organization is confirmed by the Governor in Council, the deputy head, shall, subject to the approval of the Commission, forthwith cause the officers, clerks and employees affected thereby to be reclassified for the purpose of placing each officer, clerk and employee in a proper place under such plan of organization.

I would suggest that this reorganization be put through under the Civil Service Commission in that way, and then no official will be dismissed unless his services are not further required. He would be reclassified.

Hon. Mr. DANDURAND: What section is that?

Hon. Mr. REID: Subsection 2 of section 9 of the Civil Service Act of 1918. In that way you would not affect officers who have been occupying permanent positions for many years. Amalgamations have taken place before, as has been said by the honourable gentleman from Toronto (Right Hon. Sir George E. Foster), and I see no reason why this amalgamation should not be put through in this way. I fear that there may be something in what the honourable gentleman from Toronto has said, that if we pass this Bill with the amendment, not only the Minister, but others, will be in trouble because it would simply be going back to the patronage system which we have all been desirous of getting rid of.

Hon. Mr. CALDER: I think it advisable that we should have a little more time to consider this section. But there is one other point which as been raised by the leader of the Opposition (Hon. Sir James Lougheed). The Bill as it stands contemplates the Act being brought into force immediately. Immediately the Act is brought into force, are all the positions in both these Departments to cease to exist? That is the difficulty, apparently, which this clause is intended to overcome. It seems to me that time must be allowed so that those in charge of carrying out the reorganization may be in a position to do so; and, if the Civil Service Commission are to take any part in it, they certainly should be allowed sufficient time to make the necessary examination. There should be another section added to the effect that the Act will come into force on a certain date in the future in order to give time for the making of the necessary examination. It seems to me that the reorganization is going to take some time, and should be subject to the revision of the Civil Service Commission.

Subsection 5 of section 5 stands.

On subsection 6 of section 5—provision for retirement, superannuation, etc.:

Hon. Mr. LYNCH-STAUNTON: Why should any person under this section be treated better than any other official who is retired?

Hon. Sir JAMES LOUGHEED: Why do you not leave him to the law as it is now on the statute book?

Hon. Mr. CALDER: That is the question that I raised the other day. As I understand the law—I may be mistaken—this provision is contrary to the provisions of the law, in so far as those provisions are applicable to civil servants in every other department of the public service. If that is true, then I doubt very much if we should make an exception of these departments. What is proposed? It is proposed that if, for reasons of necessity—because no work exists, or from some other cause—an official is retired, the Governor in Council may add one or two years to that man's service in order to secure for him a higher gratuity or superannuation or retiring allowance than other officials would get. There have been a number of retirements during the course of the last two or three years in practically every department. Some of those retirements were made simply because positions were abolished. But we never thought that we should add one or two years to the periods of service of the persons retiring, contrary to the provisions of the general law applicable to all civil servants.

Hon. Mr. LYNCH-STAUNTON: It is setting a precedent.

Hon. Mr. CALDER: The same treatment will immediately be demanded by every civil servant in the employ of the Government—even by those who have previously been retired.

There is one other word here of which I do not quite understand the purport, and that is the word "pension." The section says:

> The Governor in Council may grant him a gratuity, retiring or superannuation allowance or pension.

Surely we are not dealing with persons who are being retired from the permanent military force, because, if so, there is a law governing their cases, and we should not undertake to add one or two years to their service in order that they may get a higher pension than they would under the Military Pensions Act, because that would be very unfair to those who have been pensioned in the past. If any of these officials are on the permanent military staff, they should get such pensions as are provided for under the Military Pensions Act.

Hon. Mr. BELCOURT: This section says: "If he had been retired under the provisions of any Act applicable to him."

Hon. Mr. CALDER: But power is taken in addition to that to add two years' service.

Hon. Mr. BELCOURT: That is another point.

Hon. Mr. CALDER: That is what is proposed.

Hon. Mr. DANDURAND: Will honourable gentlemen permit me to give the explanation which I should have given of this subsection 6 of section 5:

> Subsection 6 of Section 5 of the National Defence Act is intended to cover the following situations. Owing to the reduction of the present strength of the Permanent Force, as is reflected in the Estimates, it will be necessary to discharge or retire some 500 members thereof, consisting of officers, non-commissioned officers and men, the majority of whom have served overseas, and who have had from 7 to 9 years' service in the Permanent Active Militia which can count for purposes of pension.
>
> The reorganization under the National Defence Act will also necessitate the retirement of certain members of the Permanent Force to whom the above remarks apply.
>
> Under the provisions of the Militia Pension Act before a member of the Permanent Active Militia can be granted a pension he must have had 10 years' service as a member thereof, and, his eligibility to pension thus being established certain other periods of service can be included in the term of service on which the pension is based, but such periods of service cannot be added to his Permanent Active Militia service to make up the minimum of 10 years which the Act requires.
>
> Non-commissioned Officers and men of the Permanent Force are enlisted for a period of 3 years but, although the person so enlisted is bound to serve for that period, if required, the Crown can dispense with his services at any time. Nevertheless, however, it has always been regarded from time immemorial that there is a moral obligation on the part of the Crown and a reasonable expectation on the part of the Non-commissioned officer or man that his services will not be dispensed with before the expiration of his engagement, unless on account of misconduct on the part of the man, or diminution of the Vote under which such man can be paid.
>
> In the case of officers, prior to the amendment of the Militia Pension Act of 1919, the minimum period of service required was 20 years, and officers of the Permanent Force who joined prior to that date had a reasonable expectation to believe that their services would be retained until they could be retired on a pension, though, of course, there was no legal obligation on the Crown for so doing, but, so far as officers were concerned, the same remarks apply to them as aply to Non-commissioned officers and men so far as any moral obligation is concerned.
>
> The intention, therefore, of subsection 6 of section 5 of the Act is to enable the Governor in Council to add from 1 to 2 years to the term of service of those officers, non-commissioned officers and men whose service in the Permanent Force is short from 1 to 2 years of the 10 years' service which the Act requires them to have before they can be retired on pension, and this subsection can also be invoked in the case of those officers, non-commissioned officers and men who joined the Permanent Force when the 20 years' minimum period of service was required and who had a reasonable expectation, as set forth above, that their services would be retained for that length of time.
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> It should be pointed out in this connection that, so far as officers and warrant officers are concerned, deductions towards making good their pensions, as provided in the Militia Pension Act, will be made in respect of any service which may be added under the subsection in question, so that, in effect, exactly the same amount of deductions will be collected from them as if they had served such further period of time so as to enable them to be retired on pension, but the pay which they otherwise would have received had they so served will not be paid and a considerable saving will therefore result.
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> Subsection 6 of Section 5 includes every employee of the Civil service and not only members of the Permanent Active Militia, and is intended especially to meet the situation of members of the Civil Service in respect of whom the provisions of the Calder Act cannot be invoked at present as they have not had sufficient service in the Civil Service to enable them to receive a retiring allowance. The provisions of the Calder Act expire on the 1st July, 1922, and consequently, so far as those civil servants are concerned to whom the Civil Service Superannuation and Retirement Act is not applicable, and who will not have had sufficient service before the expiration of the Calder Act to be retired thereunder, they will have to be retired without any adequate compensation whatsoever unless there can be added to their actual term

of service in the Civil Service a number of years as provided for in Subsection 6.

The provisions of Subsection 6 of Section 5 will, therefore, enable those persons who lack not more than 2 years of the service which the Calder Act requires for retirement on a retiring allowance to have sufficient service up to 2 years added to their actual term of service and be retired under the Calder Act before its expiration.

It should be observed that provision somewhat similar to Subsection 6 of Section 5 of the National Defence Act is contained in Section 15 of the Civil Service Superannuation and Retirement Act, Chapter 17, of the Revised Statutes of Canada, 1906. In this latter section provision is made whereby any person to whom the Act applies and who is removed from office in consequence of the abolition thereof, or is retired to promote efficiency or economy in the Service, can have 10 years added by the Governor in Council to his actual term of service, whereas in the subsection referred to in the National Defence Act the Governor in Council can only add from 1 to 2 years.

The honourable gentleman from Moosejaw (Hon. Mr. Calder), who has just been criticising and asking explanations of this subsection, will have time to examine the situation which will be created under this Act in regard to men who are a few months short of being entitled to their pensions, because I will ask that the subsection stand, and he will be able to decide whether or not in his judgment some leeway should be given to the Department.

Hon. Sir JAMES LOUGHEED: Before we take up the reconsideration of this Bill, will my honourable friend be good enough to furnish us with some information touching the pension fund which will be drawn upon in the event of these civil servants and members of the Militia taking advantage thereof. We have in Canada several pension funds; we have the Militia Pension Fund, the pension fund in connection with the Mounted Police, the old Superannuation Fund, and possibly one or two others. There seems to be a general impression that there is a uniformity as to these funds —that they are built upon practically the same basis; there is also an impression that the Militia Pension Fund is self-sustaining. If we are entering upon an obligation, as has just been intimated by my honourable friend, to pension 500 members of the permanent force, we are imposing a very large burden upon the people of Canada.

There is another matter in this connection to which I should like to direct attention, and upon which I should like to have full information when the subject comes up again. The Militia Pension Fund is not a self-sustaining fund. The Government of Canada is contributing every year amazingly large sums to meet the deficits of that fund. We are pensioning officers of the Militia who are in the prime of life, and who contribute very little to the fund in question. Honourable gentlemen should give some consideration to the immense obligations assumed by the Government of Canada in connection with this fund. In the year 1919-20 the contributions to the fund amounted to $47,979, and the expenditures to $228,534, leaving $180,-555 to be contributed by the Government of Canada to make good the deficit. In the year 1920-21 the revenue of the fund was $139,385 and the expenditure $406,907, leaving a deficit of $267,522. This means that for the financial year of 1919-20 the Government of Canada contributed to the fund approximately $4 to every $1 contributed by the beneficiaries of the fund, and that for the year 1920-21 the contributions of the Government, in making good the deficit, exceeded the other contributions to the fund by more than 200 per cent. If the fund is to be maintained on that basis, and the Government of Canada is to pension members of the Militia force by the hundred, as my honourable friend has intimated, a reconsideration of the basis upon which this fund is built up will be necessary. I venture to say that the other pension funds of the Dominion are based upon an entirely different system, and it is desirable that there should be uniformity in regard to these pensions. There is no reason why the civil servants should not have the same advantage in their pensions as the members of the Militia Department. How it happens that there is this great discrepancy, and why public attention has not been called to it, may be difficult to understand; but it seems to me the time is opportune for this Chamber to give some consideration to it, with a view to recasting the whole question of superannuation and pension funds. When my honourable friend comes before us again to-morrow, possibly with explanations and information touching this section, I am sure the House will be very much interested to have some further particulars regarding pensions.

Hon. Mr. REID: I would like the leader of the Government to bring down a little further information. First, as I understand the section, the object of adding the two years is to bring those members of the permanent force up to the ten years, in order that they may get the ten years' superannuation. I understood my honourable friend to say that a number of

men overseas had served within one or two years of the total service, and that this clause was added in order to provide for them. I would like to ask the honourable leader of the Government to let the House know the position of a man who has served overseas for seven years and eleven months. In other words, would a man who had served eight years have two years added to his service and get a superannuation for life, while another man who had gone overseas a month or two months later and had served seven years and eleven months would have no provision made for him? If so, there might be a large number of men who had served overseas and were within a month or two of the eight years, but who would get nothing, while the other men would get two years added to their pensions. Thus there might be injustice done, as many of our good young men who served overseas were perhaps entitled to more consideration for their services over there, on account of being wounded, or something of that kind, than those who served the full eight years.

Hon. Mr. DANDURAND: I fully realize that this is but an arbitrary figure. The Minister had first proposed three years, in his Bill which was despatched to us, but it lost one year on the way, and we have now two years.

Hon. Mr. REID: Even if it were three years there might be an injustice done to some men. I would like to know also if a man who had never served overseas at all, but who had been appointed here and spent eight years in the service, would have two years added, and could receive a pension for life, while another man who had served overseas for seven years and eleven months would get nothing at all. I would also like to ask whether, even were this section not passed at all, all these men would not come under the Calder Act, in which case every man, whether he had served one year or eight or ten years, would receive the same treatment as has been given those who have been retired since the Calder Act was passed, within the last two or three years? That Act will not expire until the middle of July. Of course, all those men who come under the Calder Act could be pensioned or receive a gratuity, and be provided for in the way that Parliament has decided would be fair and just to all concerned. It is altogether likely that Parliament will rise before the Calder Act expires, and those men could all be treated as under that Act; but in case Parliament should not have risen by the time the Calder Act expires, might I ask the honourable leader of the Government to let us know if it is the intention of the Government to extend the Calder Act for another year or until a proper Superannuation Act could be brought into force? If so, and if these officials would come under the Calder Act, there should be no anxiety as to all of them receiving at least the same fair consideration as was given to those who have been retired during the last few years.

Hon. Mr. CALDER: As I understand this is to stand over, there are two points I would like to have considered. In the first place, this section makes an exception of officials in the Militia Department who retire under what is called the Calder Act, or the Retirement Act. I think that is bad. It will cause trouble in every department of the public service. If it is thought advisable to reduce the number of years a man should be in the service in order to get a retiring allowance, let us pass a general act, but not make special provision for officials in a certain department. My second point is this. I think honourable gentlemen of the Senate should consider very carefully before this section is passed—

Hon. Mr. TANNER: In that connection my honourable friend might be able to tell the House whether it is not a fact that a number of officials in the Customs and Inland Revenue Departments who were retired under the Calder Act needed relatively only a few months of the maximum in order to go out at maturity?

Hon. Mr. CALDER: Undoubtedly.

Hon. Mr. TANNER: Then those officials who come in under this proposed law, and have a year or two added to their term, would have a distinct advantage over the people who have been retired.

Hon. Mr. CALDER: Undoubtedly there have been cases of that kind, where persons have been retired from the public service who had not put in the years required by the Act, and consequently they received no retiring allowance at all. Now, if you make special provision for civil servants in the Militia Department and the Naval Service Department, and add years of service to their actual time of service in order that they may draw the allowance, every one of those civil servants who have retired without such allowance will be immediately upon the backs of the Government.

Hon. Mr. TANNER: And they would have a perfect right to come back.

Hon. Mr. CALDER: They would have a perfect right. My point is this, that if the Act now on the statute book is too drastic in its terms, if the years of service required in order to get the retiring allowance are too many, let us amend that; but do not let us make a special exception under this Act. Under the Military Pensions Act a man had to serve fifteen years, I think—

Hon. Mr. DANDURAND: Twenty years.

Hon. Mr. CALDER: Twenty years, before he was entitled to draw any pension at all. On account of war conditions, as every person can understand, and because of the desirability of reducing the permanent staff, the late Government, after very considerable discussion and thought, decided finally to reduce that to ten years, and it was considered that they were going a very long distance in doing that. What is the proposition to-day? It is that we should reduce that still further to eight years, and that the Government should have authority to retire any person in the permanent force whose services are not required, after he has served for eight years, and give him a pension for life. It seems to me that is going much farther, and if that is done, honourable gentlemen, it will never be changed, or will be changed only with great difficulty. We should therefore consider most carefully the desirability of changing that aspect of our law in order to qualify for a life pension every person on the permanent force who is to be retired, after certain years of service, regardless of his ability to carry on other service.

Subsection 6 of section 5 stands.

Hon. Mr. DANDURAND: If any honourable gentlemen have any representation to make on other sections, or wish to obtain any information, I would suggest that they speak now.

Hon. Sir JAMES LOUGHEED: Would my honourable friend be good enough to bring down, for the information of the House, the salaries that are paid in the Militia Department at the present time? I would like to know what the Deputy Minister is receiving, not only as Deputy Minister but in connection with the other offices from which he draws emolument.

Hon. Mr. DANDURAND: I have that before me.

Hon. Sir JAMES LOUGHEED: Can my honourable friend say it now?

Hon. Mr. DANDURAND: Yes. The Deputy Minister of Militia receives, as such, $6,000; as Major-General and member of the Militia Council, $4,500.

Hon. Sir JAMES LOUGHEED: Anything else?

Hon. Mr. DANDURAND: No other remuneration.

Hon. Sir JAMES LOUGHEED: Would my honourable friend be good enough to say what the members of the Militia Council are drawing? How many officers of the Department constitute the Militia Council?

Hon. Mr. DANDURAND: General MacBrien, Chief of General Staff, $8,000; General Morrison, Adjutant-General, $7,500; General Ashton, Quartermaster-General, $7,500.

Hon. Sir JAMES LOUGHEED: All substantially in advance of what the Deputy Minister will draw. Does that include their emolument as members of the Militia Council, or has it been merged in that?

Hon. Mr. DANDURAND: I am informed that that is the whole sum received in each case.

Hon. Mr. BELCOURT: Is there a separate sum for salary and a separate sum for the Council?

Hon. Mr. DANDURAND: They do not recieve anything extra for being members of the Militia Council.

Hon. Sir JAMES LOUGHEED: Is any subsistence allowance paid them, or any other allowance outside of those sums?

Hon. Mr. CASGRAIN: Do they travel on their own money?

Hon. Mr. DANDURAND: They only receive, outside of the figures I have given, their travelling allowance when they are away.

Hon. Sir JAMES LOUGHEED: Perhaps my honourable friend would say if there are any officers in the Militia Department to-day who are drawing subsistence allowance. That was an allowance which, I understand, was in vogue up till a comparatively recent date. I do not know whether it has survived the war or not, but we should like to know.

Hon. Mr. DANDURAND: That has gone out of existence.

Hon. Sir JAMES LOUGHEED: Would my honourable friend, before we go into

this Bill again, say what servants the officers of the Militia Department are entitled to, if any, or what servants they have? I understand that some of the officers have servants in their houses, that is, in their domestic establishments, paid by the Government of Canada. I would like to know if they have.

Hon. Mr. CASGRAIN: It must have been under your Government, then.

Hon. Sir JAMES LOUGHEED: Yes, we will concede that. If we have been in the wrong we will take the blame, but we want to correct it now.

Hon. Mr. BELCOURT: You are willing to reform now?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. CASGRAIN: At our expense.

Hon. Sir JAMES LOUGHEED: No, not at your expense; at the expense of the people of Canada.

Hon. Mr. DANDURAND: Are there any suggested modifications of other sections offered by any member of the Senate? Perhaps they could be mentioned now, and some more light might be got from the department to-morrow.

Hon. Mr. ROBERTSON: Perhaps my honourable friend will be kind enough to keep in mind the sugestion that I advanced an hour ago. Would it not be simpler to abandon this whole Bill, and continue to call the Department of National Defence the Department of Militia and Defence, and absorb the Naval Service into it, just as you have absorbed the Immigration Department into the Interior Department, without disorganizing the thousand employees that are effected? Then reorganize your department at will, taking the necessary time to do it intelligently. In my opinion you will thus accomplish much better results with much less friction, and the only thing that will have been lost will be the effect on public opinion—that the amalgamation has been made with tremendous saving to the public. That credit may be somewhat curtailed, but at the same time much better results will be obtained. I think that is well worth consideration on the part of the Government, and when my honourable friend comes back to this Bill perhaps he will remember that.

Progress was reported.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, May 12, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DANISH EXPEDITION IN CANADIAN TERRITORY

INQUIRY

Hon. Mr. BRADBURY inquired:

1. Is the Government aware that, according to the Danish press, a Danish expedition under Knud Rasmussam is wintering at Lyon Inlet, Melville Peninsula, in Canadian territory?

2. Will the Government take steps to ascertain from the Danish Government, through the proper channels, the object of the proposed expedition?

3. Is the Government aware that the leader of this expedition is giving Danish names to points within Canadian territory?

4. Will the Government make representations, through the usual official channels, that the naming of points within Canadian territory is solely the prerogative of the Geographic Board of Canada as representing the Dominion Government?

Hon. Mr. DANDURAND: I may state that I was promised a document which, apparently, was forwarded to this Chamber some two or three weeks ago, but has not yet reached me. I have not therefore the text of the answer; but the Minister of the Interior has informed me that the Danish Government, with the authorization of the Canadian Government, has sent an expedition to the North for scientific purposes solely, and that the Canadian Government is organizing an expedition for this summer for the purpose of establishing posts. The Canadian Government is not informed that the scientific expedition is giving names to any of our islands in the North.

Hon. Mr. BRADBURY: In this connection I should like to read a short letter which appeared in yesterday morning's Citizen. It is as follows:

Danish Expedition in Arctic Canada

Editor Citizen: It may interest a number of your readers to learn that there is at present a small scientific Danish expedition wintering in the Canadian arctic archipelago, north of Hudson Bay.

It arrived last summer with ship from N.W. Greenland, establishing its base on a hitherto unknown small island in the mouth of Lyon Inlet, in the Melville Peninsula. Besides the leader, the well-known ethnologist, Knud Rasmussen, the expedition comprises a couple of young scientific men, besides some of the "Arctic Highlanders" (Cape York Eskimos). According to information which has reached Denmark, the expedition is well equipped with

everything necessary (they have thus seventy dogs); game and fish at the place seems plentiful, so one may expect good results of the expedition.

The purpose is principally the study of the little known Eskimos in that region, both living and extinct; and also a tracing of the route followed by the Eskimos migrating from Baffin Land and the islands west and north of it, to Greenland. The last of these migrations took place in the 19th century, and a scientific investigation over the route followed should throw considerable light upon the much debated question: where did the Greenland Eskimos come from originally, and when did they come? Investigations have shown that besides the Eskimos living at present along the west side and at Augmasalik on the east side, the whole north —and east—coast of Greenland has once been populated by Eskimos.

Incidentally the expedition will survey the unknown west coast and interior of Baffin Land, make collections in geology, natural history, etc.—Fritz Johansen, Ottawa, May 3, 1922.

Hon. Mr. DANDURAND: From the information I have I would gather that correspondence was very likely exchanged between the Canadian Government and the Danish authorities. If need be, I will get that correspondence.

PRIVATE BILL

FIRST READING

Bill 6, an Act respecting the Esquimalt and Nanaimo Railway Company.—Hon. Mr. Watson.

CANCELLATION OF LEASES OF DOMINION LANDS BILL

FIRST READING

Hon. Mr. DANDURAND presented Bill Y2, an Act respecting notices of cancellation of leases of Dominion Lands.

He said: Honourable gentlemen, for a number of years the Department of the Interior has been governed by regulations of the Department in cancelling leases when the conditions had not been complied with. A recent judgment of the Privy Council has declared that the form used is technically erroneous, and this Bill is for the purpose of curing that defect, and to place the stamp of orthodoxy on the procedure followed.

The Bill was read the first time.

JUDGES BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 19, an Act to amend the Judges Act.

Hon. Mr. Taylor in the Chair.

Section 1 was agreed to.

Hon. G. H. BARNARD: Honourable gentlemen, before the preamble passes I wish to move as an amendment the addition of a section. This amendment arises out of the unanimity of opinion which was expressed by three prominent members of the Bar from three different provinces the other day when the Bill was up for second reading, the opinion expressed being that some control should be exercised over judges who have become incapacitated through infirmity or ill health and who still persist in retaining their position and drawing a salary. The section that I propose as an amendment reads as follows:

> 2. The Governor in Council, on the recommendation of the Minister of Justice that any judge has by reason of his age or infirmities become unable to properly perform his duties and upon three months' notice does not retire, may order that the salary of such judge shall be reduced to one dollar a year from a date to be named, and thereafter such judge shall until he retires be paid no more than that amount, but on his so retiring he shall be entitled to the retiring allowance which would have been paid to him had he retired immediately before such order was made.

That, I may say, is along the line suggested by the honourable leader of the Government, and I think it is a very salutary provision.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, I object to the adoption of this at the present time, without hearing what it is, or knowing what it is; and I doubt that there are ten persons in this Chamber who know what it is. How can we vote upon anything in this manner? I think that any legislation or amendment affecting the judges is very important. There are two sides to the question. On the one hand, we must keep our Bench as independent as possible from political influence. On the other hand, there should be if possible some method which would prevent incapacitated judges from remaining upon the Bench to the detriment of the public interest. I think it would be better if the Government looks upon this amendment favourably, to let it be printed in order that we may all have a chance to digest it before voting upon it.

Hon. Mr. DANDURAND: I confess that my first impression was that this proposed legislation should rather be embodied in a separate Bill to amend the Judges Act, because it would then be taken up with more solemnity and would attract the attention of all members of this Chamber and would receive due consideration. The right honourable gentleman's (Right Hon. Sir George E. Foster's) point is well taken, that some time should be given this Chamber to consider the matter and the form of the amend-

ment. I am in sympathy with the end sought to be attained, anw will do nothing to prevent its adoption. If this Chamber thinks we ought to proceed immediately with the adoption of this amendment, attaching it to the present Bill, well and good. We may conclude, however, that it is better to make the amendment a separate Bill. I will simply move that the Committee rise, report progress, and ask leave to sit again, and we may afterwards decide what is the best form to adopt.

Hon. Mr. BELCOURT: If my honourable friend is going to ask the Government to introduce this amendment in some other Bill to amend the Judges Act, I would request him at the same time to consider a question which has been often debated in this House, but as to which no definite conclusion has been reached; that is, with regard to judges sitting on Commissions at the request of the Federal or the Provincial authorities. In the last three or four years my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), my honourable friend from Middleton (Hon. W. B. Ross)—who unfortunately has not been with us during this Session—myself, and others have given a good deal of time and attention to bringing about a remedy to that situation, which in some parts of Canada at least has become absolutely scandalous. I mean the time given by judges sitting as commissioners on political or quasi-political questions. We have repeatedly drawn the attention of the House to the fact that the administration of justice is suffering greatly thereby, and that the reputation and impartiality of the judges have been greatly diminished by reason of those practices. I think that the Government of the day would render a service to the country and would promote the better administration of justice if they gave their attention to the solution of the difficulty, and I do hope that before this Session closes my honourable friend will have some measure to submit to us for the purpose of removing what is unquestionably a very great detriment to the proper administration of justice in Canada.

Hon. Mr. ROBERTSON: Before the motion made by the honourable leader of the Government is put, I desire to observe that in my opinion the amendment proposed by the honourable member from Victoria (Hon. Mr. Barnard) was quite in order, in view of the fact that a few days ago this House at very considerable length discussed the advisability of amending the Judges Act along this very line, and it seemed to be the unanimous opinion of the members of this House that such action was desirable. The honourable member from Victoria has prepared and submitted this additional clause in order to give effect to what was apparently the unanimous view of this Chamber. While I have no objection to the motion of the honourable leader of the Government, I desire simply to point out that in my opinion the honourable gentleman who introduced the amendment was perfectly in order in doing so.

Progress was reported.

COLD STORAGE WAREHOUSE BILL

REPORT OF SPECIAL COMMITTEE

Hon. Mr. DANIEL (for Hon. Mr. Bradbury) moved the adoption of the report of the special committee to whom was referred Bill B, an Act to amend the Cold Storage Warehouse Act.

Hon. Mr. ROBERTSON: I wonder if the report of the Committee has been circulated and read by all the members present? Personally I have not seen it.

Hon. Mr. DANIEL: It is in the Minutes.

Hon. Mr. McMEANS: It just deals with the organization of the Committee.

Hon. Mr. BELCOURT: Did the Committee deal with the question at all?

Hon. Mr. MURPHY: No.

Hon. Mr. WATSON: The subject is still in cold storage.

Hon. Mr. BELCOURT: I understand that the Committee recommend that the quorum be reduced?

Hon. Mr. DANIEL: The question was that of reducing the quorum to five, and also asking permission to print the evidence taken from day to day, 200 copies, so that every member of the Senate would have a copy.

Hon. Mr. BELCOURT: Was the notice of the meeting of the Committee sent to all the members? I did not get a notice.

Hon. Mr. DANIEL: I think they were all sent out. I got one.

Hon. Mr. McMEANS: The Bill is to be reprinted.

Hon. Mr. DANIEL: The amendments which the honourable gentleman who in-

troduced the Bill asked to have incorporated in it are to be printed with the Bill, so that members will have it in the form suggested by the promotor.

The report was concurred in.

DIVORCE BILLS

SECOND READINGS

Bill N2, an Act for the relief of Wrae Elizabeth Snider.—Hon. Mr. Ratz

Bill O2, an Act for the relief of Oliver Kelly.—Hon. Mr. McMeans.

Bill P2, an Act for the relief of Vera Hamlin.—Hon. Mr. Proudfoot.

Bill Q2, an Act for the relief of George Drewery.—Hon. Mr. Proudfoot.

Bill R2, an Act for the relief of Kate Holmes.—Hon. Mr. Proudfoot.

Bill S2, an Act for the relief of Ernest Hull.—Hon. Mr. Proudfoot.

Bill T2, an Act for the relief of Leslie George Dewsbury.—Hon. Mr. Proudfoot.

Bill U2, an Act for the relief of John Douglas Stewart.—Hon. Mr. Proudfoot.

Bill V2, an Act for the relief of Charles William Murtagh.—Hon. Mr. Proudfoot.

Bill W2, an Act for the relief of Helen Garrett.—Hon. Mr. Proudfoot.

Bill X2, an Act for the relief of Arthur Leslie Smith.—Hon. Mr. Blain.

Bill M2, an Act for the relief of George Daly.—Hon. Mr. Bradbury.

PRIVATE BILLS

SECOND READINGS

Bill 23, an Act respecting Prudential Trust Company, Limited.—Hon. Mr. Casgrain.

Bill 28, an Act respecting The T. Eaton General Insurance Company.—Hon. Mr. Proudfoot.

Bill 48, an Act respecting Aberdeen Fire Insurance Company.—Hon. Mr. Griesbach.

Bill 49, an Act respecting Armour Life Assurance Company.—Hon. Mr. Griesbach.

The Senate adjourned until Tuesday, May 16, at 8 p.m.

THE SENATE

Tuesday, May 16, 1922.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

Hon. Mr. DANIEL.

DIVORCE BILLS

FIRST READINGS

Bill Z2, an Act for the relief of D'Eyncourt Marshall Ostrom.—Hon. Mr. Fowler.

Bill A3, an Act for the relief of George Herbert Stanley Campbell—Hon. Mr. Willoughby.

Bill B3, an Act for the relief of Deliah Jane Mills.—Hon. Mr. Willoughby.

PRIVATE BILLS

FIRST READINGS

Bill 24, an Act respecting The Quebec Railway, Light and Power Company.—Hon. Mr. Murphy.

Bill 44, an Act to incorporate The General Missionary Society of the German Baptist Churches of North America.—Hon. Mr. Watson.

Bill 52, an Act respecting The Canadian Transit Company.—Hon. Mr. McCoig.

Bill 53, an Act respecting Itabira Corporation, Limited, and to change its name to "Itabira Corporation."—Right Hon. Sir George E. Foster.

CANALS OF CANADA

COST OF CONSTRUCTION AND REPAIRS—INQUIRY

Hon. Mr. McDONALD inquired of the Government:

1. What is the total cost of constitution and repairs of each canal in Canada?
2. Between what points is each canal situated and what is the mileage of each?
3. What is the total expenditure for upkeep and operation of each canal during each of the years since 1910?
4. What income has been received from each of the canals each year since 1910?

Hon. Mr. DANDURAND: I have the answer for the honourable gentleman, but, as it is too long to read, I will lay it on the Table of the House.

QUEBEC HARBOUR COMMISSION

MOTION FOR RETURN

Hon. Mr. CASGRAIN moved:

That an Order of the Senate do issue for copy of all letters, telegrams, memoranda, exchanged between the Harbour Commissioners of Quebec, the Department of Marine and Fisheries and La Compagnie du Parc St-Charles Land, Ltd., also letters and telegrams exchanged between Ministers of the Government and attor-

neys of said Land Company; copies of judgments of the various courts in relation thereto and report of the proceedings before the Royal Commission appointed in 1921.

DIVORCE BILLS

THIRD READINGS

Bill N2, an Act for the relief of Wrae Elizabeth Snider.—Hon. Mr. Ratz.

Bill O2, an Act for the relief of Oliver Kelly.—Hon. Mr. McMeans.

Bill P2, an Act for the relief of Vera Hamlin.—Hon. Mr. Proudfoot.

Bill Q2, an Act for the relief of George Drewery.—Hon. Mr. Proudfoot.

Bill R2, an Act for the relief of Kate Holmes.—Hon. Mr. Proudfoot.

Bill S2, an Act for the relief of Ernest Hull.—Hon. Mr. Proudfoot.

Bill T2, an Act for the relief of Leslie George Dewsbury.—Hon. Mr. Proudfoot.

Bill U2, an Act for the relief of John Douglas Stewart.—Hon. Mr. Proudfoot.

Bill V2, an Act for the relief of Charles William Murtagh.—Hon. Mr. Proudfoot.

Bill W2, an Act for the relief of Helen Garrett.—Hon. Mr. Proudfoot.

Bill X2, an Act for the relief of Arthur Leslie Smith.—Hon. Mr. Blain.

Bill M2, an Act for the relief of George Daly.—Hon. Mr. Bradbury.

PRIVATE BILL

THIRD READING

Bill 20, an Act respecting the Baptist Convention of Ontario and Quebec.—Hon. Mr. Turriff.

ST. LAWRENCE RIVER SHIP CANAL

DISCUSSION CONTINUED

The Senate resumed from May 10 the adjourned debate on the motion of Hon. Mr. Casgrain:

That an Order of the Senate do issue for a copy of all reports and correspondence in relation to the St. Lawrence River Ship Canal.

Hon. J. P. B. CASGRAIN: Honourable gentlemen, once more I crave the indulgence of the House. The other day I was asked by my leader, the leader of the Government in this House, to adjourn this debate in order to allow the Government Orders to proceed. But to-night this is the last Order; therefore my leader cannot stop me to-night.

Hon. Mr. POPE: That is too bad.

Hon. Mr. CASGRAIN: I had reached what I considered the most interesting part of all—the question whether with the St. Lawrence river ship canal we should have cheaper rates.

Now, I can prove to this honourable House that, far from having cheaper rates if the transportation were done by ocean vessels, even without breaking bulk, it would be much dearer than it is to-day. On the 5th of this month the price of carrying one bushel of wheat from Port Arthur to Montreal was less than seven cents. That includes all charges—the transferring at Port Colborne and all charges whatsoever, including insurance.

Hon. Mr. REID: Might I ask the honourable gentleman if he would give us the rate from Port Arthur to Port Colborne and then from Port Colborne to Montreal?

Hon. Mr. CASGRAIN: I will in another part of my speech, later on. It will be better than seven cents when the Welland canal is open. But I would ask as a favour, as this is a very technical question, that I be allowed to follow the sequence of my speech.

During the five years from 1910 to 1915 the average price of taking one bushel of wheat from Duluth or Port Arthur or Fort William to Liverpool was less than eleven cents—to be exactly right, it was 10·73 cents, including elevator charges, storage for five days if necessary, insurance, transportation, terminal charges—everything. No ocean vessel could ever compete with that price. In order not to weary the House, I hold here a document issued by the Legislature of the State of New York, the Empire State of the American Union, which gives the annual average freight rate on wheat per bushel, from Chicago to New York—and when it is from Chicago the distance is the same as from Port Arthur or Fort William—and from New York to Liverpool for the years 1900 to 1914 inclusive. I will ask the permission of the House to put this on Hansard, and, if anyone is interested in it, they will see why it is put there. It is only short, about ten lines.

Annual average freight rates on wheat per bushel, from Chicago to New York by lake and canal and by lake and rail, and from New York

to Liverpool via ocean, for the years 1900 to 1914, inclusive.

Year	*By lake and canal Cents	By lake and rail Cents	New York to Liverpool Pence
1900	4.92	5.05	3⅜
1901	5.64	5.57	1½
1902	5.75	5.78	1 7/16
1903	5.94	6.17	1 7/16
1904	5.21	5.02	1½
1905	6.01	6.29	1⅝
1906	6.44	6.40	1 7/16
1907	7.18	6.97	1¾
1908	6.50	6.50	1 9/16
1909	5.85	6.88	1⅝
1910	5.60	6.54	1½
1911	5.87	5.23	2
1912	6.07	6.42	3 11/16
1913	6.20	6.81	2 11/16
1914	5.81	6.54	3

*Rates include one-half cent per bushel elevation at Buffalo.

Now, how could an ocean vessel compete with one on the lakes when the cost of an ocean vessel, according to experts, is three times as great per ton as that of lake carriers of the same displacement? But that is not all; for, with the same displacement, an ocean-going vessel would take only sixty per cent of the cargo that a lake carrier would carry. Displacement means, of course, the number of tons of water that are displaced by the weight of the ship, and the difference between when the ship is light and when she is loaded is the dead tons weight. This is deceiving, as there are so many different tonnages. There is the tonnage of the war vessel, for instance, which takes no consideration of the quantity of coal that may be in the bunkers or the quantity of fresh water that may be carried on long voyages, etc. So when you speak of the tonnage of a war vessel, and it looks very large, it is the displacement, because it is the weight of the vessel itself included with all that is in it, whilst the dead-weight of the tonnage is simply what the vessel will carry: it is the different displacement of a vessel when she is light as compared with when she is loaded. But we have always considered the tonnage not as a question of weight, but have always figured on gross and net tonnage. That is the measure of capacity, not of weight, and it means that forty cubic feet per ton gives the gross tonnage of a ship; so that after you have taken the measurement of the ship, you can, by using the necessary co-efficient, get its gross tonnage. The net tonnage is what she will carry in paying cargo after taking off the space occupied by the bunkers the boilers and engines, etc.

Of late years we have heard very much, especially since we have had our Canadian Merchant Marine, in which we have all been interested, about a ship having so many tons dead weight. The difference in construction is so great that when a lake carrier would make, say, five per cent, an ocean-carrier working with the same displacement, under the same rules and conditions, would make only one per cent. In order that I may not be mistaken, here is another document issued by the Legislature of the State of New York, Document No. 40, from which I would read just six lines:

> The cost of the construction of ocean-going vessels is three-fold the cost of the construction of lake carriers of like displacement, and their carrying capacity is about sixty per cent of the carrying capacity of lake vessels, so that the ratio of earnings per dollar invested in ocean vessels is only about one-fifth of the earnings of each dollar invested in lake vessels. This is exclusive of higher insurance on ocean vessels and other larger operating expenses, which would still further reduce the returns from cargoes of ocean vessels while attempting to compete with lake carriers in Great Lakes commerce.

This means that a lake company buying vessels could get three vessels of a certain tonnage for what an ocean company would have to pay for one ocean vessel of the same tonnage, and the ocean vessel would only carry two-thirds of the cargo of any one of the three lake vessels. How long would the competition between lake and ocean vessels last? It would not last any time, as I will show you, as I have taken the trouble to consult gentlemen who operate ships and to obtain from them the exact facts and figures. If we are wise in our generation, we will leave ocean vessels on the ocean and lake vessels on the lakes, and canal boats in the canals, and we will then have the cheapest way of handling our transportation.

At the present day you can charter a ship in Liverpool for five shillings per ton per month. Out of that five shillings the owner of the ship has to pay the wages of the crew, their feed, and all incidental expenses. The lessee must pay for the coal which the ship will use, and for all terminal charges. With that data a very ordinary shipping man could tell you how much that ship would cost per day to operate; but, in order to have it made plain, I went to the president of a very large ocean-going concern and asked him, and these figures that I have now the honour of giving to this House I defy contradiction of, because I verified them from different sources, not merely from one man. This president of a large ocean-shipping company said that to operate a ten thousand ton tramp steamer to-day would cost $800 a day. He added

that the round trip from Liverpool to Duluth and back would take fifty days. I argued with him that I thought a tramp steamer would make the trip from Liverpool to Duluth in twenty-two days from and returning with the advantage of the current all the way down, especially from Port Colborne, it would be possible to save one day, making twenty-one days returning, or a total of forty-three days. He said to me: "Senator, it could not possibly be done, there are so many things that crop up in an ocean voyage, and on the lake voyage, and on the canal trip, that it would certainly take fifty days"—and he wanted to add more. Well, I said I would not have the face to tell the Senate that it would take more than fifty days. So, taking it at fifty days, at $800 a day, there will be $40,000 paid out, and to break even. What would this ocean ship carry? She would carry 200,000 bushels of grain, and the ruling price to-day, as for years, is eleven cents. Of course, during the war, as all honourable gentlemen know, prices went up enormously; but the war is over, thank God, and a ship carrying 200,000 bushels at eleven cents would earn $22,000. To break even she would have to get $40,000; consequently there would be a loss of $18,000. How many trips would she make under those conditions?

Honourable gentlemen may be surprised at the immense difference in the price of ocean-going vessels and of lake carriers, but that is due to the different construction of the ocean vessels and that of the lakers. Those lake freighters would not ride in an Atlantic storm. In riding on those long waves they would, to use a maritime expression, break their backs. In the great lakes they ride on a succession of short waves; but in the ocean, with those big waves, the lake vessels have too small a draught; that is to say, the perpendicular distance is not great enough. Ocean vessels are built very differently from lake vessels: they are stoutly built, and the draught is in proportion to the tonnage; and, as I said a moment ago, when the ocean vessel is empty it has a big displacement in comparison with the lake freighter, and it is that difference in displacement—all that extra useless displacement of so many tons, that at any rate will be useless on the lakes—that makes such a great difference in the cargo-carrying capacities of lakers and ocean vessels.

Of course, I may be told that the average tramp steamer draws only twenty feet of water; but the tonnage of the average tramp steamer is 14,000 tons, like our great lakers, and it is only at great expense that you can build the average ocean vessel of shallow draught, and it is necessary for tramp steamers to have shallow draught so as to be able to enter the various ports of shallow depth. For instance, if you wanted to send a ship into the Black Sea, up the Danube, either to Galatz or Ibraila, you could not go there with more than twenty feet draught. If you want to go to Buenos Ayres or Montevideo, you must have a ship of only twenty feet draught, or it could not enter either of those ports, unless they have been greatly deepened only recently. These vessels must have access to almost every port.

The construction of these great lakers is familiar to all who travel on the lakes. They are great long steel boxes, 600,625, 630 or 635 feet in length, with a little less than 60 feet width, so that they can go through the Canadian Sault Canal of 20 foot draught with 1,400 tons. They carry a cargo of grain of nearly 500,000 bushels, which means that if that grain was put on cars the train would be much over three miles long. In those lakers there are in the bow the living quarters for the crew, the wheel-house from which the ship is steered, all those quarters and cabins where the captain has his place and the pilots have their rooms, and so on. In the aft are the boilers and engines and the living quarters for the larger part of the crew, the dining room, the kitchen, and even cold storage quarters where ice is made with the fumes of ammonia, and where fruit and vegetables, etc., are kept. It would really surprise honourable gentlemen to go on one of those lakers and observe the comfort with which the people on those boats live.

Hon. Mr. FOWLER: Is it not a fact that ocean-going vessels go to the lakes now?

Hon. Mr. CASGRAIN: I will come to that—the whalebacks. They did not prove a success.

Hon. Mr. FOWLER: But is it not a fact that last summer they went?

Hon. Mr. CASGRAIN: Certainly, ocean vessels; since the honourable gentleman wants an immediate answer, I will tell him. When I was a boy, that is a good many years ago, as soon as the canals were deepened to 14 feet this idea of having ocean vessels go to the great lakes from the ocean was taken up, and quite

a fleet of ships called whalebacks were built and operated. Those whalebacks were so called because the deck was almost awash; there were hardly any works standing out of them. The decks were very narrow, and were almost absolutely submerged. Those whalebacks were built exactly the full canal length, that is, 175 feet by 45 feet in width, and 14 feet draught. They started carrying grain without breaking bulk from the great lakes, and many a time when I was yachting on the lower St. Lawrence I would see them; they would look like torpedo boats coming down the river. I see the honourable member from Grandville (Hon. Mr. Chapais) assenting; I think he has seen those whalebacks himself. But the whalebacks did not operate as a paying proposition, because all they could take of grain was 85,000 bushels; that would be the maximum. They did not carry that much because, being built strongly enough to stand the storms of the Atlantic, the weight of the ship itself would still further reduce the amount of cargo; they must therefore have taken only 60 per cent of the possible 85,000 bushels, according to the information which I have received. But if they took 75,000 bushels of wheat at 11 cents, I leave it to the honourable gentleman from New Brunswick (Hon. Mr. Fowler) to say if that would pay an ocean steamer. It did not pay them, and they all went out of business, and there are no whalebacks now.

Hon. Mr. FOWLER: The honourable gentleman has not answered my question. He need not answer it unless he likes, but I asked if it is not the fact that last summer ocean vessels were going up the St. Lawrence.

Hon. Mr. CASGRAIN: Certainly; and not only that, but the company of which I have been a director for the last 20 years took our vessels, with a 14 foot draught, and sent them out on the ocean. It would not have been a paying proposition except in time of war.

Hon. Mr. FOWLER: There was no war last summer.

Hon. Mr. CASGRAIN: Well, those vessels that went there, if any went to get grain, could not have made a commercial success of it. And I defy any one to say that any ocean vessel went last summer to get grain at any port, whether it was Chicago, Duluth, Port Arthur or wherever you like, and make money in taking that. In the first place, that vessel would have to go up light. Where will you get a cargo lot from any one foreign port to any port in the Great Lakes? You will not get a cargo lot.

Hon. Mr. FOWLER: I myself saw them going.

Hon. Mr. CASGRAIN: They may have gone, but they lost money.

Hon. Mr. FOWLER: Perhaps so. I do not know much about that.

Hon. Mr. CASGRAIN: That is the matter we are looking after.

Hon. Mr. FOWLER: I did not examine their financial statement.

Hon. Mr. CASGRAIN: When I was kindly interrupted by the honourable gentleman I was trying to describe one of those lakers. I have told you about the living quarters in the bow and the living quarters in the stern. Between those quarters there is a space of some 500 feet, and I may say that all the orders, etc., given to the engineer aft are sent by telephone, because the distance is so great. Moreover, as those ships when fully loaded have very little freeboard, that space between those two living quarters, which on an ocean vessel ought to be a deck, but on a lake carrier is nothing but a succession of hatches—that space is awash the minute there is a little sea, especially when there is a beam sea—and very often in a storm the crew is marooned in bow quarters for many hours until the vessel comes to some harbour or other sheltered place, because the sea washes freely over this open space between the living quarters at the front and the living quarters aft. Communication is carried on, as I have said, by telephone, and by means of a cable suspended from the top of one of the living quarters to the other, a box containing the food is hauled from the kitchen, which is aft, to the people who are marooned in front. There is no other means of communication, and in a bad storm, although there are guy ropes, and although all the protection possible is given, the waves dashing across would wash off any man on those decks. The hatches are very numerous. I have myself counted as many as thirty-six in one ship, and I am told there are some with more than that number: I am told there are some ships that have forty hatches. So that the whole deck of the laker is open when the hatches are taken off, and grain or ore or coal can be poured into all

the ship, the expense of trimming being saved—and it is in trimming that the delay occurs. Now, if it were a ship with 'tween-decks there would be only a few hatches, and as the grain, or coal, or ore was poured down the hatches it would have to be carried and spread throughout the ship, That involves a great deal of very hard labour and takes time. It is very difficult on a hot summer day to get men to shovel grain or coal into the 'tween-decks of a ship; whereas in the other kind of vessel the space is all open and it is easy for an ordinary elevator to drop in 90,000 bushels per hour. As for the place where the iron ore is loaded, it is still easier to load. At Mesaba Range a whole carload of ore is taken with a derrick and simply dumped into the ship—the whole carload. So you can realize how rapidly an ore boat is loaded. That is a thing which would be impossible for an ocean vessel.

I spoke a few moments ago of return cargoes. Now, I must say that there is a very remote possibility of an ocean vessel, going to the Great Lakes, getting a cargo lot from one foreign port to one lake port. And an ocean vessel cannot go distributing here, there and somewhere else; it must unload where it makes its terminal. You have an instance of that in the city of Quebec. Vessels with considerable trade for Quebec pass right by that city and go right up to Montreal and unload there, and that freight has to be hauled down by rail to Quebec when it does not come down by water. It is difficult to get foreign products in cargo lots for such ports as Montreal, Portland, Boston, Providence, New York, Philadelphia, Baltimore, Newport News, New Orleans and Galveston. These are all great distributing centres. It is especially difficult to get cargo lots for those ports from the continent of Europe.

Remember, honourable gentlemen, that in ordinary shipping ten tons go from America to Europe for every ton received in return. Of course, that one ton in return is more valuable freight; but I am stating the proportions in quantity, and those who have been directors of steamship lines will bear me out in that statement. I think the senior member for Halifax (Hon. Mr. Roche), who has had a great deal to do with shipping, will bear me out. If he does not, then I will bow to his decision, for I admit that he would know more about the matter than I do. However, that is the information I have. Therefore ocean-going vessels must rely entirely on outgoing cargoes. As to that loss which I mentioned a while ago, of $18,000 for a 10,000-ton ship, you may say, "You do not allow anything for the cargo coming from Europe." I have inquired, but I do not see what cargoes could be got. There may be some, but I do not know of any, and the people of whom I have inquired, and who are in business, have told me they did not know of any.

What a difference with lake carriers! Lake carriers come down with ore, which is the main thing. They come down with grain. That is a very small proportion of their trade. But, going West, they load with coal. A lake carrier, for instance, of 14,000 tons—and there are quite a few of such—will come down to Port Colborne with grain for 50 cents a ton, which is equal to 1½ cents a bushel. At 50 cents a ton, 14,000 tons will amount to $7,000, which she will make coming down. Returning she will take coal. You see how cheap the transportation is? I would point out to the ex-Minister of Railways how cheap the transportation is. I am afraid he is asleep. Will somebody kindly wake him up?

Hon. Mr. REID: I am listening to every word, and I shall be prepared to give the honourable gentleman an answer.

Hon. Mr. CASGRAIN: The coal is taken a distance of 900 miles for 30 cents a ton. Still, 30 cents a ton on 14,000 tons amounts to $4,200, making a total of $11,200 for the round trip by the lake carrier, and that trip is accomplished in ten days. If in ten days it makes that amount of money, you see where the ocean vessel would be.

We hear much about the great tonnage of the Sault. The proponents of this enterprise in the Middle States and in some of the Northwestern States talk about the immense tonnage. Well, we know how immense the tonnage is that passes Sault Ste. Marie: we know it is two and a half times as great as that of the Suez Canal In an ordinary year the minimum is about 90,000,000 tons. That is enormous. To give you an idea, honourable gentlemen, of what 90,000,000 tons means, if that quantity were put in gondola cars—

Hon. Mr. BEAUBIEN: In what?

Hon. Mr. CASGRAIN: In freight cars. If that quantity were put in gondola cars it would make a solid train reaching from the south pole to the north pole, and there would be 600 miles to spare. That is

the length of the train that would be required to carry 90,000,000 tons. But of this quantity of 90,000,000 tons, only one ton in ten ever goes east of Lake Erie, and that one ton we must divide with the Erie Canal. The St. Lawrence route received last year, for instance, four and one-fifth million tons of freight—of grain, and the Erie Canal received about the same. The Erie Canal would always be a strong competitor. That Canal has only a ten-foot draught at present. It should be twelve-foot. The shallow places govern the draught of a canal. The Erie Canal will always get its fair share, because the liners out of New York need this grain for balast, in order to stabilize the ship. They carry it at very cheap rates. They would carry it for nothing in a pinch, because they need it for ballast. I very well remember ships coming to America with stone ballast, and on the other side money had to be spent in putting it on. In the harbour of Quebec there was a place provided on purpose, where ships had to go to drop that ballast. It may be surprising to some honourable gentlemen to hear that vessels of the Allan line have often taken on grain at Montreal, gone to Liverpool with it, come back to Montreal with it, and taken it back to Liverpool again, because they needed it for ballast.

As I mentioned a little while ago, an ocean vessel, to be economically built, must have a draught in proportion to its tonnage, in order to have sufficient rigidity, and it is only at enormous cost that you can make a good ocean vessel with a shallow draught. It may be interesting to point out that lake carriers cost only one dollar per bushel that they can carry, and one dollar per bushel capacity is about the price of an elevator. In the olden days an elevator could be built for about fifty cents a bushel; but the price of everything has risen, and to-day the cost of an elevator is, for so many bushels, as many dollars. The Port Colborne elevator—which I may say en passant is probably the best and quickest elevator in the world—was built some years ago, under the Administration that preceded that of Sir Robert Borden, for sixty cents per bushel capacity. It is a two million bushel elevator and it cost $1,200,000. It is in my opinion the best elevator that has ever been built, and the man who built it, Mr. J. A. Jamieson, has built elevators also in St. John, New Brunswick, in Haliafx, Quebec, Montreal, Prescott, Kingston, Owen Sound, Port Arthur and Fort William.

I find on page 55 of the report submitted by the International Joint Commission that Mr. Cornelius, of Buffalo, says that the cost of ocean vessels is $150 and of lake carriers $35 per ton; and also that ocean vessels carry only 60 per cent of the lakers for the same displacement. An ocean vessel spends a great deal of time in port loading and unloading, because it has not the facilities of a lake carrier: it is not open like a laker, and it will spend seven or eight days. Honourable gentlemen must know that time is the essence of successful business in transportation, on water especially, because the overhead charges run on just the same whether the ship is moored at the dock or is in motion. The wages of the crew, the interest on the ship, the port charges, etc., run on just the same. The only difference between a ship at the dock and a ship in motion is in the price of coal; and a ship moving slowly uses a relatively small quantity. A 10,000 ton boat, I suppose, would use not more than a ton an hour of coal going at the rate of eight or nine knots. I may say that on the lakes the term " statute miles " is used instead of " knots." The proponents of this scheme had, oh, a bright idea; they were to have a composite ship, a ship that would go equally well in the ocean, in the canal and in the Great Lakes. The idea of such a ship was simply laughed at by shipbuilders. Such a vessel could not possibly be a commercial success.

I had intended dealing with the whalebacks in any event, but I have already spoken about those.

The cheapest of all means of transportation is the canal by barges. On the Erie Canal it is possible to transport 3,900 tons—the equivalent of 128,000 bushels of grain—in one steamer and three consorts, on a 9-foot draft, mind you. With our draft of 14 feet we could easily carry three times that quantity—well, certainly twice that anyway. And the total cost of that fleet is only $28,500, or $7.31 per ton.

When we have the Welland Canal in operation, our Great Lakers will come straight through to Kingston, and in Kingston, with one elevator, not exactly similar to that of Port Colborne, except in speed of loading and unloading, but an elevator of 3,000,000 bushels—the other has 2,000,000—all the grain could be transhipped at Kingston, and from Kingston down to the ocean port at Montreal you would have a purely river and canal navigation, reducing the cost enormously. You could have some of those cheaper barges, and even if you paid twice the price of these, that would

cost you only $15 a ton. That would be the cheapest possible way of carrying grain from Kingston to Montreal by a fleet, that is to say, one steamer and consorts. Now, if the honourable ex-Minister of Railways (Hon. Mr. Reid) will lend me his ear, I will tell him what would happen: we would take wheat from Port Arthur and Fort William, through the Welland Canal, and unload it at Kingston for two and a-half cents. I think the honourable gentleman will agree with me in that. The cost is now one-and-a-half cents to Port Colborne. It would not be more than one cent additional to Kingston. At Kingston the wheat would be transferred into a purely river and canal system of boats, that is, cheap barges, and it would be taken from Kingston down to Montreal for one-and-a-half cents. That makes 4 cents. Adding 1 cent for the elevator charges, you would have the wheat delivered f.o.b. ocean steamers for 5 cents per bushel. I wish I could speak loud enough for those people in the Middle States to hear that statement, so that they might go and consult experts. The proponents of the St. Lawrence Ship Canal project are people who live inland. How the International Commission could have unanimously approved of the project is beyond my comprehension.

Hon. Mr. FOWLER: They are not all inland men either.

Hon. Mr. ROBERTSON: Before my honourable friend leaves that point, dealing with transportation through the St. Lawrence canals, may I say that the question occurred to me, would it be possible to lock through the St. Lawrence canals a steamer with three consorts, carrying grain in the manner which he suggests? Would the locks accommodate boats transporting grain in that way?

Hon. Mr. FOWLER: Put the consorts on the deck.

Hon. Mr. CASGRAIN: As they approach the canal the barges pass in front of the tug —these barges, as you know, are very easily got into the canal—and one is locked through, then another is locked through, until they are all through; then the steamer comes through, and they go on their way rejoicing. In canals they can only go five miles an hour at best; so it takes practically no power to haul these consorts. I thought my honourable friend was born near Lake Erie. He ought to know about canals.

Hon. Mr. ROBERTSON: He was, but he never saw them handling boats passing through canals.

Hon. Mr. CASGRAIN: Go to the Erie canal and you will see them. I speak by the book. I have nothing to say for myself about this. What I have to say I have learned through weeks of study of these books; and I would be very happy if any honourable gentlemen would do me the honour of reading them. I will show them where I got the information. It was put before the Commission by men who were supposed to be the very best experts that the United States and Canada could produce.

Before going into this huge project, would it not be right for someone to demonstrate to the country that we would be better off for it, that the thing would be a commercial success, and finally that it would be a necessity for the future? You have all heard of James J. Hill. In my humble opinion he was better versed in transportation problems, especially the transportation of grain, than any other man in America; he built railways; he was a steamboat operator. What did he say fifteen years ago? He said: "In twenty-five years all the elevators at the seaboard will be empty"—he was talking of the United States, not of Canadian prairies— "because the population of the United States will increase, and the people will consume all the wheat they will grow." Now, what do we find to-day? Mr. Herbert Hoover, who seems to be a great authority on feeding people, not only in America but also on the continent of Europe, says that in less than ten years there will be no grain for export from the United States—that the United States will consume it all. He bears out Mr. Hill's statement. He makes the reservation that the three Canadian prairie provinces will keep on increasing their grain production, and that some will come from there; and he adds that a great proportion of that grain, duty or no duty, will go to the United States anyway, because they need our hard wheat to mix with their soft wheat, and are bound to have it at any price.

Then there is another question. There seems to be a Trojan horse somewhere about this scheme—"Timeo Danaos et dona ferentes." There is the Mississippi system, the grandest system in the civilized world, situated in the best and richest country in the world, starting from St.

Paul and Minneapolis, passing St. Louis, and through the middle West—a system designed by Divine Providence to carry the products of the country. What is the matter with developing the Mississippi? As a matter of fact, they are starting to develop it now. I have here an article from the Gazette of to-day in which they say that this project has been started, and that the wheat and ore and other commodities that we are supposed to get in Montreal are to-day going down to New Orleans on the Mississippi and its tributaries in barges.

Hon. Mr. FOWLER: And going across to Europe?

Hon. Mr. CASGRAIN: And going across to Europe, certainly.

Hon. Mr. FOWLER: Is it not a fact that the heat would injure the grain?

Hon. Mr. CASGRAIN: I am not an expert in temperature. Of course, the grain is transferred at New Orleans. We all know that in front of Chicago, in Lake Michigan, the water hesitates before going to New Orleans or to Quebec; it is in suspension. The old pioneers and merchants of Montreal, away back in the days immediately after the taking of Canada by the English, because they were not allowed to trade with anybody but the English people, used to carry their furs up the Ottawa river, up the Mattawa river, up through lake Talon, Trout lake and lake Nippissing, and down the French river, through Georgian bay and the strait of Mackinac, and down to Chicago, and through Chicago creek. People of my own family have made that trip. The Chicago creek has been reversed. It is supposed to have been turned into a sewage canal, but it is 200 feet wide and 20 feet deep, falling into the river des Plaines, which flows into the Illinois river, which runs into the Mississippi, and so on; and shipments could be made just as well that way for twelve months in the year as they can for seven months down the St. Lawrence, and in Chicago the people of the Middle Western States would have an ocean port in their own territory. We have the St. Lawrence to ourselves, and I think we would like to keep it to ourselves; at any rate, the part of the country from which I come wants to keep it to ourselves.

It is said that there is need for more tonnage and so on. Any one who owns ships knows that in front of Port Arthur and Fort William ships have been kept standing for weeks at a time waiting for grain cargoes. There was grain in the elevators, it is true, but the speculators would not allow it to be shipped. They wanted to keep it for speculative purposes. They were using the elevators for storage purposes.

Now I come to what is not the raving of a vaporingly excited petty local politician, but another document of the state of New York; and when I have read a few lines I think honourable gentlemen will bear me out in what I say. This is the kernel of the whole matter. This is a legislative document of the State of New York, published at the public expense.

Hon. Mr. DANDURAND: What year?

Hon. Mr. CASGRAIN: Of the year 1921. It says:

> For a hundred years the two nations—

That is, the United States and Canada—

> —have been in perfect accord and no thoughtful person would suggest that these cordial relations should ever be severed, but—

Always look out when there is a "but".

> —but as a matter of prudence and good statesmanship, if a ship canal were ever to be built down the St. Lawrence river, and for nine-tenths of the distance from Lake Ontario to the Gulf of St. Lawrence wholly within Canadian territory and under the sovereign control of the Dominion of Canada, if not the British Empire, then there should be a cession of territory the entire length of the St. Lawrence river, 5 or 10 miles back from the river, constituting a zone like the Panama Canal Zone, secured by treaty with the Republic of Panama, or like the zone recently established by allied powers along the Bosphorus, extending from the Black to the Ægean Sea. Such zones should be neutral territory or under the joint sovereign control of both nations.
>
> Some such concessions ought to be made by both nations to secure the freedom of the St. Lawrence from the domination of either nation, if it were to become a highway built and maintained by both nations. That must be apparent to all, otherwise it may become a waterway for military or naval purposes of transcendent importance in dominating the sovereign control of the Great Lakes, whose neutrality is now preserved by international treaty.

Well, I say we don't want that zone: I say that we don't want the Stars and Stripes to fly on the shores of the river St. Lawrence.

Hon. Mr. FOWLER: Hear, hear.

Hon. Mr. CASGRAIN: Before that they talk of one hundred years of peace. We are sick and tired of hearing of the long frontier of 3,000 miles with not a fort, not a gun, not a man. Oh, peace is a great thing! But think of it. When that first began, how many people were there in the United States?—about as many as there are in Canada to-day, or perhaps a few more; maybe 1,000,000 more, that is all. To what do we owe that long peace of one hundred years? It started just after the British troops had marched into Washing-

ton, and burned down the Capitol; it was after Chateauguay, when De Salaberry, with three or four hundred French Canadians, routed 7,000 men. That is when it started. There was not much fight left in them at that time. You may be surprised to learn that De Salaberry, with only three or four hundred men, routed 7,000 men commanded by Hampton; but remember that, although he was only thirty-five years of age, De Salaberry had been nineteen years in the service, and had been trained under Wellington in the Peninsular wars.

There has been a great deal of friction in those hundred years. Those who are old enough remember the St. Albans Raiders, they remember the struggles between the North and the South. If we have had a century of peace, we owe it to one man—the British Ambassador at Washington. It was he who acted as buffer between this country and the United States. When remonstrances were made to him, he would say: "Really, I am very sorry; I will write home at once." In those days there was no telegraph and no steam navigation, and when he would write, in due course his letter would arrive at the Foreign Office, and it would be carefully labelled, and duly pigeon-holed. If there was insistence for a reply, the Ambassador would say: "I haven't had an answer yet, but I will write again." And he would write again, and by the time he got an answer, if there ever was an answer, what was it?—"We have received your communication and are writing now to the Governor of Canada so that we may get full information on the matter." That would take a month or two. If there was still further insistence, the British Ambassador would write, saying: "You must answer my letter; the people are getting impatient." And by the time he received an answer the people were hushed, and the trouble was over. When there was a grievance here, we would make the complaint to the Governor, who would write to the Colonial Secretary. He would have a talk with the Foreign Minister, and someone on the other side would write to the Ambassador; and by the time there was a reply we had forgotten all about our trouble. That is the great reason for the peace: we have never been face to face with those people. But to-day things are very much changed. The United States is one of the great nations of the world; it has more gold at the present moment than any other nation on earth; it has more railway mileage by far than any other country—it has nearly half the railway mileage of the whole world; it has 241,000 miles of railway, or enough to go around the world at the equator ten times, and leave 1,000 miles to spare; there are more people in the United States who can read and write, and more people reading newspapers, than in any other country in the world. They are a great and proud people; and when they want to come out to the ocean by way of the St. Lawrence, I think of the Trojan horse, and I repeat "Timeo Danaos et dona ferentes."

There are people in this country who would change the happy state of things as it has existed, and who would have a Canadian Ambassador. If the British Ambassador could give us one hundred years of peace, or more, I say we should keep him. At any rate, speaking for the people of the country from which I come, I say what we do not want to see the Stars and Stripes on the banks of the St. Lawrence; and if a neutral zone established, of necessity the flags of the two nations would be flying together.

We have refused the Stars and Stripes on many occasions; we refused them in 1775 and 1776 when the clergy of Quebec were practically alone, when our people were rather indifferent, and when the English population—I speak by the book, for it is written in history—were in sympathy with the other thirteen colonies of their own kith and kin. The Catholic clergy had their own reasons for what they did. Their reason was the Quebec Act. Canada was called Quebec at that time, and the English Government after taking Canada could not deal with the French officials, for they had gone back to France, and what remained to guide the Canadian people?—The Catholic clergy. The Quebec Act was made to serve the purposes of the Catholic clergy, and they conserved their tithes, their institutions, their language, and so on; and it ill becomes anyone of English tongue to say a word against what was done. I could tell you of the time when Quebec was the only place on this continent over which the English flag was flying, and that when Carleton, the commanding officer, ordered those who were not in sympathy with the English Government to leave the city, everyone of the English merchants in Quebec at that time went out to New Orleans; and that they came back ready to sing "God Save the King" or "Yankee Doodle." That is history.

Hon. Mr. FOWLER: Does the honourable gentleman confine himself to the pro-

vince of Quebec, or does he extend to the whole of Canada his remarks in regard to the English-speaking people in Canada in 1776?

Hon. Mr. CASGRAIN: I exclude Nova Scotia, New Brunswick and Prince Edward Island. They were not called Canada, or Quebec. As I said a moment ago, Nova Scotia was called Nova Scotia, New Brunswick was known as New Brunswick, and Prince Edward Island was Prince Edward Island. Canada was called Quebec, and the Quebec Act is the Canadian Act. I am pretty well informed in that sort of thing.

Hon. Mr. FOWLER: No better than other people.

Hon. Mr. ROBERTSON: What has this to do with the ship canal? That is what I am trying to find out.

Hon. Mr. CASGRAIN: I said we refused the Stars and Stripes. I said that in 1776 Benjamin Franklin came to Montreal on the 29th of April; he was a Congressman, and was accompanied by two other Congressmen—a man named Chase and a man named Carroll. The latter was accompanied by his brother, a Jesuit, who went around from parish to parish trying to induce the curés, the priests, to rebel, to make sure they would throw in their lot with the thirteen colonies, who were English; and what happened? They told him, wherever they went: "No, no, we can't do that; England has respected our institutions, respected our language, respected our laws; how can we be disloyal to such a good prince?"—and they remained loyal to the British Crown. Garneau's History, which is known as the best history of Canada, said that it could be truthfully stated that the Catholic clergy conserved Canada to England. When people say, "Oh, well, in Quebec you are a priest-ridden province," and so on, thank God we are. Look what they did with us. We are now three millions strong; out of what?—Sixty thousand poor peasants, abandoned by France on the shores of the St. Lawrence—why? Because they consistently preached against race suicide.

Hon. Mr. ROBERTSON: Honourable gentlemen, I must respectfully call the attention of the House to the fact that while the speech of the honourable gentleman concerning the ship canal project has been extremely interesting, I think we should adhere to the subject under consideration—the one that is named on the Order Paper.

Hon. Mr. FOWLER: Race suicide is much more interesting.

Hon. Mr. CASGRAIN: I was just about saying something about the province of Quebec.

Hon. Mr. FOWLER: Go on.

Hon. Mr. CASGRAIN: I was just about to say that we from Quebec object to this project. My honourable friend comes from Ontario, and if he wants to give his own view from that province, it is up to him to do so; if he wants the Stars and Stripes to fly in Ontario, and accept that project, it is up to him. We do not want the Stars and Stripes for us; and I am proving how much we were against that even 146 years ago. Ue are numerous to-day because we have been a virtuous nation; because mothers have courageously accepted the duties and trials and labours of maternity, and the clergy have also made us a law-abiding, God-fearing, peace-loving people. We do not object to that, and I think it has been a godsend to our country that England, in its wisdom, placed the power that they did where they placed it.

I apologize for that digression, and if my honourable friend wants me to proceed with navigation, I have only a little more to say. Coming back to that report prepared by the Joint International Commission, I would say that our commissioners are very distinguished men. I have the honour of knowing all the Canadian ones, and I have met the American members. Mr. C. A. Magrath, the Chairman, is an ex-member of Parliament, and a very able man; he is, like myself, a civil engineer and a provincial land surveyor. Mr. H. A. Powell is a lawyer, I believe a K.C.; he has been an M.P. Sir William Hearst has been Prime Minister of the greatest province in this Dominion. They are distinguished men; but from the beginning to the end of that report they seem to be inclined in favour of this project. I do not accuse them of partiality.

Hon. Mr. ROBERTSON: Is that why their resignations were asked for?

Hon. Mr. CASGRAIN: Well, it should be; but I think they will admit that they are not practical steamship men, and it would be much better if this project were advocated by somebody who owns ships. The Commission has done a lot of service to Canada. The first chairman was Hon. T. Chase Casgrain, a cousin of mine, and a very able statesman, and a very bright man. Another had been named by Sir Wilfrid Laurier, Mr. Aimé Geoffrion, the

eminent lawyer, but in September, 1911, the Government was changed, and they said, "Don't appoint Geoffrion," and they gave another good name, and the name was T. Chase Casgrain.

Now, to show you how they incline towards that project in this report, all the evidence that was given derogatory to or not in favour of the project, does not seem to have had much stress laid on it, as they did not seem to have much use for it. Here is this Mr. J. A. Jamieson, and when he gave his evidence the acting President, Mr. H. A. Powell, at the sitting which took place in the Court House in Montreal, said, as reported in the Montreal Star, that he praised Mr. Jamieson for having given the most scientific, the most practical, the best evidence, and asked him to give his notes to the Commission; and Mr. Jamieson was against the project. Now, I defy any one to find Jamieson's argument in this book of evidence. There are many others, but he does not appear at all. Mr. Jamieson wrote me as follows:

J. A. Jamieson
Consulting and Designing Engineer,
313-314 Board of Trade
Montreal, May 6th., 1922.

My dear Sir,—I note from press reports that it is your intention to address the Senate on the important subject of the proposed St. Lawrence Deep Waterways.

At the sitting of the International Waterways Commission in Montreal Oct. 8th. 1920, the writer, who has given much intimate study to the question of transportation and transfer of grain between our western wheat fields and the seaports, gave testimony and quoted from authentic data which clearly tended to shew that our present Lake and River S/S navigating via the Welland Ship Canal—now under construction—and our present St. Lawrence Canals, plus high-class transfer elevators for the rapid and economic transfer of grain cargoes located at Kingston or Prescott and Montreal, could transport grain from Lake Superior ports to the hold of Ocean S/S Montreal at as low a cost as could be accomplished by the ocean Tramp S/S navigating the proposed Deep Waterways without transfer of cargo; that this waterway would not therefore prove to be an economic project for the transportation of our grain, which would constitute much the greater part of available cargo.

Commissioner H. A. Powell, Acting Chairman at the sitting, in thanking me for the testimony given, described it as the most scientific and valuable testimony they had heard, yet I do not find it referred to in the Report which has been recently issued by the Commission.

Yours respectfully,
(Signed) J. A. Jamieson.

Hon. J. P. B. Casgrain,
Senate of Canada,
Ottawa, Ont.

Now, there were some more cases to show that the report inclined one way. There was the marine insurance question, referred to on page 63, which they claim was not a factor at all. But what are the facts? In New York during twelve months of the year marine insurance is 12½ cents per hundred. In Montreal the cheapest you ever get it, to Montreal only, is 27½ cents, and that is only until the 15th of October, when it goes up to 32½ cents, and on November 15th it goes up to 55 cents. Still, the report says that 12½ cents as against 55 cents is not a factor. The inclination towards the project is too strong; anybody reading that report will get that impression.

Then there is Mr. R. M. Wilson, who said that horse-power, developed by the Commissioner's scheme at $300 or $325 was much too dear to be economically successful; that water-power coming from St. Maurice was being developed at $80 to $100 a horse-power; and that you could get cheaper power with coal than with horse-power at $300 and $325. That is all left out of the Commissioner's report. An article in La Presse, commenting on my speech, quotes a witness who gave evidence in the coal industry here, and stated that power could be produced from coal and steam cheaper than horse-power at that price.

Now I suppose I had better finish. I am sorry to keep this House, but I have taken a lot of trouble in getting this material together.

Hon. Mr. DANDURAND: Go on.

Hon. Mr. CASGRAIN: Now, as soon as conditions become normal the ocean freighter on the Atlantic will be a 25,000-ton boat, and it will run like a ferry between the same two ports. It will have a draught of 35 feet; here we speak of 25. That boat would sail, say, from New York or Newport News, or Portland, to Liverpool, or from Quebec to Liverpool with a 35-foot draught, and both the American and European terminals would be equipped just like our lake ports are equipped with proper terminal facilities, so that those boats could be loaded and unloaded at both ends of their journey, and not have to carry hundreds of tons of equipment such as derricks, swing booms, winches, and steam dummy engines, which waste a great deal of steam on account of long pipes leading from the boilers to where the steam engine is working, especially in cold weather, and oblige the skippers to keep steam up in port. All these appliances

will be installed at both ends, and their weight of hundreds and hundreds of tons will be replaced by good paying cargo. Thus the 8,000 and 10,000-ton freighter could not compete at all with this 25,000-ton freighter, which would only use 67 men, whilst the 8,000 or 10,000-ton boat uses 45 men; and the hundreds of tons of machinery now carried for nothing from one side to the other would be replaced by a paying cargo.

Before this St. Lawrence River Ship Canal could ever be built, opened to navigation and used, proper facilities would have been installed, with stationary electrical plants on the wharves, as I have said, and loading and unloading would be done by the quickest methods. At Port Colborne the other day 85,000 bushels of grain were put in one vessel in 34 minutes from the time she moored at the dock till she cast her lines and all trimmed, at a cost of only 3/8 of a cent per bushel, including all charges. The trimming was done automatically on account of the great velocity with which the grain came out of the nozzle of the spout, the velocity being 5,000 feet per minute, or 60 miles an hour, and the grain could be driven 40 feet before there was any depression in it, so that the whole vessel is loaded without any trimming. This loading was done to see how fast it could be accomplished. I do not pretend that it is done all the time at that rate, but 8 vessels have often been loaded in one day at the Port Colborne elevator.

On the Atlantic ports, and all the Gulf ports like Galveston and New Orleans, all tramp steamships of ordinary size have been superseded by large liners with deeper draught and greater capacity. A 25,000-ton ocean ship would only take, after all, 825,000 bushels, whilst we have boats on the lakes which carry 500,000 bushels, more than half the ocean cargo.

Now, honourable gentlemen, I am just coming to the end, and I thank you very much for your very kind attention, and I would just like to say this in conclusion: that the enlargement of the St. Lawrence canals for the establishment of ocean lines from Great Lakes ports, thereby eliminating the port of Montreal, is not at all serious. The season on the Great Lakes is short, with difficulties from ice both at the opening and the closing, which would permit arrivals from Europe at ports on the Great Lakes about May 5th of each year, and would mean that the first scheduled sailings would probably be May 15th. The latest sailings that vessels of this type could safely plan from Great Lake ports would be November 12th to 15th, so that there is practically six months in which service could be maintained, but which would occasion the expense of yearly terminals for six months' service.

Undoubtedly there would be established lines from the cities of Chicago, Duluth, and Cleveland, with possibly others as the country further developed; but the vessels on such service would not be as large as those on the Atlantic, and would carry only sufficient steel and grain to give them dead weight, as in that particular service they would need the merchandise that paid the higher rate, and which occasions expensive transfer at seaboard, as against the expense accruing to bulk freight.

In the spring, the grain moves out with a rush, and ordinarily a great many lake vessels, which are otherwise engaged in coal and ore trade, get into this grain trade, while the very large ore trade of the lakes is getting settled down to a smooth running basis, and, on account of the delays incident to the opening of this business, these boats can readily be spared. Usually the rush of wheat is over by the 20th May, and by the 1st of June the larger portion of the grain left over from the previous fall is at seaboard. The grain rush in the fall commences about September 15th, and a great number of vessels are freed from their regular ore and coal trades, due to a little higher freight earnings, and always fit into this particular rush of getting the grain out late in the fall. These boats to a large extent need the grain trade at that time, as ordinarily the ore shippers try to get the bulk of the ore moved before the bad weather sets in in the fall and, from the 1st of November on, freezing weather is quite often experienced, which absolutely stops the loading of ore, and, during those few days, always throws a large number of boats into the grain trade.

The lake vessels are much cheaper to build, have smaller crews, are specially adapted for the lake and river trade, and carry a larger cargo on the same draft than ocean vessels of the same size. They are built for special trades. This permits them to carry return cargoes of coal on the lakes, thus helping to cheapen the freight rate and, in my judgment, they would be able to move grain from the head of the lakes to Montreal so much cheaper than ocean vessels that the difference would cover the cost of transferring the grain at Montreal. At times tramp

vessels would go into the lake country for bulk cargoes of grain; but ordinarily these charters have to be made so far ahead that the buyer and seller of the grain would take a great many more risks in the fulfilment of their contracts. It is a great advantage to a shipper, when grain is moving to fill a certain sale, to have that grain where he can divert it to take advantage of new sales, or to other ocean ports than those intended, so as to take advantage of reduced freights and to some extent it appeals to a shipper to have his grain en route from Port Arthur to Montreal.

If we assume that grain is being moved to Montreal from the head of the lakes in cargoes of say 500,000 bushels, the grain received at Montreal on that one cargo can be shipped in various directions on the various lines operating out of Montreal. It also permits one extra handling of grain, which sometimes is advantageous in keeping it from heating, which particularly applies to corn in the summer time.

In my judgment, unless conditions change very much in the grain trade, not less than 80 per cent of the grain from the Great Lakes via the St. Lawrence route would be transferred at Montreal, though the merchandise from that district might be loaded at Great Lakes ports in larger proportion.

The people and established industry at the present time that would be benefited by the larger canal are probably nine times as great on the American side as on the Canadian side, and the benefits would probably accrue in about the same proportion. That means that the Americans would have to pay $9 to our $1 if we went into that scheme. Therefore, it is a serious matter for the Canadian Government to consider unless the original expense of construction were borne very largely by the United States. Probably there is some way in which it could be worked out whereby the operating cost could be distributed on the tonnage moved, so that there would be no charges against the vessels, which I think would be necessary. Canada at present is in such a bad way financially that I do not believe that this undertaking could be seriously considered at the present time, and I anticipate much inquiry would have to be made before the Province of Quebec would be persuaded that it was in their best interests to permit the exportation of power to be developed in their province through this proposed route.

I thank the honourable gentlemen very much—

Hon. Mr. WILLOUGHBY: Is the honourable gentleman concluding his remarks? I have listened to him with very great interest. I am interested in the matter of getting our grain from the West to the seaboard in the cheapest way, and I should like to ask why the Western American States that do not border on the Great Lakes have apparently approved unanimously of the scheme. I desire only to ask for information.

Hon. Mr. CASGRAIN: That information is asked by everybody, and nobody seems to know what it means, unless it is a Trojan horse scheme for coming into Canada. Some claim that it is a power scheme. That means that very wealthy interests in the United States would like to develop the power. I can hardly believe that, since they have plenty of power undeveloped. But it appears, and the rumor is current, that some very big concerns —I will not name them, but you can guess at them—would like to obtain this power. They have too much commonsense to believe that there is any navigation in this scheme; but there would be an immense amount of power development, and that is supposed to be the object. Those same Middle States, as I had the honour of saying a little while ago, are on the Mississippi river. Why not use their own river?

Hon. Mr. WILLOUGHBY: One reason, I suppose, would be the very much greater distance. I have gone on the Mississippi from St. Paul to the Gulf of Mexico. That takes five or six days. It is four days from St. Louis only.

Hon. Mr. CASGRAIN: But my honourable friend knows that the rate on the ocean as compared with on land is ten to one; so distance on the ocean is not a very great factor.

Hon. Mr. DANIEL: What effect would the winter have on that power?

Hon. Mr. CASGRAIN: I am trespassing upon the kindness of the House, but I am very glad indeed to have the honourable gentleman ask the question. That is a point that I absolutely forgot to mention. In the winter time there is what is called frazil;" that is the sort of ice that freezes under the water. It is like a bunch of darning needles, if you like, and it will clog almost any turbine wheel and will interfere with the flow of water until it stops it completely. I do not know what is the English term for frazil.

Hon. Mr. DANIEL: It is called anchor ice.

Hon. Mr. CASGRAIN: That frazil is formed only in water that is very much agitated and contains a large proportion of oxygen. It clogs the turbine wheels, as I have said. Therefore there are in this report many schemes for doing away with the frazil.

I had plenty more to say about the matter, but, while taking so much time, I did not mention that there is a Colonel Hugh L. Cooper who seems to have a scheme for skimming this frazil and preventing it from forming. He is one of those who has much to say in this report. However, I am sorry that I cannot give more information to my honourable friend about this frazil, but apparently it is not known how it can be prevented.

Another important factor is the flooding that would occur in the winter time when the ice forms. As you all know, the various rivers rise. However, I think I spoke of that the other day.

Hon. Mr. WATSON: The water has to be absolutely still.

Hon. Mr. CASGRAIN: As the honourable gentleman from Portage la Prairie says, there has to be absolutely still water.

I hold in my hand a pamphlet which is very interesting. I think every Senator must have received a copy. The pamphlet has recently been issued by the General Manager and Secretary of the Montreal Harbour Commission, Mr. M. P. Fennell. This honourable House does not change, like another Chamber, but it goes on. It would be advantageous if the honourable members of the other House, especially the new members from the Northwest, would go down to Montreal, and see how easily their grain is being handled there. I may say that we in Montreal have been fortunate in having always a good Commission, whether appointed by the Conservatives or by the Liberals. A very pleasant event took place in Montreal the other day: the present Commissioners invited their six predecessors. The three who had been appointed by Sir Wilfrid Laurier, and still full of life, were present, as were the three appointed by Sir Robert Borden. The nine of them yesterday had a very nice lunch, and I am told that the President, Dr. W. L. McDougald, presented them with a very fine little loving cup on which were inscribed the names of the nine Commissioners. These men have done great work. I am not now digressing, for I am still speaking of navigation. The work was inaugurated by Joseph Israel Tarte. All honour to him! His constant advice was: "Let us equip our ports; let us equip our harbours." I am glad to pay this tribute to his memory. We have in the present Commissioners and in the manager very able men. I do not want to take up further time. But I may say, en passant, that the present General Manager, Mr. M. P. Fennell, had the honour of being elected some years ago as President of the American Association of Port Authorities, and I think he still holds the position.

This little book gives the quantity of grain that is being shipped from every port. You will observe from it that the port of Montreal heads the list, with 138,000,000 bushels; Galveston comes next, with 94,000,000; then New York with 84,000,000, New Orleans with 73,000,000, and so on. I want to say here that the harbour of Montreal has cost in development only $31,000,000, and it has never failed to pay the interest on its bonds, and has never been a charge of one dollar on the public Treasury.

Now, honourable gentlemen, once more I thank you most sincerely for your very kind attention. This is a very dry subject, although we are on water all the time, and I do not expect to speak as long again unless you ask me.

On motion of Hon. Mr. Fowler, the debate was adjourned.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Wednesday, May 17, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Bill C3, an Act for the relief of Robert James Owen.—Hon. Mr. Barnard.

Bill D3, an Act for the relief of Gibson Mackie Tod.—Hon. Mr. Bennett.

Bill E3, an Act for the relief of Margaret Thompson.—Hon. Mr. Proudfoot.

Bill G3, an Act for the relief of Daniel Calvin Bell.—Hon. Mr. Proudfoot.

Bill H3, an Act for the relief of Stanley Davidson Morning.—Hon. Mr. Proudfoot.

Bill I3, an Act for the relief of Johnston Nixon.—Hon. Mr. Proudfoot.

Bill J3, an Act for the relief of William Andrew Hawkins.—Hon. Mr. Proudfoot.

Bill K3, an Act for the relief of James Malone.—Hon. Mr. Proudfoot.

Bill L3, an Act for the relief of Marjorie Elizabeth Wickson.—Hon. Mr. Proudfoot.

COST OF ELECTIONS

INQUIRY

Hon. Mr. DAVID inquired of the Government:

What is the comparative cost of the preparation of electoral lists, and of the holding of the elections in 1911, 1917 and 1921 respectively?

Hon. Mr. DANDURAND: I have this memorandum from the Auditor General:

The preparation of the electoral lists for the elections held in 1911 was under the jurisdiction of the Clerk of the Crown in Chancery, which officer has since been retired. All of the papers of his office were destroyed in the fire which burned the Parliament Buildings.

This office is not in a position to arrive at the cost of the lists, as his accounts contained the services of officials who worked on the lists and officials who worked upon other work, and no distinction is made. The lists for this election were printed in the Department of Printing and Stationery.

The lists for 1917 were prepared by registrars, and the cost is contained in the reports of the Auditor General, along with the cost of conducting the election in the various constituencies throughout the Dominion, and to arrive at the total cost would necessitate examining the accounts of each and every electoral district for this election.

The electoral lists for 1921 were prepared by registrars, and in some cases were printed by individual printers. A large percentage of the accounts have been dealt with and paid, but there are still sufficient accounts outstanding, some of them unpaid and some districts not yet received, to make the statement of the amounts paid to date incorrect for questions of comparison.

CIVIL SERVICE UNION No. 66

INQUIRY

Hon. Mr. POPE inquired of the Government:

1. On what date, month and year was a charter granted by The Trades and Labour Council to a group of Civil Servants for the purpose of forming Union 66 amongst the Civil Service of Ottawa?
2. What are the names and positions in the service of the Chartered Members?
3. What was the full official title of the Union?
4. Has this charter been cancelled by the Trades and Labour Council?
5. If yes, on what date, month and year?
6. Has another charter been granted to some of the officers of the former Union 66?
7. If yes, what is the full official title of the new organization?

Hon. Mr. DANDURAND: To the inquiry as put by the honourable gentleman the Department is obliged to answer that it has no information.

RAILWAY LAND GRANTS IN SASKATCHEWAN

MOTION FOR RETURN

Hon. Mr. WILLOUGHBY moved:

That an Order of the Senate do issue for a return showing:

(a) The aggregate number of acres of land located within the present territorial limits of the Province of Saskatchewan granted by way of subsidy or bonus for the construction of railways beyond the boundaries of the said Province.

(b) The names of the persons and companies receiving such grant and the amount in each case, and date.

(c) The dates or approximate dates of selections of land by the persons and companies receiving the bonus or grant.

(d) The locations of the lands so selected or finally selected by the grantees.

The motion was agreed to.

DEPARTMENT OF NATIONAL DEFENCE BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 27, an Act respecting the Department of National Defence.—Hon. Mr. Dandurand.

Hon. Mr. Blain in the Chair.

Hon. Mr. DANDURAND: I would ask that the Deputy Minister of Militia be authorized to come to the floor of the Chamber.

Honourable gentlemen, when the Committee rose last week they were discussing subsection 4 of section 5. We had already amended subsection 3. I would ask leave to return to subsection 3 of section 5. Would you kindly, Mr. Chairman, read subsection 3 as amended?

The Hon. the CHAIRMAN (reading):

The Governor in Council, on the recommendation of the Minister, may appoint for a period not exceeding six months an officer who shall, in relation to the Naval Service, administer, exercise and perform all the powers, duties and functions vested in or exercisable by the Deputy Minister of the Naval Service by or under the Naval Service Act, and who shall have the rank and salary of a Deputy Head of a

Department, and shall be a member of the Defence Council.

Hon. Mr. FOWLER: Explain.

Hon Mr. DANDURAND: The honourable gentleman from Moosejaw (Hon. Mr. Calder) has submitted to me an amendment which would join subsection 3 and 4 in another form. I think he holds in his hand that amendment.

Hon. Mr. CALDER: Honourable gentlemen, since our last meeting we have been considering various points which were under discussion when the Bill was last before the Committee, and it is now suggested that subsection 3 be further amended by inserting after the word "who" in the third line the words "while holding such office." The latter part of the clause would then read:

—who shall . . . administer, exercise and perform all the powers, duties and functions vested in or exercisable by the Deputy Minister of the Naval Service by or under the Naval Service Act, and who while holding such office shall have the rank and salary of a Deputy Head of a Department, and shall be a member of the Defence Council.

It is further suggested that subsection 4 be struck out and another subsection substituted. I understand it has been decided to add to the Bill a section which would bring the Act into force by proclamation. The suggestion is that this subsection should be substituted for the present subsection 4:

Upon the coming into force of this Act by proclamation, as provided by section 11, the officer appointed under subsection 3 of this section shall be known as Comptroller.

That is, he is simply continued in office, and shall, under the Deputy Minister of National Defence, be charged with all financial matters pertaining to the Department. The Comptroller shall be paid an annual salary of $6,000.

In effect that simply means this. As I understand it, Mr. Desbarats has been acting as Deputy Minister of Naval Service for a long period of years and has given very good service, and the suggestion is that he should continue to act in the capacity referred to in subsection 3 until such time as the complete change in the Department is ready to be made, and that, as soon as the Act is brought into force by proclamation and everything is ready for the reorganization of the Department, Mr. Desbarats should become Comptroller of the Department at the salary which he is now getting, $6,000 per year, and that he should not continue to act as Deputy Minister of the Department.

The Hon. the CHAIRMAN

Hon. Mr. REID: I have no objection at all to $6,000 being paid Mr. Desbarats, but I was wondering if it would not be better to make the amendment read, "Shall be paid a salary not exceeding $6,000." You are fixing the salary of the Comptroller at $6,000 permanently, whereas, if anything should happen to Mr. Desbarats and you appointed a new man, you might possibly want to start him at a little less. As I understand that amendment, it really fixes the salary of the Comptroller at $6,000. There are other Comptrollers in other departments who are, I think, doing as important work and who are receiving a much less salary than $6,000. I am not making this suggestion with a view of interfering with the salary to be paid to Mr. Desbarats while he is in that position; I am only suggesting that perhaps some words might be inserted which would provide that, in the event of anything happening to Mr. Desbarats at any time, it would not be necessary to appoint a new Comptroller at a salary higher than that received by those who are filling positions of the same standing and whose duties are, in my judgment, quite as responsible as those of the Comptroller in the Department of National Defence.

Hon. Mr. DANDURAND: There should be no objection to modifying the proposed amendment by making it read, "not exceeding $6,000."

Hon. Mr. CALDER: Yes, "not exceeding $6,000."

Hon. Mr. TURRIFF: It seems to me that it is not necessary to appoint a Comptroller for this department. If it is desired to provide for Mr. Desbarats, well and good. I have no objection whatever to that. But, if so, make the provision such that when Mr. Desbarats is retired it will not be necessary to continue for all time to come the office of Comptroller. There are other Departments that have no Comptroller and do not require one. If you appoint a Comptroller for this particular Department, an agitation will start within those other Departments to have one of their officials appointed a Comptroller, and the result will be that you will go on increasing the cost to the country when it is absolutely unnecessary to do so. I understand from what was said the other day that Mr. Desbarats is now over sixty years of age. In two or three years he will be due for retirement. Why not give him a pension as Deputy Minister of the Naval Service at the time of his retirement, and continue

with the present officers looking after financial matters? So far as we can judge now, from the proposal of the Government to reduce the expenditure in connection with the army, the navy, and the air force, the total expenditure of the three combined departments bids fair to be considerably less in the future than that of the Department of Militia and Defence in the past. If the Department of Militia and Defence in the past did not find it necessary to have a Comptroller, why have a Comptroller for the combined Departments, when the total amount of business transacted will be considerably less? My suggestion is to arrange for Mr. Desbarats' salary until the time comes for his retirement, then give him his pension and cut off that expenditure absolutely.

Hon. Mr. DANDURAND: I must repeat to my honourable friend that that position was not created in order to make a berth for Mr. Desbarats. It is clear that the Minister of Militia did not at first intend Mr. Desbarats for that position. He did not have his eye upon Mr. Desbarats. I maintain that the new Department, formed by the amalgamation of the three will need a reclassification, and in that reclassification there will be need for a position such as is now being given the title of Comptroller.

Hon. Mr. FOWLER: Why will it be needed?

Hon. Mr. DANDURAND: With that title or another. There was in the Militia Department a Comptroller—a Paymaster General and finance member of the Council, who was superannuated two or three years ago. So in the reorganization this position will be a necessary part of the system.

Hon. Mr. FOWLER: There was a Paymaster General required during the war, but since that time we have got along without one, have we not?

Hon. Mr. CALDER: With reference to the point raised by the honourable member for Assiniboia (Hon. Mr. Turriff), that under the proposed amendment the position of Comptroller is established, all it does is to state that this man who has a position in the Department, shall become the Comptroller. It does not mean that when he disappears another Comptroller need be appointed.

Hon. Mr. TURRIFF: But my honourable friend has had enough experience in his lifetime to know that when we establish a position in connection with this Government or any other there is going to be some one ready to step into that position when one man drops out.

Hon. Mr. ROBERTSON: I might call my honourable friend's attention to the fact that that has not been the history of the past. Although there was an official known as the King's Printer, receiving a salary of $6,000 a year, that position has been continued but has not been filled, and the salary is not being paid at present; so that the establishment of the position of Comptroller to meet an emergency in order that an old official of the Department may be fairly treated need not be taken as an intention to continue indefinitely the position.

Hon. Mr. TURRIFF: That exception only proves the rule.

Hon. Mr. BEIQUE: I draw the attention of the honourable leader of the Government and the honourable gentleman from Regina (Hon. Mr. Calder) to the fact that if the words "during the period of six months" which were inserted last week as an amendment in the beginning of section 3 remain, the whole clause will be but temporary, and only for six months.

Hon. Mr. CASGRAIN: Why do they not give Mr. Desbarats his pension right away, at the same salary, and be done with it?

Hon. Mr. FOWLER: May I ask why the phrase "six months" is introduced? Is the man only going to work six months, or for six months out of the year? I am not finding any fault, or objecting, but I want to know.

Hon. Mr. DANDURAND: The six months were included because it was felt that that was the outside limit within which the Department would be reorganized. It was not to declare expressly that there would be a second Deputy Minister appointed in the Department, but it provided simply for the transitory period during reorganization. Since we are amending subsection 4 it may be better to drop completely the amendment we made, and the words "for a period not exceeding six months," and provide in subsection 4 that when the Department is reorganized the Deputy Minister named in subsection 3 shall become the Comptroller.

Hon. Mr. FOWLER: Has the House been informed what amount of saving is to be effected by this amalgamation of the

offices? If you are going to have the same number of Deputy Ministers and officials, the only saving I can see is in relation to some Minister.

Hon. Mr. DANDURAND: Perhaps my honourable friend was not here when I gave a statement of the economies that were expected under this reorganization, which amount to hundreds of thousands of dollars. It is estimated that there will be a saving, from the reorganization, of twenty-five per cent in the civil staff only.

Hon. Mr. BELCOURT: The difficulty seems to be that we have assumed in one part of this section that the amalgamation will be in force in six months, and then my honourable friend proposes an amendment by which the amalgamation will happen upon a proclamation. That is what has created the difficulty. I suggest to my honourable friend that he could solve it, and remove any confusion or ambiguity, by incorporating the effect of subsection 3 into his amendment, something like this:

In the meantime the present Deputy shall continue to perform the duties of Deputy Minister until the proclamation, etc.

Hon. Mr. CALDER: My understanding of the situation is that the Department is practically ready to put its reorganization into effect, and that there is no likelihood of six months elapsing before that is done. I am taking that for granted, having been informed to that effect; consequently there is no harm in saying that this person shall hold this office for a period not exceeding six months. If the Act be proclaimed within six months, that will then be true, so it is immaterial whether it is changed or not.

Hon. Mr. BELCOURT: The amendment would still have to be altered.

Hon. Mr. BEIQUE: But all you are providing here will come into force only by proclamation.

Hon. Mr. BELCOURT: The difficulty of my honourable friend is that he does not realize that his action makes the appointment for six months definitely and specifically; it is not for a period not exceeding six months, but it is for six months.

Hon. Mr. CALDER: No, it for a period not exceeding six months.

Hon. Mr. DANIEL: Does the minister really think that, in view of the fact that all our navy is going to be put out of commission, there is any need of a comptroller at all?

Hon. Mr. DANDURAND: That is quite a large question, which would draw us pretty far away from the text of these amendments. My honourable friend, I suppose, has all the information he needs in reading the Debates of the Commons on that point.

Hon. Mr. DANIEL: Yes.

Hon. Mr. FOWLER: Have you no Paymaster General now?

Hon. Mr. DANDURAND: No.

Hon. Mr. FOWLER: Who has since been performing the duties that he performed during the war?

Hon. Mr. DANDURAND: There is only the Chief Accountant and the Director of Pay Services.

Hon. Mr. FOWLER: Will they still be retained?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. FOWLER: Then what is the need for this Comptroller?

Hon. Mr. DANDURAND: The Comptroller will see to the whole expenditure of those three departments united, each of which has separate pay-sheets for the civil side and the military side, so that there are six systems of payments in those three various Departments.

Hon. Mr. FOWLER: Where will your economy come in if you bring the officer from each of those Departments who are at present charged with the service in connection with the disbursements, and then you have a man to overlook those three? That will be a fourth officer, an extra officer, so that instead of reducing you are increasing the expenditure—practising unthrift, in fact.

Hon. Mr. DANDURAND: I have stated that the duties of the Comptroller would be, under the Deputy Minister of National Defence, to co-ordinate and administer the different branches of accounting and pay services of the Department of National Defence, to see to the administration of pay regulations, to audit the various services, including pre-audit, and post-audit of all expenditure, to prepare annual estimates, to record and recommend all services in positions in all branches of the service, involving expenditure.

Hon. Mr. FOWLER: But you have officers discharging those duties now, and in

addition to them you are going to have a third official who is going to oversee them. That is not decreasing the cost; that is increasing it.

Hon. Mr. TESSIER: We ought to have a real Comptroller who would be perfectly independent, as the Comptroller of a bank is, and not under a Deputy Minister. I think that clause is very badly worded. There has been so much money expended in that Department for a long time that I think it is a good thing to appoint a Comptroller, if he is to have the liberty to control the expenses in an independent manner. He should be in a position to control the expenses made by the Deputy Minister.

Hon. Mr. BELCOURT: I am not at all satisfied with this clause. Subsection 3 says that the Governor in Council "on the recommendation of the Minister may appoint for a period not exceeding six months an officer who shall," etc. Then my honourable friend goes on and substitutes for sections 4 and 5 the words: "Upon the coming into force of this Act by proclamation." Now, the six months mentioned in subsection 3 are going to date from the time that the Act comes into force, which may be upon a proclamation; so that you have the difficulty, that in the meantime the officer cannot be appointed, or if appointed, he will be appointed only for a time to commence with the proclamation.

Hon. Mr. CURRY: To me this is a business matter. If three corporations were amalgamating into one they would call in a chartered accountant, or some man capable of going through all their accounts and putting them into the amalgamated state, regardless of their own staff. As I understand it, the proposed Comptroller would perform that function here. It seems to me necessary to have somebody to do that, and if the Comptroller did not do it, and they want it done properly, they might have to call in a chartered accountant from outside.

Hon. Mr. BRADBURY: What would the Deputy be doing?

Hon. Mr. REID: It does seem to me that the appointing of a Comptroller may do an injustice to the man who is now in charge of the financial matters in connection with the Militia Department, under the title of Accountant. Under this Bill another gentleman would be placed over him, and probably the operation would not be as satisfactory as if all the financial matters were under one accountant. There is no doubt at all that this clause is intended to provide for Mr. Desbarats, and as far as he is concerned I really would not like to see any injustice done him, if he could be provided for without establishing a precedent of this kind, which might not only do an injustice but interfere with other departments in the future.

But I cannot understand the necessity for passing this Act at all, for honourable gentlemen will remember that in 1918 Parliament passed a special Act containing only two clauses, for the purpose of allowing the amalgamation of any departments. The particular amalgamation at that time concerned the Customs and Inland Revenue Departments, but the provisions of that Act applied to any future amalgamation that was desired. I will read the clauses:

7. (1) The Governor in Council shall have power,—

(a) to transfer any powers, duties or functions or the control or supervision of any part of the public service from one Minister of the Crown to any other Minister of the Crown, or from one Department or portion of the public service to any other Department or portion of the public service; or,

(b) to amalgamate and combine any two or more Departments under one Minister of the Crown and under one Deputy Minister.

(2) All orders made by the Governor in Council under the provisions of this Act shall be laid before both Houses of Parliament within fifteen days after they are made if Parliament is then sitting, and if not, then within fifteen days from the commencement of the next ensuing session of Parliament.

As I read that, we could amalgamate two departments under that Act, and then the Government and the Civil Service Commission would have power, if they agreed, to appoint a Comptroller and fix his salary at whatever the Commission agreed was fair and reasonable for that position. Mr. Desbarats could thus be provided in the regular way under that Act, which was assented to by Parliament on the 12th of April, 1918. This Act gives power to the Government by Order in Council to amalgamate any two or more departments under one Minister and one Deputy Minister, with all the powers that any department at present possesses. As the honourable leader of the Government knows, if it is desired to create a new position in any department the Minister applies to the Civil Service Commission to have such a position as that of Comptroller created, and he asks the Commission to fix the salary. The Commission must assume the responsibility of fixing the salary. If the Government were to amalgamate these two or three departments

under that Act and the Minister of the new Department or the combined Department then applied for a Comptroller, giving his reasons, I think the Civil Service Commission would consider the matter, and it is altogether likely they would agree to the new position of Comptroller being created if the reasons offered were in their judgment sufficient. In my judgment the whole machinery is now on the statute book, and the amalgamation could go through without the present Bill. However, I am not objecting to the Bill going through, but only giving the reason why the Bill must, in my opinion, be justified.

Right Hon. Sir GEORGE E. FOSTER: I should like to know exactly where we are. Have we passed subsection 3?

Hon. Mr. DANDURAND: Not yet; we are on subsection 3.

Right Hon. Sir GEORGE E. FOSTER: We are discussing something else that is to come on afterwards. Is that it?

Hon. Mr. DANDURAND: Yes. The whole economy of these clauses will indicate that clause 3, which provides for a Deputy Minister, will end when this Act is proclaimed, and that clause 4 will be substituted for clause 3, inasmuch as under clause 4 the Comptroller who will be appointed will be the gentleman who occupies the position of Deputy Minister, and whose position will be abolished when the Act is proclaimed.

Right Hon. Sir GEORGE E. FOSTER: As has been stated by my honourable friend sitting just behind me (Hon. Mr. Reid), the legislation we already have would bring about everything that this Bill brings about, with one exception. It would not affect the name of the Department, and I suppose the Government bring in this Bill in this way because they want to give a new name to the Department taking in all three services, and the present legislation would not allow a change of name. That could be easily cured, however, by a special Act for that purpose. But I am not quarrelling with the Government because they wish to proceed in this way. The main thing is to know what the Government proposes to do, and then to determine whether that is the wisest thing to be done. At the last session of this House when we discussed this question, I understood that clause 4 was struck out; there was a vote taken in the Chamber, and I understood that the majority was against the clause.

Hon. Mr. DANDURAND: My honourable friend is in error. It was an amendment which I had proposed to the clause which was rejected, and we were still on the motion to adopt the clause when the Committee rose.

Right Hon. Sir GEORGE E. FOSTER: That brings us back to the clause as we have it before us now. The main point, to my mind, is whether or not a Comptroller is necessary. I have not had that made clear to me. I fail to see what a fourth man or a third man put into the new Department to control the financial portion of it would have to do. The honourable leader of the Government has said that there are different cheques, different methods of payment. But, surely, if we have not a uniform method, it is quite necessary that we should have it; and it is quite easy for us to get it. What is done in the Naval Department? An officer performs his duty, and at the end of the month he gets his pay cheque. An officer in the Air Department does the same; an officer in the Militia Department does the same. There is no difference at all in the matter. You simply have to find out whether the service has been performed and what pay is attached to it, and to issue the cheque. No Comptroller on earth, nor a thousand of them brought in, could alter that state of things. If you have a different kind of cheque in one department from what you have in another, and a different method of payment, which I doubt very much, then all that is necessary is to make uniform, as it should be, the method of payment in all departments. I think we have that at the present time.

Then, what is the new Comptroller to do? Is he to stand over three other men in the three departments who certify and check out the payments to the men who have performed the services, and see that they do their work with the proper kind of ink and the proper kind of flourish to the signatures? What can he do in that? He has no power at all. The duties are there, and the way in which they are performed is plain to be seen. If the Comptroller cannot do that, what else can he do? You may say, and I have heard it said, that he would have charge of the purchasing department. But, if I understand aright, we have a Purchasing Department for all departments, and the purchases are made according to the methods prescribed, and with the co-operation of the Purchasing Department. What happens when a purchase is to be made? The Minister of the Department

decides that something should be purchased; he goes through the regular form, and an application or requisition is put in; that goes before the proper officer of the Department; he co-operates with the Purchasing Department, and the purchase is made by tender or in some other way. In what way can the Comptroller operate to change or make better the process that we have at the present time? I cannot for the life of me see what he is to do.

If, however, it is in the mind of the Government to take the Militia Department, the Naval Service, and the Air Service and to go into an investigation as to whether they are over-lapping each other in their duties; whether there are more clerks that are necessary; whether there are obsolete methods of business employed which should be done away with and replaced by modern methods; I could understand that a Comptroller might be of very great benefit in that respect.

Hon. Mr. FOWLER: Could not that be done by the Deputy Minister?

Right Hon. Sir GEORGE E. FOSTER: It could be, one would think; but sometimes it requires a fresh breeze, an outside breeze, to clear the air; and may be if an up-to-date, efficient business man were brought into that Department, he could go through it and find out just what was being done and whether obsolete methods were being used. There are departments in the Government to-day which, in spite of all the printing presses that have been devised, are still following the old method of writing cheques by hand, and duplicating them by hand-writing them over again, one, two, or three times. At least, they were doing that not very long ago, and I doubt if conditions have changed very much since. There are methods of accounting used in some of the departments which would not be allowed in any other business establishment; methods trammelled by long custom and which give employment to many people whose services might be dispensed with if tabulating machines and new methods were introduced. New methods have been introduced in some departments. They could be introduced here. I can see how an up-to-date, outside business head brought in and with that work set before him could do great things in the way of improvement.

Hon. Mr. FOWLER: It is the same old breeze that is coming in here.

Right Hon. Sir GEORGE E. FOSTER: That is what I say. Even Senators, bright and brisk as they are, do fall into the habit that old custom has wrapped around them. Deputy heads and officers in branches are no exception to the rule: what they find being done when they come, they continue doing.

I am all for a Comptroller or a controlling agency, if you put him or it at that sort of business; but I doubt whether hoisting in a man who has been in this Department for a good many years, who probably is not acquainted with up-to-date business methods, and putting him at the work of overseeing the accountants who are now there would be of very great assistance. That is why I have difficulty in seeing the necessity of a Comptroller; and I do not think it has been made quite clear yet just what the Comptroller is supposed to do, and just why that business is not now or may not be thoroughly well done by the accountants already in the Service.

Hon. Mr. FOWLER: I think it would be much better if the Government would just come forward and say they want to make a place for a valuable officer who has been a long time in the service. Let them take the public into their confidence. There is not one of us in this House, I think, who would object to proper provision being made for Mr. Desbarats, who has been a good officer, and who has done most excellently well. But why not be square with the public, and say: "This man should not be turned out on the street; he joined the Service a long time ago, and his service, in years, has still some time to run." I do not think services of that kind should be discarded as you would throw off an old shoe; but do not think you should go on multiplying these positions when they are not necessary by adding a fourth man to the three who are now performing the services.

As the honourable gentleman from Ottawa (Right Hon. Sir George E. Foster) has already said, it might be a good thing if a new man were to come in and make changes along the line of efficiency. I am not an efficiency crank; I think you can have too much efficiency; you may have efficiency until you destroy your department. But there are some things in modern methods that are of advantage, and which should be introduced; and if I were a Minister of the Crown I should have my Deputy attend to his department, and make it efficient, or, if he could not, he would have to find another place. I say that all this work should be done by

the Deputy Ministers; they are the men who are responsible; and if they have not the ability to organize their departments they have no business occupying the positions which they do.

I am sure the Deputy of this Department is a very efficient man, if he is the man whom I have in my eye just now. Therefore, I say to the Government: "Take care of Mr. Desbarats, who has been a faithful servant of the Crown; but do it in another way; do it honestly and squarely, and let the country know that you are doing it."

Hon. Mr. PARDEE: To some extent I agree with the remarks of the honourable gentleman who has just taken his seat. He says: "Let us do this quite frankly and openly, and say that we are looking after Mr. Desbarats." I take it that the Government is doing that very thing. But the point I should like to make is this. If they say, "We are taking care of Mr. Desbarats," is there any reason why they should not? Has anyone in this House or in the other House got anything to say against his efficiency? If he is efficient, and if at the present time there is a reorganization going on, why should he not be placed in the position of Comptroller?

The honourable gentleman says that the Deputy Minister should do this work. To my mind it would be an utter impossibility for the Deputy Minister to take care from time to time of all the finances of his Department. One houourable gentleman said, and his argument appealed to me most strongly; "Suppose you were amalgamating large concerns, would you not, if different heads were being brought in, bring in a man who would have charge of the finances alone?" That, it seems to me, is a most reasonable proposition; and that, if I understand it aright, is what is being done here to-day. Three separate departments, the Air Force, the Naval Force, and the Land Force, are being brought together in an amalgamation. I take it that there have been officers of these various departments connected with the finances of each separate unit. To-day, as I understand it, it is the wish that from a common purse shall come the money to pay each of the officers of these separate departments, so that all the moneys may go out under one head. Could anything be more reasonable than to say that a man who has served the Government for many years, and who, as I understand, has performed very valuable services, and who, as I have been told, perhaps privately, has reorganized some of the departments and put them in working order, is the very man to put in to reorganize these departments?

The honourable gentleman from Grenville (Hon. Mr. Reid) says that we have the Act of 1918, under which this might all be done by Order in Council. Very true, it might. But, as he expressly pointed out, after the Order in Council is passed a special Act has practically to be passed to enable the legislation to be carried out.

Hon. Mr. REID: I said that the Act was passed after the War Measures Act. Of course, when the War Measures Act ceased to be operative, we had to pass a special Act giving power to carry out the amalgamation; but it did not apply only to the Customs and Inland Revenue Department. It was a general Act, so that future amalgamations could be carried out under its provisions if the Government saw fit.

Hon. Mr. PARDEE: And by analogy, therefore, it should be done by Order in Council. I take exception to that. Here is an Act expressly setting out what it is going to do, and not making two bites of a cherry. This particular appointment is not being referred to the Civil Service Commission, and one Act is doing holus bolus what two Acts were necessary to do before. Here is an Act which amalgamates these three Departments and appoints a Comptroller without any reference whatever to the Civil Service Commission, and which, as my honourable friend has said, clearly and fairly states what is going to be done, and asks the approval of the House.

So far as I can see, the amalgamation is a proper thing. The honourable leader of the Government has explained that there will be a saving of 25 per cent. If we can save 25 of our enormous military expenditure, what a great thing we are doing for the people of this country. If We are going to help in that by the appointment of a man against whom, so far as I have heard, there is not the slightest breath of suspicion, either as to his honesty or his capabilities, and are going to pay him a salary of $6,000, then I say, in spite of all the arguments I have heard, that to my mind this action is absolutely in keeping with a policy of retrenchment, and the Bill ought to be carried through to a conclusion.

Hon. Mr. FOWLER: I regret very much that I have not been able to make myself understood by the honourable gentleman from Sarnia (Hon. Mr. Pardee). I do

not know whether the fault lies in my lack of power of expression, or in the honourable gentleman's lack of power of assimilation. I have made no attack upon Mr. Desbarats.

Hon. Mr. PARDEE: I did not say you did.

Hon. Mr. FOWLER: I spoke in the highest terms of his capacity.

Hon. Mr. PARDEE: May I say to the honourable gentleman that I stated he did not make any attack. That is exactly my argument, that no attack has been made.

Hon. Mr. FOWLER: But then it does not follow that an unnecessary officer shall be appointed simply because the man to be appointed is a very efficient person. If the position is unnecessary, then it is not in the interest of economy, and what I pointed out was this, that there were three officials performing that task of looking after the financial end of the Department; that this proposal was simply adding a fourth when three were surely enough, and that it would have been much better if they had been reduced to one. I said that if the Government wanted to provide for Mr. Desbarats —and I would hold up both hands in favour of their doing so—then they ought to do it squarely and openly, and not by any subterfuge such as this. The Minister stated that the proposed change would reduce the cost by twenty-five per cent, and yet the only evidence the Government brings forward is to put in another official, a $6,000 one, who is not required. That is all the evidence that has been adduced this afternoon. Therefore I do not see much economy in the proposal. This is a time when we need economy. An amalgamation of services that will eliminate unnecessary persons is very essential at this very time, when not only are we paying in indirect taxation, but we are—each of us who is fortunate enough to have an income beyond a certain point—paying directly towards the support of Federal institutions. It behooves us to see that that money is expended properly and not wastefully. Therefore anything the Government does along economical lines, without at the same time dropping services unnecessarily or to the point of extinction, I shall be prepared to support. I should be prepared to support the Government in any measure it brought forward for putting Mr. Desbarats in such a position that he should not lose by this amalgamation. At the same time let us not add unnecessary officials.

Hon. Mr. DANDURAND: I would draw the attention of my honourable friend to the fact that by the same Bill we are dispensing with the Deputy Minister. The honourable gentleman may answer that he finds the same party under another title, that of Comptroller; but the opinion was expressed by the Minister of Militia that the Comptroller would very often have opportunities to save money; that he would save the amount of his salary perhaps in a month, and certainly in a year. The duties of the Comptroller will not be simply to see that cheques are directed to the proper parties. My right honourable friend from Ottawa (Right Hon. Sir George E. Foster) was wondering what would be the function of the Comptroller when cheques of settled amounts were to be issued monthly or bi-monthly to different parties. He stated that this was simply clerical work. I am informed that in the three services, Militia, Air Force and Navy, there are allowances, made to various parties; which are not alike from month to month; that they vary according to the character of the service performed, and a close check must be kept upon these allowances; that every month there are discussions between the Accountant and the claimant, and that these disputes very often reach the Deputy Minister. The Comptroller will have occasion to study those various systems. Mr. Desbarats already knows the difficulties in his own department. He will bring to his new office the experience acquired in that department and will try to co-ordinate those various services, at the same time keeping close watch on the allowances, which represent thousands and thousands of dollars, and which vary monthly at each payment.

Hon. Mr. TURRIFF: As I stated the other day, I am very much in favour of the general principle of this Bill to amalgamate three departments in one. My idea then was that this was to be done altogether for the purpose of efficiency and economy, and on that basis I am supporting the measure. But if you amalgamate three departments it is reasonable to suppose that fewer men will be able to do the work. We have at the present time three men who, as my honourable friend from Kings and Albert (Hon. Mr. Fowler) says, are looking after the financial end, and now it is proposed to bring in a third man to do the work that those three have been doing in the past, although the work will be a great deal less after the amalgamation than it has been hitherto. It does not seem to me that the proposition is at

all reasonable. If the expenditure rested with the payments to be made from now on to Mr. Desbarats, I should not think much about the matter, but there is not a man of us who does not know differently. We know that if that comptrollership is authorized, there will be a Comptroller in that department longer than any one here will live. There is no question about that at all. We have all seen that sort of thing happen time and time again.

Mr. Desbarats, as I said a moment ago, is sixty years of age: why not provide for him by superannuation? Let me point out to the honourable leader of the Government the statement made in the other House that already 400 temporary clerks had been dismissed. Those temporary clerks were probably all getting less than $1,000 per year. Has there been any great care taken in looking after them, such as there is now for this one man? And this man is in such a position that the Government can look after him along proper lines and do it thoroughly well. It is stated that 300 more temporary clerks or officials in the combined departments are to be let out. They will not get any special consideration. And for one particular official, whom we are able properly to look after, a position is being made. You cannot get away from that fact: a position is being made for him. I do not think that is a good thing to do, and I am sure the Government, on second thought, would not feel at all hurt if that proposal were not adopted in this Senate. Give Mr. Desbarats all that is due him. Do not treat him shabbily in any way. Any man who has devoted as many years as he has to the service of his country, and rendered such efficient service, is deserving of full consideration. Give him that consideration, but do not saddle upon the country for the next fifty or one hundred years a new position that is absolutely unnecessary, by putting four men to do the work that three men have been doing and by paying the fourth man far more than is being paid any of the three.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, this is the third sitting within which we have given consideration to this Bill. It might not be out of place to review for a few moments what we have already accomplished. When this Bill came down from the House of Commons, it came, I suppose necessarily, in the form in which we find it before us. The Government has already conceded, I think, most of the contentions which have been advanced from this side of the House by way of objection to the Bill. It was proposed, practically, that we should have three Deputy Ministers. Under subsection 1 of section 5 there was to be a Deputy Minister of National Defence; under subsection 3 of section 5 the present Deputy Minister of the Naval Service was to continue filling that position; and under subsection 4 my honourable friend the leader of the Government proposed that the Comptroller should also be a Deputy Minister. So the Government had in contemplation three Deputy Ministers. After the discussion in this Chamber the Government, apparently, has been fully convinced that three Deputy Ministers are entirely unnecessary, and we have the number of deputies practically reduced to one. That in itself is a concession to which we may attach a great deal of value, and it means a considerable reformation of the Bill.

In the next place, my honourable friend the leader of the Government has intimated to the House that the Government is prepared to withdraw subsections 5 and 6 of section 5. Those subsections practically made provision for the appointment of the officers of the amalgamated departments by the Ministers themselves. The withdrawal of those subsections is a valuable concession, inasmuch as they would clearly be an evasion of the Civil Service Act. These subsections being withdrawn, we are falling back upon the Civil Service Commission, leaving them to exercise their own discretion in the appointment of officers; we are putting into operation the general machinery under the Civil Service statute. So up to the present time we have accomplished considerable in dealing with this Bill.

Hon. Mr. DANDURAND: Subsection 6 also I intend to withdraw.

Hon. Sir JAMES LOUGHEED: Subsection 6, as honourable gentlemen will see, proposed that a considerable period of time should be added in calculating the retiring allowance of the different officers who should be superannuated or whose offices were to be abolished. I venture to say that what the Senate has accomplished in dealing with subsection 6 of section 5 means a saving of several hundred thousand dollars annually.

Hon. Mr. FOWLER: We are always saving money to the country.

Hon. Sir JAMES LOUGHEED: That is why we are here. So the Senate has been

functioning very successfully, it seems to me, since this Bill was presented to us for consideration.

We have discussed the retention of the services of Mr. Desbarats, the present Deputy Minister of Naval Service, in the office of Comptroller. It seems to me that if we gave effect to what was proposed the situation we should have to face would be this, that Mr. Desbarats would be superannuated and would doubtless draw a superannuation allowance from the exchequer of Canada approximating $4,500 or $5,000 annually, and, in addition to that, the Department would appoint a Comptroller who would receive another $5,000 or $6,000 a year. If we do not give authority to the Government to appoint a Comptroller, and if the suggestion of my honourable friend from Moosejaw (Hon. Mr. Calder) is carried out, the Government can go about the matter in another way. Through the Civil Service Commission or by some other means, they can appoint an official who will be charged with the financial duties incident to the administration of the department, and who will be paid a salary under the sanction of either an Order in Council or an order of the Civil Service Commission. Consequently we shall save that amount of money: we shall prevent the superannuation of the present Deputy Minister of Naval Affairs, and we shall have the advantage of his services as Comptroller, paying him only one salary. Under these circumstances, honourable gentlemen, I think we should be justified in accepting the amendment of my honourable friend from Moosejaw, and reframing the clause in the way suggested.

Hon. Mr. BEIQUE: Let the amendment be read.

The Hon. the CHAIRMAN (reading):

The Governor in Council, on the recommendation of the Minister, may appoint for a period not exceeding six months an officer who shall, in relation to the Naval Service, administer, exercise and perform all the powers, duties and functions vested in or exercisable by the Deputy Minister of the Naval Service by or under The Naval Service Act, and who while holding such office shall have the rank and salary of a Deputy Head of a Department, and shall be a member of the Defence Council.

The amendment of Hon. Mr. Calder was agreed to.

Hon. Sir JAMES LOUGHEED: Now the other amendment.

The Hon. the CHAIRMAN (reading):

That subsection 4 be struck out and the following be substituted instead thereof:

Hon. Mr. BELCOURT: Subsections 4 and 5.

Hon. Mr. DANDURAND: Subsections 4, 5 and 6.

Hon. Mr. DANIEL: And 6.

Hon. Mr. DANDURAND: We had better say subsection 4.

The Hon. the CHAIRMAN: For subsection 4 substitute:

At the expiration of sixty days from the coming into force of this Act by proclamation as provided by section 11, the officer appointed under subsection (3) of this section shall become and be known as Comptroller and shall, under the Deputy Minister of National Defence, be charged with all financial matters pertaining to the Department. The Comptroller shall be paid an annual salary of $6,000.

Hon. Mr. DANIEL: No; "not exceeding $6,000."

Hon. Mr. REID: May I ask the Chairman if the words, "not exceeding $6,000," have been added?

The Hon. the CHAIRMAN: Yes, "an annual salary not exceeding $6,000."

The amendment of Hon. Mr. Calder was agreed to.

On subsection 5 of section 5—holder of any position abolished may be appointed to another position:

Hon. Mr. DANDURAND: I move that subsection 5 be struck out.

The amendment of Hon. Mr. Dandurand was agreed to.

On subsection 6—provision for Retirement, Superannuation or Pension for Employees:

Hon. Mr. DANDURAND: I move that subsection 6 also be struck out.

The amendment of Hon. Mr. Dandurand was agreed to.

Sections 6 and 7 were agreed to.

On section 8—Defence Council:

Hon. Mr. BEIQUE: In line 3, page 3, the words should be "subsections three and four."

Hon. Mr. BELCOURT: Why not say, "under the provisions of this Act," without referring to any section?

Hon. Mr. CALDER: I am inclined to think the section should stand just as it is. Subsection 3 of section 5 provides for the appointment of an officer who will look after naval affairs. If you simply say, "an officer under this Act," who is it? What officer

is it? Subsection 3 of section 5 specifically names the officer to carry out certain duties, and there should be specific reference to that officer in this section.

Hon. Mr. REID: I think the question raised by the honourable gentleman from Ottawa is very important, because section 8 reads, at line 25,

> In the event of no officer being appointed under the provisions of the said subsection three of section five of this Act. . .

Subsection 3, as we have passed it, states that he will be a member of the Defence Council during the six months, but if you leave this in it conflicts with the subsection as we have passed it. I suggest that those words "subsection three" be struck out.

Hon. Mr. CALDER: Subsection 3 of section 5 provides for an officer who shall hold office for a period not exceeding six months. Then subsection 4 provides that the same officer shall, at the expiration of 60 days after the Act comes into force, be appointed Comptroller. Now, this section merely provides that while this officer is holding the position of looking after naval affairs—

Hon. Mr. DANDURAND: During six months as a maximum.

Hon. Mr. CALDER: As a maximum, that then he shall exercise the duties of Deputy Minister as defined in the Naval Service Act; so I think the section should stand just as it is.

Hon. Mr. ROBERTSON: Might I inquire from the Government, along the line of the inquiry made a few days ago, as to whether or not the members of this Defence Council are to receive compensation in addition to their regular salary for this service?

Hon. Mr. DANDURAND: None whatever.

Hon. Mr. ROBERTSON: Then I assume there would be no objection to making that clear in the section. I would therefore move that section 8, line 1, be amended to read, after the word "Council":

> The members of whom shall not be paid any additional salary or remuneration therefor.

Then there can be no question as to the intent of the section.

Hon. Mr. DANDURAND: Would the honourable gentleman put his question again, because there is one official who, as Vice-President of the Council, receives an emolument, but that is the only one in the service.

Hon. Mr. ROBERTSON: I rather fail to see the necessity of putting the question the second time, now that it has been answered, unless you want to amend the answer.

Hon. Mr. DANDURAND: I have to qualify the answer. I said none whatever, but I did not know just what the honourable gentleman was covering by his question.

Hon. Mr. BELCOURT: What is the occasion for an amendment of that kind? The money will not be paid out to anybody unless it is voted by Parliament. Then would be the time to discuss it. We are anticipating the action of Parliament in voting on that. I do not think this is the time to deal with that at all.

Hon. Mr. DANIEL: Does the Defence Council take the place of the Militia Council?

Hon. Mr. DANDURAND: Yes.

Hon. Sir JAMES LOUGHEED: My recollection of the remuneration paid to members of the Militia Council is this, that up to a comparatively recent period the members of the Militia Council received a salary; but within a recent period that allowance was merged into their regular salary, thus giving them a salary considerably in excess of the amount which they had been previously receiving. I fail to understand why there should be a Council within the Department, the members receiving compensation for what normally constitutes the work of the Department. It is essential that the work that is done by this so-called Defence Council, or the Militia Council in the past, should be performed by way of administering the Militia of the Dominion. It seems to me that unless the clause is amended, as now proposed by my honourable friend who has moved the amendment, there is nothing to prevent our reverting to the old practice of allowing the different members of that Council a special remuneration for the services which they are performing as members thereof.

Hon. Mr. BELCOURT. But that would be by vote of Parliament.

Hon. Sir JAMES LOUGHEED: That might be, but we are here to restrain Parliament by general legislation, if necessary, and it seems to me we are in a better position to give consideration to a subject of this kind now in dealing with this Act than to leave the question open as to

whether or not an amount should be carried into the Estimates for that purpose. Of course, Parliament could override this proposed amendment at any time by voting an honorarium if they chose to do so; but I feel satisfied that the practice is pernicious of allowing the officers of any department to draw salary separate from their main salary because of performing duties which are essential to the office which they hold.

Hon. Mr. ROBERTSON: One of the reasons that prompted me to suggest this amendment was the fact that to my knowledge certain officers in the Militia Department were receiving compensation over and above their stated salaries for rendering service to the Department. I knew that this was the cause of dissatisfaction among Deputy Ministers and other officers in other departments of the Government. I do not think we ought to establish such a precedent, and that when we have a chance of preventing such an abuse from going further, by putting in a plug in this way, we should take advantage of such a situation.

Hon. Mr. GRIESBACH: I am going to give the House a practical table of salaries paid to military officers in Canada, Great Britain, and the United States. It will provide a fair point of departure for further discussion of this matter:

Rank	Canada		Great Britain		United States	
	Married	Unmarried	Married	Unmarried	Married	Unmarried
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Lieutenant	2,300 00	2,000 00	2,183 41	1,824 14	3,194 50	2,717 25
Captain	2,900 00	2,500 00	3,027 18	2,516 47	3,834 50	3,357 25
Major	3,400 00	3,000 00	3,737 71	3,330 62	4,911 75	3,957 25
Lieut.-Colonel	4,000 00	3,600 00	6,046 95	5,765 68	5,651 75	4,697 25
Colonel	4,600 00	4,200 00	6,875 88	6,609 42	5,914 50	5,197 25
Brig.-General's appointment	6,000 00	6,000 00	7,449 21	7,182 75	8,000 00	7,697 25
Major-General's appointment	7,500 00	7,500 00	10,006 68	9,740 23	9,800 00	9,697 25
Lieut.-General's appointment	9,000 00	9,000 00	13,157 07	12,890 61	(a) 13,500 00	13,500 00

(a) Plus allowances as fixed by President.

The point I want to make in reading this table is that in Canada the corresponding ranks are paid less than they are in Great Britain and the United States, comparing Canada with the United States, we are about two grades behind, that is to say, a lieutenant in the United States draws more than a Canadian captain; the American captain draws almost as much as a Canadian lieutenant-colonel, and so on throughout. I think it important for the House to know that, having regard to pay in those three English-speaking countries, both in the field and in peace time, the Canadian officer performs precisely similar service, equally efficient, for a good deal less money than is paid in those other countries.

Hon. Mr. DANDURAND: There is only one member of the Militia Council who receives an additional remuneration at present; that is the Vice-president, who is also the Deputy Minister of Militia. As a member of the Militia Council, as Vice-president, as an officer of the permanent force, and as the officer second in duty, he receives, outside of his salary as Deputy Minister, $4,500 a year over and above his civil salary. Now, I take for granted that this amendment will cut off from the Vice-president of the Defence Council his salary as such, which he has received for the last few years. It is for the Senate to decide that it will, with a clear knowledge of the situation, eliminate that salary henceforth. If it does, of course it means in the present instance the immediate withdrawal of the present Deputy Minister of Militia from the service of the country. His salary to-day is $10,500, and this amendment would reduce it by $4,500. Former governments decided that it was opportune and judicious thus to remunerate that officer. The proposed amendment, if adopted, will inaugurate a new policy, and of course with the consequence that I have mentioned.

Hon. Mr. SCHAFFNER: What is the salary of the Deputy Minister?

Hon. Mr. DANDURAND: $6,000 as Deputy Minister, and $4,500 as Vice-chairman of the Defence Council.

Hon. Mr. BELCOURT: I am afraid, from what has been said now by the leader, that we cannot entertain the amendment proposed, because it is in the nature of a money vote.

Hon. Sir JAMES LOUGHEED: No; we are saving money.

Hon. Mr. BELCOURT: This House has no authority to entertain an amendment of that kind.

Hon. Mr. DANDURAND: I want to call my honourable friend to order. He himself, being a member of this Chamber, joined unanimously in voting a resolution affirming our right to amend Money Bills.

Hon. Sir JAMES LOUGHEED: I would point out to my honourable friend from Ottawa (Hon. Mr. Belcourt) that he was most insistent a few moments ago in suggesting that these allowances should be placed in the Estimates.

Hon. Mr. BELCOURT: No; I merely said that Parliament would have to vote them.

Hon. Sir JAMES LOUGHEED: There is nothing to prevent the Government from placing in the Estimates any additional compensation for the Deputy Minister of Militia as a member of the Militia Council.

Hon. Mr. BELCOURT: I was absolutely consistent. I said we could not deal with it because it was a matter for the House of Commons to vote on—a matter for the Estimates. My position a moment ago was the position I am taking now. You have no authority to deal with this, because it is dealing with money provisions.

Hon. Mr. ROBERTSON: Honourable gentlemen will recollect that before proposing the amendment I asked the honourable leader of the Government whether or not any members of the Defence Council would receive compensation in addition to the pay they received in the service, and the answer was that they would not. Now it appears that the answer was incorrect.

Hon. Mr. DANDURAND: That was because I did not understand the question, and when I realized that it covered all of the members I made the qualification.

Hon. Mr. ROBERTSON: Quite unintentionally on the part of my honourable friend, I might say, but nevertheless it does seem to me to have brought out the very difficulty that caused me to introduce the matter. It has brought out vividly the fact that that disparity does exist. The honourable leader of the Government has indicated that the Deputy Minister of Militia, by reason of his military rank, has been considered as entitled to receive some extra compensation. If the Government so desire, there certainly ought to be nothing to prevent them continuing that; but it does seem to me that it is entirely within the jurisdiction of this House to determine whether or not it wishes to put a preventive clause in this Bill that will, if adopted, prevent half a dozen different gentlemen of the Civil Service, employed in the Department of National Defence, from receiving additional compensation as members of the Defence Council. This House, if I understand the procedure, has a perfect right to refuse to pass an estimate or a money Bill sent over by the House of Commons.

Hon. Mr. BELCOURT: No, we have no such power as that.

Hon. Sir JAMES LOUGHEED: We have the right to reject any Bill.

Hon. Mr. BELCOURT: But we cannot reject an item.

Hon. Mr. ROBERTSON: I submit that this is not an item. It is a general statement that there shall be no remuneration for this additional service, if it is regarded as an additional service, which I think it should not be. If I am correct in assuming that this amendment does not prevent the Government from continuing to deal with the Deputy Minister as generously as it has done in the past, then I desire that it may carry.

Hon. Sir JAMES LOUGHEED: When this Bill first came up for consideration I asked the leader of the Government what salaries were paid to members of the Militia Council. I understood at that time that no additional amounts were being paid to members of that Council; but I ventured to say that from the time this legislation creating the Militia Council was placed upon the statute book, the Exchequer of Canada had paid no less than a couple of hundred thousand dollars to members of the Council who were simply performing their duties as officials of the Militia Department. Before we finally pass this Bill, I should like to ask my honourable friend to furnish the House with information as to the total amount paid to members of the Militia Council, as members of that Council, since its creation.

Hon. Mr. SCHAFFNER: In addition to their regular salaries.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BEIQUE: I have taken the position that we in this House can deal with Money Bills. We have claimed the

right to deal with them the moment they come to this House from the House of Commons, and our claim was unanimously upheld in this House a few years ago, and was supported by opinions of eminent lawyers after a study of the question. But, under the Constitution, all Money Bills have to be introduced in the House of Commons, and I am inclined to think that the point raised by the honourable gentleman from Ottawa (Hon. Mr. Belcourt) is well taken, and for this reason: that this is not a Money Bill, and that the amendment of the honourable gentleman would tend to make it a Money Bill.

Hon. Sir JAMES LOUGHEED: Quite the contrary: it was a Money Bill before.

Hon. Mr. BEIQUE: It is a question whether money shall or shall not be paid, and it is in the nature of a Money Bill and therefore cannot come within the jurisdiction of this House before being introduced in the House of Commons by way of resolution or otherwise.

Hon. Mr. BENNETT: Is it correct that the Deputy Minister of Justice receives $10,000 per annum? If so, do any other Deputy Ministers receive an amount exceeding $6,000?

Hon. Mr. DANDURAND: I think I have already had occasion to state that the Deputy Minister of Justice, and also the Deputy Minister of Finance, get $10,000. I may say that $10,000 is a very small remuneration indeed for a Deputy Minister of Justice who can perform his duties to the satisfaction of the Minister in charge.

Hon. Mr. BENNETT: I quite agree.

Hon. Mr. DANDURAND: Ten thousand dollars for the Deputy Minister of Finance is also, to my mind, in view of the amounts paid to managers of financial institutions, a very moderate salary to be paid to a man who is fit to discharge the duties of Deputy Minister of Finance.

Hon. Mr. ROBERTSON: That only indicates that there is ample precedent to enable the Government to adjust the salary of the Deputy Minister of Militia if in their opinion it should be done.

Hon. Mr. DANDURAND: The Senate will bear in mind the importance of the position of the Deputy Minister of Militia and the responsibility which was upon his shoulders during the years from 1914. Here is a Department which before the war was spending, I suppose, $10,000,000 or $12,000,000 a year, and whose budget during the war went beyond $500,000,000 in the various services that had to be created, developed and maintained. I think honourable gentlemen will recognize that if the Deputy Minister was equal to his task, the amount voted to him and gradually increased was a very modest one, and quite justifiable.

Hon. Sir JAMES LOUGHEED: Will my honourable friend say whether there is any objection to that salary being increased in precisely the same way as were those of the Deputy Minister of Justice and the Deputy Minister of Finance? I am sure that Parliament is only too glad to give every recognition to the valuable services of any official, and to pay a salary commensurate with the services rendered. But that salary should be paid in the open light of day; it should not be done by means of any subterfuge. The public should know that it is being paid; it should not be hidden by some obscure provision in a statute about which the public know nothing. I may say to my honourable friend that this is the first opportunity I have had of ascertaining that information.

Hon. Mr. BELCOURT: It has been in the Estimates every year, has it not?

Hon. Sir JAMES LOUGHEED: No. This is the first information I have had that the Deputy Minister of Militia was paid $4,500 by reason of being a member of the Militia Council.

Hon. Mr. BELCOURT: How is it voted?

Hon. Sir JAMES LOUGHEED: In the departmental salaries, I fancy. This is the first occasion on which I have known that the other members of the Militia Council have not recently been paid a special allowance as members of that Council. The public, particularly members of Parliament, should be in possession of that information.

Hon. Mr. GRIESBACH: What are the amounts?

Hon. Sir JAMES LOUGHEED: We are informed to-day that the Deputy Minister of Militia is drawing a salary of $4,500 as Deputy Chairman of the Militia Council.

Hon. Mr. GRIESBACH: And what is it for the others?

Hon. Sir JAMES LOUGHEED: I always understood, until my honourable friend answered my question the other day, that the other members of the Militia Council drew a special allowance as members of that Council.

Hon. Mr. GRIESBACH: What does the leader of the Government say now? Do they or do they not draw allowances, and, if so, how much?

Hon. Mr. DANDURAND: I am informed that between 1916 and 1920 $1,000 was paid to each member of the Council over and above his salary. They were all permanent officers, and as such were entitled to a salary. That additional payment was cancelled, and thereafter the officers received only the salaries of their offices.

Hon. Mr. GORDON: When was it cancelled?

Hon. Mr. DANDURAND: In 1920. Now, with the exception of the Deputy Minister, who acts as vice-president, they receive nothing as members of the Militia Council.

Hon. Sir JAMES LOUGHEED: By what authority were those allowances paid?

Hon. Mr. DANDURAND: Under sections 6, 8, and 9 of the Militia Pensions Act, and section 4 of the Militia Act.

My honourable friend says that if the Government feel that the Deputy Minister of Militia should receive an amount equal to that received by the Deputy Minister of Justice or the Deputy Minister of Finance, or more, they can pay him separately, but in a bulk sum, so that there will be nothing hidden and it will all be aboveboard. I may say that if anyone in this Chamber has failed to notice the amount this Deputy Minister has received, it is because these figures are generally contained in the Appropriation Act, which is never examined in detail in this House. I am informed, however, that these figures have been given yearly to the House of Commons, and have been voted regularly and separately and in detail. It is natural that we should not be au fait unless by a special inquiry answered by the Department concerned. I think it would be an error for the Government to fix the salary of the Deputy Minister of Militia at $10,000, similar to that of the Deputy Minister of Justice, because the Deputy Minister of Militia may to-morrow be a civilian and not entitled to pay as a permanent officer. When the present Deputy Minister of Militia was appointed he was a member of the permanent force, and received, and continued to receive, his salary, in addition to that of Deputy Minister. The amount he received as a member of the permanent force performing duties on the Militia Council, and performing them as practically the head of the Department—because everyone knows the Minister himself would confide the heavy duties to his representative—had gradually increased according to the services he was rendering. My impression is that in the present instance it would be wise not to try to increase the salary of the Deputy Minister of Militia, because the one who may follow may not be in the same position, and perhaps would not be entitled to the increased amount.

Hon. Sir JAMES LOUGHEED: Will my honourable friend say why section 8 of the Bill should be retained? There is no more necessity for a Defence Council than there is for a fifth wheel to a coach. There are other departments having internal committees, operating along the same lines as this Council, the members of which never dream of asking additional compensation. Take, for instance, the Department of the Interior. There is a Power Board in that Department, charged with equally important duties, made up of officers of the Department, who are only too glad to contribute their services in the administration of their duties. May I ask this Chamber what would become of this new Department if we were to strike out this clause? Would it not be administered in the same way that it is administered to-day? My disposition would be to strike out the clause and thus dispense with the necessity of discussing a subject which has always excited more or less unpleasant discussion, namely, that of whether the salaries of officers of the Department should be diminished. I venture to say with confidence that the Militia Council was brought into existence for the purpose of giving additional remuneration to the officers who constitute it. It was never brought into existence by reason of any absolute necessity for it, because it never performed duties outside of the duties of the Department itself. I venture to say that if to-day this clause were stricken out, the work of national defence would go on just the same. It is the duty of the executive officers of this Department to perform in the ordinary course all the duties that may appertain to a Defence Council; and I think, honourable gentlemen, that we should seriously consider whether there is any necessity for a Council of this kind. If there is a necessity for it in the Militia Department, there is an equal necessity for a council in every one of the twenty odd departments of the Government. We should amend the section in the way suggested, or strike it out entirely.

Hon. Mr. SCHAFFNER: It seems to me that the remarks of the leader of the Opposition are very much to the point. I agree with the leader of the Government when he says that the Deputy Minister of Finance should receive a good salary, perhaps more than the $10,000 he is getting now. The Deputy Minister of Finance must be a man of ability, a man who could command a large salary outside of the Government; and the same remark applies to the Deputy Minister of Justice. Now, I desire to ask for information. How long have we been adding $4,500 to the salary of the Deputy Minister of Militia—or about how long?

Hon. Mr. DANDURAND: The Deputy Minister has been in receipt of the $4,500 as vice-chairman of the Militia Council since the year 1917.

Hon. Mr. SCHAFFNER: That is what I thought. I have no doubt that during the war the Deputy Minister of Militia had a great many extra services to perform, and it was right that he should receive a larger salary. We have been told over and over again, and we hope it is true, that the war is over, and if I understand correctly the remarks of the honourable leader of the Opposition, it is no longer necessary for it to perform the duties that had to be performed during the war. In my opinion, if I have the right information, there is no good reason why the Deputy Minister of Militia should any longer receive an extra salary of $4,500. He should not receive that extra remuneration any more than the Deputy Minister of the Interior, as has been pointed out by the honourable leader of the Opposition. It seems to me that if we continue these additional salaries in connection with the Department of Militia and and the Naval Service, when they are amalgamated, it will not be very long before we shall be asked to give additional salaries to the Deputy Minister of the Interior and other Deputies. I agree absolutely with the remarks which the honourable leader of the Opposition made the last time he spoke.

Hon. Mr. GRIESBACH: I should like to reply to the observations of the honourable leader of the Opposition on the two points that he has raised: firstly, whether there ought to be a Militia Council, and secondly, whether the members of it ought to be paid for their services anything in addition to their salaries.

There is no analogy between the Department of Militia and any other Department with respect to this particular matter; at least, I can think of none. In administering the Department of the Interior or the Department of Public Works you are not dealing with the same sort of proposition, or the same sort of people. It is an entirely different proposition. Our Militia Council is based primarily on the Military Council in England for the government of the army. There is also a Military Council in India, and a Military Council in each of the other British Dominions, for the government of the army, and the reasons why we have a Militia Council are the same reasons as exist in those other countries.

The Defence Council, according to this section of the Bill, will consist of the Minister, the Deputy Minister, the accountant officer, whoever he may be, and four other persons. Now, those four other persons will represent four different ideas in the government of our army—four distinct branches of the service, which must be co-ordinated under one leadership. Those branches are the General Staff, the Adjutant General, the Quartermaster General, and the Master General of the Ordnance. These men cannot function alone or independently. None of these men can arrive at a decision, which is worth anything, by himself: he must arrive at a decision with the advice and assistance of the other members. The Chief of the General Staff cannot move a man without first ascertaining whether the discipline in connection with that movement is proper—whether arrangements have been made for transportation—whether the man is properly clothed and equipped. Conversely, the Master General of the Ordnance can come to no decision until he knows what the Chief of the General Staff proposes. These four branches are linked together for the government of the army. They cannot be separated. This is the method which prevails all over the civilized world. There is not now an army anywhere that has not its General Staff and its Council; that is to say, the heads of the departments meeting together for the purpose of co-ordinating their efforts. That is the purpose of a military council. It exists everywhere. It has been found by experience to be the only method for the government of an army since the days when the position of Commander-in-Chief was abolished. Therefore I think we cannot get away from the Militia Council, and I for one should be

very much opposed to our trying to do so.

With regard to the payment of amounts in addition to salaries. Generally speaking, perhaps it does not make very much difference what we do here to-day. In time of emergency the Government will be compelled to do what is necessary. But I would call the attention of the House to the scale of salaries that are payable. It so happens that these appointments in Ottawa are the highest paid appointments in the military service in Canada, and the positions are held by officers of the rank of Major-General. Suppose for the sake of argument that we became embroiled in a war or got into trouble, and that there were in the field, in other parts of Canada, officers of the rank of Major-General, and receiving the pay of that rank, that is to say, $7,500 a year. A man, we will say, is Major-General in command of a district or an area in the Prairie Provinces, and he is asked to come to Ottawa for the purpose of serving in this Council. You ask him to assume a greater responsibility than he has as commander of the district, and to assume that greater responsibility with the same rank and pay. He will probably refuse to come. Every time you give a man increased responsibility you must increase his pay, and I think it is perhaps unwise for the country to deprive itself of the power to call to the highest positions of responsibility the best possible men. That may be the effect of this amendment. After all, perhaps it does not make much difference, because when the time arrives the Government will do what is proper. But I do call attention to the fact that the military policy is settled and decided here at Ottawa, and the members of the Council give not only expert advice, but also responsible advice.

Hon. Mr. REID: I would like to say a word with respect to this matter. The Government have for a certain time been paying the Deputy Minister a certain extra amount as a military officer. It was because of additional duties as a military officer that the increase was granted, as I understand, by the Minister of Militia. I would not like to see any injustice done to the present Deputy Minister. At the same time, what I am afraid of is that if we were to put in the Estimates the amount of $10,500, that might not be a fair amount to pay at some future time, in the event of anything happening to the present Deputy Minister and it becoming necessary to appoint a successor. If his successor were a civilian, you would not want to pay more than the $6,000, but there would be in the Estimates the sum of $10,500. If this clause is stricken out, and if the Militia Act is still in force, could not the Government continue the present remuneration if they so desired? The $6,000 would be paid to the Deputy Minister, and under the Militia Act the Government could, if they so desired, continue the $4,500 to the Deputy Minister as a member of the Militia Council. I feel that to put $10,500 in the Estimates is not fair to other Deputy Ministers, and therefore I do not like the suggestion. As I understand the honourable leader of the Opposition, the House will not object to voting the $10,500, but to put it in one sum, I feel, might not be in the best interest of the country in the future. I rose, therefore, to ask the honourable leader of the Government whether, if the clause were struck out, the remuneration might not still be continued as in the past. Then, if at any time there occurred a vacancy in the Office of Deputy Minister of Militia, of course the new Deputy would be appointed at the $6,000, and it is altogether likely that the Government then would not pay the new deputy as a member of the Defence Council. I agree with the honourable leader of the Opposition that the Militia Council, the Customs Board, the Power Board—all these boards are comprised of officials of the departments, who meet daily or weekly, or as often as is necessary, in order to discuss different matters in connection with the Department. I think that it should be set out in the Estimates exactly what their salaries are. In the present case that has not been done.

Hon. Mr. DANDURAND: Do I understand that the honourable gentleman is favourable to the suggestion made by the honourable leader of the Conservative party (Hon. Sir James Lougheed) that the clause creating and maintaining a Defence Council be stricken out?

Hon. Mr. REID: I am first asking the honourable leader of the Government whether or not, if that were stricken out, the Government would be in a position to continue paying the Deputy Minister the sum of $4,500 as a member of the Militia Council. In other words, if we strike it out, do we then put the Government in such a position that they could not in any manner continue paying the Deputy Minister more than the $6,000 as voted in the Main Estimates?

Hon. Mr. DANDURAND: At present the salary of the Deputy Minister is paid under two heads: first as Deputy Minister, and, secondly, as member and vice-chairman of the Militia Council. If you abolish the Militia Council, you of course abolish his membership in it and his salary at the same time.

Hon. Mr. REID: I have asked the honourable leader of the Government, does not the Militia Act still remain in force? If we pass this Bill there will be a Defence Council, but there is still a Militia Council as well, is there not? That is what I am asking the honourable gentleman.

Hon. Mr. DANDURAND: No. If my honourable friend will look at the last clause of the Bill, clause 10, he will find that subsection 1 of section 5 and sections 6 and 7 of the Militia Act are repealed, and the Militia Council is thereby abolished.

Hon. Mr. REID: Oh, yes; I see that.

Hon. Mr. CALDER: May I inquire if there exists in some other law a provision for the payment of a salary to a member of the Defence Council? This section is silent in that regard. The Militia Council, as I understand it, is wiped out. The Bill creates a Defence Council, but this section does not provide for any remuneration whatever for the members of that Council.

Hon. Mr. BELCOURT: A law is not needed. That is all a question of Estimates.

Hon. Mr. CALDER: I have examined the Estimates for this year, and, so far as I can ascertain, any remuneration that would be paid to a member of the Council must be paid out of the bulk Estimates. There is no specific estimate; nor do I remember a specific estimate ever having been passed by the House of Commons for the payment of members of the Militia Council.

Hon. Mr. BELCOURT: That would not apply, for instance, to the Deputy Minister of Justice.

Hon. Mr. CALDER: In that case there is a specific salary voted. But, as I understand the situation, in the Estimates for this year and the past year there has been no specific item voted for the payment of salaries of members of the Militia Council. They are included in the bulk vote. I may be wrong in that respect.

Hon. Mr. GRIESBACH: They are paid out of Civil Government vote.

Hon. Mr. CALDER: No, no. As a matter of fact it was only after I had been a member of the late Government for two years or so that I knew that a special or separate salary was paid to one or more members of the Militia Council. That fact came to my knowledge simply in an indirect way. If the item had been in the Estimates, the matter would have been brought to my attention when the Estimates were under discussion; but, as I say, I was a member of the Government for about two years before I became aware of the fact that there were in the service Deputy Ministers who were getting something in addition to their ordinary salaries as Deputies. So my point is this, that this Bill does not provide for the payment of salary to members of the Defence Council, and unless there is some other statute that does so provide, Parliament must vote it specially.

Hon. Mr. BELCOURT: What is the necessity for providing for it now in this Bill?

Hon. Mr. CALDER: Then where is your authority for it?

Hon. Mr. BELCOURT: There would be no authority except the Estimates for next year and every year.

Hon. Mr. CALDER: In other words, if Parliament votes bulk estimates for, say, $300,000—

Hon. Mr. BELCOURT: I did not say that.

Hon. Mr. CALDER—then it is left entirely to the Governor in Council to pay any salaries.

Hon. Mr. BELCOURT: I did not say that. That is not my position.

Hon. Mr. CALDER: That is what it means.

Hon. Mr. BELCOURT: No, no; I do not take that position at all. I say there is no statute fixing the salary of the Deputy Minister of Justice at $10,000; there is no statute that fixes the salary of any Deputy Minister at a specific sum.

Hon. Mr. CALDER: The Estimates are the statute.

Hon. Sir JAMES LOUGHEED: Oh, yes, there is. My recollection is that there is a special statute passed giving Deputy Ministers the additional salary, and the same matter is now being considered—

Hon. Mr. BELCOURT: That is in the Civil Service Act.

Hon. Sir JAMES LOUGHEED: No, no. Mr. Fielding, at this Session, brought up the question as to his deputy.

Hon. Mr. BELCOURT: I think I am right in stating that there is no Act outside the Civil Service Act that fixes the salary of any officer in the Department.

Hon. Mr. CALDER: Except the Supply Bill.

Hon. Mr. BELCOURT: It is all done by supply; it is all a matter of Estimates and votes in Parliament. The salaries of Civil Servants are not fixed by statute. I do not see why the salary should be fixed here at all. I do not see any occasion for referring at all in this Bill to the question of salary.

Hon. Mr. CALDER: My honourable friend will agree to this. In the first place, the Supply Bill is a statute. In so far as ordinary Civil Servants are concerned, their salaries are specifically stated in that Bill.

Hon. Mr. BELCOURT: I am not stating—

Hon. Mr. CALDER: Pardon me just for a moment. I say that in so far as all ordinary Civil Servants are concerned, their salaries are set forth specifically, and Parliament knows exactly what it is doing in the case of every civil servant. In this particular instance what is done is to have a bulk vote of, say, $300,000 passed by Parliament, and then the Governor in Council, out of that bulk vote, without the knowledge of Parliament, decides what shall be paid. That is an entirely different thing.

Hon. Mr. BELCOURT: I am not advocating at all that the salaries of members of the Council, or any salary, should be paid out of a bulk sum; I am quite in accord with my honourable friend's statement that salaries, whatever they are and to whomsoever they are to be paid, should be specifically stated in the Estimates, but I do not see why we are worrying over that here in one way or another, trying to affirm that the salary shall be so and so, or to deny that there should be any salary at all. I do not think it is our business.

Hon. Sir JAMES LOUGHEED: I can inform my honourable friend why we are doing it. We learned to-day for the first time that by reason of there being a Militia Council and there being no prohibition as to the payment of salaries to the members of that Council, salaries are being paid them. We now propose providing that no salary shall be paid them as members of that Council.

Hon. Mr. CASGRAIN: Is not that a money Bill?

Hon. Sir JAMES LOUGHEED: No, it is quite the contrary.

Hon. Mr. CASGRAIN: That is a Money Bill.

Hon. Sir JAMES LOUGHEED: We will take our chances on that.

Hon. Mr. CURRY: Now that the Government have made it quite plain that they want to reduce the cost of national defence, and they have reduced the size of the Navy and the Air Force and have cut down very materially the amount necessary for the annual drill, I am quite sure that our small national defence force can be very well administered without this Defence Council. I therefore move that clause 8 be struck out.

Hon. Sir JAMES LOUGHEED: Question.

Hon. Mr. BELCOURT: I raise the point of order—the question of jurisdiction of this House, and I am not prepared to let it go. I am not at all convinced by anything that has been said. However much respect I have for the legal and constitutional opinion of my honourable friend opposite, I am not prepared to accept his view. I still cling to the opinion that we have no business dealing with this question at all—that this is a Money Bill; and I want a decision on that point.

Hon. Mr. CURRY: We are here to save money.

Hon. Mr. BELCOURT: That is not the point at all. If we are going to save money, we can do it in a proper way: we have to do it in a legal and constitutional way, or not at all.

Hon. Mr. CURRY: The proper way is to apply safeguards.

Hon. Mr. BELCOURT: That is not the point at all.

Hon. Mr. ROBERTSON: Perhaps I can help my honourable friend to arrive at the point he desires to reach.

Hon. Mr. BELCOURT: I think I have made it pretty plain where I desire to arrive.

Hon. Mr. ROBERTSON: I presume he refers to my amendment as being outside

the jurisdiction of this House. I have no objection to withdraw that amendment if my honourable friend from Amherst (Hon. Mr. Curry) desires to move a section as the original one; then there can be no question.

Hon. Mr. BELCOURT: There can be no objection, but I have won my point.

The amendment was accordingly withdrawn.

Hon. Mr. CURRY then moved that section 8 be struck out.

Hon. Mr. MACDONELL: I think it might be wise for us to go somewhat slowly on section 8. In every large concern there is a board which meets regularly to go through the work that has been done during the week, the fortnight, or the month previous, and pass on that work. The Militia Council is in the same way functioning, each individual in his own department, and meeting once a week or once a fortnight as the case may be, to go through the work that has been done, and find out if everything is correct. I think I am right in saying that one officer commanding a district is drawing $7,500 a year, in the most expensive district in Canada. In the other districts the general officers commanding are drawing $6,000 a year. If we are to have the most efficient members to deal with matters for the Government at the Militia Headquarters at Ottawa, they must be paid for their efficient work, and I think you will agree with me in saying that those who have been selected for their special work in connection with the Militia Council should have far higher rates of pay than those who are out in the country doing the work.

Hon. Mr. CALDER: I wish to have this one further word. I agree with the position taken by the honourable member for Ottawa (Hon. Mr. Belcourt), but at the same time there is one way in which this can be cured. In my judgment the Government should bring down a section, setting forth the remuneration that is to be paid to the members of this Council, and they should proceed by resolution in the other Chamber.

Hon. Mr. CASGRAIN: As a Money Bill.

Hon. Mr. CALDER: As a Money Bill. The section as it stands in this Bill does not intimate what amount is to be paid to the members of that Council. On the other hand, the only proposition that could be before us would be an estimate in the Supply Bill, which is a bulk estimate, and does not indicate in the slightest degree what amount is to be paid the members of this Council. I think the situation should be met squarely. If the section is struck out of this Bill, then it is up to the other Chamber or to the Government to re-introduce it in such form that we can deal with it in the proper way.

Hon. Mr. BELCOURT: On the merits of the amendment now proposed I want to say just two words. To the public and to every member of Parliament it will create the impression—well it will be a reflection on the present incumbent of the office.

Some Hon. SENATORS: No, no.

Hon. Mr. BELCOURT: I am sure a great many will take that view of it. I want to say this, and this only, that if ever there was a time when a reflection of that kind should not be cast upon any officer of the Government, it is surely in this particular instance, because there is no man in the Civil Service of Canada, without a single exception, who has given as much of his life and his time and his brain to perform the duties that have been confided to him, as the present incumbent of that office. I know personally that he has spent night after night in his office when he should have been at home looking after a serious physical infirmity. I think some other means ought to be found than that which is being debated, which I am very much afraid is going to have the effect suggested. Let us see if we cannot devise some other means of meeting the case. I thoroughly agree with the honourable member from Regina (Hon. Mr. Calder). I do not think it is proper for a salary to be voted out of a bulk sum. Let us endeavour to find some other means of meeting the present case.

Hon. Mr. GORDON: The leader of the Government has told us that the members of the Defence Council will not get any extra remuneration, other than one gentleman who has been a member of that Council for a number of years past.

Hon. Mr. DANDURAND: The Vice-president.

Hon. Mr. GORDON: The Vice-president —the present Deputy Minister, I understand. Now, it appears to be the consensus of opinion in this Chamber that the Deputy Minister performed excellent service to this country during the war. In view of that, and of the fact that he will be the only one on that Council who will be remunerated for his services, I think the Council should be continued, and I am not prepared to

vote for the elimination of this section. If the leader of the Government would bring in an amendment specifying what he has said —that no remuneration will be paid to any other members of the Council—I am prepared to vote with him.

Hon. Mr. DANDURAND: I am quite disposed to insert in the clause what I have stated, that no member of this Defence Council shall receive remuneration except the present Vice-president; but the Senate will first have to dispose of the motion to strike out the section, and will have to take the responsibility of declaring that there is no reason to maintain the Defence Council because that is all that there is at present before us. If the Senate is not disposed to do away with the Defence Council, then I intend to move that amendment to the section, as suggested by the honourable member.

Hon. Mr. ROBERTSON: May I remind my honourable friend that when I moved to drop clause 4 of this Bill a few days ago I was informed that the motion was not necessary because a vote against its acceptance was equivalent to its rejection. The motion now before the House is of exactly the same nature, and if the same ruling applies there is nothing now before the House. So my honourable friend can move his amendment if he desires.

Hon. Mr. BELCOURT: Quite right.

Hon. Mr. DANDURAND: Then I do so. I move to amend section 8 at line 24 by adding the words: "No members of the Defence Council, with the exception"—

Hon. Sir JAMES LOUGHEED: May I ask my honourable friend how he is going to move an amendment of that character in view of the objection taken by my honourable friend from Ottawa (Hon. Mr. Belcourt)? My honourable friend is changing this into a direct Money Bill.

Hon. Mr. DANDURAND: But my honourable friend has forgotten that I differed from my honourable friend from Ottawa.

Hon. Sir JAMES LOUGHEED: But I have to learn that that will make it constitutional.

Hon. Mr. BELCOURT: Perhaps this might be said: if you do not fix any amount at all, you are not infringing.

Hon. Sir JAMES LOUGHEED: I think my honourable friend from Ottawa has ruined the situation in such a way that he cannot restore it.

Hon. Mr. DANDURAND: The addition I desire to make would run as follows:

The members of whom shall not be paid any additional salary or remuneration therefor except the salary already provided for the Vice-President of the Militia Council.

Hon. Sir JAMES LOUGHEED: I take exception to that. That is clearly a money provision. Whereas the Bill makes no provision now, and is absolutely silent on the question of salary, my honourable friend intervenes and moves expressly that a salary of $4,500 be paid to the Deputy Minister. That is certainly in advance of any legislation that I have seen introduced into this House. We have always been very careful. We have in a circumlocutory way insidiously introduced into Bills clauses that might eventually become money clauses ; but we have never come out in the open and said there shall be paid a salary of $4,500 to a certain official.

While I am on my feet I want to take exception to what my honourable friend from Ottawa has said in regard to this being a reflection upon the Deputy Minister of Militia. What my honourable friend has said—

Hon. Mr. BELCOURT: I said it would be taken as such; I did not say it was.

Hon. Sir JAMES LOUGHEED: My honourable friend intimated that it was a reflection on the Deputy Minister. Now, that means that this House will never intervene to cure objectionable legislation lest we should reflect upon some official of the Government who is in receipt of a salary. If that principle is to be laid down I cannot conceive of any more dangerous principle introduced into legislation; and I take no secondary place to my honourable friend from Ottawa in the esteem which I have for the Deputy Minister of Militia—and I fancy that what I have said will apply almost equally to many members of this House. We have had, at one time or another, the most pleasant and friendly relations with that officer, and I must say that I retain for him at the present time, notwithstanding the criticism which I have made of this Bill, the same friendly feelings which I have always entertained. But if the Deputy Minister of Militia or any other official of the Government is to receive remuneration at the hands of the Government, let it be done openly.

Hon. Mr. BELCOURT: I agree with my honourable friend; I said so.

Hon. Sir JAMES LOUGHEED: Let us not resort to evasive means for the purpose

of increasing the salary of any official. Furthermore, I am of the opinion that there is no necessity at all for sections 8 and 9 in this Bill, namely, the Defence Council. It will be the duty of the Minister, if he is going to administer his Department properly, to summon the different officials of his Department at whatever time may appeal to him as best, and to consult with them as to how the duties of the Militia or the Naval Service should be administered. But why should this Department, any more than any other Department, have a special Council for which remuneration should be had? We are now administering the railways of this Dominion, and the Deputy Minister of Railways represents, I suppose, a property worth a billion dollars in value.

Hon. Mr. CASGRAIN: Two billions.

Hon. Sir JAMES LOUGHEED: My honourable friend, whose opinion I always accept as that of an expert, says two billions. Well, here is the Deputy Minister practically administering the railways of this Dominion representing two billion dollars, and yet we say there is no necessity—

Hon. Mr. CASGRAIN: The Government has nothing to do with the railways.

Hon. Sir JAMES LOUGHEED: Oh, yes, it has. The same argument would apply to the other departments. I think it is in the interest of the Militia and of all good legislation, and of this Bill in particular, that all reference to the Defence Council should be striken out of the Bill, and I am prepared to vote for that.

Hon. Mr. DANDURAND: The amendment which I have the honour to move to this section 8 reads as follows, after the proviso:

> Members of the Defence Council shall not be paid as such any salary or remuneration except the salary already provided for the Vice-President of the Militia Council.

Hon. Mr. BELCOURT: It is not fair to ask this House to vote on that question after the present discussion, and in the present state of mind of almost every member of this House, I dare say. Speaking for myself personally, while I think a great deal of what my honourable friend has said, I am very much embarrassed as to voting on it. I think the consideration of this matter ought to be left over. Personally I am not prepared to give an intelligent vote on the question.

Hon. Mr. DANIEL: I rather object to the wording of that amendment. It speaks of the salary already provided. Well, there is no one that I know of who is able to tell us where and how that salary is provided. I do not know of any statute or clause or regulation which provides the salary spoken of. Perhaps the Minister can inform the Chamber.

Hon. Mr. BEIQUE: I join with the honourable member for Ottawa. I think the honourable leader of the Government should consent to suspend this section until to-morrow.

Hon. Mr. DANDURAND: I thought we were all agreed upon that amendment.

Hon. Sir JAMES LOUGHEED: No. no; I raised the question of order as to the amendment.

Hon. Mr. DANDURAND: I thought my honourable friend was simply chaffing some of our colleagues who raised the question of our right to amend this Act, inasmuch as the amendment gave it, as it were, the colour of a Money Bill.

Hon. Sir JAMES LOUGHEED: You have clearly made it a Money Bill now.

Hon. Mr. DANDURAND: If my honourable friend is serious I will answer the point, for I recognize it as serious. I suppose we shall sit this evening.

Hon. Mr. BELCOURT: Oh, no.

Hon. Mr. DANDURAND: Why not?

Hon. Mr. CASGRAIN: Sleep over it.

Hon. Mr. DANIEL: We never sit on Wednesday evening.

Hon. Mr. DANDURAND: I would suggest to my honourable friends that they make no engagements for to-morrow evening, because we should make some headway. Next week contains two holidays, and we may consider adjourning at the end of the week over the whole of next week; but if we decide to do an honest day's work tomorrow and continue into the evening we could probably clean our slate.

Hon. Mr. BELCOURT: My objection is this, that if we sat to-night we would have only two hours to take our dinner and consider this matter, and I do not think our minds will be at all improved by eight o'clock. I think we ought to sleep over this thing until to-morrow.

Hon. Mr. DANDURAND: It is six o'clock, and I am willing that we should

adjourn till to-morrow, but I hope my honourable friends will be ready to do an evening's work to-morrow.

Progress was reported.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Thursday, May 18, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

APPROPRIATION BILL No. 2

FIRST READING

Bill 85, an Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1922, and the 31st March, 1923.—Hon. Mr. Dandurand.

SECOND READING

Certain rules having been suspended:

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable gentlemen, the Bill which is now before us covers the Supplementary Estimates for the year ending the 31st March last and a part of the Estimates for the current year. The Estimates for the current year which have so far been voted represent the sum of $88,517,204.53; and the amount which is asked for the year ending the 31st March last is $9,623,792.61. Copies of the Bill have been distributed. There are no special remarks called for on my part, unless I am asked to give some explanations with regard to this motion.

Hon. Mr. REID: I would like to ask the honourable leader of the Government if he is prepared to give an answer to any question that may be asked this afternoon in regard to the Estimates.

Hon. Mr. DANDURAND: I have no special memorandum explaining each item, but I may be able to satisfy my honourable friend with regard to any particular one.

Hon. Mr. REID: I wanted to ask about item number 321: "Loans to Provincial Governments to encourage the erection of dwelling houses, on the terms and conditions set forth," etc. There has been an expenditure of $9,550,080. How much of that went to each province?

Hon. Mr. DANDURAND: I confess that I have not the details of that figure.

Hon. Mr. REID: If the honourable leader of the Government has no information in regard to any of the items, I do not wish to ask any further questions.

Hon. Mr. DANDURAND: If the honourable gentleman desires information, I will procure it for him.

Hon. Mr. REID: There were several items on which I wanted information, but I do not wish to delay the Bill.

Hon. Mr. DANDURAND: I have been given no memoranda concerning any of the items.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

DIVORCE BILLS

FIRST READINGS

Bill M3, an Act for the relief of James Hosie.—Hon. Mr. Ratz.

Bill O3, an Act for the relief of Mary Ila Cameron.—Hon. Mr. Bennett.

Bill Q3, an Act for the relief of Frank Hamilton Bawden.—Hon. Mr. Ratz.

Bill R3, an Act for the relief of Harry Alexander Smith.—Hon. Mr. Ratz.

Bill S3, an Act for the relief of Allan Richard Morgan.—Hon. Mr. Ratz.

Bill T3, an Act for the relief of Mildred Emma Blachford.—Hon. Mr. Ratz.

PRIVATE BILLS

FIRST READINGS

Bill N3, an Act respecting a Patent of Lyman W. Farber.—Hon. Mr. Belcourt.

Bill Q3, an Act to incorporate the Canadian Casualty Company.—Hon. Mr. Watson.

EXPLOSIVES BILL

FIRST READINGS

Bill P3, an Act to amend the Explosives Act.—Hon. Mr. Boyer.

THE RETURNED SOLDIER ON THE FARM

DISCUSSION AND INQUIRY

Hon. RUFUS H. POPE rose in accordance with the following notice:

That he will call the attention of the Senate to the position of the returned man on the

farm and will inquire if the Government has decided upon a policy of relief or amelioration of the condition of the returned soldier on the farm? Has the Government communicated to the returned man its intention of doing so? If not, why not?

He said: Honourable gentlemen, I desire to call the attention of this honourable body to the returned man on the farm. I mentioned this matter some three or four weeks ago in the hope of observing immediate and direct and satisfactory action on the part of the Government of the day in reassuring these men. I have observed in the newspapers, let the report be what it may, that some action has been contemplated, and that to a certain extent promises have been made. But, in my humble opinion, anything that I have observed is not a sufficient recognition of the services rendered to Canada and to the world at large by these men, who have made their homes upon the farm after serving us in battle.

I may be disposed to view these men with too much consideration; I may be too lenient in my disposition towards them; but I have observed within the last two or three weeks criticisms and actions in another place with regard to military service and the military organizations of this country. We have all seen also an effort made by certain people to satisfy their consciences that in remaining at home and growing wheat and potatoes and other things, they did as much for the war and the liberty of the people of the world as those men who fought on the battle fields of Flanders. I do not agree with what has been said in that direction. I believe that the only men who really deserve anything at the hands of the people of Canada are the men who were fortunate enough to return from the war; and I believe that, if we can extend any consideration to these men, they are entitled to it from the Government of Canada and from all good citizens of Canada.

We must realize that in placing these men upon the farm we are probably putting there men who have not had the experience of farmers, who have learned the lesson, as I have learned it, by a lifetime of experience, that agricultural conditions are changing. The science now involved in farming, compared with what it was when I first became acquainted with it, born upon the farm as I was, is very great; and these men, who have just been introduced to agriculture, must receive from us every possible consideration and every assistance if they are to meet with any success whatever. The time when they were placed upon the farms was a time of high values: the value of the farm itself was high, the value of implements was high, and the cattle which were bought to place there were purchased at three or four times ordinary prices. When we realize that a farmer and his wife and his son and a couple of other children who have always lived upon the farm, and know how to do things, and are economical in their dress and way of living, are looked upon as very successful if at the end of the year they have been able to lay away $800 or $1,000, we must realize that these returned men, inexperienced as they are, and placed upon the farms under such conditions as existed, are worthy of some consideration in the way of a revaluation of everything associated with the business which they have undertaken.

We were all very pleased the other day to listen to the speech of the honourable member for Ottawa (Right Hon. Sir George E. Foster) with regard to the League of Nations. He gave us much information which was new to us. And while we all hope that that organization, which is really an international tribunal, will work its way in the direction of everlasting peace; unfortunately we cannot seriously believe that the gentlemen engaged in that undertaking will succeed. We have read of what occurred at Genoa, and of what has occurred within the last ten days. We have heard of the efforts of Lloyd George, one of the greatest figures in the world, in bringing about the meeting at Genoa; we have read of his work at Genoa, and of the obstacles which he has had to surmount. He went there with the hope of establishing peace, and what did he discover? He discovered a secret treaty between Germany and Russia. I say that if nothing else had happened in Genoa than the discovery of that secret treaty, the meeting was worth while.

But all these things point to one conclusion, and that is that conditions for the future are serious and uncertain. For this reason I look upon these returned men, who are scattered throughout Canada on farms, as a most valuable asset. They know the whole story of war by bitter experience, and if the time comes—and I am afraid that it will, come at too early a date, notwithstanding the criticism that has been offered in other places—when their services will be required again, these men will be invaluable in the training of the army that we have. They know what a real battle is, and how to fight it, and can train young recruits; if they are disabled

and cannot go forward to battle themselves, their services will be available in the training of other men. So, apart from the agricultural point of view, if not from the point of view of what these men deserve, I say that from the military point of view alone, when one looks at the gathering clouds, these men are worthy of our consideration. Therefore I say that the Government would be justified not only in revaluing their land, not only in remitting payments—because they must be remitted or they cannot be met—but in doing more. It is but slight encouragement. May I give you an instance? A labouring man, an economical chap, and his wife, an economical person who had been a servant girl, had managed to save $1,700; they bought a farm in our community for about $4,500; they put in their $1,700, and borrowed the balance necessary to pay for the farm, the cattle, and the machinery from the Government of Canada. In our part of the country we had as severe a failure in the hay crop as there ever was of the wheat crop in the West. Those people have had to buy hay for the cattle all winter at $30 a ton, and could not pay for it, as the cattle were the property of the Government. You can imagine the position those people are in. If they do not get some relief or consideration from the Government of Canada this autumn, they must hand that property back to the Government and leave the farm, losing their $1,700 and their two years' time, and they must be forgotten as people who fought our fight for us some years ago. I could go on and quote dozens of instances of that kind, but one is sufficient for the honourable gentleman who leads the Government. If he wants further evidence along the same line, all he has to do is to ask the Government representatives in the various sections of Canada, their superintendents who have oversight of this work, and, whether they are in Quebec, Nova Scotia, New Brunswick, or the Western Provinces, he will learn of hundreds of instances of the same character.

I have heard criticism as to whether it was right to put those men on the farms—whether that policy was a sound one; but criticism is cheap, very cheap—I wish I could use the right adjective, but parliamentary usage does not allow it. You can get criticism for less money than any other service in the world, and you can get less out of criticism than out of anything else. But while we have those criticisms with reference to the policy of placing those men upon farms, we did not have it when the men were being so placed, when there was a great outcry for men to return to agriculture, to cultivate the soil, to produce, to keep away from cities and large centres.

The Government of the day did not have that responsibility, but they have a very much more serious one; they have the responsibility of making it possible for those men to remain upon the farms. It is for that reason that I draw attention to this matter; and I say to you, Mr. Leader of the Government in this House, in all sincerity, and with considerable knowledge of the situation, that if you do not give aid and assistance and encouragement to those men, you will not only lose your investment in the lands, which you will have to sell for fifty cents on the dollar, but also lose on the cattle, which will have to be sold for less than fifty cents on the dollar, and on the machinery, that will not be worth twenty-five cents on the dollar. You will in addition lose all the effort of having put those men back on the farm, and you will lose the reputation that should be yours, of being generous to those people who served us in that great war, when we required the service of men who would face death at the front for the civilization of this world. I ask you, Sir, the question that is on the Order Paper in my name.

Hon. Mr. DANDURAND: Honourable gentlemen, I am sure we are all of one accord in our appreciation of the invaluable services rendered by the returned men, who went to the front and offered their brawn and their lives for the salvation of civilization. We are all of one mind as to our duty towards them. I am quite sure that no one will claim that the Canadian Government has failed in appreciating their merits. A great question has arisen from the efforts of the Government to place on the land men who were willing to go upon it. A number of those men have succeeded, and I hope that the vast majority will succeed. The question to-day is, what is their actual situation? How many are holding their own? What can be done to strengthen the position of those who are weak? Those questions are being attended to, and the answer which I make to my honourable friend is that, on motion of the Prime Minister, a special Re-establishment Committee of the House of Commons was created to enquire into matters relating to pensions, insurance, and re-establishment of returned soldiers, and to make recommendations to Parliament in connection therewith. This Committee is now holding its sessions, and among other things is enquiring into matters relating to soldier land settlement.

The Government's policy with respect to the relief, if any, which may be required by the returned soldiers located on farms, will be formulated with due regard to the findings and recommendations of the Parliamentary Committee on Re-establishment. The scope and purposes of the Re-establishment Committee have been made known through the medium of the public press, and the various returned soldiers' organizations are aware of the same.

METHOD OF TAKING CENSUS

DISCUSSION AND INQUIRY

Hon. WM. GRIESBACH rose in accordance with the following notice:

That he will call the attention of the Government to a certain aspect of the method of taking he Census and will ask the Government:

Whether it is the intention of the Government in the taking of future census to eliminate all question as to racial origin and to permit certain persons to describe themselves as Canadians.

He said: The matter to which I wish to draw the attention of the Government can be disposed of very briefly; nevertheless it is a matter of some importance. At the present time the census enumerators ask persons whose names are to be registered to give their racial origin, and there is no recognition of the Canadian nationality. There is, in fact, no Canadian nationality permitted; persons must state the race from which they are sprung.

For the past twenty years there has been criticism of this course, and last year, in another place, the matter was debated at some length. This year I observe that in another place a member of the Government made the statement that the complaint would be inquired into, and that, as so much publicity had been given, he did not think it would occur again That is to say, he stated on behalf of the Government that the complaint—that persons being enumerated shall be required to give their racial origin —was to cease to exist.

I propose this afternoon, for a few moments, to argue that as a matter of fact there is no complaint, and that the present method should be continued. In this country we must get immigration as the country grows. We must bring here a large number of people from other parts of the world, and we ought to bring them into this country with a full knowledge of what they are going to do for us and how they are going to behave. We cannot approach the problem of absorption unless we know what sort of people we are getting; and the only way we have of knowing the sort of people with whom we are dealing is by being in a position to study the history of those people through several generations, and satisfy ourselves that they are going to make good citizens. Therefore, if we permit a man to call himself a Canadian as soon as he is naturalized, or as soon as he has lived here a certain length of time, he thereupon disappears into the body politic, and all trace of him is lost. As a matter of fact, the statistics compiled by the Statistical Department are of the utmost value in appraising the worth of the immigration which we have received. Let me give the House some valuable figures, which I used last year when speaking in another place.

We are all aware of the tremendous growth of the French Canadian people. They have grown from about 60,000 people in 1759 to something like 3,500,000 at the present time. That is a tremendous national growth.

Hon. Mr. CASGRAIN: No race suicide.

Hon. Mr. TESSIER: A good breed.

Hon. Mr. GRIESBACH: Yes, but it may surprise honourable gentlemen of the French Canadian race to know that they are steadily declining in Canada. Though they are tremendously increasing, they are relatively declining. In the decade from 1901 to 1911 the French Canadian race in this country fell two points.

Hon. Mr. CASGRAIN: As compared with what?

Hon. Mr. GRIESBACH: The remainder.

Hon. Mr. CASGRAIN: What was the remainder? Ship-loads of immigrants?

Hon. Mr. GRIESBACH: Taking the population of Canada, on the basis of British descent, French descent, and foreign descent, I will give you the figures. Persons of British descent in Canada in 1901 were 57.03 per cent; French descent in Canada, 30.71 per cent; foreign descent, 12.26 per cent. For 1911 the figures are: British descent, 54.08 per cent, a fall of 3 points; French descent, 28.51 per cent, a fall of roughly two points; persons of foreign descent, 17.41 per cent, an increase of something like five per cent.

I give that table only to show the value of an enumeration in the census, of people by racial origin, and not in the manner suggested, for we can follow our foreign immigration by the present system through as many generations as we like. We have in Canada a life of only about 100 years,

or 200 or 300 at the outside, and in the life of a nation that is a very short time. In order properly to appraise the value of immigration we have to watch it for several hundred years; and, in order to know what sort of people we are dealing with, it is useful to know how those people behaved over a long period of years. So one turns to such statistics as may be had, we will say, in regard to the penitentiary population of this country, showing the various elements that compose it. I find, from figures which I got from the Dominion Statistician last year, that the British, foreign, and French populations of this country worked out as follows. Persons of British and French descent number 89 per cent of our total population, and they are responsible for 74.5 per cent of the crime in this country. Persons of foreign descent in Canada constitute 11 per cent, and are responsible for 25.5 per cent of the crime. Taking the same figures again, the French and English people in Canada, representing 89 per cent, supply 82 per cent of the inmates of the penitentiaries. Persons of foreign descent, who constitute 11 per cent, supply 18 per cent of inmates in the penitentiaries. So it goes, in poorhouses, lunatic asylums, and so on; by our census method we follow those people from one generation to another, and from the statistics so acquired we know what sort of people we are getting and how they are behaving.

Turning to the American statistics, we find pretty much the same thing, except this, that up to forty years ago the Americans adopted the plan which is proposed to our Government, and in which one member of the Government has today acquiesced: that is to say, that the moment an immigrant arrives in the United States and becomes naturalized, he is to all intents and purposes an American, and so registers himself. The result was that up to forty years ago they had no intelligent notion of how their immigrants were behaving.

I will not weary the House by going into the matter any further. It must be obvious that the only way to know how our immigrants behave is to follow them through generations. If we allow a man who comes to this country to become naturalized, to become a Canadian in law, to be permitted to describe himself in the census as a Canadian, we lose all track of him: we have no statistics which tell us how the native races, so to speak, of this country are coming along, and we have no data upon which to frame an intelligent immigration policy. Certain sentimental people take the view that a man should become a Canadian immediately, and it is urged that the French Canadian people who have been here a couple of hundred years, and the British people of United Empire Loyalist stock, and so on, who have been here 150 years or so, should be allowed to call themselves Canadians in the census. Well, that is a sentimental objection. I suggest—indeed, I urge—that the present practice is in the interest of those very people, because if we allow too great an influx of undesirable immigration, those are the people who would suffer. So that, on behalf of those people, the real old - timers, the real original settlers of this country, I say the law should remain as it is. I sincerely hope that, when the Government gives the matter that sober second thought which will probably come to them after consultation with the officials of the Statistical Bureau, they will leave the law as it is, and will not yield to this sentimental request.

Hon. Mr. DANDURAND: I am not sure, honourable gentlemen, that my honourable friend from Edmonton (Hon. Mr. Griesbach) has correctly reproduced the general complaint that has been heard as to the form of the late census. I have nowhere heard a complaint as to the questions put or the report made regarding the origin of each Canadian.

Hon. Mr. GRIESBACH: That was in the other House.

Hon. Mr. DANDURAND: I notice a question of a member of the House, but that does not imply a complaint against registering the origin of the person enumerated. I think it is quite proper that among these questions should be included the question as to origin. However, I see no objection to a column registering the declaration of the person enumerated as to his present status. I would retain the various columns. I would ask the date of naturalization of the person not born in Canada. The census should indicate when he came to Canada and when he was naturalized, if he is naturalized. I would be in favour of a column indicating whether or not the person wanted to affirm his Canadian citizenship and declare himself a Canadian. I hope that, outside of those who have not yet taken out their naturalization papers, none will be found in Canada who do not wish to declare themselves Canadians. For a number of years we have had on our statute book a definition of Canadian citizenship, and I

may say that whenever I cross the line, or wherever I go, I take good care to register myself purely and simply as a Canadian. If my view is shared by the present Cabinet, I am quite sure that in the next census my honourable friend will find that column, because this Government which will still be in power ten years hence, will see to it.

Hon. Mr. FOWLER: Oh, no.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. DANDURAND: They will see to it that the census is taken in that form.

Hon. Mr. PARDEE: I had not intended contributing any comment on the question which the honourable member has placed on the Order Paper, but to the views which he has expressed, I cannot help saying, I take the most decided opposition. If there is one thing that should be preached in the Dominion of Canada, if there is one thing we want more than any other, it is a sturdy Canadianism. My people have lived in this country for three or four generations, and to say to me that I must describe myself as English, Irish, Scotch or of some other race or descent, does not appear to me to be conducive of the building up of that national spirit which should be striven for in this country. To my mind, if there is one thing of which we ought to be proud, if there is one thing of which I am proud, it is the fact that I am a Canadian. I am proud that my people have so identified themselves with this country that they are almost indigenous to the soil. Will anybody tell me that I must look to any country but Canada for my nationality, or that I should devote to any other country my loyalty? It is the Canadian spirit that ought to be imbued in the youth of this country, and even perhaps in some persons who are more advanced in years. My honourable friend says that about forty years ago the United States lost the identity of the immigrants to that country. They described themselves as Americans. To my mind, that was a most fit and proper thing to do.

Hon. Mr. GRIESBACH: May I correct the honourable gentleman? I should have added that up to forty years ago that was the practice. About forty years ago, however, it was found that in the interest of scientific immigration it was necessary to know something about the people who were coming in; consequently the law and the method of taking the census were changed. The United States now requires, and for the past forty years has required, information as to the racial origin of every man enumerated.

Hon. Mr. PARDEE: But, although his racial origin may be stated, the man describes himself as an American. To-day we are not permitted, forsooth, to describe ourselves as Canadians. Arriving at the port of New York, I described myself as a Canadian. "Oh, no," said the immigration officer, "that will not do. Of what race are you?" I was quite frank with him and said: "To tell you the honest truth, I know not of what race I am; all I know is that I am a Canadian."

The American people to-day may well be admired in this respect. If there is one country in the world that more than any other, from the beginning to the end of the year—ay, from the beginning to the end of the month, or the week, constantly instils in its youth the idea of patriotism, that country is the United States. The opinion is encouraged that the United States of America is the only country, and I ask honourable members of this House if they know of any other nation—for I do not—whose citizens are more consistently loyal to the institutions of their country than those of the United States of America. They think their institutions are the only institutions in the world.

Hon. Mr. CASGRAIN: Of course they do.

Hon. Mr. PARDEE: That is what makes the country what it is—strong, progessive, with individuality and with absolute confidence in itself.

Not long ago in this country we were told—and I well remember the date—that we could not build ships—why? Because we did not have the brawn or the brain, and did not know how: we would have to employ others to build our ships. Far be it from me to raise any controversial question on this, but I may say that at the time I as a Canadian was indignant to think that we were told that what any other nation on God's earth could do Canada could not do. I believe we can. Our record shows that we can. We need look askance at no man or no nation. We stand to-day as we never stood before, on our own nationality, on our own individuality, knowing that we have a great country; and if there is one thing of which the Government census should take heed it is to see that Canadians are enumerated irrespective of the country from which they or their ancestors have come. We should inculcate in the people of this country the spirit of Canadianism, and in any census of the

people of this country we should be described as Canadians. We should stand for Canadianism.

Hon. Mr. CASGRAIN: This seems to be a very strange discussion. When I was a boy—

Hon. Mr. WATSON: When?

Hon. Mr. CASGRAIN:—many years ago, "Canadian" meant a person of the French tongue. Others were Irish, Scotch, etc. If you are going to be Canadians you must be French Canadians.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. FOWLER: Honourable gentlemen, I certainly agree with the position taken by the honourable member from De Lanaudière (Hon. Mr. Casgrain). The people from whom I have sprung came to this country nearly 150 years ago; so we ought to be as good Canadians as those referred to by my honourable friend.

Hon. Mr. CASGRAIN: Oh, no. We have been here three centuries.

Hon. Mr. FOWLER: A century and half is a long time.

I agree largely with what has been said by the honourable member for Lambton (Hon. Mr. Pardee). I do not go quite to the extent that he goes in his admiration for the United States and their methods in proclaiming themselves the only people upon earth. I think we ought all to remember that there are other people besides Canadians. I believe in the strength of the Canadian race; I believe in the ability and the genius of the Canadian people, just as much as does my honourable friend; but I do not think that, because we possess genius and ability, we should consider that no other nation in the world possesses them. The line that our friends to the south of us take is that they are the only people. The war has proved the superiority of the Canadians to the Americans, in certain respects at least. In the building of ships we have shown the superiority of the Canadians to the Americans. The Americans built some ships. They were supposed to have made a record for speed in shipbuilding, and the papers were full of that wonderful record: thirty-seven days from the time the keel was laid the ship was off the stocks. She managed to get across the Atlantic ocean. By the grace of Providence she was not torpedoed, and by the labour of the men at the pump she did not sink; but she was 105 days in drydock before she could put to sea again. That was the result of shipbuilding in the United States. That was not the result with any of the ships that we in Canada built, and there were a good many ships built in Canada, not only by the Government itself, but also by private individuals. So we have no reason to hide our diminished heads when we are compared with any other nation on earth. But there are other nations who possess genius and ability. I do not think it is to the credit of the American people that they regard themselves as the favoured people upon earth. They have had the least success of any people on earth in doing great things. Their record in the war was the poorest record of any nation that took part in the war.

It seems to me that if a man is born in Canada he ought to be described in the census as a Canadian, no matter what his race is—whether he is of the African race or whether his forebears were born in China. There is no objection to recording the races of men who have become Canadians by adoption, but a man who is a Canadian by birth should be recorded in the census as a Canadian. I for one, as a Canadian of many generations back, resent being described as anything but a Canadian, and when I am at the port of New York or any other foreign port and give my nationality as Canadian, and it is not accepted, I feel very much inclined to use very strong language—a thing I am not in the habit of doing.

Hon. Mr. CASGRAIN: Why would your statement be refused in New York?

Hon. Mr. FOWLER: My honourable friend from Lambton (Hon. Mr. Pardee) said that the authorities refused to accept his nationality as Canadian and asked him about his race.

Hon. Mr. CASGRAIN: My honourable friend must look very suspicious. I have stated that I was a Canadian, and I was let in. Something depends upon the appearance, I suppose.

Hon. Mr. FOWLER: I can understand how my honourable friend could get anywhere on his face; but unhappily we are not all in possession of such a personality as that of my honourable friend.

Hon. Mr. GRIESBACH: Honourable gentlemen, I have not the slightest objection to our calling upon the census authorities to have people described as Canadians, provided there is a safeguard which will ensure that the person so described is a real Canadian. But what I

do desire to put before the House in the strongest possible terms is that we can never have an intelligent immigration policy, nor shall we ever know whither we are tending as a nation, if we do not keep track of the racial origins of our people. I think this is a most important matter, and I do not believe that any statistician, or any man who has had any experience in dealing with immigration, will differ from me.

CAPE TORMENTINE SHIPPING ACCOMMODATION

DISCUSSION AND INQUIRY

Hon. F. B. BLACK rose in accordance with the following notice:

That he will call the attention of the Senate to the desirability of the restoration of proper wharfage and loading facilities at Cape Tormentine, New Brunswick, and inquire whether it is the intention of the Government to restore shipping and export facilities at Cape Tormentine, N.B., and when.

He said: Honourable gentlemen, I desire very briefly to call the attention of this honourable body and of the Government of the day, through their representative in this Chamber, to a very serious condition relating to the shipping interests in that historic and important section of Canada lying between the head of the Bay of Fundy and Northumberland Strait.

Prior to 1913 that section of the country was fairly well provided with facilities for export and import by water. In the year 1913 the Government began the construction of a car ferry terminal at Cape Tormentine. Previous to that time there had been very good wharfage accommodation at that point. Two or three steamers of ordinary draught, with a capacity of perhaps 2,000,000 feet of lumber, and with 3 or 4 sailors, could lie in the roads at the same time. As soon as the work on the car ferry terminal began, the facilities for loading vessels with lumber and other products were no longer available.

A little earlier, during the year 1910-1911, there was begun at Sackville, New Brunswick, the construction of a new wharf. The property for the building of that wharf and the right of way for both the highway and the rails, were purchased by the Government of the day. The right of way was constructed, but the rails were not laid, and the wharf was therefore not available for commerce. The old wharf at Sackville was used considerably, but during the war the rails leading from the C. N. R. station to that wharf were taken up.

The condition which exists in that territory to-day is, therefore, that there is no opportunity for export or import by water, either on the Bay of Fundy or Northumberland Strait.

In order that the House may have some idea of the quantity of exports that go from that section, I may say that prior to 1913 there was an annual export of lumber from Cape Tormentine alone amounting to about 18,000,000 feet. The quantity varied, of course; it ran as high as 30,000,000 feet, and as low as 12,000,000 or 13,000,000; but the average was about 18,000,000. That lumber went to the United Kingdom, France, and the United States. In addition, there were of course small shipments by rail, and small shipments by schooners from Sackville. At the present time there is no opportunity whatever for getting out that lumber except by paying the rail-freight on it to Halifax, St. John, or some other port. This amounts to approximately $2.50 per thousand, which is a direct handicap upon the lumber producers of that whole section.

The port of Sackville was also a considerable importing centre. The foundries at Sackville, and at the town of Amherst, brought in by that port their pig iron, their coal, and their moulding sand. The territory served by that port brought in their lime, plaster, coal, etc. The woodworking factories and car works at Amherst also brought in a considerable quantity of foreign timber. There was also a considerable import trade carried on with the West Indies. West Indian goods were brought in at Sackville, and from there distributed by the wholesale merchants to the surrounding country. All of that trade is now closed, and the result is that to-day that large and important district between Sackville and Cape Tormentine, with its very considerable population, has no facilities whatever for import or export, although it is a very important distributing centre. We have to go 150 miles away to get our lumber exported. We have to bring our West Indian products to St. John and have them shipped by rail from St. John to Sackville, Amherst and Port Elgin, in order to supply the demand of the population residing in that section. That means, honourable gentlemen, that since the year 1913 there has been placed upon the community lying between those two harbours an annual tax of over $100,000, because the facilities with which they had been in former years equipped have been taken away by the action of the Government.

I quite agree that the Government's action was quite right at the time, because it was necessary to construct that car ferry.

At the time the car ferry terminal was constructed the war was in progress, and it would probably have been unfair for that community to request any expenditure during war-time. It is also quite true that the Government were justified in taking up the rails leading from the C. N. R. station at Sackville to the old wharf. They were taken up for war purposes. But the war is over, and it certainly is time that those facilities should be restored to that section of the country. There are two counties, one in New Brunswick and one in Nova Scotia, served very largely by those two ports, both for export and for import. Those two counties are the two leading agricultural counties of the Maritime Provinces. Moreover, a very large lumber manufacturing centre is absolutely deprived of rights which they had enjoyed, so far as the port of Sackville is concerned, for 150 years, and, so far as the port of Cape Tormentine is concerned, for about 28 or 30 years. I submit that it is now the duty of the Government to restore to the people of these communities the facilities which they formerly enjoyed, facilities which were taken away from them because of extraordinary conditions, and to which they are legally, justly and honestly entitled.

Hon. Mr. DANDURAND: I hope the honourable gentlemen will leave his question on the Order Paper. I have not the information which he seeks, but I will convey to the Minister the remarks of my honourable friend, which may help the Minister to answer in a more satisfactory way.

Hon. Mr. CURRY: Honourable gentlemen, I should like to say a few words in regard to this matter. I have made use of these ports probably as much or more than the people of Sackville. Prior to the war, fourteen or fifteen years ago, I used to bring into the ports of Sackville, Dorchester, and later Amherst, as much as 50,000 or 60,000 tons of car-building material in a year; and I used also to ship away large quantities of fruit from them. During the war, of course, vessels were so scarce and water freights so high that we could handle stuff as cheaply by rail as by water, and there was no agitation to keep these ports in commission. But now that water freights are down, and rail freights are up, these ports would be a very great convenience to the people throughout that section of the country.

The notice stands.

Hon. Mr. BLACK

NORTHERN EXPLOSIVE COMPANY

MOTION FOR RETURN

Hon. Mr. BOYER moved:

That an order of the Senate do issue for a copy of the different letters, telegrams and other documents exchanged between the Government and the Northern Explosive Company, concerning the erection and operation of the Rigaud plant belonging to this company.

The motion was agreed to.

PRIVATE BILLS

THIRD READINGS

Bill 23, an Act respecting Prudential Trust Company, Limited.—Hon. Mr. Casgrain.

Bill 28, an Act respecting The T. Eaton General Insurance Company.—Hon. Mr. Proudfoot.

Bill 48, an Act respecting Aberdeen Fire Insurance Company.—Hon. Mr. Griesbach.

Bill 49, an Act respecting Armour Life Assurance Company.—Hon. Mr. Griesbach.

DEPARTMENT OF NATIONAL DEFENCE BILL

FURTHER CONSIDERED IN COMMITTEE AND REPORTED

The Senate again went into Committee on Bill 27, an Act respecting the Department of National Defence.—Hon. Mr. Dandurand.

Hon. Mr. Blain in the Chair.

On section 8—Defence Council:

Hon. Mr. DANDURAND: When the Committee rose last evening we were considering an amendment which I had suggested to this section. Would the Chairman read the amendment?

The Hon. the CHAIRMAN (reading):

Members of the Defence Council shall not be paid as such any salary or remuneration except the salary already provided for the Vice-president of the Militia Council.

Hon. Mr. DANIEL: In my opinion that amendment would be much better if the honourable gentleman would leave out the words, "except the salary already provided for." Just put it that no one shall be paid except the Vice-president.

Hon. Mr. DANDURAND: By leave of the Senate I will withdraw the amendment in order to suggest one which will not be open to the objection that we are making a charge upon the public Treasury.

The proposed amendment was withdrawn.

Hon. Mr. DANDURAND: I would now suggest amending section 8 by adding the following as subsection 2:

No emolument shall be payable to the members of the Defence Council as such that is not, prior to the coming into force of this Act, paid to members of the Militia Council who subsequently may become members of the Defence Council.

I have stated that there is but one member of that Council who is receiving a salary, namely, the Vice-president of the Council.

Hon. Sir JAMES LOUGHEED: That means, honourable gentlemen, that we perpetuate what is not only a vicious practice, but one which in my judgment has always been unwarranted. The Militia Council was created in 1904, and a perusal of the section passed by Parliament at that time must necessarily convince anyone who looks at it that it was never intended that any remuneration or compensation should be paid to members of that Council. The language of that Act is as follows:

The Governor in Council may appoint a Militia Council to advise the Minister on all matters relating to the Militia which are referred to the Council by the Minister. The composition, procedure and powers of the Council shall be as prescribed.

If honourable gentlemen will follow those three words, " composition, procedure, and powers," they will observe that it was never intended that there should be read into them compensation or remuneration. It cannot be said that under "composition" compensation was intended, or that under " procedure and powers of the Council" compensation was intended, because that would mean that the Council might pass any resolution to pay itself, and no honourable gentleman will say that it was ever intended by implication or otherwise that the members of the Council should have the power to pay themselves and to order compensation within their own discretion. If it had been intended by Parliament at that time that remuneration should be paid to the members of the Council, it would have been so expressed.

From that time up to the present I cannot find that there has been any change in this Act; and yet, notwithstanding this, we find that there has insidiously crept into the Militia Council the practice of paying compensation for the Chairmanship of the Council of an amount within $500 of the amount that he received as Deputy Minister up to the end of 1916. The Deputy Minister of Militia to-day is the same Deputy Minister that we had then, as far as I can recall; and until the end of the financial year 1915-16 he received only $5,000 as Deputy Minister; and yet he was a member of the Militia Council during the whole of that period. I ask by what means has the Department incorporated, into this section of the statute, by implication or otherwise, the power to pay this $4,500 a year? Will honourable gentlemen say there is anything logical or reasonable in so doing? Therefore to say now that my honourable friend should appeal to this Chamber to engraft upon the section that has stood for so many years upon the statute book a power by which we would sanction the drawing of $4,500 a year by the Deputy Minister in addition to his salary of $6,000, which he receives as Deputy Minister, is not only unreasonable, but really does violence to one's sense of economy and the intention of the statute. I object to any amendment of that kind.

Hon. Mr. LYNCH-STAUNTON: Has the Deputy Minister been receiving a salary since 1916 as Deputy Chairman of the Militia Council? And if he has, under what authority?

Hon. Sir JAMES LOUGHEED: My contention is that it is under no authority except by some Order in Council which has been passed. And now let me say this, and make a confession while I am on my feet. This is a practice which apparently has come into vogue since the war, and which had its inception, so far as I can ascertain, in the financial year of 1916-17, by which the Deputy, by some means or other, I presume by Order in Council, secured, in addition to his salary as Deputy Minister, $1,700 compensation as a member of the Militia Council. That is the first case I can find of the Deputy Minister claiming that he was entitled to additional compensation by reason of being a member of the Militia Council. I may, however, confess that during the war Orders in Council dealing with Militia matters were put through from time to time.

Hon. Mr. CASGRAIN: Behind the back of Parliament.

Hon. Sir JAMES LOUGHEED: Orders in Council which did not receive that mature consideration to which they were entitled; and I furthermore say that, owing to the war, Ministers were subjected to a pressure

which precluded them from scanning as closely as they otherwise would the regularity and legality of many of the Orders in Council submitted to them for sanction.

Hon. Mr. BELCOURT: Not only with regard to the Militia.

Hon. Sir JAMES LOUGHEED: The Cabinet had to rely upon the Minister of Militia when he brought down his reports from time to time for the sanction of the expenditures embodied in those reports, and the Minister—if honourable gentlemen will follow me now—had to rely upon his Deputy for the regularity and the legality of the Act which he asked the Cabinet to sanction.

Hon. Mr. LYNCH-STANTON: That was no new departure, was it?

Hon. Sir JAMES LOUGHEED: No. I may say that that has been the practice since Confederation. A Minister, I will not say necessarily, but in the ordinary practice of administration, accepts the report of his Deputy. He assumes that the permanent military officers of the Department are familiar with the subjects with which they were called upon to deal. Those reports are prepared by the Deputy and handed to the Minister, who cannot analyse them with that critical acumen which a lawyer might possibly apply to a contract. He submits a report to Council, relying largely upon the Deputy, and Council, relying upon the Minister, will naturally pass it.

Hon. Mr. MITCHELL: Might I ask, what is the Minister's duty?

Hon. Sir JAMES LOUGHEED: Well, if they were examined with an exactitude such as I think should be applied, it would be to examine very closely the memoranda prepared for the Minister and on which be largely relies. If any culpability is to be attached to the Government of that date, we can only plead that we possibly may have conformed to a practice, and that, owing to the great pressure of the war, Orders in Council of this character were passed, the contents of which were perhaps not familiar to all of us. If an abuse has crept into a statute, we should see that the statute is purged of any provisions whereby public monies are too freely paid out.

Hon. Mr. DANDURAND: Honourable gentlemen, I suppose that not very many months or years will elapse when my honourable friend will hold me responsible for all the actions of the Governor in Council. He will claim that I am jointly responsible with all my colleagues, and he will claim rightly, because there is such solidarity. Now, my honourable friend has shown considerable modesty when he has for fifteen minutes lashed himself and his colleagues for what they did when they were in the Cabinet; for all that he has said as throwing some discredit on someone could only strike himself and his colleagues—

Hon. Mr. BELCOURT: No, he said the Deputy Ministers.

Hon. Mr. DANDURAND: — because those were their acts. The Deputy Ministers may have prompted the Minister, indeed, but the Minister takes responsibility when he brings the matter to the Council, and then the joint responsibility is that of the members of the Council. Now, nothing irregular has been done: it has been done under the law; and here I am standing defending my honourable friend himself for what he did—for what he is responsible for. It is not my act; it is that of himself and his colleagues, and I will give him my authority.

From the date of the creation of the Militia Council, 1904, to the 22nd June, 1918, the members of the Militia Council received no extra emoluments by reason of membership on such body. By an Order in Council of the 22nd June, 1918 (P.C. 1569), authority was granted for the payment to the members of the Militia Council of the following emoluments over and above those which they received by virtue of the positions which they held in the Department of Militia and Defense: $3,000 per annum to the Vice-president of the Militia Council; $1,000 to each other member thereof.

Surely those gentlemen who received this increase are not responsible for having created it. They were the beneficiaries, and that is all.

At this time there were six members of the Militia Council in addition to the Vice-President thereof, and the Militia Council remained so constituted until September, 1919, when the number of members, exclusive of the Vice-president, was reduced to four, only three of whom, exclusive of the Vice-president, received the extra $1,000 authorized by P.C. 1569, as aforesaid. The extra emoluments referred to continued in effect until the 1st of March, 1920, when revised Pay and Allowance Regulations came into force, which abolished the extra emoluments payable to all members of the

Militia Council as such, except the Vice-president thereof.

The Governor in Council, as directly empowered by sections 37 and 54 of the Militia Act, fixed by Order in Council, in the Pay and Allowance Regulations, the allowance which was to be paid to the Vice-president of the Militia Council, if such Vice-president was an officer of the Permanent Force seconded for duty as such, said allowance being fixed as aforesaid at $4,500 per annum. This allowance of $4,500 has always been included in the item in the Estimates entitled, "Pay of Staff," which is a lump sum, and covers the emoluments paid under the Pay and Allowance Regulations to all staff officers as such, at Militia and District Headquarters. Details of the expenditure of this item are set forth in the annual report of the Auditor General.

Now, I stated last night that we generally take the Supply Bill in bulk and vote it without sending it to Committee and examining it in detail; therefore we have very few occasions of questioning the Minister in charge as to the details comprised in the lump sum.

Hon. Mr. LYNCH-STAUNTON: Would the honourable gentleman permit me to ask him this question: is there now authority in the Militia Act to make this appointment? Is there now authority which would justify an Order in Council such as he has been reading?

Hon. Mr. DANDURAND: I do not know. "The pay and allowances of the officers of the General Staff, Headquarters Staff and District Staff, including officers seconded for duty in the public service of Canada, shall be fixed by the Governor in Council." But I may say, in answer to the question of my honourable friend, that the $4,500 paid as a supplement to the Deputy Minister of Militia is paid at present en qualité of Vice-President of the Militia Council.

Hon. Sir JAMES LOUGHEED: But there must be statutory authority for it.

Hon. Mr. LYNCH-STAUNTON: I understood from the honourable gentleman's remarks that the payment of that sum was justified under some section of the Militia Act. Is that section still in force, and could the Government make an Order in Council now to the same effect?

Hon. Sir JAMES LOUGHEED: Let us know under what section of the Militia Act that power is given.

Hon. Mr. DANDURAND: I will have a memorandum here respecting the Deputy Minister of Defence, which I will read so that the House will be seized of the whole situation, and I will give an answer in that statement. I was going to add that that bulk amount contained in the estimates for "Pay of Staff" was discussed in the House of Common last year. Mr. Edwards put this question, which may be found in Hansard, page 2888, unrevised edition, 1921:

> Mr. Edwards: What salary does the vice-president of the Militia Council receive as such, and is that additional to the salary that he receives as deputy minister?
>
> Mr. Guthrie: It is additional. He is a major-general on the staff, and for that he receives $4,500. Under the law passed by this Parliament he is seconded for duty as deputy minister, but he is entitled to his pay as major-general on the staff.

Hon. Mr. MURPHY: I would like to ask the leader of the House, if we adopt section 10 and repeal the present section of the Militia Act, will there be statutory authority for the Governor in Council to pass Orders in Council for any pay they wish to give him in addition to his salary?

Hon. Mr. DANDURAND: Yes, there will be.

Hon. Mr. LYNCH-STAUNTON: If there is authority under the Militia Act, what is the necessity for this section?

Hon. Sir JAMES LOUGHEED: Would my honourable friend read again the section of the Act?

Hon. Mr. DANDURAND: I have no objection to withdraw my amendment if the section as drafted in the Bill passes; but my amendment is simply called forth because of an objection to the payment of emoluments to the members of that Council. The effect of the discussion last evening seemed to be—I say seemed to be, because I may be in error—that the payment to the Vice-president of the Militia Council could be maintained if the Government saw fit, but that a rule should be laid down by which the other members of the Council should not receive any emolument.

Every Minister of Militia, when dealing with his Estimates in Parliament, has, from year to year, in answer to questions, stated what were the special emoluments drawn by the Deputy Minister as Vice-President of the Militia Council. Having regard, therefore, to the above, the total extra emoluments which have been paid to members of the Militia Council as such,

since the creation of that body up to the 1st March, 1922, amount approximately to $23,000. That is quite a shrinkage from the figure which my honourable friend mentioned last evening.

Hon. Sir JAMES LOUGHEED: Will my honourable friend pardon me just at this point? I did labour under an error as to the compensation of the members of the Militia Council, and it was based to a very large extent upon the fact that in August, 1920, as my honourable friend pointed out yesterday, those who were members of the Militia Council had merged into their salaries what was then represented to be the compensation which they drew from the Militia Council. We find an Order in Council passed at that time upon the recommendation of the Minister of Militia giving to the Quartermaster General, the Adjutant General, and the Master of Ordnance $7,500. Anterior to the war the officers who then held those positions would have drawn about $4,000; they were on a parity with the heads of branches of other Departments, and drew an amount substantially less than the Deputy Ministers of those other Departments. Hence, may I ask my honourable friend—possibly he will be able to tell us—why those salaries were so largely increased from the salaries which were paid immediately anterior to the war.

Now we have this anomalous condition prevailing in the Department of Militia—while I am on my feet I may be pardoned for pointing it out. We have one officer drawing $8,000 a year as Chief of Staff, and we have the three officers whom I have enumerated drawing $7,500 a year; we have the Deputy Minister of that Department who is over the entire Department, according to the statute, drawing $6,000 a year; and yesterday we deliberately and after very considerable discussion, practically appointed a Comptroller not only of this Department but of the amalgamated departments, who will have practically supreme authority over the whole financial administration of the amalgamated departments, drawing $6,000 a year, while four of his officers will be drawing $7,500—one of them drawing $8,000.

Honourable gentlemen, this will demonstrate most clearly the confused condition into which the Department of Militia has fallen on account of this peculiarity, that Parliament has never been able to exercise proper supervision over the Department of Militia. We have legislated in regard to all the other departments: they are civil departments; but immediately you approach the Department of Militia you are told that this is practically a professional department. Immediately you attempt to segregate the civil branch from the military branch you are told that you must not place your hands upon the military branch of the Department of Militia. It is very much like placing your hand upon the Ark of the Covenant, which, as honourable gentlemen know, under the Mosaic dispensation, was punishable by death. We have always been surrounded with a kind of mystic fear of interfering with the military features of the Militia Department, and the consequence is that we have handed over to them the administration, and Parliament has been superseded; we have abdicated our function, and left the legislative administration to the officers of that Department, and particularly to the Deputy Minister. That has worked out very satisfactorily so far as those gentlemen themselves are concerned, I must say. They are not suffering by reason of their exercising that superior authority which I have already indicated. The consequence is the anomalies that face us to-day, namely, that we have four officers, occupying positions inferior to the Deputy, drawing substantially larger salaries.

Now, how does that come about? We have this very interesting condition facing us, that the four gentlemen whom I have named—in fact, the five gentlemen I have named, including the Deputy Minister—constitute the Militia Council, and those gentlemen get together around a table and consider the destiny of the Militia Department. Their own destinies apparently receive no indifferent consideration either. They naturally support one another, and the consequence is that we find them supporting each other to the extent of maintaining a uniform standard of salary substantially ahead of that received by the most important officers of all other departments.

Are we going to perpetuate that? Are we going to continue that? Are we going to permit the officers of one department to create a feeling of rivalry and jealousy, and thus impair the efficiency of service so far as the other 18 or 20 departments are concerned? It is not a pleasant duty, on account of the personal equation which has been imported into this subject, for one to discuss it at any length and to dwell upon the invidious distinctions that I have already pointed out. That is a very un-

pleasant subject; one cannot deal with personal considerations of this character without some diffidence, some hesitation. At the same time we should not for one moment stand in the way of placing upon the statute book a salutary piece of legislation dealing with the Deputy Minister of Militia.

Hon. Mr. CASGRAIN: I would not like to have it go abroad that we are not well versed in Holy Writ. My honourable friend the leader of the Opposition has preached heresy in stating that those who touched the Ark were condemned to death. That is not what took place at all. One of them was bold enough to touch it when he thought it was going to fall upon him, but even then he was killed. We must make that reference to the Bible right.

Hon. Mr. GRIESBACH: The discussion has turned largely upon the question of pay. For the moment I am not going to discuss the amendment, but shall address myself to the question of pay. I would like to ask the honourable leader of the officer himself or in the hands of a Opposition whether he would lay it down as a principle of government of our military forces that no officer of the service should be paid any more than the Deputy Minister is paid. That is the point.

Hon. Sir JAMES LOUGHEED: No; but the statute should so provide. It should be settled by Parliament. The increase of salary should not be in the hands of the officer himself or in the hands of a group of officers. It should not be for any officer to say that he shall receive more than others.

Hon. Mr. GRIESBACH: I do not understand that that is the case. I understand that all the salaries were fixed by the late Government, of which the honourable leader was himself a member.

Hon. Sir JAMES LOUGHEED: Yes, on the recommendation of those same gentlemen.

Hon. Mr. BEIQUE: Do I understand the honourable gentleman (Hon. Sir James Lougheed) to say that those payments were unauthorized by any statute?

Hon. Mr. CASGRAIN: Of course he said that.

Hon. Mr. BEIQUE: I understand the position taken by the honourable gentleman to be that those payments were made without any authority.

Hon. Sir JAMES LOUGHEED: Which payments does the honourable gentleman mean?

Hon. Mr. BEIQUE: The payment of $4,500 and other payments to members of the Militia Council.

Hon. Sir JAMES LOUGHEED: I venture to say that the Militia Act does not give authority for the payment of $4,500 to anyone as Vice-chairman of the Militia Council.

Hon. Mr. BEIQUE: Nor for the other amounts that were paid to other members of the Militia Council? That is what I understand to be the position taken by the honourable gentleman. If that is his position—and I am not disposed to quarrel with him—the situation is that those payments were made by mistake, without authority.

Hon. Mr. DANDURAND: By the authority of the Governor in Council.

Hon. Sir JAMES LOUGHEED: The Governor in Council may not have had authority.

Hon. Mr. BEIQUE: I take it that the honourable gentleman would go so far as to say that the Governor in Council had no authority to authorize those payments—that they were made without any authority. If that is so, what objection would there be to passing clause 8 as it is? Clause 8 does not authorize any payment at all. If there is no authority under the Militia Act to make this payment of $4,500, or whatever the amount may be, the payment will not be made.

Hon. Sir JAMES LOUGHEED: The purpose is to remove all doubt touching the payment of salaries for services rendered on the Militia Council.

Hon. Mr. BEIQUE: The honourable gentleman, I think, is going rather too far. The honourable gentleman yesterday, in the presence of the Deputy Minister of Militia, said that this Bill was discussed without any reflection on the Deputy Minister. I think he rather complimented the Deputy, and I think that every honourable member of this House is convinced that the Deputy Minister has been a very efficient official of the Department. He rendered valuable services during the war, and, so far as I am concerned, I am not surprised that during the war it was decided, not by the members of the Council, but by the Ministers of the Crown, that he was deserving of a

special emolument on account of the special services that he was rendering. Now that, in view of his services during the war, and on account of the dual position he occupies, his salary is $10,500, I think it would be rather cruel to reduce it by the action of this honourable House to $6,000. For my part I should be disposed not to interfere at all, but to let the House of Commons deal with that matter and decide whether the Deputy Minister of Militia, for any reason, is entitled to continue to receive the special additional salary of $4,500. When the Bill comes from the House of Commons, in whatever form it may come, it will be time for this honourable House to deal with the question.

Hon. Mr. TURRIFF: This discussion has thrown considerable light on the affairs of the Militia Department. We were told the other day that the members of the Council, other than the Deputy Minister of Militia, did not receive any emolument. Now we find that when their emolument as members of the Council was stopped, their salaries were jumped up $2,000, $3,000 or $4,000. So the statement that they are not now receiving any emolument as members of the Council is not exactly in accordance with the facts, for their salaries were increased altogether out of proportion to the salaries of officials of other Departments who occupy equally important positions.

My idea of the way to deal with this matter would be this: Wipe out the Militia Council altogether. Why is a Council needed in that Department? As some honourable gentlemen have pointed out, other Departments, spending a great deal more money, call their officers together for discussion without having any council or without paying any extra salaries. I would ask the honourable leader of the House, what objection is there to granting the Deputy Minister of Militia an additional salary in exactly the same manner as the Deputy Minister of Finance was dealt with at this present Session? Last year the Deputy Minister of Finance, if my information is correct, received a salary of $6,000, the usual salary paid to a Deputy Minister. The Minister of Finance and the Government apparently came to the conclusion that the Deputy Minister of Finance was worth more money, and they very properly—if that is the case—came before Parliament with an item of $4,000 extra in the Estimates, and he is now paid $10,000. That procedure is all square and aboveboard; it is open to the public, and every one can understand it. I am free to admit that, although I have been in the House of Commons or in the Senate almost twenty years, and have always tried, as well as the average member, I hope, to keep track of what is going on, I did not know that officials of the Militia Department were paid extra salaries. There is plenty of excuse for my not knowing when my honourable friend the leader of the Opposition, one of the Ministers, did not really know what was going on. The members of this Militia Council have given themselves very good salaries.

Hon. Mr. DANDURAND: The honourable gentleman is in error.

Hon. Mr. TURRIFF: When their salaries have risen since 1916 or thereabouts from about $4,000 to $6,000, $7,000 and $8,000, I say they have been mighty good to themselves.

Hon. Mr. DANDURAND: The Government has been good to them.

Hon. Mr. MURPHY: They recommended it.

Hon. Mr. TURRIFF: The honourable gentleman says that the Government has done it. That was done during the war.

Hon. Mr. MURPHY: Yes.

Hon. Mr. TURRIFF: But are you going to continue that? Here are these members, not as high as Deputy Ministers, but some of them getting $2,000 and others $1,000 or $1,500 more than a Deputy Minister; and you have here the anomaly of the Deputy Minister of Militia getting more salary than his Minister, and getting more salary than any other Deputy Minister in the Service. I am not objecting to that if the position is worth it, and I have no doubt that the present incumbent is as good a Deputy as you could get. But, I say, put it on a fair and square basis and let Parliament vote the money every year, as the salaries for the Deputy Minister of Justice and the Deputy Minister of Finance are voted.

Hon. Mr. BELCOURT: With regard to certain statements made in this debate I have taken the position that we are discussing something over which we really have no jurisdiction. I think it is important that we bear this in mind, and at the risk of repeating myself I am going to call attention to this point once more. The last honourable gentleman who spoke,

following others, discussed the amount of salary to be paid to a Deputy Minister. That is absolutely none of our business. We cannot exercise any kind of jurisdiction over that. We cannot say that the salary shall be increased or that it shall be reduced. That is a matter for the House of Commons alone, and they can deal with it when they are dealing with Estimates. The authority of Orders in Council, under which these payments are assumed to have been made, is no authority at all. The authority that decides the question is the vote by Parliament. I repeat what I have already said, that if you look up the statutes constituting the different Departments, you will not, I think, find three, perhaps one, in which the salary of the Deputy Minister or any other officer is stated. It is the House of Commons who, in dealing with the Estimates, decide, on the recommendation of the Minister whose Department is concerned, what is to be voted in the way of salaries. We might talk from now till the end of the year and we should accomplish absolutely nothing, so long as we discussed the matter on these lines. Why should this House be discussing something which it cannot remedy or prevent?

Hon. Sir JAMES LOUGHEED: Does the honourable gentleman take the position that this Chamber, in considering a Bill, cannot strike out a clause providing for the payment of salaries, and say that no salary shall be paid?

Hon. Mr. BEIQUE: Is there any clause providing for the payment of salaries?

Hon. Mr. BELCOURT: Suppose we do that, and suppose the House of Commons refuses to abide by our decision, and votes the money. What can we do then? We cannot do anything.

Hon. Sir JAMES LOUGHEED: That Supply Bill has to come down to this Chamber.

Hon. Mr. BELCOURT: You cannot amend it.

Hon. Sir JAMES LOUGHEED: No, but we can reject it.

Hon. Mr. BELCOURT: If you would reject a whole Supply Bill on the ground that one of the officers is to get one or two thousand dollars more than he should get, well and good. That is what my honourable friend will never do. My honourable friend is very courageous now that he has not the responsibility. I should have liked to hear him talk that way when he was responsible for the Government.

Hon. Sir JAMES LOUGHEED: This House would assume the responsibility, I venture to say.

Hon. Mr. BELCOURT: I doubt it very much. I am quite sure that if the Deputy Minister of Militia is voted $4,500 at this Session there will be no such dire result as my honourable friend predicts. At all events, I am putting a proposition that is absolutely unanswerable. You cannot deal with that question here at all. We are wasting time, unless the purpose is to have the House of Commons hear our opinion on the question. That might have a salutary effect, especially when the opinion comes from such men as my honourable friend, who has had so many years of experience and is such a great authority, and it may influence them; but that is all that you can ultimately accomplish. You cannot change it. Why not simply leave the matter where it is? What have we to do with the salary of the members of the Council? Absolutely nothing. It seems to me we are wasting time, and we have been wasting time for nearly twenty-four hours.

Hon. Sir JAMES LOUGHEED: There is a difference of opinion about that.

Hon. Mr. CURRY: Can the honourable leader of the Government tell us how frequently this much-discussed Militia Council meets, and how many formal meetings they have had since the 1st of January this year?

Hon. Mr. DANDURAND: I have not the minutes before me, However, I may answer a statement that was made yesterday or the day before, to the effect that it would make no difference if the Militia Council, or the Defence Council to be, were abolished, because the Minister, whenever he needed counsel, would have only to call upon the heads of branches, or the chiefs of staff, and consult with them.

Hon. Sir JAMES LOUGHEED: Hear, hear: that is what we say.

Hon. Mr. DANDURAND: Yes, that is what has been said. Well, that looks plausible, but it shows an absolute lack of knowledge of the duties of this Council. The Minister could call together a few men, the senior members of his staff, and consult them, but nothing would remain of record,

whereas the Council is charged with the official responsibility of advising the Minister and the Government upon the whole working of the present Department, or the Department to be formed, regarding the defence of Canada. The Defence Council is patterned upon the Military Council in England. The whole defence of Canada is examined and studied by men who have given all their lives to these problems, and whose decisions are recorded in the minutes of the Council. There are the traditions which have gradually been formed, and which constitute a body of regulations and of orders upon which the whole Militia system of Canada has been founded and is developing. The Militia Council has had the whole responsibility for the administration of the Militia of Canada. At the declaration of war it was found that there were, surrounding the Minister, men who had had long experience in military affairs and were able to advise him in the process of raising troops, forming regiments and sending them overseas. There was that whole responsibility resting upon the shoulders of those few men, who were competent men, and it seems to me, considering their performance and the pride with which we speak of the achievements of the Canadian Army, that we should rather commend their action than depreciate it as we are doing to-day.

Hon. Mr. TANNER: I understood that the remuneration of these members of the Militia Council was now cut off. They are not being paid now?

Hon. Mr. DANDURAND: They are not being paid.

Hon. Mr. TANNER: Then their importance cannot be very great.

Hon. Mr. DANDURAND: My honourable friend perhaps was not in this Chamber when I gave the whole history of the temporary remuneration received by these gentlemen. He will find it in Hansard.

Hon. Mr. TANNER: I understood from what my honourable friend was saying that this Council was an indispensible body—that it was performing great duties in advising the Minister; and that he was arguing that its members should be recompensed.

Hon. Mr. DANDURAND: No. The argument was addressed to the necessity of maintaining that Council, because there seemed to be a desire to dispense with it. If there were no such organization, the advice given would be individual advice, but it would not carry the weight of the advice of an organized body that deliberates, and whose conclusions are recorded in the minutes of the Council, and can be looked to as traditions for the guidance of the Ministers of the successive Governments.

Hon. Mr. MITCHELL: If possible, I should like to see the salary of the Deputy Minister reduced, now that the war is over and we are cutting down our Militia and our Navy. The leader of the Opposition has said that the members of this Council made their own salaries during his career as a Minister in the late Government. I think it is time that there was something in the statutes making the Government responsible, instead of the Militia running matters as they have been doing.

Hon. Mr. ROBERTSON: In my opinion the amendment proposed does not meet the need. During the later years of the war the gentlemen who occupied seats on the Militia Council were, with the knowledge and approval of the Government of that day, paid additional amounts, and, in my opinion, justly and properly so. Nobody knew better probably than the Government of that day the responsibilities which those men assumed and the long hours that they put in, and that, in view of those responsibilities and the additional services which they rendered, they were entitled to some additional remuneration. In 1920 that special remuneration was discontinued. But I want to point out also that the salaries of the gentlemen who served on the Militia Council were substantially increased so as to absorb, or more than absorb, the special allowances previously received by them as members of the Militia Council. My honourable friend now provides that no person except those who have served on the Militia Council in the past shall receive any compensation for service on the Defence Council. That provision includes every one of them.

Hon. Mr. DANDURAND: The amendment does not read that way. It says:

> No emolument shall be payable to members of the Defence Council as such that is not prior to the coming into force of this Act paid to members of the Militia Council who subsequently may become members of the Defence Council.

If the meaning is not clear, it can be made clear by substituting the word "presently", for the words "prior to the coming into force of this Act."

Hon. Mr. ROBERTSON: That would make a vast difference.

Hon. Mr. DANDURAND: I have no objection to that. That is the meaning.

Hon. Mr. ROBERTSON: The keeping in the Bill of section 8 seems to me a matter of small importance. The leader of the Opposition pointed out yesterday that subsection 2 of section 5 gives the Government ample scope to create any advisory councils and any such officers as are in the opinion of the Minister necessary to carry on the work of the Department. In view of this it does seem to me that the specific mention of the Defence Council rather gives parliamentary sanction to the continuation of an arrangement which was necessary during the war, but which should not now be continued.

Hon. Mr. LYNCH-STAUNTON: It seems to me that we are under a misapprehension. I see that by the amendment to the Militia Act passed in 1919, chapter 23, 10 George V, certain sections of the Militia Act were repealed and a new section substituted. That section is as follows:

> The pay and allowances of the officers of the general staff, headquarters staff and district staff, including officers seconded for duty in the public service of Canada, shall be fixed by the Governor in Council.

I am not familiar enough with the provisions of the Militia Act to know whether I am quite correct; but my impression is that the Order in Council granting the $4,500 to the Deputy Minister as Chairman of the Militia Council is justified under the subsection which I have just read. If that is so, then the amendment of the honourable the leader of the House appears to me to go no further than to cut down to some extent the power given to the Governor in Council under this section. I cannot see how the amendment gives any further authority than already exists, but I can see where it cuts down the authority given by this section. What this House is complaining about, and properly complaining about, in my humble judgment, is that Parliament passed a law giving to the Governor in Council power to fix salaries without reference to Parliament. But that power has been given, and, until this section of the Militia Act is repealed, I cannot see that anything is to be attained by discussing this question.

Hon. Mr. CURRY: Does not section 10 of the Bill repeal that?

Hon. Sir JAMES LOUGHEED: It is supposed to repeal the whole of the old Militia Act.

Hon. Mr. DANDURAND: No, not the whole of it. Section 10 says: "The Militia Act (Revised Statutes, 1906, chapter 41) subsection 1 of section 5 and sections 6 and 7."

Hon. Mr. LYNCH-STAUNTON: This section I have read is substituted for the several sections mentioned in it, and, so far as I can make out, it is not interfered with by the Bill before the House.

Hon. Mr. DANDURAND: My opinion is that it is not interfered with.

Hon. Mr. LYNCH-STAUNTON: Then, so long as this section continues to be the law of Canada, the Governor in Council may grant any pay he chooses to the Deputy Minister acting as Chairman of the Militia Council, and the amendment of my honourable friend cuts down rather than increases the power granted the Governor in Council by this section.

Hon. Mr. REID: Supposing an Order in Council should be passed giving any official a certain salary, could the Government pay it until Parliament had voted the salary?

Hon. Mr. LYNCH-STAUNTON: As I read the law, if the section proposed by the leader of the House is not passed, the Governor in Council could to-morrow grant to every member of the Militia Council a salary in addition to the salary which he is now enjoying.

Hon. Mr. TANNER: Where would they get the money to pay it?

Hon. Mr. LYNCH-STAUNTON: I do not know about that.

Hon. Mr. CALDER: If I understand the situation, the practice has been for the Militia Council to sit down and figure out what salaries should be paid to its officers; it would make a recommendation to the Minister, who would take it to Council; and the Council would approve it. Parliament, as I understand, has never in the past voted individually the salaries of officers in this Department, as is done in the case of all the other departments.

As I presume that we are very shortly going to have a vote on this question, I should like to know whether or not the Governor in Council would have power to appoint a Militia Council or any other kind of council or board, under section 6 of the Bill, which reads:

The Governor in Council may make such orders and regulations as are deemed necessary or advisable for the proper and efficient administration and organization of the department.

It seems to me that under that section the Governor in Council is given power to do anything he likes in the way of establishing such organizations or boards or bodies as may be thought necessary and proper to the efficient administration of the Department. If that is so, I think we might as well leave it at that. I am inclined to agree with the honourable gentleman from Ottawa (Hon. Mr. Belcourt) that this whole question of salaries is not one for us to deal with. If the Governor in Council has power under that section to create a Military Council or a board of any kind, then I presume that under this section he has power to pay its members any salaries he may choose. If that is so, I am opposed to section 8 of the Bill.

The proposed amendment of Hon. Mr. Dandurand was negatived.

Hon. Mr. GRIESBACH: I spoke on this question yesterday, and I have just a few words to add. It has already been determined, by voting down this amendment, and by the statement of the leader of the Government, that there will be no emoluments paid for service on this Council. That being so, what objection is there to the appointment of the Council? In any case a Council will be created. Everybody knows that that while it may not exist de jure, a Council will exist de facto. Yesterday I pointed out what this Council did and the purpose of it. I pointed out that it is a uniform and standard method for the government of the army affairs of the country. The advice of most military people may be described as expert advice, but here is a body to give advice which is not only expert but is responsible, and is so declared by law, and which enables the Minister to go into Council or before Parliament with advice that is not only expert, but responsible, and determined by law, and to the knowledge of everybody.

Hon. Mr. TANNER: That is not the way the Minister gets his advice now; he gets it in the caucus.

Hon. Mr. GRIESBACH: So much the worse for the Minister. One thing which has struck me very forcibly in parliamentary life is that not only in this House but in the other House men get up and preface their remarks by saying: "I don't know anything about military matters; I am not a military man;" and immediately proceed to lay down in no uncertain manner what ought to be done.

I was dwelling upon the responsibility of these people as fixed by law. They are not casual people; they are persons by law required to advise the Government and the Minister; so their advice is responsible.

There is another point. We shall probably be having another Imperial Conference in a few years, and before that Conference will come questions of military moment; and representatives of other Dominions will be there to speak with the advice of their military councils. If you reject this section, you are putting out of legal existence the Military Council which is to advise our Minister; you are putting yourself out of step and out of joint with the rest of the Empire; and you are requiring your Minister to go to that Conference with advice which may be expert, but which is unknown to the public and is irresponsible. For that reason I shall support the adoption of this section.

Hon. Mr. LYNCH-STAUNTON: Before I vote on this, I should like to ask if by it the Senate is laying down the policy that we in Canada should not have a legal Military Council, or is merely quarrelling with the question of payment? For my part, the military matters of Canada have always been guided by a Military Council, and without more information than I have although I might be quite willing to commit myself to a policy of paying nothing extra to its members when it is composed of permanent officers of the Government, I should not like to commit myself to the endorsement of the policy of abolishing it. If we are only objecting to the payment, I think we should not wipe out the section altogether, but should put such safeguards about it as will embody our wishes.

Some Hon. SENATORS: Question.

Hon. Mr. DANDURAND: I should like to say just a word for the information of the House. It is the intention of the Minister of Finance, when the House meets again next autumn, to try to indicate in the Estimates the total amount that each servant of the Crown receives from the Dominion of Canada. At present payments are made to certain officials of the Department under two or perhaps three heads. It is the intention of the Minister of Finance to arrange to indicate those payments in such a way that the total will appear in the next year's Estimates.

Now we are about to decide as to the necessity of a Military or Defence Council. When this vote has been taken, if this clause is struck out, I know that it will be impossible to say, that this is the advice of the Senate, because we have heard the honourable gentleman from Regina (Hon. Mr. Calder) state that he was in favour of striking out the clause on account of the Government having the power to organize such a council under another clause. Well, here is an official authority for the creation and maintenance of a Defence Council, and apparently the Senate will be saying that there is no need for that advisory council.

Hon. Mr. BELCOURT: For my part, I cannot follow that at all, and I am not bound by the words that have just fallen from my honourable friend.

Hon. Mr. DANDURAND: I am speaking for myself.

Hon. Mr. BELCOURT: But I do not take the responsibility at all of pronouncing upon the question whether there should or should not be a Military Council. We have nothing to do with that.

Hon. Mr. ROBERTSON: This clause says there shall be.

Hon. Mr. BELCOURT: What I mean is that if I felt like voting, and if my vote, though perhaps the only one on this side, would result in striking out section 8, it should not be assumed that I am opposed to the existence of a Militia Council, for I am not so opposed; but not being a military man, I do not know the first thing about it, and I want to leave the Minister of Militia free to have a Militia Council if he wants it. Under section 6 he has that power. I am satisfied that section 8, in view of section 6, is wholly unnecessary. I do not express any opinion on the merits whatever.

Section 8 was rejected on the following division: yeas, 21; nays, 35.

Section 9 was rejected on the same division.

Section 10 was agreed to.

Hon. Mr. DANDURAND: I move an additional section as follows:

This Act shall come into force on a date to be named by the Governor in Council.

The motion was agreed to.

The preamble was agreed to.

The Bill was reported with amendments.

On motion of Hon. Mr. Dandurand, the said amendments were concurred in.

SALARIES AND SENATE AND HOUSE OF COMMONS

BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 14, An Act to amend the Salaries Act and the Senate and House of Commons Act.

Hon. Mr. McLennan in the Chair.

On section 1—"Minister of National Defence" substituted for "Minister of Militia and Defence".

The section was agreed to.

On section 2—"Minister of National Defence" substituted for "Minister of Militia and Defence".

The section was agreed to.

Hon. Mr. TURRIFF: I beg to move that section 3 be added, as follows:

Subsection 2 of section 35 of the said Act is hereby amended by striking out of the word "except" in the seventh line and all the words after "session" in the twelfth line.

Hon. Mr. MURPHY: How will it read then?

Hon. Mr. DANDURAND: Will the honourable gentleman explain the purport of that amendment?

Hon. Mr. TANNER: I have three objections I want to make to that.

Hon. Mr. BELCOURT: Perhaps you will have half a dozen more by the time you get through reading it.

Hon. Mr. TURRIFF: It appears that section 35 of the original Act is not clear; it is difficult of interpretation, and the officers of both the House of Commons and the Senate have found it so. This is to clarify it.

Hon. Mr. DANIEL: What will be the result of the amendment?

Hon. Mr. TANNER: I understand that this amendment deals with the question of the indemnity. Now, we may as well be plain about this matter. It proposes to remove some restrictions contained in the Act respecting the indemnity of members of this House and members of the House of Commons. My objections to this amendment are threefold. My first objection is that honourable members who attend this House are entitled to their indemnity, of course, but honourable members who do not attend are not so entitled. This amendment is intended to enable honourable members who do not attend to receive their indemnities.

Some Hon. SENATORS: No.

Hon. Mr. TANNER: Then there is no need of the amendment at all, if that is not the object of it. My second objection is that no such amendment can be made, as it is not relevant to the subject-matter of the Bill, which simply and solely deals with the name of the Minister. As I read the authorities on parliamentary procedure, any amendment must be relevant. An amendment dealing with the indemnity of members has no relevancy whatever, and therefore cannot be moved upon this occasion. My third objection is that the amendment deals with the revenue, and if it only put fifty cents more into the pockets of honourable members, it is absolutely certain that under the B.N.A. Act this House cannot initiate any legislation that deals with the revenue, or that touches the revenue. The House of Commons itself cannot initiate such legislation without a resolution approved of by the Governor General; much less can this House originate such a Bill. Bourinot and May point out that the amendment is equivalent to a Bill in this case; that is to say, that this House, under the B.N.A. Act, cannot introduce, either by way of a Bill or an amendment, anything that could possibly be a charge against the revenue of the country. These are the three objections which I have. I certainly must insist most strenuously on the point that the amendment is not regular, on the ground of irrelevancy, and I think it is absolutely clear under the authorities that such an amendment cannot be introduced in this House.

Hon. Mr. BLACK: Perhaps I may be dense, but I do not know what an amendment of this kind may mean. If I knew, I might be inclined to vote for it. The gentleman who introduced it has not given any explanation. I think it is only right that every honourable gentleman should vote against any measure when he does not know what it means.

Hon. Mr. TANNER: Perhaps I may be permitted to add that I have consulted authorities who ought to know, and who I am sure do know, and they state that this House cannot deal with this matter as proposed.

The Hon. the CHAIRMAN (Hon. Mr. McLennan): I will refer this question of order, as I am entitled to do, to the Speaker, and report at our next sitting.

The Hon. the SPEAKER: The Chairman of the Committee of the Whole reports that the Committee have considered Bill 14, and have referred to me for decision the amendment that has been proposed to the Bill. I am not in a position to decide this matter at the present time, as it involves a question that I have not had an opportunity of considering. I therefore propose that the matter be allowed to stand until I can look into it and give a decision.

Hon. Mr. DANDURAND: Say the matter stands on the order paper for further reference to the Committee.

Progress was reported.

At 6 o'clock the Senate took recess.

The Senate resumed at 8 o'clock.

SALARIES AND SENATE AND HOUSE OF COMMONS BILL

The Hon. The SPEAKER: Honourable gentlemen, I have to announce to the House that the question of order which was raised before 6 o'clock will require further consideration than I have been able to give to it in the interval. I would therefore suggest that the order be postponed until a later date.

Hon. Mr. DANDURAND: I move that Bill 14, an Act to amend the Salaries and Senate and House of Commons Act, be put down for further consideration in Committee on Tuesday next.

The motion was agreed to.

JUDGES BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 19, an Act to amend the Judges Act.—Hon. Mr. Dandurand.

Hon. Mr. Taylor in the Chair.

The Hon. The CHAIRMAN: The Committee were considering the proposed amendmend which honourable gentlemen will find on page 198 of the Minutes, as follows:

2. The Governor in Council on the recommendation of the Minister of Justice that any judge has by reason of his age or infirmities become unable to properly perform his duties and upon three months' notice does not retire, order that the salary of such judge shall be reduced to one dollar a year from a date to be named, and thereafter such judge shall until he retires be paid no more than that amount, but on his so retiring, he shall be entitled to the retiring allowance which would have been paid to him had he retired immediately before such order was made.

Hon. Mr. BARNARD: Honourable gentlemen, before the question of this

amendment is put, I should like to say that, after a great deal of consideration and consultation on the subject-matter of it, I have decided to ask leave of the House to withdraw the amendment and substitute another one. I suggest that this new amendment be printed, and that, in order that members may have time to consider it, the Bill be held over until the next sitting of the House. This amendment, I may say, is more elaborate and gives perhaps more protection to the judges than the original amendment, which was somewhat hastily drawn.

The amendment was withdrawn.

Hon. Mr. BARNARD: I now beg to move the following amendment:

2. The said Act is further amended by inserting the following section immediately after section 26 thereof:

General

26a. Any judge of the Supreme Court of Canada or of the Exchequer Court of Canada, or of any Superior Court in Canada, or any Local Judge in Admiralty of the Exchequer Court of Canada, or any judge of a country court, who is found by the Governor General in Council upon report of the Minister of Justice to have become by reason of age or infirmity incapacitated or disabled from the due execution of his office, shall, notwithstanding anything in this Act contained, cease to be paid or to receive or to be entitled to receive any further salary, if the facts respecting the incapacity or disability are first made the subject or enquiry and report in the manner hereinafter provided, and the judge is given reasonable notice of the time and place appointed for the enquiry and is afforded an opportunity by himself or his counsel of being heard thereat and of cross-examination of witnesses and of adducing evidence on his own behalf.

2. The Governor in Council may for the purpose of making enquiry into the facts respecting the incapacity or disability of any such judge issue a Commission of enquiry to one or more judges of the Supreme Court of Canada, or of the Exchequer Court of Canada, or to one or more judges of any Superior Court in Canada, empowering him or them to make such enquiry and report, and may by such Commission confer upon the person or persons appointed full power to summon before him or them any person or witness and to require him to give evidence on oath orally or in writing, or on solemn affirmation, if entitled to affirm in civil matters, and to produce such documents and things as the Commissioner or Commissioners deem requisite to the full investigation of the matters into which they are appointed to enquire, and the Commissioner or Commissioners shall have the same power to enforce the attendance of such person or witness and to compel him to give evidence as is vested in any Superior Court of the province in which the enquiry is being conducted.

3. Nevertheless His Majesty shall by Letters Patent under the Great Seal of Canada grant unto any judge who has been so found by the Governor-in-Council to be incapacitated or disabled by reason of age or infirmity as aforesaid, and who resigns his office, the annuity which he might have received if he had resigned at the time when he ceased to be entitled to receive any further salary.

4. Nothing in this Act contained shall prevent the Governor-in-Council from granting to any judge so found to be incapacitated or disabled as aforesaid leave of absence for such period as the Governor-in-Council, in view of all the circumstances of the case, may consider just or appropriate, and if leave of absence be granted the salary of the judge shall continue to be paid during the period of leave of absence so granted.

Hon. G. G. FOSTER: I should like to suggest to my honourable friend and to the House that we should postpone consideration of this amendment until the next sitting after to-morrow, which I understand will be a week from Tuesday. There are in this amendment many changes which may remove the objection there was to the original amendment.

Hon. Mr. McMEANS: May I suggest that the amendment be printed and distributed, so that we may read it and have an opportunity of understanding it clearly?

Hon. Mr. MURPHY: It will be in the Minutes.

Progress was reported.

CANCELLATION OF LEASES OF DOMINION LANDS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill Y2, an Act respecting cancellation of leases of Dominion Lands.

He said: Honourable gentlemen, I stated on introducing this Bill that the necessity of it arose from a judgment of the Privy Council in the case of the King vs. Paulson et al, which declared that the form of notices given by the Interior Department regarding the cancellation of licenses, leases and permits was faulty, and that in that particular case the service of notice upon the attorney or agent was also of questionable legality. This decision has raised the question whether the form of cancellation in thousands of cases is not liable to attack. Honourable gentlemen will have an approximate idea of the number of cancellations that have been made by the printed forms of the Department when I state that there have been during the last ten or fifteen years 17,000 cancellations of mining lands and Yukon licenses, 2,200 cancellations of timber and grazing permits, and 1,470 cancellations of school land divisions. The purpose of

the Bill is to declare that the cancellations of leases, licenses and permits, that have been made in the past by the Minister of the Interior on behalf of the Government of Canada have been valid and are ratified. This applies retroactively, but the principle has been quite often accepted by Parliament. When it is only the question of a technicality Parliament has deemed it proper to ratify the instrument which otherwise might be deemed invalid.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I have acquainted myself to some extent with the contents of this Bill, and am quite in accord with its policy. It becomes a serious matter for the Government of Canada when the Privy Council declares invalid the form of notice which the Department has been using for the past ten or fifteen years, and which has to do with practically the whole of the mineral resources vested in the Crown through the Federal Government. As has been pointed out, this would affect operations of the Department extending back for almost fifteen years and would be applicable to no less than approximately 20,000 cases. Honourable gentlemen can very well appreciate that when a cancellation takes place and a transfer is made to other parties, when development work proceeds on a very large scale, and when the capital invested represents thousands, sometimes hundreds of thousands, sometimes millions of dollars, it is a matter of grave concern to the Government of Canada to invalidate the notice and thus to disturb the proceedings that have been relied upon and the investments which have been made over a long period of years. It seems to me, therefore, very proper that legislation of this kind should be introduced.

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

Hon. Mr. BELCOURT: I am sorry I was not here, honourable gentlemen, at the beginning, but I must at this stage take serious objection to this Bill—not to the principle of the Bill, but to power being taken in this Bill whereby its effect is to be retroactive. I will not bother the House at this stage with an argument, but I think I should take this exception now, on the second reading of the Bill. When we are discussing it in Committee I shall oppose the provision regarding retroactivity. I do not think there is anything to justify such a provision.

Hon. Mr. DANDURAND

Hon. Mr. DANDURAND: I am sorry that my honourable friend has not challenged the principle of the Bill, because that is all there is in it.

Hon. Sir JAMES LOUGHEED: We can reserve that for Committee.

Hon. Mr. BELCOURT: I do not agree with my honourable friend. I think there is something else in the Bill and that reasonable objection can properly be taken to it. I do want to object to its retroactivity.

Hon. Mr. DANDURAND: When I say that is all there is, I am not forgetting the future. But the important part of the Bill is to cover the operations of the Department for the past fifteen years, because, as has been very aptly stated by the honourable leader of the Conservative party in this Chamber, the cancellation of mining and other leases has been followed by other operations. Properties have passed from hand to hand, and in hundreds of cases the present owners, feeling that their title was good, have invested large amounts of capital; yet, they could be threatened with the loss of their licenses of some preceding holder awakened to the fact that now through a technicality, after the mine, for instance, had been proved and hundreds of thousands of dollars have been invested in it, he could ask for the annulment of the present license and obtain a re-entry to it.

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

DIVORCE BILLS

SECOND READINGS

Bill Z2, an Act for the relief of D'Eyncourt Marshall Ostrom.—Hon. Mr. Fowler.

Bill A3, an Act for the relief of George Herbert Stanley Campbell.—Hon. Mr. Willoughby.

Bill B3, an Act for the relief of Deliah Jane Mills.—Hon. Mr. Willoughby.

PRIVATE BILLS

SECOND READINGS

Bill 24, an Act respecting the Quebec Railway Light and Power Company.—Hon. Mr. Murphy.

Bill 44, an Act to incorporate The General Missionary Society of the German Baptist Churches of North America.—Hon. Mr. Watson.

Bill 52, an Act respecting the Canadian Transit Co.—Hon. Mr. McCoig.

Bill 53, an Act respecting Itabira Corporation Limited, and to change its name to "Itabira Corporation."—Right Hon. Sir George Foster.

Bill 6, an Act respecting the Esquimalt and Nanaimo Railway Company.—Hon. Mr. Watson.

MILITARY PENSIONS IN QUEENS COUNTY, N. S.

INQUIRY

Hon. Mr. FARRELL inquired of the Government:

1. The number of persons being paid military pensions in Queens County, Nova Scotia.
2. The names and addresses of paid pensioners.
3. The amount being paid said pensioners.

Hon. Mr. DANDURAND:

1. Number of pensioners, 30.
2. Return showing the names and addresses of the said pensioners is attached hereto (return laid on the Table).
3. The amount paid monthly to each pensioner is shown in the attached return. These monthly payments amount in the aggregate to $1,231.50.

THE ROYAL ASSENT

The Hon. the SPEAKER announced that he had received a communication from the Secretary of the Governor General, informing him that the Right Hon. Sir Louis Davies, acting as Deputy of the Governor General, would proceed to the Senate Chamber at 4 p.m. to-morrow for the purpose of giving the Royal Assent to certain Bills.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, May 19, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

ADJOURNMENT OF THE SENATE

MOTION

On the notice of Hon. Mr. Dandurand:

That when the Senate adjourns to-day, it do stand adjourned until Tuesday, the 30th day of May next, at 8 o'clock in the evening.

Hon. Mr. DANDURAND: Since giving this notice I have examined the situation, and find that the Commons will have the Budget speech on Tuesday next and will then adjourn till Friday; but, as the House will not sit on Saturday, the debate will continue, it is supposed, for at least the following week. As the Budget takes precedence over all other matters, the Senate will not be in receipt of any legislation from the other House until the debate is concluded; so, with the leave of the Senate, I will move that when the Senate adjourns to-day it do stand adjourned until Tuesday, the 6th of June next, at 8 o'clock in the evening.

The motion, amended as proposed, was agreed to.

DEPARTMENT OF NATIONAL DEFENCE BILL

THIRD READING

Bill 27, an Act respecting the Department of National Defence.—Hon. Mr. Dandurand.

DIVORCE BILLS

THIRD READINGS

Bill Z2, an Act for the relief of D'Eyncourt Marshall Ostrom.—Hon. Mr. Fowler.

Bill A3, an Act for the relief of George Herbert Stanley Campbell.—Hon. Mr. Willoughby.

Bill B3, an Act for the relief of Deliah Jane Mills.—Hon. Mr. Willoughby.

DIVORCE BILLS

SECOND AND THIRD READINGS

Bill C3, an Act for the relief of Robert James Owen.—Hon. Mr. Barnard.

Bill D3, an Act for the relief of Gibson Mackie Tod.—Hon. Mr. Bennett.

Bill E3, an Act for the relief of Agnes Mary Flynn Donoghue.—Hon. Mr. Fisher.

Bill F3, an Act for the relief of Margaret Thompson.—Hon. Mr. Willoughby.

Bill G3, an Act for the relief of Daniel Calvin Bell.—Hon. Mr. Willoughby.

Bill H3, an Act for the relief of Stanley Morning.—Hon. Mr. Willoughby.

Bill I3, an Act for the relief of Johnston Nixon.—Hon. Mr. Willoughby.

Bill J3, an Act for the relief of William Andrew Hawkins.—Hon. Mr. Willoughby.

Bill K3, an Act for the relief of James Malone.—Hon. Mr. Willoughby.

Bill L3, an Act for the relief of Marjorie Elizabeth Wickson. Hon. Mr. Willoughby.

The Senate adjourned during pleasure.

THE ROYAL ASSENT

The Right Honourable Sir Louis Davies, K.C.M.G., Chief Justice of Canada, Deputy

Governor General, having come, and being seated at the foot of the Throne, and the House of Commons having been summoned and being come with their Speaker, the Right Honourable the Deputy Governor General was pleased to give the Royal Assent to the following Bill

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1922, and the 31st March, 1923.

An Act for the relief of Wentworth Barnes.

An Act for the relief of Hazel McInally.

An Act for the relief of Edward Lovell.

An Act for the relief of Elizabeth Lillian Sharpe.

An Act for the relief of Percival Andrew Jamieson.

An Act for the relief of Frederick Henry Gill.

An Act for the relief of Blanche Elizabeth Macdonell.

An Act for the relief of Frank Charles Butt.

An Act for the relief of Edward Sidney John Turpin.

An Act for the relief of Albert Bethune Carley.

An Act for the relief of Ernest Zufelt.

An Act for the relief of Harry Johns Leach.

An Act for the relief of Nellie Berry.

An Act respecting The Burrard Inlet Tunnel and Bridge Company.

An Act respecting The Kettle Valley Railway Company.

An Act respecting La Compagnie du chemin de Fer de Colonisation du Nord.

An Act respecting The Interprovincial and James Bay Railway Company.

An Act respecting The Canada Trust Company.

An Act to incorporate Canadian General Insurance Company.

An Act to amend the Penitentiary Act.

An Act for the relief of Ethel Turner.

An Act for the relief of Walter Michie Anderson.

An Act for the relief of Mary Elizabeth Fredenburg.

An Act for the relief of Sheriff Elwin Robinson.

An Act for the relief of Rhoda Renfrew McFarlane Brown.

An Act for the relief of Abraham Leibovitz.

An Act to incorporate British National Assurance Company.

An Act respecting the Baptist Convention of Ontario and Quebec.

An Act respecting Prudential Trust Company, Limited.

An Act respecting The T. Eaton General Insurance Company.

An Act respecting Aberdeen Fire Insurance Company.

An Act respecting Armour Life Assurance Company.

The House of Commons withdrew.

The Right Honourable the Deputy Governor was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, June 6, at 8 o'clock p.m.

THE SENATE

Tuesday, June 6, 1922.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Bill V3, an Act for the relief of Roy Wilfred Shaver.—Hon. Mr. Proudfoot.

Bill W3, an Act for the relief of James Henry Boyd.—Hon. Mr. Barnard.

SACKVILLE SHIPPING FACILITIES

INQUIRY

Hon. Mr. BLACK inquired:

1. Is the Government aware that about 1910 and 1911 the Government built a new wharf on the Tantramar River at Sackville, New Brunswick, and built a railway track and highway from C.N.R. to said wharf, but laid no rails?

2. Is the Government aware that during the late war, rails leading from the C.N.R. to the old Sackville wharf were taken up for war purposes so that at present Sackville is totally deprived of shipping facilities by water?

3. When does the Government intend to restore wharf and shipping facilities on the Tantramar River at Sackville, New Brunswick?

Hon. Mr. DANDURAND:

1. Yes.

2. Yes.

3. When available traffic would seem to warrant expenditure estimated at $17,000. Revenue from old wharf during four years preceding 1917 amounted to $412.92.

MILITIA OFFICERS' SALARIES AND ALLOWANCES

INQUIRY

Hon. Mr. MICHENER inquired:

What were the respective salaries and allowances paid to the Deputy Minister, the Quartermaster General, the Adjutant General, and the Master General of Ordnance up to 1914, and what salaries and allowances are now being paid to those officers?

Hon. Mr. DANDURAND:

Appointments	1914-15	1921-22
Deputy Minister ...	$6,500 00	$10,500 00
Quartermaster General..	5,600 00	7,500 00
Adjutant General..	4,600 00	7,500 00
Master General of Ordnance..	Position abolished	

FRUIT COLD STORAGE SUBSIDIES

MOTION FOR RETURN

Hon. Mr. LAIRD moved:

That an Order of the Senate do issue for copies of all correspondence exchanged be-

tween the Minister of Agriculture of the Dominion of Canada, and the Minister of Agriculture of the province of Ontario, on the subject of extending to Cold Storage Warehouses owned by co-operative companies of fruit growers, the system of subsidies to public Cold Storage Warehouses now provided for by the Cold Storage Act, 1907, chapter six.

Hon. Mr. DANDURAND: I notice that the honourable gentleman fixes no limit to the correspondence for which he asks.

Hon. Mr. LAIRD: It is recent correspondence only.

The motion was agreed to.

LEAVE TO GIVE EVIDENCE

MOTION

A message was received from the House of Commons requesting that the Senate give leave to the Hon. Archibald B. McCoig to attend and give evidence before the Select Standing Committee on Agriculture and Colonization.

Hon. Mr. DANDURAND: I beg leave to move:

That a message be sent to the House of Commons to acquaint that House that the Senate doth give leave to the Honourable Archibald B. McCoig to attend and give evidence before the Select Standing Committee on Agriculture and Colonization, if he sees fit.

The motion was agreed to.

PRIVATE BILLS.

FIRST READINGS

Bill 5, an Act respecting the Canadian Pacific Railway Act.—Hon. Mr. Laird.

Bill 21, an Act to incorporate the Buffalo and Fort Erie Public Bridge Company.—Hon. Mr. Belcourt.

Bill 50, an Act to incorporate The Sisters of Saint Mary of Namur.—Hon. Mr. Blondin.

Bill 68, an Act to incorporate The Frontier College.—Hon. Mr. Tanner.

NIAGARA RIVER BRIDGE COMPANY BILL

FIRST READING

A message was received from the House of Commons, with Bill 61, an Act respecting the Niagara River Bridge Company.—Hon. Mr. Robertson.

The Bill was read the first time.

SECOND READING

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I am desirous of having this Bill read a second time to-night, with a view of its coming before the Railway Committee on Thursday. It has to do with a very important undertaking, namely, the building of a bridge across the Niagara river; and negotiations are being suspended until the final passage of the Bill. I feel that no injustice will be done if rules 23F, 24A, 30, 63 and 119 are suspended in so far as they relate to this Bill, and I move accordingly. This is simply done so as to permit of the Bill coming before the Committee on Thursday.

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

JUDGES BILL

FURTHER CONSIDERED IN COMMITTEE AND REPORTED

The Senate again went into Committee on Bill 19, an Act to amend the Judges Act.—Hon. Mr. Dandurand.

Hon. Mr. Taylor in the Chair.

The Hon. the CHAIRMAN: Hon. Mr. Barnard moves to insert as section 2 an amendment to be found on page 224 of the Minutes of Proceedings.

Hon. Sir JAMES LOUGHEED: The honourable gentleman from Victoria (Hon. Mr. Barnard) apparently has moved it as an amendment to the Bill. It is a very important one. I do not see the honourable gentleman in his place. I have no doubt that my honourable friend the leader of the Government has given full consideration to this amendment. In fact, I think my honourable friend very largely inspired it by some observations which he made in introducing the Bill, and which evidently operated as sufficient encouragement for the honourable gentleman from Victoria to have an amendment prepared. I should like to know what are the views of my honourable friend (Hon. Mr. Dandurand) on the subject.

Hon. Mr. DANDURAND: I expected to hear some discussion of this proposed amendment. It is in the hands of the Senate. However, as my honourable friend puts a direct question to me, I will answer him. I have given some thought to the amendment as proposed by the honourable gentleman from Victoria, and until I receive more light, if any is to be shed in this Chamber, I am disposed to agree with the form of the amendment. I do not suppose the Minister of Justice will ever find it necessary to take any action under the proposed legislation, although it will be in his power to do so. The honourable leader

of the Conservative party said that within his own experience Ministers of Justice had asked themselves if the State was powerless to meet certain situations which seemed to indicate considerable contempt for authority. There will be in this legislation power which may be utilized, but I express the hope that no occasion will ever arise for the exercise of it.

Hon. Sir JAMES LOUGHEED: Hear, hear.

Hon. Mr. BEAUBIEN: I should like to ask the mover of the amendment whether he has found any precedents in the English constitution for legislation of the kind proposed. Certainly our own constitution gives a guarantee to every man who becomes a judge that he shall not be removed from his position except by impeachment. That guarantee, which has been taken from the British Constitution, has certainly operated very well in this country. After all, the men composing the judiciary are human, and at times there may have been some abuses. An honourable member of this House has complained that there is at present a congestion of judicial business in the District of Montreal. That is a fact, and a similar condition exists elsewhere. But that is only transitory, whereas this amendment proposes permanent legislation. The judges in Montreal have now agreed to clear up the arrears and they will disappear. Time and again, there as elsewhere, there has been an accumulation. The country cannot always be free of that difficulty. That is especially true of large centres, where of course litigation gathers in great volume. That condition will, however, disappear. The effect of the proposed legislation, it seems to me, would be to lessen considerably the independence of our judiciary. No man is free from liability to illness. No judge, after the passage of such legislation as this, would be free from the possibility of an inquiry ordered by the Minister of Justice, whoever he might be. We know very well that after a certain time of life a man may suffer from illness, sometimes for months, and may completely recover. I know of examples in this House. Some of our colleagues have left us, not without anxiety on our part, and we have all observed with pleasure how they have come back restored to health and vigour, and able to render to the country their valuable services. It is the same with the judges. If the proposed amendment is carried, every time they are visited by illness they are liable to receive an order from the Minister of Justice, who, after all, is a man—who, after all, is a party man. I leave it to you honourable gentlemen: is it desirable that the hand of political influence, whatever it may be, should be laid upon the independence of the judiciary? I do not think so. I think that we ought to be very proud of our judiciary in this country, and, I am glad to say, I make no exception of the judiciary of the province of Quebec. It has been and still is composed of many able, conscientious, hard-working men. Of course, they were well chosen, well tried men; but, honourable gentlemen, do you think they would have accepted the position if they had known that on being elevated to the Bench they would not be free from political interference. Would the judiciary of our country have commanded the same respect? Judges have sometimes to intervene in the contestation of elections or in matters which are sometimes of a nature to require their full independence. The British constitution has created a class of judges than whom there are no better to be found the world over. No country in the world has more respect for its judges than has Great Britain. Is there in the British statutes any legislation of the sort now proposed? If not, why not? I submit that it is not wise, because of any passing difficulty, to disturb the absolute independence and freedom from political influence of the judiciary in this country, and this is a skilful way of doing it, because, although you cannot impeach a judge, you can deprive him practically of his means of livelihood. What does that mean? Starving him into obedience if you so desire, or forcing his resignation. I do not think that is either fair or wise. I do not think it is fair to the judges or wise in the interest of the country.

Hon. Mr. CASGRAIN: Before the honourable gentleman sits down I should like to ask him a question. Perhaps I did not hear it correctly. Did I understand the honourable gentleman to say you cannot impeach a judge?

Hon. Mr. BEAUBIEN: No, I did not say that, surely.

Hon. Mr. CASGRAIN: All right. It shows how bad the acoustics are.

Hon. Mr. BARNARD: Honourable gentlemen, I think that the honourable member who has just taken his seat (Hon. Mr. Beaubien) is perhaps unduly alarmed as to the effect of this proposed amendment. He asks me if I can quote him a

precedent in Great Britain for legislation of this kind. In reply, it is necessary only to point out that the Parliament of Great Britain has power to pass any legislation it sees fit respecting its judges, whereas the Parliament of Canada, owing to its constitution being a written one, the British North America Act, cannot do so as regards the dismissal or removal of judges of superior courts. But if the honourable gentleman wants a precedent, I think he can find it in section 28 of our own Judges Act, which is practically the same as this amendment, but refers to county court judges, and which has been in force for a great number of years.

Hon. Mr. BEAUBIEN: What is that?

Hon. Mr. BARNARD: Section 28 of the Judges Act, which provides for the removal of county court judges for misconduct. The person who drafted this amendment has apparently used that clause as a precedent.

Hon. Mr. BELCOURT: Has my honourable friend a copy of the section?

Hon. Mr. BARNARD: Yes.

Hon. Mr. BELCOURT: Perhaps he might read it.

Hon. Mr. BARNARD (reading):

Every judge of a county court in any of the provinces of Canada shall, subject to the provisions of this Act, hold office during good behaviour and his residence within the county or union of counties for which the court is established.

2. A judge of a county court may be removed from office by the Governor in Council for misbehaviour, or for incapacity or inability to perform his duties properly, on account of old age, ill-health or any other cause; if,

(a) the circumstances respecting the misbehaviour, incapacity or inability are first inquired into; and,

(b) such judge is given reasonable notice of the time and place appointed for the inquiry, and is afforded an opportunity, by himself or his counsel, of being heard thereat, and of cross-examining the witnesses and adducing evidence on his own behalf.

3. If any such judge is removed from office for any of such reasons, the order in council providing for such removal, and all reports, evidence and correspondence relating thereto, shall be laid before Parliament within the first fifteen days of the next ensuing session.

4. The Governor General in Council may, for the purpose of making inquiry into the circumstances respecting the misbehavour, inability or incapacity of such judge, issue a commission to one or more judges of the Supreme Court of Canada or any one or more judges of any superior court in any province of Canada, empowering him or them to make such inquiry and to report, and may, by such commission, confer upon the person or persons appointed. full power to summon before him or them any person or witnesses, and to require them to give evidence on oath, orally or in writing or on solemn affirmation, if they are persons entitled to affirm in civil matters, and to produce such documents and things as the commissioner or commissioners deem requisite to the full investigation of the matters into which they are appointed to inquire.

5. The commissioner or commissioners shall have the same power to enforce the attendance of such person or witness, and to compel him to give evidence, as is vested in any superior court of the province in which the inquiry is being conducted.

That has been in force since, at any rate, the last revision of the statutes, and I do not think there has been any great abuse of the privileges of the judges, nor will anyone say that the independence of the county court judges has been affected thereby.

Now, I would like to say, with regard to this amendment, that, so far as my own province is concerned, we have no grievance of the kind; but I was very much struck when I heard three honourable senators, members of the Bar from three different provinces, say that legislation of this kind was necessary owing to certain conditions, some of which existed in their own provinces. As I say, I would not look to England for a precedent governing a case of this kind, owing to the difference between the British constitution and ours; but I do think that, if this amendment is inserted in the Judges Act, my honourable friend will find that there will never be any necessity for enforcement of its provisions, for the simple reason that when judges are no longer able to do their work they will take their superannuation and resign.

Hon. Mr. BELCOURT: I asked my honourable friend to read the section regardinging the County Court judges because I had some recollection that there were safe guards given the judges with respect to the conclusion regarding incapacity, and otherwise. I would ask the House to consider whether it might not be proper to add to the section proposed by my honourable friend such safeguards and provisions as have been found proper to apply to County Court judges.

Hon. Mr. BARNARD: Would my honourable friend pardon me? I think he is in error. Has my honourable friend the last amendment, as printed on page 224?

Hon. Mr. BELCOURT: Oh, no; I was reading from page 198.

Hon. Mr. BARNARD: That is the original amendment. The amendment was redrawn.

Hon. Mr. BELCOURT: Has my honourable friend embodied in this all those provisions?

Hon. Mr. BARNARD: All those provisions are embodied in this amendment.

Hon. Mr. BELCOURT: Then I have nothing to say except this. I think the amendment as originally drafted is objectionable, for two reasons: first of all, because it would impose upon the Minister of Justice the doing of something which would be very distasteful to him, and which he would long hesitate to do; and because, manifestly, it might not be considered just to apply the section against a particular judge.

Hon. Sir JAMES LOUGHEED: That is the first amendment.

Hon. Mr. BELCOURT: That is the first amendment. But that is all remedied?

Hon. Sir JAMES LOUGHEED: Yes, that is all dropped.

Right Hon. Sir GEORGE FOSTER: When the honourable Senator from Victoria (Hon. Mr. Barnard) brought in his first amendment, I asked that its consideration might be deferred until the amendment could be printed and we could have an opportunity of examining its purport. Since then my honourable friend has withdrawn his first amendment and substituted this other one, which to my mind is a great improvement. The ground of objection was, in my mind, that we ought to guard ourselves very carefully against bringing the courts of justice under the surveillance of any political party. An administration which governs by party ought not to hold over the heads of the judges the possibility of an investigation or of an Order in Council interfering with their term of office on account of alleged incapacity. The freer you can keep the minds of the judges from that, the better; and, as a general rule, you may trust judges who have had the honour of working through the different grades of solicitors' and lawyers' work, and then being appointed to high office on the Bench, to guard the honour of that Bench; and in cases of absolute incapacity the judges themselves would feel inclined to relieve the Bench by retiring. There is the other side to the question, however: the respect of the common people— to say nothing of the lawyers—for the Bench is broken down if upon that Bench there does appear from time to time a judge who through physical disability or from any other cause is notably incapacitated for the transaction of business. That does not add to the dignity of the Bench nor the respect for justice. The sooner a case like that is eliminated from any Bench the better, I think, for the wide respect which must be very largely the foundation of the successful working of our judicature. From a reading of the amendment, it seems that this case is pretty well guarded. The Minister of Justice, on information coming to him, may start an inquiry, but neither he nor the Council can take definite action without going through a certain process: that process is the appointment of a commission of superior court judges. From among superior court judges an excellent, impartial, and just tribunal ought easily to be found. The judge has notice, and, if he has a defence to make, he can make it before a commission of his own peers, his equals, and the matter will ultimately be decided on the report of that commission.

I have listened for a statement from the legal men in the House as to the raison d'etre for this amendment. Have there been cases which have suggested the necessity for such legislation? In my own experience in the councils of the Government of the country, I have known of cases in which the normal course of justice has been interfered with by the incapacity of judges; but worse than that is the fact that such cases have not added to the respect of the common people for the Bench. The sooner you get a case like that out of the public eye the better for the administration of justice.

It may be said that you can impeach a judge. So you can; but that is a process that nobody likes to undertake, and one which, if my memory serves me rightly, has been practically unapplied in the history of Canada—not that there have not been cases in which it ought to have been applied, but because of the many difficulties connected with it. If there are fair safeguards so that a judge who is incapacitated, and against whom there is complaint to the Minister of Justice, may be guaranteed a fair and impartial and just tribunal, I think it is not unwise for us to put such legislation on the statute book.

Hon. Mr. PROUDFOOT: Honourable gentlemen, a change in the law is certainly desirable. In the province of Ontario we have had some cases in which the administration of justice has suffered very considerably by reason of the fact that some of our judges who became incapacitated

still retained their seats on the Bench and did not resign long after the members of the Bar thought they should have done so. I am not going to mention the names of any of those judges; some of them are now dead; but I think that, in the interest of the administration of justice, and in the interest of the judges themselves, we should have an amendment somewhat similar to the one in question.

I do not think, however, that the last amendment which we made to the Judges Act is fair to a number of judges who have been on the Bench for a great many years. A judge who was on the Bench for a number of years prior to the time of the recent change would be entitled only to a retiring allowance based on the salary that he received prior to the time the change was made; while another judge appointed since that time, if he became incapacitated, and it were necessary for him to retire, would retire on an allowance based on the salary that is now paid to the judges. I think that in fairness to judges who have occupied seats on the Bench for as long a time as some of them have, particularly in the province of Ontario, the statute should be amended so that all our judges would be put on the same basis. Under the County Court Act judges retire automatically on arriving at the age of 75 years; High Court judges do not. Why should judges on the High Court Bench occupy a different position? They are all appointed from the Bar. Many of the judges in the County Courts and District Courts are quite as capable men as those appointed to the High Court, and at the age of 75 many of them are quite capable to carry on as they have been doing for years.

One way of getting over many of the difficulties that now present themselves would be to pass an amendment stating that judges of the High Court must retire on arriving at the age of 75 years. I know that at the present time, in the province of Ontario, we have sitting on the Bench, men who are considerably over 75 years of age, and who are quite capable of carrying on: Some are quite bright: others are not. Where you have one bright and capable man carrying on after 75 years of age, you have many others who are not. The change made in the statute puts a premium on judges who are over age remaining on the Bench and carrying on as long as they possibly can.

I would suggest that in addition to the amendment now proposed we would urge on the House of Commons the advisability of changing the superannuation allowances and placing all the judges on the same footing. I suppose that, so far as this House is concerned, according to what I understand to be the rule, we are not in position to move an amendment increasing the superannuation allowance in the manner I have suggested.

Hon. Sir JAMES LOUGHEED: Is my honourable friend aware of the fact that while the authority of Parliament may extend to the County Court judges, it does not extend to the Superior Court judges, who are appointed for life. That matter has received consideration for a very considerable time, and what the honourable gentleman has suggested would doubtless have been done at the time the Act was amended as to the County Court judges but for the fact that it was felt that constitutionally we had not the authority as to the Superior Court judges.

Hon. Mr. PROUDFOOT: My answer to that is that we would be able to get around the constitutional difficulty by providing in the amendment that when a judge of the Superior Court arrives at the age of 75 years his salary will be reduced to one dollar a year, or whatever it may be, if he does not retire. This is a very important question, and should be carefully dealt with. I think the whole Act should be revised and amended, and that the amendments should not be made piecemeal. This amendment is all right as far as it goes, but, as I said before, it is wholly unfair to judges who have been on the bench for a great many years, and who cannot be superannuated on the basis of their present salaries.

Hon. Mr. BEIQUE: The honourable gentleman from Montarville (Hon. Mr. Beaubien) referred to the judges of Montreal. I do not understand that this legislation has been prompted at all by the condition now obtaining or which has obtained in the past in the province of Quebec. I have been practicing at the Bar for over 54 years, and I am proud and glad to say that in my experience I have not known of a judge who would come under the proposed law. That would induce men to hesitate and to lean towards the opinion expressed by the honourable gentleman from Montarville. But I have heard very often in this House of judges in different provinces who were referred to in a very disparaging way; and, although I was not familiar with the facts and was unable to determine to what ex-

tent the charges made were well founded, I was left with the impression that the honourable members who spoke were expressing the opinion of their own communities, and that there were grievances against some particular judges. For that reason I am very strongly inclined to share the opinion expressed by the honourable gentleman from Ottawa (Right Hon. Sir George Foster) a few moments ago. I think he has given conclusive reasons in support of the amendment. It is in the interest of justice that the door should be closed to all abuse; and if there is a recourse for people who have grievances, they will not be expected to express any grievances against the judges in their own locality unless these are well founded, in which case it will be their duty to approach the Minister of Justice and ask him to put in motion the machinery which is provided for in the amendment now under consideration. These grievances, or supposed grievances, as the honourable gentleman from Ottawa very well says, are destructive of the good reputation of the judges. I think the amendment is in the right direction.

The amendment was agreed to.

The preamble and the title were agreed to.

The Bill was reported as amended.

FARBER PATENT BILL POSTPONED

MOTION FOR SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill N3, an Act respecting a patent of Simon W. Farber.

Hon. Sir JAMES LOUGHEED: Perhaps my honourable friend who has charge of this Bill will be good enough to explain to the House what the Bill is about. I am not critical in regard to the second reading of Bills except this particular class of Bills dealing with patents. It has been the practice in this House to give the fullest explanation touching the renewal of a patent by a special Act, and I think the House should be made fully acquainted with the particulars in this case. Personally I have no knowledge of the subject whatever.

Hon. Mr. BELCOURT: I might as well confess at once that I do not know anything about it, and I do not think my honourable friend would be satisfied with any imaginary explanation that I might give him. If the order is discharged, I will try to find out something about the Bill.

The order was discharged.

EXPLOSIVES BILL

MOTION FOR SECOND READING POSTPONED

On the Order:

Second reading of Bill P3, and Act to amend the Explosives Act.—Hon. Mr. Boyer.

Hon. Mr. DANDURAND: Discharge the Order.

Hon. Sir JAMES LOUGHEED: I should like to point out to my honourable friend the leader of the House that in my judgment this is a Bill for which the Government should assume full responsibility. The Explosives Act is a public Act. It involves, one might say, not only the lives of persons within a considerable radius of those establishments, but likewise the security of property, and I think that no private member of this Chamber, or of the other Chamber, should assume the responsibility of introducing an amendment of so important a statute as the Explosives Act. I would therefore suggest to my honourable friend that the Government give special consideration to this legislation.

Hon. Mr. DANDURAND: I may inform my honourable friend that I had referred to the mover to postpone for a few days the consideration of this Bill, in order that the Department which is particularly concerned with it might give an opinion. I move that the Order be discharged and placed on the Order Paper for Thursday next.

The motion was agreed to.

DIVORCE BILLS

SECOND READING

Bill M3, an Act for the relief of James Hosie.—Hon. Mr. Prowse.

Bill O3, an Act for the relief of Mary Ila Cameron.—Hon. Mr. Bennett.

Bill Q3, an Act for the relief of Frank Hamilton Bawden.—Hon. Mr. Prowse.

Bill R3, an Act for the relief of Harry Alexander Smith.—Hon. Mr. Prowse.

Bill S3, an Act for the relief of Allan Richard Morgan.—Hon. Mr. Prowse.

Bill T3, an Act for the relief of Mildred Emma Blatchford.—Hon. Mr. Prowse.

PRIVATE BILL

SECOND READING

Bill U3, an Act to incorporate Canadian Casualty Co.—Hon. Mr. Watson.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Wednesday, June 7, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Bill X3, an Act for the relief of Frank Clifford Gennery.—Hon. Mr. Ratz.

Bill Y3, an Act for the relief of Sarah Brackinreid.—Hon. Mr. De Veber.

PAYMENTS TO MEMBERS OF MILITIA COUNCIL

INQUIRY

Hon. Mr. MICHENER inquired of the Government:

(a) What amount has been paid down to date by the Government to members of the Militia Council since the creation of that body, and (b) by what authority were such payments made.

Hon. Mr. DANDURAND:

(a) $24,660.42.

(b) Militia Act R.S.C., Chapter 41, Sections 37 and 53, and the said section 37 as enacted by Chapter 23 of the Militia Act the second session 1919.

SERVANTS OF MILITIA OFFICERS

INQUIRY

Hon. Mr. MICHENER inquired of the Government:

What orderlies or employees of the Militia Department during the last twelve months have been acting as servants or in any like capacity outside of the official offices, for officers, either civil or military, attached to the Militia Department at Ottawa, and the names of such employees and such officers.

Hon. Mr. DANDURAND: In the Militia Department, as in other departments of the Federal Government, orderlies, or employees (messengers) and some junior clerks are only too glad to earn some stipends in order to increase their small emoluments, after office hours. In the Militia Department, a few orderlies and employees are employed and paid for by officers and heads of branches to attend furnaces in winter, and lawns in summer, after office hours, i.e., before 9 o'clock in the morning, and after 5 p.m., and are usually paid $10 per month for such services by the officials themselves. It is against regulations to employ such men during office hours.

BRITISH EMPIRE STEEL CORPORATION LABOUR DISPUTE

MOTION WITHDRAWN

On the notice of motion by Hon. Mr. Tanner:

That a special committee of the Senate be appointed to inquire into and report to the Senate upon the causes of and all matters incidental or relating to the wages disputes existing between the British Empire Steel Corporation and the mine workers in the employ of the said corporation; with power in the committee, if it deems it advisable, to hold all or any of its hearings at places outside of the city of Ottawa; and also with power to call for persons and papers to take evidence upon oath, and to engage such secretarial and stenographic assistance as may be necessary.

Hon. Mr. TANNER: Honourable gentlemen, as this matter is being investigated by a special Board, and as in any event it will be too late to investigate the matter here this Session, I ask that the notice be dropped.

The motion was withdrawn.

JUDGES BILL

THIRD READING

Bill 19, an Act to amend the Judges Act.—Hon. Mr. Dandurand.

DIVORCE BILLS

THIRD READINGS

Bill M3, an Act for the relief of James Hosie.—Hon. Mr. Prowse.

Bill O3, an Act for the relief of Mary Ila Cameron.—Hon. Mr. Bennett.

Bill Q3 an Act for the relief of Frank Hamilton Bawden.—Hon. Mr. Prowse.

Bill R3, an Act for the relief of Harry Alexander Smith.—Hon. Mr. Prowse.

Bill S3, an Act for the relief of Allan Richard Morgan.—Hon. Mr. Prowse.

Bill T3, an Act for the relief of Mildred Emma Blachford.—Hon. Mr. Prowse.

SALARIES AND SENATE AND HOUSE OF COMMONS BILL

QUESTION OF ORDER

On the Order:

House again in Committee of the Whole on Bill 14, an Act to amend the Salaries Act and the Senate and House of Commons Act.—Hon. Mr. Dandurand.

Hon. Mr. DANDURAND: I will move that the Senate again go into Committee unless His Honour the Speaker is not ready to render his decision.

Hon. Mr. BARNARD: Honourable gentlemen, with regard to this Bill, to which an amendment was moved in Com-

mittee a few days ago, I should like to speak to the point of order raised on that amendment, before His Honour the Speaker gives his decision. I do not know whether this is the proper stage to do so, or whether I should wait until the House goes into Committee.

Hon. Mr. DANDURAND: I do not know to what extent the point of order was debated. The question was taken en déliberé, as we say in my province, by his Honour, the Speaker. However, if, with the leave of the Senate, some honourable gentlemen desire to express their views on the point of order, I should personnally have no objection to the suggestion to His Honour that they be allowed to do so. Of course, the matter is just now rather more in the hands of the Speaker than in ours.

The Hon. the SPEAKER: Honourable gentlemen, as I am appealed to in this matter, I may say that now, before I give my decision, will be the right time for any honourable member desiring to do so to discuss the questions raised on the point of order taken by the honourable member from Pictou (Hon. Mr. Tanner).

Hon. Sir JAMES LOUGHEED: What occurs to me, honourable gentlemen, is this, that the subject should be discussed in Committee. I think the House should resolve itself into Committee of the Whole and then discuss the question, which was raised, if I recollect correctly, while we were in Committee of the Whole. I fail to see how the matter can revert to the House.

Hon. Mr. BEIQUE: But the question has been referred to His Honour the Speaker.

Hon. Sir JAMES LOUGHEED: Yes, by the Committee of the Whole.

Hon. Mr. BEIQUE: But the question has been referred to His Honour the Speaker.

Hon. Sir JAMES LOUGHEED: Precisely, but if the matter is to be thrown open for discussion it should be discussed in Committee of the Whole, because that is where the Bill was and is to-day.

Hon. Mr. BEIQUE: But it is a question which has to be decided by the Speaker. The Speaker is not supposed to be necessarily present when the Committee of the Whole sits. Now that the Speaker has been seized of the question, I think it should be discussed in the full House.

Hon. Sir JAMES LOUGHEED: I doubt very much the correctness of the procedure outlined by my honourable friend from De Salaberry (Hon. Mr. Béique), for this reason. The question of order should have been discussed before the Chairman of the Committee submitted the question to the Speaker. When the Chairman of the Committee submitted the question to the Speaker the question had practically been exhausted so far as the Committee was concerned. I understand that the consent of the House is asked, and there is no reason why the Committe of the Whole should not give to the mover of the amendment, or to any other honourable gentleman in the House, the opportunity to discuss it at length. I fail to understand, however, how the question reverts back to the House, because it was never raised before the House.

Hon. Mr. DANDURAND: I have not examined any precedent. But suppose that the question is reported to His Honour the Speaker, who may not have been in the Committee and may not be cognizant of the discussion which took place. He could of course inform himself of it through Hansard. If His Honour the Speaker, having to decide the question, asks for further information or discussion on it before rendering his decision, would it not be to the House that he would properly address himself? I take for granted that this is practically the situation. His Honour the Speaker has not yet reached a final decision, and leave is asked to give him more light on the matter.

Hon. Sir JAMES LOUGHEED: I should say that if the request for assistance from the House originates with His Honour the Speaker, the House would at once give him that assistance; but unless the Speaker makes that request, I fail to see how the House itself can take the question into consideration.

Hon. Mr. BELCOURT: Possibly my honourable friend would change his opinion if he would consider for one moment that the Speaker's ruling may not be to the taste of the House, and that the honourable gentleman who raised the question may wish to appeal to the House. For that reason I think it ought to be discussed here.

Hon. Sir JAMES LOUGHEED: Then it should be given to the Committee, because it is only the Committee that can appeal from the Speaker's ruling.

Hon. Mr. BELCOURT: Oh, no.

Hon. Sir JAMES LOUGHEED: I think so. It would be the Committee that would appeal from the ruling of the Speaker.

Hon. Mr. BEIQUE: No, no.

Hon. Mr. BELCOURT: The honourable member who raised the point, if he is not satisfied with the decision of the Speaker, can appeal to the House.

Hon. Sir JAMES LOUGHEED: But we should be then in Committee.

Hon. Mr. BEIQUE: No.

Hon. Mr. BARNARD: Honourable gentlemen, the Bill in question is entitled "An Act to Amend the Salaries Act and the Senate and House of Commons Act." There are only two sections in the Bill, which are very short, and the effect of the Bill is to substitute the words "Minister of National Defence" for the words "Minister of Militia and Defence", and to make subsequent amendments of the same kind. To this Bill an amendment was proposed by the honourable gentleman from Assiniboia (Hon. Mr. Turriff), which reads as follows:

That subsection 2 of section 35 of the said Act—

—that is, the Salaries Act and the Senate and House of Commons Act—

—should be amended by striking out the word "except" in the seventh line, and all the words after "session" in the twelfth line.

The amendment deals with the method of payment of indemnities to members of the House of Commons and of the Senate.

Without going into the merits of the question, I want to explain that the effect of the amendment, if carried, would be to place the law concerning attendance at the sessions of the two Houses in practically the same position as it was in before the recent increase of the amount of indemnity. That is to say, if a member were entitled to absent himself for fifteen days, after that he would be penalized to the extent of $25 a day for each day that he was absent, and if he were absent during any day of the last two weeks of the Session he would be penalized to the same extent in respect of each day, whether or not he had exhausted the fifteen days to which he was entitled.

The reason for bringing in this amendment is that the law as it exists to-day works a very severe discrimination against those members who, like myself, come from distant parts of the country. As a matter of fact, the practice of this House for Sessions past has been to meet at the opening of Parliament, to pass the Address, generally at the end of the third week, and then to adjourn for two or three weeks, until sufficient business comes up from the House of Commons for the Senate to attend to. Owing to the necessity of a Supply Bill being passed before the expiration of the fiscal year, and owing to the lengthy debate upon that Bill in the House of Commons, the members of the Senate met every day for practically three weeks, said prayers, and went away; at the end of that time the Senate adjourned for over three weeks until after Easter. Under the old law a member from British Columbia or the Prairie Provinces could have safely remained at home and not come down until after the end of the first adjournment, without any serious loss to himself. Under the present conditions he cannot do so. At the end of about two weeks more this House again adjourned, and it met only yesterday after an adjournment of seventeen days. The result was that members from my province had still to stay here with nothing to do, because there is no advantage in spending five days on the train for the purpose of being at home two or three days, and then having to spend another five days on the train coming back.

Hon. Mr. BEIQUE: I do not object, but I would call the attention of the honourable member to the fact that he is not dealing with the question of order at all: he is dealing with the merits of the Bill.

Hon. Mr. BARNARD: Will the honourable gentleman pardon me for a moment? I am not going to deal at length with this phase of the matter. I am just trying to make it clear to members of the House before I discuss the point of order. I desire to say in passing—and then I shall have finished with that topic—that at all times members from the distant provinces have been found ready to meet the convenience of other honourable gentlemen in regard to the House adjourning each week end until Tuesday, or coming here on Tuesday night, although we do not usually sit at night, in order to enable those honourable members to have a longer time at their homes.

One thing more I want to mention is a very pointed instance which occurred this Session of the extreme hardship of this Act on a member who comes from a dis-

tance. One member from British Columbia suffered a bereavement in his family just before the Easter adjournment. It was absolutely necessary for him to go home. Had that occurred during the time the House was in session he would have been penalized to the extent of about three thousand dollars of his indemnity, because he could not possibly have gone home and come back and put in three-quarters of the sittings. That shows exactly how the Act works as at presnt constituted.

Two points of order have been raised against the amendment; the first, that it is a Money Bill; and the second, that it is not relevant to the Bill as originally introduced. Dealing with the first point, I just wish to call the attention of the Senate to the report of the special committee of 1918, known as the Ross report. This was the report of a special committee appointed to consider and deal with the question of the power of the Senate to amend money bills, and it was concurred in by the Senate. Paragraph 1 is as follows:

1. That the Senate of Canada has and always had since it was created the power to amend Bills originating in the Commons appropriating any part of the revenue or imposing a tax by reducing the amounts therein, but has not the right to increase the same without the consent of the Crown.

2. That this power was given as an essential part of the Confederation contract.

3. That the practice of the Imperial Houses of Parliament in respect of Money Bills is no part of the Constitution of the Dominion of Canada.

4. That the Senate in the past has repeatedly amended so-called Money Bills, in some cases without protest from the Commons, while in other cases the Bills were allowed to pass, the Commons protesting or claiming that the Senate could not amend a Money Bill.

5. That Rule 78 of the House of Commons of Canada claiming for that body powers and privileges in connection with Money Bills identical with those of the Imperial House of Commons is unwarranted under the provisions of The British North America Act, 1867.

Now, rule 78 of the House of Commons is as follows:

All aids and supplies granted to His Majesty by the Parliament of Canada, are the sole gift of the House of Commons, and all Bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit, and appoint in all such Bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.

The Senate has declared that rule unwarranted under the terms of the British North America Act. Now, the question is whether or not this is a Bill which the Senate has a right to amend.

Hon. Mr. BARNARD.

Hon. Mr. BEIQUE: Will the honourable gentleman allow me to call his attention to the fact that the report to which he has referred acknowledged as existing in the Constitution the section stating that all Money Bills must originate in the House of Commons?

Hon. Mr. BARNARD: Precisely. I admit that. The point I make is that this is not a Bill appropriating any part of the revenue, nor imposing a tax; neither is the amendment one appropriating any part of the revenue. The second point I make is that, even if it were so, we do not increase the expenditure in any way without the consent of the Crown. For instance, suppose the House of Commons sent a Bill to this House providing that the hours of the Civil Service should be from eight o'clock in the morning until six o'clock at night, and suppose that this House was of the opinion that from nine o'clock in the morning until five o'clock in the evening were sufficiently long hours, the effect of such an amendment would be to provide for the payment of the same amount of money for fewer hours of work. That, I submit, is precisely what this amendment does, and I venture to say that very few honourable gentlemen in this House would urge that we have not the power to make such an amendment to the Civil Service Act.

The next point that was taken was that the amendment was not relevant to the Bill before the House. Any amendment which is within the scope of the Bill is relevant: there can be no question of that. The only way in which you can tell what is within the scope of the Bill is by reading the title of the Bill; and the title of this Bill is: "An Act to amend the Salaries Act and the Senate and House of Commons Act." It is not to amend any particular part of it. Why, honourable gentlemen, it seems to me that if this point of order is sustained the Senate might almost as well go out of business. What did we do yesterday with the Judges Act, a precisely similar case? It was a Bill to appoint an additional judge to the Court of Appeal in Saskatchewan, and we added a clause providing for the reduction of salaries of judges under certain conditions. Could anybody say that that amendment was any more relevant to the Bill as introduced than this amendment is to this Bill as introduced? Yet in the other case there was no question raised, and it was never doubted that the Senate had power to do what it did. If this House is going to re-

strict its legislative functions as suggested by these two points of order, I submit to honourable gentlemen that we had better shut up and go home, and there will not be any indemnity wanted for anybody.

Hon. Mr. LYNCH-STAUNTON: I should like to add a few words to this discussion. To my mind the question of relevancy is a very important one. If it is held that this amendment is not relevant, I think it will not be becoming of this House hereafter to support any amendment to any Bill brought in here unless it is only for the purpose of altering the verbiage of the Bill. We may not add anything which is not relevant to the subject-matter of the Bill. If the subject-matter of the Bill refers to a particular section of an Act, no matter what that Act may be, we may not amend it except to make clear the intention of the draftsman in drawing the section. For example, if the Bankruptcy Act were sent to this House it might be that the most glaring omission was made, perhaps by the clerk in copying it, an omission of one clause referring to a particular class of commercial transaction which is clearly distinct from any others. The Senate would have no right to insert a section if it governed something which was not already in the Bill, because it would not be relevant. Such an argument, in my humble judgment, is ad absurdum. In our own legislation we have plenty of examples of what relevancy means. For instance, amendments are brought down Session after Session to the Shipping Act, which is divided into four or five parts, each of which is a separate aind distinct Act, and all of which are combined for convenience under one heading. As an instance, the Shipping Act was amended in 1921, and the amending act was called "An Act to amend the Canadian Shipping Act," and in brackets in the title were the words, "Public Harbours:" another Act was, "An Act to Amend the Canadian Shipping Act," and in brackets the words, "Sick and Disabled Mariners." I think it is quite plain that if in an Act to amend the Canadian Shipping Act (Public Harbours) one were to seek to add a section relating to sick and disabled mariners, he might quite reasonably be said to be introducing a section which was not relevant to the Bill before the House; and if he were to add a section relating to public harbours to a Bill to amend that part of the Act relating to sick and disabled mariners, he might quite reasonably be said to be adding something which was not relevant. But I submit that it is a distortion of the English language to say that it is irrelevant within the practice of Parliament to add a section to a Bill that is generally to amend any Act, and I have not been able to find any instance in which such a finding has been made. Reading May and other constitutional works written by men who are not lawyers, we find the statement that matters which are not relevant may not be added to a Bill; but May does not undertake to define what he means by relevancy. He does not give any definition of the word, and all the decisions he refers to are on questions of fact and are not applicable in the least. I therefore submit that, if we are to declare that this amendment is irrelevant, we are simply here as revising officers for the House of Commons, to see that the crudities of their legislation are amended so that the legislation will clearly express their intentions.

Another suggestion that I have to make to this honourable body is that this is not a Money Bill in any sense of the word. It is universally conceded that the English language must be interpreted as ordinary, every-day people understand it. That is to say, we must give to it the meaning that people who understand the English language would take from it. Now, in this Act which we have before us it is proposed to amend Chapter 69, 10 and 11 George V, as follows:

> For every session of Parliament which extends beyond fifty days there shall be payable to each member of the Senate and House of Commons attending at such session a sessional allowance of $4,000 and no more.

That gives unconditionally to every man who attends the session the sum of $4,000. The following sections cut down the member's indemnity as a penalty for non-attendance at sittings of the House; they take away from him that money which has been given to him by the Act, and are thus in derogation of his rights. If it was intended not to give him $4000 in the first place, the Act would have been drawn in this way:

> For every session of Parliament which extends beyond fifty days there shall be paid to each member of the Senate and House of Commons attending at three-quarters of the sittings of the House of which he is a member the sum of $4,000.

I leave it to any honourable gentleman to judge if that is not an entirely different section; if it has not an entirely different meaning. One gives to the member who attends the session once the sum of $4,000; the other gives a member who attends three-quarters of the sittings of the Session the sum of $4,000. They do not

mean the same thing at all. But what was the intention of the drafter of the subsequent sections? The intention was to fine the members for non-attendance. I am not arguing this point merely to see whether it will stick; I am arguing it because in my opinion it is a fair and reasonable and proper interpretation of the section. If that is a fact, it is also a fact that, in considering the practice of the House of Lords as applicable to the Senate of Canada, we must look to the precedents before what is called the Parliament Act, which was passed, I believe, before 1910. Before that time, and after the House of Commons had in the seventeenth century made the declaration upon which the House of Commons rule is founded, and of which, in fact, it is nearly a verbatim copy, the House of Lords undertook to deal with penalties, and the House of Commons, by a long series of cases, acquiesced in this action by the House of Lords until it grew to be a practice—a practice that became law. Therefore I say that now, if I am correct in my view of these penal clauses, we are not infringing upon the powers of the House of Commons regarding Money Bills, but we are only undertaking to change sections of the Act which relate to penal clauses.

One way I suggest, honourable gentlemen, to test the reasonableness of this construction is this. Imagine that, when the Bill of 1920 was before the Committee of this House, we had passed section 5 of chapter 69 down to and including that part which I have read to you, declaring that each member of either House is entitled to the sum of $4,000; and that we had then struck out all the other clauses, what would we have been said to have been doing? We would have been expressing our disapproval of the penalties. We would not have been amending the penalties; we would not have been adding to them; we would have simply been striking them out. The penalty is quite distinct from the salary or indemnity. We passed the indemnity, with all the conditions, in that section; and it has been held by the Privy Council that each section of an Act of Parliament is to be read by itself where it has a full and complete sense within its own ambit. There is nothing to explain or qualify in that section; it is full and complete in itself; and I think that, if you follow the argument of the honourable gentleman who introduced this point of order, you will see that if the Bill were put before us with nothing but the granting clause, and we had sought to add what I am calling the penalty sections, it would have been quite open to his idea of irrelevancy, though in no way affecting the granting of that money. So I submit, honourable gentlemen, that if we had passed the section allowing the $4,000 a year, and had refused to pass all the other sections of the Act, no person could have claimed that we were amending a Money Bill.

I therefore submit that on both grounds the objection to this amendment is ill taken.

Hon. Mr. WILLOUGHBY: I confess that at first blush I had thought that the objections taken by the honourable member for Pictou in raising the point of order were well founded and had great cogency. The honourable member for Victoria (Hon. Mr. Barnard) has referred to a rule, and I wish to re-emphasize what he has said by re-stating that I see nothing in the rules of the Senate that is infringed by the proposed amendment. Rule 70 provides:

> The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the Senate, have been recommended by the King's representative.

These salaries are provided for every year. We have nothing to do with the provision of them. That provision is already made—by statute too: it is part of the Civil List at the present time. Rule 71 says:

> To annex any clause to a Bill of Aid or Supply, the matter of which is foreign to, and different from the matter of the Bill, is unparliamentary.

Is this the plea, that it is a "Bill of Aid or Supply"? I submit it is not, within the ordinary parliamentary language, what we understand a "Bill of Aid or Supply" to mean. If that were true, you might consider the question conversely, by the well-known rule of interpretation. You have excluded a certain thing, namely, the annexing to a Bill of Aid or Supply of a matter foreign to it. You have particularized these two sorts of Bills. If this is not a Bill of Aid or Supply, then there is no prohibition under our rules of an amendment which may be otherwise foreign to the subject matter. The prohibition could be only under parliamentary practice; it is not under the rules of this House.

The honourable member for Victoria has also referred to the well-known Ross report. I have been interested in that, and read it with a great deal of attention at the time. It is quite true that the findings of the report have been more or less obso-

lete in this House; that we have not carried them all into effect; but they were concurred in by this House and are binding on us. They have never been abrogated or set aside by this House. The Committee which presented the report was one of the ablest constitutional committees that this House could appoint, and its researches were supplemented by those of very distinguished lawyers outside. This report absolutely dissents from rule 78 of the House of Commons. We do reserve to ourselves certain rights in respect of Money Bills—not merely the right of rejecting such Bills, but the right to lessen the amount provided for. And, as to the matter of precedents, if my memory is quite correct—and I think it is in this regard—the English House of Lords has never acceded to the claims of the English House of Commons. There is a great distinction between the British Parliament and our own, for ours is a true bicameral parliament, whereas the British parliament is not such in a true sense, because the legislative powers of the House of Lords may be absolutely superseded by the right of appointment in the Crown. Our rights are absolutely distinctive, and legislation properly originating in this Parliament, or Bills properly amended in this Parliament, cannot be made ineffective by the flooding or swamping of this Chamber from time to time by the Government in power. So I say that the British House of Lords has never acceded to the claims of the British House of Commons in reference to Money Bills, and we in this House are bound by our own action not to accede to the claims of the House of Commons under its rule 78.

The question of expediency—whether this House, being an appointed body, is wise in exercising all its powers in dealing with Money Bills—is an entirely different proposition; but I feel that the House of Commons is not going to cavil or take objection to the passing by this House, if it sees fit, of an amendment such as that proposed by the honourable member for Victoria.

Now, a word or two as to the real substance of the matter. Personally I do not care whether the exact amendment as introduced by my honourable friend from Victoria is passed by this House or not. I am one of those who live in the West. It is a burden on me every year to come down to the first short sitting of the House, at which, as everybody knows, little is done. Under the penalty clause of the Act we are obligated to attend or we forfeit a portion of our indemnity. We come down here and are ready to stay the whole Session and take our share of the work. It is a peculiar hardship to honourable members from British Columbia. It is likewise a hardship on the members from Alberta and Saskatchewan, and in less though very considerable degree, on the members from Manitoba or from the extreme eastern cities.

The Hon. the SPEAKER: I do not think the honourable gentleman should discuss that question. On the point of order I allowed the honourable member from Victoria (Hon. Mr. Barnard), but I should have called him to order.

Hon. Mr. WILLOUGHBY: Perhaps I took advantage of the latitude which the Chair gave to the member for Victoria. I quite agree with your ruling, Mr. Speaker, that this is not important to the discussion of the point of order, and therefore I have nothing further to add.

Hon. Mr. BEIQUE: Honourable gentlemen, without examining into the question raised, I had formed a pretty strong opinion on the point of order, and it was to the effect that the point of order was well taken. I must confess that, after hearing the argument of the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), I have changed my view in one respect as to whether this is in the nature of a Money Bill or not. What weighs in my mind in the argument of the honourable member, is that the amount of $4,000 is voted upon in all cases. It is provided for in the statute. In practice it is the amount which is authorized by the Governor in Council, irrespective of any action we may now take on this Bill. This consideration leads me to change my opinion on this point. I do not now consider that this would be in the nature of a Money Bill.

I must confess, however, that I have not heard anything that satisfies me that the amendment is relevant to the Bill. I need not refer to Bourinot or to May. It is a common rule, adopted in all parliamentary institutions, that amendments must always be relevant or germain to the main motion. At page 525 of Bourinot I find it stated:

> Amendments are irregular when irrelevant to a Bill or any of its provisions.

Here we have to deal with a Bill—for what purpose? To change the name of the Minister of Militia and Defence to that of the Minister of National Defence. The amendment seems to deal with a matter altogether irrelevant to that proposal.

Hon. Mr. FOWLER: May I ask the honourable gentleman a question? Does not the title of the Bill show what the Bill is for?

Hon. Mr. BEIQUE: The title of the Bill?

Hon. Mr. FOWLER: Does not that give what we might call the jurisdiction of the Bill?

Hon. Mr. BEIQUE: Oh, no, that contains merely the title of the Act with which the Bill is dealing. We must look to the body of the Bill to see what is its purpose, and personally I am under the impression that the whole amendment is irrelevant.

Hon. Mr. LYNCH-STAUNTON: May I ask the honourable gentleman if he is aware that in the House of Commons the test as to irrelevancy is always governed by the title of the Bill?

Hon. Mr. BEIQUE; No, I am not aware of that.

Hon. Mr. LYNCH-STAUNTON: I have that from the Deputy Clerk of the House.

Hon. Mr. BEIQUE: That is a very wide margin, I think.

Hon. Mr. DANDURAND: Honourable gentlemen, I desire simply to state that the question of the relevancy—

Hon. Mr. TANNER: Is my honourable friend intending to close the discussion?

Hon. Mr. DANDURAND: Oh, no. I take it for granted that every one may speak once on this matter, and only once, for there is no motion. His Honour the Speaker is receiving from the members more light on the question which is already before him.

Hon. Mr. FOWLER: More or less.

Hon. Mr. DANDURAND: As to the question of relevancy, it bears on the right of this Chamber to amend a certain clause of an Act which is before us. It bears on our right to go beyond that clause and to modify the Act in other particulars. I do not know whether it has been bad practice on the part of the Senate or not, but I think I may make this general statement without risk of being contradicted, that within the last twenty-five years we have always taken advantage of the opportunity, when a public Act was before us to be amended in a certain particular, to review it and amend it in other particulars. This has been the uniform practice of the Senate. I am inclined to believe that it goes counter to the practice which prevails in the British House. I have not followed exactly what the Commons have done with Bills originating in the Senate when they have reached the other House, and I could not give an opinion on that point; but our practice has been uniform, and I have no recollection of a point of order ever having been raised, and I am quite sure that no objection has been taken in the other House or we would have had an echo of it by way of the Bill being returned here with their objections.

The other point raised by my honourable friend from Pictou (Hon. Mr. Tanner), namely, the question of the right of the Senate to amend this Act and by it risking an increased charge on the Treasury, bothers me somewhat more.

Hon. Mr. BARNARD: Would my honourable friend allow a question? If this amendment is either passed or rejected, how will it affect the appropriation of public moneys or the imposition of any tax upon the public? The point I make is that the moneys are already appropriated by statute; the passing or non-passing of this Bill does not affect them in the least.

Hon. Mr. DANDURAND: The only point is that we are perhaps reducing some of the penalties imposed by the Act. But that is the only point upon which I am not absolutely clear. On the other point, if we are to be governed by the practice of the Senate, I would think the honourable gentleman from Pictou is wrong.

Hon. Mr. McLENNAN: Speaking not as a lawyer, as most of my colleagues who have spoken have done, but from the standpoint of the true intent and meaning of the word, it seems to me that relevancy must refer to the subject-matter of the question with which one is dealing. If my knowledge of constitutional development is correct the obvious purpose of making such a rule as that is that no irrelevant matters may be introduced into a Bill by amendment.

Hon. Mr. LYNCH-STAUNTON: Would the honourable gentleman tell us where the rule is?

Hon. Mr. McLENNAN: It is in May.

Hon. Mr. LYNCH-STAUNTON: It may be in May.

Hon. Mr. McLENNAN: At all events, it will be admitted that it has been referred to here as something that exists

somewhere, even if I cannot name the place. The purpose of such a rule or order or practice, or whatever it may be, it seems to me, is to prevent a different matter being brought in, so to speak, by surprise. Take this particular Bill, for example. If you look at it you will find that it is to change two names, one under the Salaries Act and the other under the Senate and House of Commons Act. Therefore it seems to me that the amendment is clearly irrelevant. If the matter of attendance and similar things were to be taken up and readjusted, it seems to me that it would be better to do that in another way so as not to lay ourselves open to the criticism which many people are ready to make.

Hon. Mr. TANNER: I had no intimation that this matter was coming up this afternoon. I presumed that it was closed except for the decision of the Speaker on the question raised the other day. I think, however, it is of very considerable advantage to have the subject discussed as it has been discussed this afternoon, and whatever happens, I think the House will be under some obligation to me for bringing the matter to a debate and, I hope, enabling the House to arrive at a decision on both points which will be regarded as somewhat permanent.

I had not looked up the authorities very thoroughly at the time I made the suggestion, nor have I consulted them since. My honourable friends, who are very much interested, apparently, in the promotion of this amendment, I judge, have been exceedingly diligent in the meantime, and believe that they have amassed sufficient constitutional authorities to convince Mr. Speaker that no one of the points has any force in it.

Without going into the merits, as they are not under consideration, although they have been discussed more or less, I may be allowed to say that my information, which I believe to be reliable, is that the enactment of the proposed amendment would simply mean that honourable members of this House and honourable members of the other Chamber would receive very much larger sums of money out of the Treasury for their attendance during the Parliamentary Session than they receive under the law as it now exists. I am told by persons who ought to know that, among others, there are honourable members of this House who attend on an average only a few days each Session, and who usually receive $500 or $600 as sessional indemnity

Hon. Mr. LYNCH-STAUNTON: I rise to a point of order.

Hon. Mr. TANNER: What I am saying, and what I intend to say, is—

Hon. Mr. LYNCH-STAUNTON: Mr. Speaker, I rise to a point of order.

Some Hon. SENATORS: Order.

Hon. Mr. TANNER: That the result of this amendment—

Hon. Mr. LYNCH-STAUNTON: Order, Mr. Speaker: I submit that the honourable gentleman is out of order in making the statement—that this is not a matter that is before the House.

Hon. Mr. TANNER: In answer to the point of order, Mr. Speaker, I want to make this very brief statement.

Hon. Mr. LYNCH-STAUNTON: I ask a ruling on my point of order.

Hon. Mr. BEIQUE: Could not the argument be used for the purpose of showing that it is a Money Bill?

Hon. Mr. TANNER: My answer to my honourable friend is that I want to state what the effect of this amendment will be in order to show that the amendment is a Money Bill and will affect the revenue. I think I am in perfect order in saying that. I can say all I want to say on that aspect of the matter in one sentence, namely, that the effect of this amendment will be to enable, among others, honourable members who draw only $500 or $600 a Session, to draw $500 or $600 plus $3,000 more out of the Treasury. That is the object of this amendment, and I say that has relation to the question of whether or not it is to be regarded as a Money Bill.

Now, for just a moment I want to deal with the question of relevancy. To my mind there is a very clear principle underlying a question of relevancy, and notwithstanding the learned argument of my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), in which he would intimate that the word relevancy has no meaning at all, I want to say that if it has no meaning at all it is a most remarkable fact that all the authorities upon parliamentary procedure discuss it. Bourinot and May and other authorities discuss the question of relevancy, and it has called for discussion by men who are learned in parliamentary practice, nothwithstanding the authority of the honourable member from Hamilton, and I am bound to presume that there is such a question.

As I say, the principle seems clear enough to me. It would not exclude the consideration of an amendment affecting the Shipping Law; nor would it prevent this Chamber considering such an amendment to the Judges Act as was mentioned by my honourable friend from Victoria (Hon. Mr. Barnard). The latter case is not on all fours with this proposition, because the amendment to the Judges Act is absolutely relevant to the subject-matter of the Bill before this Chamber, and there would be no reason in the world why this Chamber, if a Bill respecting shipping came down, should be excluded from making an amendment in reference to that general subject-matter. As I understand it, the principle is simply this: that an entirely different matter should not be introduced, and that it is not good parliamentary practice to introduce such a matter by way of amendment.

The answer to the remarks of my honourable friend in regard to this Chamber becoming useless is simply that the honourable members of this Chamber can introduce Bills. If we have the power to deal with the indemnity, it is open to any honourable member to introduce a Bill.

Hon. Mr. BARNARD: Will the honourable gentleman tell us what happens them when they leave us and go to the other House?

Hon. Mr. TANNER: That has nothing to do with the constitutional power of this Chamber; what happens to a Bill in another place does not affect its constitutionality.

Hon. Mr. BARNARD: But it has to do with the practicability.

Hon. Mr. TANNER: Let my honourable friend adhere to the ground which he takes. He says we cannot do it. I say we can introduce Bills if we can introduce amendments. It is no answer at all to say they will fall by the wayside in the other Chamber, and if my honourable friend is depending upon arguments like that, I can only come to the conclusion that he considers that he has a very weak case. It is open to any honourable member in this Chamber to introduce a Bill in regard to shipping, in regard to the judges, or any subject within the competence of the Dominion Parliament; and it is more proper parliamentary procedure to come to this Chamber with a Bill than to introduce by a side wind, in a covert way, an amendment which cannot by any pressure of argument be considered relevant to the subject-matter of Bill 14.

Now, for just a moment let me look at this Bill. It is said that the amendment is relevant to the title. So far as my knowledge of parliamentary matters goes, I understand that a distinction has been drawn by the authorities between relevancy to the title and relevancy to the subject-matter. This Bill comes down to us as an Act to amend the Salaries Act and the Senate and House of Commons Act; and, so far as that is concerned, it might be said with some force that the amendment refers to the Bill. But when we look at the substance of the Bill we find that the matter supposed to be legislated upon has no reference whatever to the question of the indemnity of the members of this House or the members of the House of Commons. This is a mere formal piece of legislation by which it is intended to change the name of the Minister of Militia and Defence to the Minister of National Defence. It is merely a verbal change in the statute.

What is the reason that it is not considered good parliamentary practice to make such amendments as that proposed? I take this Bill; I look at it and read it; I observe what it deals with. There is no notice to me in that Bill that the indemnity of members will be dealt with; there is no advice to honourable members of this House that the question of how much an honourable member is to be paid is to be dealt with.

Hon. Mr. BARNARD: Will the honourable gentleman explain what notice he got in the case of the Judges Bill, which was to appoint a judge in Saskatchewan, that we were going to deal with the question of the infirmities of judges in Montreal?

Hon. Mr. TANNER: I do not see that the honourable gentleman's question is any more relevant than the remark he made a little while ago. There is no notice to any honourable gentleman here that the indemnity question is to be dealt with. It may be that this House has the power to deal with it; but my reading in days past convinces me that it is at least very bad practice to attempt to do such a thing as is proposed here by way of an amendment, a thing which gets away from the sound and general principle that when a substantive matter is to be dealt with a Bill shall be introduced, which shall receive its first, second, and third readings, which is fundamentally the correct way to proceed in regard to such a matter.

I will not attempt to elaborate that point further. Whether it is decided we have the power or not, I want to say that in my judgment it is not good parliamentary practice to perpetuate such a system. May I say here, in order to illustrate, before I leave that point, that before the amendment was moved no notice of it was given. There were perhaps some honourable members who knew it was going to be moved, but it was not on the Order Paper and it might have passed this Chamber in five minutes without ten per cent of the honourable members of this Chamber knowing what was being passed—why? Because this Bill gave them no information and no notice; it did not put them on guard so that they might be prepared to object to the proposed legislation if they so desired. Now, I say that is not good parliamentary practice. If it could be done in regard to this subject, an amendment entirely foreign to a Bill might be slipped through without notice and without the members of this Chamber being aware of it until it had advanced several stages.

Let me say just a few words in regard to the other point, the question whether or not the proposed amendment infringes the constitutional law with regard to Money Bills. I have not lately, perused the report of the Ross Committee, but I was fairly familiar with it when it was presented to this House; but my impression, which I state subject to correction, is that the whole question before that Committee was whether or not this Chamber could amend a Money Bill sent down from the other House. As my recollection goes, it was around that point that the conflict was waged. The honourable Senator from Middleton (Hon. W. B. Ross) was a strong advocate of the claim that this Chamber could not only reject a Money Bill, but could also amend a Money Bill. Now, that is not this case. To put this matter on all fours with this Ross report, we should have to be dealing with a Bill sent down from the other Chamber in regard to the indemnity of members. But we are initiating the subject-matter; we in this Chamber are ourselves proposing to put upon the statute book a Money Bill; we are making the Money Bill and are bringing it in here without the consent of the Crown. Such a Bill cannot be introduced into the House of Commons without the consent of the Crown, and in my judgment—I am not going to elaborate it, because I am satisfied to leave the question with Mr. Speaker—in my judgment the proposed amendment is clearly an infringement of the principle that this Senate not only is without authority to originate, but cannot enact or cause to be enacted, a Money Bill which will entail a charge upon the revenue of the country.

The argument of my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) that the indemnity of members is fixed at $4,000 does not appeal to me as conclusive. It is fixed at $4,000, but it is fixed at that amount subject to conditions. In other words, the law says to me and to other members of this House: "If you do certain things you will be entitled to $4,000. It does not say: "You are absolutely entitled to $4,000." It says: "If you attend the sessions of the Senate you will be entitled to $4,000. If you miss so many days you will be entitled to so much less." Now, what is proposed by this amendment? It is proposed that we shall get the $4,000 without attending the Senate. That is to say, we may stay at home; or we may come one, two or three days, or a week, and if we do not draw the $4,000 we shall draw very nearly the whole of that amount. If that is not a Money Bill, honourable gentlemen, in a sense that it is an appropriation by this Chamber from the Treasury of this country, then I must confess that I do not know what is to be considered as a Money Bill.

Hon. Mr. FOWLER: Honourable gentlemen, I would not have spoken on this matter but for the somewhat unkind insinuation of the honourable gentleman who has just taken his seat, that those who were against his contention as to the proper ruling in this case were actuated by unworthy motives—were seeking to get something for nothing. As a matter of fact, my attitude in this matter is apart altogether from the question of the penalties attached to the Indemnity Act. I am not in favour of a change in the Act itself, but I am in favour of maintaining the rights and privileges of this House intact; and in my humble view and judgment this House has the right to amend, as it has done in the past, Bills coming from the lower House, whether or not the subject matter is contemplated by the text of the original Bill as initiated in the other House.

We have here the testimony of an honourable gentleman who has long been a member of this House; who for years occupied, and most worthily occupied, the position which Your Honour now occupies as Speaker of the Senate. That honourable

gentleman says that since he became a member of this honourable body it has been the practice to amend in the way in which this amendment proposes, Bills coming from the other House.

In my humble opinion again, the title does set out the scope within which amendments may be made. It was not necessarily the amendment that was made in the other House. This Bill is entitled, "An Act to amend the Salaries Act and the Senate and House of Commons Act." It does not say that the amendment shall be confined to one particular thing, and when the Bill comes before us, if we see fit, we have, in my humble judgment a perfect right to amend it.

It is a matter of some importance to this House that we be not deprived of our rights and privileges, and that we do not circumscribe ourselves in the duties that we have to perform here. We are not a mere revising body: we are a legislative body, and I do not think that we should say by our rules or orders that we have not the right to make amendments such as this. The amendment is clearly not a money clause. It seems to me that the argument of the honourable member for Hamilton (Hon. Mr. Lynch-Staunton) was incontrovertible in that respect. The Act itself states that there shall be paid to each member a salary of $4,000. Then there are penalties attached. It is only for the purpose of remedying these penalties that this amendment has to be made. I am perfectly satisfied with the Indemnity Act as it is, although I recognize the hardship that it may impose on some members. However, I do not intend to speak of the Act itself; but I do recognize the hardship upon Western members—a hardship that does not apply to me. But, so far as I am concerned, I am perfectly satisfied with the Act as it is, and therefore I hurl back the insinuation made by my honourable friend in his speech.

My honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) has asked me to read from May's Parliamentary Practice "cases when instructions were ruled out of order because they were foreign to the subject-matter of the Bill":

(1) Arms (Ireland) Continuance Bill, 1886.—To insert clauses dealing with the law relating to poor law guardians, labourers' dwellings, and the franchise in corporate towns in Ireland.

Anybody would know that that was irrelevant.

(2) East India (Purchase and Construction of Railways) Bill 1887.—To insert provisions imposing harbour dues and charges on her Majesty's ships conveying material for government railways in India.

(3) Criminal Law Amendment (Ireland) Bill, 1887.—To insert provision to prevent the exaction of unfair and excessive rents.

All civil matters in connection with criminal law. Clearly anything in connection with the salaries or indemnities of members, such as the title of this Bill indicates, is relevant to the Bill, and it is in the power of this branch of the legislature to make an enactment regarding it.

My honourable friend (Hon. Mr. Tanner) says: "Oh, we had no notice." No notice? Why, in the progress of a Bill through the House, amendments are made as the result of the discussion at the time, without any previous notice whatever being given. My honourable friend would perhaps go so far as to say that a personal notice should be served upon every member of this House, for fear some might not know about the amendment that was proposed. A member is supposed to attend this House. It is the duty of a member, for which he is paid, to be in this House to attend to its business, and to know when amendments are offered and what amendments are being made. I fail to see anything whatever in the argument of my honourable friend on that point.

I claim, honourable gentlemen, that Mr. Speaker's ruling should be in accordance with what is right, as I anticipate it will be, should declare that this amendment is perfectly relevant, that it is not a money clause, and that this House has the power to make it.

As to the amendment itself, that is another matter, and I reserve to myself the right to vote as I please on it, though I am strongly of the view that this House has the power to make it.

Hon. Mr. BEAUBIEN: Honourable gentlemen, I was rather surprised that the honourable gentleman for Pictou (Hon. Mr. Tanner) did not answer what is to my mind the most serious objection on this point of order. Rules 70 and 71 of this House are clear, and it seems to me that they do not apply at all to this case. Rule 70, which has been read, deals with a Bill appropriating public money. Can it be contended that the Bill now under discussion appropriates public money? Certainly not. Rule 71 deals with bills of aid and supply. This is certainly not a Bill of aid or supply. Those are the only two written rules of this House which can be applied to this case. I really expected

that some answer would be given to this very real objection from the legal point of view. Whatever may be the effect of this Bill as regards the indemnity paid to the members, its result must be serious as to the powers of this House. To my mind there is in the amendment no violation of these rules.

Very well. Let us go beyond that. There is a general parliamentary rule to the effect that the Senate cannot deal with money matters. This question has been threshed out, and, as pointed out to the honourable gentleman from Pictou, it has been fully discussed in this House, and the decision arrived at by the Ross Committee, was I believe, concurred in without dissent. What was that decision? That this House could intervene in money matters provided it did not increase amounts thereby appropriated.

Hon. Mr. DANIEL: That is the whole point.

Hon. Mr. BEAUBIEN: That is the whole point, as my honourable friend says. But when the appropriation is made, when the amount of $4,000 is voted in the Appropriation Bill, in accordance with the statute, can we take it for granted that that amount of $4,000 will not be drawn by each member? I should like to know that. If the Appropriation Bill was before this House at the present time, would any member rise in his place and say that the total amount of $4,000 could not be considered in its entirety, but that some allowance should be made for probable deductions? What deduction? Can we proceed upon the assumption that a portion of that total will not be paid? It seems to me that that is drawing a fine distinction not provided for at all. By parliamentary custom, and particularly by the written rules of Parliament, the Appropriation Bill is one thing: it is voted in toto. This has absolutely no effect on the Appropriation Bill. It is quite possible, though, that the restrictions imposed by the Act under discussion might result in the entire amount voted by the Appropriation Bill not being required. But the rule provides only that we shall not interfere with Appropriation Bills in such a manner as to increase their amounts. Do we increase the amount of $4,000 for members that is voted? To my mind that is the question. Obviously we do not, and that is what is prohibitive; that is the limitation on this House.

I have, I think, disposed of the first point. I may be wrong, but I am stating my opinion. The second point has reference to the sub-paragraph being germane or not. It has been the rule of this House that whenever legislation has been brought before us and we are considering amendments on certain points, the whole Bill is before us, and we have jurisdiction over the Act in its entirety. We could in the past, and we can now if we so desire amend other clauses of the Act than those that have been submitted to us by the other House for amendment. Are we going to renounce that power? Why should we? Why should we limit ourselves? An amendment to one clause of an Act often requires a consequent amendment of other clauses, and it may be found quite proper to amend them. If the rule laid down by my honourable friend from Pictou (Hon. Mr. Tanner) is adopted and is strictly interpreted—that is to say, if the particular subject of the amended Bill submitted to the House is the only matter before the House—then we tie our hands for the future as regards the advisability of amending other clauses. I do not think that is desirable. The House has not considered it desirable in the past. Why should we curtail our own power?

One objection that at first seemed to me a serious one was that no notice had been given. At first sight it appears that an Act is submitted for our consideration in order that we may amend one clause only, and some honourable members say, "We have had no notice that other portions of the Act which interest us were to be called into question." It is quite true; but between the two evils it seems to me that the members of this Chamber ought to guard against any restriction of our powers, and that after all, when legislation is before us in total for the purpose of being amended, no honourable member can be taken by surprise. When a Bill comes down everybody has notice that any clause whatsoever in the Act can be amended.

Hon. Mr. McLENNAN: I would like to ask the indulgence of the House to reply to the query of the honourable gentleman from Hamilton, and to refer him to May, 12th edition, page 370, where it says:

> Amendments are out of order if they are irrelevant to the Bill or beyond its scope.

That refers to Bills in Committee. The scope of this Bill is to change two names.

Hon. Mr. DAVID: Bourinot says, at page 321:

It is an imperative rule that every amendment must be relevant to the question on which the amendment has been proposed, and this rule has been invariably insisted upon by Canadian Speakers. 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 exceptions to this rule are amendments on the question of going into Supply or Ways and Means.

The Hon. the SPEAKER: Honourable gentlemen, if no other member wishes to make any remark on the point of order, I will defer giving a decision this afternoon, as I think it is only fair to honourable gentlemen who have spoken that I should take their remarks into consideration.

Hon. Mr. DANDURAND: I move that the order be discharged.

The motion was agreed to, and the order was discharged.

CANCELLATION OF LEASES OF DOMINION LANDS BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill Y2, an Act respecting notices of cancellation of leases of Dominion lands.

Hon. Mr. Blain in the Chair.

Hon. Mr. DANDURAND: Honourable gentlemen, I explained the purport of this Bill when it came before us for its second reading. It is for the purpose of legalizing notices of cancellation, and their service, by the Department of the Interior, which have been made and given during the last fifteen or twenty years, and have been questioned by a recent decision of the Privy Council. The department intends to comply with the advice of the Privy Council and to make its notices conform to the opinion of that body. When I presented the Bill I took it for granted that it had for its object the curing of some technical defect which had been found by the tribunals and the Privy Council; but, upon reading the Bill more closely, I find that it covers not only the defects of the past, but the procedure for the future. I suggested that all that concerns the future be expunged, inasmuch as the department intends to comply with the opinion of the Privy Council and to apply new procedure and new forms in the cancellation of leases and the mode of serving the notices of cancellation upon the lesees. The department has complied with my request, and in order that the members of this House may have the Bill before them to-morrow in the form in which I intend to move it, I will read the Bill with the modifications I intend to make, and will put it in the hands of the Chairman of the Committee.

The first amendment is to insert in subsection 1, of section 1, after the word "granted" in the second line, the words "before the date of the passing of this Act." The second amendment is in the same subsection, and is to strike out all the words after the word "authority" in the nineteenth line, down to the word "consisting" in the thirtieth line, and to insert the following in lieu thereof:

If, at any time after the default occurred, and the power of cancellation became exercisable, any written or printed notice was heretofore given before the date of the passing of this Act by or on behalf of and with the authority of the Minister to the lessee, licensee or grantee, or to his assignee, agents, executor, administrator, or representative, whereby it was in terms or in effect stated that for or in respect of such default the said lease, license, term or other authority was cancelled or had been cancelled, or would be cancelled, or whereby the intention of the Minister was expressed or implied to treat the said lease, license, or permit or other authority as no longer subsisting.

The third amendment is to strike out all the words in subsection 1, after the word "notice" in line two on page two.

Subsection 2 of section 1 is amended in one particular only, namely, by striking out in line seventeen the words "and when."

Section 2 is left intact, and I will move a third clause to the Bill as follows:

This Act shall not affect any rights under any judgment rendered before the date of the passing of this Act, or under any action, suit or other proceeding instituted before the first day of May, 1922.

This will cover the judgment which one Paul A. Paulson obtained in the Privy Council, and which gives rise to the present amendment.

Hon. Mr. LYNCH-STAUNTON: Will the honourable gentleman give the reference to the Privy Council's decision?

Hon. Mr. DANDURAND: The honourable gentleman will find the judgment of the Supreme Court in the case of Paul A. Paulson and His Majesty the King and the International Coal and Coke Company at page 317 of the Supreme Court of Canada reports of 1915.

Hon. Mr. LYNCH-STAUNTON: Was that confirmed or reversed by the Privy Council?

Hon. Mr. DANDURAND: That was confirmed by the Privy Council. The honourable gentleman will read it in the Privy

Council reports, page 271, Appeal Cases, Volume I of 1921.

Right Hon. Sir GEORGE E. FOSTER: I presume then that my honourable friend intends to leave the matter over until another day.

Hon. Mr. DANDURAND: Yes.

Right Hon. Sir GEORGE E. FOSTER: I would suggest that my honourable friend take into consideration an amendment that might be placed in this Bill. There are a large number of cancellations, I suppose, under that judgment, and some will be very important cancellations. My suggestion would be that my honourable friend should think over the desirability of putting in a clause making it obligatory upon the Government to submit to Parliament within fifteen days of the opening of the Session a list of all the cancellations, and the reasons therefor.

Hon. Mr. DANDURAND: I am not aware whether that has been the practice or not, but if not I will draw the attention of the Minister of the Interior to the propriety of laying before the House yearly the cancellations that have taken place during the preceding twelve months.

Hon. Mr. LYNCH-STAUNTON: In my view it is entirely outside the jurisdiction of the Dominion Parliament to pass any Act of this nature. The Crown in the right of the Dominion has undoubtedly the right to contract with a subject in the provinces; but the Dominion Government has no right to make or amend the law of contract in the provinces. For example, the Dominion Government makes a contract for the digging of a canal. It enters into a contract with a contractor to dig a canal in the Province of Ontario. There is a breach by one party to that contract.

Hon. Mr. DANDURAND: Why could not the honourable gentleman apply his illustration to the Act?

Hon. Mr. LYNCH-STAUNTON: I am going to give you that too. There is a breach of the contract. The question is tried out in the Exchequer Court, and the contract is construed according to the law of the Province, just as if it was between two subjects. The Dominion may find that the law presses hardly upon it, but it certainly could not come to Parliament to have the law changed regarding civil rights because it pressed hardly.

Now, take this case. The Dominion owns certain property in the Province. The Dominion makes a contract with me, for example, to sell that land.

Hon. Mr. DANDURAND: Or to lease it.

Hon. Mr. LYNCH-STAUNTON: I want to make my case as plain as possible. They make a contract to sell it to me for a payment of $5,000 in annual instalments. After I have paid the fourth instalment the Dominion rues its bargain and says, "We will cancel the contract." Now, they have made the contract, and I submit that they cannot cancel it unless there is some law passed by the Province entitling them to do so. Then, take the case of a lease. The Dominion makes a lease to me of mining claims, and if I make default in performing certain conditions, the Dominion as landlord, and only as landlord, has the right to terminate my lease on giving certain notice. That is a forfeiture of my rights, because I have made default in performing certain conditions. The Dominion authorities can make those conditions as rigid, as hard and as exacting as they choose, in the contract, but once they have put the King's seal to the contract, and it has been accepted by me, the Dominion has no power to change that contract, and the Government has, I submit, no power to go to the Dominion Parliament and ask for authority to back out of its contract or to vary it. It might go to the Provincial Legislature, and if the Provincial authorities chose to change the law there would be nothing to be said.

But I do submit that there are two fatal objections to this Bill. One is that it interferes with—

Hon. Mr. CASGRAIN: Civil rights.

Hon. Mr. LYNCH-STAUNTON: Civil rights and the law of contract, which is absolutely outside the ambit of Dominion legislation; and, secondly, it does something I have heard about ever since I have been a member of this House—it interferes with vested rights. This House has yet to make a precedent allowing such interference. The Privy Council has decided—I have not read the decision, but I assume that it has decided—that under the law of contract the Dominion has not complied with its contract to give proper notice. I assume that to have been its decision, or this matter would not have been brought before us. I should be very much surprised if the Privy Council said that the Dominion, as to existing contracts, could pass legislation to alter their meaning and conditions. I suggest that the honourable leader of the Government place the

matter before the Minister of Justice and get an opinion as to whether or not this Bill is intra or ultra vires of this Parliament. If when the matter is considered the provisions of this Bill are found to be legal it will be another matter for us to consider; but it would be a great wrong to force some man to test this Act out again and go before the Privy Council to fight his claim against the Dominion Government. They might do as is sometimes done in the province of Ontario—refuse him a fiat, and he might be put in such a position that he would be denied justice. I am not saying that that would be done, but when we are passing legislation we must consider not only certain but possible consequences.

Hon. Mr. DANDURAND: I would like to inform my honourable friend, on the ground of equity, that during the last fifteen years and more the Department of the Interior has been leasing mining rights, grazing lands and other properties to the public on certain conditions, the non-fulfilment of which entails cancellation. This Act has been applied, this power has been used, by the Department for that length of time. People have taken leases—mining leases, for instance; they may have spent money on the land or they may not; they may have paid a few instalments and may have stopped paying. They were to begin their work within a certain time. They did not do so. Seventeen thousand of such leases have been cancelled. Properties or rights were leased to A, B and C, who in turn defaulted. D took his lease and spent hundreds of thousands of dollars in developing his claim. The cancellation of the leases to A, B, C was accepted without protest. Surely those people who signed leases under certain conditions and who recognized they had failed in the execution of those conditions have no grievance. They did abide by the judgment of the Department of the Interior. But one day Paulson et al obtained mining rights on a certain section of land; they paid their dues from year to year for a number of years; no government inspector went to see whether or not they fulfilled their obligations. They were notified once or twice that they were late in payment, and perhaps it might be found that they were notified that they were not fulfilling their obligations. I remember seeing in the record that they even admitted they were not doing anything, that they were waiting for their neighbours, to reach their section through their galleries. It is admitted that their coal deposit was 2,000 feet below the surface. It was practically impossible, except by spending a very large sum of money, for them to reach down to 2,000 feet. As compared with their neighbours they were the drones. They thought that when the neighbours reached the line of their section they could tell them: "You have made our property valuable; you need it; you must buy it at our price." The Department was made aware of that situation, probably when the neighbours saw they were reaching the dividing line, and the Department notified the Paulson's that their lease was cancelled. The Paulson's took out a writ and succeeded in having the Supreme Court and Privy Council declare that since the Department of Interior had allowed them a delay—

Hon. Mr. LYNCH-STAUNTON: They had waived their right.

Hon. Mr. DANDURAND: Yes, had waived their right to cancel, and that the condition was no longer effective. The Supreme Court, as well as the Privy Council, decided in examining the procedure that the Department was using a form of cancellation which was not justified, was not regular.

Hon. Mr. LYNCH-STAUNTON: Not according to the contract.

Hon. Mr. DANDURAND: It may be interesting to this Chamber to hear the clause read under which the Department of the Interior operated. Clause 17 is the one which covers the subject-matter of the contract. Clause 17 of the contract said:

17. That in case of default in payment of the said rent or royalty for six months after the same should have been paid or in case of the breach or non-observance or non-performance on the part of the lessee of any proviso, condition, term, restriction or stipulation herein contained and which ought to be observed or performed by the said lessee and which has not been waived by the said Minister, the Minister may cancel these presents by written notice to the said lessee, and, thereupon, the same and everything therein contained shall become and be absolutely null and void. . . .

The Department proceeded to cancel under its printed forms, and it did so by this letter of the 13th of September, 1909:

Department of the Interior.
Ottawa, 13th September, 1909.

Sir,—I am directed to inform you that as you have failed to comply with the provisions of clause 12 of your lease for coal mining purposes of the east half of section 29, township 7, range 4, west of the 5th meridian, by commencing active mining operations on the land within the time required by the said section of the lease, the Department has been obliged to cancel your lease, and it will, therefore, now

make such other disposition of the land as may seem advisable.

I am to add that a refund cheque for $96 paid by your solicitors, Messrs. Lewis and Smellie, as rental for the year ending the 15th July next, will be forwarded to them on your behalf in the course of a day or two.

Yours obedient servant,

(Sgd) L. Pereira,
Assistant-Secretary.

Paul A. Paulson, Esq.,
Coleman, Alberta.

Honourable gentlemen will observe that the expression used is: "The Department has been obliged to cancel your lease."

Hon. Mr. LYNCH-STAUNTON: It is no notice at all.

Hon. Mr. DANDURAND: And the Chief Justice, in reviewing this notice, said:

As to the first reason, it would be necessary, in order to hold the notice of any validity, that the condition should be construed to mean that the Minister may cancel the lease, but must then give notice to the lessee that he has done so. This is in terms what the letter of the 13th September, 1909, does. There can be no doubt that this is not such a notice as is called for. The notice must be to the effect that it is the intention of the Minister to cancel the lease for breach of the conditions of the lease, thus giving the lessee an opportunity of remedying the breach, or at any rate of being heard before his lease is forfeited. There can be no object in a notice that the lease has been already irrevocably cancelled without notice. In the most extreme view, the notice should state that the Minister cancels the lease for breach of condition and not that he had already done so without notice, which he had no power to do.

As honourable members of the House will notice, this is a very technical question. The Department says: "We have been obliged to cancel your lease, and it will, therefore, now make such other disposition of the land as may seem advisable." This was the form employed. After having discussed the waiver and declared that it was such as to preclude the Department from foreclosing, the judgment of the Privy Council on this point proceeds:

Having come to this conclusion, it is unnecessary for their Lordships to deal with the point of the sufficiency of the steps taken to effect cancellation of the defendant's lease. The words of clause 17 are: "The Minister may cancel these presents by written notice to the said lessee, and thereupon" everything therein shall become void, etc. Under this clause the notice is the operative instrument. The cancellation is effected by it. Instead of serving a notice running thus: "Your lease is hereby cancelled," the words are "has been cancelled." The letter is a reply to the appellant's letter of March 11, 1909, and for all that appears on the face of the letter the lease might have been cancelled at any time during the six months between March 11 and September 13.

That is, instead of notifying the lessee that his lease has been concelled, the notice should, according to the Privy Council, state: "Your lease is hereby cancelled." This fine distinction will appeal to the legal acumen of some honourable members of this Chamber, but I am quite sure that the ordinary business man will hardly see any difference between the two modes of procedure, and, as a matter of fact, in 17,000 or 20,000 cases the lessee took for granted that the cancellation was clear enough, and he accepted the cancellation as it was made. Paulson et al, I believe, would hardly have thought it worth their while to raise that point alone, if there had not been the question of the waiver, the right of the Department to cancel, because of the fact that it had on very many occasions previously waived its right to do so.

Then there is the question of the sufficiency of the service of the notice:

Again, there is no satisfactory evidence that Messrs. Lewis and Smellie were ever clothed with authority by Mr. Paulson to receive such a notice on his behalf. One has little moral doubt that the receipt of this letter came to the respondent's knowledge, but the service of such documents as this should be fully proved by legal evidence. The inclination of their opinion is that the appellant loses on both these points.

It is because of this inclination expressed by the Privy Council, after having declared that the lessees were right in their contention that the foreclosure had been waived, that the Department has felt that it should take cognizance of the opinion of the Privy Council and try by this Bill now before the Senate to cover the multiplicity of transactions that have taken place after the cancellations. If we were facing only one or two cancellations the matter would be of very little importance, but we can have no conception of the extent of the damage which would ensue to present holders of properties which have been developed at the cost of millions and tens of millions of dollars if we left them with an uncertain title when the procedure has been carried on in good faith and acceded to by all the lessees up to the present time.

My honourable friend has raised the constitutional question. He asks me to consider the question of the right of the Federal authorities to legislate on the form of a civil contract.

Hon. Mr. LYNCH-STAUNTON: No, on the changing of a civil contract already entered into.

Hon. Mr. DANDURAND: On the changing of a civil contract already entered into.

My honourable friend seems to admit that the legislature could interfere in the present instance, and could alter, modify, or amend the contract of the Crown represented by the Federal authorities, while the Federal power would not have that right.

Hon. Mr. LYNCH-STAUNTON: Between subjects they could, and certainly with the consent of the Crown they could. I do not know whether the legislature could alter the right of the Crown as represented by the Dominion.

Hon. Mr. DANDURAND: That is where we stand at present. Section 91 of the British North America Act, without restricting the Federal powers, but in order to illustrate those powers and define them somewhat more closely, says that His Majesty the King, through the Dominion Parliament, has the exclusive right to deal with the public Federal debt and property. Now, we are dealing with property vested in the Federal Government.

Hon. Mr. LYNCH-STAUNTON: No, pardon me: you are dealing with a contract regarding property vested in the Federal Government.

Hon. Mr. DANDURAND: A contract which was made under a direction of the Federal parliament giving authority to the Governor in Council. The Federal authorities have done certain things under the power of this Parliament. Is there another legislative power that can deal with certain rights which were granted by the Federal authority to private individuals? The Federal power has the exclusive right to lease properties belonging to it. If you allow the legislature power to review such contracts made by the Federal authority, then you allow the Provincial authority, under subsection 13 of section 92, to invade the jurisdiction of the Federal authority, and possibly to restrict and confiscate the property which it holds for the Crown. If the legislature could intervene to affect a contract entered into by the Federal authority concerning the lease of property vested in the Dominion Government, then the legislative power of the Province would supercede that of the Federal power in the disposition and administration of the Federal domain; and, although I recognize that the Privy Council has not been seized of this question up to this date, I doubt that my honourable friend will find any judicial authority which would throw any light on this matter. I believe that, after examining the whole situation, he will realize that the Canadian Parliament will justly claim the sole authority upon contracts which are made for the disposition of property that belongs to the Dominion. The powers we are thus exercising are, I believe, but a natural consequence of the fact that we have complete authority over the Federal domain.

Hon. Mr. LYNCH-STAUNTON: The argument of the honourable gentleman would lead to the conclusion that a contract concerning its own lands is not binding upon the Dominion Government.

Hon. Mr. DANDURAND: It is, until the Federal Parliament deems it necessary to intervene.

Progress was reported.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Thursday, June 8, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

NOVA SCOTIA ROAD PROJECTS

MOTION FOR RETURN

Hon. Mr. TANNER moved:

That an Order of the Senate do issue for a return showing:

1. The road projects in respect to which the Federal Government has made payments to the Government of Nova Scotia.
2. The amount paid in respect to each of the projects and the dates of payment.
3. The balances, if any, claimed by the Government of Nova Scotia in respect to each of the projects.
4. All other road projects which have been submitted by the Government of Nova Scotia to the Federal Government, the mileage of each, the proposed cost of each; and the projects respectively that have been approved by the Federal Department.

The motion was agreed to.

NEW GLASGOW-THORBURN, N.S., RAILWAY

MOTION FOR RETURN

Hon. Mr. TANNER moved:

That an Order of the Senate do issue for a reurn of copies of all agreements between the Government or any department of the Government and the Acadia Coal Company in respect to the railway between New Glasgow and Thorburn in Nova Scotia.

The motion was agreed to.

MILITARY PENSIONS IN PICTOU

MOTION FOR RETURN

Hon. Mr. TANNER moved:

That an Order of the Senate do issue for a return showing:

1. The name and post office address of each person in the County of Pictou, Nova Scotia, who is receiving a military pension.
2. The amount of each pension.
3. The date from which each pension runs.

The motion was agreed to.

FRONTIER COLLEGE BILL

MOTION FOR SUSPENSION OF RULE

Hon. Mr. TANNER moved:

That Rule 119 be suspended in so far as it relates to Bill 68, "An Act to incorporate The Frontier College."

He said: Perhaps I should explain that this motion is simply for the purpose of enabling the Bill if it passes its second reading, to be referred to the Private Bills Committee which sits to-morrow. Otherwise under the rule in regard to Bills coming from the House of Commons it would have to be posted for 24 hours.

The motion was agreed to.

BUFFALO AND FORT ERIE BRIDGE COMPANY BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill 21, an Act to incorporate Buffalo and Fort Erie Public Bridge Company.

Hon. Mr. ROBERTSON: Honourable gentlemen, before this Bill is adopted by the House, I would like to make a few observations. I regret exceedingly that I am not as well qualified as I would like to be to deal with the subject, because of the fact that I did not know that the legislation was before the House until I saw it on the Order Paper to-day. However, I do know something of the situation at Buffalo and Fort Erie, and of the necessity of having a bridge constructed, because Fort Erie is located in the county from which I come. There is at the present time a ferry service between Fort Erie and the city of Buffalo exactly at the point where Lake Erie empties into the Niagara River. A short distance below that spot there is a railway bridge owned by the Grand Trunk Railway Company, now the property of the State; and further down the river, at Niagara Falls, there are several bridges for both railway and pedestrian traffic.

For some years it has been urged and advocated that a bridge for pedestrians and vehicular traffic, and to carry street cars, should be constructed at the head of the river, connecting Buffalo with Fort Erie. With that project I am in full accord, but with the method by which it is proposed to carry it out I am not in agreement, and I purpose to lay a few of the facts before the House.

Two years ago representations were made to the Government respecting the desirability of the construction of a bridge at this point. The facts as they existed, and the needs as they were presented, were carefully considered by the Minister of Railways of that day, who is now a member of this House, and who I regret is not present this afternoon, and I accompanied him upon an investigation. We did not have an opportunity of discussing the matter with many local people; but we did come to the distinct conclusion that the proper solution of the situation was to doubletrack the railway bridge at present existing and to add thereto facilities for vehicular and pedestrian traffic, and to charge the same tolls as now prevail for the vehicular and foot bridges at Niagara Falls. The large amount of traffic which would cross the river at that point is now diverted to the bridges at Niagara Falls because of the ferry not offering sufficient facilities to meet the requirements; and there was no doubt in our minds that the undertaking would be a profitable one and would pay the interest on the money invested in the reconstruction and improvement of the railway property, which belongs to the people.

I am therefore against the principle of this Bill, not because of the desire of any private gentlemen to construct the bridge, but because I believe that as an international project it should be undertaken by the state rather than by a private concern; and, furthermore, because the promoters of the Bill and the provisional directors are all local men, apparently with no connections or interests on the American side of the line. In addition to that, in section 9 of the Bill it is proposed to give a private corporation the right to expropriate property under the Railway Act, and I do not think it is in the best interests of the community and the property owners there that the power of expropriation exercised by a railway should be given to a private undertaking of this kind.

I therefore respectfully suggest that this matter ought to be rather carefully looked into and that more information should be obtained upon it before the Bill is approved. My personal view is that improved

facilities are needed between Buffalo and the Canadian side, but that they should be provided by the Government of Canada completing the double-tracking on the Grand Trunk bridge, which is now double-tracked from the American side to an Island in the middle of the river, and by adding facilities for foot and vehicular traffic. I am also of the opinion that the revenue derived from tolls will compensate the Government for all its expenditure in that connection; and the undertaking will then be owned by the people rather than by a private corporation, which, in an international undertaking, I think is desirable.

Hon. Mr. LYNCH-STAUNTON: Is there a corresponding company in the United States?

Hon. Mr. ROBERTSON: Not that I am aware of.

Hon. Mr. MURPHY: What is the distance between the proposed bridge and the regular Government bridge?

Hon. Mr. ROBERTSON: I should think the distance would be about 80 rods. The Government bridge is there now, and the traffic of the Michigan Central, the Grand Trunk, the Wabash and the Père Marquette all passes over this bridge; there is also a steam-car about the size of a large electric car which operates for the purpose of carrying the local passenger service. The present bridge is not capable of carrying all the traffic offering without considerable delay being caused, and I think I am not mistaken in making the statement that the bridge company, which is a subsidiary of the Grand Trunk Railway Company, was ordered something more than two years ago to complete the double-tracking of this bridge, and that it is now under a penalty daily by reason of failure to carry out that undertaking. Undoubtedly the work will be done, and before very long. The cost of the double-tracking will fall upon the people of Canada, and my suggestion is that, instead of issuing a charter to a private company to build another bridge across the Niagara river, and calling upon the people to purchase stock, the present bridge should be extended in order to provide and take care of the pedestrian and vehicular traffic, so that the proposition may pay for itself instead of the Government bearing the expense.

Hon. Mr. McMEANS: Is there any probability whatever of the Government undertaking to build it?

Hon. Mr. ROBERTSON: I may say, for the honourable gentleman's information, that the late Minister of Railways and myself were agreed that just as soon as conditions seemed to warrant it, the extension of the Grand Trunk bridge should be undertaken. I think it is also true—and the records will show whether I am correct in this or not—that among the assets of the Grand Trunk Railway Company is this bridge company, which is practically the only one that has shown any substantial profit, and it shows at the present time a surplus of something over half a million to its credit received by way of tolls from the Michigan Central and other railroads using this bridge. Therefore, with the surplus profits of that bridge company, which is now the property of the people, this work can be done, and a large proportion of the cost can be recovered to reimburse the Government for all expenditures. I am not suggesting that we should definitely come to the conclusion that the bridge proposed in this Bill should not be built, or that the Bill should not pass; but it was my idea that the whole question should be carefully considered before the Bill was approved. It may be that the honourable gentleman who has introduced the Bill has information which I do not possess; but, having been for many years a resident of the county, and knowing something of the project, and having gone over the matter two years ago, I am strongly of the opinion that the course I have outlined is the desirable one to provide the accommodation.

Hon. Mr. FOWLER: Does the honourable gentleman know the attitude of the Minister of Railways, who lives in that community?

Hon. Mr. ROBERTSON: I do not know that this question has been dealt with in the other House. The present Minister of Railways is not a resident of that county, but of the county adjoining the Windsor frontier.

Hon. Mr. McMEANS: Do I understand the honourable gentleman to say that he is not opposed to the Bill?

Hon. Mr. ROBERTSON: I am not opposed to the construction of a bridge; but I am opposed to the method by which it is proposed to provide it.

Hon. Mr. BELCOURT: I assume then that my honourable friend is opposed to the principle of the Bill.

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. BELCOURT: I am quite sure that this honourable House is not going to

decide such a question as this, involved as it is with a lot of facts and opinions which are not in the possession of the House at this moment; and I would simply be wasting the time of the House in giving out what information I have upon the subject. I think it would be more conducive to proper business if I were to abstain from doing anything beyond merely pointing out, as the question is raised, that section 7 provides that this Act shall not have any effect until an Act has been secured from the Congress of the United States. So that in regard to the international aspect of the matter there can be no difficulty whatever. I want to call the attention of the House also to the fact that the Bill provides for the approval by Parliament of plans by the Government, so that in that regard also you have absolute security. The matter would ultimately depend very largely on the opinion of the Department of Railways and Canals. I think it is most important that we should have before the Committee an officer of the Department who will tell us what is the Department's policy in regard to this Bill. I think the time of this House would be spent needlessly in discussing now these questions, which, after all, are for the consideration and decision of the Committee rather than of the House. I do not think my honourable friend should press any objection to the second reading of the Bill, but should allow it to be read the second time, and let all those matters be properly threshed out before the Committee, where we would have witnesses and all the information necessary to come to a proper decision.

Hon. Mr. TURRIFF: I would like to ask the honourable member, the ex-Minister of Labour, if he can give us any idea as to what it would cost to equip the present bridge with the necessary additional facilities for railway and vehicular traffic. I observe that in this Bill it is proposed to obtain grants from the Governments and others, and also to issue securities for $6,000,000. If the other bridge could be made suitable to handle all the traffic at a much less cost than that, as I would judge from the remarks of my honourable friend, it would seem to me that we would be putting into the hands of a private company this whole matter, involving that large expense which would have to be paid by those using the facilities, although the present bridge might be fully equipped at a much less cost. It seems to me that in the Committee we should insist on getting all possible information before we pass the Bill.

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

FRONTIER COLLEGE BILL

SECOND READING

Hon. Mr. TANNER moved the second reading of Bill 68, an Act to incorporate The Frontier College.

Hon. Mr. MURPHY: I would like the mover to explain that Bill.

Hon. Mr. TANNER: This Bill has come down from the House of Commons. I cannot say I am very well acquainted with the Bill. I understand the Frontier College is an organization that has existed for about twenty years or more, which carries education out to the frontier—to the mining districts, the lumber districts, and the railway camps—doing a very useful work which, I understand, it has done for all those years. It is now seeking incorporation. In a general way that is the only knowledge I have. I presume that the promoters of the Bill will be very glad to give the Committee, as usual, all necessary information in regard to it.

Hon. Mr. MURPHY: Honourable gentlemen, this is a Bill, as I have been informed, which in itself has a great deal of merit. As appeared before the Committee in another place, it asks for powers away and beyond what any parliament can grant; but, that aside, this Bill gives a blanket charter to the college to go into any province and establish a university. As it came before the Committee in another place it asked power to grant all kinds of degrees—in arts, medicine, law, engineering, etc.—for which it has no facilities whatever. The question in my mind is whether or not it is intra vires of this Parliament to grant a charter for establishing a university in any province, or in different provinces. That is something that has to be very seriously considered. However, I have no objection to the Bill going to the Committee, and I make these observations merely to enable the House to understand the matter. The motive for the Bill, to bring education to lumbermen or to any other class of citizens, is very commendable; but I think serious consideration is required as to whether it is within our powers to grant a charter of this kind at all. I have no doubt that the chairman of our committee, who is well versed in these

matters, and who always stands up for provincial rights, will be able to inform us as to its status when it comes before the committee.

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

PRIVATE BILLS

FIRST READINGS

Bill A4, an Act respecting the Edmonton, Dunvegan and British Columbia Railways.—Hon. Mr. Smith.

Bill B4, an Act respecting the Patent of Daniel Herbert Schweier.—Hon. Mr. Pardee.

SECOND READINGS

Bill 5, an Act respecting the Canadian Pacific Railway Company.—Hon. Mr. Laird.

Bill 50, an Act to incorporate The Sisters of Saint Mary of Namur.—Hon. Mr. Blondin.

DIVORCE BILLS

FIRST READING

Bill C4, an Act for the relief of Frederick McLelland Aiken.—Hon. Mr. Blain.

SECOND READINGS

Bill V3, an Act for the relief of Roy Wilbert Shaver.—Hon. Mr. Proudfoot.

Bill W3, an Act for the relief of James Henry Boyd.—Hon. Mr. Barnard.

THE LEAGUE OF NATIONS

DISCUSSION CONTINUED

The Senate resumed from April 27, the adjourned debate on the inquiry of Right Hon. Sir George E. Foster:

That he will call attention to the aims and work of the League of Nations and will inquire:—1. If the Government has received any report from the representatives of Canada as to the second Assembly of the League of Nations held in Geneva in September and October, 1921, and if so, will this report be laid on the table for the information of members?

2. If the Government has received the printed reports of the Council of the League of Nations made to the first and second Assembly, and if so, will copies of these reports be laid on the table for the information of members?

3. If the Government has received the printed monthly summary and supplementary reports of the League of Nations, and will copies of these reports be brought down?

Hon. L. O. DAVID: I rise less to speak than to give an opportunity to other honourable gentlemen to ask for the adjournment of this debate. On account of the condition of my throat I will say only a few words.

Hon. Mr. MURPHY.

The motion of the right honourable member for Ottawa raises two questions—the question of the League, which he discussed with the talent which characterizes him, and the other question which was raised by the honourable member for Welland (Hon. G. D. Robertson), the honourable ex-Minister of Labour—the labour question—although that question is indirectly connected with the motion made by the right honourable mover of the motion. I had intended to speak at some length of these two questions, and had even prepared copious notes, but I will make only very few remarks, and I will try to make them not only short but as cold as possible on account of the heat. That does not mean that my speech will be refreshing.

The honourable ex-Minister of Labour was anxious to know why one of the most eminent and popular of the chiefs of the Radical party and representative of the Labour people in France had been assassinated in 1914. I suppose the honourable member forgot at that moment that the man in question, the celebrated Jaurès, was assassinated because he had protested against war at the time when all the nations of Europe were mobilizing, and when they were really at war; in fact, he was assassinated on the eve of the declaration of war. To oppose war at such a moment was considered an act of treason, and that was the view taken by the jury before whom the assassin was brought, which declared him not guilty. Naturally I do not approve of that verdict, but at that time, as in many other circumstances, sentiment and patriotic feeling prevailed over law and justice. The fact is that if the views of Mr. Jaurès and all the other chiefs of the Labour party had been adopted in France that country would have been left powerless, and the Germans would have been in Paris two or three months after the declaration of war. Even now, if the theories and the position of some of the chiefs of the Radical and Labour party had been adopted in France, that country would now be unable to meet the obligations which have been produced by the alliance of Germany and Russia, or to overcome the machinations of those two countries.

There is a striking example which shows that the triumph of socialistic ideas is not sufficient to prevent war. That example is Russia. What is the most Radical government in Europe, and I might say perhaps in the world, established in great part and supported by the Labour people?

It is the Soviet Government of Russia. Well, is it not true that that Soviet Government, established by popular feeling, and in great part by the Labour people, is the most despotic government of the whole world? Is it not true that that Government has at its disposal the greatest and most numerous army in Europe?

I do not blame the Labour people for opposing war in general, and, like the honourable ex-Minister of Labour, I think that the Labour people should be represented in the conferences which take place in connection with the League. I am sure that, if they were represented by the wise chiefs of the Labour party, by men like the honourable ex-Minister of Labour, these representatives would do honour to their country and to the people they represented.

In war, as in social and industrial matters, the absolute application of the doctrines of demagogues is impossible and dangerous. There are questions of honour, of national and social interest, which cannot be ignored, and in dealing with which discrimination is necessary. Unfortunately, class organizations are always inclined to see nothing beyond their self-interest, and to think that the whole country and all other classes must be satisfied and happy when they are satisfied and happy. It is like those who ask that customs duties on imports of merchandise be lowered in the interest of consumers, and at the same time ask for the adoption of measures which would make consumers in general pay more for certain articles. Egotism is a great producer of deplorable contradictions through false ideas and theories.

In order that my motives be not suspected whenever I speak on the question of labour, and perhaps say certain things which may not be agreeable to everybody, I wish to make a personal remark which, at my age, may perhaps be allowed—that I have always had a great deal of sympathy for the working classes and have tried to do everything I could to improve their condition. I did not content myself with words and writings, but joined the action to the word. When I was a member of the local House in 1887-88 I presented to the House, and had adopted, measures for the purpose of exempting from seizure and sale by the sheriff a great part of the furniture of the workingman and three-quarters of his wages, and also for the purpose of facilitating the recovery of his wages before the courts of justice. And since I have been a member of the Senate, as honourable gentlemen must remember, I have voted for every measure that has been presented for the improvement of the condition of the workingman. So I have a right to say that when on this question I express feelings which are not agreeable to the Labour party it is not because I have lost my sympathy with the working classes, but, on the contrary, because I think that their true friends must have courage to say what ought to be said, in order to protect them and put them on their guard against the false and pernicious theories which are so often advanced by some of their chiefs. I think this is a duty towards them and towards society.

Everybody must admit that what is going on in the world seems to indicate that the Labour people are falling more and more under the influence of demagogues, like those who in all times and in all countries have ruined the best reforms, either political or social. I think that they should be advised by men like the honourable ex-Minister of Labour (Hon. Mr. Roberston) and some of his confreres who are wise people—at least to a great extent—although I do not admit what they say every time they speak. I could not accept the statement made by the honourable the ex-Minister of Labour some time ago, that the miners at Sydney had the right to limit their production. But, naturally, the honourable member is not perfect: there is nobody perfect in this world.

Hon. Mr. BELCOURT: Infallible, anyway.

Hon. Mr. DAVID: Infallible; that is the word I wanted. Capitalists have for a long time abused their power—there is no doubt about that. Any man who reads history is convinced that the capitalists in every country of the world have abused their power. Now the danger is that the Labour people may commit the same errors and the same faults and abuse the great power which they have, and of which they will obtain more and more. Too often, unfortunately, the means employed by those people, and suggested by some of their chiefs, in order to get what they want, make their condition worse and injure all classes of the people. It is clearly demonstrated that everything which limits or stops production checks capital and enterprise, keeps up the price of the necessaries of life, reduces employment, and disturbs all commercial and industrial work.

Russia offers a striking example of the evils caused by the application of those extraordinary and extreme doctrines. Borrowing the expressions used by the Ottawa Journal, I would say:

> Communism brought no happiness, but unspeakable misery, terror, crime, bloodshed, pestilence, famine and death, to such an extent that Lenin, who was to replace the curse of capitalism by the heavens of Communism, now cries for capital.

Nobody can dispute the truth of the assertion made by the Journal. Experience shows that capital and individual initiative are necessary to the welfare of a country. But capitalists must realize that the time is past when they could build colossal fortunes, enjoy all the luxuries of life, and leave those who helped them to acquire their fortunes in poverty and misery. If they do not understand that, the Labour people will make them understand it, and will perhaps go too far in that direction.

But I said I would not make a speech, so I must finish. As to the main question raised by the right honourable member for Ottawa (Right Hon. Sir George E. Foster), as I think it will come before this House later in another form, I will content myself with making a few remarks upon our participation in international affairs. I think we shall be better able to discuss this question when the documents asked for in the motion of the right honourable member are produced, and we can see what our status is in the League of Nations. The question of our status is a big one, and it has lately been discussed by some very eminent men, like Sir Clifford Sifton and Mr. Ewart. So I think that the question will come again before this House, and when it does I will try to say more upon this question, which is so interesting and so deeply concerns the destinies of this country. But before taking my seat I want to say this, that, although I voted for Canada's participation in the work of the League, I had some misgivings in doing so. I felt that that participation raised very important questions and might cause very dangerous complications in our relations with England and the United States. It is impossible that in those conferences there shall never be a clash between the interests of Canada and those of England or of the United States. What will be the result of those complications, of those clashes? They may be very serious and may cause us a great deal of trouble. I hope that our representatives in those international conferences will do what is necessary to reconcile our interests with those of England and of all the Dominions. I hope they will be wise enough to do that. It requires a good deal of tact and wisdom to produce such a result. But I hope, honourable gentlemen, that above all they will consider the interests of Canada. Canada is our home. Our country is great, rich enough in its history, brilliant enough in its destiny, to be the main object of our love, our care, and our aspirations. Our ancestors opened this country to civilization by dint of courage and heroism, and we are bound to transmit this glorious inheritance to future generations by adopting a true Canadian policy—but, as least as long as possible, without injuring our relations with England. Honourable members from Ontario especially must remember when "Canada First" was the motto of some of their most eminent political men, like the Blakes and the Mosses and several others. Well, honourable gentlemen, I think that should also be the motto of our public men of the present day, and that they should do everything necessary in order that Canada may continue to grow and develop its resources under the protection of the British flag, under the guidance of British institutions, until—well, until its destiny requires a radical change in its political status.

Hon. THOMAS CHAPAIS: Honourable gentlemen, I am sure that every member of this House was deeply interested in listening to the exhaustive and illuminating speech delivered some time ago by the right honourable Senator for Ottawa (Right Hon. Sir George E. Foster). His expounding of the question of the League of Nations has been complete. He has made us better understand the importance, the organization, the aims, and the functions of that great international institution.

Now, honourable gentlemen, during the short remarks that I intend to make on this subject I would like to call the attention of this House to the fact that from the remotest historical periods to our day the need of such a society of nations or states has always been felt. The League of Nations is not really a new thing. It is an old idea embodied in machinery adapted to modern necessities and existing problems. When we read the ancient annals of Greece, we see that a number of Grecian cities had found it advisable to form a kind of league whose executive was a council. It was the league and council of Amphictyony. According to the historians of those times, a law of great interest imposed an oath upon the members of the league not to destroy

an Amphictyonic city or to cut it off from running water, in war or peace. In this rule, which was intended to mitigate the usages of war amongst its members, we have one of the origins of Greek interstate law. Though occasionally the Council was called upon to arbitrate in a dispute, no provision was made to compel arbitration. For the enforcement of such laws and for administrative efficiency in general, it was necessary that the Council should have judicial power. As jurors the deputies took an oath to decide according to written law, or, in cases not covered by law, according to their best will and judgment. In the fifth century the Council fined the Dolopians for having disturbed commerce by their piracy, and in the fourth century the Lacedemonians for having occupied the citadel of Thebes in time of peace.

In later centuries the same inclination towards common action, common understanding, common recognition of certain rules binding the different nations, common submission to some kind of international jurisdiction, could be noticed. During the middle ages the European states, though very often divided by divergent and warring interests, were united by their Christian faith, and led to join in discharging certain duties and undertaking certain enterprises. Remember, honourable gentlemen, that at that time the Christian nations of Europe were leagued under the Banner of the Cross to fight the Moslems. On other occasions war between them was averted or terminated by way of arbitration, the great arbitrator of those times being the Pope. The empires, the kingdoms, and the free cities of Europe, in some respects formed a kind of Christian republic which bore a name well known in history: it was called Christendom.

History went on. That occasional unity of purpose, and that acceptance of a superior and international jurisdiction disappeared when mighty events changed the face of Europe and modified the relations between the different states and powers. But the idea of a society of nations did not perish. We are told that a few years before the foundation of this Canada of ours a King of France cherished that aim and entertained the hope of making it a living reality. A renowned statesman of the 16th century, Sully, tells us in his memoirs, entitled, "Economies Royales," that Henry IV had in his mind the establishment of a vast European confederation of fifteen states—a Christian republic directed by a general council of sixty deputies reappointed every three years. True it is that this design has been attributed rather to the imagination of Sully himself than to the more practical policy of the King. But at all events, whether it originated in the mind of Henry or in the mind of Sully, the design is there: it was born in a human mind, it was devised either by a King or a statesman, and it must always occupy a conspicuous place in the history of political speculation.

Let us now take a leap of two centuries. After the great earthquake of the French Revolution, and the fifteen years of the gigantic Napoleonic wars, peace-hungry Europe witnessed an attempt towards a kind of league whose purpose was to make good will and justice take henceforth the place of bloody warfare and strife. Unfortunately it did not appear under very promising auspices. In 1815, after the final overthrow of the wonderful captain who had trampled the empires and kingdoms of Europe under the hoofs of his charger, the Tsar of Russia, the Emperor of Austria, and the King of Prussia signed a covenant whereby they took a pledge of perpetual amity as a means of maintaining peace between the nations. It was a rather nebulous document, bombastic in style and indefinite in application. Allow me to read a few lines:

> Conformably to the words of the Holy Scriptures which command all men to consider each other as brethren, the three contracting monarchs' will remain united by the bonds of a true and indissoluble fraternity, and, considering each other as fellow countrymen, they will on all occasions and in all places, lend each other aid and assistance; and, regarding themselves towards their subjects and armies as fathers of families, they will lead them, in the same spirit of fraternity with which they are animated, to protect religion, peace and justice.

The unusual language used by the exalted signers was instrumental in affixing to the entente thus agreed upon the celebrated appellation of "Holy Alliance." It was said that this covenant was "the outcome of the Tsar's mood of evangelical exaltation, and was in its inception perfectly sincere." But the shrewd diplomats of the time were not over respectful about it. Metternich called it a "loudly sounding nothing," and Castlereagh "a piece of sublime mysticism and nonsense." As a matter of fact it was rather a declaration of principles than a workable scheme. But indisputably it had a noble aim. It has been written that its main significance was due to the persistent efforts of the Tsar to make it the basis of the "universal union"

or general confederation of Europe, which he wished to substitute for the actual committee of the great powers—efforts which were frustrated by the vigorous diplomacy of Castlereagh.

Does it not strike you, honourable gentlemen, that all these historical precedents show how deeply rooted in the heart of humanity were the wish and the need of such an institution as the "society of nations". I think it would not be going too far to assert that a society of that kind is the natural outcome of the very existence of nations. This viewpoint has been forcibly expounded by an Italian doctor in divinity, Father Taparelli, in his treatise on natural law, published towards the middle of the last century. In that excellent book, the eminent author seems to have designed in advance the main lines of the League of Nations which we are now debating. One would deem that he possessed the gift of foretelling from the reading of such a paragraph as the following:

Whenever self interest combines with right, it becomes all powerful and brings into existence the organs which are best fitted to the needs of society. Therefore we believe that gradually the world shall see the advent of a kind of federal and universal tribunal, which shall replace alliances, congresses, treaties, as these have for a time superseded the supreme authority of emperors and the patriarchal government of pontiffs. We think that this will happen without fail, though it may take some time, for the life of nations is counted by centuries when the life of individuals is counted only by years.

This prophecy of the Italian writer is now an accomplished fact. The "universal and federal tribunal" announced in his book is in existence. The society of nations has taken a definite shape. And our right honourable and most eloquent colleague (Right Hon. Sir George E. Foster) gave us the other day a clear exposition of its constitution, of its working, even of its actual achievements. I must say that his elaborate speech could not fail to create a feeling of sympathy towards that great international institution, and to inspire hope in its success.

Of course, nobody would attempt to maintain that the covenant giving life to that body is perfection itself. Some features are surely open to criticism. Weak points can be easily detected, and unhappy gaps can be deplored. For instance, has it not been a mistake to have kept aside all representation of one of the greatest moral powers on earth? It also has been stated that the enactments relating to sanctions and penalties are to a great extent inadequate and inoperative. It would seem that there is in the institution and organization of the League a lack of executive and coercitivé power. Very likely all this criticism is not without some foundation. Nevertheless, those deficiencies should not deter men of good will from sympathizing with the aims and purposes of that institution. These are surely noble aims and beneficient purposes: to promote good feeling, to foster fairness and justice, to prevent war and bloodshed, to make the whole world enjoy security, and the blessings of peace. Could there be a greater goal or a higher attempt?

In that spirit I most heartily join in the concluding wish of our right honourable colleague; and, using the words of Mr. Outhoit, a professor of political economy at the University of Lille, I shall express the hope that the "society of nations, with the concurrence and loyal effort of all, may inaugurate one of those periods of restorative truce for which the world, exhausted by war, weakened in its strength by the spilling of its blood, and in its true wealth, which is the life of its sons, feels such a desperate need."

Hon. F. L. BEIQUE: After the exhaustive and brilliant address which we have been privileged to hear from the right honourable member for Ottawa (Right. Hon. Sir George Foster), it would be idle for me to add anything on the question now under consideration. I rise only to discharge what I believe to be a duty common to all members of this honourable House.

In my judgment, the great war has shown that if civilization—and I might say a large portion of humanity—is to be preserved and perpetuated, means must be found to prevent other great wars taking place, as otherwise, with the constant and rapid progress obtaining in new inventions of all kinds, life and property will be destroyed with such facility and to such entent that, to say the least, the economic conditions of the world will be entirely disturbed and upset and civilization destroyed.

For my part I fail to find any other means or agency to prevent wars, or preserve peace, amongst nations, than a League of Nations. As every nation is jealous of its autonomy and independence, some portion of which has to be abandoned in the creation of a league having the necessary authority and power to fully discharge its functions, it is an object no doubt difficult to attain, but of absolute necessity. If we were able to go back to the early days of humanity would we not find that for

reasons of a like nature it took centuries for men to become organized into groups, communities, and nations. They organized of necessity for the protection of their life and liberty. It was done in the course of time, when everything was slow, through education of some kind. Now that men the world over are enlightened to a very high degree, may we not hope that again in their true interest and for the preservation of life and liberty, civilization, and property, they will insist upon their respective governments joining the League of Nations, and giving it the necessary power and authority to discharge its functions? It will be done by the mass, through persuasion, and it is our common duty, leaders as we are in our respective communities, to spare no effort in helping the idea and the movement.

I believed in the necessity of a league of nations long before the great war, and I applauded with both hands when the present League of Nations was created at Versailles. I rejoiced also at seeing the Dominion of Canada become a separate and independent entity to the covenants. That, in my estimation, was a very great step towards the complete autonomy of this great Dominion.

I have closely followed the work of the League, with the increased conviction that it will grow in membership, importance and authority from year to year, and that no man who has at heart the welfare and progress of humanity should spare his efforts in helping to create the proper and necessary public opinion to ensure its success.

Hon. RAOUL DANDURAND: Honourable gentlemen, I think we shall all be agreed when I repeat, after my honourable friends who have preceded me, that we are grateful to the right honourable gentleman from Ottawa (Right Hon. Sir George E. Foster) for the interesting statement which he has made concerning the League of Nations. We are grateful to him not only for the statement which he has made, but for his brilliant representation on our behalf at Geneva, the seat of the League of Nations. His mature mind, his long experience, the talents with which he has been blessed, have all contributed to enhance the reputation of Canada abroad. I want also to congratulate the right honourable gentleman upon the signal effort he made—an effort such as few of the public men of this country have been capable of, after passing the meridian of life—and the success which he achieved in mastering another tongue than his own, namely, the French language. I have heard the right honourable gentleman speak that language, and as a bilingual Canadian I was proud to listen to him addressing the other Chamber in French. I know of but two cases of Canadian parlimentarians who decided to master a second language after attaining fifty years of age, and it is with pleasure that I name them—Sir William Mulock and Sir Robert Borden.

It is quite apparent from the discussion which has been proceeding upon the question before us that things have changed in Canada. Although it is claimed in some quarters that our status has not been altered, the question which we are discussing seems to have enlarged the scope of our interests and to have brought us into world politics. True it is that our status is undefined; true it is that no precedent for it can be cited; for there is in history no precedent for the present situation of the Dominions under the British flag. When in the history of the world has such an occurrence as happened at Washington ever been witnessed? The Honourable Mr. Pearce, who represented the Commonwealth of Australia at Washington, in passing through Canada described or attempted to describe that new condition of things in the following terms:

> At Washington His Majesty King George V was represented by five plenipotentiaries—two for the United Kingdom, one for Canada, one for Australia, and one for India, respectively appointed on the direct advice of the Executive Council of these four autonomous nations—one same and sole king, but four equal governments. How illogical! But—another miracle!—it worked.

Thus have all British institutions developed. Honourable gentlemen will note these words: "Plenipotentiaries appointed on the direct advice of the Excutive Council of these four autonomous nations." I will admit that the statement is in reality true, but as to the form I would like to make some reservation. While the appointment of Sir Robert Borden to Washington was made by an Order in Council in Ottawa, he represented his Majesty King George. That Order in Council had to bear the signature of His Majesty. How was that signature obtained? It was obtained through the Secretary of State for the Colonies in London. This, to me, implies an outward sign of subordination. We are sister nations; we all proclaim that fact; yet it was through the Secretary of State for the Colonies that the signature of His Majesty the King was sought. Do we Canadians not appear

by this form, to be still subjects of the King's subjects? When that Order in Council was sent to His Majesty the King through the Secretary of State for the Colonies, did it not imply that the Secretary of State for the Colonies could retain that document, or submit it to his own Cabinet for advice? Does it not carry the idea that His Majesty the King may have been moved by the advice of his Imperial Cabinet to put his signature on that Order in Council from Canada? I long for the day when an Order in Council from the Dominion of Canada will reach the King directly through his representative the Governor General of Canada.

When the Right Hon. Winston Churchill was designated for office of Secretary of State for the Colonies a very important and influential daily newspaper in London expressed some doubt as to the propriety of that nomination, because of the special temperament of the right honourable gentleman; but it added that if it represented, for a time, some danger, yet, before long, as a matter of course, the Dominions beyond the Seas would cease corresponding with the Imperial Government or with His Majesty the King through the Secretary of State for the Colonies, because surely the Dominions beyond the Seas had ceased being under the jurisdiction of the Secretary of State for the Colonies.

Hon. Mr. BELCOURT: Why, then, was it that the Order in Council was sent to him and submitted to him?

Hon. Mr. DANDURAND: I may tell my honourable friend that I inquired, and I found that it was done in that way because such has been the tradition.

Hon. Mr. BELCOURT: That is not a convincing reason.

Hon. Mr. DANDURAND: It is not a reason satisfactory to myself, but I hope the time will soon come when we shall find another channel for the Dominions overseas to reach His Majesty the King.

Honourable gentlemen, we heard the statement a moment ago from the honourable gentleman from Granville (Hon. Mr. Chapais) that the idea of the League of Nations or Society of Nations for the maintenance of peace was not a new idea. We all realize that it is a very old dream, cherished from century to century as far back as history is written. In modern times the nearest approach made before 1914 to the formation of a League of Nations was the calling of the official Peace Conferences of 1898 and of 1907 at the Hague. The late Czar Nicholas of Russia called the first one, and the late President Roosevelt put in motion the machinery for calling the second in 1907. In 1898 there were 27 nations congregated at the Hague through 100 representatives. In 1907 there were 44 nations there, represented by 256 delegates.

I want to pay homage to one of the best men that I have had the advantage of meeting in my life, as the initiator of those conferences, and I am happy to find him in the ranks of Labour. He was a very modest English carpenter. His name was William Randall Cremer. He founded, about 1880, the first Workmen's Peace Society in London, and he was elected, by a Labour riding in one of the divisions of London, to the House of Commons in 1885. In 1887 he obtained the signatures of 234 members of the British House of Commons to an address to His Majesty the King and to the President of the United States in favour of international arbitration. He himself crossed to Washington with some colleagues of his, and presented that petition to the President of the United States. In 1888 he had the idea that something should be done to bring the parliamentarians together, to have them commingle and know each other better, and thus help to maintain peace, and he crossed over to Paris in that year with a dozen members of the British Parliament to meet as many members of the French Assembly. There the Interparliamentary Union for Peace was founded. The object of that association was to create a universal sentiment in favour of international arbitration and a limitation of armaments.

In 1888 there were those two groups which met in Paris. In 1913 there were 27 parliaments represented by over 700 legislators, and coming from all quarters of the world, at the Hague Temple of Peace that had just been opened through the munificence of Andrew Carnegie. I had the advantage of attending some of those meetings, as representing the Canadian group. I realize that, although all the questions that are being debated by the League of Nations were being studied by men of standing at those congresses, yet the great stumbling-block was the fact that huge armaments existed around the world, while German Imperialism sternly strove to maintain its supremacy on the continent of Europe. There seemed to be needed a cataclysm which would shake the world to its base so as to alter the minds and hearts

of the people; a new gospel had to be preached which would establish the principle that the people should be governed only by their own consent, and by means of which the principle of self-determination should be heralded and recognized.

The questions which we are all asking ourselves are: will the League of Nations maintain peace and order? will it succeed in doing its work? As the honourable gentleman from Granville states, it has no army, no power, to enforce its decisions. No, it has no physical force, apparently. But it has considerable moral force, and I should say material force as well, by the economic pressure that could be directed against a recalcitrant nation. I would say that economic pressure would be sufficient, amply sufficient, if—and unfortunately there is an "if"—the United States belonged to the League of Nations.

The abstention of our neighbour is a tragedy nearly as great as the war itself. The United States seemed predestined to lead the other nations of the world, through its geographical situation, its freedom from rival interests throughout the world, and its spiritual training. The movement for peace in the United States was the strongest throughout the world. Before the war there was not one State that had not its Peace Society; not a summer passed without numberless meetings throughout the United States in favour of peace, of arbitration, and of reduction of armaments. I do not know if honourable gentlemen remember an unanimous resolution passed by the Senate and House of Representatives of the United States of America in the summer of 1910. It read as follows:

> Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, that a commission of five members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace and to consider and report upon any other means to diminish the expenditure of government for military purposes and to lessen the probability of war; and that the said commission shall be required to make final report within two years from the date of the passage of this resolution.

Not only was this resolution passed unanimously by both branches of Congress, but $10,000 was voted to give effect to it.

This magnificent dream seemed to become a reality under the direction of the President of the United States himself, Mr. Woodrow Wilson. It was under his tutelage and guidance, mostly, that this League of Nations was organized and included in the Peace Treaty. We all felt that we were moving towards better days, when the chariot of peace which bore our most cherished hopes was nearly wrecked on the rock of party passions at Washington.

Can peace be restored and maintained without the co-operation of the United States? If the United States deem it their duty and their peculiar part to call together as they did at Washington recently the nations of Europe in order to maintain peace in the Pacific ocean, I wonder by what process of reasoning the United States can dissociate themselves from Atlantic and European affairs. If it was of paramount importance to maintain peace in China, to stay the hands of the rivals who longed to take a share of the Chinese territory, is it not of still greater importance for North America that peace and stability be re-established in Europe? I believe, with all who have given attention to the international situation, that the League of Nations with the United States included can be a success; without them there may be chaos throughout Europe. If there is no assurance of peace through the League of Nations, Europe and the world are to be pitied indeed. Armaments and group governments will continue. The whole matter, to my mind, rests upon the conscience of the United States. Many wise safeguards have been included in the peace treaty; but there is, I suggest, a very important one that has been forgotten; no mechanism has been devised to educate public opinion—to enlighten the conscience of the world. No attempt has been made to internationalize publicity agencies, such as the Havas and Reuter agencies, who daily, through the daily press, reach every household throughout the world, and who can form and deform public opinion and create suspicion, hatred and war.

The British Ambassador, Sir Auckland Geddes, made the following statement at Vancouver on the 4th of April:

> If the world is to be purged of the poisonous propaganda which suspicion-mongers are assiduously spreading, and saved from another catastrophe like the great war, the friends of peace and international harmony in every country must band themselves into a bodyguard to see that the peoples of the world get the facts, the truth, about all world developments.
>
> While the peoples of the world desired peace above all things, yet, on the other hand, there were men who sometimes controlled sources of publicity, and whose object was to create international suspicion and distrust. In the publications of all countries the reader found articles which imputed the most malignant motives to other nations. These are absolutely baseless.

Because the people of a democratic country were dependent entirely upon the press for their information and opinions on world events, no organization, could undertake a more valuable work than to insist that proof of malicious articles should be produced or that writers discredited.

This is only too true, and in view of this situation and what daily reaches us from London and Paris, I urge the League of Nations to hasten the establishment of a publicity bureau which will give us weekly, or, if necessary, daily, the real situation in regard to matters which a certain press is trying to distort. People with only one source of information are handicapped in this respect. They cannot realize to what an extent they are imposed upon. There is a certain advantage in knowing two languages. It is most amusing at times to compare papers received by the same mail from London and Paris. When one is able to read the papers from both capitals, he realizes more and more the necessity for an international press bureau under the direction and guardianship of the League of Nations, to strike the true, honest note, which will be a note of peace and amity. It is a truism to affirm that the League of Nations needs the support of public opinion. If it needs that support, it must reach it.

I am only re-echoing the statement of the honourable gentleman from Granville (Hon. Mr. Chapais) when I say that the Peace Treaty has shown some weaknesses in the sanctions, or lack of sanctions to force Germany to carry out its obligations. If it was not advisable to include in the Treaty sterner sanctions in order to exact compliance by the nation which had wrecked ten departments of France and a large area in Belgium—if it was not opportune to provide those necessary sanctions, then some inducement should have been included in the Treaty to cause the Germans to realize that it was to their interest to repair at least a small part of the damage they had done. We all know that under the Treaty they are obliged only to repair material damage and to pay the pensions. From the whole cost of the war they are free. It has struck me that there might have been inserted in the treaty a sanction which would have warned the Germans that if within three years they had not repaired the damage in the devastated regions, the five or six hundred thousand people who had been driven from their homes and returned only to sleep in the cellars, would then require temporary possession of as many homes on the left bank of the Rhine, on German soil, in order that after six or seven years they might have a chance to sleep in decent beds, and that they would remain in that German territory until the Germans had repaired the damage. That has not been done.

And, if the sanctions were not sufficient, it seems to me a further inducement to make reparation could have been offered the Germans: it would not be too late to tell them that when they had repaired the damage, and perhaps gone further than is provided for by the Treaty, the colonies which they held, and which are now under mandate, would be handed back to them. They have a population of sixty-five millions and are a prolific people, and it is to be expected that within fifty years they will overflow their present borders, which offer no natural frontier protection to Poland on one side or to France on the other. They will, some day, need part of the outside territories which are open to colonization. I think the offer might have been made to the Germans that when they had made sufficient reparation their former colonies would be handed back to them.

These are, honourable gentlemen, the few remarks that I desired to make after hearing my right honourable friend (Right Hon. Sir George E. Foster) describe the work, the good work, that was being done by the League of Nations. I repeat, the principal idea which I desire to convey to my right honourable friend and to the League of Nations is that of the paramount importance of creating a publicity bureau in order that the people throughout the world may hear daily a note of peace and not distorted opinion from interested quarters.

I have much pleasure in depositing on the Table of the House the documents which my right honourable friend called for, and I invite honourable members to read the report which the right honourable gentleman himself has made on the Second Conference, which he attended—a report which is most interesting.

Hon. Mr. BEIQUE: I should like to ask my honourable friend a question, which I refrained from asking earlier in order not to disturb the sequence of his address. I understood the honourable gentleman, in referring to the appointment of the Right Honourable Sir Robert Borden, to say that he was appointed by Order in Council passed by the Canadian Cabinet.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. BEIQUE: And that the Order in Council appointing Sir Robert Borden

to represent the Canadian Government at Washington was transmitted to His Majesty through the Secretary of State for the Colonies. I doubt that the fact of the services of the Secretary of State for the Colonies being used for that purpose implied that he had the right to override the Order in Council. I should rather think that constitutionally it would not have been permitted—that he was used merely as a channel for the purpose of reaching His Majesty. I would like to be enlightened on this question, which I think involves a very important constitutional point.

Hon. Mr. DANDURAND: I can only state the facts. The Order in Council was passed and it reached His Majesty through the channel of the Secretary of State for the Colonies. My honourable friend asks me if in my opinion the Secretary of State for the Colonies could have ignored the mandate which was being given him to convey that document to His Majesty the King. I do not know what the Secretary of State for the Colonies would deem to be his duty. I should surmise that in most instances he would comply with the request conveyed to him; yet it must be remembered that he owes allegiance to the Cabinet of which he is a member and that in certain cases he may deem it proper to exercise his own judgment as to executing a mandate which comes to him from the outside Dominions. I said that in reality the Hon. Mr. Pearce was right in declaring that the representatives of the Dominions were appointed by Orders in Council of their respective executives, but that, as to the form, it would still appear that we were dependents and not equals, since we were using the Department of the Secretary of State for the Colonies instead of reaching His Majesty through his representative the Governor General.

Hon. Mr. BELCOURT: Will my honourable friend permit me to ask him a question?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. BELCOURT: My honourable friend has not told us whether or not the Order in Council appointing the Right Hon. Sir Robert Borden to go to Washington was signed by His Excellency the Governor General before being sent over. I should like to know that.

Hon. Mr. DANDURAND: The Order in Council could not have been an Order in Council unless it was signed by His Excellency the Governor General.

Hon. Mr. BELCOURT: Quite so. Then that leads me to the very question which is the meat of the matter: why was it necessary to have it signed by His Majesty?

Hon. Mr. DANDURAND: For the outside world.

Hon. Mr. BELCOURT: Oh, I see.

Hon. Mr. CASGRAIN: Very important.

Hon. Sir JAMES LOUGHEED: My honourable friend overlooks one very important fact, to which he has made no allusion and which it seems to me is fundamental to the proper appreciation of this subject and a proper conclusion regarding it: the invitation to that conference was issued by the United States to the Imperial Government.

Hon. Mr. CASGRAIN: Hear, hear.

Hon. Sir JAMES LOUGHEED: Not to Canada, not to the other Dominions overseas. Consequently it became necessary that the representatives of the Dominions overseas should pass through the channels connected with the state invited to attend that conference. Assuming that we were a sovereign state and had one sovereign, King George, will my honourable friend suggest how the representatives of the Dominions beyond the seas would attend that conference when they were not specifically invited as representatives of those particular dominions?

Hon. Mr. DANDURAND: But that is not the question.

Hon. Sir JAMES LOUGHEED: Certainly.

Hon. Mr. DANDURAND: I have not treated that question.

Hon. Sir JAMES LOUGHEED: My honourable friend should make himself acquainted with it.

Hon. Mr. DANDURAND: Oh, I know all about it.

Hon. Sir JAMES LOUGHEED: But if my honourable friend attacks the method of appointment he should keep in view the fact that the invitation was extended to only one Government.

Hon. Mr. CASGRAIN: Certainly.

Hon. Sir JAMES LOUGHEED: And that Government simply said: "We are a commonwealth of nations; we have one sovereign, and the invitation must come through that sovereign"—

Hon. Mr. BELCOURT: Certainly.

Hon. Sir JAMES LOUGHEED:—"to the representatives of those nations constituting the commonwealth." Consequently they attended only as the representatives of one state.

Hon. Mr. CASGRAIN: Surely.

Hon. Sir JAMES LOUGHEED: Representatives of the Empire.

Hon. Mr. DANDURAND: My honourable friend is absolutely in error—

Hon. Sir JAMES LOUGHEED: Let us know the facts, then.

Hon. Mr. DANDURAND:—and he will not be supported by the right honourable gentleman who has put this inquiry (Right Hon. Sir George E. Foster). The invitation went from the United States to London, and it was there decided that the Empire should be represented by those nominated from London, constituting a British Imperial delegation. That was the decision, and it was acted upon.

Hon. Sir JAMES LOUGHEED: I have not stated to the contrary: that is precisely what I have said.

Hon. Mr. DANDURAND: Ah, yes, but there is a little something that my honourable friend has not stated. Mr. Smuts cabled to London that he objected to that procedure—that he did not want the power which had been granted to my right honourable friend and his colleagues, of representing the Dominions, to be diminished at Washington. He desired that the Dominions should be represented directly. And, in spite of the fact that Mr. Lloyd George had made the statement that it was a British delegation, representing the whole Empire, and appointed from London, he gave way and recognized the claim put forward by Mr. Smuts, and Canada was communicated with. The details I could lay before the House. An Order in Council was passed appointing the Right Hon. Sir Robert Borden as the Canadian representative. The Order in Council was sent over to London. His Majesty appointed the Right Hon. Sir Robert Borden to go to Washington as his representative for Canada.

Hon. Sir JAMES LOUGHEED: Certainly, but my honourable friend still misunderstands what the situation really was. When Mr. Smuts communicated with the Imperial Government or Mr. Lloyd George, Mr. Lloyd George at once appreciated the fact that the Imperial Government in London could not say to the United States: "We will not attend your conference unless you invite our overseas Dominions;" consequently there was no other alternative than for the Imperial Government to make the appointments precisely as my honourable friend has just mentioned. It would have been a most unseemly thing, and discourteous to the United States, if the Imperial Government had said to Washington: "You must change your invitation; instead of inviting the Imperial Government to this conference, you must issue invitations to the representative of Canada, the representative of Australia, and the representative of South Africa."

Hon. Mr. CASGRAIN: And Newfoundland.

Hon. Sir JAMES LOUGHEED: That is what it would resolve itself into. If this is an Empire, there must be one head to the Empire; and in our internationtal relations those communications can be only with one sovereign or with one head of the entire state. That is what happened in this particular case, and it seems to me that nobody who is not hypercritical can take exception to the method followed.

Hon. Mr. DANDURAND: I simply indicated that another channel could be constituted, and I cited a London paper which said that the time had come for the Dominions overseas to have another representative than the Secretary of State for the Colonies approach in their name His Majesty the King.

Hon. N. A. BELCOURT: Honourable gentlemen, while it is not quite the practice for members of the Senate to speak after the leader of the Government has spoken, I would crave permission to do so for a very few moments. I had intended to think what I might say on this very important subject, which has been so eloquently and so lucidly introduced by the right honourable gentleman from Ottawa (Right Hon. Sir George E. Foster). May I join with those who have preceded me in expressing my congratulations to the honourable gentleman upon the able way in which he has dealt with the subject; and may I venture to express the hope that he will not content himself with discussing this question, as he told us he would, once a year only, but that he, who follows so closely the doings of the League of Nations, should provide the House with knowledge as he gathers it from his intimacy and connection with the work in question.

I repeat that I had intended to think what I had to say on this subject, but did not find time to do so. What I am going to say now is absolutely impromptu and is merely the reaction upon me of what has been said this afternoon. I want to be permitted to put to the House in my own way what seems to me to be the proper view to take of the constitutional question which has been discussed, particularly within the last ten minutes.

I understand the facts to have been these, and I do not see how they could be otherwise. When the conference at Washington was decided upon, it was of course decided that the Secretary of State at Washington would communicate with the Imperial Government. He could not communicate with Canada or Australia, and still less the Colonies. The Government at Washington invited the Government at Westminster to come to this conference, and the Government at Westminster accepted the invitation. When the time came the Government at Westminster, out of pure grace or pure kindness, and no doubt out of recognition of the part the Dominions had played in the war, decided to ask certain Canadian representatives to join the British representatives so that the whole might constitute one complete British delegation at Washington. But we had no right to expect, and certainly no right to insist at Westminster, that any Canadian should form part of that delegation. I repeat that it was an act of grace; it was merely the doing of something which the Imperial Government was not bound to do. Having decided that the Dominions should take part, they invited Canada to name certain gentlemen who might come along with the Imperial representatives to Washington and form part of this one single delegation. Canada was asked merely to name someone. The Government of the day chose to do it by Order in Council—and I am not criticizing them for that—but it might just as well have been done by letter. The Minister might just as well have communicated with London and given the name of the Right Hon. Sir Robert Borden. There was no necessity for an Order in Council.

Hon. Sir JAMES LOUGHEED: The Government speaks by Order in Council.

Hon. Mr. BELCOURT: The Government sometimes communicates with states or persons without an Order in Council. However, it does not make any difference. It could have done the one thing or the other, and either would have been perfectly right constitutionally. The matter, not the form adopted, is the matter to which I attach some importance, because it affects our status. The Right Hon. Sir Robert Borden was added to the English gentlemen sent to Washington—may I repeat the words of my honourable friend Sir James Lougheed—to constitute one single British delegation. I wonder what my honourable friend the Hon. Mr. Dandurand would say to me if I were to ask him what would have happened at Washington had Sir Robert Borden disagreed with the Earl of Balfour, for instance.

Hon. Mr. LYNCH-STAUNTON: What would have happened?

Hon. Mr. BELCOURT: Sir Robert Borden would simply have had to submit.

Hon. Sir JAMES LOUGHEED: No, no.

Hon. Mr. DANDURAND: No.

Hon. Mr. BELCOURT: He would have made his protest—

Hon. Mr. LYNCH-STAUNTON: Is that the understanding on which he went there?

Hon. Mr. BELCOURT: The understanding was that he was to go there as one of a delegation. If he could not agree with the rest of the delegation he would have a right to enter his protest; but that is all it would have amounted to.

Hon. Sir JAMES LOUGHEED: Had he not the same status as any other representative from Great Britain?

Hon. Mr. BELCOURT: I do not think he had.

Hon. Sir JAMES LOUGHEED: Oh, yes.

Hon. Mr. BELCOURT: He was not a member of the Imperial Privy Council.

Hon. Sir JAMES LOUGHEED: That made no difference.

Hon. Mr. LYNCH-STAUNTON: Suppose the Earl of Balfour had disagreed with all the other delegates, would anything different have happened?

Hon. Mr. BELCOURT: Yes, because he had authority to speak for the one paramount authority of the British Empire. He was speaking for the King.

Hon. Mr. FOWLER: So was Borden. He was appointed by the King as well as Balfour.

Hon. Mr. BELCOURT: Not in that sense at all. Surely we have to distinguish between the right of the Crown as exercised by the Imperial Parliament and the right of the Crown as exercised by any one of the Dominions.

Hon. Mr. DANDURAND: They are sister nations.

Hon. Mr. BELCOURT: Not at all, except to speak in very loose language. To begin with, we are not an independent state. I am sorry to have aroused so much antagonism. The point I want to make is that whatever we do in this country we have to do within the lines of our written constitution.

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. BELCOURT: I say we have to have the permission or acquiescence of the Parliament at Westminster when we go outside of our constitution; and I say, to use a common expression, it is all nonsense to talk about constitutional development in Canada. You will have that when you have it in black and white; but you cannot amend the constitution, and so long as we are bound by the constitution we are not an independent state.

Hon. Mr. DANDURAND: We have long ago gone beyond that.

Hon. Mr. BELCOURT: All that has been done by Canada has been by tolerance. We are allowed to do certain things to-day, but we could very well be told to-morrow that we have not the right to do these things.

But what I want especially to do is to re-echo the words of the Earl of Balfour which were used by my right honourable friend in this House, and which to me were very convincing: "If not a League of Nations, what?" To me there is absolutely no other hope of any kind that we can turn to if we are going to get out of the frightful mess in which the world has found itself since the war. I repeat: "If not the League of Nations, what?" I think I am right in saying that of all the peoples of the earth there is none which has more direct and more immediate interests in the League of Nations than Canada. Canada has many other things to do than to go to war or to participate in war. We are a country of immense distances, a country of great resources. We have the bounden duty imposed upon us by Providence of putting forth all our energies and efforts and brains to develop our territories, not exclusively for ourselves, but for the world. We must, if possible, avoid practising the arts of war; on the contrary, we must practise the arts of peace. I think I may say without fear of contradiction that there is no other country in the world that wants peace and needs peace more than Canada. For that reason, like my honourable friend to my left (Hon. Mr. Béique—I am looking forward to world peace. I have been laughed at many a time; I have been called a dreamer because I have dreamed of Canada as a country entirely devoted to the arts of peace and preserved from practising the arts of war. The Great War was a very rude shock to me, but it was not sufficient to destroy my faith in the doctrine to which I have linked my hopes, that if you wish for peace you must prepare for peace.

The only way in which these hopes can be realized is through the League of Nations. The whole motive and basis and paramount object of the League of Nations is to do between states what men have accomplished between themselves. It is true that the process of leading men individually out of the jungle has been a long and tedious task. It is hoped that the nations of the world will learn the lesson more quickly than the individuals. But until we can convince the world that arbitrament and not force, as it was in the jungle, is the only means by which we can bring about entente and world peace between the nations, we are not going to have it. That, of course, is the paramount object of the League of Nations.

To say that Canada or any other people in the world not larger in size or importance than we are can disinterest itself in this question is to propound a heresy. That the United States so far have not taken the part which I think they ought to take in the working out of the objects of the League of Nations is something to be very much regretted. I do not agree with my honourable friend, however, that the participation of the United States in the League of Nations is an absolute necessity. I do not agree with the doctrine that unless they join it is going to be chaos. I believe that the rest of the nations can and probably will maintain and perpetuate the object the League has in view, even if the United States are not a party to it. I can quite realize that direct opposition to the League of Nations would probably hinder and delay for a very long time the success of the League; but I do not believe that it is correct to say that the United States are a necessary and essential party to the League. If the

rest of the nations of the world can establish the doctrine that arbitrament and not not force is going to govern the world, I believe the United States will not stand out. Surely the United States could not stand out in the face of the rest of the nations of the world putting into practice the principles in which we all believe. I should think it would be impossible for the United States to maintain their present attitude for any length of time. With the developments in electricity, in transportation, in the great lanes of communication which have been established all over the world, with the facilities with which news penetrates every corner of the world, it seems to me that the endeavour of the United States to elude world solidarity cannot be kept up for any length of time. The world has become so small and we have got so close together that of necessity we must continue to become more responsible to the rest of the world. To me world solidarity has come. There is no part of the world to-day that can say: "We are not going to take any interest in the League of Nations; we are not going to take any interest in the establishment of world peace." I have every confidence, notwithstanding the disappointments, notwithstanding what has been called the shortcomings or perhaps the defects of the League, or the errors which have been committed, that the League of Nations, during the small time it has been at work, has accomplished as much as it could be expected to accomplish. To have expected more would have been too much. It could not have been done. Let the League have its opportunity; let the guiding spirits of the League have their way; give them the time and the opportunity to accomplish the purposes which they have set for themselves; and I think that in a short time we shall all have reason to believe that the establishment of the League of Nations was the only thing to meet the needs called for by the dire situation of the day, and that before long we all shall be convinced that the League of Nations has accomplished its purpose.

Hon. J. P. B. CASGRAIN: We have in this House three or four ex-Cabinet Ministers. Of course, they must not divulge Cabinet secrets, but they were present, and I suppose it came as a sort of disappointment to them when they heard of this Conference in Washington and that we were to be left out. They might take the Senate into their confidence and admit that it was a great disappointment not to be invited to this Conference right at our door, within 14 or 15 hours of home, at which the affairs of the world were to be settled. I suppose they got their heads together and said: "It is too bad we are not invited; what will we look like in the League of Nations if we cannot get to Washington?"

Hon. Sir JAMES LOUGHEED: Is my honourable friend making a statement of fact?

Hon. Mr. CASGRAIN: I am speaking. You can judge for yourself.

Hon. Sir JAMES LOUGHEED: Is my honourable friend dealing with a fact?

Hon. Mr. CASGRAIN: Which?

Hon. Sir JAMES LOUGHEED: The statement you have just made?

Hon. Mr. CASGRAIN: That Canada was not invited?

Hon. Sir JAMES LOUGHEED: If so, he is entirely unaware of what went on.

Hon. Mr. BELCOURT: He means, by Washington.

Hon. Mr. CASGRAIN: This is what I mean; I said it must have been a wrench to those who think we are a nation, when by the nation right next door, the nearest nation to us, there was no invitation sent; it was sent across the water to the mother country—and it was rightly sent there. Then we said: "The parents were invited; they will have to invite the children, so we will beg for an invitation." The Imperial Parliament got out of it by doing what they did. They said to Canada: "Give us a name, and we will appoint him as one of our own;" and Sir Robert Borden went there as a delegate or a commisioner of His Majesty King George, appointed upon the advice of the Imperial Parliament.

Hon. Mr. DANDURAND: No, I challenge that statement. It was upon the advice of the Executive Council of the Dominion of Canada.

Hon. Sir JAMES LOUGHEED: He went as representing both, and had the status of a British representative just the same as Mr. Balfour, or any other, and likewise represented Canada.

Hon. Mr. CASGRAIN: And King George never put his name on that paper except on the advice of the Imperial Government. What could poor King George do? Is he going to take advice from Ottawa and from London at the same time? If the

advices differ, how is he to act as our King? There is only one King, and one Empire, and one Flag; you must not forget that; and the Right Honourable Sir Robert Borden went there as the King's representative.

I did not hear all this discussion, but I think the position taken, as I understood a moment ago, by General Smuts was much more dignified: "If you do not want to invite me, I do not want to beg for an invitation to go to your Conference." While we are talking of General Smuts and his 200,000 Boers, I want to know what rights Canada enjoys in the League of Nations that General Smuts and his 200,000 Boers do not enjoy, except the fact that they pay less than we do to belong to the League? That is all there is to it, nothing else, and as for our belonging to the League of Nations, it is a beautiful dream. One that has gone, but for whose opinion I had a great deal of respect—the Right Honourable Sir Wilfrid Laurier—always said, "It is a beautiful dream, as old as the hills, this league of nations." If any honourable gentleman will take the trouble to go to the library here he will find the work of St. Pierre published and dated in 1736. In 1716 he published 20 volumes on that, and nobody read his volumes, so 20 years afterwards he made a summary of all his writings. I had that book in my hands for one whole winter. The fourteen points of Mr. Wilson, ex-President of the United States, were there, and some more points, too. It was the same thing.

I think we are in this League of Nations only by tolerance. In the argument the American Senate's attitude was mentioned, and it was asked why they would not join the League of Nations. They said, "King George will have six votes and the United States will only have one. Well, if they are going to stack the pack we won't play." The American representatives would have no standing there unless they could bring with them the majority of the Senate. It was to suit the humour of their own President that the League was started, because European diplomats know that it is nothing but a visionary scheme. As everybody knows, it was to please President Wilson that it was organized, and what happened? As soon as he went home the United States took all the applause that their Chief Magistrate was getting; they accepted everything nice that was said about him, but when it came to the American Senate, they would not have it.

I do not know why anybody, even my leader, is anxious to get the United States to join the League. What would be the good of their representatives unless, forsooth, they could bring along with them, every time they voted, a majority of the American Senate?

Right Hon. Sir GEORGE E. FOSTER: Just for a minute I want to call the attention of the honourable leader of the Government to a suggestion I made in the latter part of my speech when I introduced this subject, and to which he has not referred. I hope it has not escaped his mind, and in order to refresh him I shall make the suggestion again.

I am a little bit sorry that in a discussion upon the League of Nations we should have got into a wrangle on what has no relation to it in the world, and which has had the effect somewhat of souring the soup. But let that pass. I do not propose to take any part in that discussion at the present time.

My honourable friend who represents the Government here was rightly strong on one point, that is, that if the League of Nations was to be successful, the people must be educated. My suggestion, made in my address, ran along that line. I do not want my honourable friend to think that the nations engaged in the League of Nations are unalive to the necessity of spreading information. In a people of nine millions such as we have in Canada information goes slowly, and takes a long time to permeate them with the principles and practice of anything new, or comparatively new, in public enterprise. The world is bigger than Canada, and to attempt to indoctrinate the world is a very large operation. It was not thought proper that the League of Nations itself should contribute the propaganda to support it, by the immense amount of money that would be necessary to support it well, but this was to be done by independent propaganda in every nation of the League. That task was left to each nation itself, and it has been taken up by almost every nation that is at present a member of the League, and a great deal of most excellent work has already been begun and is being carried on. In Great Britain itself they are raising this year a fund of a million pounds for the express purpose of spreading information and of bringing home to the units of that nation the necessity for these principles and practices, and consequently getting their support.

The suggestion I made to my honourable friend, which I think is a duty of the Government, was to see that infor-

mation which is now being published monthly and semi-monthly by the League of Nations at Geneva is made available to the members of both Houses of Parliament here. It is our League; we helped to start it; they are doing the work that we commissioned them to do; they are doing the work that we are supporting them in doing. We in Parliament should know exactly what they are doing, through the official publications that they issue. Now, it requires but a small sum to be put in the Estimates to provide every member of Parliament with the monthly and semi-monthly publications of the League of Nations. They are informing: they are comprehensive; if you read them through you carry along with you all that the League is doing, and how it is doing it, and the exact progress that it is making. I hold that it is the duty of the Government to form some liaison between Geneva, the seat of the League of Nations, and its doings, and the men in Parliament who support that League of Nations in the appropriations that we make in Parliament. I can conceive of nothing stronger as an agency than 235 members of the Commons and about 90 members of the Senate—all alive on this question, as I know they are—having the information at hand from month to month and from week to week, and in their various spheres of influence, which are distinguished and which are notable in all the districts of Canada, using that information with their neighbours, with their electorate, with their friends. What agency can be better? What step by the Government would be better, considering the advocacy of my honourable friend who represents the Government here, than the appropriation of the sum of money necessary to provide this regular information? And if the Government would go one step further, and provide for putting it into the hands of every Provincial legislator as well as the Dominion legislators it would be a good thing to do, and would not cost very much. I want to bring that to the attention of my honourable friend, and I hope that he will not allow his Government to pass that around the corner.

I want to thank honourable members of the Senate for the kindness with which they received my initial address, and for their support, the silent and the spoken support that they have given the cause. It only requires good will, high courage and persistent effort of the fifty-one nations, plus those that shall join afterwards, in order to make the League of Nations in reality what was a beautiful dream at first—and everything worth while that has been accomplished in the world has been at first a dream—a beautiful dream at first; but incarnated in the spirit, soul, and mind of the units of the world it becomes more than a dream: it becomes a reality that strikes to the very fountain of our being, and in the lapse of years makes a superstructure which all men admire and praise.

Hon. Mr. DANDURAND: I may inform the right honourable gentleman that I intend taking this matter up with Sir Herbert Ames, the Financial Secretary of the League, who will be here next week, so as to obtain the necessary data for the Minister of Finance, who, I hope, will not prove adamant to that modest demand.

PRIVATE BILL

FIRST READING

Bill D4, an Act respecting certain Patents of the Holophane Glass Company.—Hon. Mr. Belcourt.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, June 9, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

PRIVATE BILLS

THIRD READINGS

Bill 68, an Act to incorporate the Frontier College.—Hon. Mr. Tanner.

Bill 44, an Act to incorporate the General Missionary Society of the Baptist Churches of North America.—Hon. Mr. Watson.

ADJOURNMENT OF THE SENATE

MOTION

Hon. Mr. DANDURAND moved:

That when Senate adjourns to-day it do stand adjourned until Tuesday, the 13th instant, at eight o'clock in the evening.

The motion was agreed to.

PRIVATE BILLS

THIRD READINGS

Bill 6, an Act respecting The Esquimalt and Nanaimo Railway Company.—Hon. Mr. Watson.

Bill 52, an Act respecting The Canadian Transit Company.—Hon. Mr. McCoig.

Bill 53, an Act respecting Itabira Corporation, Limited, and to change its name to "Itabira Corporation".—Hon. Sir George Foster.

Bill 61, an Act respecting Niagara River Bridge Company.—Hon. Mr. Robertson.

SECOND READING

Bill N3, an Act respecting a Patent of Simon W. Farber.—Hon. Mr. Belcourt.

DIVORCE BILLS

THIRD READINGS

Bill V3, an Act for the relief of Roy Wilbert Shaver.—Hon. Mr. Proudfoot.

Bill W3, an Act for the relief of James Henry Boyd.—Hon. Mr. Barnard.

SECOND READINGS

Bill X3, an Act for the relief of Frank Clifford Gennery.—Hon. Mr. Ratz.

Bill Y3, an Act for the relief of Sarah Brackinreid.—Hon. Mr. De Veber.

Bill Z3, an Act for the relief of Mildred Catherine Touchbourne.—Hon. Mr. Bennett.

The Senate adjourned until Tuesday, June 13, at 8 p.m.

THE SENATE

Tuesday, June 13, 1922.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILL

FIRST READING

Bill E4, an Act for the relief of Eva Florence Heavens.—Hon. Mr. Ratz.

IMPORTS OF GERMAN GOODS

INQUIRY

Hon. Mr. TANNER inquired of the Government:

1. What are the general descriptions and value of goods, (a) manufactured and finished in Germany; (b) partially manufactured in Germany, which were imported into Canada from countries other than Germany in the fiscal year 1921-1922?

Hon. Mr. DANDURAND.

2. From what countries were such goods imported, and what was the value of such imports from each of the said countries?

Hon. Mr. DANDURAND: Information is not available from records in the Customs and Excise Department.

EDMONTON, DUNVEGAN AND BRITISH COLUMBIA RAILWAY BILL

MOTION FOR SUSPENSION OF RULES

Hon. Mr. BLAIN moved:

That rules 24A, 30 and 119 be suspended in so far as they relate to Bill 84, an Act respecting the Edmonton, Dunvegan and British Railway Company.

He said: This is simply for the purpose of advancing the Bill.

Hon. Mr. DANIEL: Has it been read once?

Hon. Mr. BLAIN: Yes.

The motion was agreed to.

ANIMAL CONTAGIOUS DISEASES BILL

FIRST READING

Bill 62, an Act to amend the Animal Contagious Diseases Act.—Hon. Mr. Dandurand.

DOMINION ELECTIONS BILL

FIRST READING

Bill 92, an Act to amend the Dominion Elections Act.—Hon. Mr. Dandurand.

ADMIRALTY BILL

FIRST READING

Bill 123, an Act to amend the Admiralty Act.—Hon. Mr. Dandurand.

AIR BOARD BILL

FIRST READING

Bill 136, an Act to amend the Air Board Bill.—Hon. Mr. Dandurand.

SACKVILLE SHIPPING FACILITIES

On the Orders of the Day:

Hon. Mr. BLACK: Before the Orders of the Day are called, I desire to refer for a moment to an answer which on Tuesday last was given to a question put on the Order Paper by myself in regard to the Sackville wharf. I regret that I was not present when the answer was given, and was therefore unable to refer to it at the time. The reply as placed in the hands of the leader of the Government, is, I am sorry to say, not pertinent, and is no answer to the inquiry which I made. If

I may be permitted to do so, I will read the reply. It is:

When available traffic would seem to warrant expenditure estimated at $17,000. Revenue from old wharf during four years preceding 1917 amounted to $412.92.

It is difficult to see where any revenue of $400 could have come from during those four years. As a matter of fact the wharf to which I refer was built by the Government during the years 1910-1911, and there were no means of communication with it, no rails laid to it, and no highways, and consequently, so far as that wharf was concerned, never a dollar was earned by it. Why was it built? It was built because the old wharf was not safe for traffic. As a result of its condition during those four years referred to in this reply, there was practically no wharfage available for Sackville and the adjoining towns. These being the facts, it is only fair that we should have a reasonable reply as to when the Government proposes to restore shipping facilities at that important point.

While I am referring to this matter, I also want to call attention to the fact that the evasion is put on the ground of revenue. There is nothing to that, as I have explained; but as a matter of fact, if that were to be the basis of consideration, on the same ground you would stop operating the Government railways and the canal systems and almost all the public works of Canada. There is at present a considerable volume of business, both coastwise and with the West Indies, which is greatly handicapped by lack of wharfage at Sackville and which will furnish revenue when facilities are available. Therefore the answer which I have before me is not an answer, and I ask for a reply to the inquiry.

Hon. Mr. DANDURAND: I know nothing personally of the matter which my honourable friend has just mentioned, but I will convey his remarks to the Department and will try to obtain a satisfactory answer for my honourable friend.

DIVORCE BILLS

THIRD READINGS

Bill X3, an Act for the relief of Frank Clifford Gennery.—Hon. Mr. Ratz.

Bill Y3, an Act for the relief of Sarah Brackinreid.—Hon. Mr. DeVeber.

Bill Z3, an Act for the relief of Mildred Catherine Touchbourne.—Hon. Mr. Bennett.

PRIVATE BILL

SECOND READING

An Act respecting the Edmonton, Dunvegan, and British Columbia Railway Company.—Hon. Mr. Griesbach.

DIVORCE BILL

SECOND READING

Bill C4, an Act for the relief of Frederick McClelland Aiken.—Hon. Mr. Blain.

HOLOPHANE GLASS COMPANY PATENT BILL

SECOND READING

Hon. Mr. BELCOURT moved the second reading of Bill D4, an Act respecting a certain Patent of the Holophane Glass Company.

Hon. Sir JAMES LOUGHEED: Is my honourable friend not going to favour the House with an explanation?

Hon. Mr. BELCOURT: The explanation is this. Under Section 44 of the Patent Act the patentee applied for and secured a license to be dispensed from the obligation of manufacturing. My honourable friend is, I am sure, familiar with that section 44. The patent on this covers the well known Adjusto-Lite and lamp bracket, which is adjustable and may be clamped in position on a bed or bureau. The patentee was advised by his attorney that placing the patent under the license clause not only relieved him of the liability to manufacture, but permitted him to import. The applicant has endeavoured through the Crown Electrical Manufacturing Company, of Brantford, Ontario, to commence manufacture in Canada, but owing to the difficulty in making dies, all of the parts have not been made in Canada, and a number of parts have been imported, and it is desired while the manufacturing operations are being completed in Canada, to import certain of the parts which can not be conveniently made here These grounds are supported by an affidavit, which will be laid before the Private Bills Committee and will be, of course, the subject of discussion by the Committee.

Hon. Sir JAMES LOUGHEED: It seems to me, honourable gentlemen, that this Bill involves a question of policy, whether a general statute such as the Patents Act may be suspended in connection with the manufacture of a very simple article. It seems to me that the applicant would find it very difficult to support the contention that an

article so simple as a holder for an electric lamp cannot be satisfactorily manufactured in Canada.

Hon. Mr. BELCOURT: This Bill does not refer to the holder only.

Hon. Sir JAMES LOUGHEED: But my honourable friend referred to certain parts of a lamp which in itself must be a very simple device; and to say that those parts cannot be manufactured in Canada, where the most complicated machinery is constructed most successfully, seems to me to be simply trifling with a very important general Act, the policy of which is to encourage manufacturing in Canada. We should see to it at this particular time that every impetus is given to manufacturing within our own borders. In extending to an applicant the right to monopolize a patent within the boundaries of Canada we should not permit him to go into the United States to have the article manufactured. We extend to him very important rights and privileges by which he is permitted to charge almost anything he may ask for the device in question. Moreover, he asks from the Parliament of Canada and is granted the right to preclude anybody else from invading the privilege which has thus been accorded to him in regard to the manufacture of the particular article. I think that in the interest of our own workingmen, in the interest of the development of our own industries, we should discourage the extension of a patent if the application is based upon non-compliance with the manufacturing clause.

Hon. Mr. McHUGH: Honourable gentlemen, I have been a member of the Committee for a number of years, and I have observed that the House has always sent such Bills as this to the Committee. Then the Commissioner appears before the Committee, and states whether or not the department has any objection to the granting of the relief that is requested. The Bill is then reported to the House, and if after the Commissioner's explanation the House feel justified in opposing it, they may do so. I do not see why the reference of the Bill to the Committee should be opposed.

Hon. Sir JAMES LOUGHEED: I would point to my honourable friend that there is a question of policy involved in this. The Bill is before us for second reading. Parliament is not consulting an official of the Patent Office as to whether or not he has any objection to the extension of so important a right. It is a question whether or not we are going to insist on the manufacture of patented articles within the boundaries of Canada and prevent their importation from a foreign country.

Hon. Mr. McHUGH: Some years ago this House laid it down as a principle that evidence should be taken before the Committee and unless the person applying for the patent could show the Committee good cause for having allowed the patent to expire or having failed to start the manufacture, or anything of that kind, the House would deny him the right to go on; but if the applicant, under oath, did show reasons why he should be allowed his patent, no objection was taken to it, and as a rule it was passed by this House. That is the way such Bills as this were dealt with.

Hon. Mr. MURPHY: One of the first things I did after my appointment to the Private Bills Committee was to take exception to applications for extension of patent. We churned this question for two or three years. The honourable gentleman who introduced this Bill is a member of the Private Bills Committee, as I am. So is my honourable friend from Victoria (Hon. Mr. McHugh); and I must say that he has always been very partial to the granting of extensions in regard to patents, no matter how they lapsed. Of course applicants always have good reasons, supported by affidavits. Whether those affidavits are correct or not I am not prepared to say. However, after considering the question for several years we laid down a certain policy or rule, that those patents might be extended by the Commissioner of Patents. We left the question in the hands of the Commissioner of Patents and his technical experts, so as not to have it referred to us at all, as we were not experts and could not examine into the merits of the question one way or another. Now what do we find? That instead of going direct to the Commissioner of Patents the applicants come back to us just the same as formerly, with various reasons for requesting extensions. They claim that this part or that cannot be manufactured in Canada. I do not think it is competent for this House to adjudicate on the merits of such questions as this. That is why I took exception to the Bill introduced by my honourable friend from Lambton (Hon. Mr. Pardee); and that is why I object now that this Chamber is not the proper place in which to determine what is right and what is wrong in the present case. We are not

experts: we are not technically competent to judge whether this application should be granted or whether it should not. As final arbiters or adjudicators, we have the right to say yes or no, but I do not think this House should deal with such applications at all except under special circumstances.

Hon. Mr. CURRY: Honourable gentlemen, I notice that this patent was taken out as long as ten years ago. If a patentee cannot perfect his arrangements for manufacturing—

Hon. Mr. MURPHY: Twelve years.

Hon. Mr. CURRY: —in eleven or twelve years, I do not think this House, or the Commissioner of Patents, or anybody else, should further extend the time. If somebody else wants to manufacture that article and can make it, he ought to be allowed to do so. These people, I say, have had all the time to which they are entitled.

Hon. Mr. REID: Honourable gentlemen, I have in the past taken a good deal of interest in questions of the extension of patents by special Act. I have always opposed the extension of a patent unless there was some very special reason for it. In fact I think that for a number of years it has been the rule to refuse the application. The difficulty with a patent of this kind, which has lapsed so many years, is that some other corporation may have started the manufacture of the article or something like it. A Bill is introduced and is rushed through the House; at all events it goes through in a few days. It may interfere with some person who has already started the manufacture of the article that is covered by the patent. The patent having lapsed for a number of years, he would of course have a right to manufacture. The applicants in this case are an American concern. When they took out patents in their own country, they took out similar patents here, which they have allowed to lapse. The renewal of the patent would probably prevent for some time the manufacture of the article in Canada by others who would like to go in for the manufacture of it. The applicants have had all the advantages to which they were entitled under the patent when it was first granted them, and it does strike me that it is hardly fair to extend it now. However, if this Bill does go to a Committee, I hope the Committee will take every means possible to ascertain whether or not the article in question has been or is being manufactured by any other concern in Canada, and whether or not the granting of this application would interfere with any other corporation who may have means or machinery to manufacture the article. I think it is very dangerous at present to allow a Bill of this kind to pass.

Hon. Mr. MURPHY: I would like to ask the honourable gentleman if there is in this Bill a blanket protective clause, such as is usual in patent bills. In granting the extension requested, would anybody else who had started to manufacture be protected? I do not see such a provision in this Bill.

Hon. Mr. McHUGH: That is one of the matters that the Committee would examine into if the Bill went before the Committee. I do not think the honourable gentleman who has just sat down has ever known of a patent Bill passing this House without a clause protecting any person who during the lapse of the patent was manufacturing the article mentioned.

Hon. Mr. MURPHY: As my honourable friend should know, such a protective clause would have to be in the Bill before it could pass the Committee.

Hon Mr. BELCOURT: Honourable gentlemen, I am afraid this Bill is getting more severe treatment than it really deserves. It is not quite correct to say that this patentee has wholly neglected his duty. The statement which I have before me, and which, I understand, is verified by affidavit, is to the effect that the applicant endeavoured to get the Crown Electrical Manufacturing Company, of Brantford, Ontario, to manufacture this article for him, but that this Company had not all the parts and could not make all the parts, required to complete the article, and certain parts have been imported from the United States for that purpose. There is, I think, an evident intention on the part of the patentee to comply in the future with the requirements of the Canadian Patent Act by manufacturing in Canada. It is simply because he has jeopardized his patent by importing these small parts to complete the article that he is now before Parliament asking that we renew his rights, which have lapsed, and that his patent may be continued. That is all there is in this.

Hon. Sir JAMES LOUGHEED: What extension will this give him?

Hon. Mr. BELCOURT: It will give him two years. It is not a case where, as has been intimated by the honourable gen-

tleman who has just spoken, the applicant has wilfully or wittingly allowed a patent to lapse. On the contrary, he has done all he could. He has not succeeded in getting the article completely manufactured in Canada because the people whom he naturally expected to do this for him have told him that they cannot.

Hon. Mr. FOWLER: May I ask the honourable gentleman, what is the article when it is completed?

Hon. Mr. BELCOURT: It is the Adjusto-Lite and lamp bracket, which is adjustable and may be clamped in position on a bed or a bureau.

Hon. Mr. MURPHY: Can my honourable friend tell us what parts cannot be manufactured in Canada?

Hon. Mr. FOWLER: It is an adjustable light to put on a bracket?

Hon. Sir JAMES LOUGHEED: To stand on a bureau.

Hon. Mr. FOWLER: On a bed or a bureau? And in ten years he could not get all the parts made in Canada?

Hon. Mr. BELCOURT: This statement is to the effect that he has applied to this company, but the company has not been able to do it for him.

Hon. Sir JAMES LOUGHEED: Are there not other companies?

Hon. Mr. BELCOURT: That may be. Let me deal with the objection. Surely, honourable gentlemen, the House is prepared to listen to what explanation can be given of this Bill. If the House is not prepared and willing to listen to the explanation, I will simply drop it here and now.

Hon. Mr. FOWLER: Go on.

Hon. Mr. BELCOURT: I want to answer what was said by my honourable friend from Tignish (Hon. Mr. Murphy). He says that the Commissioner of Patents can deal with this application, and that there is no occasion to come to Parliament with it. My honourable friend is a doctor; but he is not a lawyer. If he were, he would not make that statement, for the commissioner has no right to do anything of the kind. The only power that can revive or extend this patent is Parliament. I submit in all earnestness that it cannot be proper for this House to decide a question of fact without having the facts before it. If you do, and if this Bill is not given a second reading, what does that mean? It simply means that any patent Bill—not merely this one, but the Bill of which the second reading was moved a moment ago by the honourable gentleman from Lambton (Hon. Mr. Pardee), and any other patent bill—cannot get a second reading in this House, but will simply be thrown out the moment it appears. If this Bill is not referred to Committee, that is what is meant. I do not think it is quite within the role or function of the Senate to decide a question of this sort without knowing the facts. If the Committee before whom these facts are placed feel that there is no merit in the application, surely it will be time enough then for the House to reject this Bill. I submit that this House ought not to decide this question merely on a discussion such as we have had here to-day, and without having any of the facts before it. If we do, I am pointing out what the inevitable result will be. If this Bill is not allowed to go to the Committee, I for one am going to watch for the next Patent Bill that comes into this House and I am going to ask the House to be consistent and not look at it at all, but simply prevent the second reading.

Hon. Sir JAMES LOUGHEED: My honourable friend entirely misapprehends the purport of the discussion which has taken place.

Hon. Mr. BELCOURT: I do not think I do.

Hon. Sir JAMES LOUGHEED: Yes, with all due deference to the view entertained by my honourable friend, I think that he does. If the principle of a Bill is to be discussed on the second reading, in what way can we discuss this Bill except to point out its weaknesses and infirmities, or its lack of merit? It does not necessarily follow that because we criticise with some hostility—if you choose to use that term—a Bill of this character, the House is unwilling to have it submitted to the Committee. I had no intention, in making the criticism which I have offered, of attempting to defeat the second reading.

Hon. Mr. BELCOURT: Oh, well then—

Hon. Sir JAMES LOUGHEED: But it is very desirable that the sentiment of the House should be known to the members of the Committee, so that they may approach the consideration of the Bill from the proper standpoint. If a Bill of this kind is to pass the House in silence, the Com-

mittee may very well construe that as approval of the Bill. When the Bill goes to the Committee, the Committee will have heard the criticisms that have been made and will be able to consider it accordingly.

Hon. Mr. CURRY: If honourable gentlemen supporting the Bill had had as much experience with patents, particularly American patents in Canada, as I have had, they would feel very differently towards it. Take our railway cars, for instance: there is hardly a thing about them that is not patented, and 90 or 95 per cent of the patents are held by Americans, to whom Canada has to pay out millions of dollars. On some articles more is paid on the patent than for the article itself. Take for instance a refrigerator car. If you put in a Bohn refrigerator system you pay $17.50 for the apparatus, and $50 of a royalty for the right to use it. Many of these articles never should have been patented. They were made before patents were taken out; nevertheless the patentee got patents and they are protected, and they are milking this country for millions of dollars. I am sure my company alone has paid several millions of dollars to these people on the other side of the line. Conditions have got so bad that 20 per cent has been added to the cost of equipment in some lines because of these patents, many of which, as I have stated, ought never to have been granted, and others of which should have been voided long before this. The Westinghouse people got out patents for their air brakes when I was a small boy, and by one means or another they have carried them on until to-day, so that no one else can make that equipment although those patents are fifty or sixty years old. I say it is an outrage, and entirely unfair to the people of this country to saddle them with such a condition of affairs. If anyone in Canada can make these articles, I say let them do it without paying any royalty.

Hon. Mr. FOWLER: Honourable gentlemen, notwithstanding the heat which my otherwise usually amiable honourable friend has displayed on this occasion, simply because some of us wanted information which we thought we had a right to have, I may say that I am still requiring information with regard to this matter. I cannot understand why in ten years time it would not be possible to get some person in Canada with sufficient brains to devise equipment to build a bracket to hold a lamp, which, I understand from the remarks of my honourable friend, the senior member for Ottawa (Hon. Mr. Belcourt), is the particular thing which is being manufactured.

The honourable gentleman accuses some of us of being hostile because we want information. I might with as good reason accuse the honourable gentleman of being unduly friendly towards this enterprise. I never heard of this thing before. I am objecting on general principles. We ought to have these things manufactured in our own country, as the honourable gentleman from Amherst (Hon. Mr. Curry) has pointed out. That is the only reason that I raise any question about the matter. The Bill ought to go to Committee, I think. and the question ought to be threshed out there; and I hope I shall be present when the report of the Committee comes in, because I should like to see what evidence this ingenious American can advance as to why this article has not been manufactured in Canada.

Hon. Mr. BELCOURT: I am very sorry that I have not been able to give more information; I have given all the information I have.

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

SALARIES AND SENATE AND HOUSE OF COMMONS BILL

PROPOSED AMENDMENT AND POINT OF ORDER WITHDRAWN

On the Order:

House again in Committee of the Whole on Bill 14, an Act to amend the Salaries Act and the Senate and House of Commons Act.—Hon. Mr. Dandurand.

Hon. Mr. TURRIFF: When we go into Committee I intend to withdraw the amendment that I moved to this Bill, as I understand another amendment has been prepared which will be somewhat different.

Hon. Mr. TANNER: If the proposed amendment is withdrawn, I do not know whether it is necessary for me to withdraw the question of order. If it is necessary to withdraw it, in order to remove any obstacle in the way of the Bill, I would be very pleased to do so, with the concurrence of the House.

The Hon. the SPEAKER: As the honourable gentleman from Assiniboia (Hon. Mr. Turriff) does not intend to proceed with his amendment, it is not necessary to give any decision on the point of order.

CONSIDERED IN COMMITTEE AND REPORTED

On motion of Hon. Mr. Dandurand, the Senate again went into Committee on the Bill.

Hon. Mr. McLennan in the Chair.

The proposed amendment of Hon. Mr. Turriff was withdrawn.

Hon. Mr. BARNARD: In lieu of the amendment of the honourable gentleman from Assiniboia (Hon. Mr. Turriff) which has been withdrawn, I beg to move the following:

That section 33 of the said Act is hereby repealed and the following section enacted in lieu thereof:

33. A member of the House of Commons shall not be entitled to the sessional allowance if he does not attend a sitting of the House on at least three quarters of the days on which such House sits, and a senator shall not be entitled to such allowance if he does not attend a sitting of the Senate on at least three-quarters of the days upon which the Senate sits after the expiration of the first adjournment of the Senate of not less than one week's duration; and in calculating the fifteen days mentioned in section 35, the period between the commencement of the session and the expiration of such adjournment shall not, in the case of senators, be taken into consideration. The allowance for any less number of days of attendance of either senators or members respectively shall be $25 for each day's attendance.

The effect of that amendment will be that no deduction would be made from the allowance to senators in respect of days of absence for any of the times they happened to be away prior to the first adjournment. It is unnecessary to tell the members of this House, but possibly for the benefit of members of the other House it is advisable to place on Hansard the fact that owing to the difference in the duties and functions of the two Houses it is the practice of the Senate to meet, pass the Address in reply to the Speech from the Throne, and organize the Committees, and then to adjourn for a period of two or three weeks. The reason for this is obvious. It is not an exaggeration to say that at least one-half of the time of each session is taken up in the House of Commons in the Debate on the Address, the debate on the Budget, and the discussion of the Estimates. In this House both the debate on the Address and the debate on the Budget are disposed of in a very short time—and the Estimates do not concern us. That is the explanation of the longer adjournments that take place in the Senate.

I find that during the past ten or eleven Sessions the first Session of the Senate, prior to the first adjournment, lasted about six days. This means that Senators coming from a long distance have to travel ten to twelve days, depending on the state of the weather, and whether they get through on time or not, in order to attend to put through business that is a more or less unimportant part of our public duties.

The remainder of the amendment provides that in calculating the fifteen days absence which is allowed without any deduction being made the time that any senator is absent prior to the first adjournment shall not be included. I should like to point out that in discussing this matter both with members of this House and members of the other House, I have found that many of them are under the impression that no matter what the length of the Session may be they are entitled to absent themselves for 15 days without any deduction being made. That is an error. They must put in an appearance at at least three quarters of the actual sitting days of the House to which they belong, and if one-quarter of those do not amount to fifty days, they are not entitled to the fifteen days. Running over the duration of the sessions for a period beginning in 1909 and ending in 1920, I find that the average number of sittings in the Senate is fifty-seven. Taking that as a basis no senator would be entitled to more than thirteen days absence in any event. In the House of Commons the average number of sitting days is ninety-one, so that members of that House would not only be entitled to the fifteen days, but if they chose to incur the penalty, would be entitled to another seven days, or twenty-two in all, without incurring a forfeiture of the indemnity and the risk of being put on a per diem allowance.

Let us take what I admit to be an unusual and extreme case, but one which very well exemplifies the difficulties under which Senators from the far distant provinces labour, under the present Act. Take the Session of 1917. That Session commenced on the 18th of January and ended on the 20th of September, having lasted 246 days in all. The number of sittings of the Senate was 75, the number of sittings of the House of Commons 135. The Senate met on the 18th of January and adjourned on the 26th of January until the 5th of February, and on the 7th of that month, after three days' sitting adjourned until the 24th of April for two months. We came back on the 24th of April, and two days later adjourned until the 16th of

May. So from the 18th of January until the 16th of May, three months all but two days, there were only thirteen sitting days of the Senate. For a member from British Columbia to have come down to these sittings, to have gone home during the adjournment and come back again, he would have had to put in twenty-five days on the train to attend thirteen sittings of the Senate. As I have said, I admit this is a somewhat extreme example, but it shows what is the effect of this Act if strictly construed.

I feel satisfied that honourable members of this Chamber will realize that we who come from far-away parts of the country are not seeking to impose upon the House or trying to get something that we do not earn, but that we wish to be placed in such a position that we may perform our duties here consistently with our natural desire to spend a certain proportion of our time at home if possible and to look after our private interests. Therefore, in moving this amendment, I have full confidence that it will meet with the acceptance of the House.

Hon. Mr. MURPHY: I would like to ask the honourable gentleman if he has taken into consideration this effect of a member not being here on a day of adjournment, namely, that the days during which the Senate is not sitting count against him? If a man happens to fall sick at home, and his home is a thousand miles from Ottawa, or, as in my case, or my honourable friend's, is still farther, he would not be made any allowance. Even if he were ill with typhoid fever, the whole period would be counted against him. I think that if you are going to touch the Act at all it should be made right, and these anomalies which are palpable should be wiped out. If you have to go home to bury your child and are not here on a day of adjournment, and cannot get back for a fortnight, the whole fortnight counts against you. I think the matter should be referred to a Committee so that it may be taken into careful consideration.

Hon. Mr. FOWLER: I have been very greatly interested in the remarks of the honourable member for Victoria (Hon. Mr. Barnard). If I were conducting a campaign throughout this country for the abolition of the Senate, I should have his speech printed and circulated and put in the hands of every taxpayer in Canada. I think it would make interesting reading. It seems to me that if the statement—I would call it the indictment—which he has presented against this body is true, it is a very strong argument against our being here at all. If we have had so many adjournments, if so much time has been wasted, it seems to me it is an argument against the existence of the Senate. I was astounded. Then, not content with the honourable gentleman's statement, my honourable friend from Tignish (Hon. Mr. Murphy) rises and asks that all the days during which a member is sick should be stricken from the record of absence; also that the days when he is away attending the funerals of his relatives—

Hon. Mr. MURPHY: I did not say that.

Hon. Mr. FOWLER:—should not be counted against him,—even if it is an unfortunate season for relatives. It does seem to me that that is going very far. I have observed a very great improvement in the attendance of members of this House since the new Act was passed. I can quite understand how the present Act works a hardship, but, after all, no man is compelled to become a Senator of Canada.

Hon. Mr. WATSON: He can resign if he wishes.

Hon. Mr. FOWLER: And he can resign, as my honourable friend says. Let us be reasonable. We feel that we are a part of the legislative machinery of this country—a very important part; in fact, some people think we are the more important part. We ought not to shirk our duty. If not enough legislation comes from the other House to keep us busy, there is no reason why we should not initiate legislation in this House. Let us do that. I appreciate the position of honourable gentlemen from British Columbia, but is their position different from that of the honourable members of the House of Commons from British Columbia? There is this difference in their position, that they are not compelled to spend their time in visiting constituents during the recesses of Parliament, and they are not compelled to run elections, spending their time, and perhaps what is more valuable than their time, in order to come to Parliament at all. So while this Act may bear hardly upon them, yet, after all, we must be reasonable in the matter to try to view it from a standpoint other than a personal one.

I was very sorry that we did not take a decision on this matter when it was be-

fore the Committee previously. I was interested in it then because I felt that the rights and privileges of this House were attacked, and there is no honourable member, no matter how long he has been in this Chamber, who is more jealous of its rights than I am. Although I was somewhat vehement in my support of the rights of this House to legislate as was proposed by this amendment, I stated that I was not in favour of the amendment and that I reserved by right to vote as I saw fit when the question came to be decided. I stated then, also, my sympathy with members from distant parts of the country who have to remain here during long adjournments. If this amendment applied to only one adjournment, I should not oppose it—

Hon. Mr. BARNARD: It does.

Hon. Mr. FOWLER: —because even the House of Commons, even that busy department of the legislature. is not very busy during the first week or ten days of the Session. When I was a member of the House of Commons, being a somewhat busy man at home, I used to remain away until after the first ten days or so had passed, because, as everybody knows, very little of importance would be done during that time. So I would not object to this amendment if it stopped at the first adjournment.

Hon. Mr. BARNARD: It does stop there.

Hon. Mr. FOWLER: But otherwise I think the present Act is a splendid thing, because it brings members here. The House is always filled with members attending to the legislation, particularly in the last two or three weeks of the Session. As to the clause with regard to the last two or three weeks, the only fault I have to find with it is that the penalty for non-attendance during that period is not large enough. I think it ought to be at least $100 a day. All the governments I have seen during the time I have been a member of either House have been alike in this respect, that they have delayed their legislation until the last weeks of the Session. It has always been so, whether the Government has been Grit or Tory, and I fancy it would be so if ever the friends of the honourable gentleman from Assiniboia (Hon. Mr. Turriff), the Progressives, got into power. They would do the same thing, for an evil trick is quickly learned. Therefore it is most essential that members of the House of Commons and members of the Senate should be here during the last weeks of the Session, and I do not want to see the clause regarding attendance at that time altered in any way except to increase the penalty for absence by making it $100 a day instead of $25 a day as at present.

The Hon. the CHAIRMAN: Is it the pleasure of the Committee to adopt the amendment?

The amendment of Hon. Mr. Barnard was agreed to.

Hon. Mr. DANDURAND: Honourable gentlemen, this amendment has passed the Committee. I should have liked to compare it with clause 33, which it supersedes. However, it will appear in our minutes and will come up for review on the third reading. I understand the amendment to mean simply that absence during the first days of the sitting of the Senate, between the opening of Parliament and the first adjournment after the Address is adopted, will not be computed in the three-quarters of the sittings which Senators must attend in order to be entitled to their full indemnity. I am inclined to think that that would be fair treatment as applied to this Chamber. My only fear is that the House of Commons will not understand how it is that rules that have been made for the government of both Chambers, and that have always been applied uniformly to both, are being departed from in this case. They may find it difficult to reconcile themselves to the different treatment being accorded this Chamber. If they understood thoroughly our situation as explained by the honourable gentleman from Victoria (Hon. Mr. Barnard), I think they would perhaps be satisfied with this different treatment.

Hon. Mr. BOLDUC: Honourable gentlemen, I have great doubt that this amendment is in order, and so that we may have time to study the question, I move that the Committee rise and report progress and ask leave to sit again.

Hon. Sir JAMES LOUGHEED: It is with much hesitation that I disagree with the motion made by my honourable friend. Opportunity will be given to the members of the Senate to study the amendment before the third reading takes place. As my honourable friend the leader of the House has pointed out, it must necessarily come up again on the third reading of the amended Bill, and we shall be able to give the amendment full consideration between now and then. The amendment must necessarily be passed by the Committee of the Whole if it is to come up at the third reading. While it may be irregular to dis-

cuss at this stage the amendment which has been made, I would point out to honourable gentlemen that it only deals with the first adjournment, and it seems to me the usefulness of the Senate will not be impaired if during the first week of the Session the long-distance members, exercising their discretion, should absent themselves. The amendment affects only that part of the attendance of members during the Session.

Hon. Mr. CASGRAIN: Does it apply only to long-distance members?

The motion of Hon. Mr. Bolduc was negatived: yeas, 24; nays, 32.

The preamble and the title were agreed to.

The Bill was reported as amended.

CANCELLATION OF LEASES OF DOMINION LANDS BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill Y2, an Act respecting Notices of Cancellation of Leases of Dominion Lands. —Hon. Mr. Dandurand.

Hon. Mr. Blain in the Chair.

Hon. Mr. POPE: Before we proceed with this Bill, I desire to call the attention of the Government to the important character of the measure that is before us for consideration. The granting of licenses in Canada has always carried with it a great responsibility. Many of our most valuable assets have been alienated from the Dominion or the provinces under the system of licenses. We have lost very valuable assets, and the practice adopted by the central Government and by the provinces has tended to intensify the burden we are bound to carry by reason of extraordinary taxation laid upon us by the war. There are to-day all over Canada licensees possessed of very valuable national assets for which they have given very little, if any consideration; there are many within this city who could dispose of millions of dollars' worth of assets which have come into their possession under this system of licenses, and for which, so far as their pockets are concerned, nothing has been paid out.

I appreciate as well as anyone the fact that when licenses are issued, lands and other things become part and parcel of the assets of the licensees, and that upon the strength of that fact much money is loaned and bonds are issued. We have to take that into consideration. But there is involved in this particular question one of the most valuable assets that Canada possesses. I am referring to the wonderful anthracite area in Alberta, which is known in this House as the Hoppe Coal Field, which is now once more in the possession of the people of Canada. We have in that property not only a mine but an area containing millions of tons of anthracite which is as good as any produced in Pennsylvania—and if you want any verification of my statement all you have to do is to go to the Mines Branch—a property in which there are four or five tunnels extending for hundreds of feet. The Mines Branch has sent experts to analyze the coal in that area, and they know its value in comparison with the coal in other areas of the world.

Locally this area has a most extraordinary value because it is the last deposit of coal on the way to the Peace river country. The Peace river country will to a large extent find its outlet on the Pacific ocean. This coal area is situated about 75 miles from the National railway, and in building a railway to this coal area we would be proceeding 75 miles in the proper direction towards developing the Peace river country. I am not giving my own opinions, but those of authorities on this question. Therefore, from the national point of view this great asset should not be parted with by the Dominion and given to a licensee by any Minister of the Crown. If Canada ever parts with this property it should be by Act of Parliament and in the full light of day. This coal field is 500 miles nearer to Winnipeg than the coal fields of the United States, and there are in this deposit, within 75 miles of the National railroad of Canada, millions of tons of anthracite—enough to supply not only the Great West, but an area for 1,000 miles around the area itself. It is within 30 miles of being as close to Fort William as the Pennsylvania coal fields, and is nearer than those fields to the Pacific coast states. If you develop this coal field you can offset the declaration sometimes made in the United States that they will starve us for coal in the East; this will give us the opportunity of replying to them that if they do so we can starve them in the West.

This is an extraordinary situation, and I wish to move as an extra clause to the Bill the following amendment:

Notwithstanding anything in the Dominion Lands Act, Chapter 20 of the Statutes of 1908, and in the amendments thereof, coal mining rights and lands containing coal, if such rights or lands are within or adjoin the coal reserva-

tion near the junction of the Muskeg and Smokey rivers in the province of Alberta, which reservation was established by the Order in Council (P.C. 2044) dated the 6th day of October, 1919, withdrawing from disposal under the provisions and the regulations then in force certain coal mining rights which are the property of the Crown in townships 55, 56, 57, 58, and 59, ranges 7, 8 and 9 west of the 6th initial meridian, shall not be sold, leased, or otherwise disposed of except under the authority of and in accordance with the provisions of any Act of the Parliament of Canada hereafter passed and specifically relating to such rights or lands, and to the sale, lease, or other disposition thereof.

Hon. Mr. CALDER: I am not opposed to the main idea contained in this Bill. I understand that during the course of many years a certain practice has grown up in the Department of the Interior which has resulted in a condition that must be cleared up. The honourable gentleman from Compton (Hon. Mr. Pope) has, however, indicated to me the great necessity of this body moving very slowly in deciding what should be done with this measure. There has been a great deal of talk in Government circles and generally in the city of Ottawa with reference to what is commonly called the Hoppe coal mine. I have no objection to the statements made by the honourable gentleman from Compton in lauding that mine, but I should like to call attention to one point. Assume for the time being that those people got their license properly. We believe that that license has been cancelled. The same thing was done in the Paulson case. Paulson took his case through the courts to the Privy Council, who decided that he was entitled to his license.

Hon. Mr. BRADBURY: On a technicality.

Hon. Mr. CALDER: Whether it was on a technicality or not, they protected him and gave him the property, and the Government realize that they should protect that man in the property to which he was entitled.

Hon. Mr. FOWLER: Are they not allowed to cancel these licenses at all?

Hon. Mr. CALDER: Paulson was one, probably of many, who took his case to the courts, and the courts decided that the license was not properly cancelled; and, if I have been correctly informed, the Hoppe people have taken exactly the same stand. Their case has gone before our Justice Department, and, if my information is correct, within the last three or four months the Minister of Justice has told these people that their license is faulty.

Now, what happens? We have this Bill before us—for what purpose? It is to cancel not only that but other licenses. Let me ask honourable gentlemen what the effect of that is going to be. Is there any honourable gentleman here who clearly understands who are going to be hit by this Bill and whether or not they should be hit? The matter is left entirely to administration. I think before we go any further that we, as a body of review, should have the officials of the Department of Justice before us and should find out from them what licenses they want to cancel, and why. I have no interest in this matter in any way; but I say that this body should go very slowly before handing over to the Interior Department a power which should not be exercised unless there is mighty good reason for it. I think a good deal of the time of the House could be saved if this matter were referred to a special committee, so that we might have an opportunity of examining the chief officials of the Department who are conversant with the situation. Otherwise I feel that I am not in a position to know what I am doing.

Hon. Mr. DANDURAND: I will answer the questions that the honourable gentleman may deem proper to put, so far as I am able, and, if my answers are not satisfactory or my information is not sufficient, I will move the adjournment of the consideration of the Bill until to-morrow, when I shall have here the Deputy Minister or other official charged with the administration of the leases. My honourable friend seems to think that the Department intends to take some action.

Hon. Mr. CALDER: I presume so.

Hon. Mr. DANDURAND: If my honourable friend reads the Bill, he will find that it is not the intention to take action, but to confirm action. Leases by the thousand have been granted during the last fifteen or twenty years. The statement that I have made, based upon statistics that I have before me, shows that over 17,000 leases have been cancelled under a certain form and by the service of certain notices which have been accepted by the lessees as proper cancellation. There was but one lessee, Paulson, who demurred to the notice of cancellation. His main objection was not that there was a flaw in the form of notice or the service: he de-

murred, he said, "because the Department of the Interior for a number of years has waived the right to foreclose because I was not working my claim." That was the principal point raised in the Paulson case. Incidentally the question of form was raised. He won on the question of foreclosure, and the Supreme Court and the Privy Council declared that the form of notice and the service of notice in that particular case were defective. The Department had to take cognizance of the fact that this form of cancellation was irregular, and that with the judgment of the Privy Council some of those thousands of people—there were 17,000 in the case of mining leases and over 3,000 in the case of other leases—would feel that they could take advantage of the judgment of the Privy Council and ask to be reinstated in their rights.

In the last fifteen years these properties have been again leased to other people. Some of these may have defaulted, and the property may have passed through the hands of two or three persons, the same kind of notice of cancellation being used in each case. Many of those mining properties are to-day in the hands of bona fide lessees, who have spent their good money in developing them. Yet Parliament would remain indifferent to the protection of the rights of those bona fide holders who have invested their money by the thousands and perhaps by the millions, and would not come to their rescue? I think it is a primary duty of the Parliament of Canada to correct that error in form. I had occasion to state —and I will repeat for the benefit of honourable members who may not have been here—the opinion of the Privy Council. It is not surprising that those 17,000 or 20,000 lessees accepted the statement of the Department of the Interior that their leases were ended.

Having come to this conclusion—

That is to say, having decided in favour of Paulson on the question of foreclosure—

—it is unnecessary for their Lordships to deal with the point of the sufficiency of the steps taken to effect cancellation of the defendant's lease. The words of clause 17 are: "The Minister may cancel these presents by written notice to the said lessee, and thereupon" everything therein shall become void, etc. Under this clause the notice is the operative instrument. The cancellation is effected by it. Instead of serving a notice running thus: "Your lease is hereby cancelled." the words are "has been cancelled."

The letter from the Department stated:

The Department has been obliged to cancel your lease, and it will, therefore, now make such other disposition of the land as may seem advisable.

Hon. Mr. FOWLER: That is worthy of the sixteenth century.

Hon. Mr. DANDURAND: The judges ask, "But when has it been cancelled?" They state it might have been cancelled at any time during the six months prior to the signing of this letter. Honourable gentlemen will understand how business men accepted the statement of the Department that the lease had been cancelled. The judges of the Privy Council say that the notice is itself the instrument of cancellation, and instead of containing the words "has been cancelled," it should have read, "is hereby cancelled". The judges of the Supreme Court have expressed a similar opinion, giving some other illustrations, but in all the illustrations given by the Supreme Court there is that same clear intention that the lease should be cancelled. The seventeen or twenty thousand lessees accepted the cancellation without demur; but now that the Privy Council has confirmed the judgment in the Paulson case, it may arouse the cupidity or the ambitions of former lessees, who, finding that there has been an expenditure of millions of dollars upon the property by subsequent lessees, without which expenditure it would have remained worthless, may now turn to the Government and say: "I want to be reinstated in my rights." This is the whole situation. The Bill which was placed in my hands and which I introduced was accompanied by a letter stating that its purpose was to sanction a form of notice of cancellation and the service of it; but when I read the Bill I found that it went somewhat further and sanctioned the procedure for the future. I asked that the Bill should be confined to its retroactive provisions and should not cover the future, because the Department itself had informed me that it intended to conform in future to the opinion contained in the judgment of the Privy Council. This I am stating in answer to my honourable friend from Moosejaw (Hon. Mr. Calder). As a matter of fact, I have here the forms which will henceforth be used by the Department of the Interior. The procedure is to be less stringent than it has heretofore been. The Department intends to give notice that it will cancel at a certain date. It may be well to put the forms on Hansard. This one is addressed to the lessee:

Sir,—I beg to inform you that the rental of the petroleum and natural gas location described in Lease No. standing recorded in your name, is now in arrears and is therefore subject to immediate cancellation.

You will, however, be given a period of thirty days from this date within which to make pay-

ment on account of such arrears, or furnish evidence of expenditure in boring operations on the location, or to show cause why the lease should not be cancelled for failure to do so.

If the location has been abandoned, kindly return your copy of the lease.

Your obedient servant,

H. H. Rowatt,
Superintendent.

Then will come the letter of cancellation, after the delay mentioned in the first notice:

Sir,—I beg to refer you to Petroleum and Natural Gas Lease No. , issued on the and to say that as the rental of the location described in this lease is in arrears, and as you would appear to have otherwise failed to comply with the provisions of the regulations, your lease is hereby cancelled in the records of this Department. Kindly return your copy of the lease.

Your obedient servant,

H. H. Rowatt,
Superintendent.

Then another letter to the Mining Recorder:

Sir,—I beg to inform you that the following petroleum and natural gas lease may now be finally cancelled in the records of your office:—

Your Reference No.
Lease No.
Name of Lessee:
Description:

Should the rights described in this lease, or any portion thereof, be again applied for, and should the applicant express his willingness to pay a bonus for such rights, notice might be posted and action taken in the manner prescribed in the Order in Council of the 24th March, 1921, P.C. 953, and a copy of such notice might be forwarded to this Department for record purposes. When the application is submitted to the Department, the amount of the bonus paid should be endorsed thereon.

Your obedient servant,

H. H. Rowatt,
Superintendent.

There are the three forms which will be used by the Department in future. They will comply with the strictest interpretation of the Act by the Supreme Court and the Privy Council. So at present we have simply to deal with nothing more nor less than what the Department has done up to the first of May last, and the amendments which I shall move mention that date.

Hon. Mr. CALDER: Just one word. I thoroughly agree with practically everything that the honourable leader of the Government has said. There is no doubt that a condition has arisen which must be cleaned up, and this is the only way in which it can be done. In many cases the lessees have not objected at all, but have concurred without demur in the action taken. In so far as they are concerned, no person is particularly interested. But what I would like to know from the officials of the Department before I put my stamp of approval on this Bill, is what lessees have objected to the cancellation? Who are they, and what have they leased, and why have they objected? Let me refer to the one instance that I know of, because there is so much talk about it here. If this Bill goes through, will it not operate at once to put an end to the Hoppe lease?

Hon. Mr. DANDURAND: It will.

Hon. Mr. CALDER: Yes, without any question at all. And what position do they take with regard to it? They take the position that their lease is still valid, and, as I understand, a letter has passed from the Department of Justice to the Department of the Interior advising the Interior Department that this lease is valid. If that is the case, I think that before passing a law cancelling a lease which is to all intents and purposes legal, according to the decision of our own Justice Department, we should at least give these people an opportunity to be heard, in order that we may learn their side of the case. What other leases are there, or what other properties have been leased or granted by the Crown that are in a position similar to the Hoppe case? I do not know, and I say again that there is not an honourable gentleman in this House who does know. I dare say the honourable leader of the Government himself does not know. We should ascertain which of the lessees have objected and still think they have legal rights entitling them to certain properties. We should at least have an opportunity to learn who these people are and what rights will be affected by this measure.

Hon. Mr. DANDURAND: I have been informed by the Department that a claim might be raised in this Chamber in favour of the Hoppe lessees—or rather in favour of Isenberg; for I think it is in the name of Isenberg that the lease stood; but the name of no other claimant has reached me, either from the Department or from outside, and I have all the proceedings in the Hoppe case, which I will put before this Chamber if desired. Most of the members are familiar with the details of that case.

Hon. Mr. CALDER: I do not know anything about it.

Hon. Mr. DANDURAND: I shall have occasion to inform my honourable friend. However, that is the only case that has been

mentioned by the Interior Department since this Bill was introduced. If they had had before them any other case they would have intimated it.

Hon. Sir JAMES LOUGHEED: It seems to me that there can be no objection to the general principle of this Bill. It is introduced for the purpose of curing a defect in notices which have apparently been served by the Department of the Interior in accordance with a practice that has obtained since 1904. When default either in the payment of rent or in other conditions of the lease has arisen, instead of serving a notice that the claim would be cancelled, the Department apparently served a notice that the claim had been cancelled, and the Privy Council has held that the Department should send a notice of intended cancellation and not a notice of cancellation.

Now, there happen to be in the Department no less than approximately twenty thousand cases to which this practice has been applicable; that is to say, there are twenty thousand cancellations which are subject to being set aside if the law touching those particular cases is invoked; and in those twenty thousand cases, I need not point out to honourable gentlemen, there have been many mines in which hundreds of thousands, in fact millions of dollars, have been invested, and the investment would be placed in jeopardy if curative legislation, or legislation regularizing the notice, were not passed. I doubt very much if any objection at all would be made to this legislation if it were not for what is known as the Hoppe lease.

I happen to know something about the Hoppe lease, because for some time I was Minister of the Interior. A short history of it is this. In 1912 the Department of the Interior apparently leased approximately 19,000 acres of coal lands, at an annual rental of say $19,000, to representatives of one Hoppe. Those leases were afterwards transferred to Isenberg. During the war in 1918 confidential information was received by the Government that these men were not only alien enemies but were inciting by speech propaganda against the Empire to which we belong. During the war, in 1918, confidential in- the rent, and the Department, upon receiving confidential information from the Dominion police and the other authorities in charge of maintaining order in Canada, cancelled the lease. They were clearly in default. No question has arisen as to the default in regard to the non-payment of rent. Some time subsequent to the cancellation of that lease the representatives of Isenberg, in whose name the lease stood, pointed out that the notice which had been served by the Government upon his representatives was irregular. The basis of the claim was that the notice was not served upon him personally, but upon the Hawaiian Trust Company, which represented his estate, and upon his solicitors in Ottawa. There was nobody else to serve. This man was engaged in promoting disloyalty against the Government of Canada in the United States, and likewise his associate, Hoppe, who, I understand, is an ex-officer of the Prussian Army. Honourable gentlemen who desire to get any particular information upon the status of those two men can obtain it from the proper authorities.

This lease was cancelled in 1918. Since that time these people have been making extraordinary efforts to bring pressure to bear upon the Government, and, so far as members of Parliament are concerned, I may say that very questionable methods have been employed to have the lease renewed. But the Government of Canada has absolutely refused to renew the lease. During my time as Minister of the Interior I pointed out to the representatives of Isenberg that the Exchequer Court was there for the purpose of enabling them to assert their claim, if they had any claim, and I further intimated that I had no doubt that the Department of Justice would issue a fiat to permit of their claim being dealt with by the Exchequer Court. I was told by the representatives of Isenberg that they had no intention of going to the Exchequer Court; in fact, they absolutely refused to do so. This continued from 1918 to the present time, and, so far as I am aware, they have not yet made application for a fiat with a view of establishing their claim before that court.

Hon. Mr. DANDURAND: And the honourable gentleman should not forget to mention the fact that these mining properties were withdrawn by Order in Council.

Hon. Sir JAMES LOUGHEED: When the lease was cancelled of course the property was withdrawn, and is now vested in the Crown.

Hon. Mr. WATSON: A special Committee of this House made the recommendation.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen will find the recommendation made in 1919 in the report of the special Committee appointed to inves-

tigate the cancellation of leases to certain coal areas in the province of Alberta standing in the name of Paul R. Isenberg, together with the evidence received by the Committee. This report is obtainable by any honourable gentleman upon his asking for it.

This was a very valuable coal property. This cancellation took place under the extraordinary circumstances that I have mentioned—the more than justifiable circumstances—with which we are familiar, and the evidence of which appeared before the Committee of which my honourable friend from Selkirk (Hon. Mr. Bradbury) was Chairman. My recollection is that the evidence that came before the Committee was incontrovertable, not only as to the default in the payment of rent, but as to the other reasons which led to concellation.

The question now resolves itself into one of whether or not the Parliament of Canada is going to give consideration to people of that kind. I do not know that the Parliament of Canada is going to assist alien enemies to recover this land. I am unaware that the Parliament of Canada is called upon, because of a technical defect, to cure that technical defect by putting into the hands of alien enemies who were actively engaged in making war against this Dominion this very valuable property for which they failed to pay rent and concerning which they made manifest default. It seems to me that this is therefore not a matter in which an appeal should or could be successfully made to the Parliament of Canada to give effect to these technical distinctions and refinements of law which have been laid down by the Privy Council touching the form of notice. If there had been any substantial injury done these people, I would say: overlook those irregularities and give them what they are entitled to. But that is not the case, honourable gentlemen, and I think the Parliament of Canada would fail to do its duty, would fail to strike that note of patriotism which should be struck in connection with the utilization of our natural resources, if they for one moment gave serious consideration to the task of revivifying the claims of these people.

It seems to me that this property is one which peculiarly should be reserved for the benefit of the people of Canada. Before leaving the Department of the Interior I took occasion to attach to the file the views which I held concerning this particular property, namely, that inasmuch as by Order in Council the leases were cancelled and other leases of subsequent licensees were cancelled, the property should be retained for the people of Canada. I believe that in the years to come it will be one of the most valuable assets we could have. We have a National system of railways, and there is no reason why this property should not be handed over and developed by that National system of railways to furnish it with coal for its transportation through the mountains. The property at present is some 70 or 80 miles from the railway; it is probably 1,000 miles from a market; so no manifest injustice is being done to these people. My contention is that, if we really analyze the situation, we shall see that we are saving these people a substantial amount of money, because it is idle to think a property of this kind 70 or 80 miles from a railway and 1,000 miles from a market can be placed upon a substantial basis and made to pay. This property should remain vested in the Crown, and the Parliament of Canada should absolutely refuse to assist in any way whatsoever the interest in this claim of these alien enemies.

Hon. Mr. GIRROIR: May I ask the leader of the Government whether subsequent to this judgment any notice was served on the lessees cancelling the lease? The judgment as I understand it declared that the former notice of cancellation was invalid.

Hon. Mr. DANDURAND: It does not affect this case. It does affect the case of Paulson vs. the King.

Hon. Mr. BELCOURT: If it is made to appear fairly to a Committee of this House or to the House that there is a case which is entirely similar to the Paulson case would it be the intention to have this Act apply to it?

Hon. Mr. DANDURAND: That is where a lessee would take advantage of a defect in the form?

Hon. Mr. BELCOURT: A case on all fours with the Paulson case. Would it be just to deal with that case differently? Would not it be worthy of exception from the Act in the same way as the Paulson case?

Hon. Mr. DANDURAND: I draw attention to the fact that the Paulson case was not decided on the defect in the form of cancellation and service of notice only.

There was a question of forfeiture owing to non-compliance with some of the conditions, and it was claimed that there had been an abandonment by the Department of the Interior of the right to foreclose for non-fulfilment of certain conditions. The judgment of the Privy Council mentioned the fact that the form of cancellation and the service of notice were defective. The purpose of this Bill is purely and simply to cure this technical defect.

Hon. Mr. BELCOURT: If there are cases which cannot be distinguished from the Paulson case—my honourable friend is a lawyer and knows what that means—does he say that it would be fair and just to apply to them a different rule to the one applied in the Paulson case? If they cannot be distinguished in principle from that case should they not be treated in the same way?

Hon. Mr. LYNCH-STAUNTON: I do not see why it is necessary that they should be distinguished. If the Department gave a notice saying that a contract was cancelled, I should have thought, with great deference to the Privy Council, that any court would have understood that the word "hereby" was meant to be understood in the notice. If the notice had said " is hereby cancelled" the Privy Council would have had no objection to it. There is no question of justice or injustice at all. Here is a notice given years ago, and every person has taken it as being intended to cancel the contract, and has acted upon that cancellation. How a man who had stood by and seen this property re-leased and had notice of the new lessee spending hundreds of thousands of dollars, could say that his case is on all fours with the case in the Privy Council and that he is being unjustly treated passes my comprehension. This is a very serious matter to the Dominion of Canada. It is a very serious matter to all those who have taken these leases. In my judgment the man would be dishonest, and would be perpetrating an injustice on both the Government and the new lessees, who asserts his rights after having had this notice years ago and after having seen the Government act on that notice. He could not in a court of justice claim that he was being injuriously affected, because, if not in the eyes of the Privy Council, certainly in the eyes of the world, he had abandoned his rights by not asserting them.

The only question that troubles me is whether this is intra vires of the court of this Parliament. If it is, I think it should be passed without hesitation.

Hon. Mr. BEIQUE: I am altogether in accord with the object of the Bill, but my trouble is the same as that of the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton). I doubt very much whether this Bill is constitutional, or whether this Parliament has the right to pass this legislation. The Government no doubt has the right to deal with its own property, and to stipulate, whether in a deed of sale or in a deed of lease, that the Government reserves the right to put an end to that sale or lease if certain conditions stated in the deed of sale or lease are not complied with. But the Government, I believe, as well as the individual, is bound by the law of the province in which the property is situated, and therefore I fail to see how this Parliament has power to come to the relief of the Government and to grant it a right which does not arise from the contract which it has made.

I think, on the other hand, that the Government has a remedy in its own hands, whether the property has been leased to another lessee or not. If the conditions of the lease have not been complied with it is open to the Government to give the notice contemplated by the Privy Council; and I think if that precaution were taken it would cover the defects in any of these cases. I am in sympathy with the object of the Bill and have no intention of opposing it. I merely think it my duty to caution the Government and to ask whether it will attain its object if it relies only on the Bill when passed.

Hon. Sir JAMES LOUGHEED: When I was on my feet I omitted to point out that the Bill makes provision to protect all legal proceedings taken on or before the 1st of May, which, I understand, is the date when the Bill was introduced. Consequently, if the Isenberg representatives had taken proceedings in the Exchequer Court before the 1st of May, they would have come within the clause and would have been able to conduct their proceedings irrespective of this legislation. Their lease was cancelled in 1918, and surely it cannot be contended that they had not sufficient time between 1918 and the 1st of May, 1922, to initiate proceedings in the Exchequer Court for the purpose of making good the contention that the notice was irregular.

Hon. Mr. BEAUBIEN: The objection as to the jurisdiction of the Parliament of

Canada would be a very serious one if the question to be decided concerned sales, because the Government of Canada would then have divested itself of its right to the property. Somebody else would be the proprietor, and that somebody else would surely be under the jurisdiction of the province wherein the land lies.

But I understand that that is not the case. The question refers to leases. The property is still in the hands of the Dominion Government, and the Dominion Government has not abandoned the right which it had to deal with these leases. It seems to me that there is another very serious question.

Hon. Mr. BEIQUE: Let us deal with a lease which the Government grants to the honourable gentleman of property situated in the city of Ottawa. Do I understand the honourable gentleman to say that as regards the condition of that lease the Government will not be bound by the law of the province? If the province, for instance, says that a lease cannot be cancelled without thirty days notice, would not the Government be bound by that?

Hon. Mr. BEAUBIEN: I am not prepared to say that by the granting of the lease rights would not be, as it were, created, which would fall under the jurisdiction of the province. I think it would be going rather far to state that. But even if there were that danger, there is in my opinion a greater danger confronting us. It is this. Leaving aside altogether the exceptional case of Hoppe or Isenberg, and considering the bulk of these leases, in what position is the Dominion of Canada? The Dominion of Canada has cancelled 20,000 leases, but, according to the Privy Council, the cancellation is not valid, and that is the situation you desire to remedy. But what has the Government of Canada done in the name of the country? It has re-leased these 20,000 properties to other persons. If you do not remedy the situation, if you take away all these properties from the new lessees are you going to indemnify them? Surely they have a recourse against the Dominion if the Dominion leases property it has no right to dispose of, because of leases having been granted to others and not having been legally cancelled. Therefore there would be probably twenty thousand claims for damages against the Government for having made leases which the Government had no right at all to make. That is the situation. The question of procedure is after all a trifling one, and the question of equity does not arise. These people surely expected their leases to be cancelled, and had no right to have them continued.

Hon. Mr. DANDURAND: And they accepted the cancellations.

Hon. Mr. BEAUBIEN: They received notice, which was unfortunately a little defective in its drafting, and they abandoned their property, allowing it to pass into the hands of others. Now, after all that is done, they would take the property away from the rightful owners or lessees, who in turn would go to the Dominion of Canada and ask for an indemnity, to which they would surely be entitled.

The Hon. the CHAIRMAN: Honourable Mr. Dandurand moves that at page 1, in line 5, after the word "granted" there be added, "before the date of the passing of this Act."

The amendment was agreed to.

The Hon. the CHAIRMAN: And at page 1 in line 19:

Leave out from "authority" to "such" in line 30 and insert "if, at any time after the default occurred and the power of cancellation became exercisable, any written or printed notice was heretofore given before the date of the passing of this Act by or on behalf of and with the authority of the Minister to the lessee, licensce or grantee, or to his assignee, agent, executor, administrator or representative, whereby it was in terms or in effect stated that for or in authority of the Minister to the lessee, licensee permit or other authority was cancelled or had been cancelled, or would be cancelled, or whereby an intention of the Minister was expressed or implied to treat the said lease, license, permit or other authority as no longer subsisting."

The amendment was agreed to.

The Hon. the CHAIRMAN: And at page 2 in line 2 leave out from "notice" to "(2)" in line 9.

The amendment was agreed to.

The Hon. the CHAIRMAN: At page 2, line 17, leave out the words "and when".

The amendment was agreed to.

The Hon. the CHAIRMAN: Honourable Mr. Pope moves that there be added as clause 3 the following:

Notwithstanding anything in the Dominion Lands Act, Chapter 20 of the Statutes of 1908, and in the amendments thereof, coal mining rights and lands containing coal, if such rights or lands are within or adjoin the coal reservations near the junction of the Muskeg and Smoky Rivers in the province of Alberta, which reservation was established by an order in council (P.C. 2044) dated the sixth day of October 1919, withdrawing from disposal under

the provisions of the regulations then in force certain coal mining rights which are the property of the Crown in Townships 55, 56, 57, 58 and 59, Ranges 7, 8 and 9, Sixth Initial Meridian, shall not be sold, leased or otherwise disposed of except under the authority of and in accordance with the provisions of any act of the Parliament of Canada hereafter passed and specifically relating to such rights or lands and to the sale, lease or other disposition thereof.

Hon. Mr. DANDURAND: I would like to submit to the Department of the Interior the amendment proposed. Perhaps we could adopt it.

Hon. Sir JAMES LOUGHEED: Adopt it, and then you can move back to it on the third reading if you so desire.

Hon. Mr. REID: Honourable gentlemen, the purpose of the amendment that has just been moved is, I understand, to protect the anthracite coal regions in Alberta.

Hon. Sir JAMES LOUGHEED: No; it simply deals with the Hoppe claim.

Hon. Mr. DANDURAND: That is, the mining lands which were covered by the Hoppe lease.

Hon. Sir JAMES LOUGHEED: Yes, and which are now vested in the Crown.

Hon. Mr. REID: What I had in mind was this. Would it not be good policy to enlarge that amendment so as to have it cover any anthracite coal mines that are owned by the Government and have not been alienated, and that may be found in any province of the Dominion; that is, to provide that they should not be alienated without a special Act of Parliament? Anthracite coal is of great importance to Canada. I merely make the suggestion that, as that amendment is to be considered in a day or so, honourable gentlemen might consider also the advisability of enlarging it to cover any other anthracite coal mining deposits that might be found in any province of the Dominion.

Hon. Mr. BEIQUE: I would draw the attention of the honourable leader of the Government to the fact that, if this amendment now carries, it will not be in order to cancel it on the third reading. This is to be a report of the Committee of the Whole. Would it not be better to allow the amendment to stand?

Hon. Mr. CASGRAIN: And report progress?

Hon. Mr. DANDURAND: I have two other amendments to move. The House might go into Committee on this Bill again to-morrow, and we could then give this proposed amendment further consideration. I would ask that it be allowed to stand.

The proposed amendment stands.

Section 2 was agreed to.

Hon. Mr. DANDURAND: I have given notice of an amendment, which is before you, Mr. Chairman:

This Act shall not affect any right under any judgment rendered before the date of the passing of this Act, or under any action, suit or other proceeding instituted before the first day of May, 1922.

That will be a new section, either 3 or 4. If we pass the amendment proposed by the honourable gentleman from Bedford (Hon. Mr. Pope), this will be section 4.

The amendment of Hon. Mr. Dandurand was agreed to.

Hon. Mr. REID: Honourable gentlemen, I could not hear the discussion very well, and I should like to know how the amendment will affect the Hoppe case. Would that apply to the Hoppe case? The very fact of their taking action—

Hon. Mr. LYNCH-STAUNTON: They have not taken action.

Hon. Mr. REID: They have taken certain action.

Hon. Mr. DANDURAND: No.

Hon. Mr. REID: They have taken it with the Department of Justice or with the Government.

Hon. Mr. DANDURAND: But that is not a legal action. Under this Bill the only things that will be reserved are the rights under any judgment rendered before the date of the passing of the Act, or under any action at law. The words "at law" do not appear, but that is what is meant—"or under any action, suit, or other proceedings instituted before the 1st of May, 1922.

Hon. Mr. REID: Did not Hoppe's people take some action prior to that—any legal action at all?

Hon. Mr. DANDURAND: None whatever.

Hon. Mr. REID: I understood that a judge might interpret as "action" the taking up of the matter with the Department. When the honourable gentleman is taking up the amendment of the honourable gentleman from Compton (Hon. Mr. Pope), would he mention my suggestion?

Hon. Mr. DANDURAND: I move the following as clause 5:

Within the first fifteen days of each session of Parliament the Minister of the Interior shall cause to be laid before both Houses of Parliament a list of such leases, licenses, permits or other authorities cancelled during the twelve months next preceding that session or since the date of the then last session.

The motion was agreed to.

Progress was reported.

DIVORCE BILLS

FIRST READINGS

Bill F4, an Act for the relief of Dorothy Lillian Jewitt.—Hon. Mr. Proudfoot.

Bill G4, an Act for the relief of Gladys Mae Larivey.—Hon. Mr. Proudfoot.

Bill H4, an Act for the relief of Gladys Caroline Hilton.—Hon. Mr. Proudfoot.

Bill I4, an Act for the relief of Eva McRae.—Hon. Mr. Proudfoot.

Bill J4, an Act for the relief of Warren Garfield Young.—Hon. Mr. Proudfoot.

Bill K4, an Act for the relief of Benjamin Charles Bowman.—Hon. Mr. Proudfoot.

Bill L4, an Act for the relief of Ivy Elsie Myron-Smith.—Hon. Mr. Proudfoot.

Bill M4, an Act for the relief of Lilliam May Maybee.—Hon. Mr. Proudfoot.

Bill N4, an Act for the relief of Phoebe Levina Simpson.—Hon. Mr. Proudfoot.

Bill O4, an Act for the relief of Thomas Preece.—Hon. Mr. Proudfoot.

Bill P4, an Act for the relief of Frederick Greenhill.—Hon. Mr. Proudfoot.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Wednesday, June 14, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Bill Q4, an Act for the relief of Hazel May Dillon.—Hon. Mr. Taylor.

Bill R4, an Act for the relief of William Arthur Parish.—Hon. Mr. Bennett.

Bill S4, an Act for the relief of James Hayden.—Hon. Mr. Bennet.

Bill T4, an Act for the relief of Bertha Plant.—Hon. Mr. Turriff.

Bill U4, an Act for the relief of James Murray Johnston.—Hon. Mr. Proudfoot.

Bill W4, an Act for the relief of Arthur Percival Allen.—Hon. Mr. Blain.

Bill X4, an Act for the relief of Thomas Leonard Armstrong.—Hon. Mr. Blain.

Bill Y4, an Act for the relief of Henry Hardy Leigh.—Hon. Mr. Blain.

GREAT WEST BANK BILL

FIRST READING

Bill V4, an Act respecting the Great West Bank of Canada.—Hon. Mr. Watson.

Hon. Mr. WATSON: I have been asked to move that rules 24(a), 30, 63 and 119 be suspended in so far as they relate to this Bill.

The motion was agreed to.

SECOND READING

Hon. Mr. WATSON moved the second reading of the Bill.

Hon. Sir JAMES LOUGHEED: Will my honourable friend tell us what the Bill is about?

Hon. Mr. WATSON: It is for the renewal of the charter of a bank, with headquarters, I think, at Regina.

Hon. Mr. McMEANS: Is that the same bank charter that was renewed last year?

Hon. Mr. WATSON: It is the same charter.

Hon. Mr. McMEANS: I know that it was in the Senate Committee. Is this the second or third application for a renewal?

Hon. Mr. WATSON: The Committee can deal with it.

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

CAPE TORMENTINE WHARF ACCOMMODATION

INQUIRY AND DISCUSSION

On the notice of inquiry:

By Hon. Mr. Black:

That he will call the attention of the Senate to the desirability of the restoration of proper wharfage and loading facilities at Cape Tormentine, New Brunswick, and inquire whether it is the intention of the Government to restore shipping and export facilities at Cape Tormentine, N.B., and when.

Hon. Mr. BLACK: I ask the question standing in my name.

Hon. Mr. DANDURAND: I am informed that 13 steamships and two schooners loaded lumber for foreign ports at Tormentine in the summers of 1912 and 1913. On September 24th, 1913, an Order in Council was passed closing the pier to shipping, and the basin was used in connection with the construction of the car

ferry terminals. During the progress of the work this Order in Council was renewed from year to year, but lapsed with the completion of the terminals, since which time the basin has been used by small schooners as a harbour of refuge, and for the last two seasons by the Portland Packing Company for unloading herring from schooners into gasoline launches for their smoke houses near by.

The management state that the wharfage facilities are practically the same as before the construction of the ferry terminals; with this difference, that whereas before the construction of the ferry terminals there was about 16 feet of water along the south face of the original wharf west of the pier there is now only about 13 feet. Some filling was done adjacent to the south track of the original wharf, on which the track was located, but a new spur was built on the new fill, which can be used if necessary for the transfer of materials from cars to vessels. This track is at present used for the switching of cars handled to and from the ferry.

The General Superintendent informs Mr. Hanna that he has not heard of any request recently for lumber shipping facilities at Tormentine. As far as the physical lay-out is concerned, there does not appear to be anything to prevent shipping being carried on as formerly, with the exception of the depth of water mentioned above.

The question of increasing the depth of water at the pier to sixteen feet as formerly is one for the Department of Public Works.

On the Orders of the Day:

Hon. F. B. BLACK: Honourable gentlemen, I wish to make a remark with regard to the reply that has been given to my question on the Order Paper for to-day. It is not an answer to the question which I asked. It informs myself and others interested that the harbour has been filled up. This we knew. It states also that the wharfage facilities have been used by small schooners as a harbour of refuge. Of both these facts we were quite well aware. As a matter of fact I consider that that answer was prepared by the Railway Department. I know that the Railway Department made inquiries and ascertained that there are sixteen or twenty million feet of lumber lying alongside that port now, awaiting export. The fact that whereas formerly there was a depth of twenty-four feet of water alongside the pier and there is now only thirteen feet gives a clear answer as to why that cannot be exported. A steamship of reasonable draught cannot lie at that pier. Furthermore, I can say this, that an expenditure of from $6,000 to $10,000 for dredging will make an extra berth for one or more steamers. I consider the reply an evasion, and not an answer to the question which I asked.

Hon. Mr. DANDURAND: I may state to the honourable gentleman that his question was referred to the Railway Department, which gave the explanation which I have read to the House. I find in that answer a reference to the Public Works Department in the case of dredging being needed or decided upon. So if my honourable friend will leave the question on the Order Paper, I will now send it to the Public Works Department with the remarks of my honourable friend.

Notice of inquiry stands.

BERTHA PLANT DIVORCE PETITION

MOTION

Hon. Mr. PROUDFOOT moved:

That the Parliamentary fees paid upon the petition of Bertha Plant, praying for a Bill of Divorce, be refunded to the petitioner, less the sum of $25 to apply on the cost of printing.

He said: The Committee, when the case was before them, agreed to allow the fees to be reduced to $25, but, through an oversight in presenting the petition, that clause was omitted. I am now asking to correct that omission by the passing of this motion.

The motion was agreed to.

DIVORCE BILL

THIRD READING

Bill C4, an Act for the relief of Frederick McClelland Aiken.—Hon. Mr. Blain.

SCHWEYER PATENT BILL

SECOND READING

Hon. Mr. PARDEE moved the second reading of Bill B4, an Act respecting a patent of Daniel Herbert Schweyer.

He said: Honourable gentlemen, in accordance with the request of yesterday that this Bill be explained to the House prior to the passing of the second reading, I desire merely to say this. By section 8 of the Patent Act, chapter 69 of the Revised Statutes of Canada, it is provided:

Any inventor who elects to obtain a patent for his invention in a foreign country before ob-

taining a patent for the same invention in Canada, may obtain a patent in Canada, if the patent is applied for whithin one year from the date of the issue of the first foreign patent for such invention.

This patent was applied for in the United States and was granted. Apparently the applicant, Schweyer, then took legal advice in Washington. He was advised there—so my instructions are—that if the applicant made application prior to June 4th, 1922, in Canada, the patent would be considered, and would be granted as a matter of course if there were no objections. He made such application, but found that it was beyond the time in which section 8 provides such application should be made. What he asks now is that, having been misinformed, and through a misapprehension not having made that application, he be permitted to come in and make it, provided he does so within two months of the passing of this Bill. It is not a request for an extension. The relief is asked for purely on the ground that there has been a misapprehension on Schweyer's part. I may add that my instructions are that he proposes to commence the manufacture of the article in Canada providing the patent is granted to him. Moreover I would point out that under section 2 of the Bill any person having obtained any previous right in Canada under this patent, by reason of Schweyer's failure to make application, is hereby protected. I would ask that this Bill be sent to Committee.

Hon. Sir JAMES LOUGHEED: Would my honourable friend be good enough to inform the House how it has come about that twelve months have elapsed before Schweyer secured advice upon the subject? It seems to me that this is a pretty long delay.

Hon. Mr. PARDEE: That is quite so. I may inform the honourable gentleman that my instructions are that in May, 1921, the applicant filed the necesary papers. That was within the prescribed time. But he was misinformed by an attorney in Washington, who stated that under the War Measures Act the applicant would have until June the 4th, 1922, in which to file his application. I suppose he thought that under the War Measures Act there was some sort of moratorium or something of that kind in regard to such matters as this. These are the instructions I have as to the reason why the application has been delayed for a period of practically twelve months.

Hon. Sir JAMES LOUGHEED: Does my honourable friend know what the particular invention is?

Hon. Mr. PARDEE: It is a train-controlling device. More than that I cannot inform the honourable gentleman.

Right Hon. Sir GEORGE E. FOSTER: I would like to ask my honourable friend if any of his instructions, or any of the information on which he has acted, has been received from the Patent Office here in Ottawa?

Hon. Mr. PARDEE: None.

Right Hon. Sir GEORGE E. FOSTER: Then it does seem to me that, before undertaking to enact a law to cure a defect, we should know the attitude of the Department upon the matter. These are instructions from the interested individual, who wants to get his patent put into shape whereas now it is entirely out of shape. There is a general law, and I am very much opposed to the passing of special legislation to break a general law. I do not think we ought in any case to pass such a Bill into law without knowing the attitude of the Department upon it. I do not know whether this Bill goes to the Committee or not. Anyway, the motion is for the second reading, and if we pass the second reading we affirm the principle of the Bill. If it is to go to a Committee it may be possible to get the desired information, but I am very jealous about either this House or the other undertaking by special enactment to cure defects in application for patents.

Hon. Mr. PARDEE: In reply to the right honourable gentleman, I would say that, as I take it, we are not establishing any precedent whatever in passing this Bill. All we are asking for is that thi Bill go to the Private Bills Committee; that the officers of the Department be called to appear before that Committee; that such proofs as the applicant has be submitted to the Committee; that the Committee report back to this House. If then there does not appear to be sufficient reason for it, the Bill should not be allowed to pass. As I understand, if a Bill is referred to a Committee, the reference is made purely and solely for the purpose of examining the very point that my honourable friend raises. For that reason I ask that the Bill go to the Committee, that its merits be there thoroughly considered, and that the House act on it accordingly.

Right Hon. Sir GEORGE E. FOSTER: That all presumes, of course, that we affirm the principle of the Bill.

Hon. Mr. PARDEE: Not necessarily.

Right Hon. Sir GEORGE E. FOSTER: So far as I am concerned, I want it to be understood that if this Bill is passed on to the Committee, I am not committing myself to the principle of it.

Hon. Mr. PARDEE: Quite so.

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

CANCELLATION OF LEASES OF DOMINION LANDS BILL

FURTHER CONSIDERED IN COMMITTEE AND REPORTED

The Senate again went into Committee on Bill Y2, an Act respecting notices of cancellation of leases of Dominion Lands.—Hon. Mr. Dandurand.

Hon. Mr. Blain in the Chair.

The Hon. the CHAIRMAN: The amendment before the Committee will be found on page 290 of the Senate Minutes. It reads:

Notwithstanding anything in The Dominion Lands Act, chapter 20 of the Statutes of 1908, and in the amendments thereof, coal mining rights and lands containing coal, if such rights or lands are within or adjoin the coal reservation near the junction of the Muskeg and Smoky rivers in the province of Alberta which reservation was established by the Order in Council (P.C. No. 2044) dated the sixth day of October, 1919, withdrawing from disposal under the provisions of the regulations then in force certain coal mining rights which are the property of the Crown in townships 55, 56, 57, 58 and 59, ranges 7, 8 and 9 west of the Sixth Initial Meridian, shall not be sold, leased or otherwise disposed of, except under the authority of and in accordance with the provisions of any Act of the Parliament of Canada hereafter passed and specifically relating to such rights or lands and to the sale, lease or other disposition thereof.

Hon. Mr. DANDURAND: Honourable gentlemen, I have not had an opportunity to consult the Department as to the value of this amendment in the light of the powers that the Department has been exercising up to this time. The powers granted to the Department have been general powers covering all the properties of the Crown, and include the right to lease those properties. It is now suggested by this amendment that a special reservation should be made in favour of Parliament for the disposal of this coal area. It has been implied in statements that have been made before this House, that it is of exceptional value in quantity and quality. I feel disposed to favour our passing the amendment and sending the Bill to the Commons. If the Department has special objections to formulate there will still be time for it to do so. If this is done it will be an expression of the opinion of this Chamber as to the importance of these coal deposits, and will draw the attention of the other Chamber to their value.

The proposed amendment was agreed to.

The preamble and the title were agreed to.

The Bill was reported as amended.

ST. LAWRENCE SHIP CANAL

DISCUSSION CONCLUDED

The Senate resumed from May 16 the adjourned debate on the motion of Hon. Mr. Casgrain:

That an order of the Senate to issue for a copy of all reports and correspondence in relation to the St. Lawrence Ship Canal.

Hon. GEORGE LYNCH-STAUNTON: Honourable gentlemen, to my mind, with the exception of the war, there has not been a more important question before the Parliament of Canada since Confederation than the question involved in the St. Lawrence waterways and Parliament owes a great debt to the honourable member for Delanaudière (Hon. Mr. Casgrain) for the lucid and full explanation he has given to us of his views regarding the matter. True, we have before us for our perusal the report of the International Joint Commission; but I imagine that, like other reports, it has been received and pigeonholed by nearly every person in Canada, and I believe it is only by such discussions as this that it can be brought to the attention of the people of this country. I must say that, although I had the report on my desk for some time, and have read it to a certain extent, I never had a curiosity to try to sound its depths or understand its arguments until I listened with astonishment to the arguments addressed to us in the discussion of this motion.

It goes, I think, without saying, that if this body is of any use to this country—and I consider it of great use—it should carefully consider these great questions and make up its mind upon the evidence produced, and upon the information which is obtainable whether or not a great commercial proposition such as this—for it is a commercial and not a flag-waving proposition—is worthy of consideration and

adoption by this country as a national work. Unless there is a demand for it which will outweigh the expense, and unless as a commercial proposition it will not put an intense burden upon the people of this country, we should not adopt it. We should be satisfied that it is not only practicable, but economically sound. I have always noticed that in dealing with other people's money most men are very generous, very reckless; and I think it is not extravagance to say, in looking over the history of transportation in Canada, only excepting the Canadian Pacific Railway, that in every case we have embarked upon the development of transportation without any thought of the cost or without any appreciation of the responsibility that the country was undertaking. One has only to consider the vast amount of money which was spent in aid of the Canadian Northern Railway, money which came out of the pockets of the people of Canada, to parallel a national system from at least Montreal to the Pacific, to realize it. At the same time we were building the Transcontinental and Grand Trunk Pacific Railway we were also building another line to undermine and injure it. Not only did we do that, but we went into the building of the Transcontinental and Grand Trunk Pacific without the faintest idea of what it would cost. We built a great part of it paralelling within a block the Canadian Northern railway, and no person in Canada thought it worth while to protest.

In discussing this question I am not taking any political view of it. In my opinion both parties in this country were equally rash and equally unwise in the development of a railway or transportation policy. We built from the city of Quebec to Moncton a road which was only useful to destroy the Intercolonial, and we built it at a cost of $30,000,000. I recollect travelling over that road within five years after it was built, and it was so over grown with trees that they nearly knocked the windows out of the cars.

The development of our transportation problem, assisted by a senile directorate in England, destroyed the greatest benefactor we have ever had from a transportation point of view—the Grand Trunk railway. Had it not been for the insane policy of the Grand Trunk Railway directors in loading that company down with $120,000,000 or $130,000,000 for the building of a road through a country that required no road at all, and had it not been for the borrowings they made from the Canadian Government and the responsibilities they assumed, the Grand Trunk Railway might have been today in the hands of its original owners and not have gone into bankruptcy.

Now, standing by the grave of the Grand Trunk, some people are contemplating a rival to it and to its successors, to take from the railroads of Canada some of the business which they now have, and of which they stand very much in need. This report which we have before us tells us that the transportation facilities of Canada are away in advance of our requirements. It tells us that we have at least 2,800 miles of railroad for which we have no use, and for which we shall have no use for many years to come; it tells us that the railway facilities that we have far outstrip the demands of our people. And we know that those railroads are increasing the indebtedness of this country to the extent of nearly $100,000,000 a year; we know that if we were to close up half of them we could save within the next three or four years the cost of reconstruction of all the roads which might fall into decay. I do not think that in the history of the world there has been such a disastrous policy as that adopted by Canada in the development of its transportation; and I do not know of any man who can say that we ever gave the grave and serious consideration to this question that it was entitled to before we plunged into the vortex of near bankruptcy.

Anyone looking over what the wisdom of our statesmen have done for us can quite realize and can agree that fools rush in where angels fear to tread. I have heard men who know little or nothing about it vehemently advocating this development, and when I look at the report made by this Commission, I say it is unworthy of any consideration at all. The report, as it states itself, is founded upon inaccurate, unreliable and sketchy information. Let me read you one paragraph written by these gentlemen who have advised the Governments of this country and the United States to adopt this scheme of navigation and power development. It says at page 167:

> The Commission is convinced that, in a matter of such unusual magnitude, involving engineering factors that are more or less debatable—

Debatable is a very serious word in a question of this kind when one is making a recommendation—

> —and affecting the interests of many millions of people, too much care cannot be taken to insure the adoption of plans that will be beyond reasonable criticism, both as to the general scheme of development and the working out of its details. It is therefore desirable that, before any steps are taken to carry out the Commis-

sion's recommendations, the plans of the Engineering Board, together with such comments or criticisms or alternative plans as have been filed with the Commission by other engineers, should be referred back to the board enlarged by other leading members of the engineering profession, to the end that the whole question be given that further and complete study that its magnitude and importance demand.

Then, they wind up with this:

Without the expert assistance of technical advisers, the Commission could not attempt to make any authoritative decision between the plans of the Engineering Board and the alternative plans submitted, in so far as they are comparable; and even if the Commission had such technical advisers at its disposal, it is evident that they would have to give several months to a very careful study in detail of the various schemes before a conclusion could be reached. Under all the circumstances, and as the Commission was asked by the two Governments to file its report within three months of the receipt of the report of the Engineering Board, the Commission has decide to accept the plans of the Engineering Board as a basis for the recommended improvement of the St. Lawrence, with the suggestion as already outlined that both the plans of the Engineering Board and the alternative plans should be referred to a larger board for final determination.

What this board has committed us to is this. "These improvements should be made; this tremendous undertaking should be shouldered by Canada and the United States; we know it should be done; but we know so little about the question that we do not know which plan should be adopted." One plan which is before them, for an incomplete work, shows that the cost would be $1,400,000,000. The other is so divided up in its recommendations that I have been unable to total up the amount to which we should be committed. Having considered for three months these gigantic propositions, involving engineering feats such as have perhaps never before been undertaken, and an economic question such as has never before been tackled, they recommend the adoption of the project. It would probably take them a month to write their report. Honourable gentlemen I think you might as well recommend the adoption or the rejection of this scheme after listening to the speeches which have been or may be given in this House. I think that that Commission has exhibited just as much prudence, before making these recommendations, as the Parliament of Canada exhibited before it made recommendations for the development of our railway policy in the past. I submit to you, honourable gentlemen, that no prudent man would say that this country was safe in adopting any recommendations made by that Board on the confessed knowledge which they have of the question.

They tell us in this report that Canada can consume in the next few months—I am not giving the exact figures, but only the approximate—about 2½ million horse-power. They tell us that this development will be 8, 9 or 10 million horse-power, and that the United States will consume in the near future—they do not tell us when—six or seven millions of horse-power. "The United States will consume!" It is like the lady who carries the basket of eggs on her head: all the chickens will be hatched out. I am credibly informed that the province of Quebec has developments, either complete or in course of completion, sufficient to supply that province with power for a long time to come. We know that the case is similar in the province of Ontario. Then why should we commit ourselves just on first blush to an expenditure of over half a billion dollars for that purpose? The reason given is that it is desirable to reduce the cost of transporting the products of the Northwest. This Commission had before it a report, which I have read within the last few days, from a Committee appointed by the State of New York to oppose this proposition, and which gives in detail the cost of carrying wheat from Fort William and Duluth to Liverpool, with all the extras, including warehousing, elevator charges, etc. The total cost via the Erie canal in 1914 was less than 12 cents a bushel. People who want to be prudent and who govern themselves by their experience will certainly consider their experience in normal and not in abnormal times, and as surely as the ocean waves that go up will come down, just so surely shall we return to normal conditions some day; and under normal conditions, with all the wonderful advances that are being made by railways, shipping companies, and elevator companies, we cannot expect an increase in the cost of transportation from the head of the lakes to Liverpool. The cost of transportation will not be greater in the future than it has been in the past except in cases where people have made abnormal, foolish, and rash expenditures. The tendency has been for the cost to become lower rather than to increase. Now, if the cost is less than twelve cents, how can any man in his senses expect any saving to be effected by opening this waterway to the head of the lakes? No vessel that can cross the Atlantic ocean and navigate the St. Lawrence river, the canals and lakes, can make any money unless it receives a higher rate, than twelve cents. I have had some experience in wheat carry-

ing, and I have never known rates, on the very best terms, to be less than five cents to Kingston, in small boats. I have often known the rate to be one cent to Buffalo. Where is the saving going to be made if freight can now be hauled through the Erie canal and delivered in Liverpool at so low a rate? And if all the wheat that annually comes out of the West were hauled within the six months period of shipment—and that could not be done unless there were an endless line of ships—I submit that it would not save the interest on a tithe of the cost of this work. This Commission has not shown us anything that will reduce the question to what the man in the street would call brass tacks. The members of the Commission say: "Well, in our opinion it will materially lessen the cost of transportation;" but they do not tell us what "materially" means. They do not give us any idea of what the result will be.

All I am urging to-day, honourable gentlemen, is the contention that just because the cities of Toronto, Hamilton and some American cities want this route built, we should not build it until we know that it will be a dividend payer and will at least carry itself. We have now in this country, after 130 years of British occupation, a population of about 8,000,000. What right have we, outside the sphere of Alice in Wonderland, to think that our population will increase in the future any more rapidly than it has increased in the past? As long as I can remember, we have always been going to increase the population and develop our natural resources. I suppose those words, "natural resources" have been used in every after-dinner speech and on every occasion in Parliament when the question of Canada has been brought up. We have heard of the marvellous development we were going to experience. Now we are living in a practical age. Where are the real facts upon which to base the conclusion that this country will increase more rapidly in the future than it has increased in the past? If we do not increase more rapidly, is it reasonable to spend half a billion dollars for this development? This report admits that this development would not be of much use to us at the present time. The members of the Commission say the United States is crying for it; the congestion on United States railroads renders it desirable. But they do not in one single place point out where there is any demand for it in Canada. I have not been able to discover the slightest ground for it.

I am not going to weary you, honourable gentlemen, any longer with this point of view, but I want to point out one thing which I consider is an insuperable objection to the undertaking by the Dominion Government of this scheme, and it is this. The Dominion Government has no power or authority over the water, or the soil under the water, of any of our public rivers or lakes. That is not my view or my assertion alone, but it is in the several judgments of the highest court in this country. The water of the lakes and rivers, and the soil under the lakes and rivers, are absolutely vested in the provinces of this country, and the Dominion Government has no power or authority whatever to dispose of any portion of that soil, or that water.

I should like to indicate briefly the grounds for this statement. By section 109 of the British North America Act:

> All lands, mines, minerals, and royalties belonging to the several Provinces of Canada, Nova Scotia and New Brunswick at the Union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the several Province of Ontario, Quebec, Nova Scotia and New Brunswick, in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

Section 117 provides:

> The several Provinces shall retain all their respective public property not otherwise disposed of in this Act, subject to the right of Canada to assume any lands or public property required for fortifications or for the defence of the country.

The respective rights of the Dominion and the provinces to the ownership of this property have in several cases been brought before and decided by the Privy Council.

Hon. Mr. PARDEE: What about navigation purposes?

Hon. Mr. LYNCH-STAUNTON: People confuse the difference between property or ownership and the right of legislation. The Dominion Government has the right to pass laws on navigation, but, as I shall show you in a moment, that does not give to the Dominion Government—or the Crown in right of the Dominion, as is the more accurate way of expressing it—any proprietary rights in the lakes or the rivers of Canada.

Hon. Mr. BELCOURT: Will my honourable friend allow me to ask him a question with regard to that legal aspect?

Hon. Mr. MURPHY: That is not property anyway.

Hon. Mr. LYNCH-STAUNTON: What is the honourable gentleman's question?

Hon. Mr. BELCOURT: The question is this. The claim has been frequently put forward that, whilst the Crown in the right of the Dominion has no proprietary interest in the title of the soil of lakes and rivers, the Dominion Government might take expropriation proceedings for the purposes of navigation, or for the purpose of creating a harbour, for instance. That claim has been put forward, and I should like my honourable friend to tell us if he has considered that and what is his opinion about it.

Hon. Mr. LYNCH-STAUNTON: In a moment, I think, I shall answer the honourable gentleman's question.

In the case of the Attorney General of Canada versus the Attorney General of Ontario, 1989 Appeal Cases 700 (Fisheries case), Lord Herschell said, at page 709:

> It must also be borne in mind that there is a broad distinction between proprietary rights and legislative jurisdiction; the fact that such jurisdiction in respect of a particular subject matter is conferred on the Dominion Legislature, for example, affords no evidence that any proprietary rights with respect to it were transferred to the Dominion. There is no presumption that because Legislature jurisdiction was vested in the Dominion Parliament proprietary rights were transferred to it. The Dominion of Canada was called into existence by the British North America Act 1867. What proprietary rights were at the time of the passing of that Act possessed by the Provinces remain vested in them except such as are by any of its express enactments transferred to the Dominion of Canada.

And it is held in that case that the beds of all lakes and rivers and other waters situate within the territorial limits of the several provinces and not granted before Confederation continued on the above provisions the property of the provinces.

The case of Burrard Power Company, Limited, vs. the King, in 1911 Appeal Cases, page 87, is the case which comes nearest them all:

> In this case, British Columbia, by its Water Commissioners, had sold a record of 25,000 inches of water out of the Lillooet Lakes and River situate in the Railway Belt.
>
> The Railway Belt was as part of the agreement of Union transferred to the Dominion "in trust to be appropriated in such manner as the Dominion Government may deem advisable in the furtherance of the construction of the said railway". It was held that the Dominion obtained the same interest in the Railway Belt as the Province had before the transfer, and that, in other words, the Railway Belt was "public lands" held by the Crown in right of the Dominion.

All public lands in the province are held by the Crown in right of the province, and this case, which was asserting the right of the Dominion in lands which were held by the Crown in the right of the Dominion, is exactly on all fours with the other.

> The Dominion Government brought this action to have it declared that the Province had no right to sell this water out of this River, and in that contention they were upheld by all the Courts.

This case is an exact authority for our contention, as Ontario's rights in regard to the public lands in this province are identical with those in the Dominion in regard to the Railway Belt in British Columbia.

In this case Mr. Justice Duff (43 S.C.R., page 27), says:

> The design of the Act (i.e, B.N.A. Act) appears to have been that such of the property as by the Act was appropriated to the Dominion should be subject to the exclusive control of the Dominion legislature, and such as was left in the Provinces should be subject to the exclusive provincial control.

Lord Mersey gave the judgment in the Privy Council, at page 95:

> The grant of the water record in the case now under consideration is an attempt on the part of the Province to appropriate the revenues to itself and would if carried into effect violate the terms of the contract, as interpreted by Lord Watson.

And further down he says:

> Their Lordships are of opinion that the lands in question so long as they remain unsettled are "public property" within the meaning of section 91 of the B.N.A. Act, 1867, and as such are under the exclusive legislative authority of the Parliament of Canada by virtue of the Act of Parliament. Before the transfer they were public lands the proprietary rights in which were held by the Crown in right of the Province. After the transfer they were still public lands, but the proprietary rights were held by the Crown in right of the Dominion, and for a public purpose, namely the construction of the railway. This being so, no Act of the Provincial Legislature could affect the waters upon the lands.

I do not wish to weary you, honourable gentlemen, but I would refer you to another case, that of the Attorney General of British Columbia against the Attorney General of the Dominion, which is reported in 30 Times Law Reports, 1913. This case confirms that decision, and I have reason to believe that the Dominion Government has been advised by its law officers that that is the exact position.

If that is the position, then the Dominion Government has no power or authority to construct any dams for power or any other purposes whatsoever, and has no power to take water from these lakes or rivers, even for new canals, without the consent of the province. The old canals are vested

in them by the British North America Act. For some purposes, for navigation, perhaps, they could no doubt expropriate the water of the river. But they must pay for it: they cannot, Lord Watson says, confiscate anything.

The reason I draw the attention of the House to this point is that the law in the State of New York is exactly the same as it is in the Province of Ontario. The United States of America, considered as a Republic, has no proprietorship in the waters of Lake Ontario or in the waters of the St. Lawrence River. The riparian owner owns the foreshore if it has been granted, but the State of New York or the riparian owner is sole owner of that property. I therefore say that before the Canadian Government and the United States of America commit themselves to the construction of this stupenduous work they had better be perfectly sure that they have acquired the St. Lawrence River and Lake Ontario.

Hon. J. D. REID: Honourable gentlemen, I have listened with a great deal of pleasure to the speeches made by the honourable member for DeLanaudière (Hon. Mr. Casgrain) and the honourable member for Hamilton (Hon. Mr. Lynch-Staunton). This is a subject in which I have taken some interest, and I feel that I should not let the matter be disposed of without making a few remarks.

I wish to correct some of the statements that were made by the two previous speakers in reference to this matter. First, the last speaker (Hon. Mr. Lynch-Staunton) gave me the impression that this Commission was appointed and did its work within three months. The honourable gentleman has read the report of the Commission, and he knows that is not correct.

Hon. Mr. LYNCH-STAUNTON: I said that they had made their report three months after they had got the material from the engineers.

Hon. Mr. REID: This commission was appointed by the two Governments—the United States Government and the Government of Canada. The Commission, as you will see by reference to the report, was appointed on January 12, 1920, over two years ago. They commenced their work immediately after appointment, and carried on their investigations up to the time they made their final report.

Hon. Mr. LYNCH-STAUNTON: In December, 1921.

Hon. Mr. REID: So they gave two years of their time to getting all the information possible to formulate their report.

So far as this great work is concerned, let me say that the Dominion Government has been carrying on investigations and getting information in regard to navigation, not only from Montreal to Lake Ontario, but from Quebec right through to Port Arthur, because this work is one of the greatest importance to the Dominion of Canada. That work, as I have stated, has been carried on for many years. It has been carried on not only by the late Government, but by the Governments before that. This data was brought together and compiled by the several departments—not only the Department of Railways and Canals, but the Department of Marine and Fisheries, and other Departments also, collected data and submitted it to the Commission that made this investigation. This Commission went over the ground and got all the information they could from different parts of Canada and the United States, and, after going into the matter thoroughly with the engineers of the Department of Railways and Canals and those of other departments, and after going into it with the engineers of the United States Government, over a period covering three months, they came to the conclusions stated in the report and made their recommendations accordingly. I mention this so that honourable gentlemen will understand that this investigation occupied not three months, but at least two years, and was made with the assistance of the best men that could be chosen by both Governments.

There is another impression that I wish to correct. The impression that I get from the honourable gentlemen who have spoken is that if we go into this work it will mean an expenditure of a billion dollars, and that if we carry out the recommendations of the Commission we must be prepared to assume at least half that amount. That is not the recommendation of the Commission as both honourable gentlemen understand thoroughly. If we carry out the recommendations of the Commission there will be an expenditure by both governments of $252,000,000. The Commission recommend that the work shall be proceeded with from the east end of Lake Ontario to Montreal, and that at what is known as the Long Sault Rapids, where the river ceases to be the international boundary line, a dam and power plant shall be con-

structed. They say that the expenditure for that work from Lake St. Francis westward to Chimney Point, near Ogdensburg or Prescott, would be $159,097,200. If their recommendation is carried out, in addition to the works for navigation, there will be a development of 1,464,000 horse-power which, when equally divided, will give to each country 732,000 horse-power. From Lake St. Francis to Montreal they recommend that the expenditure be divided as follows: from Montreal Harbour to Lake St. Louis, $55,783,000; and from Lake St. Louis to Lake St. Francis, $36,590,000; and on Lake St. Louis, $1,158,000. That makes up the total of $252,000,000. They do not recommend that we should go ahead and develop all the power between Cornwall and Montreal at the present time, or until it is required in the future. The proposed development would give us 732,000 horse-power now, which would probably be sufficient for all purposes for a number of years to come, and we would have lying there ready for development in the future a further quantity of about 3,000,000 horse-power.

The honourable gentlemen has stated that if we go on with this work we shall have to pay half the cost. Let me tell my honourable friend that that is not the recommendation at all. As I understand it, the Commission say that if these works should be proceeded with they should be paid for in proportion to the use made of them in the business of the two countries. They say something else which is very important; that the Welland Canal which is now being constructed, and upon which we are going to spend $50,000,000 or $60,000,000, is to be included in the cost.

Hon. Mr. LYNCH-STAUNTON: Have they recommended that?

Hon. Mr. REID: The two sides of the Commission have agreed to recommend to their respective governments that they should each pay its share in that great work. The United States representatives say: "Although we have never yet paid or agreed to pay one dollar in connection with the Welland Canal, we are now prepared to come in and pay our share of that great work." So if we go ahead with this project there will be refunded to the people of this country a great portion of the $50,000,000 or $60,000,000 which they are now going to pay for the construction of the Welland canal.

The honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) objected to the Stars and Stripes floating down the St. Lawrence. Well, like the honourable gentleman, I would prefer to keep everything we have for our own Dominion. But he speaks a little late. The honourable member knows, as I suppose every member of this House does, that in 1871 a Treaty was made between Great Britain and the United States, and therefore between Canada and the United States, in which we gave the United States the right to navigate the St. Lawrence right through to Montreal on equal terms and in perpetuity. What was the situation prior to 1871? We had a great waterway from Port Arthur to Montreal; it was an international waterway, and the United States Government had just as much right to navigate it as we had. But we built the Welland Canal, on which we had expended prior to that nearly $30,000,000, and we let the United States Government use it free. What I find fault with is that the Dominion Government at that time did not say: "If this canal is an international waterway, and we are building it in our territory and connecting the two lakes, it is up to you to pay half the cost."

We are now enlarging the canal and the United States side of this Commission, seeing the justice of such a position, are prepared to recommend to their Government that they should pay their share of that great expenditure, which, when we get through, will amount to at least $80,000,000 or $90,000,000 including cost of the old Welland Canal.

Some will say: "Oh, there is no United States traffic going down the river to Montreal." Let me just give the House a little information on that point so that we may form an opinion as to how such an arrangement might affect the Dominion. If this work is proceeded with right from the Welland Canal, including the deepening of the rivers all the way along, it is expected, from the recommendations of this Commission, that the work will be paid for in proportion to the tonnage shipped through the canals.

Hon. Mr. LYNCH-STAUNTON: Will the honourable gentleman say where that statement is to be found in the report?

Hon. Mr. REID: I only asked for this information this morning, so I probably have not got it in as great detail as I should have. I asked the Dominion Bureau of Statistics if they could give me a statement of the freight on vessels passing through the canals in 1920 and 1921, and the origin of the freight. In 1920, 1,285,272

tons of freight that originated in Canada passed through the St. Lawrence canals. In the same year 1,782,690 tons originated in the United States and passed through these canals. A larger quantity of American freight went down to Montreal and was transferred there. In the year 1921 1,547,743 tons of freight that originated in Canada passed through the St. Lawrence canals. In the same year 2,186,332 tons of freight originating in the United States went by that route. That is the statement I have received from Mr. Coats, Dominion Statistician, this morning.

Considering these figures as a fair basis, we should be called upon to undertake jointly with the United States an expenditure of $252,000,000, and when the work would be completed we should have a twenty-five foot navigation route from Port Arthur to Montreal and 1,464,000 horsepower developed, and it would allow vessels 800 feet long, if we so desired, to pass through from Port Arthur to Montreal. We have on the upper lakes to-day vessels 600 or 625 feet long, that are carrying 300,000, 400,000, or 500,000 bushels of grain. You can now estimate from that what number of bushels of grain could be carried if the vessels were increased from 600 to 800 feet in length.

The honourable member from Hamilton (Hon. Mr. Lynch-Staunton) has stated that, so far as the rates are concerned, the lowest rate he ever heard of between Port Arthur and Montreal was, I think he said, five cents to Kingston. If I am not right, the honourable gentleman will carrect me.

Hon. Mr. LYNCH-STAUNTON: The average.

Hon. Mr. REID: The average rate. Now let me say to the honourable gentleman that I have also asked the Dominion Statistician for a statement as to what rates we have had in the past, and what are the rates this year. I knew quite well that the rate had been much lower. In the year 1913 the yearly average rate from Port Arthur and Fort William to Montreal—not to Kingston—was 5.35 cents, and to Port Colborne 2.43 cents. The monthly average was 6.34 cents to Montreal, and 3.08 cents to Port Colborne; but the lowest rate between Port Arthur and Montreal during the year 1913 was 4.08 cents per bushel. In 1914 the yearly average rate per bushel to Montreal was 4.58 cents and to Port Colborne 1.48 cents. In 1921, the rate from Port Arthur and Fort William was 10.86 cents to Montreal, and 3.13 cents to Port Colborne.

What has been the history of these transportation systems? I can remember when, a good many years ago, the rate from Port Arthur or Fort William, or from Chicago, to Montreal was 25 cents a bushel, and the reason for that was that the Welland Canal was so small that it would take only vessels of 15,000 or 20,000 bushels capacity. But it was enlarged, and when it was enlarged the rates came down. It was enlarged again and again: four times, I think, it has been increased; and in every case the rates have come down. I believe that if this scheme is ever carried out the rates will fall and will be much less than what they have ever been in any year previous to the war or since. If the rates can be reduced from 1 to 2 cents a bushel on freight from the great Northwest, that reduction will almost pay for the work which has been recommended by the Commission.

But I desire to point out that the scheme would help not only the West, but every port of the Dominion from Port Arthur east. Let me mention why this is so. Is it not true that the very fact of having water transportation through all these provinces compels the railways to keep down their freight rates? If it does, then has not the improvement of our waterways system assisted those provinces in the past, and will it not assist them in the future, by reducing the rates and putting the provinces—those of the West, as well as the others—in such a position that they may compete with foreign countries in getting their products to European markets? What is our position with respect to the Eastern provinces? Why should we not be using Nova Scotia coal and New Brunswick coal up as far, say, as Toronto anyway? If we had a system of waterways whereby a 10,000 or 12,000-ton vessel could be brought from Nova Scotia or New Brunswick up to these Ontario ports, you could afford to use that coal; but just so long as you have to bring coal from those lower ports in such small vessels as are used, so long will it be unable to compete with the coal from across the line.

Hon. Mr. LYNCH-STAUNTON: Does the honourable gentleman know the cost of carrying coal from Nova Scotia to Montreal?

Hon. Mr. REID: I must plead ignorance at the present time, but I will say this to the honourable gentleman, that prior to the war it was carried for about eighty cents a ton.

Hon. Mr. LYNCH-STAUNTON: It is carried for less from Pittsburg to Toronto.

Hon. Mr. REID: I do not agree with the honourable member. Perhaps he has more information than I have. At all events, I have in the past looked into this matter, and I believe that if we can get transportation facilities between Nova Scotia and the Western provinces it will be to the material advantage of all concerned.

I might give an instance which honourable gentlemen have probably read in the newspapers this morning. I give it for what it is worth. I observe that in an investigation in another place, some gentleman, trying to get the railways to reduce rates, made the statement that freight of some kind—I think it was iron—could be loaded at Winnipeg, shipped to Port Arthur, loaded in vessels there and sent around to Vancouver, and a saving effected of $7.50 a ton. No doubt that statement, which I read in the papers, was correct and will appear as evidence when the reports are submitted to this House.

No railway can carry freight from Port Arthur or Fort William to Montreal or Quebec at rates which are less than three times the rate at which a vessel can carry it. It is only in the winter time that the railways can compete. They cannot possibly compete otherwise with water navigation.

I would take it from the discussion by the first speaker that he was of the opinion that if this scheme proceeds it will hurt Montreal. His idea was that vessels might pass Montreal and go right through to Port Arthur. It is true, many vessels will do that; but I believe that vessels will be constructed for travelling between Port Arthur and Montreal, similar to those that we have on the great lakes—not vessels built to be continuously on the ocean. In other words, there would be built a much cheaper type of vessel, more like a box, which would run from Port Arthur to Montreal or Quebec and would tranship into those great ocean liners that have been built at such enormous expense, and that have necessarily to be built strong on account of the ocean work they must do. At Montreal the freight can be transferred for about one quarter or one third of a cent per bushel. That is a very small amount. Instead of hurting Montreal, the carrying out of the scheme would in my opinion bring more traffic to that port. Not only would Montreal and Quebec receive all our Canadian traffic, large quantities of which now go by the Erie canal, but a large traffic from the United States would go through Montreal and Quebec, where the freight would be transhipped for European countries. Therefore I cannot see but that the scheme would be a benefit to the city of Montreal and the city of Quebec as ports of transit.

A little pamphlet which the city of Montreal has been circulating, and which every honourable member of this House has received, shows the business that the port of Montreal does as compared with United States ports. In this pamphlet, which you have all doubtless read, you will read figures for the year 1921 showing the quantities shipped by Montreal in her seven months' season of navigation as compared with a twelve months' season at other ports. Montreal shipped 138,453,980 bushels of grain in seven months; Galveston, 94,000,000; New York—the great city of New York—84,698,000 in twelve months; New Orleans, 73,689,000; and Baltimore, 55,314,000. The statement mentions the advantages of Montreal and gives reasons why ships should go that way. It says:

> The port of Montreal, being nearer Europe than any other large Atlantic seaport, as is demonstrated by the following distances to Liverpool, offers superior advantages not only to her immediate hinterland, but also to the American States, bordering on the Great Lakes.

Montreal is trying to get the traffic from the American States, and this pamphlet states that the distance from Montreal to Liverpool is 2,773 miles; from Boston, 2,810; from New York, 3,010; and from Philadelphia 3,116 miles; and so on.

What is the position to-day? Freight for Montreal is brought to Port Colborne and Buffalo in large 12,000 or 14,000-ton vessels; and it has to be transhipped at Port Colborne to small vessels of about 75,000 bushels capacity. It takes several days to come from Port Arthur to Port Colborne, and if the Welland canal and the other navigation were open, the distance from Port Colborne to Montreal would be covered in thirty-six hours, and at a very much lower rate than is being paid at the present time. I am not urging that we should start at the present time to erect a work at a large expenditure; but what I hesitate to do is to express the opinion that this is not a great national transportation highway. When anybody tells me that it is not international, I say he is wrong, and for this reason: of the 1,000 miles, 940 are international. The Governments of Great Britain and Canada together in a Treaty gave

the United States, in perpetuity, the right of navigation through the remaining 40 miles in Canadian territory. Because of the Dominion Government constructing the canals between Cornwall and Montreal, there was a question raised as to whether it was really meant that the United States could use the canals. Just let me read the clause in the Treaty that gives that right:

> Article 26. The navigation of the River St. Lawrence, ascending and descending from the 45th parallel of North latitude where it ceases to form the boundary between the two countries from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

I am not a lawyer, but I take it that that Treaty, made between England and the United States, and giving the United States the free and uninterrupted right to navigate the river St. Lawrence, is one that we in Canada must respect no matter whether the question of provincial rights or anything else should arise.

There is another clause in the Treaty to which I would like to refer. It does not refer to navigation, but it is necessary to read it to understand the next clause. It says:

> The Government of the United States further engages not to impose any export duties on goods, wares or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favour of the subjects of Her Britannic Majesty.

Now, here is the clause I wish to emphasize:

> The Government of the United States may suspend the rights of carrying granted in favour of the subjects of Her Britannic Majesty under this article, in case the Dominion of Canada should, at any time, deprive the citizens of the use of the canals in said Dominions of terms of equality with the inhabitants of the Dominion as provided in Article 27.

Taking those items together, I claim that any rights enjoyed by the Dominion of Canada are equally enjoyed by the United States so far as navigation, through canals or otherwise, is concerned—and that is in perpetuity. That is the policy adopted by the Dominion of Canada many years ago.

The deepening of the Welland Canal from seven or eight or nine feet to fourteen feet and then to twenty-five feet was followed by the enlargement of the St. Lawrence canals. Every person I ever heard discuss the matter took the position that it was of no use to enlarge the Welland Canal unless you could go through to Montreal—if you have to break bulk and transfer it, you spoil the whole transportation system; therefore it was not very many years before the St. Lawrence canals were deepened also. That policy has been carried out, I believe, by every Government.

It is now intended to enlarge the Welland Canal so that vessels with a draught of 25 feet can go through; the locks are being so constructed that the canal can be deepened to 30 feet in the future if it is desirable. Are we going to follow out that policy and spend $252,000,000? This may not be done now, but the time will come when Canada can afford to do its share, and when it will be done; and I ask whether we should turn down forever the offer of the United States Government to join in such a work when they have an equal right with us to use the Canals and St Lawrence river through to the ocean.

So far as the 3,000,000 horse-power in our own territory is concerned, the United States say: "We do not want to interfere with it; that is your own. You need not develop it if you don't want to; if you want to develop it in the future you can do so and have the whole development; but it is in the interest of the whole work that this particular development for navigation should go on, and that we should proceed together, and, of the expenditure of $159,000,000, we are willing to pay our share in proportion to the traffic." The question is how are you going to apportion the expenditures at the present time? The United States say: "We will take the last five years prior to the commencement of the work as a basis, and we will pay our share in proportion to the traffic. We will do that during construction, and after that the proportions can be ascertained from the traffic that goes through the canal, or we can agree upon a further period, if necessary, until the work is established."

If you take the figures which I have given, you will see that, instead of being called upon to pay $252,000,000, we would be called upon to assume half or less of that amount and would have available 732,000 horse-power, in addition to a waterway right through to Montreal. Is that something that we should turn down without giving it any thought? This Commission, I think, has done a great service in placing this whole matter before the people of this

country in such a way that they can understand it. I think that the Government, instead of lightly turning down this proposition, should make every effort to try to bring the freight that is not being diverted by way of Buffalo and other ports through our own territory so that it can be shipped from Canadian ports. That is the policy I am advocating.

The honourable member for Hamilton (Hon. Lynch-Staunton) made a statement in regard to the enormous railway expenditures. We all agree that reckless expenditures were made, and that railways were built many years in advance of their time. But I take issue with the honourable gentleman in regard to the railway in New Brunswick and northward. Any person who goes over the Transcontinental railway between Quebec and Moncton will see large towns and growing settlements, as well as timber, minerals and agricultural products, to the value of many millions of dollars per annum.

Hon. Mr. LYNCH-STAUNTON: Does the honourable gentleman say that railroad can pay not only the interest but its running expenses?

Hon. Mr. REID: I think it will. I will say this. Now that we have the Canadian Northern and the Grand Trunk we are in a more favourable position than we ever were before to direct traffic to our Canadian ports of St. John and Halifax and ship it by our own vessels. We have a double track which is of great value in the development of that traffic.

So far as the Canadian Northern is concerned, except for the section between Port Arthur and Montreal, it was a good thing for Canada that it was constructed. The development caused by the building of the Canadian Northern has been of great advantage to Canada. A very serious mistake was made when the Grand Trunk Pacific was run so closely parallel to the other railways. If it had been built forty or fifty miles north of them, I do not know but that it would have been to the advantage of the Dominion.

I am not holding a post mortem upon what has been done in the past. I feel that there are two outstanding problems that we must face. One is the transportation problem. If we have to depend entirely upon our railways, and pay railway freights, then I say the manufacturers and producers of Canada cannot compete with those of foreign countries. We must have the very best of water transportation we can get.

Further, we cannot develop our country unless we have water-power. It is true that we have great water-powers in the Niagara district. In driving through that section a few days ago I met a gentleman who had not been in Niagara for many years, and he remarked upon the number of cities around there. I contend that they have grown up because of the cheap water-power. Montreal is being developed because it has great water-powers. But there are other parts of the country between Montreal and Toronto which have not the same advantages. We have railways running between Montreal and Toronto. Are we to continue for all time to depend upon coal for their operation? Surely the time will come when electricity will be much cheaper than coal. If 700,000 horsepower are put at the disposal of the railways, and they can operate more cheaply with it, they will carry passengers and freight more cheaply; and surely that would be a great benefit to the country. Therefore I say it would be a great benefit to have water-power available in the future for all these railways.

I have taken much longer than I intended, honourable gentlemen. This waterway from Port Arthur to Montreal is, I believe, the greatest waterway in the world. A vessel carrying 12,000 or 15,000 tons could proceed in open water for 960 miles with the exception of perhaps half a mile of canal with one lock at the Sault and 14 miles and seven locks at the Welland canal. If this waterway is completed, a vessel will be able to go right to Montreal with 15,000 to 18,000 tons of freight. This, I believe, is one of the greatest transportation projects that has ever come before the people of Canada. The Commission, after studying it for two years, recommend it. Some fault is found with them because they say that it is a very large problem and that before a final decision is made other engineers should be consulted. The estimates of cost, I maintain, are within reason. Pre-war prices could have been taken in estimating the cost; but the engineers were told to add a sufficient amount to cover any additional cost that might be incurred owing to war conditions and the after effects of war. Eighty per cent has been added to the pre-war rates. I have checked that up in two ways. Years ago when this matter was before the other House an effort was made by a United States company to get

a charter to dam the River St. Lawrence at the Long Sault, in order to develop power. If my memory serves me, the estimate of cost at the time was $40,000,000. The Commission to-day are estimating the cost at $72,000,000, and they have added eighty per cent to that. Some honourable gentlemen from Montreal may remember that when the Georgian Bay Canal was being constructed some estimates of the cost were given. An estimate was published, which may be found in the Library, stating that the Montreal section would cost some $18,000,000. Engineers of the Department of Railways and Canals have said that this work between Montreal and Lake St. Louis would cost practically as much as the Georgian Bay Canal, giving an estimate of $55,783,000.

Honourable gentlemen, let us not condemn this great work for all time to come. Let us not make speeches that will throw cold water on the scheme and cause the United States to back down and say: "Very well, if you will not agree to it, go ahead and construct a waterway on your own side, or do not construct it, as you like. If you do, we will use it when it is completed." I say we should take the matter up with the United States, place our cards on the table, and say: "This is a waterway system in which we are to have equal rights. Are you willing, in accordance with the recommendation of the Commission, to approve of taking in also the Welland Canal, and to pay your share according to the traffic that has been done for the last five years and will be done in the future? Will you pay your share of the upkeep and cost of operation of that waterway? If they are willing to do so, then, I say, we should consider undertaking the scheme. Of course, if we are not financially able to go ahead with the work at the present time— and I am not urging immediate action—then we should lay our cards on the table and say: "This is a work which we agree should be done; we are not in a position to proceed at present; as soon as we are, we will join with you and carry the work to a conclusion." I ask you, is that not a fair proposition? Ought we not to do so rather than let the public believe that if we ever considered the proposal for one moment it would involve an expenditure of $1,400,000,000, and must add a half billion dollars to the debt of this country? I say that is not in accordance with the recommendation. It is not what I believe to be just and right. I do not think we ought to discuss this matter in such a way that the people may be deceived by statements of that kind, cold water may be thrown on the scheme, and the United States may be driven away from it. Let the matter stand for the present, and when the time comes that we are able to take it up and discuss it, then let us do so, and if we then find that it is not going to be in the interest of Canada we can drop it.

Hon. JOHN S. McLENNAN: Honourable gentlemen, I had intended to move the adjournment of the debate, but what I desired to say has been so clearly and forcibly stated by the honourable gentleman who has just sat down that I feel it is unnecessary to make that motion. I had intended to speak from my business experience in connection with the grain trade and with transportation on the St. Lawrence, both in the upper regions and between Cape Breton and Montreal. I remember that in one of the years when I was engaged in the grain trade Montreal reached what the trade then regarded as the magnificent total export of eight million bushels. Now, by successive improvements in navigation, a total of 138 millions is reached in a single year, much of that being United States grain. That is a triumph of the energy of the people dealing now with that transportation, as I am not, and it indicates the advantages of the St. Lawrence route. Every step towards improvement in the navigation of our waterways has resulted in the greatest possible gain in our trade; and that, I believe, will continue to be the case.

Estimates have often been proven wrong. I have known, as I think most honourable members have known, very few estimates of the cost of anything which have proved to be correct, and the cost has very rarely turned out to be less than what had been estimated. If time is taken to re-examine and revise the figures stated in the Commission's report, no great loss will ensue; and if ultimately we improve the navigation of the whole system from the head of the Great Lakes to the sea, to make it the most perfect, the easiest and the cheapest route in the world, the result will be enormously to the benefit of Canada. Moreover, it seems to me that from the provision of cheap power, not only for the railroads, as has just been stated, but also for manufacturing purposes, we shall derive the utmost advantage. Too large a proportion of the products of Canada go out in the form of raw materials—our grain,

our asbestos, our lumber, etc. If it be possible by means of cheap power to develop those products further, so that they may mean more value to Canada, more Canadian work, there is another line of endeavour that will ease the burden under which we and the next generations shall labour by reason of the cost of the war.

I cannot agree with the honourable Senator from Hamilton (Hon. Mr. Lynch-Staunton) in the view that he took, that the report of this Commission was superficial or misleading. It seemed to me that great care and caution had been exercised and great ability displayed in the work that they did, which is exactly what we all should expect from the personnel of the Commission—at all events, as we know it to be on the Canadian side.

Hon. Mr. DANDURAND: Honourable gentlemen, I have listened with considerable interest to the debate that has been going on, and which was initiated by the honourable member for De Lanaudière (Hon. Mr. Casgrain). I was glad to hear the remarks of the honourable members who have spoken to-day. They approached the subject from a national, not a provincial or parochial, point of view. They approached it from different angles, but I feel that they have contributed greatly to the information of the members of this Chamber.

The ex-Minister of Railways (Hon. Mr. Reid), who seems to have given considerable time and attention to the work carried on by the Commission, is full of optimism as to the future development of that great waterway which is called the Lake and St. Lawrence system. But he has admitted that the project should be approached with caution and prudence, and with all the science that experts can apply to the solution of the problem. He has, moreover, recognized that the time was perhaps not propitious for the Federal Government, if it decided that the work should be carried on, to enter upon that development scheme at the present time. He realizes, better than many of the members of this Chamber, what a heavy burden the railways have laid upon the Dominion exchequer. We must first regain our financial equilibrium and await better times before incurring such large obligations as would be involved in this scheme. The present Federal Government, which has had no time to examine into the project, has replied —and, I believe, properly—to the communication from Washington that it had not yet had the opportunity of studying the project, and did not consider it expedient at the present time to deal with this matter. This is somewhat along the lines of the argument of the ex-Minister of Railways, whom we have had the advantage of hearing to-day. It does not express any enthusiastic opinion over the scheme, I admit, but it states that the Government has not had an opportunity to study the project.

It will be some time yet, I fear, before the Government is ready to approach the Parliament of Canada with the suggestion that a large expenditure be begun upon this improvement. I feel that any improvement of our water-powers will be of great benefit to Canadian trade in general. It is without any prejudice whatever that I approach the question. The information which we have received this afternoon will go a long way to incite honourable members of this Chamber to give close thought and study to the project. I have no objection to the motion which is now before the House.

The motion was agreed to.

CANADA SHIPPING (PILOTAGE) BILL

FIRST READING

A message was received from the House of Commons with Bill 79, an Act to amend the Canada Shipping Act (Pilotage).

The Bill was read the first time.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Thursday, June 15, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

RULES OF THE SENATE

PROPOSED AMENDMENTS

Hon. Mr. DANDURAND: Is not the Senate called by special notice to amend a rule? And, if so, should not the motion have precedence over the regular procedure?

Hon. Sir JAMES LOUGHEED: Yes, it should take precedence.

The Hon. the SPEAKER: It comes as the first notice of motion. I do not think there is in our rules anything that requires

us to deal with that motion before we come to the motions.

Hon. Mr. DANDURAND: My only recollection is that a special meeting of the Senators has been generally called at half-past two, for the purpose of revising the rules. That has not often been done. I remember that in past sessions we did meet at half-past two for such a purpose, but perhaps latterly the meeting has been deferred to a time nearer the time the Senate usually meets. I remember quite clearly, however, that we did take up a motion for a change of rules before proceeding with the routine business of the Senate. I do not know whether my honourable friend the leader of the Conservative party remembers or not.

Hon. Sir JAMES LOUGHEED: Yes. I quite agree with what my honourable friend has said. The practice in the past was that the Senate was called specially to deal with a change in the rules, and invariably before three o'clock. Apparently we are departing from a well-established practice and making this matter simply a part of the business of the sitting.

Hon. Mr. WATSON: But we were summoned for three o'clock.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. WATSON: There was a special summons this time for three o'clock.

The Hon. the SPEAKER: If the House desires to deal with this motion now, I presume that would be the best way to do it. But I would draw the attention of honourable members to rule 29, which says:

> No motion for making a standing rule or order can be adopted, unless two days' notice in writing has been given thereof, and the Senators in attendance on the session have been summoned to consider the same.

That is the only rule I can find relating to an amendment of the rules. A question of privilege would go before the Special Committee on Privileges, and in that case, I understand we should proceed in the way indicated by the honourable leader of the Government.

Hon. Sir JAMES LOUGHEED: With all due deference to what His Honour the Speaker has said, I would direct the attention of the House to the fact that a special notice has been sent out for a meeting to deal with this subject. The motion reads as follows:

> And that the Clerk summon the Senators to consider the motion as requested by rule 29.

That would be a work of supererogation, so to speak, if we could deal with this matter in the Senate, for it would be unnecessary in that case to issue a special summons. The motion contemplates that we should be specially summoned to deal with this particular subject.

Hon. Mr. WATSON: And the notice was given four or five days ago.

Hon. Sir JAMES LOUGHEED: That has been done, and we were here to-day at three o'clock in pursuance of the notice, to deal with the proposed amendment of the rule. However, no good purpose will be served by our resolving ourselves at this moment into the special meeting. We shall deal with the matter when motions on the Order Paper are reached.

Hon. Mr. DANDURAND: Perhaps we might take the matter up at this stage and the motion might be moved now.

The Hon. the SPEAKER: Is it the pleasure of the House that we proceed to motions at once?

Some Hon. SENATORS: Carried.

The Hon. the SPEAKER: Then we will proceed to the motion of the Hon. Mr. Proudfoot.

Hon. Mr. PROUDFOOT moved:

> That Rule 136 of the Standing Rules and Orders of the Senate be amended by substituting for the words "during at least three months" the words "once a week for a period of five weeks". and that Rule 139, clause 3, paragraph (5) and Form E, paragraph 5, be amended by substituting for the words "two months" the words "thirty days"; and that the Clerk summon the Senators to consider the Motion as requested by Rule 29.

He said: Honourable gentlemen, one of the purposes of this motion is to amend rule 136. That rule reads as follows:

> Every applicant for a Bill of Divorce shall give notice of his or her intended application, and shall specify therein from whom and for what cause such divorce is sought, and shall cause such notice to be published during at least three months before the consideration by the Committee on Divorce of his or her petition for the said Bill. . .

What we desire to do is to strike out the words "three months" and substitute the words "once a week for a period of five weeks." In that way we limit the length of time for advertising, and we place Divorce Bills in exactly the same position as Private Bills. That is, if you desire to bring forward a Private Bill,

the period of publication required is only five weeks.

As to the other amendment, of rule 139, clause 3, the only change is in the length of time from the service of a petition. The time is changed from two months to thirty days. That is, instead of being obliged to wait for two months, the Committee of the Senate can hear the petition thirty days after it has been served.

The only other amendment is in Form E, to change the words "two months" to "thirty days." The whole object of the change is to expedite the proceedings before the Senate. Advertising for five weeks should be quite sufficient for all purposes. In fact, it does not seem to me that it is necessary to advertise in two local papers. We have been in the habit of requiring advertising for three months, but five weeks should cover all that is necessary. I never could see that any useful purpose was served by having advertising run for three months. Not only does this proposed amendment save expense, but it also enables the Committee to get on with its work. The same applies to the service. A person who is given thirty days within which to put in an answer to a petition has all the time that is really required.

Hon. Mr. WATSON: Honourable gentlemen, with these explanations made to the House, so that honourable gentlemen may have an opportunity to consider the object of the motion, it has been suggested that this matter be adjourned until next Tuesday; and at this stage of the Session I would ask to be permitted to add as a further amendment:

> The Senate may order more than one sitting of the House on any day, and each such sitting shall be counted as a separate day upon which the House sits.

This will enable the House to deal more expeditiously with legislation, and if the honourable gentleman from Toronto (Hon. Mr. Proudfoot) has no objection, his motion could stand over until next Tuesday.

Hon. Sir JAMES LOUGHEED: Before the matter now under consideration is adjourned, I should like to point out, in addition to what my honourable friend (Hon. Mr. Proudfoot) has said, that the intention of the Committee, particularly during this Session and last Session, has been directed to the unnecessary expense incident to advertising. Under the rules at present three months advertising is required in two local papers. This amounts to a very substantial sum, particularly when it is made by petitioners who belong to the poorer classes of the community. Furthermore, it is really unnecessary, when one considers the fact that the papers are served personally upon all those having anything to do with the proceedings.

In the case of a Private Bill, no matter how important the undertaking may be, even if it involves an expenditure of millions, only five weeks advertising is required. Why, then, in a proceeding of this kind, should we impose greater obligations upon the applicant than are imposed upon the promoters of a Private Bill for an important undertaking?

There is another factor which should be taken into consideration. In the Commons a Divorce Bill is deemed a Private Bill, and comes under the head of Private Bills. There is nothing to prevent a Divorce Bill originating in the House of Commons and being introduced there, and dealt with in the same way as any other Private Bill. Consequently, if a petitioner originated his Bill in that House, all he would have to do would be to comply with the requirements of that House for Private Bills.

With these considerations before us, it seems to me that this amendment is only along the lines of what is right and proper.

Hon. Mr. DANDURAND: It has been suggested by the honourable gentleman from Portage la Prairie (Hon. Mr. Watson) that this debate be adjourned till Tuesday, and that another amendment to the rules of the Senate be made in the form which he has mentioned. I have not closely examined the rules of the Senate, but, as we all know, during the last two weeks of a Session, we generally have two sittings a day, and sometimes three—generally, one in the morning and one in the afternoon which is continued in the evening. I do not remember whether this practise entitles us to move our legislation in the two sittings as if they were two different days.

Hon. Sir JAMES LOUGHEED: Yes, it does.

Hon. Mr. DANDURAND: If that has been the practice, this would simply be crystallizing the present practice into a rule, and I do not see any objection to doing so. At all events, when the matter comes up next Tuesday, we can discuss the question of the date to which this meeting shall be adjourned.

For the information of honourable members, I may say that the business of Parliament seems to be moving quickly, and I in-

tend to give notice of a motion that when the Senate adjourns to-morrow evening it do stand adjourned till Monday evening, and a further notice that from Tuesday next the Senate will have two sittings each day, one at eleven in the morning, and another at three o'clock in the afternoon.

Hon. Mr. PROUDFOOT: I would suggest, instead of Tuesday, that it stand until Monday, if the House is going to adjourn to that day.

Hon. Sir JAMES LOUGHEED: Yes, make it Monday.

Hon. Mr. WATSON: All right, Monday.

Hon. Mr. BENNETT: Before the leader of the House decides that we shall meet next Monday, in view of the fact that we have not been meeting until Tuesday, would he consider this point? Most honourable gentlemen can return here in time for a Monday session, but there are a number who cannot be here until Tuesday. In view of the practice of meeting on Tuesday, I would ask him to consider whether next week we should not meet on Tuesday as usual, instead of on Monday.

Hon. Mr. DANDURAND: I may have more light upon the question to-morrow afternoon, but there are optimists who think we may prorogue at the end of next week.

Hon. Mr. MURPHY: So we will.

Hon. Mr. BARNARD: I may point out to the honourable gentleman from Simcoe (Hon. Mr. Bennett) that those gentlemen can stay here; they do not have to go away.

The motion stands until Monday.

DIVORCE BILL

FIRST READING

Bill Z4, an Act for the relief of Margaret Maud Evelyn Leith.—Hon. R. S. White.

QUEBEC RAILWAY, LIGHT, AND POWER COMPANY BILL

REFERRED BACK TO STANDING COMMITTEE

On the Order:

Third reading Bill 24, an Act respecting the Quebec Railway, Light, and Power Company.—Hon. Mr. Murphy.

Hon. Mr. BRADBURY: Honourable gentlemen, I beg to move:

That the said Bill be not now read a third time, but that it be referred back to the Standing Committee on Railways, Telegraphs, and Harbours, for further consideration.

Hon. Mr. DANDURAND.

The reason I am asking the Senate to refer this Bill back to the Committee is that there are a number of bondholders who are very much interested. The Bill came before the Committee a week ago to-day, and some of those opposed to the Bill were present. The sponsor for the Bill at that time asked that the Bill be allowed to stand, and I, as a member of the Committee, and the counsel from Montreal, who was here representing the bondholders, certainly understood that the Bill was likely to be withdrawn.

Hon. Mr. CASGRAIN: It was mentioned.

Hon. Mr. BRADBURY: The consequence was that the counsel went back home, and the members of the Committee who were opposed to the Bill, thinking that it had been withdrawn, did not pay perhaps as much attention to it as they otherwise would.

The Committee was called again for yesterday. Unfortunately at that time I was ill and confined to my room, and consequently was not present. The first intimation I had that the Bill was before the Committee and passed was this wire that I received from Montreal:

Committee passed Bill 24. This is great injustice to bondholders. I too was to be notified if it was to be presented.

C. A. I. Morgan.

I was aghast when I received that wire, and found, after making certain inquiries, that the Bill had come before the Committee. It would appear that the Committee was jockeyed so that those opposed to the Bill would not be present. I believe the sponsor of the Bill has been perfectly honourable in his action, but the promoters of the Bill must have known that it was going to be opposed, and consequently the sponsor of the Bill was directed to hold it over, and it was clearly intimated that the Bill might be dropped.

Hon. Mr. CASGRAIN: It was mentioned.

Hon. Mr. BRADBURY: In view of the fact that there are thousands of innocent bondholders all over the country who had no intimation of this intended legislation, the least we can do is to send it back to the Committee. The Company seeking the Bill is not a company in the ordinary sense, as it is part and parcel of a merger and has no shareholders, as the entire issue of the shares was purchased by the Quebec Railway, Light, Heat and Power Company in 1909, and all these shares were

pledged and hypothecated on the 15th December, 1909, to the Montreal Trust for the payment of an issue of ten million dollars of bonds by the merger. The only stock outstanding is the shares given by the trustee to the directors to qualify them. If this Bill passes the Senate will be sanctioning an issue of bonds taking precedence of the bonds now held by the public, and for the payment of which all the shares of the Company now before the Senate are pledged. This Bill is absolutely prejudicial to vested rights. It allows no say to the real owners of the shares to control any action by the directors, as the trustee under the deed of trust must give an irrevocable power of attorney or proxy to the nominee of the merger. It must be plain to honourable gentlemen that those responsible for this legislation have taken an unfair advantage to secure the passing of the Bill through the Committee.

Hon. Mr. DANDURAND: Perhaps the honourable gentleman would postpone his remarks to the Committee, if the Bill is returned to it. Is there anybody opposing the motion that the Bill be referred back to the Committee?

Some Hon. SENATORS: No.

Hon. Mr. DANDURAND: If there is an agreement formulated by some of the interested parties, the matter should be ventilated.

Hon. Mr. MURPHY: Yes, but not here.

Hon. Mr. BRADBURY: I am quite satisfied.

Hon. Mr. MURPHY: I may say, as far as this Bill is concerned, that the honourable gentleman who has just spoken has presented a very fair statement of the facts. The Bill was put in my name at the request of a fellow member of this House who was going overseas. I presumed that as it had passed the Commons in the ordinary way, it had been dissected there, and any objections to it could then have been taken; but they were not, and the Bill looked to me to be an innocent one. I did only what I would do for my honourable friend the leader of the Government, if he were going overseas, or for my honourable friend to his left (Hon. Mr. Casgrain), who is interested in this Bill. So far as I am concerned, I took no advantage of anybody. Gentlemen interested in this Bill came up from Montreal and said: "We are going to oppose it." I said: "I do not know very much about it; I know it only in a general way." I have received a wire from Montreal this afternoon asking that the Bill be allowed to stand. An attorney here came subsequently to see me and said: "We may decide practically to withdraw it altogether." That is the statement that I made to the Committee. So far as recommitting the Bill is concerned, I have no objection if there is anything wrong in it. My honourable friend from De Salaberry (Hon. Mr. Béique) and the honourable gentleman opposite, both of whom come from Quebec, were in the Committee, and I thought they understood all the conditions of the Quebec Railway, Light, and Power Company. So when I received notice yesterday that this matter was coming up in the House I was very much surprised. However, I have no objection at all to the Bill being recommitted.

The amendment of Hon. Mr. Bradbury was agreed to.

PRIVATE BILLS

THIRD READINGS

Bill A4, an Act respecting The Edmonton, Dunvegan and British Columbia Railway Co.—Hon. Mr. Griesbach.

Bill 5, an Act respecting the Canadian Pacific Railway Company.—Hon. Mr. Laird.

COLD STORAGE WAREHOUSE BILL

FURTHER CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Report of the Special Committee on Bill B, an Act to amend The Cold Storage Warehouse Act.

Hon. Mr. Belcourt in the Chair.

Section 1 was agreed to.

Subsections 1 and 2 of new section 4A, section 2, were agreed to.

On subsection 3 of new section 4A, section 2—certain articles not to be returned to cold storage:

Hon. Mr. ROBERTSON: May I inquire whether goods taken out of cold storage and consigned to a retailer, who, for some reason or other, is unable to dispose of them, are not permitted to be returned to cold storage? It seems to me that such a practice would tend to cause a waste of good products without doing any person any good.

Hon. Mr. BRADBURY: This is one of the most important clauses of the Bill. One of the biggest crimes that has been committed against the health of the people of

Canada is the taking of goods out of cold storage and consigning them to a retailer, and then, when he is not able to dispose of them, and after they have been exposed to a warmer temperature, putting them back into cold storage again. Scientists will tell you that food that has been dealt with in that way is one of the principal causes of ptomaine poisoning. Nearly every State of the Union has passed legislation along these lines. When a frozen article is taken out of cold storage and offered for sale, it must not go back into cold storage. That does not prevent a man putting goods into his own refrigerator, but he cannot put them back into cold storage.

Hon. Mr. DANIEL: In connection with this matter I should like to give you the opinion of Eugene H. Porter, the Commissioner of the State of New York, on this subject:

> The State prohibits the return of food to cold storage when once released for the purpose of placing the same on market for sale. The reason for this is that it has been found that once an article of food has been taken from a low temperature to a higher one deterioration sets which in a comparatively short time renders it unfit for human consumption. If a side of beef for example, were withdrawn from cold storage, and then returned, after being exposed to the warm air to a cold storage room again, the process of deterioration would be at work, and while the cold air would retard it, yet it would not restore the meat to its former condition. So, to avoid all chances of danger, the State forbids the return of any food commodity.

That is the statement of the Commissioner who has charge of and is responsible for this matter in the great State of New York.

Hon. Mr. ROBERTSON: Notwithstanding all that has been said in defence of this clause of the Bill, I should like to point out to the House that subsection 1 of section 2 provides that no article shall be put into cold storage if it is unfit for human consumption. If it is fit for human consumption, why should it not go back to cold storage to prevent it being destroyed? What difference does it make whether it is put back into cold storage for preservation or into one's own ice box? It seems to me that these regulations all tend to increase the cost of living to very many people. If a man has had some goods in cold storage and has taken them out, and for some reason desires to return them to cold storage and has no cold storage facilities of his own and they are still fit for human consumption, why should they be prevented from going into cold storage under a special clause in the Bill? I may be a layman, and not a health officer, but I fail to see any reason why an article that is fit for human consumption should not be put into cold storage whether it has been there before or not.

Hon. Mr. MURPHY: Mr. Chairman, yesterday you said that I was not a lawyer, but a doctor. To-day I am a doctor, not a lawyer, and I want to say that the mover of the Bill is perfectly correct and accurate in the statements which he has made. It is dangerous for anyone to take food that has been re-stored after it had been exposed to the air and microbic action has taken place. In this I want to make a reservation. Some of our good friends, the British, who are good feeders, will not eat any game food unless it is what they call "high". I had a good friend, a lawyer, who came from England. He happened to be in the town in which I first practised. He would hang up his partridge and game until it was "high". He said it was not fit to eat before that was done. I said: "My friend, you will get caught some day." I said: "You are taking poison, your digestive juices are taking care of it now, but you will be caught some day." One night I was called to him. He had taken down some of this game and eaten it, and had ptomaine poisoning. Beef will stand such treatment better than anything else. Fish will not stand it. The minute a fish dies it begins to deteriorate, and that will be admitted by my good friend to my right (Hon. Mr. McLean), who puts his fish into freezing temperature as quickly as possible, almost while they are still kicking. But if fish go to a huckster on the understanding that if he does not sell them they can go back into cold storage, and they are sent back into cold storage, they are not fit for human food. They are a menace to the community, and the poor people who buy them have to trust to their digestive juices or the good Lord to take care of them.

Hon. Mr. ROBERTSON: Section 2 would take care of that. Articles unfit for human consumption are not to be stored.

Hon. Mr. MURPHY: Who is going to tell? Do you mean to say that you could tell whether or not a mackerel was good? The only way you can get a mackerel that is fit to eat is to go down to the boats and take it home kicking and put it on your pan almost before it dies. We from the Maritime Provinces, who cannot get fish up here that is fit to eat, know that. I am a Roman Catholic, and unfortunately

some three days a week I have to eat fish or go without. I cannot eat the kind of stuff you get here; I push it away from me. If there is one clause in this Bill that should be passed, this is the one.

Hon. Mr. McLEAN: I would call the attention to the fact that while you refuse to allow the food to go back to cold storage, you will allow the man who takes it into his store to put it into his cold storage. If it is not fit to go back into a public cold storage, it is unfit to go into his private cold storage.

Hon. Mr. BRADBURY: The honourable gentleman is quite right, but I draw attention to the fact that once the food reaches the retail store it becomes a matter for the civic authorities to say that it shall not be offered for sale if not wholesome. I am going as far as I can go in this Bill.

Hon. Mr. WATSON: I disagree entirely with the honourable gentleman from Welland (Hon. Mr. Robertson) when he says that if the food does not go back to cold storage there is a loss to the public. Take the handling of fruit for instance. In the city of Ottawa, whether in the smallest or the largest store, you buy bananas and oranges at exactly the same price. The prices are controlled by the wholesalers. I am satisfied that in the city of Ottawa tons of fruit are destroyed or allowed to go to waste every week, whereas if the retailers were compelled to dispose of it they would sell it at a reasonable price, and the cost of living would be lowered. There would be tons of fruit used that are to-day dumped into the canal. That is one of most important features of this Bill. I would go further. I think the cold storages ought to be responsible for every dollar's worth of goods destroyed in cold storage if they let the temperature change for a few hours.

Hon. Mr. LAIRD: The cold storage company is responsible now.

Hon. Mr. WATSON: If they are, I am glad of it. I did not know that they were.

Hon. Mr. LAIRD: They are responsible to the owner of the goods.

Hon. Mr. WATSON: I am certainly in favour of this clause of the Bill.

Hon. Mr. DANDURAND: Do I understand that the retailers who get fish or meat or fruit from the cold storage in the morning are in the habit of returning it to the cold storage that day or the next day?

Hon. Mr. MURPHY: They are. It is spread out on their tables all day and then returned.

Hon. Mr. DANDURAND: I thought that it belonged to the retailers, and that they had to take care of it or dispose of it.

Hon. Mr. BRADBURY: It is done, perhaps not very often, and this is to make that impossible; but if it is done only once, that is once too often.

Hon. Mr. ROBERTSON: I do not desire to block this Bill at all, but simply to bring out points and to gain information. It occurs to me that the provisions of this clause permit the transportation of food from one cold storage plant to another in refrigerator cars.

Hon. Mr. MURPHY: Absolutely.

Hon. Mr. ROBERTSON: But there are scores and probably thousands of dealers in a small way who would like to transport their goods in less than carload lots from one place to another, and it seems to me that they are put at a disadvantage as compared with the large dealers. The cold storage regulations seem to tend towards putting the whole handling of perishable foods into the hands of a constantly diminishing number of firms and eliminating competition, and consequently towards increasing the cost.

Hon. Mr. WATSON: Does not subsection 2 provide for what you are after?

Hon. Mr. ROBERTSON: Subsection 2 is satisfactory to me.

Hon. Mr. BRADBURY: It is very evident that my honourable friend has not given very close attention to the clause. It makes ample provision to meet the situation which he has outlined. It reads as follows:

> If eggs, fish, poultry, game or fresh meats are taken out of cold storage and exposed for sale, they shall not be returned to cold storage; but this provision shall not prevent the transfer of any of the said articles of food from one cold storage warehouse to another if the transfer is made in refrigerator cars on railways, in refrigerated space on steamships or other vessels, or in such other means of conveyance as may be approved by regulation made by the Governor in Council.

Hon. Mr. ROBERTSON: I have not overlooked that at all. But I point out that in the absence of any regulations the small dealer is absolutely debarred. He is dependent on the Governor in Council making regulations.

Hon. Mr. MURPHY: I should like to draw the honourable gentleman's attention to the fact that if a man ships three-quarters of a carload he can get a refrigerator car.

Hon. Mr. ROBERTSON: By paying full carload rates.

Hon. Mr. MURPHY: Yes. And my honourable friend here (Hon. Mr. McLean) will tell you that they do not ship in less than carload lots, because it does not pay them.

Hon. Mr. FOWLER: Suppose you wanted to ship a basket of fruit, would you pay for a refrigerator car?

Hon. Mr. MURPHY: No. You could get it into an express car. I had some lobsters come up here the other day in that way, and I had to throw them out.

Hon. Mr. DANIEL: The cold storage people are quite satisfied with the clause.

Hon. Mr. LAIRD: The point raised by the honourable gentleman from Welland (Hon. Mr. Robertson) may be easily explained by the fact that it is quite optional to shippers to ship in refrigerator cars in the summer, either in carloads or less than carload lots, and during the cold months they can ship in heated cars. The railway companies operate refrigerator cars in the summer and heated cars in the winter for this service, and any shipper can ship in carload quantity or in less than carload quantity.

Hon. Mr. MURPHY: The shipment of smelts is a very large industry with us, as it is in the locality of my honourable friend from Sussex (Hon. Mr. Fowler). Every morning a car is put on going to the steamer, and small lots can be shipped as well as carload lots.

Hon. Mr. DANIEL: They are frozen anyway.

Hon. Mr. POPE: What about the small consumer in the country? Are you going to ship carload lots to him in cold storage? Take our people in the province of Quebec. We do not get our food from cold storage. We are entitled to some consideration.

Subsections 3 and 4 of new section 4 A, section 2, were agreed to.

On new section 4B of section 2—period of storage:

Hon. Mr. FOWLER: Are you going to have the Minister do this?

Hon. Mr. MURPHY: After twelve months the Governor in Council can decide.

Hon. Mr. REID: There has been a complaint in the past about doing the business of the Government by Order in Council.

Hon. Mr. MURPHY: This is very exceptional. You fellows did too much of that.

Hon. Mr. BRADBURY: I am a little surprised at this remark coming from a member of the late Government.

Hon. Mr. WATSON: He is trying to apologize.

Hon. Mr. BRADBURY: Part of this section is obligatory, and the other part is referred to the Minister, who may make regulations.

Hon. Mr. REID: If it is to be carried out by Order in Council, and the Government carries it out by Order in Council as well as the previous Government carried on, I am satisfied.

Hon. Mr. DANDURAND: I hope that neither the present nor any future Government will abuse its powers.

Hon. Mr. MURPHY: But you said the last one did.

New section 4B of section 2 was agreed to.

On new section 4C of section 2—label required for reception into cold storage:

Hon. Mr. FOWLER: I would like a little explanation with regard to paragraph a of subsection 2.

Hon. Mr. MURPHY: So would I.

Hon. Mr. FOWLER: "A description of the article." What does that mean? Does it mean its geneology, or its pedigree? The article itself would show what it is. What do you mean by "a description of the article?"

Hon. Mr. BRADBURY: I will tell the honourable gentleman exactly what I mean, and when I tell him he will see how necessary it is. This marking is adopted by every state in the Union that has legislated on cold storage. I have examined their cold storage legislation, and I do not think there is one state that has not adopted a card similar to this.

Hon. Mr. FOWLER: Do you put that on each article?

Hon. Mr. BRADBURY: You can, o you can stamp on the description if you like.

Hon. Mr. FOWLER: Stamp it on the eggs? How would you stamp it on a pineapple?

Hon. Mr. BRADBURY: Allow me to explain this. The label contains the words "cold storage"; then the name of the place; it may be Illinois, or if the cold storage is in this city it would be "Ottawa"; then the name of the firm—for instance, "The Canadian Packing Company;" then "Received on the fifth day of June."

Hon. Mr. FOWLER: Would that be put on each egg?

Hon. Mr. BRADBURY: Not on each egg, but on each container that held the eggs.

Hon. Mr. FOWLER: What proof are you going to have that the container has not been filled up with eggs three or four months old unless the particulars must be put on each egg?

Hon. Mr. BRADBURY: Under the Cold Storage Warehouse Act, if this Bill passes, it will be absolutely impossible to tamper with this labelling. When a container of eggs goes into cold storage and is accepted by the proprietor or manager of the cold storage, he becomes equally responsible with the man who puts them in store, and they are stamped as being received on a certain date. The stamp cannot be tampered with, except, of course, in so far as anybody may be dishonest, just the same as anybody may steal. I am not trying to legislate men honest.

Hon. Mr. FOWLER: But unless each egg is stamped, how are you going to know that eggs that have been out of cold storage for a long time will not be put into that same container, if the stamping is only on the container? Do you not see what chances there are for fraud?

Hon. Mr. BRADBURY: Yes.

Hon. Mr. FOWLER: But if the stamping is on each egg there can be no fraud.

Hon. Mr. BRADBURY: I know, but of course that would be impossible.

Hon. Mr. DANIEL: Carried.

Hon. Mr. BRADBURY: I think honourable gentlemen must realize the necessity of legislation of this kind. This is to my mind one of the most important parts of the Bill. It is to be an intimation to the public that the container went into storage on a certain date and came out on a certain date. Then the public will know exactly how long these goods have been in cold storage. This is a check on the cold storage companies of Canada.

Hon. Mr. ROBERTSON: May I point out to the honourable gentleman from Selkirk that in buying many of the articles that have come out of cold storage the purchaser never sees the container in which they were while in cold storage. She purchases, for instance, a dozen eggs. These eggs may have been at a cold storage warehouse for six months, but when she purchases them there is nothing on the package she receives to indicate that fact. Therefore it seems to me this provision is largely useless.

Hon. Mr. BRADBURY: It is very evident that my honourable friend is not paying very much attention to the Bill. There is in the Bill a clause which makes provision for all that. When a container of eggs is taken into a retail store for sale, the container in the first place has stamped or tagged as provided, and in addition there is to be a card placed so as to be in full view on or near the goods offered for sale with the words "cold storage goods," in letters 2 inches long. The good housewife is not usually blind: she will see that and know what she is buying.

Hon. Mr. FOWLER: But suppose she buys by telephone?

Hon. Mr. DANIEL: This Bill does not profess to make honest men out of dishonest men. That is not the part of the Bill. But it does say that if a man deals dishonestly in this matter and is found out, he shall be penalized to a certain extent, either in money or by being jailed. That is all you do with any other crime—theft or even murder. That is all you can do.

Hon. Mr. FOWLER: We hang them for murder.

Hon. Mr. DANIEL: You cannot pass a law that will make a man honest. Now, with regard to the label, it appears to me that it is the most important thing in the whole Bill, in so far as the consumer is concerned, and to my mind this Bill is made in the interest of the consumer. The label gives to the consumer, when he or she comes to purchase the goods, a knowledge of what he or she is purchasing—a knowledge that can be got in no other way. That is, it shows that the goods have been in cold storage for three, six, nine, eleven months, or whatever time it may be. That is the only way the consumer can get that knowledge.

Hon. Mr. MURPHY: But if they buy by telephone?

Hon. Mr. DANIEL: And it is for the protection of the consumer. I know a good deal of peculiar evidence has been given before this Committee, but it is undoubtedly a scientific fact that when an article of food is in cold storage, it does gradually diminish in freshness and become deteriorated, even if it is frozen.

Hon. Mr. ROBERTSON: Was that the evidence submitted by the Agricultural Department experts?

Hon. Mr. DANIEL: That is not the evidence that Mr. Ruddick gives.

Hon. Mr. MURPHY: Why would it be necessary to fix a maximum period of twelve months?

Hon. Mr. DANIEL: But I can give you some evidence on that subject from a man who is qualified to speak.

Hon. Mr. BRADBURY: A scientist.

Hon. Mr. DANIEL: That is, Dr. Wiley. I look upon Dr. Wiley as the highest authority on this subject on the North American continent. I do not know where you can find anyone who has devoted as much scientific investigation to this subject as has Dr. Wiley. He has made it the study of years. He has investigated the effect of cold storage on decomposition, on palatability, and on the wholesomeness of food—in every way that it is possible to make a scientific investigation of those things. He gave his evidence before a Committee of the Senate. What does he say? I want to give you these points, because they are points on which, I think, Mr. Ruddick's evidence should not be taken as scientific. Here is what Dr. Wiley says:

> The idea that freezing will preserve indefinitely is contrary to scientific fact.

He gives that as the result of his own investigation. He says further:

> There is progressive decomposition of a cold-stored product from the day it is put in until the day it is taken out.

In that he is completely at variance with Mr. Ruddick. Mr. Ruddick is a cold storage man, not a scientific man. He has never investigated any of these things scientifically. His knowledge is simply that of a cold storage man. Dr. Wiley is a scientific investigator, and is looked upon as the highest authority on the subject in the United States.

Hon. Mr. MURPHY: Will the honourable gentleman tell me how decomposition could take place under proper conditions of freezing—at a low enough temperature?

Hon. Mr. DANIEL: I will give the honourable gentleman, not my opinion—

Hon. Mr. MURPHY: I want to know something about it.

Hon. Mr. DANIEL:—but the opinion of Dr. Wiley:

> There is progressive decomposition of a cold-stored product from the day it is put in until the day it is taken out.

Then he goes on to say, in another statement:

> There is always the activity bacterially and vitally going on in the stored article, even if it is frozen.

Hon. Mr. MURPHY: How?

Hon. Mr. DANIEL: There is Dr. Wiley's answer to that.

> A freezing mixture, even ice, does not inhibit bacterial activity: because water is frozen when you buy ice, yet it may be full of typhoid germs, alive and kicking the moment they get out of their bonds.

Hon. Mr. MURPHY: They do not develop in it, though.

Hon. Mr. DANIEL (reading):

> It is heat that destroys bacteria, not cold.

It is on the evidence of scientific men like Dr. Wiley that this Bill is based, and it is on his evidence that the label is based, so that the purchaser may know, when buying a cold storage article, how long it has been in cold storage, and may know that he is not being imposed on by being told that the article is, say, a freshly-killed chicken.

Hon. Mr. FOWLER: I disagree entirely with Dr. Wiley's statement that no matter how hard a thing is frozen, or in what place, it is not preserved indefinitely. We know as a matter of fact that there was a time, many ages ago—aeons ago—when what is now the Arctic region was tropical. The remains of animals that could inhabit only a tropical country have been found embedded in the ice. Glacial action has taken place and these have become uncovered, and the flesh of those animals buried in the ice a million years ago—at least a million years ago—has been found fresh and perfect so far as its food quality is concerned. That is an absolute fact. That is a scientific fact.

Hon. Mr. DANIEL: No, it is not.

Hon. Mr. FOWLER: Yes, it is an absolutely scientific fact that in the Arctic

regions such animals have been found, and that men, while they may not have eaten the food themselves, have fed their dogs, without evil results, upon the flesh of these animals that must have been lying embedded in the ice for a million years. So if deterioration takes place from the time the animal dies, even when it is embedded in the ice, that must be a very slow kind of poison, when after a million years it still does not show any appreciable effect.

Hon. Mr. DANIEL: All the same, I may inform the honourable gentleman from Kings and Albert (Hon. Mr. Fowler) that his statement is not borne out by the fact. Although I am quite aware that he has probably read a statement of that kind, in the press or otherwise, yet if he will investigate the matter a little further and more carefully he will find that the statement is not correct.

Hon. Mr. FOWLER: Well, we have always understood it to be.

Hon. Mr. ROCHE: I would like to remind the honourable gentleman that the animal in the Arctic regions is a mastodon and not the ordinary edible animal we have here.

Hon. Mr. FOWLER: It is flesh just the same. I can understand that the honourable gentleman might not want to eat it.

Hon. Mr. ROBERTSON: Honourable gentlemen, I desire to say just a word with reference to what I believe to be the view of the experts in the Department of Agriculture on the preservation of food products, particularly eggs. They express the view that eggs do not deteriorate while in cold storage if kept at a proper temperature, but that everything depends upon the condition of the egg when it goes into cold storage. The tag on the container stating that these crated goods went into cold storage, for instance, on the 10th day of June, is of no value. Inspection of the eggs will only add to the cost. I repeat my opinion that there are too many restrictions and too many "ifs" and "ands" in the provisions of this Bill, all of which tend to increase the cost of living rather than to be really beneficial to the consumer. If an egg is to be guaranteed fresh, there must be an inspector to catch it and mark it as soon as the hen says goodbye to it.

Hon. Mr. McLEAN: I would call attention to the next clause, reading:

> The firm or person on whose behalf any article of food is delivered for cold storage shall be prima facie liable for compliance with the requirements of subsection 2 of this section.

Hon. Mr. MURPHY: The question mooted by the honourable gentleman from Queens and Albert (Hon. Mr. Fowler) and which may be covered by subsequent clauses, is a very important matter: that is the instances in which goods are purchased by telephone. That is a practice largely in vogue in the cities. How is any one who purchases in that way to tell whether goods are fresh or not? How is he to see this label? In the country we have no trouble at all about it, because the housewives usually go to the store; but in the cities, where, as my honourable friend from Queens and Albert says, people buy by telephone, the effect of that clause would not amount to a row of pins.

Hon. Mr. ROBERTSON: It is only in the cities that people buy cold storage goods anyway.

Subsection 2, 3 and 4 of new section 4C were agreed to.

On subsection 5 of new section 4C—removal from storage; further particulars on label:

Hon. Mr. FOWLER: Let me say, honourable gentlemen, that there can be only one reading of that: it means the article of food. It does not mean the package containing the article of food, but it means the article of food itself. If there is a box of eggs, every one of those eggs should be stamped in red letters, a foot high, is it? —no, half an inch, showing "the name and designation of the proprietor."

Hon. Mr. WATSON: Of the egg.

Hon. Mr. FOWLER: Of the egg. It is the article of food. That certainly does not mean the container, because you would have a hard time if you ate the container, probably made of tin or wicker. So you have to stamp the particulars on each article of food, that is, on each of the eggs.

Hon. Mr. McLEAN: Will the honourable gentleman allow me to ask a question?

Hon. Mr. FOWLER: Yes, two.

Hon. Mr. McLEAN: When the goods are put into cold storage they are inspected. If when they go in the particulars are marked on the label, would the goods not come out marked in the same way?

Hon. Mr. FOWLER: This says, "an article of food." You are here passing a

law that is going to be construed by the courts, and I say, having some knowledge of the law and of the way that the law is construed by the courts, that "an article of food" does not mean the container; it means the article of food itself. In the case of eggs it means the egg. I would not buy one of those eggs all stamped over with red letters, and I do not think you would find any person who would. It means that an enormous expense would be added. You would have to make regulations, and you know that three-quarters of the regulations that are passed—

Hon. Mr. DANIEL: Will the honourable gentleman allow me a question on that?

Hon. Mr. FOWLER: Yes.

Hon. Mr. DANIEL: The honourable gentleman says that this Bill, when it refers to food, means the individual article, such as an egg; that every egg would have to be marked. Suppose olive oil were put into cold storage. How would that be marked? How could you put the mark on the oil? It would have to be put on the container of the oil, would it not? You require a container for the eggs, and just as you would stamp the bottle or other container of oil, so you would stamp the container of the egg.

Hon. Mr. PROUDFOOT: A shell is the container.

Hon. Mr. BRADBURY: Upon my word, I am really surprised at the lack of attention given by honourable gentlemen to the different clauses.

Hon. Mr. FOWLER: We have heard enough about that. Let the honourable gentleman give us the information.

Hon. Mr. BRADBURY: The honourable gentleman contends that under this clause the expression "article of food" means that every egg should be stamped Here is what the clause says:

> When an article of food is removed from cold storage, the proprietor, manager or other person in charge of the cold storage warehouse shall cause to be plainly stamped or printed on the label aforesaid.

Not on the article; not on the egg.

Hon. Mr. McLEAN. The honourable gentleman's contention would be all right if the eggs were not inspected when they went in.

Hon. Mr. FOWLER: If that is done, that is sufficient. Why do you have to have all this business of stamping? And what protection is there? How is a man to know how long they have been there when they come out? You have provided that no article that is unfit for human consumption shall go into cold storage.

Hon. Mr. McLEAN: You put a date on when the goods go in, and you stamp the date when they come out.

Hon. Mr. BRADBURY: I know the honourable gentleman is very anxious to help us to get at a good Bill. When the article goes into cold storage it is stamped with the date when it was received. All this clause says is that when it comes out the date shall be stamped on the label. It does not say anything about stamping the food.

Hon. Mr. DANIEL: As a matter of fact, the proprietors stamp their goods now when they go into cold storage. If you read the evidence of Mr. Ayer, I think it is, of Montreal, you will find that he complains that this labelling might cause some expense; but at the same time he says that they stamp every package of their own goods. All that this imposes upon the cold storage man is the duty of putting on his name and the date. Well, he already stamps his name on the goods.

Hon. Mr. FOWLER: Then why have this regulation?

Hon. Mr. DANIEL: All that is additional is the date. I do not think there need be much trouble about that.

Subsection 5 of new section 4C of section 2 was agreed to.

New sections 4D and 4E of section 2 were agreed to.

On section 3—Act now made to apply to hotels and dining cars:

Hon. Mr. BRADBURY: This is to amend what was done in the old Act of 1914. I think it is the experience of a good many honourable gentlemen here that if there are any cold storage systems in Canada that need careful investigation they are those of the large hotel and the dining car. This gives the inspector the right to inspect the dining car cold storage system, both at the terminals and in the dining car and to inspect the cold storage system in the large hotels. I have twice been the victim of ptomaine poisoning in the large hotels of Canada.

Section 3 was agreed to.

On section 4—penalties for contravention of Act:

Hon. Mr. FOWLER: Why do you not make a minimum fine as well as a maximum fine, so as to have uniformity?

Hon. Mr. BRADBURY: It was my intention to make the maximum $500. There would be no minimum.

Hon. Mr. FOWLER: It would be the maximum and the minimum both?

Hon. Mr. BRADBURY: The maximum is not to exceed $500. The minimum might be one cent.

Hon. Mr. PROUDFOOT: You could make the fine $100, not to exceed $500.

Hon. Mr. FOWLER: Make it $250. I would move in amendment that the minimum be not less than $250 in the first case, and for a second offence not less than $500.

Hon. Mr. BRADBURY: I would be willing to accept that.

Hon. Mr. FOWLER: I would not change the term of imprisonment. That is all right.

Hon. Mr. BEAUBIEN: Before this is passed I want to call the attention of the House to the fact that it may work a very great hardship. The hands of the judge will be tied: he will have no discretion.

Hon. Mr. FOWLER: Supposing he has no discretion.

Hon. Mr. BEAUBIEN: You may have a trifling violation of the law and the judge will have to impose the minimum fine of $250. I do not think there are very many precedents for that. Of course, in criminal cases it has been necessary to fix a minimum.

Hon. Mr. FOWLER: The difficulty is that so few judges have discretion that unless you indicate a path for them to follow, a well-marked path, they are very apt to get aside from it. You may not think this a serious matter, but it strikes me that it is a very serious matter that people are being poisoned owing to neglect. My honourable friend the mover of this Bill (Mr. Bradbury) has suffered, and I quite understand and appreciate and sympathize with his motives in bringing this Bill forward. There is nothing that brings a matter home like personal suffering. I think it is a very light penalty to fine a man $250 or to give him three months for perhaps killing some worthy citizen of Canada by wilful neglect of the provisions of this Bill. If the terms of this Bill are followed, Canada being a law-abiding nation—as we know it is from the way in which prohibition has worked out—we will be preserved. But if there is any citizen so evil-minded as not to follow the regulations laid down here, let him be punished and let the punishment be sufficicently heavy to be a warning not only to him but to all other persons.

Hon. Mr. DANIEL: I do not like the idea of setting a positive minimum like that: I prefer to give the judge some discretion. I think that where no discretion at all is allowed to a judge or a magistrate unnecessary misery is often caused. Take the prohibition law. Under that law, no matter how slight an offence may be, and no matter whether the offender is a man or a woman, a fine of $200 goes on and the magistrate is allowed no discretion. I might refer to well-known case of a woman here in the city of Ottawa. She was fined $200 for a simple infraction of the law which ought not to have been considered an infraction at all. She did not have the $200 and was sent to jail for that reason and because the magistrate had no discretion. I think it is better to give the judge or magistrate some discretion.

Hon. Mr. BEAUBIEN: The argument of my honourable friend who is moving for a minimum fine (Hon. Mr. Fowler) is based on the statement that few of our judges have discretion. Of course I do not suppose that is said very seriously. But are we showing very much discretion now in judging every case that is to come under the operation of this Act? That is what we are doing. We are judging now every offence that may be committed—it may be serious, indifferent, or trifling. We are the judges, and we are acting as though we knew everything and had already weighed the evidence in every case. I am afraid I cannot subscribe to that. We cannot complain very much of our judges. They were appointed because it was impossible to say what cases could come under the law, and they have to judge of the culpability of the people brought before them and to apply the law. If you refuse them that discretion, what then?

Hon. Mr. FOWLER: We fix a sliding scale. We give them discretion between $500 and $250. After all, the magistrates, who will be the persons to adjudicate upon these matters—not the judges of the Supreme Court or the Judges of the County Court—may not be seized as we are with

the importance of this thing. They may look upon it as a trifling matter if they are slightly old-fashioned, and not up-to-date, and may not think that it is of much importance whether there are labels on eggs and fruit and so forth. Therefore when a man is brought before them they may say: "Oh, we will fine him 5 cents, or 10 cents, or 25 cents"—not enough to impress him with the fact that he has committed a serious offence in contravening this very important health law. Therefore I think that there should be a minimum. If honourable gentlemen think $250 is too much, we might cut $50 off it. But when we consider that the men who will be adjudicating are not the judges, or trained men at all, but country magistrates and so forth, surely we ought to mark out a line beyond which they should not trespass.

Hon. Mr. DANIEL: As a matter of fact, these infractions of the law would occur in big cities and not in the rural districts where one might find a magistrate who perhaps was not well acquainted with the law.

Hon. Mr. FOWLER: Oh, no.

Hon. Mr. DANIEL: Oh, yes, because that is where the cold storages are.

Hon. Mr. FOWLER: The cold storage is everywhere.

Hon. Mr. DANIEL: There is only one cold storage in the whole Maritime Provinces.

Hon. Mr. FOWLER: Only one?

Hon. Mr. DANIEL: There may be two: there may be one in Prince Edward Island. There is one in New Brunswick, but there is not one in Nova Scotia.

Hon. Mr. FOWLER: There are lots of cold storages in New Brunswick on the north shore.

Hon. Mr. DANIEL: Not to amount to anything.

Hon. Mr. FOWLER: Oh, you have not seen them.

Hon. Mr. DANIEL: However, that is the point I was going to make—that the magistrates who will deal with this will be educated in the law, and that sort of thing. They would be—

Hon. Sir JAMES LOUGHEED: Cold storage men.

Hon. Mr. DANIEL: Perhaps, if they had much of this business to do, they would be cold storage men.

Hon. Mr. DANDURAND: I do not think my honourable friend from Sussex (Hon. Mr. Fowler) has made out a case. The trend of legislation is not to fix a minimum penalty. I would cite a case in point. There are very many technical offences in the case of which a judge has to apply the law and yet is faced by a minimum penalty. It is a very great hardship. In the application of the Indian Act, it is prohibited to serve liquor to Indians, under a penalty of three months in jail as a minimum. One day the late member for Jacques Cartier, Mr. Monk, came to my office, apparently very much aggrieved and affected because of the sentence of two hotelkeepers in Lachine, in his own county, to three months in jail. They were respectable fathers of families, with their children about them, and they had been condemned for giving a drink to two Caughnawaga Indians from across the river. Witnesses had been brought in to prove the charge, and the proof was self-evident to the judge. They looked like white men, but they were Indians from the reservation.

Hon. Mr. DANIEL: A drink of what—water?

Hon. Mr. DANDURAND: Liquor. The two hotel-keepers were then in jail, having been condemned in the morning, and Mr. Monk called to ask me if I thought it would be infra dig, inasmuch as he was a prominent member of the Opposition, for him to appeal to Sir Wilfrid Laurier, who happened to be acting as Minister of the Interior during the summer. I told him no—that he should write immediately. Two or three days afterwards he came back with the answer from Sir Wilfrid. He said: "My dear Monk, I now realize why for a number of years your electors have been preferring you to me: they cannot make a distinction between an Indian and a white man."

The Hon. the CHAIRMAN: The question is on the amendment.

Hon. Mr. BRADBURY: Honourable gentlemen, just one word with reference to this amendment. When this clause was framed in the first place, I gave a great deal of attention to it. I examined a great many of the clauses of other Bills. This one was drafted with the intention of punishing severely any person who deliberately violated the Act. At the same time I realized that it was quite possible that an innocent person, having no intention of violating the Act, might unwittingly infringe

it, and that the judge ought to have some discretion in the matter. That is why I left it that way.

Hon. Mr. FOWLER: Honourable gentlemen, I moved to affix a severe minimum penalty by reason of my feelings having been so aroused by the story that my honourable friend from Selkirk told of his own sufferings. I thought that if by making the minimum punishment severe I could prevent the like of that from occurring in future I should be doing my duty. But now that my honourable friend is willing to let the Bill stand as it was, and is willing to forgive and forget—

Hon. Mr. WATSON: And take his chances.

Hon. Mr. FOWLER: —I certainly will take a chance too and, with the leave of the House, withdraw the amendment.

The amendment was withdrawn.

Section 4 was agreed to.

Section 5 was agreed to.

Hon. Mr. BRADBURY: Honourable gentlemen, I move another amendment, a new clause to be embodied in this Bill, to make provision that each cold storage shall keep a book showing what comes in and what goes out. Add, on Page 3, line 45, after section 4E, the following new section:

4F. Every proprietor of a cold storage warehouse shall cause to be kept and every manager or other person in charge of a cold storage warehouse shall keep, in such manner or form and with such particulars as may be required by regulation, accurate records and accounts of all articles of food received into, held in or taken out of cold storage, or any cooling or chilling room in such warehouse.

That is to keep a complete record of everything that goes in or comes out of cold storage.

Hon. Mr. WATSON: Open for inspection?

Hon. Mr. FOWLER: Has the honourable gentleman's Committee considered the amendment that he is proposing?

Hon. Mr. BRADBURY: No. This is an amendment I am now moving to the Bill.

Hon. Mr. DANIEL: That is what they ought to do anyway.

Hon. Mr. WATSON: Who will have the right to inspect that?

Hon. Mr. BRADBURY: The inspector of whichever Department this is put under. I am going to suggest, before the Bill is passed, what I think ought to be done in that respect.

Hon. Mr. FOWLER: I would like to ask the honourable member, the promoter of this Bill, a question. Has he consulted with the legal authorities of the House as to whether there would be any conflict of authority between the provinces and the Dominion with regard to this legislation?

Hon. Mr. BRADBURY: When I first introduced this Bill I made very clear, I think, my position in regard to it. I read a letter from the Deputy Minister of Justice setting out exactly what he thought to be the powers of the Federal Parliament, and this Bill is framed so as to come within his view. Its purpose is to protect the health of the people.

Hon. Mr. FOWLER: Has the honourable gentleman submitted it to him?

Hon. Mr. BRADBURY: Submitted which?

Hon. Mr. FOWLER: This Bill.

Hon. Mr. BRADBURY: No, I have not submitted the Bill, but the Department submitted to him the legislation that was passed in 1914; that is, the present Act; and he pointed out that it was questionable whether the Federal authorities had power to enforce that statute, taking power to license different cold storages; but he pointed out to the Department that it might be done under the powers that the Federal Parliament had regarding the health of the people of Canada. And I am moving along that line.

Hon. Mr. ROBERTSON: May I ask my honourable friend, what is the reason that this amendment comes before the House now, and has not been before the Special Committee that dealt with the Bill?

Hon. Mr. BRADBURY: The reason is simply this, honourable gentlemen, that I overlooked it. This amendment is similar to a clause which is contained in every Bill passed on the other side of the line. It simply compels each cold storage company to keep a record. I do not think any of them will complain, for I believe every cold storage company keeps such a book, but I want to make sure that the book is kept and is available for the Government inspectors, in order that they may see what goes in and what comes out of cold storage.

Hon. Mr. FOWLER: That is all right.

Hon. Mr. WATSON: The honourable gentleman speaks of the Government inspectors. I suppose that any health inspector, duly appointed, would have access to those records.

Hon. Mr. BRADBURY: Any inspector duly appointed by the Government.

Hon. Mr. WATSON: It might be a municipal inspector.

Hon. Mr. BRADBURY: I do not see why he should not have the same rights.

Hon. Mr. WATSON: I think he should.

The amendment was agreed to.

Hon. Mr. BRADBURY: Before moving the adoption of the Bill, I desire to make a statement—

The Hon. the CHAIRMAN: Honourable gentlemen, there is a question of procedure which arises here, and as to which I want to consult the Committee. I understood that when item 6 of the Orders of the Day was called the honourable gentleman who has charge of this Bill (Hon. Mr. Bradbury) moved that the report of the Special Committee be concurred in, and that motion was carried. Subsequently, I think, the honourable leader of the Conservative party pointed out to the House, or somebody moved—

Hon. Mr. DANDURAND: That concurrence was cancelled, or rescinded.

The Hon. the CHAIRMAN: Quite so.

Hon. Mr. DANDURAND: And the report has been sent to this Committee of the Whole for consideration.

The Hon. the CHAIRMAN: This Committee has been sitting for the purpose of considering the report, not the Bill.

Hon. Mr. ROBERTSON: The report is the Bill as amended.

Hon. Mr. DANDURAND: The report contains the whole Bill.

The Hon. the CHAIRMAN: I know, but this Committee has not the power to report on the Bill.

Hon. Mr. DANDURAND: No.

The Hon. the CHAIRMAN: That is the difficulty. I would like to know what the members think about it.

Hon. Mr. DANIEL: Why is that?

The Hon. the CHAIRMAN: Because it is the report that has been referred to this Committee, not the Bill.

Hon. Mr. DANDURAND: But that report suggests amendments to the Bill.

Hon. Mr. BRADBURY: Yes, and the Bill is part of the report.

Hon. Mr. DANDURAND: And we are now considering those amendments, which we may reject or modify.

The Hon. the CHAIRMAN: I want to make it clear, then, that the Chairman will report to the Speaker that the Committee has considered the report and suggested certain amendments.

Hon. Sir JAMES LOUGHEED: Will the Chairman be good enough to say what is the report? Is the report the Bill that we have before us?

Hon. Mr. DANIEL: The Bill with the amendments.

The Hon. the CHAIRMAN: So that all that the Chairman of this Committee can report is that the Committee has considered the report—

Hon. Mr. DANDURAND: Has amended it.

The Hon. the CHAIRMAN: —and has amended it. That is all I can do.

Hon. Mr. FOWLER: What becomes of the Bill?

The Hon. the CHAIRMAN: The House will have to sit again in Committee for the purpose of considering the Bill.

Hon. Sir JAMES LOUGHEED: Yes. Then the Bill will be amended in accordance with the report.

Hon. Mr. BRADBURY: I do not understand the procedure, but I understand the report. When I submitted the report of the Committee it was attached to the Bill. The Bill and the report, containing amendments to the Bill, were together, and those are what I think was submitted to the House.

Hon. Mr. FOWLER: It is like the case of the Siamese twins.

The Hon. the CHAIRMAN: If I may say so, I think the proper procedure would have been to move the adoption of the report in Committee, and then submit the Bill to this Committee for consideration.

Hon. Mr. BRADBURY: Why can we not do it now?

Hon. Sir JAMES LOUGHEED: I would point out to the Chairman that the in-

consistency of that would be that the House would not be apprised of the contents of the report, and consequently it would be difficult to reconcile the Bill and the report without having a knowledge of the latter.

The Hon. the CHAIRMAN: Not if what I indicated had been done—if the report had been considered by the House.

Hon. Sir JAMES LOUGHEED: But it seems to me that the duty is to report upon the report before the Committee; then on the third reading of the Bill we shall harmonize the Bill with whatever report may be adopted.

Hon. Mr. BRADBURY: Honourable gentlemen I desire just to make a statement before the Committee rises. It is in reference to what I consider a very important matter in connection with this Bill, namely the enforcement of the Act when adopted by Parliament.

Hon. Sir JAMES LOUGHEED: Why not make those observations upon the third reading of the Bill? They would be pertinent then—more pertinent then than now.

Hon. Mr. BRADBURY: All right; I am satisfied.

The Hon. the CHAIRMAN: Shall the preamble of the Bill be adopted?

The preamble was agreed to.

The Hon. the CHAIRMAN: Shall the title be adopted?

The title was agreed to.

The Hon. the CHAIRMAN: Not the preamble and title of the Bill but of the report. Shall I report the report?

Hon. Sir JAMES LOUGHEED: As amended.

The Hon. the CHAIRMAN: As amended.

Hon. Mr. DANIEL: I do not see why it is not the Bill.

The Hon. the CHAIRMAN: Because the Bill is not before the Committee. I cannot report it. Does the Committee understand that I have asked for the adoption of the preamble and the adoption of the title of the Bill?

Some Hon. SENATORS: Yes.

The Committee rose and reported.

The report of the Special Committee, as amended by the Committee of the Whole, was concurred in.

THIRD READING

Hon. Mr. BRADBURY moved the third reading of the Bill.

He said: I have a statement which I would like to make to the House regarding the enforcement of this Bill.

Hon. Mr. DANDURAND: Has the honourable gentleman any expectation that the Bill will be passed in the Commons this Session? I doubt that he can have that expectation. I hope he may get some Commoners to take it up at the beginning of next Session. The Senate will have performed its work, and the Commons will have to examine the Bill anew.

Hon. Mr. BRADBURY: I desired only to point out the importance of placing the administration of this Act under a departmental branch which would enforce it. The Cold Storage Commissioner of Canada, in the first place, has no experience in the enforcement of a statute of this kind. In the second place, according to his evidence, he knows absolutely nothing about many of the provisions covered by this Bill. In the next place, he states that it would take $50,000 to enforce this measure. There is at the present time, in another branch of the same Department, a staff of men who are highly qualified to enforce this Act. I refer to the Meat and Canned Foods Branch. They are specialists. If honourable gentlemen are really desirous, as I am sure, judging from the attention they have given to this matter, many of them are, of seeing that this measure is enforced properly, and without undue expense to the country, I want to point out in a few words how it can be done. Mr. Ruddick stated in his evidence that he would not undertake the enforcement of this law for less than $50,000; but, as I have stated, we have in the Department of Agriculture another branch which is well equipped for this purpose—the Meat and Canned Foods Branch under Dr. Torrance. That branch has a large staff, comprising, I think, about 250 men, and among that number there are about 125 trained veterinaries. These men are highly qualified to detect any unwholesomeness or imperfection in food. I understand that in Mr. Ruddick's branch he has under him only two inspectors who go about the country; so, apparently, there is absolutely no inspection under the Cold Storage Commissioner. I think most of his time is devoted to the cheese business. It would be in my opinion a great mistake to place the administration of an Act like this in the hands of a man who is so pre-

judiced against it. He has stated distinctly that he sees no reason for a measure of this kind; that there should be no interference with the cold storage system, which he knows from end to end. Well, in my opinion, according to his evidence, he knows absolutely nothing about half the cold storage system of Canada.

Just let me read a letter which I have received from the office of the Veterinary Director General:

Ottawa, June 14th, 1922.

Dear Senator Bradbury,

In compliance with your request by telephone, for information relative to the scope of Inspection carried on by officers of the Meat and Canned Foods Division on food products coming within their purview, I might state that the supervision is complete in every detail.

For your information, I am enclosing a copy of a certificate used on shipments of meats and meat food products.

You will notice that every phase of inspection is covered; such as examination for disease, the handling, the storing, freedom from colour, preservatives or adulteration in any form that would render it unwholesome or unfit for human food.

I have the honour to be, Sir,
Your obedient servant,
Robt. Barnes,
for Veterinary Director General.

When Dr. Ruddick was examined under oath he stated that these men only examined for disease; and when Dr. Daniel put the question: "Only for disease?" he said: "Yes, only for disease." But it comes out in this letter that they examine every bit of meat that has the Government stamp on it as a guarantee that it is wholesome. It is examined only when it is for interprovincial or export trade. I say that this Bill should be put under the control of this branch of the Agricultural Department. When that is done we shall have some guarantee that its provisions are being properly enforced by competent men.

I have another letter which I think I had better put on record for future reference. It is dated June 13th, 1922, and is as follows:

Dear Senator Bradbury:

I have the honour to acknowledge the receipt of your letter of the 10th inst., addressed to Dr. Barnes, in which you request information relative to the system of inspection carried on by officers of The Meat and Canned Foods Division, and also, if, in the event of the Cold Storage Bill at present before the House becoming law, our present staff could administer same without entailing any large excess of expenditure.

In reply I would state that, at the present time, the staff consists of approximately 275 inspectors, of which 157 are graduates in Veterinary Science, the balance being Lay Inspectors, acting under direct supervision.

The activities of this Division, extend from coast to coast, the work carried on being of both economic and hygienic importance. All products coming within the purview of The Meat and Canned Foods Act and the Regulations, namely, meats and meat food products, fruits, vegetables and milk, and their products, which have been canned, bottled evaporated, and dried, or otherwise preserved for food, receive its attention.

As to meats and their products, I might state that our men are situated in all establishments where such are handled and stored for export, either interprovincial or out of the country. The inspection consists of ante mortem and post mortem examination of all the meat animals, followed by close supervision over various processes same undergo prior to being shipped out for human consumption.

This, you no doubt are aware, would cover the different processes of manufacture, together with the storing and proper care of same, in order that it may be placed on the market in a sound, wholesome condition and fit for human consumption.

As to the other products, such as preserved fruits and vegetables, and milk, and their products, I would say that all plants engaged in the manufacture of same, and which desire to export either out of the province or out of the country, are under the supervision of this Division's inspectors, the requirements of the law being such, that same is imperative.

In connection with the above, I might state that the inspectors directly responsible for the enforcing of The Meat and Canned Foods Act are men that have been trained along scientific lines and since graduating have concentrated all their efforts to the sphere of food inspection, and sanitary science. For instance, in meats etc., the first point would be the examination for disease conditions: secondly, their care, handling and storing up to the time that it leaves the establishment, to go into consuming channels.

As to the other products coming within the purview of the Act, they are made to comply with the rigid inspection as required by law. Incidently, I might add that in fruits and vegetables, standards have been set and are enforced, the label in all cases showing the quality.

The inspection of imports of foods as outlined by the Regulations, is also carried out by this Division, inspectors being stationed at all the different centres and work in conjunction with the Customs authorities, in order that nothing but innocuous food material, which in every way meets the requirements may be permitted into the country.

This is the important part of the letter:

As to whether or not our present staff could administer the Bill you have before the House, providing it becomes an Act of Parliament, I may say that if it were deemed advisable in the interests of economy and also departmental policy to place the administration of same under the officers of The Meat and Canned Foods Division, it could be put into operation almost immediately without any large increase of staff or any great expenditure of money.

Your sincerely,
F. Torrance,
Veterinary Director General.

I place that letter on record for the purpose of drawing the attention of the Government to the fact that the provisions of the Bill can be enforced by a

highly qualified staff at very little expense to the country.

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

ANIMAL CONTAGIOUS DISEASES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 62, an Act to amend the Animal Contagious Diseases Act.

He said: Honourable gentlemen, Parliament has from time to time fixed a maximum amount of compensation to be paid to owners of animals that have been slaughtered under this Act. During recent years the maximum has been gradually increased because the value of the animals in the market has increased. It has now been deemed proper to reduce the compensation to a figure which would be justified by the present price of the animals and to revert to the figures of 1913.

Hon. Mr. FOWLER: What compensation is paid? The Government does not pay the whole of that money?

Hon. Mr. DANDURAND: No, it gives two-thirds of the amounts mentioned. My honourable friend will see in the Bill:

—such value shall not exceed, in the case of grade animals, one hundred and fifty dollars for each horse, sixty dollars for each head of cattle, and fifteen dollars for each pig or sheep; and in the case of pure bred animals, three hundred dollars for each horse, one hundred and fifty dollars for each head of cattle and fifty dollars for each pig or sheep.

Hon. Mr. FOWLER: What is done with the carcases of the animals that are slaughtered?

Hon. Mr. DANDURAND: They are left with the owner.

Hon. Mr. FOWLER: Is anything done to have them destroyed? For instance, suppose a milking cow is slaughtered because she shows traces of tuberculosis, and it is thought that the use of her milk will endanger the public health, can the owner sell the carcase?

Hon. Mr. WATSON: Very often it is sold for beef.

Hon. Mr. FOWLER: Do the authorities hold that the flesh of an animal which, by reason of being tainted with tuberculosis, cannot be used for milking purposes, is fit for human consumption?

Hon. Mr. DANIEL: I think it makes a difference whether or not the udder of the cow is diseased. If the udder is diseased the milk is affected. I would not like to go any further than that, although I do not know what the latest phase of information is on that subject.

Hon. Sir JAMES LOUGHEED: What is the rule adopted by the Department?

Hon. Mr. DANDURAND: When we go into Committee I shall be able to give that information to my honourable friends. I know the carcase is left with the owner for salvage, but there must be machinery by which the Inspector can see to the disposal of the slaughtered animal if there is danger to health.

Hon. Sir JAMES LOUGHEED: Would my honourable friend ask the proper officer to furnish him with a comprehensive statement as to how this Act is enforced, both as to the animal itself and to the flesh.

Hon. Mr. WATSON: I know that animals that have been slaughtered are often sold in the butcher's shop. The test for tuberculosis is applied by the inspector, and if the animal reacts it is diseased for breeding purposes and is slaughtered; but a reaction very often takes place in an animal that is infected so slightly that the milk is not at all affected.

Hon. Mr. FOWLER: Is the flesh infected more than the milk?

Hon. Mr. WATSON: It might be. If animals are infected to any extent they are not kept for butcher meat. I have seen an animal slaughtered that was pronounced first-class beef.

Hon. Sir JAMES LOUGHEED: Who makes the pronouncement?

Hon. Mr. WATSON: The Inspector.

Hon. Sir JAMES LOUGHEED: Has he scientific knowledge? He must make some scientific investigation into the subject, must he not? He cannot tell simply by observation?

Hon. Mr. WATSON: I think so. Probably the doctor (Hon. Mr. Daniel) will enlighten me on this. But I think any good veterinary can pronounce on the question of whether the infection is serious or otherwise.

Hon. Mr. FOWLER: I think that meat should be advertised in the same way as cold storage goods are to be advertised—by red letters a foot high. I would make them 2 feet high, so that people would know that the animal was killed because of tuber-

culosis, which is one of the greatest scourges we have in this country.

Hon. Mr. WATSON: I was just going to remark that I am rather sorry that the Department has seen fit to reduce the amount to be paid for cleaning up herds. A very active campaign has been carried on against glanders, and large expenditures have been made. Last year we had practically got rid of glanders from the Atlantic to the Pacific and I think only about $30,000 was spent. I regret that the Government is reducing the amount for cleaning up the herds. The lower price of cattle may be a reason for reducing this amount, but the people who own the cattle will not be as anxious as they were to clean up their herds, which, except in the killing, is a voluntary matter. Most people in Manitoba with pure-bred herds are cleaning them up.

Hon. Mr. FOWLER: Many stock men would have been glad to have had them all killed last year.

Hon. Mr. DANDURAND: The larger payment increases the tendency not to take care of the herd. It is not a payment for the animal, but is to compensate the owner for the loss he suffers, and to give him a chance to re-establish himself and reorganize a new herd.

Hon. Sir JAMES LOUGHEED: I have heard that frequently it is an adequate payment for the animal itself.

Hon. Mr. BELCOURT: I have just hurriedly looked over the Act itself, chapter 75 of the Revised Statutes, and to my horror I find that there is no provision for disposing of these tainted animals. As the honourable gentleman from Sussex (Hon. Mr. Fowler) has pointed out, they might be a source of great danger. Under the circumstances I think my honourable friend should consider the advisibility of adding something to the Bill.

Hon. Mr. PROUDFOOT: As a matter of fact, they do dispose of the carcases. They have to destroy them. The course generally adopted, particularly with pigs, is to burn them. I have had occasion to be interested in animals disposed of in that way, and they were certainly disposed of by regulation.

Hon. Sir JAMES LOUGHEED: Apparently my honourable friend did not strike the right inspector.

Hon. Mr. PROUDFOOT: I think the full value of the animal should be paid by the Government. A man has a herd of cattle or swine that becomes infected through no fault of his own. Why should he have to destroy it unless he is compensated?

Hon. Mr. FOWLER: He can insure his herd, as he insures his barn.

Hon. Sir JAMES LOUGHEED: Why should the Government compensate him and not compensate another man who has lost his herd through accident or otherwise? It is a risk that every man takes.

Hon. Mr. PROUDFOOT: We all have to take the risk of accident; but when a herd becomes infected through no fault of the owner, and the Government, through its inspector, destroys the animals, the owner should be paid the full value, and it should not be left to some inspector to fix the amount. As the law is now, the inspector says that an animal is worth so much money and fixes an arbitrary figure. The result is that the owner has no recourse, but has to take the price offered or nothing.

Hon. Mr. PARDEE: Would the honourable gentleman have the owner fix the value himself?

Hon. Mr. PROUDFOOT: No, I would have it fixed by some independent person.

Hon. Mr. FOWLER: Is not the inspector independent?

Hon. Mr. PROUDFOOT: I would have the owner appoint a veterinary surgeon and the inspector appoint another, and if they could not agree I would have them call in a third.

Hon. Mr. FOWLER: And have a lawsuit, and call you in as counsel.

Hon. Sir JAMES LOUGHEED: There would be no incentive to the owner to maintain a clean herd.

Hon. Mr. BELCOURT: May I be permitted to qualify what I said a moment ago? I find there is in the Act a clause which deals particularly with the subject, but to my mind it is wholly inadequate.

Hon. Mr. WATSON: The Director directs the disposal of them.

Hon. Mr. BEAUBIEN: I think there is a distinction to be drawn between the Federal legislation in this case and the provincial or municipal legislation. There is no doubt that the abattoirs of Montreal,

for instance, are regulated. That must be by municipal legislation. And there is no doubt that infected cattle are destroyed: they cannot be sold. It seems to me that the line of cleavage between the two jurisdictions can be easily seen. It is quite possible that there may be no protection by the federal law, and that protection should be provided in provincial legislation or municipal legislation. But I do not quite understand the reasons of my honourable friend (Hon. Mr. Proudfoot). He asks why, if a man has an infected herd, he should destroy them. Very well: let us suppose that the herd is infected with tuberculosis; is he going to keep that herd for himself?

Hon. Mr. PROUDFOOT: I did not say that the herd should not be destroyed.

Hon. Mr. BEAUBIEN: I understood my honourable friend to ask, what interest has he in destroying them? I ask, what interest has he in keeping them, unless it is a dishonest interest in selling milk to people who will become infected by it, or in selling beef to people who will run a similar risk? I understand perfectly well the principle of the law, which is that in these cases there is a community of interest. Of course, the people at large are protected by the removal of the source of infection; therefore the people at large must bear a share of the loss. But the owner himself is also benefitted, because his herd is cleaned, because the representative of the law comes and helps him, for instance, to save the rest of his cattle, and the owner and his family are thus protected. There is undoubtedly a community of interest, and it is only just and fair that there should be also a sharing of the loss. The law has recognized this. If we have jurisdiction and have the right to say that in the interest of public health the cattle, being infected, must be slaughtered, it seems to me we ought to stamp out altogether the source of the infection.

Hon. Mr. DANDURAND: When we go into Committee I will have the regulations governing the matter.

Hon. Sir JAMES LOUGHEED: And the facts? It would be very desirable to have the facts.

Hon. Mr. DANDURAND: I will have the regulations and information as to the practice.

Hon. Sir JAMES LOUGHEED: And all the data.

Hon. Mr. DANDURAND: In the case of ordinary cattle there is a fair compensation given. It is no compensation at all in the case of thoroughbreds, but it is well known that they are all insured.

Hon. Mr. FOWLER: Well, there are thoroughbreds and thoroughbreds. It depends on the strain.

Hon. Mr. BELCOURT: I desire to qualify the statement which I made a few moments ago, that there is absolutely no provision in the Act with regard to the disposal of animals that are slaughtered because they are tainted. I find that section 29 of the Animal Contagious Diseases Act makes partial provision, but does not in my opinion meet the case entirely. Section 29 reads:

> The Minister may, from time to time, make such regulations as to him seem necessary for preventing the removal, without a license signed by an inspector or other officer appointed as aforesaid, of live animals, or the hide, skin, hair, offal of any animals of any part thereof, the carcass or any remains of any animal, any dung of animals, and any hay, straw, litter or other thing commonly used for or about animals, out of an infected place.

But that does not seem to be directed to the removal or disposal of the carcass of the animal which has been slaughtered because it has been found to be tainted.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BELCOURT: And while we are dealing with the subject I would ask my honourable friend if he would not consult the Minister of Agriculture with a view of providing some remedy.

Hon. Mr. PROUDFOOT: You will find that if there is not an amendment to that section, there are regulations under which action is taken.

Hon. Mr. BELCOURT: That may be.

Hon. Mr. PROUDFOOT: For I have known inspectors to deal with the carcasses.

Hon. Mr. WATSON: In practice, when the inspector finds that an animal reacts, he directs that it be sent to the slaughter house and butchered, and that the meat may be sold, or, if the infection is bad, that the carcass be destroyed.

Hon. Mr. BEAUBIEN: Does the honourable gentleman mean that contaminated carcasses are allowed to be sold if the disease is not bad? Is that right?

Hon. Mr. WATSON: That is right—yes.

Hon. Mr. FOWLER: That is not right, but that is the way they do it.

Hon. Mr. WATSON: Every day there are animals butchered which are infected with tuberculosis, but not sufficiently to affect health or the wholesomeness of the food.

Hon. Mr. FOWLER: I do not see where the line is drawn.

Hon. Mr. WATSON: The line is drawn on the condition of the animal.

Hon. Mr. BELCOURT: The test is one with regard to tuberculosis.

Hon. Mr. WATSON: That is all.

Hon. Mr. BELCOURT: The cattle may be destroyed for a dozen other reasons.

Hon. Mr. FOWLER: Yes.

Hon Mr. BELCOURT: The honourable member from Portage la Prairie (Hon. Mr. Watson) refers to only one case, but there may be a dozen others, and there seems to be no provision in regard to those other cases.

Hon. Mr. WATSON: At the present time when an effort is being made to have the embargo against Canadian cattle removed, it would be a mistake to do anything that would interfere with the cleaning up of our herds. I think one of the great arguments in favour of the removal of the embargo in England, is the fact that we are cleaning up our herds.

Hon. Sir JAMES LOUGHEED: Bring down the facts, and then we shall know.

Hon. Mr. FOWLER: I would suggest to the honourable Minister that he should have some veterinary connected with the Department to give him or the committee any information desired with regard to any of the conditions under which animals are slaughtered and the carcase is allowed to be sold as food.

Hon. Mr. DANDURAND: I will arrange that.

Hon. Mr. FOWLER: Because that seems to be a very important matter. We all recognize the fact that tuberculosis is one of the worst diseases we suffer from in this country.

Hon. Mr. BELCOURT: And there are others.

Hon. Mr. FOWLER: I know, but that is one of the worst, and the frequent cause of animals being slaughtered is the presence of tuberculosis in them. Therefore we ought to know whether or not that meat should be used for food.

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

DOMINION ELECTIONS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 92, an Act to amend the Dominion Elections Act.

He said: Honourable gentlemen, this Bill has for its object the remedying of a defect which appeared in the Act when it was applied at the last election. The elector must register before a certain date prior to nomination day. If he leaves the riding in which he has registered he loses his right to vote in that riding, and has no right to vote in the other riding to which he goes to reside. Many such cases occurred at the last election, and the purpose of this amendment is to remedy the difficulty. The new clause reads as follows:

> At a general election, any person who would have been qualified to vote in an electoral district if he had continued to reside therein shall remain so qualified notwithstanding that he has, within the two months immediately preceding the date of the issue of the writ, changed his place of residence from such electoral district to another.

In many instances at the last election, persons lost their vote because they happened to change their place of residence. That happened especially in cities.

Hon. Sir JAMES LOUGHEED: Under the existing Act is not the test that the elector was a resident at the date of the issue of the writs?

Hon. Mr. BELCOURT: Yes.

Hon. Mr. DANDURAND: I believe, on polling day.

Hon. Mr. BELCOURT: On polling day and for a certain period before that.

Hon. Mr. DANDURAND: Because the test was the oath that the person had to take that he was actually resident in the riding in which he presented himself to vote. As he had changed his residence, he lost his vote.

Hon. Mr. BELCOURT: I think the period is three months.

Hon. Mr. STANFIELD: Does that apply to students attending college? There was great difficulty in the last election in the case of students going to college. They

had left their homes, and they could not vote either at the college or at their homes.

Hon. Mr. DANDURAND: So far as I can remember, the problem was solved in Montreal by allowing the students to register at the university or the seat of learning at which they were attending. I know that the votes of many students from various parts of the country were challenged, but under the Act they were declared by the electoral officer, to whom appeal was made, to be entitled to register where they were studying.

Hon. Mr. BENNETT: But the making up of the voters' list is not two months before polling day, under the present law.

Hon. Mr. BELCOURT: This refers to the residence.

Hon. Mr. BENNETT: So that a man would not be on the voters' list except in the constituency which he has left.

Hon. Sir JAMES LOUGHEED: We will look at the statute when we go into Committee.

Hon. Mr. DANDURAND: A person is allowed at all events, to vote where he is registered, if he has moved only within the last two months.

Hon. Mr. BELCOURT: No; he is allowed to vote where he is a resident for a period of, I think, three months prior to the date of polling.

Hon. Mr. DANDURAND: Two months.

Hon. Mr. BELCOURT: You are changing it, but I think that under the present Act, in order to be entitled to vote, a person must be a resident within the three months preceding the date of polling.

Hon. Sir JAMES LOUGHEED: I do not know, without having the statute before me, whether it is the date of polling or the date of the issue of the writ.

Hon. Mr. BELCOURT: I think it is the date of polling.

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

ADMIRALTY BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 123, an Act to amend the Admiralty Act.

He said: Honourable gentlemen, the purpose of this Bill is to authorize the Governor in Council to appoint a deputy to a registrar and a deputy to a judge in the Admiralty Court. It substitutes the Governor in Council for the Registrar, who had power to appoint his deputy, and for the judge, who could appoint a deputy judge.

Hon. Mr. BENNETT: Do I understand from that, that a judge has the right to appoint a deputy to preside in his place at a maritime proceeding? That is going pretty far.

Hon. Mr. DANDURAND: This is to alter that practice.

Hon. Sir JAMES LOUGHEED: To restrict the power of the judge.

Hon. Mr. DANDURAND: The Registrar had the power to appoint his deputy. A case has arisen in the Maritime Provinces in which the Registrar refuses to appoint a deputy for a certain district. He wants to retain his jurisdiction over that district. It is deemed to be in the interest of the administration of justice that a deputy should be appointed. The Governor in Council, under this amendment, will decide when there should be a deputy registrar or a deputy judge appointed. Heretofore the Registrar had the right to appoint his deputy and the judge to appoint a deputy judge. That jurisdiction will be taken away from them and transferred to the Governor in Council.

Hon. Mr. BELCOURT: This is the clause in the statute:

> 11. (1) The Governor in Council, or a Local Judge in Admiralty, with the approval of the Governor in Council, may from time to time appoint a deputy judge, and such deputy judge shall have and exercise all such jurisdiction, powers and authority as are possessed by the Local Judge.
>
> (2) The appointment of a deputy judge shall not be determined by the occurrence of a vacancy in the office of the judge.

Hon. Sir JAMES LOUGHEED: What provision is made as to the salaries of the deputies so appointed?

Hon. Mr. BELCOURT: I do not think there is any here.

Hon. Mr. BEIQUE: Nothing is changed.

Hon. Mr. BELCOURT: Yes, it is changed.

Hon. Sir JAMES LOUGHEED: Yes. The deputy judge now is appointed by the Governor in Council and the judge himself.

Hon. Mr. BELCOURT: No; he is appointed, I imagine, on the initiative of the judge.

Hon. Sir JAMES LOUGHEED: However, the two parties are necessary to the appointment of a deputy.

Hon. Mr. BELCOURT: Yes.

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

AIR BOARD BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 136, an Act to amend the Air Board Act.

He said: Honourable gentlemen, the purpose of this Bill is to authorize the Governor in Council to prescribe the compensation payable for death or injury directly resulting from a flight undertaken in the course of duty:

6A. The Governor in Council may make regulations prescribing the compensation to be paid, the persons to whom and the manner in which such compensation shall be payable, for the death or injury resulting directly from a flight undertaken in the course of duty in the public service of Canada of any person employed in the public service of Canada, or employed under the direction of any Department of the public service of Canada: Provided, however, that such regulations shall not extend to the payment of compensation for any death or injury in respect of which provision for the payment of compensation or a gratuity or pension is made by any other Act, unless the claimant elects to accept the said compensation, instead of the compensation, gratuity or pension under any such other Act.

Hon. Sir JAMES LOUGHEED: Would my honourable friend be good enough to advise the House, when this matter comes before the Committee, as to the extent of the operations of the Air Board? Some little time ago we established the Air Board on a rather expensive basis. It has been felt during the last year or two that it should be cut down considerably. I do not know to what extent the present Government is following the policy of reduction or retrenchment which was some time ago adopted.

Hon. Mr. BELCOURT: The Estimates will give a good idea.

Hon. Sir JAMES LOUGHEED: It is very desirable that that policy should be pursued.

Hon. Mr. DANDURAND: I will try to get the information up to date, because perhaps the intention of the Minister may not yet have been carried out.

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

DIVORCE BILLS

SECOND READINGS

Bill E4, an Act for the relief of Eva Florence Heavens.—Hon. Mr. Ratz.

Bill F4, an Act for the relief of Dorothy Lillian Jewitt.—Hon. Mr. Proudfoot.

Bill G4, an Act for the relief of Gladys Mae Larivey.—Hon. Mr. Proudfoot.

Bill H4, an Act for the relief of Gladys Caroline Hilton.—Hon. Mr. Proudfoot.

Bill I4, an Act for the relief of Eva McRae.—Hon. Mr. Proudfoot.

Bill J4, an Act for the relief of Warren Garfield Young.—Hon. Mr. Proudfoot.

Bill K4, an Act for the relief of Benjamin Charles Bowman.—Hon. Mr. Proudfoot.

Bill L4, an Act for the relief of Ivy Elsie Myron-Smith.—Hon. Mr. Proudfoot

Bill M4, an Act for the relief of Lilliar May Maybee.—Hon. Mr. Proudfoot.

Bill N4, an Act for the relief of Phoebe Levina Simpson.—Hon. Mr. Proudfoot.

Bill O4, an Act for the relief of Thomas Preece.—Hon. Mr. Proudfoot.

Bill P4, an Act for the relief of Frederick Greenhill.—Hon. Mr. Proudfoot.

FIRST READING

Bill A5, an Act for the relief of Mary Ann Phair.—Hon. Mr. Blain.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, June 16, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

HOLOPHANE GLASS COMPANY BILL

REPORT OF COMMITTEE

Hon. Mr. BEIQUE presented the report of the Standing Committee on Miscellaneous Private Bills, to whom was referred Bill D4, entitled an Act respecting certain patents of the Holophane Glass Company.

Hon. Sir JAMES LOUGHEED: It seems to me that it is due to the House that my honourable friend from De Salaberry (Hon. Mr. Béique), as Chairman of this Committee, should make some explanation to the House, in view of the discussion which

took place respecting the extension of time for the patents that are now before us. There must have been evidence submitted to the Committee warranting the extension of time which apparently is recommended in the report. Unless my honourable friend will favour us with a statement of the facts and the reasons which have been advanced, the House will not be in possession of any information as to why the extension is recommended.

Hon. Mr. BEIQUE: I was expecting this demand, and have prepared for it. It will be noticed that under the Bill the applicants were asking for a delay of two years. That delay has been reduced to six months, and with that amendment the Bill was passed, after this affidavit was read:

Joel B. Lieberman, of the city of New York, in the United States of America, being duly sworn, deposes and says:

1. That he is a director in Holophane, Limited, of Canada and has been closely associated with the affairs of the various Holophane enterprises for over fifteen years.

2. Holophane glassware of the older type was manufactured in Canada from 1910 to 1918, during which time extensions under the War Measures Act were obtained for the various patents. Due to the inferior quality of the glass and the lack of application to new electric lamps of the old type of glassware, the volume of sales declined until there was practically no business. At the end of 1914, the business passed into the hands of the Canadian General Electric Company, but in 1921 they were no longer interested in it and sold it back to the Holophane Company. The Holophane Company then revived the business and sent moulds to the Canadian factory to begin manufacture, but the glass batch obtained has not been of a quality to obtain the required illuminating results. The Canadian factory is experimenting constantly and if an extension of time is obtained the return from the Canadian market will undoubtedly stimulate successful effort to manufacture the glassware in Canada within the extended period.

(Signed) Joel B. Lieberman

Hon. Sir JAMES LOUGHEED: Was the evidence before the Committee confined to affidavit?

Hon. Mr. BEIQUE: Yes, it was confined to affidavit and the exhibition of the article. It requires to be very clear glass.

Hon. Sir JAMES LOUGHEED: I understand that in regard to the Holophane Company, but I had in view particularly the other patent in the case where the manufacture of a bracket was seemingly not attainable in Canada.

Hon. Mr. BEIQUE: Let us deal with this one: we will take up the other later.

Hon. Sir JAMES LOUGHEED: Would it not be better that these reports should be published in the Minutes, so that members might peruse the evidence which has been adduced?

Hon. Sir JAMES LOUGHEED: It seems to me that is the better way. Those reports can be taken into consideration at the next meeting of the Senate.

Hon. Mr. BEIQUE: I am satisfied.

Hon. Mr. BEIQUE: There is no objection to that.

On motion of Hon. Sir James Lougheed, it was ordered that the said report be taken into consideration on Monday next.

SIMON W. FARBER PATENT BILL

REPORT OF COMMITTEE

Hon. Mr. BEIQUE presented the report of the Committee on Miscellaneous Private Bills, to whom was referred Bill M3, an Act respecting a patent of Simon W. Farber.

He said: Honourable gentlemen, this is a Bill dealing with another patent. In this case the applicants asked for a delay of one year. That request has been refused, and the delay is granted only to the date of the passing of this Bill. The ordinary saving clause has been added to the Bill. The Committee heard the Commissioner of Patents, who stated that the Bill was on the same lines as a number of other Bills which had been passed. It was proved by affidavit filed with the Committee that the article had been ordered from a factory in Ontario, but the Ontario factory, instead of manufacturing the article themselves, got it from the United States. The patentee was not aware of that. He had no control over the fact. The Committee did not think that the patentee should be made to suffer because the article was imported from the United States when he had ordered it from the province of Ontario. The Committee, however, refused to grant the delay of one year, and allowed only until the date of the passing of the Bill.

It was ordered that the report be taken into consideration on Monday next.

ADJOURNMENT OF THE SENATE

MOTION

Hon. Mr. DANDURAND moved:

That when the Senate adjourns to-day, it do stand adjourned until Monday next at 8 o'clock in the evening.

The motion was agreed to.

CANCELLATION OF LEASES OF DOMINION LANDS BILL

THIRD READING

Bill Y2, an Act respecting notices of cancellation of leases of Dominion Lands.—Hon. Mr. Dandurand.

DIVORCE BILLS

THIRD READINGS

Bill E4, an Act for the relief of Eva Florence Heavens.—Hon. Mr. Ratz.

Bill F4, an Act for the relief of Dorothy Lillian Jewitt.—Hon. Mr. Proudfoot.

Bill G4, an Act for the relief of Gladys Mae Larivey.—Hon. Mr. Proudfoot.

Bill H4, an Act for the relief of Gladys Caroline Hilton.—Hon. Mr. Proudfoot.

Bill I4, an Act for the relief of Eva McRae.—Hon. Mr. Proudfoot.

Bill J4, an Act for the relief of Warren Garfield Young.—Hon. Mr. Proudfoot.

Bill K4, an Act for the relief of Benjamin Charles Bowman.—Hon. Mr. Proudfoot.

Bill L4, an Act for the relief of Ivy Elsie Myron-Smith.—Hon. Mr. Proudfoot.

Bill M4, an Act for the relief of Lillian May Maybee.—Hon. Mr. Proudfoot.

Bill N4, an Act for the relief of Phœbe Levina Simpson.—Hon. Mr. Proudfoot.

Bill O4, an Act for the relief of Thomas Preece.—Hon. Mr. Proudfoot.

Bill P4, an Act for the relief of Frederick Greenhill.—Hon. Mr. Proudfoot.

SECOND AND THIRD READINGS

Hon. Mr. TAYLOR: With respect to Bill Q4, and the several succeeding Divorce Bills now on the Order Paper for the second reading, I desire to move that the rules of the House be suspended in order to permit of their reading now because of the very limited opportunity for disposing of Private Bills in the other House.

Certain rules having been suspended, the following Bills were read the second and the third time, and passed:

Bill Q4, an Act for the relief of Hazel May Dillion.—Hon. Mr. Taylor.

Bill R4, an Act for the relief of William Arthur Parish.—Hon.Mr. Bennett.

Bill S4, an Act for the relief of James Hayden.—Hon. Mr. Prowse.

Bill T4, an Act for the relief of Bertha Plant.—Hon. Mr. Turriff.

Bill U4, an Act for the relief of James Murray Johnston.—Hon. Mr. Proudfoot.

Bill W4, an Act for the relief of Arthur Percival Allen.—Hon. Mr. Blain.

Bill X4, an Act for the relief of Thomas Leonard Armstrong.—Hon. Mr. Blain.

Bill Y4, an Act for the relief of Henry Hardy Leigh.—Hon. Mr. Blain.

PRIVATE BILL

THIRD READING

Bill U3, an Act to incorporate the Canadian Casualty Company.—Hon. Mr. Watson.

CANADA SHIPPING (PILOTAGE) BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 79, an Act to amend the Canada Shipping Act (Pilotage).

He said: Honourable gentlemen, section 477 of the Canada Shipping Act gives a list of ships that are exempted from the Pilotage Act. The purpose of this Bill is to increase the number of exemptions. It covers, "ships of war and hospital ships belonging to such foreign nation or nations as may be specified by the Governor in Council" that is ships belonging to nations that grant us the same privilege. It covers "ships registered in Canada engaged in fishing." Those ships in the past have been free from the obligation of carrying pilots. It also covers "vessels engaged in salvage or towing operations," and ships "employed in trading from to port to port in the same province, or employed in any port or harbour." This last provision is to cover the case of ships that go from one of a port to another, many of which cover quite an area.

Hon. Mr. DANIEL: Before the motion is put, I should like to give notice that when the House goes into committee on this Bill, I will move an amendment to the following effect:

Section 2. Section 478 of the said Act is hereby amended by inserting the word "St. John" between "Halifax" and "Sydney," in the second line thereof.

This simply adds the port of St. John to the following ports: Halifax, Sydney, Miramichi, and Pictou, with regard to certain authority that they may have. I may say that I have been in consultation with the Minister of Marine with regard to this amendment, and he is quite in accord with it. In fact, it would probably have been introduced in the Commons except for an oversight.

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

ADMIRALTY BILL

CONSIDERED IN COMMITTEE AND REPORTED

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 123, an Act to amend the Admiralty Act.

Hon. Mr. Daniel in the Chair.

On section 1—Governor in Council may appoint a Deputy Registrar for any district or registry division:

Hon. Sir JAMES LOUGHEED: Can my honourable friend say how many Deputy Registrars there are in the Admiralty Court? Are they very numerous?

Hon. Mr. PARDEE: No, they are not.

Hon. Mr. DANDURAND: I cannot answer that question. I know we have one in Montreal. The Admiralty Judge is in Quebec, and we have a Deputy Registrar in Montreal.

Hon. Mr. PARDEE: They are not numerous enough in Ontario.

Hon. Sir JAMES LOUGHEED: Not enough to go around?

Hon. Mr. PARDEE: There is nothing in the position, unfortunately.

Section 1 was agreed to.

On section 2—appointment of Deputy Judge; not determined by vacancy; tenure and removal:

Hon. Mr. ROCHE: The necessity frequently arises to take summary proceedings in the Admiralty Branch of the Exchequer Court between ships, in cases of collision, or towage, or something of that kind, and it is very necessary that in addition to the judge, who may be indisposed, or may be on circuit or in some other position, some person should be available before an occurrence of that kind takes place, to whom application could be made for seizure processes and such matters, and for the settlement of the preliminaries of an Admiralty suit. I think that that circuit judge—or whatever he is called—should be appointed beforehand to act as alternative to the Judge in Admiralty.

Hon. Mr. BARNARD: Honourable gentlemen, as I understand the constitution of a Court of Admiralty, the Chief Justice of the Exchequer Court, Sir Walter Cassels, is the Judge in Admiralty, and there is a deputy judge in each Admiralty district. Does this Bill contemplate that there shall be a deputy of that deputy? That is what I should infer from the explanation of the honourable gentleman from Halifax (Hon. Mr. Roche). Or is there to be just one more deputy appointed? If so, where are his headquarters to be, and over what district is he to have jurisdiction? I do not understand the situation.

Hon. Mr. DANDURAND: Section 11 of the Admiralty Act provides:

(1) A local judge in Admiralty may, from time to time, with the approval of the Governor in Council, appoint a deputy judge; and such deputy judge shall have and exercise all such jurisdiction, powers and authority as are possessed by the local judge.

(2) The appointment of a deputy judge shall not be determined by the occurrence of a vacancy in the office of the judge.

(3) A local judge in Admiralty may, with the approval of the Governor in Council, at any time revoke the appointment of a deputy judge.

This was amended by chapter 33 of 10-11 George V., 1920, by giving power to the Governor in Council or a local Judge in Admiralty with the approval of the Governor in Council, to appoint a deputy judge, the latter to exercise the jurisdiction, powers, and authority that are possessed by the local judge appointing him. The amended Act is now sought to be amended by the withdrawal of the power given to the local judge, which was somewhat ephemeral, for he had to obtain the sanction of the Governor in Council. When this proposed amendment is passed the Act will read:

The Governor in Council may appoint a deputy judge in admiralty, and such deputy judge shall have and exercise all such jurisdiction, power, and authority as are possessed by the local judge.

That is the sole change. There has apparently been some friction here and there, or some difficulty in getting the local judge to appoint a deputy judge. He has preferred to retain the sole jurisdiction of a large district. A case has arisen in which there is need for a deputy judge three hundred miles away from the Admiralty Court, and very likely the county judge of that district would be asked to perform those duties.

Hon. Mr. BARNARD: Then the change amounts to this, that at the present time the Governor in Council must have the recommendation of the local judge?

Hon. Mr. DANDURAND: Apparently not. I sent for the statute, but have been told that the English version is not available, and I have the French version before me, and am translating from it. The

amendment which was passed in 1920 gave equal power with regard to the initiative:

The Governor in Council, or a local judge in Admiralty with the approval of the Governor in Council, may from time to time appoint a deputy judge.

Hon. Mr. BARNARD: You are now taking that power from the local judge and placing it in the hands of the Governor in Council?

Hon. Mr. DANDURAND: Withdrawing that power from the local judge.

Hon. Sir JAMES LOUGHEED: It seems to me the Government practically had that power before, because the approval of the Governor in Council was necessary before any validity could be given to the appointment made by the local judge of his deputy. Consequently all the Government had to do was—

Hon. Mr. DANDURAND: To proceed.

Hon. Sir JAMES LOUGHEED: —to refuse to give its approval to the recommendation of the local judge. However, this places the sole power of appointment in the hands of the Government.

Hon. Mr. TURRIFF: Could the honourable leader of the Government tell me how many Admiralty judges there are in Canada?

Hon. Mr. DANDURAND: That I cannot tell, but we will take only one stage of the Bill now, and at the third reading I may be able to inform my honourable friend.

Hon. Mr. TURRIFF: It appears to me that if under this legislation you appoint deputy judges, who hold office during good behaviour, you depart somewhat from the policy of appointing judges who cannot be removed. The judge would be absolutely in the hands of whatever Government was in power. I do not know whether that is a good move or not, but it appears to me that if there are several judges of the Admiralty Court now and you are going to appoint deputies who would have all the powers of judges, you would have to pay them a good, big annual salary.

Hon. Mr. PARDEE: No; they are only paid fees. There is nothing in the position at all.

Hon. Mr. TURRIFF: I had not understood that.

Hon. Mr. GIRROIR: The deputy would merely act in the case of the illness of the judge. In the province of Nova Scotia there is one Admiralty judge, who has to look after all Admiralty work throughout that province. In many cases quick action is required. A collision occurs, we will say, in or near the harbour of Halifax. Quick action must be taken either for the purpose of allowing the officers of the vesels, who are to be summoned in court, to proceed on their voyage, or for the purpose of preventing them from going out of port, or out of the jurisdiction of the court, before action is taken. If the Admiralty judge happens to be ill or absent, the deputy may act. The object of this amendment, I think, is to provide for an emergency of that kind, by having some person available before whom an application may be made or proceedings taken.

Hon. Mr. DANDURAND: That is the principal object of the Bill.

Hon. Mr. GIRROIR: Yes. There is no permanence at all to the appointment, as regards salary. The deputy receives no salary; he gets only fees; and I imagine the number of applications made before the deputy would be very few. It would be only occasionally that applications would be made before him. Practically all the work is carried on by the judge in Admiralty, but if he should happen to be ill or incapacitated there would be somebody to act in his place.

Hon. Mr. TANNER: My impression is that in Nova Scotia there is at the present time not only a judge in Admiralty in Halifax, but also a deputy judge in Admiralty in the Cape Breton district, with jurisdiction over the eastern part of the province. Perhaps the honourable leader of the House would be able to inform me on the third reading if I am correct in that, and who is the deputy judge, if there is one, in Cape Breton; also how this proposed legislation will affect the tenure of office of the deputy.

Hon. Mr. DANDURAND: I may inform my honourable friend that the Solicitor General, who introduced this legislation, said that it was not his intention to change the nominee for Cape Breton. I understood from his remarks that the idea was to enlarge his district.

Hon. Mr. TANNER: I suppose the deputy in Cape Breton is probably a friend of the Solicitor General.

Hon. Mr. DANDURAND: But cases have arisen in which a writ has been asked, and it has happened that it was just outside the district and there was some pressing necessity for it.

Hon. Mr. TANNER: Perhaps my honourable friend will make inquiries and give us more particulars about it when the Bill comes up for third reading.

Section 2 was agreed to.

Section 3 was agreed to.

The preamble and the title were agreed to.

Hon. Mr. DANDURAND: If my honourable friend from Pictou (Mr. Tanner) will look at page 2923 and following pages of the House of Commons Hansard, he will get all the information that he seeks.

The Bill was reported.

AIR BOARD BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 136, an Act to amend the Air Board Act. Hon. Mr. Donnelly in the Chair.

On section 1—Governor in Council may prescribe compensation payable for death or injury, directly resulting from a flight undertaken in the course of duty:

Hon. Sir JAMES LOUGHEED: There is an observation I should like to make, growing in fact directly out of this Bill, and yet not involving the consideration of the Bill itself. I refer to the different pension funds established by the Government, upon which we are drawing from time to time under the miscellaneous legislation that we are passing every Session. Now, I say advisedly that the pension funds of the Government, touching the various public services of officials, are in an unsatisfactory state. There is no uniformity about our different pension funds. I doubt very much if they are established upon the same actuarial basis. The greatest possible misapprehension exists as to their being self-sustaining, and they are left almost entirely in the hands of the different departments or offices interested in the benefits or advantages flowing therefrom. I doubt if there is any other branch of our financial business in Canada that receives so little attention from the Department of Finance or those responsible for the administration of Finance. That was illustrated in a marked way a short time ago in connection with the Pension Fund of the Militia Department. During the time I was in the Government I repeatedly heard the statement made that that Fund was self-sustaining. If there was any comment when applications were made from time to time by different officers of the Department to take advantage of the Pension Fund, it was pointed out by those upon whom the responsibility devolved that the Fund was self-sustaining, and that the contributions of the beneficiaries as well as those of the Government, were sufficient to maintain the fund. I directed the attention of the Finance Minister from time to time to the desirability of looking into the pension funds, not only of the Militia Department, but of other departments; and upon investigation it was found that this particular fund was short of being self-sustaining by some 75 per cent, which has to be paid out of the Exchequer. Honourable gentlemen will be able to appreciate how an invasion of a very grave character can be made upon those funds and not command any great public attention.

The actuarial basis of those funds contemplates that the beneficiary will continue for a period of years to pay in a certain percentage to the fund. By and by he asks that a certain number of years be allowed him. In that way the term of contribution is frequently cut short by 50 per cent, and yet the beneficiary obtains the advantages of the fund. It seems to me that if the Government will not assume the responsibility of establishing the pension funds upon a uniform basis, and administering them by some financial head instead of by miscellaneous departmental officers who ultimately participate in them, it will be sustaining a very serious loss, as it has done in the past. In my judgment there should be a thorough investigation made into all those funds. They should be administered by one department or one head; a fund should not be administered by the department specially interested in it. Otherwise, honourable gentlemen can readily appreciate that the tendency will be to broaden the advantages of the funds and to restrict to a minimum the contributions by the beneficiaries. If the Government will not assume this responsibility, the Senate may at no distant date see its way to appoint a Committee which will appoint experts to thoroughly examine those funds and ascertain where we stand in their administration.

We have, for instance, a special fund in the Militia Department; we have a fund for the Northwest Mounted Police; we have another fund. I think, for the Dominion Police; and we have a fund for Civil Servants. I venture to say that we must have eight or ten different different pension funds, each of which is being ad-

ministered entirely irrespective of the others, and without any parity or uniformity or scientific basis for the superstructure upon which they should be built.

I simply direct my honourable friend's attention to this subject, because it is involved in this Bill, and in the hope that the Government may see its way to review the whole financial situation relating to pensions.

Hon. Mr. ROCHE: The aeroplane business of the Militia, and I suppose of the Naval Branch also, is a very precarious one. The reports in the papers and in Government records of accidents indicate that this must be a very serious matter to the Pension Fund. Perhaps it would be useful for the House to consider who gives the orders for the various experiments that are conducted. Where I live, there was during the war and afterwards, and is now, I think, a constant flight of aeroplanes. I do not know whether the circuit is laid out by any authority or whether those making the flights prescribe their own limitations, but it seems to me that if this system is elaborated and extended it will involve a very great expenditure for pension funds, because accidents involving a great amount of compensation will be very numerous. It would perhaps be well to decide who should prescribe the flights of these aeroplanes, indicating how far they should go and what they should do, and not leave it to be decided by the individual.

Hon. Mr. TURRIFF: I am very glad the honourable gentleman from Calgary (Hon. Sir James Lougheed) has brought this matter to the notice of the Government. I think it is one well deserving of attention. I have felt for several years that there has been a good deal of latitude in the granting of these pensions.

There is another phase of this question that I should like to bring to the attention of the leader of the Government, and that is the fact that since the war many men who did not take any part in the war, except perhaps in office work, have been promoted and promoted and promoted—and this, it has been openly stated, is to enable them to retire in a year or two at a greatly increased pension. It must be remembered, as my honourable friend from Calgary has pointed out, that we pay 75 per cent of all those extra pensions, only 25 per cent coming from the levy that is made on the beneficiaries while they are in office. I think it would be very advisable for the Government to look carefully into the matter and to see whether a great deal of unnecessary expenditure cannot be cut off.

The Air Service, no doubt, is very valuable in time of war; but whether or not it is advisable for us to go into the air business for civil purposes I am unable to say. I have very grave doubts of the good that will be accomplished by the surveying of timber from aeroplanes. It does not seem to me that it will be very accurate or worth a great deal. The Air Service may be of some advantage in locating fires, but only by way of giving information. A year or so will prove whether or not there are fewer fires and less destruction of timber than we have had in the past as a result of keeping an expensive air service for that purpose. I doubt very much if the saving in standing timber will amount to anything at all, although I am not prepared to say definitely that it will not.

However, I think that the Government ought to go carefully and slowly in the matter of expenditures on air service, and that they should follow the suggestion of the leader of the Opposition to have a thorough investigation into the matter of pensions, and to put them all under the head of one responsible Minister. In that way I am sure a great saving can be affected.

Hon. Mr. DANDURAND: Honourable gentlemen, I think the suggestion of my honourable friend that the Government should investigate the different pension funds with the view of placing them under a central authority is a very good one. When my honourable friend from Pictou (Hon. Mr. Tanner) put his inquiry on the Order Paper as to the classes of persons other than employees of railways, and persons entitled under the Pension Act, chapter 43 of 1919, who are entitled to receive pensions or superannuation allowances, payable by the Government of Canada, I asked myself if I should not circularize all the departments of the Government in order to obtain an answer from each and every one of them. Then it occurred to me that the Finance Department would perhaps be able to give the data asked for. I simply mention this to show that there are a number of members of this House who do not know exactly the facts of the matter. Even the leader of the Conservative party (Hon. Sir James Lougheed), who has been a minister, and who has gone from one department to another doing the work of some of his colleagues while they were absent, is asking whether there is a general control over

these pension funds, and, if so, who has that general control. The Act creating the Air Board did not give very much authority to the Government as to the pensions or compensation that may be paid to aviators for injuries sustained in the performance of their duties. Clause 5 simply says:

> The Air Board shall have power to employ such officers and men under this Act as may be authorized by the Governor in Council, under such conditions as to discipline and pay, as the Governor in Council may determine, and may make such arrangements for their proper training, housing, board, clothing and equipment as may be necessary and as may be approved by the Governor in Council.

Under this Act an Order in Council was passed in May, 1920, setting out the rates of compensation for injury or death. The authority for this Order in Council has been questioned, and the amendment now before us is proposed for the purpose of clarifying the situation and giving a certain authority to the Board. Here again the question of overlapping of pensions appears. This amendment aims to compensate not only the aviator, but the employee of some other department, from the Forestry Branch, for instance, who may be with him, and who may be killed in the flight undertaken. But it is provided—and this was suggested, I may say, by the ex-Minister of Finance, Mr. Drayton:

> That such regulations shall not extend to the payment of compensation for any death or injury in respect of which provision for the payment of compensation or a gratuity or pension is made by any other Act, unless the claimant elects to accept the said compensation, instead of the compensation, gratuity or pension under any such other Act.

This proviso is to enable the injured person or his heirs to take advantage of the pension provided under this Act in preference to one to which he or his heirs would be entitled under any other Act.

My honourable friend the leader of the Conservative party (Hon. Sir James Lougheed) has asked with regard to the policy of the present Minister of Militia, who will have the supervision of that branch of the service called the Air Board. Last year the sum of $1,600,000 was expended on that branch of the service, and this year the amount voted is $1,000,000. He has already dismissed over 250, perhaps nearer 300, temporary employees, and he will try to give the aviators training for civil work that will be done for other departments, and for such provinces as accept the service and pay the cost of operation. This work will include the surveillance of forests. I know that some of the provinces have already availed themselves of the service. Aviators who belong to the Military Branch will have the benefit of the experience obtained in carrying on this work.

Hon. Mr. BELCOURT: There would appear to be regulations under the original act to provide compensation for employees of the Air Board. I am not familiar with their effect, but I would like to know why power is now taken to make regulations. I do not see the necessity of it.

Hon. Mr. DANDURAND: If my honourable friend will look at section 5 of the Air Board Act of 1919, he will realize, perhaps, that it was properly urged that it was not wide enough to allow of regulations being made to cover the question of pensions and compensation in case of death. This amendment is to make sure that the Board has that right.

Hon. Mr. BELCOURT: Is it to cover cases not already provided for by the original Act?

Hon. Mr. DANDURAND: Yes. It would extend to all employees of other departments who are asked to accompany the aviators on such expeditions.

Hon. Mr. BELCOURT: In the performance of duties not necessarily connected with the Air Board?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. PROUDFOOT: It seems to me that this Bill is worded in such a way as to give a right which, from the reading of it, I would suppose the Government already had. It is to provide compensation. From section 5, however, it is clear, that that power does not exist. The wording is peculiar. The section before us says:

> The Governor in Council may make regulations prescribing the compensation to be paid.

I understand that section 5 does not give power to grant compensation. The reading of this Bill infers that the power does exist, and that we are simply providing for the passage of regulations. Am I right?

Hon. Mr. DANDURAND: I must take the statement of the Minister who introduced the Bill as to the reason which actuated him, and the reason which he gives is that the Order in Council passed in May, 1920, setting out the compensations for injury or death was passed under that section 5, and that the authority has

been questioned. I understand quite well why the authority should be questioned. I have considerable doubt that such an Order in Council could be passed under the authority of section 5, and it is because section 5 is too restricted that this enabling amendment is now sought.

Hon. Mr. PROUDFOOT: As I understand, from the honourable leader's reading of that section, there is no authority to grant compensation such as has been spoken of. It does not seem to me that this section is going to confer that authority. It presupposes that the authority to grant compensation exists, and its purpose is merely to provide for regulations.

In dealing with this section I would like to know if in the other branches of the Government service any provision is made for compensation for injury to various employees. For instance, we are now in the railway business, in which a great many employees are under Government control. Are they paid compensation for accidents which happen during the course of their ordinary work, or is this something outside of what is granted or allowed in the other branches of the public service?

Hon. Sir JAMES LOUGHEED: There is the Workmen's Compensation Act.

Hon. Mr. DANDURAND: Of course, there are various funds, as has been explained by my honourable friend the leader of the Conservative party in this Chamber; but any Act which would operate in favour of a victim in an air expedition will be superseded only if the party injured elects to come under the Act which we are now amending. He may prefer to remain under the Act governing his department, if he finds it advantageous to do so. The Pension Act relating to the Civil Service makes no provision for compensation for injury: it provides only for retirement. Inasmuch as flying is perilous work, this measure will allow the injured party who has been asked to accompany an aviator, and who belongs to another department, to obtain the same advantages as would accrue to the aviator himself.

Hon. Mr. PROUDFOOT: Is this work any more perilous than driving an engine on a railway? I should not think so.

Hon. Mr. DANDURAND: That has of course nothing to do with this Act; but I know that the Canadian Pacific and the Grand Trunk have funds which provide compensation in case of injury or death.

I do not know whether there were such funds in the Canadian Northern, but I suppose it had similar arrangements. As to the Government railways or the Intercolonial, I cannot say at present.

Hon. Mr. STANFIELD: They have a pension Act.

Hon. Mr. DANDURAND: They have a pension fund also.

Hon. Mr. PROUDFOOT: But this is not a pension Bill, as I understand it. This is to enable the Government to make direct payment to men employed in this particular service. The Acts to which my honourable friend has just referred have no bearing, so far as I can see, because they are pension Acts. We all know that pension funds are secured and maintained in a certain way, the individuals paying a proportion to the Government or the railways as the case may be. This, as I understand it, is a proportion entirely outside of the ordinary pensions, which have really nothing to do with it.

Hon. Mr. BLAIN: May I ask, has any compensation for accidents been paid by the Government under any Act up to the present time?

Hon. Mr. DANDURAND: The same question was put to the Minister, and he cited one case, concerning the death of Major Holland, whose family received $7,500 under the Order in Council of May, 1920.

Hon. Mr. BLAIN: Was that the only case?

Hon. Mr. DANDURAND: They received, besides, under the Soldiers' Insurance Act, the sum of $5,000.

Hon. Sir JAMES LOUGHEED: I think my honourable friend from Huron (Hon. Mr. Proudfoot) is right as to the defect which he has pointed out. In the Air Board Act, of which the present Bill is an amendment, there does not seem to be any power given to the Government to fix any compensation whatsoever. It does not deal with the question of compensation, and the Bill before us deals only with the question of regulations, presupposing that the Air Board Act gives power to make compensation. It is quite clear that if the primary power is not given to the Government there is nothing to regulate. So it seems to me that if it is desirable to fix compensation the Government should under this Bill take authority to compensate and also to pass regulations.

Hon. Mr. BELCOURT: Possibly the words in this Bill would be sufficient to create the power. It says:

The Governor in Council may take regulations prescribing the compensation to be paid.

Hon. Sir JAMES LOUGHEED: But may I direct the attention of my honourable friend to line 15, by which, as he will see, the restricted meaning must necessarily be questioned upon this Bill, because it says: "Provided, however, that such regulations shall not extend to the payment of compensation," and so on. It is clearly a regulation, that is all.

Hon. Mr. BELCOURT: It does not seem to me that those words help us at all, because their object is merely to state that the individual shall not get double compensation.

Hon. Sir JAMES LOUGHEED: No; it shows that this is simply a regulation. That is the point.

Hon. Mr. BELCOURT: I am quite free to admit that if I had had the drafting of that section I would have given the power first, and then determined the manner of exercising it.

Hon. Sir JAMES LOUGHEED: I think that should be specific.

Hon. Mr. DANDURAND: Perhaps the point is worth examining carefully. When trying to find in clause 5 the right exercised by the Government in May, 1920, I had some difficulty, and I quite realize the importance of this amendment.

Hon. Sir JAMES LOUGHEED: Certainly section 5 does not deal with it.

Hon. Mr. DANDURAND: I will ask that the Committee rise and report progress.

Hon. Mr. BELCOURT: Before my honourable friend does that—if we are going to be logical let us be logical to the end. I understand that compensation has been paid in one case, at least.

Hon. Sir JAMES LOUGHEED: In the Holland case.

Hon. Mr. BELCOURT: In the Holland case, under section 5, which we all now realize did not authorise it.

Hon. Sir JAMES LOUGHEED: A validating Act may be required.

Hon. Mr. BELCOURT: So I hope that when this Bill comes up again, it will contain some provision preserving the liability of the Crown in any case of damages that might arise.

Hon. Mr. PROUDFOOT: Was not the payment in the Holland case confirmed afterwards in some way? If I remember rightly, there was a special appropriation made and passed in the Estimates.

Progress was reported.

EXPLOSIVES BILL

MOTION FOR SECOND READING POSTPONED

On the Order:

Second reading of Bill P3, an Act to amend the Explosives Act.—Hon. Mr. Boyer.

Hon. Mr BELCOURT moved that the order be discharged and placed on the Order Paper for Thursday next.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I pointed out to my honourable friend (Hon. Mr. Dandurand) a few days ago the desirability of the Government taking control of a Bill of this kind. It is a public Bill. It has to do with security of life and property on a very large scale.

Hon. Mr. BELCOURT: What does the Bill provide for?

Hon. Mr. DANDURAND: It provides for the limitation of the area within which a magazine may be located.

Hon. Sir JAMES LOUGHEED: It provides for licensing. The marginal note reads:

Factories and magazines licensed after this subsection comes into force not to be within two miles of any other buildings.

Hon. Mr. BELCOURT: Does that restrict or enlarge the area?

Hon. Mr. DANDURAND: It enlarges the forbidden area.

Hon. Sir JAMES LOUGHEED: It apparently places a restriction upon the issuance of licenses. Still it involves such very important considerations that I think the Government should take charge of it.

Hon. Mr. DANDURAND: I took up the matter with the Deputy Minister of Mines and the chief of the branch of the Department concerned, and they suggested that this Bill, if given second reading, should be sent to a Standing Committee or a Special Committee, so that they might have the privilege of giving their views. I have had a lengthy interview with them, and it was my intention to suggest that the Bill be sent to the Private Bills Committee if it passed the second

reading. The honourable Senator for Rigaud (Hon. Mr. Boyer) has realized that the Bill cannot go on the statute book this session, and I think he is hesitating about moving the second reading. That is why I suggest that the Order be deferred to Thursday next. The Bill may then be dropped for this Session.

The motion was agreed to.

CRIMINAL CODE BILL

FIRST READING

Bill 93, an Act to amend the Criminal Code.—Hon. Mr. Dandurand.

Hon. Mr. DANDURAND: Honourable gentlemen, I would ask for the suspension of the rule which requires one sitting to intervene between the first and the second reading, in order that this Bill may be placed on the Order Paper for the next sitting of the House. Bills are coming up very rapidly from the other Chamber. A great deal of work has been done there in the last two days on public Bills. I would suggest that we take up this Bill on Monday if we can reach it.

Hon. Mr. PROUDFOOT: Honourable gentlemen, I desire to have a clause added to this Bill when it comes again before the House. Perhaps if you are going to advance it a stage now I may be permitted to read the clause which I intend to move, so that honourable members may understand what it is.

Hon. Mr. DANDURAND: If it is a long clause, the honourable gentleman might send it to the Table, and it would appear in our Minutes.

Hon. Mr. PROUDFOOT: It is quite short:

> Anyone who, as owner, part owner, agent, servant, or otherwise, has charge or control of any motor vehicle and uses or knowingly permits such motor vehicle to be hired or used for the purpose of illicit sexual intercourse, or the practice of indecency, shall be liable upon summary conviction to a fine of $200 and costs or to imprisonment not exceeding two months, or to both fine and imprisonment. The words "motor vehicle" as used in the preceding subsection shall extend to and include motor launches, houseboats, yachts, rowboats and structures of a similar kind.

It was ordered that the Bill be placed on the Order Paper for second reading on Monday next.

Hon. Mr. DANDURAND.

VANCOUVER HARBOUR COMMISSIONERS BILL

FIRST READING

Bill 106, an Act to amend the Vancouver Harbour Commissioners Act.—Hon. Mr. Dandurand.

SUPREME COURT BILL

FIRST READING

Bill 125, an Act to amend the Supreme Court Act.—Hon. Mr. Dandurand.

CANADA TEMPERANCE BILL

FIRST READING

Bill 132, an Act to amend the Canada Temperance Act.—Hon Mr. Dandurand.

CANADA SHIPPING BILL (HARBOURS AND HARBOUR MASTERS)

FIRST READING

Bill 144, an Act to amend the Canada Shipping Act (Public Harbours and Harbour Masters).—Hon. Mr. Dandurand.

FISHERIES BILL

FIRST READING

Bill 145, an Act to amend the Fisheries Act, 1914.—Hon. Mr. Dandurand.

The Senate adjourned until Monday, June 19, at 8 p.m.

THE SENATE

Monday, June 19, 1922.

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

RULES OF THE SENATE

PROPOSED AMENDMENTS

Hon. Sir JAMES LOUGHEED (for Hon. Mr. Proudfoot) moved:

That Rule 136 of the Standing Rules and Orders of the Senate be amended by substituting for the words "during at least three months" the words "once a week for a period of five weeks"; and that Rule 139, clause 3, paragraph 5, and Form E, paragraph 5, be amended by substituting for the words "two months" the words "thirty days"; and that the Clerk summon the Senators to consider the Motion as requested by Rule 29.

He said: I took occasion when notice of this motion was given to point out that this amendment would bring our rules into harmony with those of the House of Commons. The House of Commons would deal

with a Divorce Bill as a Private Bill, and its rules with reference to Private Bills require an advertisement to appear for a period of only five weeks.

I also pointed out, and I feel very convinced in making the statement, that no good purpose is served while unnecessary expense is caused by the requiring of three months advertising in two public newspapers. The class of people who come before the Divorce Committee are not wealthy; almost invariably they come from either the very poor class or the class in very moderate circumstances, and in many cases application is made and satisfactory evidence is submitted to the Committee, upon which they feel justified in remitting much of the expense which has been incurred in prosecuting petitions for divorce. Furthermore, there is the fact, which is of even more importance, that in all these cases the parties are served personally with the papers requiring them to appear before the Committee. It would be almost analogous to say that the plaintiff in a suit should not only serve the defendant with a writ of summons, but should advertise in the public press for three months that he was going to sue the defendant. It is entirely superfluous, and as it involves an absolutely unnecessary expense we can very well dispense with that procedure in the future. I will read the rule in question. It is number 136:

Every applicant for a Bill of Divorce shall give notice of his or her intended application, and shall specify therein from whom or for what cause such divorce is sought, and shall cause such notice to be published during at least three months before the consideration by the Committee on Divorce of his or her petition for the said Bill, in the Canada Gazette and in two newspapers published in the district in Quebec, Manitoba, Alberta, Saskatchewan, British Columbia or the Northwest Territories, or in the county or union of counties in other provinces, wherein such applicant usually resided at the time of the seperation of the parties; but if the requisite number of papers cannot be found therein, then in an adjoining district or county or union of counties.

We only change the requirements so that the notice shall appear once a week for a period of five weeks instead of for a period of three months.

Hon. Mr. FOWLER: You do not lessen the time of the notice that is to be given to the respondent?

Hon. Sir JAMES LOUGHEED: No, not as to that.

Hon. Mr. BELCOURT: Does my honourable friend know why at the time these rules were made there was this difference between a Divorce Bill and an ordinary Private Bill?

Hon. Sir JAMES LOUGHEED: It was very largely traditional. When I came here the time was six months, and when the rules were revised, it was reduced to three months.

Hon. Mr. BELCOURT: Why was there a difference?

Hon. Sir JAMES LOUGHEED: Because it was thought to be a very much more solemn proceeding. We are familiarising ourselves with this proceeding to such an extent that we have to get down to an every day basis. When the rules were revised we rarely had more than half a dozen cases each Session, but they have increased now to about 150 each Session, there is no little difficulty in arranging a sitting because we cannot fix a day for the hearing of the case until the expiration of the three months. Consequently if the first step in securing a Bill of Divorce should be taken a month before Parliament is called, Parliament would be sitting two months before the petitioner could present his petition.

The next rule dealt with is subsection 5 of rule 139, which reads as follows:

If the respondent desires to oppose the granting of the divorce and to be heard by the Senate Committee on Divorce, the respondent must send a notice to that effect to the Clerk of the Senate at the Parliament Buildings, Ottawa, within two months from the date of service upon the respondent, and must in the notice to the Clerk of the Senate give:

Certain particulars. Honourable gentlemen can very well see that by the time the three months and the two months expire, it is very difficult in a three or four months' Session to deal with many applications.

Hon. Mr. FOWLER: You are not changing the three months?

Hon. Sir JAMES LOUGHEED: No. We are shortening the notice of opposition from two months to thirty days, and we are shortening the time of advertising in the newspapers in the first instance from three months to five weeks. These are the only changes we ask the House to endorse.

Right Hon. Sir GEORGE E. FOSTER: If these notices that are necessary are legally given to all parties to the divorce suit, what is the reason for any advertising at all?

Hon. Sir JAMES LOUGHEED: There is a kind of fiction that the public should

be made aware of the proceedings which are taken before the Divorce Committee of the Senate. There is really no necessity for it. As I said the other day, it is a work of supererogation, so to speak, because the papers are served on all the parties. It would be just as sensible to ask a plaintiff issuing a writ to advertise to the world that he was suing the defendant.

Hon. Mr. FOWLER: I do not yet quite understand about the notice to the respondent. If it is now three months I think that is quite short enough.

Hon. Sir JAMES LOUGHEED: This does not deal with the notice at all.

Hon. Mr. FOWLER: Does it affect the notice?

Hon. Sir JAMES LOUGHEED: It does not affect the notice at all except the notice of the defence. If the respondent is going to contest the petition, he or she must do it within thirty days instead of within two months.

Hon. Mr. FOWLER: Thirty days after service?

Hon. Sir JAMES LOUGHEED: Yes, thirty days after service.

Hon. Mr. FOWLER: Why not thirty days before hearing?

Hon. Sir JAMES LOUGHEED: That gives them plenty of time to make all preparations.

Hon. Mr. FOWLER: That does shorten the time for the respondent, then?

Hon. Sir JAMES LOUGHEED: No, the respondent is not concerned in the three months. The respondent, upon the service of the petition, if he or she intends to contest the case, must at the present time file notice within two months. Applications are being held up to-day and cannot be heard because the two months have not elapsed. We ask that the time of notice of opposition be thirty days instead of two months.

Hon. Mr. FOWLER: It seems to me that that is a hardship upon the respondent. He has not as much time at his disposal as he has at present.

Hon. Sir JAMES LOUGHEED: No, he has thirty days less.

Hon. Mr. FOWLER: Why should you put that hardship upon him or upon her?

Hon. Sir JAMES LOUGHEED: So as to permit of the Committee dealing with

the applications that come before it. Let me illustrate. Say a petition was served seven weeks ago. The respondent would have a week yet in which to file the notice of opposition. That precludes the Committee from dealing with the case, because we cannot fix a date for the hearing until that time is up. After the thirty days are up the respondent will have ample time, because he or she can appear before the Committee after that time, and will be consulted in fixing the date for the hearing of the petition.

Hon. Mr. FOWLER: Do you not permit a respondent to go in and give evidence even though there was no notice filed? Would not a man have a right to defend himself?

Hon. Sir JAMES LOUGHEED: It is very much like an appearance being filed in answer to a writ of summons. The respondent must indicate in some way that he intends to contest the case. The hands of the Committee are tied until those two months expire and there is no indication on the part of the respondent as to whether or not he intends to contest the case or to let it go by default.

Hon. Mr. BELCOURT: May I observe to my honourable friend and to the House that his answer to the question which I put to him does not satisfy me. My honourable friend says that the distinction between a Divorce Bill and all other Private Bills is purely a matter of fiction.

Hon. Sir JAMES LOUGHEED: No, I did not say that at all.

Hon. Mr. BELCOURT: I understood it.

Hon. Sir JAMES LOUGHEED: No. My honourable friend from Ottawa asked why it was necessary, if the papers were personally served upon all the parties to the proceedings, that there should appear notices in the press advertising the intention of the petitioner to apply for a bill of divorce, and I said that this was largely a fiction which had obtained for many years.

Hon. Mr. BELCOURT: I thought I did not altogether misunderstand my honourable friend. I think he rather confirms the impression which his remarks had made on me. This may not be a very grave matter, but what I want to point out is that originally there was a distinction.

Hon. Sir JAMES LOUGHEED: Between what?

Hon. Mr. BELCOURT: A distinction in the time required for notices.

Hon. Sir JAMES LOUGHEED: Oh, yes.

Hon. Mr. BELCOURT: With regard to divorce on one hand and Private Bills on the other. I take it that a body like the Senate, even in the remote days to which my honourable friend has alluded, did not do things without some reason. There was some occasion or some reason, good or bad, which induced the Senate to make this distinction. My honourable friend has told us that when he first entered this House the period was six months, and that later it was reduced to three months. It is still three months. I do think that this is not purely and exclusively a matter of fiction, and I want to indicate why in several respects it is not so. The distinction was reasonable because of the difference between an ordinary Private Bill—and I include them all—on the one hand, and a Divorce Bill on the other. There are these three reasons. First of all, the purpose was to prevent collusion. It was thought that in order to prevent collusion a longer time would be required. The second reason —I was not present at the time, but I can imagine the reason, and I can see no other reason for it—was that there are not only immediate parties to the divorce petition who are interested in it; the children may also be interested. These children may be living in a foreign country. They have a direct, immediate, and probably very large interest in an application of that kind. It was in order that they—that everybody interested—might know that such an application was before Parliament. Last, but not least, I think society has an interest in every divorce petition that comes before this House. Society at all times and in all civilized countries has an interest in the family tie. Society everywhere is interested in seeing that the family is not broken up. I need not go over the whole ground. I am sure it must be obvious to every honourable member of this House, as well as to persons outside that society has an important and direct interest in maintaining the family tie. Apart altogether from the religious aspect, I consider divorce a social calamity, and for my part I am not prepared to give my voice in support of anything which will make divorce easier or cheaper.

Hon. Mr. McMEANS: May I ask the honourable gentleman a question? Where courts have jurisdiction to grant divorce—as in Manitoba, Saskatchewan, British Columbia, and every other province of this Dominion except Ontario and Quebec, and also in England—is there any notice required to be published in the papers?

Hon. Mr. BELCOURT: I do not know. They have the responsibility for their own actions. We have the responsibility for what we do here, and I feel responsible for the stand I take.

Hon. Sir JAMES LOUGHEED: I desire to ask my honourable friend this question—as a lawyer he will understand how pertinent it is. Will the honourable gentleman point out to the House in what way the family, or society—

Hon. Mr. McMEANS: Or children.

Hon. Sir JAMES LOUGHEED: —or in what way the children would affect either the refusal or the granting of a divorce? These divorce proceedings are conducted upon evidence, not upon sentimental grounds, and the case is disposed of in precisely the same way as would a case in a judicial tribunal, upon the facts stated The introduction of the family, or of the children, or of society, would not in any way influence the Committee.

Hon. Mr. BELCOURT: No, unless they had some evidence would be of more or less value to the Committee on coming to a conclusion. I am quite free to admit that the evidence of children of three, four, or five years of age would be of no use whatever; but I can conceive that the interest of some members of the family—not necessarily children—might very properly be offered to the Committee, and that such evidence might considerably affect the Committee's decision. I submit that every opportunity should be given to the Committee to hear, not merely certain evidence, but all evidence that might bear on the subject. Surely my honourable friend (Hon. Sir James Lougheed) will agree to that proposition. My honourable friend cannot dissent from that.

Hon. Sir JAMES LOUGHEED: It is given now.

Hon. Mr. BELCOURT: It is given now, but you want to reduce the possibility of that evidence being given.

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. BELCOURT: Well, why reduce the time, if not for that?

Hon. Sir JAMES LOUGHEED: The fact of the matter is, I remember the time when it was necessary to give six months' notice in the press of a private Bill. The

time for advertising private Bills has likewise been reduced.

Hon. Mr. PROUDFOOT: Honourable gentlemen, the best answer to the statement just made by my honourable friend from Ottawa (Hon. Mr. Belcourt) is the fact that, although divorce proceedings have been going on here for a great many years, and the petitions have been advertised for the length of time stated, we have not yet found any person interested, so far as the public is concerned, who has come forward for the purpose of opposing an application. The only object I know of for advertising is to let the public know that the divorce is being applied for, and, if any person knows that there is collusion or any other special reason why a divorce should not be granted, he has an opportunity to come before the Committee and show it.

Hon. Mr. BELCOURT: It may be that the time is too short, and that that is why such persons have not come.

Hon. Mr. PROUDFOOT: By the third month people pay no attention to the notices. I think that is the idea. And where personal service of the petition takes place, I can for my part see no reason or object for advertising at all, in view of the experience of the Divorce Committee and the Acts that have been passed by this House ever since Parliament commenced to grant divorces. Take the ordinary action at law. My honourable friend knows that in the province of Ontario a person served with a writ of summons has ten days within which to appear, and if he does not appear within that time, then certain other proceedings are taken.

Hon. Mr. BELCOURT: No; the court may grant him relief from that. If he has failed to appear within the time, and the writ comes to his notice later, he may get relief.

Hon. Mr. PROUDFOOT: Undoubtedly the same thing would apply to the Divorce Committee. If any respondent, before the case is actually tried and disposed of, comes to the Committee with the statement that for some reason or other he has not had an opportunity of putting in his defence, and wants more time, there is no difficulty in his securing an extension of time. The Committee, in carrying on its work, acts in practically the same way as a court conducting a trial of a lawsuit. Therefore, so far as I can see, my honourable friend is in error when he imagines that the notice is of any benefit to the public or that so far any one has ever taken advantage of it.

Hon. Mr. WILLOUGHBY: I do not intend to discuss the question of the notice that should be published of the application for divorce. Two views have been expressed: one by the honourable the senior member for Ottawa (Mr. Belcourt) and the other by the honourable leader on this side (Hon. Sir James Lougheed) and the Chairman of the Divorce Committee (Hon. Mr. Proudfoot). But, with reference to the notice of opposition to be put in by the respondent, I think that the reduction of the time from two months to one is a desirable change. The real advantage of that change has been pointed out by the honourable leader on this side of the House. The work of the Committee may be held up by a period of two months being allowed for the purpose of putting in a defence. Inasmuch as the rule at present provides that the respondent must "within two months from the date of the service of the notice of the application," etc., the case cannot be proceeded with until the expiry of that two months. The work of the Committee is therefore retarded. I think all members who have had anything to do with the Divorce Committee will agree that nothing should be placed in the way of the Committee that would retard its work, which is sufficiently onerous. Taking the view of the Committee without having consulted it, I may tell the House that where the respondent has sent in to the Clerk as intimation that a defence was to be put in, whether the intimation was received within the two months or not, the Committee has not refused a hearing of the defence in any case; and even if the rule is amended so as to reduce the period to one month, the Committee would be only too willing to hear any respondent, man or woman, who came after that period with a bona fide intention of resisting the divorce. The effect of the rule as it stands at the present time is simply to prevent a more prompt disposition by the Committee of its work. In my judgment, if the amendment is made, the respondent coming forward with what appears to be a valid defence to the petition would suffer in no case, whether the notice of defence was given within the prescribed time or not.

Hon. Mr. BEAUBIEN: Honourable gentlemen, may I venture to suggest a reason

which we in the province of Quebec still find important in cases, not of divorce, but of separation from bed and board, as to why a long notice should be given, and some obstacle thrown in the way of decrees being granted. The reason is that, in the old days particularly—for the principle has now become rather threadbare—legislators considered that the breaking up of a home was a very serious matter, the family being the foundation of society; and therefore when they saw the menace of the breaking up of a home and the dispersion of a family with all the effect, harmful to society that would follow in its wake, every possible means was taken to cause a delay which would allow the parties to reflect. It is necessary to give three months' notice. In days gone by it was necessary to give six months' notice so that people would have time to reflect, and would not act on the spur of the moment, or on the sting of an insult or injury and would think of the consequences to their own children and to society itself. That is a reason that induces our Church in the province of Quebec to refuse the separation and attempt to do all it can to bring both parties together again. Is not that one of the reasons why, in the provinces in which courts have jurisdiction over divorce, there is at the same time a law declaring that the divorce shall not become effective for a certain period after the decree is granted? Is it not because there is, as it were, a hope that some arrangement, some compromise, some forgiveness, some conference between the parties, may take place which will prevent the serious injury not only to the family but to society in general? I think that the same reason that dictated that law exists to-day. We forget it, honourable gentlemen, because the applications for divorce are now showering upon us, and our hands are pretty full in disposing of them. These divorces are a menace to the foundations of society, and we should use every fair means we can to prevent divorces being granted as they are being granted to-day, by the dozens and the hundred.

Hon. Mr. DANIEL: Honourable gentlemen, there is one difficulty that I see in this matter. Perhaps it may be easily explained. If the amendment is adopted, what are you going to do with rule 137? It appears to me that it would also have to be amended. Under this rule the respondent gets not less than two months' notice before the petition is heard by the Committee. I may be wrong; I am not a lawyer; but this is the way it strikes me, and I would like to hear the explanation. Would it be possible for the respondent to get two months' notice if those other two clauses are changed in the way suggested? I would like to know that. Rule 137 says:

A copy of the said notice and a copy of the petition to be presented shall, at the instance of the applicant, and not less than two months before the consideration by the Committee of the petition, be served personally.

So personal notice has to be at least two months before the petition can be heard by the Committee. How would the proposed change affect rule 137?

Hon. Sir JAMES LOUGHEED: It does not affect it at all. That notice stands.

Hon. Mr. DANIEL: Then how will the respondent get two months' notice if the rule is changed so as to require only one month instead of three months?

Hon. Sir JAMES LOUGHEED: No, the one month has to do with the time in which the respondent is to put in his notice of contestation.

The motion of Hon. Mr. Proudfoot was agreed to, on division.

On the notice of motion:

By Hon. Mr. Watson:

That the Rules of the Senate be amended by adding the following as Rule 7a:

"7a. The Senate may order more than one sitting of the House on any day, and each such sitting shall be counted as a separate sitting day upon which the House sits," and that the Clerk summon the Senators to consider the said motion as requested by Rule 29.

Hon. Mr. WATSON: I wish to withdraw this motion. I think it is the desire of the Senate that it should not be pressed.

Hon. Mr. DANDURAND: I would ask His Honour the Speaker if when a notice of motion is given there is need of the leave of the Senate not to move it? I have always been under the impression that there was need of that.

Hon. Mr. WATSON: With the leave of the Senate I wish to withdraw the motion.

The motion was withdrawn.

SITTINGS OF THE SENATE

MOTION

Hon. Mr. DANDURAND moved:

That, commencing on Tuesday next, the 20th instant, unless differently ordered, there shall be two distinct sittings of the Senate every day, the first sitting to commence at 11 o'clock, a.m., until 1 o'clock, p.m., and the second sitting to commence at 3 o'clock, p.m. and that all Standing and Select Committees of the Senate

be permitted to sit while the Senate is in session, notwithstanding anything contrary in Rule 86.

Hon. Mr. MARTIN: I would ask the leader of the Government to explain the necessity of this motion for two sittings a day.

Hon. Mr. DANDURAND: The sole object of the motion now before the House is to facilitate legislation and to expedite the business of the House. We are approaching the end of the Session, and Public Bills will be pressing upon us. For this reason it is deemed opportune at this stage to have a morning sitting and an afternoon sitting.

The motion was agreed to.

SUSPENSION OF RULES

MOTION

Hon. Mr. DANDURAND moved:

That from and inclusive of Tuesday next, and until the end of the session, Rules 23f, 24a, b, d,e and h, 63, 119, 129, 130 and 131, be suspended in so far as they relate to Public or Private Bills.

The motion was agreed to.

GRAHAM DIVORCE PETITION

REFUND OF FEES

Hon. Mr. PROUDFOOT moved:

That the Parliamentary fees paid upon the petition of Frederick Wesley Graham; praying for a Bill of Divorce, be refunded to the petitioner less the cost of printing; also that Exhibit No. 2, filed at the hearing and inquiry, be returned to the petitioner.

The motion was agreed to.

CONSOLIDATED REVENUE AND AUDIT BILL

FIRST READING

Bill 57, an Act to amend the Consolidated Revenue and Audit Act.—Hon. Mr. Dandurand.

LOAN COMPANIES BILL

FIRST READING

Bill 59, an Act to amend the Loan Companies Act, 1914.—Hon. Mr. Dandurand.

TRUST COMPANIES BILL

FIRST READING

Bill 60, an Act to amend the Trust Companies Act, 1914.—Hon. Mr. Dandurand.

FISHERIES BILL

FIRST READING

Bill 70, an Act to amend the Fisheries Act, 1914.—Hon. Mr. Dandurand.

BANKRUPTCY BILL

FIRST READING

Bill 107, an Act to amend the Bankruptcy Act.—Hon. Mr. Dandurand.

ESCHEATS BILL

FIRST READING

Bill 124, an Act to amend the Escheats Act.—Hon. Mr. Dandurand.

OPIUM AND NARCOTIC DRUG BILL

FIRST READING

Bill 137, an Act to amend the Opium and Narcotic Drug Act.—Hon. Mr. Dandurand.

PUBLIC SERVICE RETIREMENT BILL

FIRST READING

Bill 146, an Act to amend the Public Service Retirement Act.—Hon. Mr. Dandurand.

CURRENCY BILL

FIRST READING

Bill 147, an Act to amend the Currency Act, 1910.—Hon. Mr. Dandurand.

MEAT AND CANNED FOODS BILL

FIRST READING

Bill 150, an Act to amend the Meat and Canned Foods Act.—Hon. Mr. Dandurand.

MATCHES BILL

FIRST READING

Hon. Mr. DANDURAND presented Bill B5, an Act respecting Matches.

He said: I may explain this Bill, honourable gentlemen, by reading a communication from the Department of Insurance, which is responsible for this legislation:

At a meeting of the Dominion Fire Prevention Association, held in September, 1921, a resolution was adopted calling for legislation to restrict the importation and manufacture of matches with a view to eliminating the fire hazard which exists at the present time due to the use of inferior material and employment of imperfect processes in the manufacture of matches. This resolution was endorsed by the various Fire Prevention Leagues and other organizations interested in fire prevention throughout the Dominion, and the Dominion Fire Prevention Commissioner has conferred with representatives of all the manufacturers of matches in Canada, with the result that the present draft Bill has been approved as satisfactory. The Bill will, it is believed, be effective in securing a higher grade of matches and a proportionate reduction in the fire loss in Canada.

The Bill was read the first time.

PRIVATE BILLS

FIRST READING

Bill C5, an Act respecting a Patent of the Dominion Chain Company, Limited.—Hon. Mr. Proudfoot.

THIRD READINGS

Bill 50, an Act to incorporate The Sisters of Saint Mary of Namur.—Hon. Mr. Blondin.

Bill B4, an Act respecting a Patent of Daniel Herbert Schweyer.—Hon. Mr. Pardee.

ADMIRALTY BILL

THIRD READING

Bill 123, an Act to amend the Admiralty Act.—Hon. Mr. Dandurand.

DIVORCE BILLS:

SECOND READINGS

Bill Z4, an Act for the relief of Margaret Maud Evelyn Clark Leith.—Hon. Mr. White (Inkerman).

Bill A5, an Act for the relief of Mary Ann Phair.—Hon. Mr. Blain.

ANIMAL CONTAGIOUS DISEASES BILL

CONSIDERED IN COMMITTEE, REPORTED, AND PASSED

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 62, an Act to amend the Animal Contagious Diseases Act.

Hon. Mr. Taylor in the Chair.

Hon. Mr. DANDURAND: I would like to give the Senate the information which was sought when this Bill was being read the second time. The question was asked as to the disposal of the carcases of the animals that are slaughtered. The answer which I am authorized to make is:

When animals are slaughtered under the Accredited Herd Plan or Municipal Tuberculosis Order, slaughter occurs under the supervision of an inspector, either at an abattoir under Federal inspection, or at a private slaughter house, or, if necessary, on the farm premises. Practically all the inspectors engaged in this work have passed through the Meat Inspection Division, and are acquainted with the practice and requirements of the regulations governing the inspection of meats. As a result of the inspection made at the time of slaughter the inspector advises the owner as to disposition of the carcass. In case of condemnation in an abattoir under Federal inspection, the regular procedure is followed as provided for such cases. In the other cases the inspector is responsible for disposal of the carcass usually by burying or burning.

This question is asked: Do the authorities hold that the flesh of an animal which by reason of being tainted with tuberculosis cannot be used for milking purposes, is fit for human consumption?

The answer is that the tuberculin test merely indicates the presence of tuberculosis. There is at present no way of knowing from the reaction given to the test to what extent, or in what condition tuberculosis is present in the animal body. Animals showing any reaction to the test are slaughtered, but it is quite possible that the meat from any of these animals is fit for human consumption. The finding of the inspector as to disposition, is based upon the extent and condition of the tubercular lesions found in the carcass upon postmortem inspection. It is impracticable to make a hard and fast rule which will apply in every case, or to state definitely the point at which the disease becomes noxious, or the flesh unwholesome. The disposition of the carcass of an animal affected with tuberculosis must, therefore, be left to the judgment of the inspector. In arriving at a decision he is guided by research which establishes the fact that certain principles. These are based upon certain microbiological conditions have corresponding microscopic appearances. Consequently, an inspector is influenced by the stage of the disease exhibited, as well as by its extent.

As to the question: Is the flesh infected more than the milk? the answer is:

That is impossible to say unless indication is given in specific cases as to the location and character of the lesions. The meat when passed for human consumption is always protected by the fact that it is cooked previous to use, while in the case of milk such protection is only afforded where pasteurization plants exist. Simple boiling will destroy tubercle bacilli in fifteen minutes.

As to whether contaminated carcasses are allowed to be sold if the disease is not bad, it should be noted that the detection of tuberculosis by the tuberculin test does not necessarily mean that the carcass is "contaminated." For example, the tuberculin test frequently gives a reaction when tuberculosis is present in an exceedingly

small spot, perhaps in the lung. This spot while being actually the result of tubercular infection, may be in a calcified or dry condition. The damage resulting to the carcass in such a case is negligible, especially when the fact of subsequent cooking is considered.

During the debate on the second reading it was stated that every day there are animals butchered which are infected with tuberculosis, but not sufficiently to affect health or the wholesomeness of the food. This is only partially correct. The finding in the first place is based on the condition and extent of the disease. The condition of the animal influences the inspectors decision when emaciation is present, according to the inspector's judgment as a result of the disease itself. In such cases, however, extent of infection is generally sufficient to remove any need for a close decision on the basis of condition of the animal.

On section 1—maximum compensation reduced, grade animals—horses from $200, cattle from $80; pig or sheep from $20; pure-bred animals—horses from $500; cattle from $250, pig or sheep from $75:

Hon. Sir JAMES LOUGHEED: Does this reduction apply to pure-bred animals as well as to ordinary grade animals?

Hon. Mr. DANDURAND: Yes, it affects both the grade animals and the pure-bred.

Hon. Sir JAMES LOUGHEED: What was the figure for the pure-bred before?

Hon. Mr. DANDURAND: The pure-bred horses are reduced from $500 to $300.

Hon. Mr. BELCOURT: My honourable friend has not told us yet whether in the Department they have regulations, instructions or directions to those inspectors; that was one of the things about which I wanted to be informed.

Hon. Mr. DANDURAND: Yes, there are very full instructions and regulations.

Hon. Mr. BELCOURT: I should like to see those.

Hon. Mr. ROCHE: Would it not be reasonable in these cases, where the Government is to pay for the slaughtering of the animals, to positively ordain that the carcasses should be burned and destroyed?

Hon. Mr. DANDURAND: I am informed that most of the animals that are destroyed are in part fit for use, so that it would be serving no purpose to destroy the whole animal when parts only need to be cut off.

Hon. Mr. BELCOURT: Are we to understand that if the post mortem discloses that, for instance, part of the lung or part of the liver is affected with tuberculosis, it is simply cut off and the rest of the meat sold on the market?

Hon. Mr. DANDURAND: If the disease is limited to one organ the practice is to limit the destruction to that organ, and the balance is left to the owner.

Hon. Mr. BELCOURT: I should think that the presence of tuberculosis in a part of the lung or liver, or some other organ, would indicate that the disease was somewhere else in the body. I always understood that tuberculosis was a disease of the blood. If it is, and if localized in the liver or the lung, I should suspect that it must be in some other part of the animal.

Right Hon. Sir GEORGE FOSTER: We must recollect that this operation has been going on for a long series of years, and it is worked out according to practical rules. One might say, from a scientific point of view, that if a man is sick you should not allow any part of his body to be accepted as sane and sound; and if an animal is sick in a certain part, say the lights or the lung, you must conclude that the whole animal is unsound; but the scientific theory works out along the practical line, and under the competent inspectors that we have had this regulation has been carried on for the last fifteen or twenty years, and it is largely governed by what is found to come out well in practice. It would be a waste if good sound meat were destroyed, provided it were good for food and carried no bad qualities. At the same time, it would be equally wrong to allow any portion of it to be used if it were prejudicial to health, and I imagine that you could only be guided by the rule of practice.

Hon. Mr. BELCOURT: My right honourable friend puts the question as to whether the meat is sound. For my part, I would like to know that the practice has been demonstrated to be correct, because the only thing suggested in such cases is to boil the meat before it is eaten, which it is stated, will destroy the bacilli. I would be much better satisfied if I knew how the practice works out in actual demonstration. It seems to me the whole thing is speculation. I have made a study of tuberculosis to some extent, and I doubt if in a carcase you will find the liver or the lung

or any of the digestive organs with tuberculosis localized in a very obvious manner, and yet the rest of the body sound. I am afraid that doctrine will not hold.

Hon. Mr. DANDURAND: I have in my hand the Meat Inspection Regulations, and on tuberculosis this is what I read:

(2) Tuberculosis.—As it is impracticable to make hard and fast rules which can be applied in every case, and to state definitely the point at which the disease becomes noxious or the flesh unwholesome, the disposition of the carcasses of animals affected with tuberculosis must, of necessity, be left to the judgment of the inspector, who shall be guided by the following principles, and shall base judgment on his total findings:—

(a) Meat shall not be used for food if it contains tubercle bacilli, or if the disease has reached that stage where the flesh cannot be considered as wholesome.

(b) Meat shall not be destroyed, if the animal is well nourished, unless there is evidence, or reasonable grounds for suspicion, that the flesh is unwholesome.

(c) Any carcass affected with tuberculosis, in which the disease is associated with emaciation, or in which the disease is extensive, shall be condemned.

(d) When the lesions are collectively small in extent, and are either calcified or encysted, and confined to the head, or to the head and the abdominal and thoracic viscera, their coverings and lymphatic glands, the affected parts shall be removed and condemned (except the head, which shall be removed and disposed of as provided in subsection f). The remainder of the carcass, if well nourished, and in the judgment of the inspector otherwise healthy, may be passed for food.

There are a number of other provisions.

Hon. Mr. BELCOURT: Would my honourable friend tell us what is done in other countries—in England, in France, and in the United States?

Hon. Mr. ROCHE: It seems to me that the regulations there spoken of are in cases where there is no compensation to the owner. What damage is done to the owner if he is paid for the animal? All danger of injury to human health is obviated by the fact that the animal is destroyed. The Government pays the owner the value of his animal. I think the cases cited are in conditions where the animal is not paid for.

Hon. Mr. DANDURAND: No.

Hon. Mr. WATSON: Honourable gentlemen, I know that in practice, in Manitoba, the compensation paid for the animal is as a rule below its value. Any salvage that may be made from the animal of course goes to the owner. I have seen animals valued at $1,000 or $1,500 slaughtered, and all the compensation paid to the owner was two-thirds of $250. The beef was pronounced good, and was sold in the regular way. I understand that the inspectors have no difficulty in determining when meat is bad enough to be condemned, and what is not bad enough to be condemned is allowed to the owner as part of his compensation for the loss of the animal. The testing of animals, except dairy cattle, is voluntary. The stockmen are trying to clean up their herds, and the Government assists by paying a portion of the loss. As I stated the other day, I think it is a mistake for the Government to reduce the amount of compensation that they have been paying. The people are quite alive to the situation. We are endeavouring to have the embargo on Canadian cattle in England removed. The proposal to cut down the compensation given for the purpose of cleaning up the herds is not a good advertisement. However, the desirability of economy and the fact that cattle have come down in price in the last few years are the reasons given by the Minister in another place. As to condemning the meat, it has been demonstrated by practical tests carried on for a good many years that an animal that is affected may react on the test, and the meat may be good and wholesome as food.

Hon. Mr. BELCOURT: Who has given that judgment?

Hon. Mr. WATSON: I think the Anti-tuberculosis Association have declared that, and I know that the veterinaries have. The Veterinary Director General, Doctor Torrance, would be able to furnish details before the Committee if he had an opportunity

Hon. Mr. DANIEL: I should think that on general principles it would be rather poor economy to use for food an animal that has been ordered to be slaughtered on account of a disease. At the same time I can understand that a qualified inspector, by making cultures and tests of the parts of the body other than the organs diseased, could find out whether the rest of the flesh was diseased and unfit for food or not. Apart from that, it appears to me that an animal infected with tuberculosis or anthrax or a similar disease, which would necessarily make the animal poor in flesh, should be destroyed out and out, and no risk should be run. I think it is poor economy if it is done in the interest of economy, to allow any animal that is slaughtered for disease to be used for food. At the same time I quite well un-

derstand that it is possible for qualified men to ascertain whether or not an animal is diseased all through when some of its organs are found to be diseased. As we have been told, it may be that certain organs are diseased without the general muscular system of the body being diseased. At the same time I would not care to take a joint off a cow killed because of infection with tuberculosis.

Hon. Mr. SCHAFFNER: This is a very interesting and important question. The subject of tuberculosis is not mentioned in this Bill. I have just come into the House, and I scarcely know how the subject of tuberculosis was introduced. However, I have no hesitation in saying that tuberculosis is to-day receiving a great deal more attention than it ever received before. We know for a fact that during the war period about as many persons died in Canada of tuberculosis as were killed in Flanders and France. We have throughout this country a number of splendid sanatoria, and they are certainly doing excellent work in the interest of the people of this country. They come in contact with the actual disease. Their work is educational, and we cannot assist them too much. Each year more and more money is being added to the work of combating the disease. When I had the honour of being for a couple of years president of the Association for the Prevention of Tuberculosis in this country I stressed the importance of prevention, and I desire to emphasize that to-night. We should do all in our power to prevent tuberculosis. I can scarcely understand a scientific man saying that if an animal has a diseased lung, liver, kidney or other organ, the remainder of the flesh of that animal is unaffected. I have endeavoured to obtain information on this point, and I do not believe that the best evidence to-day corroborates that statement. I believe that if a lung or any other organ of the body is affected, the whole animal becomes affected through the circulation. The inspection of milk or of cows for tuberculosis is largely municipal, because the milk goes to the cities. However, I believe there is no reason why compensation should not be paid for an animal destroyed because of infection with tuberculosis, just the same as compensation is paid for animals destroyed because of glanders or other diseases. This question, I feel, is exceedingly important. I believe that the human race does get tuberculosis from animals and from milk. I believe that a person can become infected by using any portion of an animal if any of its organs are affected.

Hon. Mr. DANDURAND: I have not the regulations nor the legislation in effect on this subject in Great Britain or any European country, but the United States have been quite alive to the solution of these problems, and I find that their regulations are somewhat similar to ours. One of their rules says:

> Rule C. Carcasses showing lesions of tuberculosis should be passed for food when the lesions are slight, localized, and calcified or encapsulated or are limited to a single or several parts or organs of the body (except as noted in Rule A), and there is no evidence of recent invasion of tubercle bacilli into the systematic circulation. Under this rule carcasses showing such lesions as the following may be passed, after the parts containing the lesions are removed and condemned in accordance with Rule B.

Then there is a list of lesions which are deemed not to be sufficient to require the whole animal to be sacrificed.

Hon. Mr. BELCOURT: I notice that the regulations or directions treat almost exclusively of tuberculosis. There is no mention in the regulations, for instance, of cholera or similar diseases, is there?

Hon. Mr. DANDURAND: Yes. Such diseases are mentioned in the Act and in the regulations.

Hon. Mr. BELCOURT: What is done in the case of cholera?

Hon. Mr. DANDURAND: The animal is destroyed.

Hon. Mr. BEIQUE: I can speak from experience. I had a number of valuable animals destroyed without any compensation.

Hon. Mr. ROBERTSON: May I ask the honourable leader of the Government, what is the object of limiting the new subsection so that it will be effective only for three years from the 1st of July?

Hon. Mr. DANDURAND That is done because the value of cattle varies from time to time. It has been customary to fix the rate for a certain number of years, in order at the expiration of that time to revise the rate, if necessary.

Hon. Mr. ROBERTSON: That may be quite true, but even if the price of cattle should vary, either upward or downward, this provision would apparently prevent the reopening of the question until the three years had expired. I fail to see just

what is the necessity of fixing the limit. Why should we not be in a position to amend the Act at any time that changed circumstances might warrant?

Hon. Mr. DANDURAND: In order that the stockmen may know under what regulation they are operating. The purpose is to give them a fixed, stable rate for a definite period of time.

Hon. Mr. REID: May I ask what the reductions of compensation are?

Hon. Mr. DANDURAND: My honourable friend will find the answer by looking at the marginal notes.

Section 1 was agreed to.

Subsections 2 and 3 were agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

DOMINION ELECTIONS BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 92, an Act to amend the Dominion Elections Act.

Hon. Mr. McMeans in the Chair.

On section 1—change of elector's residence before general elections not ground for disqualification:

Hon. Sir JAMES LOUGHEED: Has my honourable friend before him the clause which we are about to repeal that is, chapter 29 of the Statutes of 1921, section 29, subsection 2? Read subsection 2.

Hon. Mr. DANDURAND: Subsection 2 of section 29 of the Dominion Elections Act, chapter 46 of the Statutes of 1920—

Hon. Sir JAMES LOUGHEED: As amended by chapter 29 of the Statutes of 1921.

Hon. Mr. DANDURAND: Yes, but that amendment is an addition.

Hon. Sir JAMES LOUGHEED: Yes, but it is proposed to repeal the section, apparently.

Hon. Mr. DANDURAND (reading): Subsection two of section twenty-nine of the Dominion Elections Act, chapter forty-six of the statutes of 1920, as amended by chapter twenty-nine of the Statutes of 1921, is repealed and the following is substituted therefor:

Hon. Sir JAMES LOUGHEED: Now, what do we repeal?

Hon. Mr. DANDURAND: Subsection 2 of section 29 reads:

> For the purposes of this Act, the allegiance or nationality of a person, as it was at the birth of such person, shall be deemed incapable of being changed—

Hon. Sir JAMES LOUGHEED: No; we are repealing some clause that deals with residence.

Hon. Mr. DANDURAND: I confess that I myself found the same difficulty, but I was told, and I take it for granted, that what the Department of Justice desired was the repeal of section 2 as amended by chapter 29 of 1921.

Hon. Sir JAMES LOUGHEED: Perhaps the honourable gentleman will read it in full.

Hon. Mr. DANDURAND: It did not seem to me to be germane, and I drew it to the attention of the Department. It struck me that this amendment should supersede subclause C of subsection 1 of section 29, which says:

> Save as in this Act otherwise provided, every person, male or female, shall be qualified to vote at the election of a member, who, not being an Indian ordinarily resident on an Indian reservation,
>
> (a) is a British subject by birth or naturalization; and,
>
> (b) is of the full age of twenty-one years; and,
>
> (c) has ordinarily resided in Canada for at least twelve months and in the electoral district wherein such person seeks to vote for at least two months immediately preceding the issue of the writ of election.

I may say that that is the clause I laid my finger on, but the Department of Justice said no, and the Solicitor General's office insisted that the amendment was all right.

Hon. Mr. REID: I must confess that I do not like this Bill as submitted. As I understand it, any elector who moves from one constituency to another, so long as he has not been away more than two months, will have the right to go back to the constituency wherein he previously resided and cast his vote. If that is all right, why stop at two months? A man might be away from his old constituency two months and one day and he could not vote, while his neighbour who had been away just two months could go back and vote. Why should not

a man who has been away from a constituency three months have the same right to go back as one who has been away only two months?

Hon. Mr. PARDEE: If he had been three months away he would be on the voters' list in the new constituency.

Hon. Mr. REID: Some of the voters' lists in the province of Ontario are not prepared until almost the end of the year.

Hon. Mr. PARDEE: That is in the cities.

Hon. Mr. REID: No, in rural municipalities. The judges hold their courts away on in December and an election might come on in February. If we are going to adopt the policy of letting any of those who have moved from a constituency go back and vote, I think we should allow them all to do so and put them all on the same basis.

Hon. Mr. BELCOURT: That cannot be. You would have all sorts of trouble—frauds and so on. Two months is not a very long period in which to establish a change of residence. Otherwise people might go back the next day and say: "We want to vote here." I do not think you can change your domicile overnight; I should think two months was little enough time.

Hon. Mr. REID: You are just getting back to the policy of many years ago. The law we have had for so many years is fair to both parties; it does not affect one more than the other.

Hon. Mr. PARDEE: Does the honourable gentleman think it fair that a man should be deprived of his franchise because he has moved out of a constituency two months prior to an election?

Hon. Mr. REID: If we were to adopt a provincial list made eight or ten months before, and a man moved to another constituency he would not have the right to vote. Why not make it the law that any man who is on the voters' list that is to be used in the election shall have the right to vote?

Hon. Mr. DANDURAND: I think I can throw some light on the question. I had a case under my own roof in December last. We had a maid from the country who had been in Montreal two months. She wanted to register. She could not register in Montreal, and could not return and register where she had come from, because she had left there. The object of this Bill is to declare that anyone who has removed two months preceding the election, and who was otherwise qualified to register or was on the list, is qualified to vote.

Hon. Mr. FOWLER: May I ask the honourable gentleman a question? Is it because of this maid losing her franchise that this legislation was introduced?

Hon. Mr. DANDURAND: In a large city the labouring element moves from one division to another. If they are living in the extreme east of the city and are working in the extreme west, or vice versa, they will be constantly transferring their families, if they can find lodgings, because, if they do not, they have to travel two or three miles to work every morning, and back to their homes again every evening. Hundreds of these people would be disqualified if the law remained as it is. The object of the Bill is to allow people who have removed a few weeks before election to register their votes.

Hon. Mr. FOWLER: I would suggest that the honourable gentleman produce a photograph of this maid. If she is good looking, the Bill will pass.

Hon. Mr. WILLOUGHBY: I think objection to this Bill might very well be advanced in another place. It does enable certain voters who may otherwise lose them to cast their votes; but from the point of view of the candidate it is very objectionable. You get back to the old abuses under which the expense of the non-resident vote falls upon the unfortunate candidate. We all know of it; everybody in this House knows something of it. If the other House intended to pass legislation of this kind I would not take exception to it; but if I were in that House I would be inclined to take very serious exception to it.

Hon. Mr. DANDURAND: Would the honourable gentleman tell me what alternative he would adopt?

Hon. Mr. WILLOUGHBY: Leave it as it is.

Hon. Mr. DANDURAND: Then there are people who are deprived of their vote. Surely they have a right to vote either in the place in which they were qualified to vote on a certain date before the election, or at the place to which they have transferred their residence. It is a question of residence. They should have a right to vote in either one place or the other. It is immaterial to me which place is

selected. A person who has lived in a riding where he would be qualified to vote if he had remained there cannot vote under the law as it stands at present if he moved from there, because he must be a resident of the riding in which he votes. Will you not give him the right to vote in the place where he has gone to reside and where he is resident on the day of the election? Under the law at present he may present himself on the polling day and register by taking the oath, but his vote will not be received, because he declares that he did not become a resident of that district until a certain time.

Hon. Sir JAMES LOUGHEED: What residence must he have in the riding in which he is at the time—two months or three months? And while I am on my feet, may I point out that this amendment is not germane to the question with which we are dealing.

Hon. Mr. DANDURAND: We may discuss the merits of the amendment, and if we agree upon those we can adjourn the further consideration of the Bill in Committee.

Hon. Sir JAMES LOUGHEED: We are repealing the section dealing with allegiance, nationality, and naturalization.

Hon. Mr. BELCOURT: It would be more conducive to a proper understanding of the Bill to postpone it until we know something more about it.

Hon. Mr. DANDURAND: We may as well discuss the policy.

Hon. Mr. BELCOURT: It will have to be done all over again.

Hon. Mr. DANDURAND: Oh, no. The qualifications of voters in this respect are contained in subclause c of clause 1 of chapter 29 of 1920, which says:

> Save as in this Act otherwise provided, every person, male or female, shall be qualified to vote at the election of a member, who, not being an Indian ordinarily resident on an Indian reservation—
>
> (c) has ordinarily resided in Canada for at least twelve months and in the electoral district wherein such person seeks to vote for at least two months immediately preceding the issue of the writ of election.

Hon. Sir JAMES LOUGHEED: Are you not giving the elector a right to vote in two districts? That is to say, when he moves into a new district, he has a right to vote; furthermore you permit him to go back to his old district, and to vote there.

Hon. Mr. PARDEE: Suppose a man is registered in a certain constituency. After the registration and within two months of the date of the election he moves to another constituency. He has left his old constituency within two months of the date of the election, and therefore cannot vote in the constituency in which he is at present, because he has not been resident there for two months. The only other place in which he would have a right to vote would be in the constituency from which he came.

Hon. Sir JAMES LOUGHEED: In the proposed amendment you give him the right to go back and vote in his old constituency from which he has moved two months immediately preceding the issue of the writ; consequently he can vote in both places.

Hon. Mr. PARDEE: No.

Hon. Mr. DANDURAND: Will my honourable friend read subclause 3. It says every person will have a right to vote who:

> has ordinarily resided in Canada for at least twelve months and in the electoral district wherein such person seeks to vote at least two months immediately preceding the issue of the writ of election.

Then, when he presents himself at the poll, under this clause he must be able to swear that he is a resident.

Hon. Sir JAMES LOUGHEED: Suppose he is not sworn? You are now qualifying him expressly, although he has moved from his old residence, to go back there and vote, and under the Act of 1920 he possesses the qualification to vote in his new district.

Hon. Mr. PARDEE: No.

Hon. Mr. BEIQUE: No. Under the Act which has been read he must have resided there two months to be allowed to vote.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BEIQUE: If he has not resided the two months—

Hon. Sir JAMES LOUGHEED: We are dealing with the two months' elector.

Hon. Mr. BEIQUE: Under the Act as it stands he must have been residing in the new district for two months. If he has not resided there for two months, he cannot vote.

Hon. Sir JAMES LOUGHEED: No. But if he has, he can.

Hon. Mr. BEIQUE: If he has not qualified, because he has not resided there two

months, then he should be entitled to vote in his old place of residence.

Hon. Sir JAMES LOUGHEED: I am dealing with the case of the man who has been there actually and exactly two months. He is qualified in both places. I do not say that he would have the right to vote in both places, because the policy of the Act is that he shall have only the one vote.

Hon. Mr. PARDEE: Does not the honourable gentleman see that he could not reside in both constituencies for two months prior to the election?

Hon. Sir JAMES LOUGHEED: He has a residence in one, and notwithstanding his removal you provide that he can go back to the other and vote.

Hon. Mr. DANDURAND: If within the last two months preceding the election he has removed his residence he cannot qualify. Under the old Act he is not qualified to vote in either. This Bill is to give him the right to vote somewhere. Surely you will give him the right to vote somewhere. It is immaterial to me where he votes, but I would draw the honourable gentleman's attention to this fact. If you declare that one who has left a constituency in which he was entitled to vote a short time before the election may vote in a new constituency, you may have whole colonies of newcomers who will qualify in the new constituency. You will sometimes imperil an honest election in a constituency. Hundreds of electors may declare that they have come in a bona fide way to reside. I believe that it is a more prudent and better policy to enroll them in the constituency where they were qualified, even if during the last two months they have abandoned that constituency and gone into another. But one of the two alternatives should be adopted so that every elector should be entitled to register his vote.

Hon. Mr. WILLOUGHBY: A man may have changed his place of residence two or three times or more in two months.

Hon. Mr. DANDURAND: That is an argument in favour of this legislation.

Hon. Mr. ROBERTSON: I think there is an inequality because of the fact that in some urban districts registration must take place, whereas in rural districts an oath may be taken on election day. For example, if a resident of St. Antoine ward moves to St. Lawrence ward he is required to register in both, so this Act would work no injustice to him. But supposing that an elector living in the county of Argenteuil, where he is not required to register, moved to St. Lawrence ward forty-five days before an election, he would have to register there and live there two months. If the reverse were the fact, and he originally lived in St. Lawrence ward, and moved to the county of Argenteuil, he could not vote there because he had only resided there forty-five days, and he could not go back and vote in St. Lawrence ward, because he is not registered.

Hon. Mr. DANDURAND: There is no doubt that one might leave a riding where he was qualified, and where he was on the list, and go to another place within two months; but he could not register in the latter place because he had not been there two months, and he could not return and vote in the place which he came from because he would no more be a resident there. So you have a man who is in no man's land, and this Bill has the effect of giving him the right to vote somewhere. The policy of the Bill is to give him the right to return to his old constituency and vote. There have been many cases in cities like Toronto and Montreal of men moving from one side of the street to the other and being disqualified.

Hon. Mr. ROBERTSON: My point is that the amendment as proposed will not cure all the ills.

Hon. Mr. BELCOURT: Assume you have an election on the 1st of December, and on the 1st of October a resident in a certain constituency moved to the next constituency within an hour, which is not inconceivable, he would have resided less than two months in both constituencies so it would not cure that case.

Hon. Mr. REID: I have not had my question fully answered yet so that I understand it. In Ontario the last revised list, as I understand, would be used as a basis for making up the list for the elections. Suppose the list is made up in February or March and the election is held in December, there might be a number who had moved from one constituency to another. As I understand this amendment, all those who had not been longer than two months absent would have a right to come back and vote, while those of two months and a week, or three months, would not have that right; so that probably a great many that were on the last revised list would not have the right to vote. What I contend is that any man

who is on the last list used in an electoral district, if he has not been resident in the constituency to which he has gone, should have the same right as the man of two months to come back and vote in the constituency where he was before he went away. I am satisfied with the Act as it is, and believe it is fair to all, but if it is to be amended it should be done in such a way that every citizen of Canada who has a right to vote should exercise that right in some constituency.

Hon. Mr. PARDEE: Does not the honourable gentleman think that this Bill gets nearer to that than the old Act did? There were many people in my part of the country, and throughout western Ontario, who were disfranchised because they had left the constituency two months before the election. They had no place whatever to vote. In the cities there is a system of registration, so that under the Act passed last session such a voter could come back and in the presence of two qualified voters swear in and vote no matter where he lived, provided he was entitled to vote in that constituency and that ward; therefore the argument of my honourable friend does not apply in such cases. In constituencies where registration is not made the voter may get over the trouble by the provision suggested in the amendment.

Hon. Mr. REID: The same thing happened in my own constituency. People who moved away within two months or four months could neither vote on the list in the rural constituency from which they had moved, nor could they vote in the constituency to which they had moved. Therefore, while this amendment might assist in urban constituencies, it would not help in rural cases except to the extent of two months. Why not let every man who is on the voters' list in a rural constituency and cannot get on the list in another connstituency to which he has moved, be put in exactly the same position as the man in the urban constituency?

Hon. Mr. PARDEE: Because in all probability in more than two months he will be on the list in the new constituency to which he has gone.

Hon. Mr. REID: He could not possibly get on within two months. These lists are made up once a year; and if you are going to allow any of those who are on the list to return, I think it should be open to every man on the list.

Hon. Mr. DANDURAND: The honourable gentleman recognizes that the Act as it is deprives a number of people who are qualified and on the list from voting because they have left within the last two months.

Hon. Mr. REID: Yes, I agree with that, but this amendment would still deprive many that are on the list, because they have been probably two and a half months away—all those that are over two months.

Hon. Mr. PARDEE: You must draw the line somewhere.

Hon. Mr. DANDURAND: The amendment now says two months; what would my honourable friend suggest?

Hon. Mr. REID: I suggest that if the law will not allow a voter to get on the list in the constituency to which he has removed, he should have the right to go back to the one he left and be put on the list there, in the same way as a man who has moved away only two months.

Hon. Mr. DANDURAND: But is there not a point where a party having left the constituency will have been long enough in the new one to qualify? And if he can qualify in that constituency, should not the line be drawn there?

Hon. Mr. REID: As I understand, the Election Act does draw the line; you are to accept a list that is made up within two years, but different provinces make lists every year. If a province does not make a list, lists of voters not over two years old must be used, so that if an elector moved from one constituency to another he would do so probably within the second year; so I would like to see that cured in that way. That would do justice to the rural constituencies. I think that this Act is intended more for cities, although two-thirds of the constituencies are rural, and you are only curing it to the extent of two months, thus, I believe, depriving many thousands in rural constituencies from having a good honest vote simply because they are not in a position, through any form of law, to get on the voters' list in the constituency in which they live.

Hon. Mr. DANDURAND: I will move that the Committee rise and report progress and ask leave to sit again, and meantime I will ask honourable gentlemen who have interested themselves in this debate to work on any kind of amendment which they think will improve this proposition, and suggest it when we again go into Committee. Besides, I shall have opportunity to draw the attention of the Solicitor General again to the conviction that we have

that the amendment which he is proposing should be located elsewhere.

Progress was reported.

PRIVATE BILLS

THIRD READINGS

Bill D4, an Act respecting certain Patents of Holophane Glass Company.—Hon. Mr. Béique.

Bill N3, an Act respecting a Patent of Simon W. Farber.

CANADA SHIPPING (PILOTAGE) BILL

CONSIDERED IN COMMITTEE, REPORTED AND PASSED

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 79, an Act to amend the Canada Shipping Act (Pilotage).

Hon. Mr. Willoughby in the Chair.

On section 1—foreign ships of war and hospital ships may be made exempt ships; Canadian fishing vessels to be exempted:

Section 1 was agreed to.

Hon. Mr. DANIEL moved that the following be added as section 2 of the Bill:

"2. Section 478 of the said Act is hereby amended by inserting the word "St. John" between "Halifax" and "Sydney" in the second line thereof."

Hon. Mr. ROCHE: What is the effect of that amendment?

Hon. Mr. DANIEL: Perhaps I can explain it more easily and quickly by reading section 478:

Pilotage authorities and pilotage districts of Halifax, Sydney, Meramichi and Pictou may, as to each of such ports respectively, notwithstanding anything contained in the last preceding section—

I may say that the last preceding section relates to ships exempted from compulsory pilotage—

—notwithstanding anything contained in the last preceding section from time to time determine, with the approval of the Governor General, whether any and which if any steamships employed as in the said section specified shall or shall not be wholly or partially, and if partially to what extent and under what circumstances, exempted from compulsory payment of pilotage dues.

I do not know why St. John was not in that list in the first place. But whether or not there was any reason at that time, it is absolutely impossible for any reason to exist now, because all pilotage ports and districts are under the authority of the Minister of Marine and they can pass

no rule, order or regulation that has not the approval of the Governor in Council. I may say that I brought this matter to the attention of the Minister of Marine and he quite approves of the change.

Hon. Mr. DANDURAND: This statement of my honourable friend prompts me to accept the amendment.

The amendment of Hon. Mr. Daniel was agreed to.

Hon. Mr. ROCHE: Reference is made there to ships of war and hospital ships belonging to foreign nations. I should like to know what that means.

Hon. Mr. DANDURAND: It means that ships of war and hospital ships belonging to a foreign nation or nations as may be specified by the Governor in Council may be exempted from pilotage when we have received similar treatment from such foreign countries.

The preamble and the title were agreed to.

The Bill was reported as amended.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

AIR BOARD BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 136, an Act to amend the Air Board Act.—Hon. Mr. Dandurand.

Hon. Mr. Blain in the Chair.

On section 1, new section 6A—Governor in Council may prescribe compensation payable for death or injury, directly resulting from a flight undertaken in course of duty:

Hon Mr. PROUDFOOT: I understand the honourable leader of the Government intended making an explanation of this particular clause when it came before the Committee again. It reads:

The Governor in Council may make regulations prescribing the compensation to be paid...

The question raised the other day when this was before the Committee was: where is there any authority to provide for compensation? We were not able at that time to discover any. This clause as it reads now presupposes that there is a provision allowing the compensation to be paid.

Hon. Mr. DANDURAND: It is quite clear in reading chapter 11 of the statutes of 1919 that there was not sufficient power granted to the Governor in Council to grant compensation and make regulations therefor. That is the reason for the present Bill. When we were in Committee last week the question was asked, does this proposed clause give sufficient authority? I have consulted the law officer of the Senate and we have come to the conclusion that it does. If honourable gentlemen will read with me the section that is now before us, I think they will agree that, while the clause might have been drafted otherwise, it does provide the necessary powers.

6a. The Governor in Council may make regulations prescribing the compensation to be paid—

Hon. Sir JAMES LOUGHEED: Right there may I ask my honourable friend: after the regulation is made, where are you going to get your money?

Hon. Mr. DANDURAND: Will my honourable friend allow me to read further:

—the persons to whom, and the manner in which, such compensation shall be payable, for the death or injury resulting directly from a flight undertaken in the course of duty in the public service of Canada of any person employed in the public service of Canada, or employed under the direction of any Department of the public service of Canada: Provided, however, that such regulations shall not extend to the payment of compensation for any death or injury in respect of which provision for the payment of compensation or a gratuity or pension is made by any other Act, unless the claimant elects to accept the said compensation, instead of the compensation, gratuity or pension under any such other Act.

All the essential elements empowering the Governor in Council to fix regulations for the paying of compensation for injury or death seem to be found in this clause.

Hon. Mr. PROUDFOOT: It does not seem to me that we have advanced much farther than we were on the previous occasion. I am satisfied from reading the original Act that no authority is given for the payment of compensation, and the clause, 6A, now being passed, does not provide that authority. It provides for the regulations. The Governor in Council is to make regulations prescribing the compensation to be paid. I do not quite understand how the Governor in Council can make a regulation which will enable Parliament to pay anything under that head. I am not opposed to compensation being paid to men who may be injured in this particularly dangerous service, but if we are going to provide for compensation we should make clear the authority for the payment of it. I venture to say that if regulations are made under this section as it now stands, the Auditor, reading it in conjunction with section 5 of the original Act, will not pass such payment. So while we are dealing with the statute we should make it perfectly clear. That is the only point I am making.

Hon. Mr. BEIQUE: It seems to me that the clause is sufficient to give power to the Governor in Council to declare that the compensation shall be paid, and what the compensation shall be. There is the other question raised by the honourable leader on the other side of the House, as to where the money may be obtained. It might be stated in this Bill that the compensation shall be paid out of the consolidated revenue of Canada.

Hon. Mr. BELCOURT: Putting that after the word "paid."

Hon. Mr. BEIQUE: But in the absence of that provision the money will have to be voted by Parliament. It must be done either one way or the other.

Right Hon. Sir GEORGE FOSTER: You will have to get your vote after you pass this.

Hon. Mr. BEIQUE: The Governor in Council will prescribe the amount to be paid, and then it will be for Parliament to vote the money.

Hon. Mr. FOWLER: Would not that mean that there might be a delay of perhaps a year, until Parliament met, before compensation could be paid?

Hon. Mr. ROBERTSON: My mind runs back to some emergency cases in years gone by, where men in the public service had met violent deaths, by drowning or otherwise, and where the Government of the day extended something by way of compensation and then went to Parliament for the approval of its act, and had the money voted. I think that that is all that could be done even under this Bill—that the Governor in Council might make regulations that would probably make some payments, but the Government would necessarily come to Parliament for the appropriation.

Hon. Mr. BELCOURT: Perhaps this might cover it all:

6a. The Governor in Council may make regulations prescribing the compensation to be paid out of the consolidated revenue...

Hon. Mr. ROBERTSON: I do not wish to pose as an authority on the matter at all, but I question the advisability of Parliament placing in the hands of any Government the power to determine the specific compensation to be paid for injuries to an individual. I think that in each case the action of the Government should be submitted to Parliament for approval, just as has been done in the cases I have mentioned, where violent deaths have occured by reason of accidents to persons engaged in the public service.

Hon. Mr. BEIQUE: Anyway, by the proposed change we should be making this a money bill.

Hon. Mr. DANDURAND: I am not sure that the amendment would be acceptable at the present stage, because I cannot say whether or not it has been preceded by resolution in the other House.

Section 1 agreed to.

The Bill was reported.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

CRIMINAL CODE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 93, an Act to amend the Criminal Code.

He said: Honourable gentlemen, there are in this Bill a number of amendments to the Act. I need not read them. Every honourable member of this Chamber has the Bill before him. There are questions of principle involved, but they are of various sorts.

Hon. Sir JAMES LOUGHEED: So long as it is understood that full freedom will be accorded to any member to discuss the various sections in Committee, I see no objection to the Bill being given the second reading now.

Hon. Mr. DANDURAND: There are some clauses that are, I am quite sure, not contentious, and there are others that may be. We may discuss them one by one when the Bill is considered in Committee.

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

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE

Tuesday, June 20, 1922.

FIRST SITTING

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST, SECOND AND THIRD READINGS

Bill D 5, an Act for the relief of William Park Jefferson.—Hon. Mr. Proudfoot.

Bill E 5, an Act for the relief of Eva Maud Ginn.—Hon. Mr. Bennett.

Bill F 5, an Act for the relief of Louise Janet Maud Bigford.—Hon. Mr. Proudfoot.

Bill E 5, an Act for the relief of James Dixon Couch.—Hon. Mr. G. V. White.

Bill H 5, an Act for the relief of Cecil Grenville Bell.—Hon. Mr. Blain.

TRANSPORTATION OF EX-SERVICE MEN

INQUIRY AND DISCUSSION

Hon. Mr. TANNER inquired of the Government:

1. Referring to the ex-service men who recently marched from Toronto to Ottawa, did the Government or any department of the Government provide them with railway transportation back to Toronto?
2. Over what line of railway did the Government provide such transportation?
3. What is the total of fares paid by the Government for such transportation?

Hon. Mr. DANDURAND:

1. Yes. The Department of Labour.
2. Over the Canadian Pacific Railway. Extra coaches had been placed on the Canadian National train to leave the next day at 1 p.m., but as this would have brought the men to Toronto at night, they demurred, and it was deemed advisable to send them by the Canadian Pacific railway morning train.
3. $1,422.75.

Hon. Mr. ROBERTSON: Honourable gentlemen, in my opinion the answer given by the honourable leader of the Government is hardly one that is justified, for the reason that the morning train of the Canadian Pacific on which these gentlemen travelled reaches Toronto about 6.40, stopping at every local station between here and Toronto and taking the whole day, whereas the Canadian National train, which would have left here at one o'clock, would have landed them in Toronto at 8.30, or one hour and fifty minutes later.

It is also worthy of observation that the tariff rate of our railways for special trains is $3.00 a mile; that a special train might have been run on the Canadian National, leaving here in the morning and getting those men to Toronto in the middle of the afternoon at a cost to the Government of $828; but, instead of that they saw fit, for reasons which they can best explain, to send them on the Canadian Pacific railway, paying that railway $1,423, as was stated in another place. I want just to point out these facts so that my honourable friend may be fully aware of them.

Hon. Mr. DANDURAND: The only thing that surprises me in the statement of the honourable gentleman is that we could have had a special train to return these men at such hour as we chose, and it would have cost hardly two-thirds of the sum paid. I am not sufficiently au fait to controvert that statement, but I am very much surprised to learn that we could obtain a special train at a cost so much lower than that of ordinary railway transportation.

Hon. Mr. ROBERTSON: That is the case. The rate for a special train was for many years $1.25 a mile, with a minimum of 125 miles. Recently, as passenger rates rose, that special rate was increased to $3.00 a mile, and at this rate, the distance to Toronto being, I think, 276 miles or thereabout, it would have cost $828 to have sent those boys home by special train over the Canadian National railways. It may be that the Government were not aware of that fact. However, they missed an opportunity.

Hon. Mr. WATSON: Is there not some regulation regarding the number of persons travelling on a special?

Hon. Mr. ROBERTSON: You can put ten cars on a special train if you so desire.

Hon. Mr. MITCHELL: If the late Government had not run out all those special trains we might not have had a deficit on the railways. I do not think the statement is quite correct.

Hon. Mr. ROBERTSON: I know it is correct.

Right Hon. Sir GEORGE E. FOSTER: As a result of the discussion, I hope my honourable friend who leads for the Government will make inquiry and give us authoritative information.

Hon. Mr. DANDURAND: I intend to draw the attention of my colleagues to that statement of my honourable friend.

Right Hon. Sir GEORGE E. FOSTER: If that is true, somebody has blundered.

Hon. Mr. DANDURAND: And should reimburse the difference.

Hon. Mr. MITCHELL: I would suggest that we go back farther and look into what has occurred in this respect for a couple of years, to see whether or not there have been any special trains run at such small cost.

Hon. Sir JAMES LOUGHEED: Will my honourable friend say what hiking expedition has been returned to Toronto within the last couple of years, other than this one.

Hon. Mr. MITCHELL: I am not in a position to say. I merely say that it might be well to look back and see if special trains have been running as stated by the honourable gentleman, at such a small cost to this country.

DIVORCE BILLS

THIRD READINGS

Bill Z4, an Act for the relief of Margaret Maud Evelyn Clark Leith.—Hon. Smeaton White (Inkerman).

Bill A5, an Act for the relief of Mary Ann Phair.—Hon. Mr. Blain.

SALARIES AND SENATE AND HOUSE OF COMMONS BILL

NON-CONCURRENCE IN REPORT OF COMMITTEE—THIRD READING

On the Order:

Consideration of the amendment made in Committee of the Whole to (Bill 14), an Act to amend the Salaries Act and The Senate and House of Commons Act.—Hon. Mr. Dandurand.

Hon. Mr. DANDURAND: There was an amendment to this Bill moved by the honourable gentleman from Victoria.

Hon. Mr. BARNARD: Will my honourable friend pardon me? After consulting with honourable friends from British Columbia and other honourable members from the West with reference to that amendment, and in view of the promise given last night by the honourable leader of the Government, and also, I may say, in consideration of the very courteous treatment which he has accorded me in connection with this matter, I have decided, with the leave of the House, to withdraw this amendment for the present, hoping and

expecting that my honourable friend will very early after the commencement of next Session take the matter up seriously with the object of revising all the conditions under which we are here.

Hon. Mr. DANDURAND: I do not know that I shall succeed in getting the Commons to take first action in this matter, but I will cordially support any motion made in this Chamber for a joint committee of both Houses and will give my best efforts towards bringing about the formation of such a joint committee.

The Hon. the SPEAKER: The honourable member (Hon. Mr. Barnard), in my opinion, cannot withdraw his amendment at the present stage of the proceedings. I think the only course that can be taken is to deal with the report.

Hon. Mr. BEIQUE: I move that the report be not concurred in, but that it be referred to the Committee of the Whole. The report covers the Bill.

The Hon. the SPEAKER: It is only the amendment.

Hon. Sir JAMES LOUGHEED: The Bill was reported to the House as amended.

Hon. Mr. BEIQUE: Then I move that this House do not concur in the amendment.

Hon. Sir JAMES LOUGHEED: May I say to my honourable friend, in answer to his proposal that the House should pronounce non-concurrence in the amendment, that it might be prejudicial to the action which the House would take next Session, as suggested by my honourable friend the leader of the Government. It seems to me that it would be very much better to refer it back to the Committee for further consideration by passing a motion that the Bill be not now read a third time, but that it be recommitted to the Committee for further consideration.

Hon. Mr. BEIQUE: We are not at that stage.

Hon. Sir JAMES LOUGHEED: I understood that the Committee reported the Bill to the House. Are we considering the report?

Hon. Mr. BELCOURT: Yes.

Hon. Sir JAMES LOUGHEED: On the amendment?

Hon. Mr. BELCOURT: On the amendment only.

Hon. Mr. BARNARD.

Hon. Sir JAMES LOUGHEED: If we are dealing with that subject, I fail to see why my honourable friend (Hon. Mr. Barnard) cannot, with the leave of the House, withdraw the amendment. That would relieve the House of the necessity of pronouncing upon the subject; whereas, if we did pronounce upon it, and if at next Session we entered upon a discussion of it, it would very properly be pointed out that the House had voted down the amendment. I would therefore suggest that my honourable friend, with the leave of the House, be permitted to withdraw his amendment.

Hon. Mr. DANDURAND: If His Honour the Speaker sees no difficulty in that procedure, I concur in the suggestion.

Hon. Mr. BELCOURT: There can be no objection if nobody takes objection.

Hon. Mr. BARNARD: I move that.

Hon. Mr. BEIQUE: The amendment would be withdrawn at the request of the honourable gentleman and with the leave of the House.

The Hon. the SPEAKER: I would like to explain to the House the way I see the matter. What we are considering is not the amendment, but the report of the Committee on the amendment. I do not see how the Committee's report can be withdrawn in that way.

Hon. Mr. DANDURAND: Could not the honourable gentleman from Victoria (Hon. Mr. Barnard), who moved the amendment, now move that the amendment be not concurred in, inasmuch as he desires to withdraw it?

The Hon. the SPEAKER: Yes.

Hon. Mr. BARNARD: I will make the motion in that form, honourable gentlemen, if that meets with the approval of His Honour the Speaker.

The Hon. the SPEAKER: Then, with the leave of the House, the motion of Hon. Mr. Béique is withdrawn, and Hon. Mr. Barnard, seconded by Hon. Mr. Taylor, moves that the report of the Committee be not concurred in, as he wishes to withdraw his amendment.

The motion of Hon. Mr. Barnard was agreed to.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

VANCOUVER HARBOUR COMMISSIONERS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 106, an Act to amend the Vancouver Harbour Commissioners Act.

He said: Honourable gentlemen, this Bill has for its purpose the withdrawing of the appointment of port wardens from the Vancouver Harbour Commissioners. They are the only Harbour Commission in Canada who have at present the right to appoint the port wardens, and it is deemed advisable that that power should, as in the case of all other ports, remain with the Minister of Marine and Fisheries.

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

SUPREME COURT BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 125, an Act to amend the Supreme Court Act.

He said: The object of this Bill is to give power to the provinces who express a desire to appeal to the Supreme Court of Canada in cases referred by the Lieutenant-Governors in Council to the Courts of Appeal of the various provinces. Of course, the Federal Parliament has vested the Supreme Court with the power to hear references from the Federal authorities. It is necessary to amend the Supreme Court Act in order to give a similar facility to the provinces who may desire to appeal from judgments in cases referred by them to their respective Courts of Appeal.

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

CANADA TEMPERANCE BILL

MOTION FOR SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 132, an Act to amend the Canada Temperance Act.

He said: Honourable gentlemen, the Federal Parliament, in response to the demand of various provinces, has prohibited the importation of liquor into certain provinces. The demand from those provinces is that exportations from those provinces be stopped. Before the prohibition to import became law, there was imported into those provinces large quantities of liquor—millions of gallons, I am told—and it is legally in warehouses, of course subject to the provincial laws. The only power remaining to the owners of those liquors is to export them, but they are unable or unwilling to do so. The liquor remains an eyesore in such provinces, and the provincial authorities fear that some of it is leaking out, a proper administration of the prohibition law being thus prevented. By this Bill, when the Lieutenant-Governor in Council in a province asks the Federal authorities to prohibit exportation, the Federal Government will respond by prohibiting it. This is a warning to the holders of liquor in various warehouses to hurry and dispose of it, otherwise, if they cannot find a means under provincial machinery of transferring it to the province, or to persons licensed by the province, it will remain on their hands. In some provinces, as in Saskatchewan, I understand, the prohibition of importation has been on the statute book for some time, and yet the holders of liquor—and they are very many—still have large stocks on hand.

Hon. Mr. McMEANS: May I ask the honourable gentleman a question? Is it possible for this Government to prohibit the export of liquor from any individual province without including all the provinces? This is something that I do not quite understand, and I am simply asking for information. Can we pass an Act providing that Saskatchewan, for instance, shall not export liquor, and say nothing about any other province?

Hon. Mr. DANDURAND: The Bill simply authorizes the province that desires to prohibit exportation to do so. It is a facility given to any province that desires the Federal Government to intervene and prohibit exportation to do so. This is not a law that is being applied to the provinces. I understand that the policy of the Parliament of Canada has been to allow full freedom to the provinces, and this policy has been carried out. This Bill does not alter the principle that the provinces are supreme within their borders. It only states that when the province, by Order in Council, notifies the Federal authorities that it desires to stop exportation, the Federal Government, authorised by this law, will pass an Order in Council prohibiting exportation.

Hon. Mr. BENNETT: If a province allows the manufacture of liquor within its borders, can it then prevent the exportation? I do not think it can, as I understand it.

Hon. Mr. DANDURAND: This does not affect the distillers nor the brewers under Federal license.

Hon. Mr. BENNETT: Nor the makers of native wines?

Hon. Mr. DANDURAND: I am speaking of the power of the Federal Government. I understand that in the province of Ontario distillers are still allowed to distil and to export; but this Bill does not affect the right of the Federal Government in the giving of licenses for the distilling of liquor.

Hon. Mr. LYNCH-STAUNTON: I beg to draw the attention of the leader of the Government to the fact that last session we passed a rule stating that all Bills amending Acts should be printed in such a way as to show the amendments. I think that rule should be observed in such important legislation as the Bill before us and the Bankruptcy Bill and the Trust Companies Bill, and so far as I am concerned I intend to oppose this Bill until the rule is complied with.

Hon. Mr. DANDURAND: If the honourable gentleman will read the Bill which is under review, he will find that it is sufficiently clear and that he need not insist upon having the clauses of the old Act before us. If the honourable gentleman will notice clause 2, for instance, he will find that it says:

Said Part IV is further amended by adding immediately after section 156 the following sections:

We have only to read section 156 and see whether it has anything to do with the section we are adding. I think that is clear enough sailing as far as this Act is concerned.

Hon. Mr. LYNCH-STAUNTON: The trouble is that there is a very important provision in part V which relates to the importation of liquors into a province which is not a temperance province, and which creates the old Queen Elizabeth monopolies again. I object to these monopolies being vested in the Crown, and I think, therefore, that all portions of this Bill which vary the present law should be clearly indicated. These are not minor amendments, but in some cases very important amendments. We are asked in this Bill to give the Crown a monopoly. I am referring more particularly to clause 5. I do not want to embarrass the leader of the Government in the least, but I do think that when we are considering Bills of such importance we should not have to run all about to get the statutes in order to see what is meant.

Hon. Mr. BEIQUE: I am under the impression that the rule which the honourable gentleman refers to does not apply to this Bill, because it is sought by this Bill to add new provisions to the Act. The Bill is not amending any of the clauses of the main Act: it is simply adding new provisions.

Hon. Mr. LYNCH-STAUNTON: That cannot be so in the case of amendments to section 163. I have not examined the Bill very carefully, but if one looks at page 3 he will see that:

The provisions of subsecion 1 of this section shall not apply to—

Hon. Mr. BEIQUE: It is subsection 1 of section 163. It is the new section that shall not apply in the cases mentioned in subsection 2.

Hon. Mr. LYNCH- STAUNTON: I object to the Bill because of clause 5, which certainly varies the law as laid down in the statute. I would like to know what those variations are.

Hon. Mr. BEIQUE: I am quite in accord with that. I have noticed that other Bills have not been properly prepared.

Hon. Mr. BELCOURT: The rule is not observed in reference to Bills from the Commons. May I take this opportunity to speak again on the subject of that rule? I had a great deal to do with its being adopted by the House, and had been advocating it for years before it was adopted last Session. I have noticed that every Bill that comes from the Commons is submitted to us without the rule being observed. I suppose the reason is that the Commons has not yet adopted a similar rule. Notwithstanding this, I wonder if we could not have the bills reprinted according to our own rules. If that House does not choose to observe this rule, we cannot of course force it on the House of Commons, but I have observed that not only is it not observed in the case of Bills from that House, but also in the case of bills initiated here.

Hon. Sir JAMES LOUGHEED: Have you the rule?

Hon. Mr. BELCOURT: I will get it.

Hon. Mr. DANDURAND: I draw the attention of honourable gentlemen to the very great difficulty of applying this rule to Bills coming from the Commons in the last days of the Session. The observance of the rule would result in putting very considerable work upon our own staff, and I am not sure that we would not have to detain Parliament in session for a week or two more if we insisted upon applying the rule to the Bills now coming in. The Bills cannot be prepared very much in advance, because they may be altered between the time they are introduced in the House of Commons and the time of their third reading in that House. And I realize, from some of the work I have seen done upon Bills which comply with the regulations, how minute must be the work of adapting a Bill to an Act as it will appear in the revision of the statutes.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman will notice that there is no legislation of any importance brought down in this House until the last couple of weeks of the session. There is no reason on earth why all these very important Bills should be crowded into the last few days of the session. We should be given time to consider them. We pass Bills that we do not understand.

Hon. Mr. BELCOURT: The rule is to be found in the minutes of last year, at page 344:

> On motion of the Honourable Mr. Belcourt, it was
>
> Ordered,—That a Special Committee, composed of the Honourable Messieurs Lynch-Staunton, Proudfoot, Ross (Middleton), Willoughby, and the Mover, be appointed to submit to the Senate an amendment to the Rules of the House, so as to provide that all Bills to be submitted to this House shall contain in full the section, or sections of Acts which it is proposed to repeal or amend.

That rule certainly has not been complied with. As my honourable friend has said, some additional time and effort may be needed to comply with the rule, but I think more time would have to be saved in the discussion of the Bill than would be used in complying with the rule so that the Bill might be brought to us in proper form. Take the time we have wasted this morning. I cannot see why the rule should not be adhered to.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, the rule is evidently a good one. It is not proper to ask us to take up a piece of legislation which has to do with clauses that are hidden away in the general statutes. It is quite easy to have the clause printed in the Bill with the amendment that it is proposed to make to it: then everything is clear. I think that is an excellent rule, and should be adhered to generally. The question is whether or not it is practically better for us to insist upon that rule at the present time. I quite agree with the remarks made by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton). Yesterday and the day before, particularly yesterday, I went over the Bills which have been thrust upon us within the last six or seven days. Nine-tenths of those Bills might just as well have been here two or three months ago.

That leads me to make a remark with reference to the general business of the Senate, which I hope to follow up a little more in particular, maybe not this year, but in another Session. There ought to be some different method of allocating the business that we are called upon to perform. Here you have an assemblage of men, eighty or ninety in number, men of very varied and widely distributed experience—men who have been business men, men who have been politicians and statesmen, and they count or ought to count for something. I ask you to put the question to yourselves as to what has been put before this Senate this year, when we have had a Session of pretty nearly four months. It is not proper that the Senate should be treated in this way. We have no member of the Government to represent it here in the Senate. It is impossible for my honourable friend who leads the Government (Hon. Mr. Dandurand) to make himself au fait with all the legislation of all the different departments. He cannot do it. There ought to be some distribution of work. There are men of ability on the other side of the House, and they ought to have allocated to them certain departments of work, and they ought to be asked to make themselves au courant with the legislation which is required. In fact, it does seem to me that it might be an eminently practical thing to have the Minister from the other Chamber present before us when his legislation is going through. He knows what it is; he can give us exactly the information we need. When a measure dealing with very important particulars of a certain department is brought before us, we get a cold douche when we ask the representative of the Government to please give us the information in reference to this thing, and he, who has only a small

brief which cannot possibly cover the information which is required, is frankly compelled to say: "This is all I have; it does not fill the bill, but I will go and get more and bring it to you." The psychological moment has gone by. You have trained yourself on that particular piece of legislation, and are immediately thrown back a day or two or three days, and then comes a further bit of information. In some way we ought to have these matters arranged so that important legislation could come before us earlier. I wish to make a protest, as every other member no doubt has done before, against attempts to rush the whole of the legislation through the Senate in the last five or six days. It is not proper, it is not seemly. We are not being treated fairly by the lower House when that method is followed; and we are not doing our duty fairly to the country as a legislature, nor, in many respects, for the benefit of the country.

My suggestion is that we should not insist upon the reprinting of all these Bills. We would probably delay the Session much more if we did so. Let us get through with these as fast as we can this year, but let us have it well understood that this sort of thing shall not be continued year after year. The legislation before us to-day is important. There is no reason in the wide world why it should not have been passed in the House of Commons two months ago, and have come before us when we had very little to do. I would suggest, therefore, that we should not insist categorically on the rule at the present time, but that we should make a very decided determination that hereafter things shall be differently arranged, as they easily can be, so that we shall be given a better opportunity to do our part in the legislation of the country.

Hon. Mr. BELCOURT: Personally I did not intend that the rule should be insisted on at this stage.

Hon. Mr. LYNCH-STAUNTON: I am not inclined to withdraw my objection, because I do not think it is a matter of form, or a question of the dignity of the Senate. These are very fundamental amendments to the Bankruptcy Act, the Trust Companies Act, and the Temperance Act, and such amendments may not come before the Senate again for years. I have examined them and they are very important. The same thing occurs every year, and, notwithstanding the right honourable gentleman's remarks, will occur next year again. Since I have been in this House we have protested again and again, but the same thing always occurs. Nobody takes any trouble preparing the legislation; it is flung at the House of Commons, and is passed along here, and a year or two afterwards we are thunderstruck to find what we have done.

So far as this Bill is concerned, if the leader of the Government says it is not varying but only adding to the law, I will not persist in my objection. I will insist with all my powers when we come to the Bankruptcy Act and the Trust Companies Act. I have examined those Bills, and I have found it almost impossible to understand them.

Hon. Sir JAMES LOUGHEED: Of course, honourable gentlemen should not fail to consider what the situation really is. While it is very desirable that we should not only adopt rules of this character, but carry them out, we must not overlook the fact that if there has been any omission or default in carrying out the rules, it lies with the Senate itself. The duty would be upon our officers to see that these Bills are printed according to the rule. The House of Commons and the Senate are co-ordinate branches, and we cannot impose upon the Commons certain conditions as to the submitting of Bills in any particular way. They have their own rules as to the printing of these Bills, and when the Bills come to the Senate we must accept them as they come from the House of Commons. But that does not preclude the officer of this House, or the House itself, seeing to it that the Bills conform with the rule; and in this particular case, while we make the criticisms in which we have been indulging, let us not overlook the fact that the fault is our own.

Hon. Mr. DANDURAND: I would suggest that at the opening of the next Session we appoint a Committee, and ask that the House of Commons join us, in amending their rules to the same effect. I think it will be found that our officers will be unable to comply with, not the rule, for we have passed no rule, but the recommendation we have made. Whatever we may say, whatever protest we may register, and in spite of the criticisms we make yearly, important Bills will inevitably, in very many instances, come at the end of the Session. That has been the case since 1867. Surely, then, we should get at the root of the trouble and ask the Commons to join with us in affirming the same principles, or adopting the same procedure. I agree with my right honourable friend in what he has said as to the

difficulty of understanding Bills when we have not before us the clause of the Act to be amended. That difficulty ought to be faced in the other Chamber as well as here. Those 235 members of the Commons should be as interested as are the Senators in having before them the clause which is sought to be amended. I therefore suggest that there be appointed a joint committee of both Houses in order that Bills may be framed on proper lines. I doubt very much that we can in the last ten days or two weeks of the Session get our law officers to do what we have recommended, if Bills come from the Commons in such a state as they do at present.

I have said that it was not a rule that we had passed, and I think my honourable friend could not at this date raise a point of order. This is the report from the Committee:

> Your Committee recommends that all Bills which propose to amend or repeal any existing statute shall when first printed have in parallel columns the sections as it is proposed to amend it, showing in brackets the words to be deleted in the existing Act and showing in brackets the words to be added by said amendment.

This report was adopted, but our rules were not altered. It was clearly a wish expressed by the Senate that this should be done. I doubt that my honourable friend could raise a point of order upon this report.

Hon. Mr. LYNCH-STAUNTON: Why is not the unanimous wish of this House complied with?

Hon. Mr. DANDURAND: Perhaps because of physical impossibility.

Hon. Mr. LYNCH-STAUNTON: There has been plenty of time to make this change. The Debates are printed every day. There is no reason on earth why any industrious officer, spending an hour on each of these Bills, could not insert the sections being amended. If it would take the officer too long to collect the sections and add them to the amendment, how on earth are we going to give them any decent consideration at all? If eight or ten days is not sufficient for the officer to do this work, how can it be sufficient for us?

Hon. Mr. DANDURAND: Of course, as we go into Committee we take up the Bill clause by clause, and we must be ready, by having before us the Act which it is sought to amend, so as to indicate in what particular it is being amended.

Hon. Mr. LYNCH-STAUNTON: There are only one or two copies of the Act around the building.

Hon. Mr. TURRIFF: I think the suggestion of the honourable leader of the Government is a good one, that the two Houses should at the next Session appoint a joint committee to deal with this matter.

I would point out that for some years it has been the practice, in some departments at all events, to have the Act printed with the proposed amendments. I remember that when the Interior Department was having the Dominion Lands Act amended, before I left the House of Commons, the old section to be amended was printed with the Bill, in different type, so that everything was plain and clear, and members might know what they were doing. They had all the information right in front of them, as my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) now suggests we should have. I quite agree, however, that at this stage of the Session it is impossible to carry out the proposal. But I think my honourable friend should see to it that at the opening of next Session a Committee of both Houses is appointed to deal with the matter and arrange that all important rules shall be introduced into the House of Commons or the Senate in the form desired.

Hon. Mr. LYNCH-STAUNTON: We went over all this ground last Session.

Hon. Mr. FOWLER: I do not see why a Committee of both Houses should be appointed to deal with the printing of Bills that come before us. Why can we not have set out side by side, in parallel columns, the clauses that are proposed to be amended and the amendments proposed? We can do that ourselves. We do not have to consult the House of Commons as to whether they shall follow that practice or not. If you are going to have that decided, the result will be that the matter will go over to next year, and we shall find ourselves in the same position as we are in now. It was the same last year. It has been the same always when these matters are postponed. The time to make the amendment is now, when the matter is discussed, and we should not leave it over to some future occasion and then miss it altogether. It is a great nuisance to have an amendment placed before you without any knowledge whatever, barring such general knowledge as we have, of the statute of the original statute to be amended. And that information can

be given so easily. My honourable friend speaks of a change made in the House of Commons. That is only in cases where many amendments were made. There were two or three occasions on which existing sections and amendments were printed in parallel columns. That applied only to individual cases. There is no rule with regard to it. I think we should have a positive rule, that, even if there is only one section of an Act amended, the section proposed to be amended and the proposed amendment should be printed side by side. Then there can be no difficulty whatever. To say that the officers of the House have not the time is an absurd statement.

Hon. Mr. DANDURAND: I would point out to my honourable friend that the officers do comply with our recommendations in regard to Bills originating in the Senate; but the difficulty is for them to take the Bills that are rushed in during the last few days of a Session and transform them by placing side by side with their clauses the sections from the Act which is sought to be amended. It is perhaps a material difficulty.

Hon. Mr. FOWLER: It does not seem to me that it is such a herculean task as my honourable friend would have us think.

Hon. Mr. DANDURAND: The Bills come from the other House printed.

Hon. Mr. FOWLER: I know. That is all very well, but it can be done easily enough. Let us hire additional help, if necessary. It is in the interest of the country.

I understand that an ex-Minister of a former Government has been speaking of Governments not bringing in legislation until the dying hours of the Session. That is a crime that is not new, and it would seem to me that the honourable gentleman might have made some reform when he was a member of the Government, instead of waiting until now to remind us of what has been, I may say, the rule ever since I have been in Parliament, both in the House of Commons and here. Every Government —and there have been several Governments since I first came to Parliament— has been guilty of the same offence, and it is a serious offence. The result is that a mass of undigested legislation goes upon the statute book and in the next session has to be changed. That would not be so if there were proper management on the part of the Government. In my experience, extending over twenty years, every Government has been to blame. What we really ought to do in this House, in order to teach the Government a lesson, even at this late date, is to refuse to pass the Bill at all.

Hon. Mr. LYNCH-STAUNTON: Hear, hear.

Hon. Mr. ROBERTSON: Or just stay here until we have dealt with them.

Hon. Mr. FOWLER: Let them know that we are sick and tired of this kind of thing, and that it is against the interests of the commonwealth to have it continued. But I say it ill becames a right, honourable gentleman, who for many years was a member of several Governments—

Hon. Mr. PROUDFOOT: Why not remain here long enough to digest all the Bills?

Hon. Mr. FOWLER: I am quite willing to do that. I am quite willing to remain here all summer.

Hon. Mr. BENNETT: You live here.

Hon. Mr. FOWLER: I am glad my honourable friend (Hon. Mr. Proudfoot) has made that suggestion. I say, let us stay here and properly digest those Bills and have them properly considered. But let us have that proposed printing of the sections and amendments side by side.

Hon. Mr. WATSON: The honourable gentleman feels quite at home here, does he not?

Hon. Mr. FOWLER: I do—yes. I consider it is a very fine city.

Hon. Mr. WATSON: And you like to have good company.

Hon. Mr. FOWLER: I know my honourable friend must feel at home here too: he has been here a great many years, probably as many years as I have. But I hope that the proposal will be carried out now. Let us not have a joint committee of the two Houses, but let us deal with the matter on our own account. To attend to our own business is as much as we can do here.

Hon. Mr. PROUDFOOT: Honourable gentlemen, I do not want to take up very much time with the discussion, but it seems to me that the difficulty rests with ourselves. Why should we feel rushed at the end of a session? Simply because the Commons say they are going to end the session at a certain time, should we be placed in

the position of agreeing with that proposition? If legislation does not come down here in proper time, then it is our duty as members of the Senate to stay here and examine that legislation properly, and not feel that we are rushed in any way at all. Let us take proper time to digest and dispose of the legislation. It may be that it will keep the Commoners here longer than they desire. I do not approve of the suggestion that we should refuse to pass the Bills which come down to this House, because that would not be fair to the country. It might be reading a lesson to the members of the Commons, but we are not here for that purpose; we are here for the purpose of legislating for the people at large, and, even if it does take several days longer, the members of the other House will require to remain. If we take the stand that we are going to stay here long enough to close up the legislation properly, it may have a salutary effect in this way, that the members of the other House will see that the legislation is brought before the Senate at the proper time.

Hon. Mr. BENNETT: Try next year.

Hon. Mr. BARNARD: Honourable gentlemen, before the question is put, I would not like the honourable leader of the Government to get away altogether without a little further explanation. In his speech, in moving the second reading of the Bill, he dealt only with the question of exportation. I observe that there are two parts.

Hon. Mr. DANDURAND: Yes, there are two parts.

Hon. Mr. BARNARD: One deals with exportation and the other with importation. We would like to hear from the honourable gentleman on the second part of the Bill.

Hon. Mr. DANDURAND: The second part of the Bill has for its object control by the provinces which have taken the monopoly of the liquor trade. They comprise at present only two provinces—Quebec and British Columbia. The proposed Part V, I understand, has been asked for mainly by the province from which my honourable friend comes, British Columbia.

Hon. Mr. BARNARD: May I ask my honourable friend if we are to understand that the province of Quebec has made no request for legislation of this character?

Hon. Mr. DANDURAND: Not that I know of. I think British Columbia is the province that has been most insistent on the legislation embodied in the second part of this Bill.

Hon. Mr. FOWLER: Why do you force it on the Province of Quebec, if there has been no request for it?

Hon. Mr. DANDURAND: But it is legislation of which any province may take advantage. It may have been asked for by one province, but it is enabling legislation and is not imposed upon any province. It is applied to a province only if that province is willing.

Hon. Mr. ROCHE: To what country can the liquor be exported?

Hon. Mr. LYNCH-STAUNTON: It is of importation that the honourable gentleman is talking now.

Hon. Mr. ROCHE: We were told that provinces could order export of liquor. To what country can they order the liquor to be exported?

Hon. Mr. DANDURAND: Liquor can be exported to-day, for instance, from Saskatchewan to British Columbia and to Quebec. These are the two provinces. I do not suppose that it can be exported to the United States unless some provision be made in the United States law to authorize the public authority, State or Federal, to purchase for their own use under their own Acts.

Hon. Sir JAMES LOUGHEED: I was about to observe that my honourable friend, while expressing considerable solicitude to meet the requirements of a provincial executive, entirely overlooks the very much more important and broader principle involved, namely, the lack of consultation of public opinion within that province. The province of British Columbia apparently asked the Government to exercise a most arbitrary power, one that does violence to a reasonable construction of the British North America Act with regard to the exercise of our right respecting trade and commerce, namely, the power of delegating to the province a right which should be exercised by this Government. That is to say, the province of British Columbia comes before this Government and says: "We want to prohibit the people of our province from importing liquor." Previous to the war, in the legislation touching the liquor question, the right of importation was a right exercisable by the Government of Canada alone, and it was exercisable throughout

the whole Dominion from ocean to ocean. We have apparently, by an insidious process, delegated to the provinces the exercise of a right which is purely a Federal right. Although I was a member of the Government that delegated to the provinces the power which they are now seeking to exercise, in my saner moments I deny the right of the Federal Government to delegate to any provincial government the right to restrict importation or exportation throughout the Dominion. I could understand the proposal being a reasonable one if all the provinces joined together and a uniform body of law were applied to all the provinces touching the importation or exportation of liquor; but for one province to go to the Government of Canada and say, "You must prohibit the importation of liquor into our province," and thus to deprive the people of that province of a right which under the British North America Act is clearly exercisable by them, does violence to any reasonable interpretation of the British North America Act.

It simply means this, that we are reducing our constitution down to a patchwork of provincial powers. If it had been intended when the British North America Act was passed that this kind of thing could be done, the power would have been given to the provinces; it would not have been vested in the Federal Government. It seems to me to be an arbitrary right, and, apart from all moral considerations—because I am not dealing with it from that standpoint at all—if we are to have a constitution by which the Federal Government can administer law throughout the whole Dominion, then we must abandon this policy of delegating Federal powers to provincial legislatures, into which we drifted under war-time conditions. While it may be late in the day to reconsider the position we took and the policy we adopted during the war, yet it seems to me that if we are to retain the integrity of our institutions which exercise federal power, we should review the legislation we placed upon the statute book, and not indulge in any further extension of the dangerous policy we have introduced into the Canada Temperance Act.

Hon. Mr. BEIQUE: I agreed in the past with the policy which the honourable leader of the other side of the House promoted as a member of the late Government in this House, but I disagree with the adverse position which he has taken to-day. It has been the policy of all Governments for a great number of years to leave the question of prohibition to each province; and not merely to each province, but under the Scott Act to the counties in each province. I think that is a proper principle and a proper policy. Why should we impose the opinion of the inhabitants of the province of Quebec on the province of British Columbia or any other province in the Dominion? I think it is for each province to decide whether it desires to have prohibition or not; and under our constitution, as the powers are divided, it is but proper that the Dominion Parliament should come to the rescue of the provinces and give them the enabling power which is necessary in order to give effect to the opinions of the inhabitants of any province.

Hon. Sir JAMES LOUGHEED: My honourable friend would leave the impression upon the House, from his remarks, that when Parliament adopted the Canada Temperance Act years ago it adopted this principle; but I would point out to him that it was not until the last three or four years that we went so far as to delegate to the provinces the right to say whether liquor should be imported into or exported from a province.

Hon. Mr. DANDURAND: My honourable friend is not quite exact when he states that we have delegated powers. We could not do so, and we have not done so.

Hon. Sir JAMES LOUGHEED: I do not know what it is, then.

Hon. Mr. DANDURAND: I am not accusing my honourable friend of having done so. He has declared that he would use the powers vested in the Federal Parliament to meet the wish of any province, and this was based on provincial freedom. I think that that principle is to be commended. I supported my honourable friend when he affirmed that principle, and I still stand by it. I believe that Confederation could never have been accomplished in 1867 if it had been said squarely to the people of the four provinces that one province could impose its habits and its ways of living on a neighboring province. Confederation was based on respect of the rights of various provinces to live their own lives as they pleased. This is the principle upon which my honourable friend has stood, and on which we are now standing. We are simply enabling the provinces to live their own lives as they please, with-

out imposing the will of the majority, and we are doing so by using our own powers, without going outside the terms of the Federal constitution.

Hon. Mr. FOWLER: I am surprised that the honourable leader of the Government should say that Confederation would never have been entered into if the people of these provinces at that time had understood that they were not going to lead their own lives as they pleased. It is an absolute impossibility to form a pact of any kind between individuals, as it is between states, unless there is a mutual giving up in some regard, and a mutual shortening of the powers they individually possess. My honourable friend is charging the fathers of Confederation with imbecility when he says that these provinces would not have gone into it if they had understood that it meant the giving up by one province of any rights that it had. Previous to Confederation the provinces were units, were individuals, were sovereigns so far as concerned each other, owing allegiance only to the Imperial Crown; but when they joined in the Confederation for mutual protection and mutual help, they did so by giving up certain rights and certain privileges which they then possessed. At the time of Confederation we had it settled under the Act passed by the Imperial Parliament, which is the only authority that could settle it, what part the Federal Government should take, and what part the individual provinces should take. I hold, and I think I am right, that the Federal Government cannot delegate its powers to the provinces. That can only be done by the authority that divided those powers, namely, by an Act of the Imperial Parliament. We entered into the pact of Confederation on the understanding that certain powers should remain with the Federal Government, and certain powers with the provincial Governments, and this cannot be changed. The provincial Parliament cannot give up its rights, neither can the Federal Parliament give up its rights, without the confirmation of the authority which divided those rights in the first place; and I say that what we are trying to do here is illegal.

Hon. Mr. DANDURAND: We are not delegating any power.

Hon. Mr. FOWLER: Talk about freedom; is this in the interests of freedom—that a man should be deprived of the right to import whatever he wants, whatever he thinks he wants? It may not be the best thing for him, but whatever he thinks he wants he had the right to get, before this importing legislation was introduced; and to say that this is done in the interests of freedom is absurd.

Hon. Mr. DANDURAND: Freedom of the province.

Hon. Mr. FOWLER: It is a deprivation of the freedom of the individual. It is in the interest of putting shackles on people. After all, the individual has some rights. To say that this Bill should be passed because it is in the interest of freedom is, to my mind, a very strange contention to come from the leader of the Government. I trust there will be no more attempts on the part of this House to deprive the Federal Government of the rights secured to it by the B.N.A. Act, because I hold it is illegal, and I think it is improper in every way. If you want to legislate in the interest of freedom you certainly are not going to do that when you give the provinces power, the sole power, to make importations. Why do they want that sole power? In the interest of temperance? In the interest of prohibition? No, but in order that they may get more profits, that they may roll up larger surpluses; that is why they want it. They want to deprive everybody else of the right of selling, so that they can charge double prices. They do not want any competition in the trade. That is not in the interest of prohibition, nor in the interest of temperance. If there is anybody here whose heart is bound up in the interest of temperance, let him get away from the fallacy that this Act is proposed in that interest. As a matter of fact it is opposed to the interest of temperance. It is proposed in order that those provinces may have not only the sole right to sell, but also the sole right to adulterate, the sole right to dispose of any sort of stuff they make, so that their profits may be the greater. That is what it is for, absolutely. So I say, if there is any strong temperance man here who feels that while his vote may be wrong it may yet be in the interest of temperance, let him get away from the idea. The provinces of British Columbia and Quebec only want to make a little more money, and do not want any opposition in the trade, and this legislation is in the interest of monopoly, the worst kind of monopoly, and I trust that honourable gentlemen will vote against it.

Hon. Mr. LYNCH-STAUNTON: I want to draw attention for a moment to the fact that this is novel legislation. It is brought in regarding the Canada Temperance Act, and is all founded on the decision of the Privy Council in the Scott Act case, the effect of which was that for temperance purposes or for the purpose of liquor license laws, the Dominion Government might make an area. That area was usually a county. In order to help the temperance people, the late Government extended that doctrine, I think very improperly, and made a province an area, and passed this legislation, which, though within the letter of the decision of the Privy Council, is absolutely, I submit, outside the spirit of that decision.

This Government is now going a step further, and saying: "Well, if that is good enough for temperance law, we will make it good for every other kind of law." They have incorporated this legislation in the Temperance Act, but it has no more to do with an Act for the enforcement of temperance legislation than it has to do with the Lord's Prayer. They might as well put an amendment to the Lord's Prayer into the Temperance Act as to put this amendment into it, because it is absolutely unconnected with or unrelated to temperance legislation. What the Act proposes to allow in the provinces of British Columbia and Quebec is absolutely against prohibition as understood in the other provinces. British Columbia and Quebec have refused, and I think properly, to adopt prohibition; but they have said that the liquor traffic, unless properly regulated, is a dangerous traffic and an evil to the people and they have abolished the bars, which no man in America, I should think—in Canada at least— to see reintroduced.

Hon. Sir JAMES LOUGHEED: Hear, hear.

Hon. Mr. LYNCH-STAUNTON: Those provinces have taken into their own hands the selling of liquor within the province, because they say: "People are entitled to have liquor if they choose, but we are going to see that the traffic is not abused as it was before, and that the people in this country get proper liquor." That policy has met with universal approval in those provinces, as I understand. But now, having got into the saddle, they have become merchants in the sale of liquor, and they want to do something which is wrong. They want to prevent me and you and everybody else from exercising our right to buy outside of Canada the productions of foreign countries in wines and liquors. They say, "No, we will sell you the confiscated liquor that we pick up from the bootleggers;" and they do that, and in the Province of Ontario they have done it in great quantities. They say: "We won't allow you to buy your champagne in France or your whisky in Scotland; you will have to pay not only the Dominion tax on it, but also whatever price we choose to charge you." Protectionists, free traders, and all kinds of people who think they know something about political economy, have always protested against that policy. One of the greatest instances of freeing legislation was the getting rid of the Crown monopolies in England. Yet here we are going to harness ourselves again to this monopolistic chariot because we believe it is temperance law; and everybody bows down now and worships temperance law in one way or another.

Now, I say that that is an innovation involving very serious danger. There is no precedent in our law for doing this: there is no decision of the Privy Council which justifies it; and it is an absolute departure from the entire spirit of the B.N.A. Act. If you can pass this legislation saying that the Lieutenant Governor in Council can prohibit importation into British Columbia, you can pass legislation saying that the Governor General in Council can prevent importation. Importation of what? Of anything you like, into any county of this province, into any county of any province; they can absolutely hold the people's rights in their own hands. The principle does not apply only to liquor: it applies to everything. If the Government can get a majority in the House of Commons and a majority in the Senate they can deprive anybody of any specific article that he uses in life, in any township, city, province, or anywhere else; they need not limit it to a province. This is a very important matter. We pass legislation here taking away the rights of the people, and then we stand up and say there is no person so jealous of his rights and privileges as a British subject. We let legislation go through here Session after Session, such as putting on the defendant the onus of proof of his innocence, and such things, and we do not go down into the principles of these matters. By accepting the principle of the present

legislation, we practically recognize the right of the Government to take away anything they like from the people. This legislation has no temperance basis, it has no moral basis at all, but is simply an arbitrary exercise of power to deprive people of their acknowledged right to buy anything they choose.

Hon. Mr. TURRIFF: I do not know enough about the legal phases of this Act to discuss it from that standpoint, but I know that as long as I can remember anything in legislation the temperance question has been shuffled across from the Dominion Government to the local Governments, and vice versa, each one wanting to get out of the responsibility of either allowing licenses or of enforcing prohibition. My honourable friend from New Brunswick (Hon. Mr. Fowler) makes out quite a case, but I want to tell him that the temperance people throughout the country look on prohibition as something that is in the interests of the country and of the people, and many people are confident that the prohibition laws have accomplished a good deal I want to tell my honourable friend and the other members of this House that the only legislation that we ever had in the province of Saskatchewan that accomplished anything in the way of temperance was when bars were closed up and the Government took full charge of the sale of liquor throughout the province. At one time there were twenty-two public dispensaries. You or I or anybody could go into one of those dispensaries and buy a case of whiskey or a keg of beer, and we could take it home or give it to our friends, but we were not allowed to sell it.

Hon. Mr. LAIRD: You could import also.

Hon. Mr. TURRIFF: You could not take a bottle into a boarding house, a livery stable or a blacksmith's shop, and open it and drink it there; nor could you drink it in the dispensary.

Hon. Mr. FOWLER: Could you not import it?

Hon. Mr. TURRIFF: Yes, you could at that time. Let me tell my honourable friend what occurred through the legislation of the Dominion Government and the legislation of the provinces. In my constituency in the little town of Maryfield, a place of 400 or 500 people, upon the dividing line between Manitoba and Saskatchewan, we had two wholesale liquor houses within a few hundred feet of one another. One was in Saskatchewan and the other in Manitoba. The liquor house in Saskatchewan was not allowed to sell a drop of liquor in Saskatchewan, but could send it into Manitoba or into Alberta.

Hon. Mr. LYNCH-STAUNTON: Change the boundary.

Hon. Mr. TURRIFF: The wholesale liquor shop 100 feet away in Manitoba could send all the liquor it wanted to sell into Saskatchewan. The whole thing was nothing but a farce. At the present time they import liquor into Saskatchewan, not for sale in Saskatchewan, but for export to the United States, and for years past there has been the greatest illegal rum-running business going on over the boundary line of Saskatchewan. I do not know whether the same condition exists in Manitoba or not. But 111 miles of that boundary line is in the constituency that I used to represent in the House of Commons, and there are dozens of liquor warehouses where that business is carried on. I know that some of them, as many as six or seven huge automobiles, just run liquor by the hundreds and thousands of dollars worth.

Hon. Mr. POPE: There is no harm in that.

Hon. Mr. TURRIFF: It is a condition that has existed for years under the law. I say to the leader of the Government in this House that if this Act prohibits the exportation it will be a good thing. I have always been in favour of prohibition, but I have come to the conclusion that it is utterly impossible to enforce a prohibitory law when a large number of people are ready to break the law; and I say that when the Government of a province wants to take hold of the business, keeping liquor and selling it to prevent individuals from importing it or exporting it, they are perfectly right and should be allowed to do it.

My honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) says: "You are interfering with the rights of the individual. The individual has a right to import." Under the liquor laws you interfere with the rights of everybody except the man who has a license. You or I cannot sell liquor, and in that respect we are interfered with.

In my judgment, by interfering to the extent of prohibiting the export and import through the Government, you are doing more to enforce legislation than has yet been done. I know that during the years there were Government dispensaries in

Saskatchewan not 10 per cent as much liquor was used as was used under the old bar system, and very much less than is used now. We had the best condition of affairs in Saskatchewan that we ever had, and I believe that under this legislation we will get back to something of that kind. Therefore I would like to see this legislation go through.

Hon. Mr. BARNARD: Honourable gentlemen, I may say that I am not an admirer of the policy of the late Government on this question. The example was set them in the first place, I think, by the administration of the party to which my honourable friend the leader of the Government belongs in the passing of the Lord's Day observance law. It seems to me that on such questions as the observance of the Lord's Day, or the drinking of intoxicants, the law cannot be good for one part of the country and bad for another. I can see no logical reason why it should be a good thing to allow the people on the other side of the Ottawa river to go to a moving picture show on Sunday afternooon, and at the same time to prevent people who are not more than half a mile away from doing so. I fail to grasp the distinction. In the same way, I can see no possible reason why people on the other side of the Ottawa river should be allowed to purchase liquor, while people on this side are prohibited from doing so. I can see no logical reason why the city of Toronto, with a population of 600,000 people, or the city of Ottawa, with a population of 125,000 people, should not be as capable of deciding for themselves on a question of this kind as the 100,000 people who happen to live in the province of Prince Edward Island. The state of the law in this country is such because of an arbitrary physical boundary of some kind by which one section of the people are deprived of their rights owing to the wishes of the majority within that boundary. It seems to me that there is no magic in the Ottawa river or in the Rocky Mountains, that should prevent the people of Alberta or the people of Ontario from enjoying exactly the same treatment on a question of this kind as is enjoyed by the people of British Columbia or of the province of Quebec. The policy that has been followed is really one of shifting a responsibility. In other words, practically "passing the buck." As I say, it was commenced by the late Liberal Administration in the one case, and that example was only too readily followed by the Conservative Administration in the other.

It seems to me that there is no necessity for this particular Act. In the first place, the senior partner in this nefarious traffic of giving the people of the province what they want, that is to say, the province of Quebec, is not asking for this legislation at all. That province, as I understand, had in the Liquor Act a provision making it illegal for any person to have in his possession any liquor not purchased since a certain date from the Quebec Liquor Commission. If that legislation is intra vires of the province of Quebec legislation of the kind now before us is not necessary, because no one can import after the date specified in that province. The province of British Columbia has, I think, a similar provision, although I would not speak definitely on that point. It has a section in its Act which provides that if any person imports liquor after the coming into force of that Act, he must report the fact to the Liquour Commission, which then imposes upon him a tax equal to the profits which it would have made had it sold the liquor, plus 10 per cent by way of penalty. I have no doubt that at first flush it comes as rather a shock to honourable members of the Senate to think that legislation of that kind can be passed by a province, being, as it is, practically an import tax on the product of another province. However, that question has come before the courts of British Columbia, and the legislation has been sustained. The case in question was one in which Canadian rye whisky was imported from the province of Alberta into the province of British Columbia. The duty was paid. The importer then sued the Attorney General of the province of British Columbia for a return of the money on the ground that the legislation was ultra vires being contrary to the provisions of section 121 of the British North America Act. In the court of first instance, and in the court of appeal, it was held that the legislation was intra vires. There was a dissenting judgment delivered by Mr. Justice Martin, and there are one or two words in it that I should rather like to read, because I think it will give the Government of this country food for thought, particularly when we consider that at the present time some of the provinces in the western part of this country are somewhat hard up for revenue, and may, if they find that they can put on what to all intents and purposes is an import tax on the products of the other provinces, attempt to do so, and bring into the arena of local politics a series of questions of free trade versus protection.

The Hon. Mr. Justice Martin, one of the Judges of the Court of Appeal, after dealing with the argument, says:

> If the province may impose a discretionary prohibitory tax, (as it essentially is in its imposition and practical working) upon liquor then it may do so, to the extent of its unfettered discretion upon Saskatchewan wheat, or Alberta coal or cattle, or Manitoba wheat, or Ontario implements or whisky, or Quebec boots and shoes, or Nova Scotia steel, or any one or more of them, or any other Canadian article, either in general or in discrimination, against any one or more provinces, with the result that it could, in effect, build up a general or discriminatory tariff wall against some or all the products of other provinces, which disastrous internal policy is just what I regard section 121 as being designed to prevent whether done directly or, equally unlawfully, indirectly.

It seems to me that in that judgment there is some food for reflection on the part of the Government, and I think it shows to what lengths legislation of this particular kind is driving this country. I submit that this is a matter which the Government should take into consideration, and that that case should be carried to the Privy Council to ascertain whether or not such legislation is intra vires. However, the legislation having been held to be intra vires by the courts so far, what is the necessity of the kind now before us?

Hon. Mr. BELCOURT: Is that case going to the Privy Council?

Hon. Mr. BARNARD: No. The plaintiff has been driven out of businesss by the prohibitionists, and unless the Federal Government takes up the case, I suppose the matter will have to rest where it is.

I say, first of all, both from the experience in Quebec, and the legislation in British Columbia, that this particular legislation is unnecessary. I say also that it is bad in that it creates a monopoly. I say also that if the governments of the provinces will import good liquor and sell it to the people at reasonable prices, the individual will not want to import, and there will be no necessity for this legislation. Therefore I am opposed absolutely to this Bill.

Hon. Mr. ROBERTSON: May I interject another thought which perhaps has been overlooked? I refer to the danger of establishing a precedent. I think that at this Session of Parliament there has been in another House a request made to the Government to pass a law forbidding the manufacture or importation of oleomargarine into Canada—a wholesome, cheap food which many thousands of poor people in this country are using and desire to use. Why is the prohibition of that article desired by a certain class in Canada? It is for the purpose of enabling them to produce their products without competetion and to sell them for higher prices.

If this legislation passes, and it becomes the right of the provinces to prohibit the importation of liquor, how long is it going to be before a province may be here saying: "We have the right, and you have established the precedent, to prohibit the importation of anything produced in this province." I am opposed to this legislation on the basis of the dangerous precedent which it will establish.

Hon. Mr. BEAUBIEN: Before the leader of the House answers the objections that have been made to this legislation, I should like to call his attention to this fact. It is important that we should know the exact character of this law. Is it for the purpose of allowing the provinces that can use it to enforce prohibition, or is it for the purpose of strengthening the hands of the monopoly that exists in two of the provinces?

Hon. Mr. DANDURAND: That monopoly has been instituted, I understand, for the purpose of controlling the sale and reducing the consumption of liquor, and thus preventing abuses and furthering the cause of temperance.

Hon. Mr. BEAUBIEN: I am coming to that. There are two laws now operative, I believe, in the province of Quebec, by which in certain districts prohibition can be enforced. There are several districts in the province of Quebec that are still dry. I should like to ask my honourable friend whether the passing of this law will change the right of any man living within any of those dry districts in regard to the importation of liquor. I humbly suggest that it would not, because prohibition exists there already. No one can import liquor into a dry district now it is against the law. Therefore, this law being inapplicable to the dry areas, it can only be applicable to the wet areas. If that is the case, then, I understand, we come within the jurisdiction and the scope of the Commission which has the monopoly of selling the liquor. If that is so, is not this simply a means by which that monopoly would be strengthened in the exercise of its trade?

When I say that, I do not want to condemn the system which exists now. At the same time, I do not know that I can approve in principle the state taking in hand business of any kind at all. So far, the

results of the operation of that legislation in the province of Quebec have not been bad. But can my honourable friend interpret the fact that individuals can import liquor into the province of Quebec as being a very serious menace to the monopoly? It is not, except in one respect: the monopoly being established and money being made, there is a great temptation for that monopoly to abuse its power and to increase the prices and thus increase its profits. The right to import is really a tempering, so to speak, of this monopoly, and perhaps it is also an inducement to it to keep within reason the prices at which it sells liquor to the public.

I can hardly agree with my honourable friend from Vancouver (Hon. Mr. Barnard) when he states that the legislation empowering the Commission in the province of Quebec is now sufficient to prevent any man from importing. I do not believe that. Either you can import legally or you can not.

Hon. Mr. DANDURAND: I doubt very much the right of the province in that respect.

Hon. Mr. BEAUBIEN: If you can import, surely you can hold the goods you have a right to import. Possibly it is a doubt that has crept into the minds of the provincial Governments of both provinces that has brought about this legislation. I submit that it is not legislation to enforce temperance; it is legislation to make tighter the hold of the monopolies on the two provinces. Let us admit that they may have a hold of the province, but it is going rather too far to allow the grip to be so tight that it would choke all importations. Let well enough alone.

On motion of Hon. Mr. Casgrain, the debate was adjourned.

The Senate adjourned until 3 p.m. this day.

SECOND SITTING

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE STATISTICS

Hon. Mr. PROUDFOOT presented the 114th report of the Standing Committee on Divorce, to whom was referred the petition of Margaret Mary Ivor Horning.

Hon. Mr. BEAUBIEN.

He said: This is the last report of the Committee for this Session, and I am sure honourable gentlemen will be interested to know what was done during the course of the various sittings.

For the present Session 139 notices of intention to apply to Parliament for Bills of Divorce were given in the Canada Gazette. Of the foregoing 113 were actually presented in the Senate and dealt with by the Committee on Divorce, as follows:

Petitions heard and inquired into	104
Recommended	102
Rejected	2
Not proceeded with	8
Withdrawn	1

Of the petitions heard, 63 were by husbands and 41 by wives the grounds being as follows:

Adultery	97
Non-consummation of marriage	7

Of the applications presented 105 were from residents in the Province of Ontario and 8 from residents in the Province of Quebec.

An analysis of the occupations followed by the applicants brings forth the following facts, that one is an accountant, one is an agent, one is an apprentice, one is an assistant foreman, one is a broker, two are barristers, two are barbers, one is a bookkeeper, one is a baker, two are cashiers, one is a coal merchant, three are chauffeurs, one is a Customs officer, one is a cutter, one is a carpenter, one is a civil servant, five are clerks, two are commercial travellers, one a draughtsman, one an embosser, one an electrician, four are farmers, five are housekeepers, one a librarian, three are labourers, one a laundress, twenty-four are described as married women, three are merchants, four are machinists, four are managers, three are mechanics, one is a machine operator, one a manufacturer, one a paintmaker, one a physician, one a real estate broker, one a rubber-worker, six are railway employees, one is a sailor, two are salesmen, one is a saleswoman, one a schoolteacher, one a storekeeper, one a solderer, three are street car conductors, one is a shoemaker, two are stenographers, two are secretaries, one is a time clerk and one a telegraph operator; thereby refuting the common belief that divorce by Act of Parliament is the privilege of the wealthy.

In 28 cases the Committee on Divorce recommended that the Parliamentary fees be remitted.

To deal with the petitions during the present Session, the Committee held twenty-three sittings averaging two and one-half hours for each sitting.

Assuming that all the Bills of Divorce, recommended by the Committee and now in various stages before Parliament, receive the Royal Assent, the comparison of the number of divorces and annulments of marriage granted by Parliament in the last ten years is as follows:

1913	36
1914	33
1915	18
1916	24
1917	17
1918	15
1919	55
1920	100
1921	111
1922	102

The last issue of the Canada Gazette contained ten notices of intended applications for divorce for the next Session of Parliament.

Many people are under the impression that as soon as we finished with applications for divorce by returned soldiers the number of applications would become fewer. You will observe by the list of occupations which I have read out that there are very few petitioners who now give their occupation as returned soldier. I am therefore inclined to think that in future we shall have about as many divorce petitions to deal with each year as we have had during the present Session. I am also of the opinion that now is the time for the Senate to consider seriously the propriety of providing Divorce Courts for the provinces, particularly the provinces of Ontario and Prince Edward Island, and perhaps the province of Quebec, because in that province there are many people who would very likely desire to have the same privilege of securing divorce as the people in, say the province of Ontario. At next Session, I think, we should bring forward a Bill and see if it is not possible to place on the statute book a law which will provide for the granting of divorces without our being obliged to take up the time of this Parliament in dealing with questions which should properly be dealt with by the regular courts of the land.

Hon. Mr. DANDURAND: I am just wondering whether, prior to deciding upon any such legislation as is suggested by my honourable friend, it would not be desirable to hear from those provinces which my honourable friend has mentioned, through their official organs, the provincial legislatures.

The report was concurred in.

CANADA TEMPERANCE BILL

SECOND READING

The Senate resumed consideration of the motion of Hon. Mr. Dandurand for the second reading of Bill 132, an Act to amend the Canada Temperance Act,

Hon. Mr. CASGRAIN: Honourable gentlemen, with regard to this Bill I have been asked by the solicitors of Hiram Walker and Company, of Walkerville, to say that according to the legal advice they have obtained it would be impossible for them to ship anything outside of their own distillery, because the transportation of intoxicating liquor into and through a province can be done only by common carriers. The common carriers are not at the place where the distillery is. They would have to go not merely across the street, but, shipping by water, they would have to go through even to the town of Windsor, which is a couple of miles west of Walkerville. Therefore, while they might manufacture liquor until they were black in the face, they could not ship anything, according to their lawyers' interpretation of this Bill.

Hon. Mr. BEIQUE: That will come up in Committee.

Hon. Mr. LYNCH-STAUNTON: There is in this Bill a provision to cover that. "Excepting for delivery direct to and from such common carrier," the Bill says.

Hon. Mr. DANDURAND: My contention is that the Bill as drafted covers the point. If it does not, we may look into the question in Committee.

Hon. Mr. BELCOURT: The difficulty is that the common carrier is restricted to water and railway. If you cannot carry except by water or by railway, then you cannot carry across a highway. That is the difficulty.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, before the motion is put, I desire to ask the indulgence of the Chamber for a few moments whilst I present some views with reference to this legislation. I do not think it would be without some use to take a little more extended view of the whole subject and make a little analysis of the differences between the two parts of this Bill.

It is rather striking when one thinks that the lapse of a single lifetime covers, within our country, a tremendous change with reference to the sale and use of intoxicating liquors. Seventy-five years ago there was very little agitation with reference to the matter. There was very little severe restriction as to importation, manufacture, or sale, and the public sentiment was quiescent almost to a degree. I can quite well remember when as a mere youth I first heard the impassioned appeals of temperance lectures—men who, in most cases, had gone through the fire themselves and were now warning their fellow men as to the perils and dangers. The 75 years from that time to the present mark a most wonderful change. To-day you have scarcely a country in the world in which there has not been and is not now strong propaganda against the abuse and to a varying extent the use of intoxicating liquors. There are hardly any Christian countries that have not more or less severe legislation, running from control by license up to control by governments and to actual prohibition, and in the greatest and most compact country of the world, which lies to the south of us, there are 110 millions of people who have gone through the whole gamut of changes with reference to sentiment and legislation, and have ended, after legislation through the States, in placing the 18th amendment in the Constitution of the United States, thereby irrevocably fixing the prohibition of the licensed saloon.

We may have our individual views with reference to this matter, and each man has a perfect right to his own. I am not bigoted; neither do I wish anybody else to be; and we will treat each other's conscientious ideas and feelings with reference to the question with the utmost liberality. But let us look into just this phase of the question. When in Canada, after Confederation, the sentiment in favour of doing something to curb the excesses of the sale and use of intoxicating liquors was made evident, people came to the Federal Parliament and asked it to pass a law prohibiting the sale, importation, and manufacture of intoxicating liquors. That was pressed with a great deal of strength and power from different parts of the Dominion. Later on a plebiscite was taken for the Dominion, and although all the provinces of the Dominion with the exception of Quebec voted strongly in favour of a prohibitory law, the government of that day, and the Federal legislature of that day, did not see fit to implement that. The reason was, principally, that you might put prohibition into effect by a Dominion law, but with the sentiment of a large province like Quebec, not in favour of prohibition, you would have a law which would not be well carried out in that large section of the country, and therefore the effect upon the law and order generally would not be what it ought to be. Besides, that might lead to a reaction of opinion which would detract from the opinion which had been passed with the assent of the majority of the other provinces of the Dominion.

At the same time, in a democratic country, and rapidly growing more democratic, it was felt a hardship and an injustice to keep within the sphere of sale through the licensed dram-shop a community which did not want such dram-shops; and the first thing that was done—and, after all, on looking back, it was a reasonable compromise—was to give a local option to the small area, the municipal area, which if it wishes may banish the sale of intoxicating liquor from its limits by a majority or a two-thirds vote. That was the old Dunkin Act, and the old Scott Act later. What always happens is this—that in proportion to the smallness of the area which comes under prohibition, surrounded by areas where there is no prohibition, you make it more difficult to carry out the law effectively in the small area.

The next step was to enlarge the area, and so in due course of time the area was enlarged. If it was a right thing, a fair thing, a democratic thing, a constitutional thing to make the county the area, it was equally so to make the province the area; but in making the province the area you had this added condition, that you would have a larger part under the prohibitory law, and therefore you would have a better opportunity of successfully carrying it out. Well, that went through.

Now, there are some people who stick greatly for the constitution. I admire the constitution; I stand by it loyally; but, after all, I say this—that the constitution is made for the people, and not the people for the constitution; that the constitution expresses the strong, ardent, militant spirit of its people, and with this strong, ardent, militant spirit in the community, it will change its constitution in order to give it a proper habitation. The constitution is a temple of the best conscience, the best sense, and the best intellectuality of the people for whom the constitution is used;

so that we may change our constitution, and will change it from day to day, or from year to year, or from decade to decade. Hence, I say again, if we do give over in certain respects, by a delegation to a certain extent—although not a delegation in fact—the powers that we possess, if it is in the interest of the common weal to do it, we are quite justified in listening to the demand for it and in doing it; and if the time comes when the constitution which we have has become a little too narrow to accommodate the vital being that is enshrined, then the constitution has to be widened and broadened in order to suit the spirit of the times.

Now, you have that third development that I spoke of. The provinces by large majorities, repeated over and over again, voted in favour of prohibition for their different provincial limits. They went to work to enforce the law; but the first thing they found was that the province beside them which did not have prohibition, with a mere line dividing them, and with every facility for exporting liquor into those provinces that had passed prohibitory laws, brought up again the old difficulty of enforcement because there was facility for importations and exportations, which tended to make it difficult to enforce the law.

The Dominion legislature was invoked, and it said: "If we thought it a good thing to give the provincial area, and to enable it to pass a law prohibiting the sale, with only the idea that it was for the betterment of the people living within that area, if, when they come and tell us that the facility of importing into that province from the provinces surrounding them is such as to make it impossible for them to well enforce it, are we not justified in going one step farther?" So we did. We said: "Very well, if that is your difficulty, if you wish the importation into your province stopped, take the constitutional method, the democratic method, of intimating that wish; and if you intimate that wish, we will not give over our powers to you, but we will put our powers into execution to aid you in that respect towards the better enforcement of the law."

So the next step was that importation was forbidden by Federal legislation into those provinces. Then those provinces found that they were beset by another difficulty. It comes out as one reads the discussion in another Chamber, particularly in the case of Saskatchewan. A plebiscite was called in Saskatchewan, and the people there voted by a very large majority in the affirmative: they wanted the exportation stopped, and so the plebiscite carried. But there was a four months' interregnum between the time of the plebiscite and the time when legislation could be enacted in the legislature. The will of Saskatchewan was definitely known, but the interregnum made it possible for liquors to be exported and stored there.

Hon. Mr. CASGRAIN: Imported.

Right Hon. Sir GEORGE E. FOSTER: No, exported from other sources, and stored there. Now, do not let us run away with any misapprehension—which I had at first, and which some of the rest of us may have had—that those export houses in Saskatchewan, or in other provinces that have prohibition, are Dominion export houses. They are not. The Dominion has a right to license a brewer, or a distiller, in any of those provinces, and it has not forgone that right. It has a right to license warehouses, and it has not forgone that right. But in the province of Saskatchewan these houses are not Dominion licensed warehouses, but warehouses from the livery stable up to any other kind of a shack in which people, who knew exactly what the sentiment of Saskatchewan was, forestalled that sentiment because of the interregnum and, it is said, sent a million gallons of liquor and stored them here and there and everywhere in the province.

Hon. Mr. BELCOURT: When will the interregnum cease?

Hon. Mr. DANDURAND: It has ceased.

Right Hon. Sir GEORGE E. FOSTER: The plebiscite was in 1920, and the legislature met three or four months thereafter and passed the legislation.

Hon. Mr. BELCOURT: Is the trade in liquor still going on in Saskatchewan?

Right Hon. Sir GEORGE E. FOSTER: It has been stated in another Chamber that there are now 59 of those unlicensed warehouses, that is, places where intoxicating liquors are stored for export purposes. I read the statements of members of the House of Commons living in those localities, and who are fresh from them, and all that we have to do is to read them in order to know what, in practice, is

carried on, and what we knew in theory would be carried on under such circumstances. There are 59 places where liquor is stored; that is, 59 resources for bootleggers; that is, 59 depots where automobiles are loaded with liquor and sent by night express through to the United States, where they have to be smuggled and taken care of, illegally, against the comity of a neighbouring country. That means that there are all the leaks between those different warehouses and their ultimate destination, and that consequently there is an equipment which it is impossible for the Saskatchewan Government successfully to cope with in the enforcement of the law.

Hon. Mr. CASGRAIN: Why?

Right Hon. Sir GEORGE E. FOSTER: Well, you go out there on the prairies and take a look around, and see how far your eye will carry you; find out the distribution of population on that prairie, the little settlements here and there and everywhere, and with 59 places equipped, and under the incitement of tremendous profits; and I think you will find that, even with all your organizing ability—and you have great organizing ability—you would be put to your uttermost to carry out the law efficiently. However, the people in Saskatchewan have their own view with reference to it in the legislature.

Hon. Mr. FOWLER: Might I ask the honourable gentleman, are there still a thousand gallons stored there?

Right Hon. Sir GEORGE E. FOSTER: I do not know.

Hon. Mr. FOWLER: It would not be a very heavy trade if they had got rid of most of it.

Hon. Mr. LYNCH-STAUNTON: How much had they, or how much is there now?

Right Hon. Sir GEORGE E. FOSTER: It is stated that there were a million gallons. I do not know how much went in; there may have been two million gallons, and there may have been much more. I have no definite statistics, neither has anyone else, with reference to that.

Hon. Mr. BELCOURT: In what better position will the province be if there is a law against exporting liquor from the province than it is now? What I mean is, how much more easy will it be for the province of Saskatchewan to control, and have the law observed, if this proposed law goes into force, than it is at present? If it cannot control the situation to-day, what better means will it have of doing so with this proposed law?

Right Hon. Sir GEORGE E. FOSTER: Because at the present moment there is no law to prevent the exportation of that liquor from Saskatchewan.

Hon. Mr. BELCOURT: But there is a law to prevent its being there.

Hon. Mr. DANDURAND: No, no.

Right Hon. Sir GEORGE E. FOSTER: No, it is said that there is no law to prevent it being there.

Hon. Sir JAMES LOUGHEED: But the authorities can confiscate it. Has my honourable friend given any thought to that? They might, by provincial legislation, confiscate this liquor. They have done the same thing in Alberta. All they have to do is to seize it.

Right Hon. Sir GEORGE E. FOSTER: I am not so sure they can cope with it in that way as easily as they can in this way. However, the people on the spot have asked the Dominion legislature to go one step further and make it illegal to export from one province into another province, or to a foreign country. Once make it illegal, and then the liquor becomes contraband, and it is easily confiscated. It being illegal to export, they cannot export; consequently they cannot hold their positions as resourceful equipments for the violation of tht law.

Now, what I say is this. If we have taken the first step of local option in small areas, if we have taken the second step of local option in large areas, and if we have taken the third step and aided these areas by bringing as to importation the force of the Dominion Government to bear in their aid, what reason is there that we should not take the final step, and give them the opportunity of the best chances that they possibly can have for enforcing the law? That is the way I look upon it, and it seems to be a reasonable view. That has to do with simply one-half of that Act. In that respect I am in favour of the legislation, and I think we ought to grant it, and I think we would take a great responsibility upon ourselves if we did not grant that.

But, to my mind, the second part of the Act has a very different aspect. That is the Act which was first demanded by the Province of British Columbia. That pro-

vince and the province of Quebec have not by plebiscite or legislation introduced prohibitory laws in their territories. In the other provinces we have a compact mass from the British Columbia mountains to the borders of Quebec—four provinces which have passed this legislation, and which all availed themselves, or will avail themselves, of this added power if we give it to them. In the Maritime Provinces we have three provinces massed together on the same line, and for them this legislation will be beneficial. But you have the province of Quebec and the province of British Columbia which have not passed prohibitory laws, and which seek to carry on the liquor business through control—going from control of a more modified form in the province of Quebec to a control which becomes, if I read it aright, an absolute government monopoly in the province of British Columbia. Here I think we meet with a principle and with a condition very different indeed.

As a temperance man I am not in favour of Government monopoly of the liquor business, for some very good reasons, as I think. If there is any reason for temperance legislation such as I have described very briefly, it is that you may lessen the opportunities for obtaining intoxicating liquor; that you may take away the distributing centres in close contiguity to every man as he passes and repasses; that you may take away to a large extent the idea of individual gain, which is, after all, the incentive for pushing the trade and distribution in intoxicating liquors. Now, this is the ideal that is presented when you give legislation on the line of prohibition; it is to get rid of the temptations, opportunities and facilities for intoxicating liquors being bought and used generally throughout the community. But in the other case all that vanishes, to my mind. In those monopolies—take that of British Columbia particularly—you are not doing away with the opportunity for procuring drink. You are simply taking the sale away from individual licensed sellers, and putting it in the hands of the Government, and the Government entirely. In the province of Quebec you are simply taking it away from individual licensed sellers who might make a revenue by it, and gain by it, and you are confining it to a Government controlled system of commissions and of sellers, as I understand it. In both of these cases as many opportunities as are necessary are given, because what ground has a Government which is carrying on business in a line that everyone has a right, if he wishes it, to buy, and for which therefore it must set up facilities, not to give it to every community which in whole or in part demands the same facilities as its neighbours in another and not far distant locality? In British Columbia, for example, you are not lessening the opportunities for getting intoxicating liquors. If you are, you are lessening them only to a certain degree, and you might in the same way lessen them by a system of licenses, cutting off some each year and bringing down the total number. The opportunities for drinking are practically the same as they would be under a license system. They are not tabooed, they are not hindered, they are not prohibited, as they are in the provinces which have prohibition law. I think I am right in that.

What else are you doing? You are not only affording the opportunities, but you are not taking away from that passion for amassing wealth which has been held up in argument against the sale of intoxicating liquors by licensed individuals. You are only transferring it from the individual to a corporation, and you are transferring it to a corporation that is a political and party corporation at the same time.

For my part, as a man who has been in favour of temperance—and I am still—I do not view with favour that system of carrying on the traffic in intoxicating liquors. It is a peril which to my mind is menacing to the body corporate. When you have a license system, the licensed man or woman makes his sale and makes his profits. When you put the sale of intoxicating liquors into the hands of a Government hard pressed for methods of finding revenue, and meeting the general disapprobation of the people who have been taxed more and more after the heavy taxation already upon them—and I am told that the sales last year by the British Columbia Government amounted to $10,000,000 and brought a profit of $3,000,000, I am afraid that you are putting it into the hands of a Government, and consequently a party, to debauch the public conscience, to soothe and deaden it, and to make the ease that it gives to the taxpayer an excuse for allowing the system to go on from year to year and from decade to decade. I do not believe that this is healthy, nor do I believe that the people of those provinces will wholly subscribe to that system.

Is it true or is it not that the facility for drink hinders the efficiency of the citi-

zen? Does anyone deny that? Your railroad manager does not want men who drink operating his railway; your system of automobile carriage in this country does not want chauffeurs who drink; your banks do not want help that tipples and drinks. You cannot find a single business enterprise anywhere in which efficiency is not threatened by the facility with which intoxicating liquors can be got. You have now more than the preacher, more than the moralist, more than the goody-goody philanthropist, more than the women of the country, who feel the plague where it is most to be felt—you have the soundest sense of the community and country—in favour of as temperate a people as we can possibly get. There is no doubt about that. The war showed us what efficiency meant, and we have not lost the lesson, nor will we lose it as applied to the arts of peace; for, surely, if efficiency is good in war, efficiency is equally good—nay, better, and for a more useful purpose—when it is applied in the arts of peace. If waste of moral fibre and material fibre, human units, of time that is precious, of efficiency, which is the chief thing called for to-day, is the result of the traffic, British Columbia is putting it upon a pedestal and foundation where to the cupidity of the State, the corporate body, there is added this great system which to my mind will make it very difficult for a people to throw off the incubus, but which will not take away one single bit of the hurt and harm which comes from a distributed liquor traffic.

Therefore I am not in favour of the second part of this legislation. As a temperance man and a prohibitionist I am against it. As a publicist I think it is tremendously bad to put into the hands of either Grit or Tory the monopoly of a liquor traffic which may run into tens of millions of dollars, a traffic which is distributed at a price and through mediums which are wholly at the beck of the party in power. I do not care whether it is Liberal or Conservative; I do not care whether it is a party headed by the Angel Gabriel—if he found himself in a tight place and had a big monopoly like that to help him out, I am afraid he would fall from grace and help himself out. On that ground I think this part of the legislation is vicious, and I am opposed to it.

The other part, I believe, is along the line of our gradual growth in the last fifty years, and I would go the other step and give the legislative power that is asked for. We are not delegating it: we are not ceding it to the local legislature: we are simply exercising that power when the local legislature makes out a case and asks us to exercise it. We may exercise it or we may not. It is our power, and we do not give it up; it is we ourselves as a Dominion legislature who exercise the power. These are the few observations I wish to make with reference to this matter, and they define my position on this Bill.

Hon. Mr. CASGRAIN: Would the honourable gentleman allow me one question? Is he aware that in the province of Quebec one cannot move any liquor from one place to another, even from his own house to a neighbour's, without exposing himself to a very heavy fine running from $1,000 up and the confiscation of the vehicle in which it is carried, even if it is hired. Why is it the thing can be done in Saskatchewan?

Hon. Mr. DANDURAND: Before moving the second reading, I should like to inform the right honourable gentleman that the second part of the Bill, like the first part, is for the purpose of respecting the will of the province as expressed by the legislature of that province. The province of Quebec believes it has passed an Act which will go a long way to develop and maintain the principles of temperance. It believes that by limiting the licensed houses to the sale of beer, it allows the people a chance to have their glass of beer, in which it does not believe there is any harm, and it allows the public at large to purchase its wine for the home table from the Commission, which is governed by an Act which makes it independent. Liquor can be obtained from the Commission as well. The purchaser can have only one bottle at a time. It is true that there is perhaps a certain facility in procuring more than one bottle a day.

Hon. Mr CASGRAIN: No, no.

Hon. Mr. DANDURAND: Some facility exists, because one can send two members of the family if he pleases. On the whole the province of Quebec protects the right of the people to purchase for home consumption whatever they feel like purchasing. It does not see that in granting that power it puts the public health and moral fibre of the nation in any very great danger. The situation is very simple in the province of Quebec. We want one to have in his own home what he pleases. We have done away, I think before any other province, and to a larger extent than any other, with the licensed saloon. When this law came into force, nine-tenths of the

municipalities voluntarily refused to grant licenses. So we believe that to-day we are working on the lines of real temperance. I believe that this Parliament would be doing no harm in allowing this system to be applied in the province of Quebec, and in so doing I believe we should simply be recognizing the autonomous rights of the province. This is the principle which my right honourable friend applied while he was at the helm. Not only in the first part of the Bill, but in the second part, it is just a continuance of the same principle.

My right honourable friend fears that Governments, like private individuals, may have an incentive to obtain gain and to replenish the treasury. I have more confidence in the public spirit of the men who are called by popular favour to administer the affairs of the provinces than to think that they would lower themselves by tempting the public to drink more than they desire. I know that in the province of Quebec the atmosphere on that point is perfectly clear and pure. The Commission wields a formidable power; it is independent of the legislature; and in a few years we shall see whether the end the legislature had in view, of bettering conditions by maintaining the principle of temperance but not prohibition, will be attained.

Right Hon. Sir GEORGE E. FOSTER: I do not question the bona fides of the Quebec Government, and I am not questioning the bona fides of the British Columbia Government. They may feel that they have the best way. In one respect it probably may not be altogether useless to try different methods in different provinces, so that we may come to a comparative view as to which works out practically as the best. I am quite willing to see the experiment go on. But if the ultimate object in Quebec and British Columbia is not to get rid of the public sale of intoxicating liquors, then I withhold my consent. When an inhabitant of either of those provinces says: "I want to buy my liquor in Scotland, or in Ireland, or in Jamaica; I want to buy it wherever I please; why have you permitted the buying and the selling and the using and at the same time made a complete monopoly preventing me from importing my own liquors?" I withhold my consent from that monopoly, and add my caution to that of some other honourable gentlemen, that if a province can do that with respect to one thing, it can do it with respect to another, and that in passing such legislation you would be introducing a system into our country which would not promote the general comity or, I think, the general prosperity and unity of the country as a whole. I am therefore opposed to giving to such a monopoly the weapon of exclusive right to import.

Hon. Sir JAMES LOUGHEED: There seems to be no objection to going into Committee on the Bill provided it is understood that we may take exception to any particular section of the Bill when it is in Committee.

Hon. Mr. DANDURAND: Of course, there are two large schemes in the Act, and one is free to vote either for or against both, or against one and for the other.

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

CANADA SHIPPING BILL (HARBOURS AND HARBOUR MASTERS)

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 144, an Act to amend the Canada Shipping Act (Public Harbours and Harbour Masters).

He said: Honourable gentlemen, the purpose of this Bill is to extend to the new Harbour Commissions that have been created within later years the privilege of appointing harbour masters.

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

FISHERIES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 145, an Act to amend the Fisheries Act, 1914.

He said: Honourable gentlemen who peruse this Bill will see that it is for the purpose of licensing salmon-curing establishments according to the value or quantity of their operations. It simply indicates the annual fee, which will be charged on a sliding scale, on salmon-curing establishments and on the canned or pickled herring industry.

Right Hon. Sir GEORGE E. FOSTER: Is there any fee now charged?

Hon. Mr. DANDURAND: The existing fee for a salmon saltery is $50. This fee is unfairly high to the small operator, who puts up only a few tons of salmon. On the other hand, it is unfairly low as compared with the salmon-canning fee to the operator who puts up large quantities. For instance, the salmon cannery license fee is $500, plus 4 cents per case of 48 pounds each of sockeye salmon put up and 3 cents per case of all other varieties.

Several salmon salteries in British Columbia put up over one hundred tons of dry-salted salmon in a season. This would be equivalent to about 2,300 cases of canned salmon, and keeping in view the cost of operation involved and the markets for dry-salted salmon, it is considered that a fee of $1.25 per ton would compare fairly with the salmon-cannery fee.

Right Hon. Sir GEORGE E. FOSTER: It is imposed on the output, then, instead of there being a flat rate?

Hon. Mr. DANDURAND: Yes. An important trade in dry-salted herring for the oriental markets is carried on in British Columbia. This business is largely in the hands of the Orientals. At the present time there is no license fee, and it is desirable not only that these establishments should be under license, so that better records of their operations can be kept, but also that a reasonable revenue from them should be obtained. It is considered that a similar fee to that for salmon curing is reasonable, for while the product is worth less it costs very much less to procure and produce it.

Everything feasible should, however, be done to encourage the development of the pickling and canning of herring, as this not only means much larger expenditure in the Province but a much better food product is put up and a larger financial return results to Canada. It is, therefore, proposed to exempt from a fee bona fide operators who are seeking to develop the pickled and canned herring industries, and who are really using largely the herring not fit for such purposes for dry salting. These are white industries, while the dry-salting alone is in the hands of the Japanese.

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

ESCHEATS BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 124, an Act to amend the Escheats Act.

He said: Honourable gentlemen, the Escheats Act applies more especially to the Western Provinces, where the land belongs to the Federal domain. An Act was passed in 1910 to regulate the taking possession of vacant estates, and giving power at the same time to hand over some of those estates to heirs who had, or seemed to have, no special legal status. This Bill is for the purpose of fixing a prescription, a limit within which a person may press a claim against the Crown or the holder of such a property. A limitation of five years has been granted.

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

CRIMINAL CODE BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 93, an Act to amend the Criminal Code.

Hon. Mr. Farrell in the Chair.

On section 1—making it an offence for a police commissioner to take a bribe or for a person to offer him a bribe:

Hon. Mr. DANDURAND: The first clause has for its purpose the addition of the name of a police commissioner to the list of officials who may be fined or imprisoned for taking a bribe. This official had been forgotten.

Section 1 was agreed to.

On section 2—reference to numbers of sections instead of three preceding sections, amendment having inserted three sections before 243:

Hon. Mr. DANDURAND: It is not necessary to read the section in the existing Act, because without explanation it means very little. Section 244 of the Criminal Code provides punishment for the offences mentioned " in the three last preceding sections ".

Hon. Mr. LYNCH-STAUNTON: What are they?

Hon. Mr. DANDURAND: These sections relate to the duties of persons in charge of insane persons and heads of families to provide the necessaries of life to those under their charge or care. In 1913 three sections were inserted between section 242 and section 243, so that now apparently section 244 applies to sections 242B, 242C and 243. The present amendment is to remove any doubt that there may be, by naming specifically the sections to which section 244 applies.

Hon. Mr. LYNCH-STAUNTON: What are the crimes?

Hon. Mr. DANDURAND: I have just informed this Chamber that there is nothing new in the legislation. There was a penalty clause that affected the three pre-

ceding clauses; but some new clauses were afterwards inserted between the clauses affected by the penalty provision; so that now, instead of saying "the three last preceding clauses," we mention the numbers of the sections themselves.

Hon. Mr. LYNCH-STAUNTON: There is no enlargement at all?

Hon. Mr. DANDURAND: No.

Section 2 was agreed to.

On section 3—age that consent of child no defence in indecent assault raised from 14 to 16:

Hon. Mr. DANDURAND: Section 3 affects section 294 of the Criminal Code.

Hon. Sir JAMES LOUGHEED: And extends the age from 14 to 16.

Hon. Mr. DANDURAND: It is no defence to a charge or indictment for any indecent assault on a young person under the age of 14 years to prove that he or she consented to the act of indecency. This is the law that we have had since 1892. Last year the House of Commons raised the age limit from 14 to 16, but their amendment was rejected by the Senate. Now I move that the word "fourteen" be replaced by "sixteen."

Hon. Mr. LYNCH-STAUNTON: If that assault was by a boy of 14 against a girl of 16 would he be liable? Why should you not make it reciprocal, making the age of the person who is liable to imprisonment the same at least as that of the person on whom the assault was committed?

Hon. Sir JAMES LOUGHEED: Would my honourable friend permit me to review what we have done. This, honourable gentlemen, has been a storm centre, so to speak, in the Senate since 1897, and the question arises whether the consistent course pursued by the Senate since then shall be overridden by a couple of parties who have been bringing pressure to bear upon the Government steadily ever from that time down to the present?

In 1897 the Senate did increase the age to 16 years, but the Commons did not consent to that. The Bill was not returned from the Commons. In 1899, two years afterwards, the Senate increased the age to 16, but the Commons rejected the amendment. In 1900 Hon. Mr. Mills, who was then or later Minister of Justice, brought into the Senate a Bill by which he assumed the responsibility of recommending that the age be increased to 16, but it was defeated in the Senate. He was not able to put through his own Bill, and he dropped the measure. From 1900 down to 1921 this has been the law on the statute book of Canada, and it has never been changed. In 1921 the Commons increased the age to 16, but upon this amendment reaching the Senate it was struck out, and when it went back to the Commons they agreed to the change which the Senate had made. The Commons adopted the view then entertained by the Senate.

Hon. Mr. PROUDFOOT: It was too late in the Session to do otherwise.

Right Hon. Sir GEORGE E. FOSTER: May I ask my honourable friend a question?

Hon. Sir JAMES LOUGHEED: Yes.

Right Hon. Sir GEORGE E. FOSTER: Was that perforce or because of agreement? My recollection of the matter was that there were in the Bill several provisions that the Commons desired to see passed into legislation; that the Senate accepted all but this one and did not assent to this; and that at the late period of the Session we thought it best to sacrifice that part rather than to lose the whole. But I do not think it was an assent by either the Government or the House.

Hon. Sir JAMES LOUGHEED: When the Commons accept an amendment from the Senate, no matter under what conditions, we have to assume that they are not intimidated by the Senate or that they fail to exercise that discretion for which they are noted, particularly when we remember that they have invariably entertained the view that their opinion should have ascendency over that of the Senate. There is therefore no reason whatsoever to retrace our steps or recede from the position which we have maintained for the last twenty-two years upon this subject. And, I say this advisedly, the Commons have been entirely indifferent upon the subject. The Commons have not discussed this question or given to it the thought that the Senate has; but certain representatives of so-called moral reform have brought pressure to bear upon the Commons, simply by means of vote-getting considerations, and the Commons have passed it over to the Senate. Having followed this legislation fairly closely ever since the time when it was first discussed in Parliament, as I recall it, I say

advisedly that the Commons have never given it the same consideration as the Senate has done.

Now the question arises whether, after all the thought we gave to this matter in 1921—and I doubt that there was any subject which received more attention at the hands of the Senate than these amendments to the Criminal Code—we should to-day recede from the position we have so strongly held, just because one or two individuals in the province of Ontario seek to obtrude their views upon the Parliament of Canada. Let me say further that, notwithstanding this question having been before the Senate for over twenty years, notwithstanding it having gone before special committees in the past, and notwithstanding the advocates of the proposal having been present at almost every session when it was discussed, I am aware of any occasion upon which the promoters of the amendment have submitted to the Parliament of Canada any facts or evidence showing the necessity of any change in the law. If there is an abuse upon the statute book, I am satisfied that the Senate will always, with alacrity, not only listen but be prepared to act for the purpose of protecting public morals; but there should be some reasonable evidence before the Senate when we place upon the statute book an amendment which, I say, is a menace to the community. There is no reason to suppose that a girl of fifteen years of age cannot protect her chastity. Particularly now that we have extended the franchise to women and placed them on a parity with men, they must realize that they will have to protect themselves, just the same as the males of the country must do.

Hon. Mr. FOWLER: The male needs more protection.

Hon. Sir JAMES LOUGHEED: There is no question that a girl sixteen years of age is just as capable of protecting herself as a youth of nineteen years of age. It was only the other day that the Divorce Committee had before it a case in which a girl of thirteen was married, and she seemed to be a full-grown woman. Must it follow, then, honourable gentlemen, that we should increase this age to sixteen and place the youth of the country in the hands of designing persons, that we should make criminals of them, and subject them to the lash and to imprisonment for five years? I think it is monstrous to call upon us Session after Session, to consider further these amendments to the Criminal Code, which have received our best attention in the past. The present provisions provide for the protection and the safeguarding of public morals so far as our knowledge goes.

Hon. Mr. DANDURAND: I am not sure that we would be doing our duty towards the girl of sixteen, or whose age runs from fourteen to sixteen, by not giving her the advantage of this amendment. I say I am not sure, because I am somewhat reluctant to admit that a girl is not still practically in childhood up to sixteen.

Hon. Mr. LYNCH-STAUNTON: So is a boy.

Hon. Mr. DANDURAND: We have the Juvenile Delinquents Act, which fixes the age limit for childhood at sixteen. We have the Prisons and Reformatories Act, which also says sixteen. All the provinces which have enacted legislation for the protection of children have fixed sixteen. Now, I am not one of those who have had considerable experience in the administration of any of those Acts; I have not examined into the statistics of cases from the Juvenile Courts; but I have my own inner feelings to govern me in this matter, and I believe my inner feelings are those of every honourable gentleman in this Chamber, when I ask any father of a family who has girls if he would not feel that that child, that girl of fourteen or fifteen, moving towards sixteen, is not a sacred object which needs protection. I heard a voice asking why a boy of the same age should not be protected. Well, we all know that the male is the active element—

Hon. Mr. FOWLER: Oh, no.

Hon. Mr. DANDURAND: The male is the active element; the female, the innocent female—

Some Hon. SENATORS: Oh, oh.

Hon. Mr. DANDURAND: I am speaking of a child: I am speaking of the girl of fourteen or fifteen, who is the passive element; that is to say, I am giving my impression as far as my reading has gone; and in another clause, which is under review in this Committee, we legislate against anyone who has carnal knowledge of a female up to sixteen, when consent is not to be taken into account. Now, we have done that for carnal knowledge in clause 301. On the question of indecent assault, why should we not notify males that there is a prohibition? For that reason, in legislating for the protection of

children up to sixteen, we have felt that a line should be drawn there. I am disposed to accord to the girl of from fourteen to sixteen as strong a protection as we can give. That is why I move this.

Hon. Mr. McMEANS: I would point out to the honourable leader of the Government that section 293 deals entirely with indecent assault. Now, as I understand it—

Hon. Mr. DANDURAND: This is clause 294, section 3.

Hon. Mr. McMEANS: Yes, but if I understand it, indecent assault may consist of a very innocent matter. Putting the hand on the leg of a girl, or up her clothes, is an indecent assault; and, as pointed out in this House by the honourable member for Middleton (Hon. W. B. Ross), who unfortunately is absent, when this clause came before this House last year, there was a line of demarcation there. He showed that the Criminal Code, in respect to that particular clause, was enacted for the purpose of defending children, and the question of sexual offences did not come into its consideration at all; sexual offence began only after the child was fourteen years of age. It appears to me that it would be a very serious proposition to alter the Criminal Code from its present reading, in the matter of indecent assault, which is a very simple one. If you look at it in the light in which it was discussed previously in this House by the honourable member from Middleton, it is not a sexual offence we are dealing with at all, until after the age of fourteen is reached.

Hon. Mr. LYNCH-STAUNTON: This section 301 gives an example of what a terrible condition of affairs may arise. I knew a case last year where a girl, who appeared to me to have as much knowledge as a woman of twenty, swore an offence against a man—in fact, a young school boy—under section 301. I did not think there was any such case as she swore to at all, but she swore that that man had carnal knowledge of her, and there was no corroboration. He was just a school boy, and was tried by the judge, who would not find him guilty; but from the way the girl went on in court, if there had been a jury, they might have found him guilty, and what a terrible thing it would have been, for he was liable to be whipped, or sentenced to fourteen years' imprisonment—a boy just a year or so older than the girl. When we extend legislation of that kind where there is no corroboration required, we should be very careful, because not only are girls to be protected, which is what is aimed at in this section, but boys and youths are going to school where there are boys and girls altogether. As the honourable leader of the Opposition said, this is a matter we have considered so many times that we should not think of disturbing this law.

Right Hon. Sir GEORGE E. FOSTER: Might I ask my honourable friend if that case could not, with all its grievances, arise in the case of a girl of fourteen?

Hon. Mr. LYNCH-STAUNTON: It might, but I say that there is a great and crying need to reform the law in order to protect young boys as well as young girls.

Hon. Mr. PROUDFOOT: My honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) makes a mistake in this respect. Section 294 is for the protection of boys just as much girls: it states:

It is no defence to a charge or indictment for any indecent assault on a young person under the age of fourteen years to prove that he or she consented to the act of indecency.

Hon. Mr. LYNCH-STAUNTON: The man is not named in that, but I think there is need for his protection.

Hon. Mr. PROUDFOOT: There are acts of indecency other than those referred to by my honourable friend. Now, it is hardly a fair argument to mix section 301 with the section we are dealing with, because section 301 deals with an entirely different situation.

Hon. Mr. FOWLER: It comes to the same thing.

Hon. Mr. PROUDFOOT: No, because 301 refers to carnally knowing, whereas there may be nothing of the kind in section 294.

Hon. Mr. FOWLER: It is indecent assault along the same lines.

Hon. Mr. PROUDFOOT: Possibly so, but the two sections are entirely separate and distinct. Now, many people devote a great deal of time to the study of the question of moral reform.

Hon. Mr. FOWLER: Yes, and they might employ their time better in another way.

Hon. Mr. PROUDFOOT: My honourable friend from Calgary spoke of "so-called moral reformers." I do not think that is a fair statement, because the people who are engaged in dealing with these ques-

tions devote a great deal of their time to them, and very few of them, except the heads and secretaries, are paid for their time and trouble, but they are interested in looking after the welfare of young people, particularly in the cities. Instead of their being spoken of as "so-called moral reformers", I think they are entitled to credit for the work they have done.

Hon. Sir JAMES LOUGHEED: Is my honourable friend aware that several organizations when in 1920 we refused to place this amendment upon the statute book, conducted a propaganda against the Senate, and spent very considerable time and moved sundry resolutions recommending not only the reform of the Senate, but in many cases its abolition? This is very largely the work of moral reformers: they spend as much time in criticizing the Senate in a hostile spirit as they do in giving consideration to these questions. I may also tell my honourable friend that when this matter was before the Senate on the last occasion, the Committee asked the moral reform organizations to submit cases that would warrant a change in the law, and they did not do so.

Hon. Mr. FOWLER: Could not.

Hon. Sir JAMES LOUGHEED: They were not able to do so.

Hon. Mr. PROUDFOOT: They did not get the opportunity.

Hon. Sir JAMES LOUGHEED: Yes, they did: they were summoned before the Committee.

Hon. Mr. PROUDFOOT: If there is an opportunity given to them, there will be no difficulty about their coming forward and stating many good reasons why there should be a change in the law. Of course, their attempt to reform the Senate would be quite as futile, apparently, as to get the Senate into the mood of passing this legislation.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. LYNCH-STAUNTON: You are right once, anyway.

Hon. Mr. PROUDFOOT: One of the honourable gentlemen stated that legislation of this kind is a menace. I do not appreciate that statement. I do not know in what way it is a menace. Surely it cannot be said to be a menace if we are passing legislation which is going to protect certain individuals in our country; and why it was spoken of as a menace I do not know.

Hon. Sir JAMES LOUGHEED: Well, it affords an opportunity for blackmail, such as nothing else affords, so far as young people are concerned, and in marrying young people to one another.

Hon. Mr. PROUDFOOT: I have never heard of blackmail under similar circumstances.

Hon. Sir JAMES LOUGHEED: There have been any number of cases.

Hon. Mr. PROUDFOOT: It was also referred to in relation to marrying young people. We had one case before the Divorce Committee, as I have stated, where the girl who gave evidence said she had been married at the age of thirteen years, and that she had a child when she was fourteen years of age. When she appeared before the Committee I think she was something over twenty years of age. I fancy that is the case that was referred to. I think the fact that those moral reformers have taken so much interest in this question, and that they are dealing with people in what might be called the slums of the cities, makes them worthy of respect, for they know that this protection is required; otherwise they would not ask for it. The mere fact that the Senate threw out this legislation on a former occasion does not seem to be a conclusive argument. I do not see any reason why we should throw it out now. We have the fact that the elective body, the House of Commons, not only saw fit to introduce it last year and pass it through that House, but have introduced it again this Session. That should bring it before this House, and draw attention, at any rate, to legislation of this nature. We must also remember that the Minister of Justice, who is engaged in carrying out the law, has doubtless communications showing why the law should be changed. Matters of that kind do not come before this body.

Hon. Mr. LYNCH-STAUNTON: Well, they should.

Hon. Mr. PROUDFOOT: But one can only bring them here when legislation of this kind is proposed. Honourable gentlemen say that this legislation is not necessary. If so, what harm is it going to do to raise the age from fourteen to sixteen? I think it is in the interest of

the community and of the people who are engaged in this work that a change should be made in the law.

Hon. Mr. FOWLER: Those people who act in moral reform are sometimes, perhaps, actuated by good motives, but in my opinion the great majority are mere busybodies who desire to interfere in other people's business. Because they do not have desires along certain lines, they want to stop everything of that kind; that is the motive that actuates them. If they really desire a change, let them come before a committee of this House with evidence showing that there is a necessity for this sort of legislation. My honourable friend who appears as spokesman for those people—and I congratulate him upon the position—has said that they would come, although the last time it was discussed they were invited, and declined to come. Do not let us put legislation upon the statute book with the idea that perhaps it will do good, not knowing whether it is going to do good or harm. We are here for the purpose of passing necessary legislation, such as is essential to the well-being of the common-wealth. The argument, "Well, it won't do any harm, even if it won't do any good," should not actuate members in passing legislation or considering proposed amendments. So far as the protection of the young person is concerned, I do not know what to think. The style in which the flapper dresses in these days, it seems to me, holds out an inducement towards improper desires on the part of the male sex. If you are going to pass this legislation, I would suggest that no female should get the protection of it unless her dress came within at least four inches of the ground. To say that people should be permitted to hang out a sign of invitation, and be enabled by the Act to punish someone for accepting the invitation is a very improper thing. I would suggest to my honourable friend who is the representative of social reform in this House that he should induce his people to advocate legislation regulating the amount of exposure, either above or below, which people shall make in their dress. I would certainly vote for such a Bill because I think that would be in the interest of the good morals of this country.

Hon. Mr. SCHAFFNER: I do not know that the remarks which I am about to make are particularly applicable to this clause or to this Bill, but I should like to refer to the case in the Divorce Committee to which reference has already been made, namely, that of a young girl of thirteen who was married to a boy of about the same age. When a gentleman from Toronto interviewed me yesterday in connection with this Bill, as he has done many times before, I suggested to him another amendment to the Criminal Code. Among the particulars set out in a divorce case is the information as to who married the parties. This young girl of thirteen to whom I have referred was married by a particular minister of one of the leading denominations. When this young gentleman from Toronto interviewed me yesterday in reference to this Bill, as he has done many times before, I suggested to him that if he would advocate another amendment in the Criminal Code, making it a criminal offence and subject to all the penalties to which this law refers, for any minister to marry a boy and girl of the age of 13, I would support it.

Hon. Mr. McMEANS: I want to ask the honourable gentleman from Huron (Hon. Mr. Proudfoot) whether he is prepared to back up the statement he has just made that the ladies of the Social Service Council went down into the slums and ascertained the facts in connection with these matters. If they do, it is a great surprise to me. I have heard a police magistrate say, in the city of Winnipeg in a public meeting, that during the whole tenure of his office not one minister or representative of the Social Service Council ever came into his court or took any steps to remedy the evil of juvenile crime. If the honourable gentleman is prepared to state that the members of the Council go into the slums and into the police courts and have therefore a special knowledge of conditions in these matters, I would be very much surprised.

Hon. Mr. PROUDFOOT: I do not know what they do in Winnipeg. My information does not cover that. But I do know that in the city of Toronto the members of the Social Reform Association do attend the police courts, and do look after the very matters to which I am referring, namely, children and their welfare and follow up all kinds of cases. They have a number of people engaged in that work all the time; and I am informed that in that respect they do a great deal.

Hon. Mr. McMEANS: Is the honourable gentleman referring to the Prisoners' Aid Association?

Hon. Mr. PROUDFOOT: No. They have a Prisoners' Aid Association in Montreal

and other cities who look after certain matters of that kind, and there is an association that goes to the prisons and holds services on Sundays.

Hon. Mr. FOWLER: In answer to the right honourable gentleman, I want to say that my observation in a somewhat long life has taught me that the men and women who are most active in this work have, as a usual thing, the worst brought up families in the community. In nine cases out of ten they neglect their home life and their homes, where they should be of some use, and devote themselves to the public service because of the notoriety they get, and the result is—and I can prove it by a great many instances in my own observation—that their families are usually the worst in the community.

Right Hon. Sir GEORGE E. FOSTER: I will back my years against my honourable friend's, and say that whilst I may have come across some such cases as that, in which notoriety and a consequent disregard of the home arises, I do not know that it arises any more frequently with the female than with the male, and I have seen scores and hundreds of women who are mothers of families and keepers of households who took this interest in the moral and physical wellbeing of others and also kept their homes in first-class order.

Hon. Mr. FOWLER: While the honourable gentleman has more years than I have, experience is not always commensurate with years, so I will back my experience against his years.

Right Hon. Sir GEORGE E. FOSTER: Maybe my honourable friend has had greater experience.

Hon. Mr. TURRIFF: It strikes me that the argument against this amendment is not being fairly put. For instance, if I heard my honourable friend the leader of the Opposition aright, he made the statement that a girl of the age of 16 was quite able to take care of herself. If I understand the amendment, it is to raise the age to 16, the age of consent at the present time being 14.

Hon. Mr. McMEANS: May I interrupt the honourable gentleman for a moment? The section we are discussing has nothing to do with consent so far as sexual intercourse is concerned. It has to do with indecent assault.

Hon. Mr. TURRIFF: Is the age of consent at the present time 14 or 16?

Hon. Mr. PROUDFOOT.

Hon. Mr. DANDURAND: Fourteen for indecent assault. We are now moving to increase the age from 14 to 16. The question of carnal knowledge will be discussed under clause 301.

Hon. Mr. TURRIFF: It seems to me that when in all other cases we place the age of a child at anything up to 16 and when the different provinces from the Atlantic to the Pacific define the age of a child as anything up to 16, it would be a step in the right direction to arise the age to 16 in this case, whether it is a matter of carnal knowledge or indecent assault. It is to be borne in mind that the members of the House of Commons who are elected by the people have passed on this on two occasions and have recommended it, and, as the honourable gentleman from Ottawa (Right Hon. Sir George E. Foster) has pointed out, there are a great many people, and people who have devoted a great deal of their time to the bettering of conditions, who seem to think that the age in respect to this Bill should be raised from 14 to 16. I am inclined to think that we would be making a mistake if we again stood in the way of this legislation when the elected representatives of the people seem to think that 16 is the proper age.

Hon. Mr. BEIQUE: I am disposed to go a long way to agree with most of what the right honourable gentleman from Ottawa has said; but, as to this clause I must say that I am influenced by the fact that it deals merely with assault and not with carnal knowledge. I am also influenced by the fact that there is a great deal of license allowed in the dress of young girls. I think their mothers should first of all try to protect them in that respect before asking that the law be amended. I do not think it is going too far to say that the accused in a case of that kind should be allowed to prove the consent of the young girl. The accused may be a young boy of the same age as the girl, and I would not be disposed to go so far as to prevent him proving that she had consented to the assault that was committed.

Hon. Mr. DAVID: Very often the temptation comes from the girl.

Section 3 was negatived on division.

On section 4—provision respecting carnally knowing girl between 14 and 16:

Hon. Mr. DANDURAND: The next amendment covers section 301 of the Act, which reads as follows:

Everyone is guilty of an indictable offence and liable to imprisonment for life, and to be whipped who carnally knows any girl under the age of 14 years, not being his wife, whether he believes her to be of or above that age or not.

To that clause a paragraph has been added by the Act of 1920, chapter 43:

Everyone is guilty of an indictable offence and liable to imprisonment for five years who carnally knows any girl of previous chaste character under the age of 16.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, I do not think we ought to be careless in our language, for it might lead to the impression that we deprecate the work of such bodies as are combined in the Social Service League. I know a great many of these people, and they are amongst the best people that we have in our country. There is no religious denomination which is not affiliated with them; there is no association of women that I know of that is not associated with them as well, and actively sympathetic in the general aim and scope of the League. All these men and women have a wide opportunity for experience. They are all, or mainly so, I suppose, fathers and mothers of families. There are among them clergymen who move about the country from district to district, and who have the social and moral and religious welfare of the flocks under their direct supervision. They, therefore, come up even with the sad examples, which are all too common in our country, and because of which they come to our legislatures from time to time and ask relief. We as members of the Senate probably have not the breadth of experience that they have. I am inclined to think that that element makes a contribution to the life of the nation that is most precious and invaluable in the effect which it has for the progress and the permanence of our nationality. I cannot say, because they have certain agents who have the general oversight of their work, and who come to Ottawa to press for legislation which they think is necessary and will be useful, that therefore we ought to turn them down or that we ought to reflect upon these agents or from them upon the great mass of the people who are behind them. As a member of the Government for many years, I have been brought more or less in contact with these gentlemen who have visited Ottawa. It is news to me that they cannot substantiate their requests by examples. I know that in interviews which I have had with them, along with other members of the Government to which I belonged, they have brought forward many examples, unfortunately all too many, and it was news to me that they could not or had not brought before the Senate Committee, if there is a Committee that attends to that kind of work, the examples upon which they based their demands.

I do not see any reason in the world why the view that is taken by the father and mother of the family, by the teacher of the school, and by the pastor of the flock, ought not to have weight with the Senate. Even though we have taken a certain course in previous years, surely we are not outside of progression in this matter and in others, and as far as I am concerned I am favourable to the raising of the age of consent.

The remark was made by someone that in all these cases the shame of the thing and the hurt of the thing inures to the woman and not to the man. That, I think, should put the question in a somewhat favourable light in our consideration when we come to speak of legislation of this kind. The fact that in our provinces the age is now 16 instead of 14, having been gradually brought up, goes a certain distance with me. That must have been because of experience. And the local legislatures lie closer to the family, perhaps, than does the Dominion Senate. Consequently I look upon that as an argument why we might very well follow. I have not very much sympathy with the troubles that may come to a man; he can generally take care of himself. I am afraid, that as a rule he does not need to be tempted over much.

Hon. Mr. LYNCH-STAUNTON: Do you include in that a boy of 15?

Right Hon. Sir GEORGE E. FOSTER: That is a very hard case, but you will have hard cases no matter what else you have or do not have; but we ought not to legislate from a few individual cases.

Hon. Mr. LYNCH-STAUNTON: That is what you want us to do now.

Right Hon. Sir GEORGE E. FOSTER: Therefore I think that argument cannot be pressed too far. On the ground of policy, on the ground of the experience of the local legislatures, on the ground of what I actually know to be the strong sentiment of all these bodies of which I have

spoken, I think we ought to hesitate before we refuse to give them the relief they think is necessary and for which they have pressed so long.

By the amendment of 1920 the age of consent was raised from 14 to 16, but with the proviso that the girl must be of previous chaste character. So it will be seen that there are two clauses in section 301. The first one deals with carnal knowledge of a girl below 14, where no defence can be made on the ground of either consent or unchastity. The second clause prohibits the plea of consent if the girl is between fourteen and sixteen years of age and of previous chaste character. Now it is proposed that the words "of previous chaste character" be struck out. The provision to strike out these words was passed by the House of Commons in 1921, but was rejected by the Senate.

Hon. Mr. FOWLER: Properly so.

Hon. Mr. DANDURAND: The demand which is made is based upon the assumption that we have made the age of consent 16 instead of 14 as formerly. It is claimed that the same enactment which covers the case of the girl below 14 should cover the case of the girl up to 16. The argument may be advanced that a girl of 16 may have fallen and that it is a precaution to give to the accused the advantage of the condition that the girl must have been of previous chaste character. Before the age of consent was raised from 14 to 16, clause 211 read as follows:

211. Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces or has illicit connection with any girl of previously chaste character, of or above the age of fourteen years and under the age of sixteen years.

It will be noticed that that clause, covering the case of a girl between 14 and 16, contained the words "of previously chaste character," but the preceding clause declared:

The burden of proof of previous unchastity on the part of the girl or woman under the three next succeeding sections shall be upon the accused.

That clause 211 has been wiped out and has been superseded by subsection 2 of section 301, and the protection of the girl from 14 to 16 has been changed by the burden of proof of previous chastity being placed upon the Crown, or upon the girl, instead of the accused.

Hon. Mr. BARNARD: The girl knows about it.

Sir GEORGE FOSTER.

Hon. Mr. DANDURAND: So it seems to me that there is much to be said in favour of making no distinction between the protection given to the girl of 14 to 16 and the protection which is given under clause 301, subsection 1, to the girl up to 14 years of age. It is all a question of drawing the line. There are those who claim that 16 is still a tender age; that a girl at that age is still in her childhood and needs the protection of the law. There are others who claim that there is a distinction to be between the girl under 14 and the girl between 14 and 16. I have told this House that I was inclined to favour the putting of the age of consent unconditionally at 16, and for this reason I have no hesitation in moving the amendment which was adopted in the Commons.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, while my honourable friend has made a very lengthy explanation of this section, I venture to say it is somewhat involved on account of his introduction of section 211. If we passed the section before us, the law would simply mean that any man or youth having carnal connection with a girl 16 years of age, no matter whether she was a prostitute or not, would come under section 301, which is not disturbed and which reads as follows:

Every one is guilty of an indictable offence and liable to imprisonment for life, and to be whipped, who carnally knows any girl under the age of fourteen years, not being his wife, whether he believes her to be of or above that age or not.

Would the Senate deliberately pass a law to sentence a young man to life imprisonment and to be whipped because he had carnal connection with a girl sixteen years of age who might be on the streets, might be a prostitute, and might have represented herself to him as being of the age of 18 or 20? We know very well that many of the street walkers in large cities, many of the prostitutes in bawdy houses, are less than 16 years of age. At the Committee sessions which we held in 1920 on this same question the evidence was quite clear and incontrovertible that a great many houses of ill-fame were occupied by girls of 16 years of age. And I would point out to my honourable friend and to the House that a very large percentage of our immigrants coming from Europe are less than 16 and yet are fully developed women, and that, in the western provinces particularly, numerous marriages take place of foreign girls of 16 years of age.

Hon. Mr. WATSON: Fourteen years of age.

Hon. Sir JAMES LOUGHEED: Yes, and less than 16. Shall we deliberately place upon the statute book a provision by which, as I have said before, the youth of this country will be subjected to imprisonment for life and to whipping because some designing female may entrap them in the snares which are laid for them? Is it unreasonable that the law should be safeguarded by the words which the moral reformers seek to strike out, namely, the words "of previous chaste character"? When this section 301 was before us two years ago, honourable gentlemen, we did not disturb it. Section 301 remains unimpaired in its entirety upon the statute book. It is one of the most drastic—I think it is the most drastic section in the Criminal Code, and yet we did not disturb it; but we safeguarded it in this way:

(2) Every one is guilty of an indictable offence and liable to imprisonment for five years who carnally knows any girl of previous chaste character under the age of sixteen and above the age of fourteen, not being his wife, and whether he believes her to be above the age of sixteen years or not. No person accused of any offence under this subsection shall be convicted upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused.

At that time we extended the age of consent from 14 years to 16. Fourteen years is the age of consent whether the girl is chaste or unchaste.

Hon. Mr. LYNCH-STAUNTON: The age of non-consent, you mean, is 14.

Hon. Sir JAMES LOUGHEED: Yes, whether the girl is chaste or not. But the girl between 14 and 16 must be of previous chaste character. Is there anything unreasonable about that? We need not be so very apprehensive about protecting the girl between 14 and 16 who is not of chaste character. Which is the more important consideration, that we protect girls between 14 and 16 who are not of chaste character, or that we subject the youth of our land to be condemned as criminals and liable to be imprisoned for life, and whipped because they have sexual connection with that class of woman? It does not require any consideration to determine that this amendment is not only one of the most drastic, but one of the most unreasonable—absolutely devoid of all reason—that could be submitted to us.

Section 4 was negatived.

Hon. Mr. DANDURAND: My honourable friend has just read subsection 2 of section 301, which it was sought by this amendment to change. I move that the following words be added to subsection 2:

The burden of proof of previous unchastity shall be upon the accused.

This was the law under sections 210 and 211 up to the year 1920.

Hon. Mr. LYNCH-STAUNTON: I think it is on the accused by the law now.

Hon. Mr. DANDURAND: No.

Hon. Mr. LYNCH-STAUNTON: You cannot presume that a girl is of previous unchaste character. That involves a fundamental principle of law, and I think those words were struck out because they were unncessary. No court will presume that a girl was unchaste.

Hon. Mr. DANDURAND: I have here the two clauses that were in the Act from the date of codification:

210. The burden of proof of previous unchastity on the part of the girl or woman under the three next succeeding sections shall be upon the accused.

211. Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces or has illicit connection with any girl of previously chaste character, of or above the age of fourteen years and under the age of sixteen years.

Hon. Mr. LYNCH-STAUNTON: Why was it repealed, then?

Hon. Mr. DANDURAND: It was repealed by the Ross amendment, I think.

Hon. Sir JAMES LOUGHEED: This does not deal with the onus of proof, I would point out to my honourable friend.

Hon. Mr. DANDURAND: But I am quite sure that section 211 of the Criminal Code was repealed by the Act of 1920.

Hon. Sir JAMES LOUGHEED: The honourable gentleman is dealing with section 5, is he not?

Hon. Mr. DANDURAND: No; I am dealing with section 4.

Hon. Sir JAMES LOUGHEED: But that was rejected.

Hon. Mr. DANDURAND: Yes, that was rejected; but I am now proposing another amendment, which is not in the Bill. The

amendment to strike out the words "of previous chaste character" was passed by the Commons. It having been lost, I am suggesting that we should throw upon the accused the onus of proving that the girl of whom he had carnal knowledge and who was between 14 and 16 was not of previous chaste character.

Hon. Mr. BARNARD: If the girl gave evidence that she was previously chaste, would not that satisfy the onus? What more is wanted?

Hon. Sir JAMES LOUGHEED: The onus has not been disturbed. In the first place section 5 of the Bill proposes to strike out section 17, passed in 1920. By that section we modified somewhat the matter of onus. The section reads as follows:

> On the trial of any offence against sections four, five or eight of this Act, the trial judge may instruct the jury that if in their view the evidence does not show that the accused is wholly or chiefly to blame for the commission of said offence, they may find a verdict of acquittal.

Under the Act the question of mitigation could not be raised, but under section 17, which it is sought to strike out by section 5 of this Bill, it is in the hands of the judge, and surely it is not unreasonable to say that the judge may surely it is not unreasonable to say that the judge may instruct the jury that if in their view the evidence does not show that the accused is wholly or chiefly to blame for the commission of the offence they may find a verdict of acquittal. If the man is not to blame, and if the woman is to blame—if she is a designing strumpet and brings him into court with a view to sending him to prison for life, surely the jury should be instructed that it was a work of design and the accused was not wholly or chiefly to blame for the commission of the offence. And that provision is now sought to be struck out.

Hon. Mr. DANDURAND: I will not insist upon my amendment, because I believe the point made by the honourable gentleman from Victoria (Hon. Mr. Barnard) is well taken, namely, that the simple affirmation of the girl would throw the onus of proof upon the accused.

The amendment of Hon. Mr. Dandurand was withdrawn.

On section 5—provisions respecting instructions to jury in cases of seducing girls between 16 and 18, seducing female employees, carnally:

Hon. Mr. DANDURAND.

Hon. Mr. DANDURAND: Section 17 of chapter 43 of the Statutes of 1920 is the clause which my honourable friend (Hon. Sir James Lougheed) has just read.

Hon. Mr. DAVID: Why is it to be repealed?

Hon. Mr. DANDURAND: In 1920 amendments were passed raising the age in case of seduction from 16 to 18 years and making general the offence of seducing female employees, instead of restricting it to female employees of certain classes, and the age in the case of carnally knowing girls was raised to 16; but the Senate added the provision that in any of these cases the trial judge may instruct the jury that if in their view the evidence does not show that the accused is wholly or chiefly to blame for the commission of the offence, they may acquit. This clause is to repeal that provision.

Hon. Mr. BARNARD: What is the argument against that?

Hon. Sir JAMES LOUGHEED: And it is only permissive: it is not obligatory on the judge to do so.

Hon. Mr. PARDEE: Surely it may be left in his discretion.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman (Hon. Mr. Dandurand) voted for it when it was put in.

Hon. Mr. DANDURAND: I am not sure that I did.

Hon. Sir JAMES LOUGHEED: Better vote for it.

Hon. Mr. DANDURAND: It was apparently carried against the will of my honourable friend (Hon. Sir James Lougheed), but he seems to-day to have changed his mind.

Hon. Mr. FOWLER: And you have changed yours.

Hon. Mr. DANDURAND: The amendment comes from the Commons. I quite realize that the Senate does not seem to have changed its mind as to the value of this amendment.

Hon. Mr. BEIQUE: I notice that the leaders of the Government change their principles in changing sides.

Hon. Sir JAMES LOUGHEED: The principles go with the side.

Hon. Mr. PROUDFOOT: With regard to the section which it is desired to strike

out, I took the ground when it was formerly before the House, and I take the ground now, that the clause is not necessary; that the judge has always had the power to instruct the jury in the way indicated, and the words are wholly unnecessary. However, some honourable gentlemen thought it desirable to have the words in the Act, thinking they might be some sort of protection, and for that reason they were put in. I do not think it makes any difference.

Hon. Sir JAMES LOUGHEED: They do not do any harm.

Section 5 was negatived.

On section 6—definition of word "trade-mark" amended so as to include English Hall marks, on articles of gold or silver or of which gold or silver form part:

Hon. Mr. DANDURAND: This clause is to extend the definition of "trade mark" so as to include the British Hall marks on gold and silver. This amendment is submitted at the request of the Imperial authorities, the four English Assay Officers having urged that adequate protection of these marks should be given in Canada, and it is very desirable that these marks, which indicate the purity of gold and silver articles, should be protected.

Section 6 was agreed to.

On section 7—penalty of seven years, or ten years for subsequent offence:

Hon. Mr. LYNCH-STAUNTON: What is the maximum?

Hon. Mr. DANDURAND: Last year an amendment to the Criminal Code was passed fixing a minimum punishment for those who steal automobiles or motor cars. A doubt has arisen in consequence of the amendment to what the maximum punishment is. The present amendment is to make it clear that the maximum punishment is that prescribed by section 386, which is seven years for the first offence and ten years for subsequent offences. The section is a general one, and covers the stealing of anything for which no special punishment is provided.

Section 7 was agreed to.

On section 8—conveyance of cattle without proper rest and nourishment by railways, etc.:

Hon. Mr. DANDURAND: By an amendment passed last year the maximum time within which cattle could be kept in cars for transportation was extended from 28 hours to 36 hours if the railway has a written request to that effect from the owner or person in charge of the shipment. It has been found by experience that this extended time enables the railways to carry the cattle with much greater expedition, and therefore reduces the suffering of the cattle; but it was found difficult in some cases to get the written consent of the owners, there being no person in charge who could give the consent required by the statute, and this has led to inconvenience as well as to unnecessary delay in the movement of the cattle. This clause therefore removes the requirement of the written consent.

Hon. Mr. LYNCH-STAUNTON: Is it just striking out the written consent?

Hon. Mr. DANDURAND: That is the explanation that I am given by the Department.

Hon. Mr. FOWLER:: Does it not extend twenty-eight hours to thirty-six?

Hon. Mr. DANDURAND: No; the hours could be extended from twenty-eight to thirty-six under the old Act, but it needed the consent of the owner, and it was hard to get the owner's consent within the proper time.

Sections 8 and 9 were agreed to.

On section 10—section giving Clerk and Deputy Clerk of Peace of Montreal and Three Rivers certain powers of a Justice:

Hon. Mr. DANDURAND: Under section 605 as amended last year the Clerks and Deputy Clerks of Peace of Montreal and Three Rivers have certain powers in connection with arrests, search warrants, and bailing the accused. The Attorney General's Department at Quebec have asked that these provisions might be repealed, as they have not been found to work satisfactorily, and there is no further reason for the continuance of these powers now that facilities are afforded the administration of the law by district magistrates.

Section 10 was agreed to.

On section 11—certain fines in Ontario to be paid to the municipalities:

Hon. Mr. DANDURAND: Under section 1036, with certain exceptions, where no special provision is made for their application, fines, penalties and forfeitures, etc., are paid over to the province. In Ontario a large number of municipalities have asked that these fines may, in Ontario, be paid

to the municipality which wholly or in part bears the expense of administering the law under which the same are imposed, and this clause is to carry out that request.

Hon. Mr. FOWLER: What is the attitude of the Ontario Government in regard to this?

Hon. Mr. DANDURAND: I have gone through the discussion which took place in the Commons, and I have seen nothing to indicate what was the attitude of the Ontario Government.

Hon. Mr. FOWLER: It seems to me we should not pass such legislation which affects so materially the Ontario Provincial Government, without some information from them as to whether they favour it or not.

Hon. Mr. LYNCH-STAUNTON: There is another reason also. I have known cases in which magistrates thought that by increasing the revenue of the municipality under by-laws they would be doing a good act. In cases where they get their salaries from municipalities the magistrates might be inclined to impose larger fines, so that when they ask for an increase of salary they can say, "Look at the revenue we bring in to you." I have known such arguments used.

Hon. Mr. DANDURAND: I do not know what is the opinion of representatives of Ontario in this Chamber.

Hon. Sir JAMES LOUGHEED: Where do the fines go now—to the Dominion?

Hon. Mr. DANDURAND: No, they go to the province.

Hon. Mr. FOWLER: It seems an unfriendly act on the part of the Commons and the Senate to pass legislation of this kind without asking the views of the Ontario Government.

Hon. Mr. DANDURAND: I am disposed to suspend that clause and obtain information on that point.

Hon. Mr. PARDEE: It says, "wholly or in part." I suppose there might be some substance of justice in the Province objecting, but I should not think it would at all apply where the expense is borne only in part by the Province.

Hon. Mr. DANDURAND: It might cover only the fines from Federal legislation.

Hon. Mr. ROBERTSON: Might I ask why this clause applies only to the province of Ontario?

Hon. Mr. DANDURAND.

Hon. Mr. DANDURAND: Because the system in Ontario is different. I understand that some counties or municipalities build their own court-houses, and carry practically the principal part of the costs of the administration of the law.

Hon. Mr. LYNCH-STAUNTON: They pay for the jury and all that.

Hon. Mr. DANDURAND: Other provinces have not the same system. I know that in Quebec the Government pays.

Hon. Mr. PROUDFOOT: In Ontario the administration of justice is borne principally by the Government, and a certain amount of assistance is given by the municipalities. The counties contribute towards the administration of justice, and it depends for its returns to a very great extent on the fines. Some expenses are borne entirely by the county, and others by the county and the province. It would be taking away from the province certain moneys, not only fines, but estreats, penalties and forfeitures, etc.

Hon. Mr. DANDURAND: I will have this clause stand, and get the information to-morrow.

Section 11 stands.

On section 12—section made to extend to corporations:

Hon. Mr. DANDURAND: Section 1038 provides how pecuniary penalties imposed under the Act for which no mode is prescribed for the recovery may be recovered by civil action at the suit of the Crown or any person suing as well for the Crown as for himself. It is now proposed to so amend the section as to make it extend to corporations as well as to private persons.

Section 12 was agreed to.

On section 13—definitions: feeble-minded person; carnally knowing idiots:

Hon. Mr. FOWLER: I think the word "dumb" might be struck out, because a person might be deaf and dumb and yet have a very acute mind: there have been such cases. I think "feeble-minded" should be inserted, because the feeble-minded certainly require every protection that can be thrown around them.

Hon. Sir JAMES LOUGHEED: The first clause deals with the Interpretation Act?

Hon. Mr. DANDURAND: Yes.

Section 13 was agreed to.

On section 14—disposal of goods by game; staking money on gambling devices:

Hon. Mr. FOWLER: Would that apply to a game of cards—say auction bridge?

Hon. Mr. DANDURAND: No, I do not think it would.

Hon. Mr. LYNCH-STAUNTON: Oh, yes, it does.

Hon. Mr. FOWLER: What is the reason for making this change?

Hon. Mr. DANDURAND: I know of a reason that has arisen in my province. In Montreal we have been confronted with a great many cases of people being victimized by men operating on streets and in saloons, who were filching money from innocent people in the most cruel way, and there was a general outcry that something should be done to stop such business. Some actions were taken, and people were arrested, but it was found that they could evade the law as it stood. This section has for its object the preventing of the ignorant public from being victimized by those games. They are generally managed by people who have moved from the United States, and who go from one city to another and succeed in making a few hundred dollars illegally by their smart tricks, at which they are past masters, and who are living thus on the public. I am sure that this section is to cover such cases as I have mentioned, but I will take it up tomorrow.

Hon. Mr. BARNARD: If my honourable friend is going to give consideration to this section, I would ask that he consider another amendment to section 236. I observe that that section is directed against lotteries or prizes in cigar stores, and offences of that description, and it makes them indictable offences, liable to imprisonment for two years and a fine not exceeding $2,000. I notice that by subsection 6 (b) there is an exemption in the case of:

> Raffles for prizes of small value at any bazaar held for any charitable or religious object, if permission to hold the same has been obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held, and the articles raffled for thereat have first been offered for sale and none of them are of a value exceeding $50.

I would like the leader of the Government to say whether he can draw any distinction in principle between a raffle in a bazaar and a raffle in say a cigar store. If he cannot, would he consider favourably a motion to repeal that?

Hon. Mr. PROUDFOOT: Honourable gentlemen, I have an amendment to this Bill of which I gave notice. It refers to section 238 of the Act, and is as follows:

> That section 238 of the Act be amended by adding the following clauses:
> (m) as owner, part owner, agent, servant or otherwise, has charge or control of any motor vehicle and uses or knowingly permits such motor vehicle to be hired or used for the purposes of illicit sexual intercourse or the practice of indecency.

I have divided the clause which I originally proposed, and the other portion of it will be paragraph (n), and is as follows:

> (n) The word "motor vehicle" as used in the preceding subsection shall extend to and include motor launches, houseboats yachts, row boats, and structures of a similar kind.

The object of bringing forward this amendment is to prevent the spread of venereal disease. It has been found in the venereal disease clinics that taxicabs and automobiles are very largely used for immoral purposes. It is well known that in some cities which I will not name in particular just now—

Hon. Mr. WATSON: Toronto?

Hon. Mr. PROUDFOOT: We will say in Toronto, then, for the moment, there are certain streets where there are motor cab stands. It is well known that these cab stands are frequented by girls, and that there is an arrangement made between the drivers of the cabs and the girls whereby girls can be secured for immoral purposes, the drivers getting a certain amount of fee. I have been informed that the fee for the cab is $2 and for the girl $3. This is a very serious matter, and one which is giving the Canadian National Council for Combating Venereal Diseases a great deal of difficulty and a great deal of study.

Just to give honourable gentlemen an idea of those who compose this Council, I will give some of the names. The patron was the Duke of Devonshire: Now that he has gone away I suppose the present Governor General may take his place. This is the list:

President—
Hon. Mr. Justice W. R. Riddell, Toronto.
Vice-Presidents—
Dr. J. Halpenny, Winnipeg.
Dr. W. H. Hattie, Halifax.
Dr. J. W. S. McCullough, Toronto.
Hon. Dr. W. F. Roberts, St. John.

Mrs. Arthur Murphy, Edmonton
Dr. M. M. Seymour, Regina.
Dr. Chas. Hodgetts, Ottawa.

Treasurer—
Mrs. A. M. Huestis, Toronto.

General Secretary—
Dr. Gordon Bates, 154 Bay St., Toronto.

Members of Board—
Dr. J. A. Baudoin, Montreal.
Rev. J. G. Shearer, Toronto.
Mrs. L. A. Hamilton, Toronto.
Fred. Smith, Esq., Toronto.
Dr. J. G. Fitzgerald, Toronto.
F. W. Marsh, Esq., Vancouver
Dr. C. K. Clarke, Toronto.
Dr. A. K. Haywood, Montreal.
Dr. J. A. Hutchison, Westmount.

Chairman of Provincial Committees—
Nova Scotia—Dr. George H. Murphy, Halifax.
New Brunswick—W. B. Snowball, Esq., Chatham.
Prince Edward Island—Dr S. R. Jenkins, Charlottetown.
Quebec—Dr. A. H. Desloges, Montreal.
Ontario—Dr. H. W. Hill, London.
Saskatchewan—Dr. Gorrell, Regina.
Manitoba—Dr. Gordon Bell, Winnipeg.
Alberta—Dr. Heber Jamieson, Edmonton.
British Columbia—Dr. H. E. Young, Victoria.

Auditor—
Earl A. Seburn, Esq., C.A.

Now I will trouble the House for a few moments while I read quotations from letters written by various people throughout the provinces of the Dominion to members of this Board.

Dr. M. M. Seymour, Health Commissioner, Province of Saskatchewan, says:

I quite agree with the idea as to the desirability of this legislation.

Hon. Dr. W. F. Roberts, Minister of Health, New Brunswick, says:

Personally, I think it is a very important matter, but rather a difficult one to carry out.

Hon. Mr. FOWLER: Who said that?

Hon. Mr. PROUDFOOT: Dr. Roberts, Minister of Health in New Brunswick—you know him?

Hon. Mr. FOWLER: Oh, yes. He recognizes the difficulty.

Hon. Mr. PROUDFOOT: Yes, but he is quite in accord with this legislation.

Miss Jean Gunn, Superintendent of Nurses, Toronto General Hospital, writes:

The necessity for the amendment is quite apparent. I approve most heartily of the attempt to secure the proposed legislation.

Rev. Gilbert Agar, General Secretary, Social Service Council of Ontario, says:

The suggestion regarding amendment to Criminal Code would seem to be quite in harmony with the nature of the case.

Dr. J. A. Baudouin, Superior Board of Health, Province of Quebec, says:

I have read the wording of it and find it quite right although I imagine the difficulty of its enforcement. The role of the automobile rides in the immoral sexual intercourse is well known but the proof that the hiring of the vehicle for the purpose was known to the owner or his representatives should be difficult to establish. Anyhow this amendment should prove a good move in the right direction and so we cannot but approve of it.

Dr. G. G. Melvin, Chief Medical Officer of Health, New Brunswick, says:

I am heartily in accord with anything that will reduce in any measurable degree sexual promiscuity, but why restrict this to motor vehicles or even to rowboats, or yachts, or houseboats, even if these latter be not actually propelled by gas?

Dr. J. A. Hutchinson, Westmount, Montreal, says:

Personally I am in favor of the amendment and will help in any way I can.

Dr. Hutchinson is a man well known throughout the Dominion. He is the medical officer of the Grand Trunk Railway Company, and has given this matter considerable study, and his opinion should be of some value.

Dr. J. Halpenny, Winnipeg, Manitoba, says:

I think this is safe legislation to ask for. I am satisfied that the automobile, in more ways than one, is contributing to selfishness and many times worse.

Dr. C. A. Hodgetts, Director General, the St. John Ambulance Association, approves of the legislation and suggests that it be extended to private or other boathouses.

Emily F. Murphy, Police Magistrate, Edmonton, Alberta, says:

I have your letter enclosing proposed amendment to the Criminal Code. I am very pleased that our Council is furthering this amendment.

Mrs. Murphy then makes some valuable suggestions as to strengthening the amendment. This lady has a reputation from one end of the Dominion to the other as a philanthropist, and her opinion should carry some weight.

Dr. J. G. Shearer, General Secretary, Social Service Council of Canada, writes a letter of approval, with certain suggestions.

Dr. A. C. Jost, Inspector of Health, Province of Nova Scotia, writes:

One realizes the necessity for action along the line suggested, though it is felt that there may be criticisms made of the way in which the amendment is drafted and the fact that there has been a rather inexplicable selection of the vehicles which might or might not be "used" for the purpose of immoral sexual intercourse. What is meant by that term? Can an auto be

hired for the purpose of taking a person to a brothel? Can a carriage? If not, why not? Would it be possible to secure a conviction by proving complicity on the part of the owner of the "vehicle"? It certainly will be most difficult.

Dr. C. K. Clarke, Director, National Committee for Mental Hygiene, says:

I think the amendments are the most important you have brought forward, and I heartily approve of its being adopted if possible.

Dr. A. K. Haywood, Committee of Sixteen, Montreal; General Superintendent, Montreal General Hospital, says:

This amendment to the Criminal Code is a very necessary one and one which will receive the support of those interested. If it is made a Dominion matter it will directly benefit each province.

Then we have a letter from the Honourable Mr. Justice W. R. Riddell, of the Supreme Court of Ontario, who is President of this Association. He says:

I am wholly in favour of the proposed legislation in respect of motor vehicles. It is all too manifest that the improper use of these vehicles has as much to do with the spread of venereal disease as any other agency. I hope that the legislation which is proposed may be passed.

I may say in reference to Mr. Justice Riddell that he is frequently engaged in trying criminal cases in different parts of the province of Ontario; he is a man of the world and goes around a great deal, and his opinion upon a subject of this kind is entitled to respect.

Dr. J. W. S. McCullough, Chief Medical Officer of Health of Ontario:

I am of the opinion that this Amendment will be satisfactory.

F. J. Smith, Executive Secretary, Y.M.C.A., Toronto, says:

We assure you that we are strongly in favor of the amendment.

Hon. Sir JAMES LOUGHEED: Hear, hear.

Hon. Mr. PROUDFOOT: My honourable friend says, "Hear, hear." I trust that that means that the list of quotations I have given satisfies him that this legislation should be placed upon the statute book. It seems to me that this is a subject of very considerable importance. It has received a great deal of attention at the hands of the people engaged in this work. I might also, if honourable gentlemen desire to have further statements—

Some Hon. SENATORS: No, dispense.

Hon. Sir JAMES LOUGHEED: We all recognize the enormity of the automobile now.

Hon. Mr. PROUDFOOT: The report presented to the Government by the Canadian National Council is a very valuable document, and if honourable gentlemen saw fit to read it I am sure they would come to the conclusion that it is high time something was done in this country to prevent the spread of venereal disease.

Why not give the people engaged in the enforcement of laws of this nature an opportunity to deal with the subject from a standpoint which they have examined into? They state without any fear of contradiction that the manner in which automobiles and taxicabs are used is a menace to the people of Canada. Why not give them an opportunity of enforcing the law in this way? The clauses which I propose are such that any one who desires to see the law enforced and who desires to prevent the spread of this fatal disease should support as affording an opportunity for dealing with it. I therefore move that they be added to the Bill.

Hon. Mr. PARDEE: May I ask the honourable gentleman if part of the amendment would not be covered by the decision in a recent case that an automobile was a "place" under the Act, and that any one found there having illicit intercourse might be prosecuted as the keeper of a bawdy house.

Hon. Mr. PROUDFOOT: I am not familiar with the case.

Hon. Mr. PARDEE: It is a case that was decided in the Ontario courts about six months ago.

Hon. Mr. PROUDFOOT: I do not think that would cover it. There are very many places referred to in the Act.

Hon. Mr. DANIEL: Has the honourable gentleman written out his amendment and handed it to the Chairman?

Hon. Mr. PROUDFOOT: I handed it in on Friday.

Hon. Mr. DANIEL: Was a similar amendment moved in the House of Commons?

Hon. Mr. PROUDFOOT: No.

Hon. Mr. DANDURAND: The amendment will be found at page 427 of Hansard.

Progress was reported.

CRIMINAL CODE BILL (SCRIP FRAUDS)

FIRST READING

Bill 54, an Act to amend the Criminal Code.—Hon. Mr. Dandurand.

INSURANCE BILL

FIRST READING

Bill 58, an Act to amend the Insurance Act, 1917.—Hon. Mr. Dandurand.

QUEBEC HARBOUR ADVANCES BILL

FIRST READING

Bill 78, an Act to provide for further advances to the Quebec Harbour Commissioners.—Hon. Mr. Dandurand.

MONTREAL HARBOUR ADVANCES BILL

FIRST READING

Bill 80, an Act to provide for further advances to the Harbour Commissioners of Montreal.—Hon. Mr. Dandurand.

INDIAN BILL

FIRST READING

Bill 142, an Act to amend the Indian Act.—Hon. Mr. Dandurand.

PENNY BANK BILL

FIRST READING

Bill 148, an Act to amend the Penny Bank Act.—Hon. Mr. Dandurand.

DOMINION CHAIN COMPANY PATENT BILL

SECOND READING

Hon. Mr. PROUDFOOT moved the second reading of Bill C5, an Act respecting a patent of the Dominion Chain Company, Limited.

He said: The Bill relates to a patent granted November 21, 1916, for a puddling furnace for making wrought iron. The time for manufacture as extended under the provisions of Chapter 44 of 11 and 12 George the Fifth expired June 4, 1922. Manufacture was commenced, so the patent is not void, but to complete manufacture of the furnace would require $40,000, and there is at present no demand for the furnace and the patentee wishes his patent to be placed under the Compulsory License Clause of Section 44 of the Patent Act, so that if any person desires to use the invention he may obtain a compulsory license.

There is at present no demand for the furnace in the applicant's business and the furnace cannot be built in advance of a demand.

The section of the Act clearly points out the situation. This strikes me as a case in which the patent should be placed under the compulsory clause of the Act. The public, if they desire to use it, will then get an opportunity of doing so.

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

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE

Wednesday, June 21, 1922.

FIRST SITTING

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILL

FIRST, SECOND, AND THIRD READINGS

Bill I5, an Act for the relief of Nykola Pirozyk.—Hon. Mr. Fisher.

CAPE TORMENTINE SHIPPING FACILITIES

INQUIRY

Hon. Mr. BLACK rose in accordance with the following notice:

That he will call the attention of the Senate to the desirability of the restoration of proper wharfage and loading facilities at Cape Tormentine, New Brunswick, and inquire whether it is the intention of the Government to restore shipping and export facilities at Cape Tormentine, N.B., and when.

He said: I ask the question standing in my name.

Hon. Mr. DANDURAND: I may say to the honourable gentleman that I have asked for an answer to this question. The restoration of facilities calls for an expenditure of money, and the matter is under consideration.

CRIMINAL CODE BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 93, an Act to amend the Criminal Code.—Hon. Mr. Dandurand.

Hon. Mr. Farrell in the Chair.

On section 11—certain fines in Ontario to be paid to the municipalities:

Hon. Mr. DANDURAND: Yesterday we suspended the consideration of this clause, which concerns the payment of fines to the municipalities in Ontario. The question was put to me as to whether any correspondence had been exchanged between the Ontario Government and the Federal Government. I am informed that the Honourable Mr. Raney, when approached, expressed dissent from the idea of the Provincial Government being deprived of the fines which, under the Act as it is at present, are paid to that Government. But the municipalities of Ontario have sent delegation after delegation to the Federal Government to assert their right in equity to those fines. I am informed that all the Ontario members of the other House on both sides take the view that the municipalities are entitled to those fines, on the ground that the counties and districts have borne the cost of most of the court houses and are paying for the administration of the law, and there has recently been no official resistance on the part of the Provincial Government. These are fines which are imposed for the violation of a Federal Act. They come under the jurisdiction of this Parliament. The provision we are asked to amend is one which provided for the payment of the fines to Provincial Governments generally. It is the right of the Federal Parliament to decide as to whom those fines should be paid to. The Minister of Justice has felt that the municipalities have made a good case, and it is for this reason that the amendment is now before us.

Hon. Sir JAMES LOUGHEED: Can my honourable friend state what approximately would be the annual average of those fines, so that we may have some idea of what the municipalities would participate in?

Hon. Mr. DANDURAND: I have not those figures. Very likely they are provincial statistics.

Mr. DANIEL: Do not the same circumstances apply in other provinces?

Hon. Mr. DANDURAND: I can only speak for the province of Quebec. The situation in that province is not the same, because there all the expenses of the administration of the law—the building of court houses, the payment of magistrates, and so on—is met by the Provincial Government.

Hon. Mr. DANIEL: That is not the case in New Brunswick. The city of St. John, for instance, provides a court house, pays the salary of the police magistrate, etc. Therefore it would appear to me that if fines of this nature are to go to the municipalities in the Province of Ontario, they ought also to go to the municipalities in the other provinces.

Hon. Mr. DANDURAND: I would suggest that my honourable friend take the matter up with his colleagues in this and the other Chamber and decide what action they will take next Session. Just now we are recognizing the claim of the municipalities of Ontario.

Hon. Mr. DANIEL: The other provinces have just as strong a claim, on the reasons given by the honourable gentleman, because the circumstances are quite similar.

Hon. Sir JAMES LOUGHEED: If my honourable friend will get after the Minister of Justice, he will probably get for New Brunswick the same advantages as Ontario.

Hon. Mr. PROUDFOOT: I did not quite understand from the leader what position the Attorney General of Ontario takes in connection with this Bill.

Hon. Mr. DANDURAND: I am informed that at one time he demurred to the idea of losing revenue, but that lately he has made no representations, perhaps because he saw a decided movement on the part of the municipalities to be recouped for a large part of their expenditures incurred in the administration of justice in Ontario.

Hon. Mr. DANIEL: May I ask why this clause is put in the Criminal Code? What has it to do with the Criminal Code?

Hon. Mr. DANDURAND: It affects fines that are imposed under the provisions of the Criminal Code, the distribution of which is provided for in the clause now before us.

Hon. Mr. FOWLER: Do I understand that there has been some communication from the Government of Ontario with regard to this matter?

Hon. Mr. DANDURAND: I sent for information from the Deputy Minister, who could give no information this morning, but who referred my secretary to the Minister of Justice. The information which I give my honourable friend is from a conversation that I had with General Mewburn, who has interested himself in

furthering the claims of the municipalities, and who told me that, although Hon. Mr. Raney had at one time expressed his dissent, latterly he had remained silent. I am simply giving you General Mewburn's statement.

Hon. Mr. FOWLER: While I would not throw any doubt upon his word in the matter, it seems to me that we should have something more definite than that.

Hon. Mr. DANDURAND: Even if we were face to face with an official dissent from the Attorney General of Ontario, it would not alter the situation. We are proceeding by virtue of a right which belongs to this Parliament. The statute says that these fines will go to the Provincial Government; but legislation is now before us to amend that state of affairs, so that the fines in whole or in part may be paid to such municipalities in Ontario as are contributing to a certain extent to the administration of justice.

Hon. Mr. FOWLER: Would it not be fair for the Ontario Government to have an opportunity of being heard? That is all I ask before this Parliament passes legislation of this kind.

Hon. Mr. DANDURAND: I am informed that they were heard. But surely the movement of the municipalities, which sent delegations to the Federal Government for the purpose of obtaining this legislation, which is supported by all the Ontario members in the other Chamber, has not gone unnoticed by the provincial Government.

Hon. Mr. BENNETT: In the Province of Ontario, with very commendable enterprise, the municipalities built municipal or civic buildings. Incorporated in those buildings in the larger places there is always a lock-up. In addition to that, the police magistrates, though appointed by the Provincial Government, are all paid by the municipalities. Then, towns of any size have always a fairly efficient municipal policeman. In liquor cases the provincial authorities send detectives after the whole case has been worked up by the municipal authorities, and then the case is taken up again by the municipal policeman. Then the head man comes from Toronto and gets a conviction and goes away with the fine. Surely after incurring all the expenses of policemen and magistrates and lockups, the municipalities should have the fines. The provincial authorities have enough ways, God knows, of harassing the municipalities by taking money out of them. They have recourse for revenue to the gambling devices used at horse races, and the municipalities cannot get any part of that. As there has been a strong demand from all over the province for this law, I think we could pass it almost without question.

Hon. Sir JAMES LOUGHEED: I am heartily in favour of the principle embodied in this clause. The money belongs to the Federal Government. The Federal Government, therefore, should have the right to say in what way it should be appropriated. I have very little sympathy with the course of legislation now being pursued by the different provinces. There is practically no source of revenue that has not been appropriated by the different provinces of Canada. Of late years they have invaded the realm of the municipalities, and are now demanding part of the revenue that hitherto has been theirs. To-day most of the ratepayers are contributing not only to taxation imposed by the municipalities, but are really paying municipal taxes to the Provincial Government. Therefore, it seems to me only equitable that if the Dominion Government has the power to say in what way fines of this character should be applied, they should exercise that power in favour of the municipalities.

Hon. Mr. FOWLER: I am not against the idea at all. My idea is simply that the Ontario Government ought to be notified as a matter of courtesy.

Hon. Mr. DANDURAND: There was correspondence with them.

Hon. Mr. DANIEL: I am in favour of this section, and, after listening to the remarks of the honourable gentleman from Simcoe (Hon. Mr. Bennett), I am more satisfied than ever that all the other provinces ought to be included. In our province as in Ontario practically everything is done by the municipalities, so, as the leader has suggested, we will look after this matter next Session.

Section 11 was agreed to.

On section 14—disposal of goods by game, etc:

Hon. Mr. DANDURAND: Yesterday we suspended the study of this clause, which seeks to amend subsection 1 of section 236 of the Act. The reason for this amendment is to be found in the following facts. It is now a common and extensive practice to use dice, slot machines, punch boards, etc., in the sale of tobacco, cigars,

confections, and even certain groceries. The punch board consists of a board with a number of holes in it, each hole containing a number. Men and boys pay ten cents for the privilege of punching or choosing the hole, in the hope of selecting a lucky number which entitles them to the chocolates or other goods offered. The dealer has a sure thing for large profits, the customer has one chance in many. The Court of Appeal has held that this practice is not now covered by the Code, hence the widespread desire and strongly felt need for this amendment. I would suggest a slight alteration. It has been represented to me by members of this Chamber that magistrates would perhaps try to enlarge upon the last phrase of this amendment, and that it would be better to qualify it by one expression. I will read it with the expression included:

> Every one is guilty of an indictable offence and liable to two years' imprisonment who
> (e) induces any person to take or hazard any money or other valuable property or thing on the result of any dice game, shell game, punch board, coin table or other like game of chance or mixed chance and skill or on the operation of any wheel of fortune.

That is, I suggest that we should say, "other like game."

Hon. Mr. LYNCH-STAUNTON: Will the honourable gentleman tell us what a shell game is?

Hon. Mr. DANDURAND: No, I will confess I am not absolutely au fait.

Hon. Mr. FOWLER: Does that include auction whist?

Hon. Mr. DANDURAND: I think it was a similar query of my honourable friend that suggested the addition of the word "like," so that it reads "or other like game of chance." That would mean: like a dice game, shell game, punch board or coin table. I would not like my honourable friend to be deprived of his auction bridge.

Hon. Mr. FOWLER: My honourable friend described a game the practice of which has led the social reformers to bring in this legislation, that is, a game in which the players roll on holes numbered from one to nine. When I was a boy we used to play that game with marbles. Is that game going to be cut out? If we rolled a marble through No. 1 hole we got one marble, if through hole No. 9 we got 9 marbles, the ninth hole being much more difficult. Is that to be shut out? I see boys to-day doing that thing.

Hon. Mr. DANDURAND: I do not think the marble game, which every one in this Chamber used to enjoy when in his early teens, would come under this description.

Hon. Mr. FOWLER: Yes, it would, because when you roll into the ninth hole you get nine marbles.

Hon. Sir JAMES LOUGHEED: Is it a game of chance? When I was a boy it was a game of skill.

Hon. Mr. LYNCH-STAUNTON: I think the honourable gentleman will have to find a "better 'ole."

Hon. Mr. ROCHE: A gentleman down at the lower end wanted an explanation of what was a shell game. It is running for Parliament, because you have to shell out.

Hon. Mr. LYNCH-STAUNTON: Will you not except the marbles?

Hon. Mr. DANDURAND: I do not think it is necessary, because any one who will fall under this subsection e, will have to induce some person "to stake or hazard any money or other valuable property or thing on the result." I do not suppose that marbles would fall under the expression "valuable property."

Hon. Mr. BARNARD: I would like to ask my honourable friend if that would apply to a roulette wheel.

Hon. Mr. FOWLER: Sure.

Hon. Mr. BARNARD: I have in mind a very pleasant evening spent at the house of a friend where a roulette wheel was in operation for very small stakes. I do not think any of those people would have liked to have it thought that they were running themselves into a chance of two years' imprisonment and $1,000 fine.

Hon. Mr. DANDURAND: I am quite sure I could find for my honourable friend a clause by which any money being made or money or other valuable being won by a roulette wheel falls under the Criminal Code.

Hon. Mr. BARNARD: I think that would only be in a common gaming house. I do not think roulette itself is prohibited.

Hon. Mr. DANDURAND: The only exceptions to section 236 are "raffles for prizes of small value at any bazaar held for any charitable or religious object, if permission to hold the same has been obtained from the city or other municipal council, or from the mayor," etc., where

the goods raffled for do not exceed in value $50; also, the Art Unions of London and Ireland, which have drawings.

Hon. Mr. FOWLER: I would like to ask the honourable gentleman if there has been any protest from the churches against this amendment, because I see that it shuts out a very lucrative source of revenue to the churches. As I understand it, it is certainly shutting out the lotteries.

Hon. Mr. DANDURAND: But that clause remains, which exempts bazaars held, and raffles in connection therewith, if under the permission of the mayor.

Hon. Mr. FOWLER: They have to get the permission of the mayor?

Hon. Mr. DANDURAND: That is the law.

Hon. Mr. BARNARD: Can the honourable gentleman explain the difference between a lottery run to make money for a church and any other kind of a lottery?

Hon. Mr. FOWLER: The end justifies the means.

Hon. Mr. BARNARD: Why is it wrong and sinful in one case, and why are the perpetrators of a game of this kind in one case to go scot free, and in the other to be subject to a severe penalty?

Hon Mr. LYNCH-STAUNTON: Because one is illegal and the other is not.

Hon. Mr. DANDURAND: No person is to gain in such instances: it is not for individual profit.

Hon. Mr. BARNARD: But it is for the profit of an aggregation of individuals calling themselves a church.

Hon. Mr. FOWLER: Suppose it were an ordinary corporation—a gambling house?

Hon. Mr. DANDURAND: My honourable friend need not prolong the discussion on this point, because we are not touching this clause at all. If he wishes to have stricken out the exception in favour of bazaars for charitable purposes he can so move.

Hon. Mr. TAYLOR: The honourable gentleman mentioned the investment of ten cents in a punch board game. Will he seriously say that the crime of putting up ten cents on a punch board is worthy of the penalty that he asks the Senate to inflict—$2,000 fine and imprisonment?

Hon. Mr. DANDURAND: This amendment is in line with the Act now on the statute book. Its purpose is to discourage the raising of money from innocent and ignorant people by methods which are unsound, and which carry with them an unhealthy desire for gain by chance. I may say that I shall propose in a moment another clause, which is on all fours with the abolishing of lotteries. Every civilized country has abolished lotteries. We had an exception on our statute book in favour of the distribution of objects of art by tickets and by lottery, but persons realized that there was money to be made under that exception, and opened art lotteries in large cities of Canada and did a thriving business. They were selling tickets for a chance to possess a painting which was in the window of the institution, and on which a figure was put; but instead of the painting itself being drawn the winner would get $500—that is, he could sell his painting for $500 on the spot. Needless to say, for months and years the painting remained in the window, and the winner took the $500; and there were always other prizes fixed on the paintings, that the winners would get as they drew the lucky number. This became such an evil that police magistrates throughout the country, especially in the large cities of Toronto and Montreal, made representations to their Attorney General that most of the boys who came before them for pilfering admitted that they had stolen for the purpose of buying a lottery ticket and becoming rich quickly. I had the privilege of moving to strike out the clause that made an exception in favour of the disposed of objects of art by lottery, and the motion was carried in the Senate. There was a formidable resistance in the House of Commons from all the people interested in that trade, but the motion carried there also, and the exception was eliminated because it was felt that it was unhealthy to allow such a practice throughout our country. The lottery had been eradicated from all civilized countries, the only one remaining and thriving being the Louisiana lottery; but a strong protest came from the public conscience of the United States, and it was snuffed out. This amendment is on the same principle. I purpose moving another amendment on all fours with that which a few years ago abolished the possibility of running art lotteries.

Hon. Mr. BENNETT: The trouble in these cases is the administration of the law by fanatical magistrates—and I speak for the province of Ontario. When one considers the fearful collection of magistrates

it is a serious matter to put such a law into their hands. If you say, in paragraph e, "or other game," every magistrate could decide for himself what gambling is.

Hon. Mr. DANDURAND: I suggest that we make it say: "or other like game". That will bring it nearer.

Hon. Mr. BENNETT: That will meet the case exactly "or other like game." Let me tell honourable gentlemen of a game that is played in stores, on railway trains, and other such places although I have not played the game. A man pulls out of his pocket a square top about one inch square on which are numbers 1, 2, 3, 4. Each of the four in the game puts up a dollar. The players give the top a twang, and the one who gets the turn of the figure 4 gets $4, or if they want to enlarge the ante they make it $5 apiece. Would that game be covered by this clause? Now, if you hand this statute over to a magistrate, he says, "Shell game, it is not that"—because he knows what a shell game is, having seen it played at the horse races. He says: "'Punch board'—it is not that; 'other game of chance'—well, this is a game of chance." You propose to meet this case by saying that this man, one of the four who has been gambling, is guilty because he has induced the others to stake or hazard. But how has he induced them? Just because he was the only one of the four who happened to be the happy possessor of one of those tops. Now, there is a limit to everything, and there should be a limit to allowing magistrates to say what a game of chance is.

Hon. Mr. DANDURAND: Does not the honourable gentleman think that the word "like" covers it?

Hon. Mr. BENNETT: No. I would make the man who is doing the gambling carry around under his arm a punch board. A shell game is usually concealed in a vest pocket, because it is only a piece of rubber, and is usually small. The whole thing is absurd; we are going crazy on these things.

Hon. Mr. FOWLER: As the honourable gentleman has moved some amendments—

Hon. Mr. DANDURAND: I have suggested that, but I may say that I am simply the channel by which this amendment is here.

Hon. Mr. FOWLER: I would not accuse the honourable gentleman of being in favour of this Bill himself. I move as an amendment to paragraph e of section 14 these words:

Provided that this shall not affect the game now played by boys under fifteen with marbles, the stake for which is one or more marbles.

I would not let them play for cents, but surely they ought to be permitted to continue the marble game.

Hon. Mr. DANDURAND: I would rather this Chamber would strike out this clause than add this amendment.

Hon. Mr. GORDON: If ever there was legislation introduced which was calculated to bring the law into disrespect, it is legislation of this kind. I therefore move to strike out the whole clause.

Hon. Sir JAMES LOUGHEED: May I ask honourable gentlemen who are discussing this case, in what way would a fraud be met such as was perpetrated in the city of Montreal for some time, known as the shell game? It was played most successfully on simple people—of whom there are very few in Montreal—and they were relieved of very substantial sums. In defiance of the courts and the police authorities there, they continued to play the game upon the public streets of Montreal, because courts held that the Criminal Code, notwithstanding its very comprehensive provisions against frauds of this kind, did not cover the particular game in question. While it is very desirable that we should not be too puritanical in the way of suppressing innocent games, yet there is no reason why we should not legislate against the perpetration of frauds of this kind by such experts artists.

Hon. Mr. FOWLER: I thought that was wire tapping.

Hon. Sir JAMES LOUGHEED: No, the ordinary shell game.

Hon. Mr. DANDURAND: I may say, honourable gentlemen, that people have come, mostly from the United States, to play those games in Montreal and have fleeced some men of hundreds of dollars; and, as they could not be reached by the criminal law, some way was found to treat them as vagrants and, by perhaps stretching a point, to get rid of a formidable evil which was developing. One of them took an action for $10,000 damages against the policeman who considered that he was in a barefaced way practically stealing money from the people. This amendment would cover such a case. Of course, I know there is a sentiment against overburdening our statute law with all kinds of prohibitions, but that is a situation which we have to face. I remember that at the time of

which I speak, there was amongst thinking men a strong desire that something should be done to cope with this evil.

Hon. Mr. FOWLER: Suppose you say, "dice game, shell game, punch board, coin table"—I do not know what that means—and stop there, leaving out the words that follow. Here is where you have the trouble: "or other game of chance or mixed chance and skill".

Hon. Mr. DANDURAND: I would point out to my honourable friend that those men, when face to face with our enactment, will try some other device—one that would not fall exactly under the terms that we state. It is to try to cover such games that these words are added. In order to limit the description I have suggested the addition of the word "like", to make it read, "or other like game of chance or mixed chance and skill or on the operation of any wheel of fortune." The words "other game" would thus be restricted to any game similar to a dice game, shell game, punch board or coin table.

Hon. Sir JAMES LOUGHEED: I would venture the suggestion that the chief infirmity in the Criminal Code lies in our particularizing too much and in not having sufficiently general phraseology to cover all classes of fraud. It is utterly imposible to enumerate all the cases of human ingenuity that will be devised to defeat the law. It is very much like the building of a burglar-proof safe: immediately it is completed there is always a burglar who will be able to open the combination. It seems to me that if the draftsmen of the criminal law paid some attention to the use of sufficiently comprehensive language, so that no matter what criminal device might be adopted by the perpetrator he would come within that language, we could cope very much more successfully with the class of criminal we are trying to head off in the depredations he is making upon society.

Hon. Mr. FOWLER: The difficulty is to have language that will not include the harmless games.

Hon. Sir JAMES LOUGHEED: I quite appreciate that. The honourable gentleman from Lambton (Hon. Mr. Pardee) is not here to-day, but last night he asked me to direct the attention of my honourable friend the leader of the Government to a misinterpretation which might easily be placed upon the last clause of the Bill, instancing a case in which a moral reform organization had, with misguided enthusiasm for the promotion of morals, given instructions to the police to descend upon a very reputable citizen who was having a game of bridge in his residence. He said that this gentleman and his family and some of the most reputable citizens were spending a sociable evening together, and that they had some difficulty in heading off a raid by the police being made simply because they were indulging in a social game of cards, perhaps for a small stake. Of course, there are misguided people who are always willing, in their excess of enthusiasm, to set the law in motion, and in this way the law is brought into ridicule and disrepute. Surely there should be amongst the law officers of the Crown sufficient ability to devise some language whereby injustice would not be done to those who have no criminal intent and crime could be dealt with where it actually occurs.

Hon. Mr. DANDURAND: It is to guard against a wrong interpretation of the Act that I suggest the insertion of the word "like."

Hon. Mr. FOWLER: I do not think the word "like" goes far enough. Remember that this Act is going to be construed, not by the highest judges of the land, but by magistrates, many of whom have not very much ability along those lines. Many of those people are good people with a real desire for the betterment of mankind, but many others are mere fanatics and zealots whose whole desire is to persecute. So you need to be careful that you do not place in the hands of zealots and fanatics a weapon that would enable them to do that. Why not strike out "or other game of chance"? You have named enough games there to hold the thing for a while. Then, if some of our ingenious friends from the other side of the line make up some other game, we can easily pass legislation to cover that. We shall keep them plotting new games and we shall counteract them. But for Heaven's sake do not interfere, or make it possible for any busybody to interfere, with a social game of bridge, or auction 45, which is a favourite game in the Maritime Provinces.

Hon. Mr. CURRY: Or marbles.

Hon. Mr. FOWLER: Or even poker for a small stake. Honourable gentlemen, it is an absolute impossibility to make men religious or temperate or chaste or moral by Act of Parliament. Every such Act you pass here imposes a punishment, it is

true, but it is not a punishment that deters, because the law will be broken; and the more legislation that you put upon the statute book that is fragile and is going to be broken, the worse it is for the well-being of the country. The reason for the feeling that I have against prohibition is that the real sentiment of the country is not to have it, and therefore you have turned a moral nation into a nation of law-breakers, and you are going to make matters still worse if you prohibit these harmless games. I do not believe in the shell game; I do not believe in the frauds mentioned here; and I would be very glad to see legislation that would enable you to take hold of the perpetrators. But do not put a weapon into the hands of people who do not know how to use it and whose whole desire is the desire of the persecuter.

Hon. Mr. DANDURAND: Is the honourable gentleman moving an amendment?

Hon. Mr. FOWLER: I would move an amendment. I was going to ask to strike out the words "or other games of chance or mixed chance and skill."

Hon. Mr. WILLOUGHBY: There is an amendment to strike out the whole clause.

Hon. Mr. FOWLER: I do not think that the whole clause should be struck out.

Hon. Mr. DANDURAND: Is the honourable gentleman from Nipissing pressing his amendment?

Hon. Mr. GORDON: Yes, I press my amendment.

Hon. Mr. WILLOUGHBY: I do not know whether the honourable leader of the Government has any intention, by the change which he himself has indicated, of changing what would be the legal effect of the language as it is now.

Hon. Mr. DANDURAND: I have suggested that if the clause is not struck out—and there is a motion to strike it out—it should read "or other like game."

Hon. Mr. WILLOUGHBY: I followed the honourable gentleman's amendment; but, speaking from a legal point of view, I do not think the introduction of the word "like" would make the clause any different from what it is at present.

Hon. Mr. DANDURAND: I recognize that; the point is well taken; but it is argued that magistrates will be more easily directed to that principle which my honourable friend mentions if we insert the word "like". It is because it has been represented to me that some magistrates would probably extend too widely the interpretation of those expressions, and the word "like" might be a direction to them in interpreting the Act.

Hon. Mr. McMEANS: Magistrates would have nothing whatever to do with this, according to my reading of the Act. Section 236 reads:

> Every one is guilty of an indictable offence and liable to two years' imprisonment and to a fine not exceeding two thousand dollars....

Apparently the case does not go to the magistrate at all.

Hon. Mr. DANDURAND: Under this Act a summons can issue for the preliminary enquète, to be passed upon by the magistrate.

Hon. Mr. McMEANS: The magistrate has no jurisdiction over an indictable offence. Perhaps the honourable gentleman has overlooked that particular point. An indictable offence must go to a jury for trial.

Hon. Mr. McDONALD: Would that clause interfere with business advertisement? Frequently premiums are offered for the best name of an article. Could that clause in any way be construed or twisted so as to interfere with legitimate advertising in which prizes might be offered? It is in a certain sense, a game of chance to offer a premium for the best name of an article. There is in that an element of gambling. Would the clause stop advertising of that nature?

Hon. Mr. DANDURAND: I intend to propose in a moment an amendment which may come very close to the point raised by my honourable friend.

Hon. Mr. BELCOURT: I was attending another Committee, and did not have a chance to hear this discussion. If it bears on the necessity of making clear paragraph e or defining properly what is a crime, I would like to say this, although it may be a repetition. In defining crimes we ought, I think, to be very precise. To my mind no magistrate ought to have imposed upon him the duty of determining whether or not a game which is a mixture of chance and skill is a crime. It may be almost impossible, even for a man who has spent all his life in administering law, to draw the line of demarcation between chance and skill. If a crime is made of it, the result would never be satisfactory. The magistrate might think the game was all luck and no skill, or vice versa, and act accordingly.

Hon. Mr. DANDURAND: Perhaps, before discussing the drafting of this clause, my honourable friend will wait until we have disposed of the amendment moved by the honourable gentleman from Nipissing, to strike out the clause altogether.

Hon. Mr. BELCOURT: I confess I did not know that.

Right Hon. Sir GEORGE E. FOSTER: I would hope we do not take the action of striking out the whole clause. It seems to me that the case which has been brought before us deserves some very serious consideration. Suppose you strike out the whole of that clause that will be interpreted as the voice of the Senate in favour of all those kinds of games. Every one of us knows that at this particular juncture of circumstances there seems to be a combination and employment of all kinds of malevolent, malicious, and ingenious schemes to make money without the sweat or toil of the body or the effort of the mind, but by the wit, and these are engineered by men who make a trade or business of it. What is more terrible to think of than that there is an organized band of men scattered throughout Christendom who are endeavouring to make all the money they can out of the destruction of the fibre, mental and moral, of humanity, by the traffic in noxious drugs. Anyone who troubles to read the literature of that attempt knows that it is being prosecuted with the greatest skill, ingenuity, and efficiency. And what is its purpose? It is to make gain for that class of people, who are not by any manner of means the good element of society, and to make it out of the depreciation of the human unit in either one way or another. Shell games, dice games—all these kinds of games—are being used. Unless the authorities have something that they can take hold of, these men flaunt such games with impunity in the face of society, and say: "We do not care for the conventions of society; we do not care for the common weal, or for the prosperity, the comfort, or the happiness of the individual; we are making money, and we will make it out of human frailty as far as we are allowed to go," and they will go until they are hauled up. I do not think you can enter the courts of any city in our Dominion—not to go outside the Dominion—and talk with the police magistrates and the judges without coming upon this thing. Constantly and without intermission this malevolent industry is being carried on. Now, I do not think we ought to give any chance to that. We ought to come as nearly as we can to definitions and let it go at that. Will the Senate declare that it will give no quarter at all to the claim of society to be protected against the class of people who are continually attacking and looting it by these games? These people are the worst class of society. They are organized gangs and bodies who go about from city to city to carry on their games. There ought to be some method by which we can corral them in the interest of society and I think we ought not to go so far as to make the pronouncement which would be implied in the striking out of that clause. Let us try to arrive at a definition which will keep the substance of it. It occurs to me that it might read in this way. Dice game, shell game, punch board, coin table, are well defined and well known. Then, "or other like game," and leave out what follows until you come to the words, "the operation of any wheel of fortune." That would define it fairly well. There may be something better.

Hon. Mr. BENNETT: This expression, "other like game," brings up the whole point—

Hon. Mr. DANDURAND: My honourable friend will remember that we are now on a motion to strike out the whole clause. If we decided not to strike it all out then we might examine the text.

Some Hon. SENATORS: Question.

The motion of Hon. Mr. Gordon was negatived.

Hon. Mr. BENNETT: On this question of the addition of the words "other like game," I agree with every word that has been said by my right honourable friend from Ottawa (Right Hon. Sir George E. Foster). But let us get right down to the bottom of the whole trouble. The bottom of the whole trouble is that the institution of horse racing in the provinces—and I speak particularly of the province of Ontario—has been fostered and petted and in every way encouraged by the local Government. The remedy for the whole disease lies in the hands of the Provincial Government. It is quite plain from the law, that the province of Ontario has the right to license the holding of races. Under former Governments the fee per day for running races was $2,500. In one of its spasms of religious fanaticism the Drury-Raney-and-Company Government announced that the fee would be $10,000 a day. The

result was that horse racing was practically cancelled. The Government then had the opportunity of stopping racing, but they refused to do it. Drury-Raney-and-Company, finding that they were going to lose the money, made overtures to the horse racing people, who agreed to pay $7,500 a day, and that is the reason why there is a continuous round of horse racing in the province of Ontario at the present time. There are three tracks in Toronto, one at least at Fort Erie, two at Windsor, and one at Hamilton, and when the races are all over in the spring they come back for an autumn round-up, and they are followed by all this gang who play these different games.

If we are going to hit anyone, do not let us hit three or four commercial travellers on a train, who want to have a little gamble, as it were, and who, knowing that they cannot play euchre or poker or whist for stakes, because the law forbids it on a public conveyance, pull out the dice and roll them for a dollar a head, the man rolling the highest number getting the $6, just because they happen to be seen by a religious fanatic who says that they are liable to a big fine. Take, for instance, the case of four boys, one of whom has one of these little tops. They have each put up a cent, perhaps, and the one who gets the number 4 gets the 4 cents. A fanatical magistrate says: "They are gambling—I am going to send them down;" and their parents are put to no end of trouble. For Heaven's sake, let us go out after the big fellows who are encouraging horse-racing, keeping it going all over the country, and who are drawing our young men and women to the races, instead of wasting our time over the question of whether children shall spin a top. If it is established that that is an offence the storekeepers disposing of those goods will be fined too. I am quite willing that such things as a dice game, shell game, punch board or coin table should be put down.

Hon. Mr. BELCOURT: And the wheel of fortune.

Hon. Mr. BENNETT: And the wheel of fortune.

Hon. Sir JAMES LOUGHEED: Is the honourable gentleman in favour of craps?

Hon. Mr. LYNCH-STAUNTON: Paragraph d says:

> Disposes of any goods, wares, or merchandise by any game or mode of chance or mixed chance and skill.

I know some very conscientious ladies who are very much opposed to playing bridge for points, and with whom it is a common practice to offer a prize at bridge parties. Anybody who plays for a prize at a bridge party clearly comes within this section.

The next objection I have to this kind of legislation is this. It is all very fine to talk about fanatical magistrates, but we have to look out for more than that. I do not think very many of our magistrates are fanatical about this question of gambling. But we pay a great many of our magistrates and constables by fees, and unless they get a conviction they get no fees. I have very seldom seen a case in which a man was pulled up for one of these trivial offences in which there was not a fine of a dollar, which is followed by fees of perhaps $20 or $30. That is what impels prosecutions and the imposition of fines for trivial offences. The squire gets up on the platform and the constable comes with some chap that he has brought in 20 miles or more—he has all that mileage to gain—and they come to the conclusion that the law is all right. The accused person will not appeal: he has to put up $100 as security for costs before he can appeal.

Another objection that I have to this subsection is that it is drawn with the usual slovenliness of parliamentary legislation. They have half a dozen schemes in mind, and they want to drag in everything you can imagine. They will not take the trouble to ascertain what they want to legislate against, so they stick in an omnibus phrase, which falls within the legal definition of ejusdem generis—"or other game of chance or mixed chance and skill." It is quite open to argument whether or not these words do not involve every game in the world. I object to the amendment proposed by the leader of the Government because it only puts in the word "like". An ingenious arguer can perhaps bring within that word things that we would not think about. Why pass legislation against what we do not know anything about? There might be some other game of chance, or part chance and part skill, which we would all approve of, and which we would not want to legislate against. Is it not enough to legislate against distinct and known crimes without putting out a drag-net to catch whatever comes in the current? Personally, I am going to vote against the clause, and if it is retained, I would move to strike out all the words after the words "table" down to the word "skill."

Hon. Mr. CURRY: I have been wondering whether any of the honourable gentlemen who have been finding so much fault with this particular section have in the past been in the clutches of these dreadful magistrates and have been fined for misdemeanors that they supposed were not misdemeanors. It seems to me that legislation of this character must be for the greatest good to the greatest number, and I am sure the harm done to innocent persons is very small compared to the harm done by the blacklegs and shell-men that this section is supposed to cover. I am quite satisfied with the section as it is, and will vote for it.

Hon. Mr. PROUDFOOT: I think the point made by the honourable gentleman from Winnipeg (Hon. Mr. McMeans) is well taken. There seems to be a great deal of difficulty here as to what magistrates may do and as to what power they have. One would imagine that a magistrate would simply sit down, and, after having heard very little evidence, impose a fine of $2,000 or imprison some person for two years. That is not so. All the magistrate can do is to hear the evidence, and, if he thinks it is sufficient, commit the accused for trial before a higher court.

Hon. Mr. FOWLER: Of course, that is no injury to the accused.

Hon. Mr. PROUDFOOT: It removes one of the objections, namely, that you are placing unlimited authority in the hands of the magistrate.

Hon. Mr. FOWLER: You put a man on trial for a criminal offence.

Hon. Mr. PROUDFOOT: But the magistrate does not dispose of the case, so one is not so much concerned with that argument.

Hon. Mr. FOWLER: It seems to me that a man with a nice sense of honour would be disgraced almost as much if he were charged and brought before the courts. That does not seem to mean anything to my honourable friend. He has mixed up so much with the divorce courts that his sensibility seems to be dulled.

Hon. Mr. PROUDFOOT: I am simply speaking with regard to the statement made that the magistrates may do the things complained of.

The proposed amendment of Hon. Mr. Lynch-Staunton to strike out the words "or other game of chance or mixed chance and skill" was agreed to: yeas, 28; nays, 20.

Hon. Mr. BARNARD: Before the balance of the clause passes, I may say that in my part of the world, and I fancy it is the same in other parts of Canada, it is the custom for two friends to go into a cigar store and to shake the dice for a cigar. Is that prohibited?

Hon. Mr. LYNCH-STAUNTON: Certainly it is.

Hon. Mr. BARNARD: Then I move that the words "dice game" be struck out.

Hon. Mr. LYNCH-STAUNTON: Is it not now the law that dice games are prohibited? Certainly craps are prohibited, and they are a dice game.

Hon. Mr. MITCHELL: There is a statute against all gambling.

Hon. Mr. McMEANS: The Code provides a penalty for any person indulging in any game of chance, but the word "induces" in this paragraph is new.

The proposed amendment of Hon. Mr. Barnard to strike out the words "dice game" was negatived.

Hon. Mr. BEIQUE: I would ask the Committee to go back to paragraph d, and, in order to meet the difficulty mentioned by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), I would move that this paragraph be amended by adding at the end of it, after the word "skill" the words "for money." That would permit the practice of offering a prize at bridge.

Hon. Mr. BELCOURT: I doubt very much if that would save the bridge-player.

Hon. Mr. DANDURAND: I cannot accept that amendment, because I do not see exactly what effect it may have, and to what extent it may neutralize the clause. If it passes, the Minister of Justice, who has charge of the Bill in the other House, will perhaps be able to say what will be its effect, whether damaging or not.

The proposed amendment of Hon. Mr. Béique was negatived.

Hon. Mr. McMEANS: The whole of paragraph e is directed to the man who "induces." I propose to amend this paragraph to read in this way:

(e) Any person who stakes or hazards any money on a game of chance, etc.

Would that not be better? If you want to make it an offence to carry on the game, you must make the individual liable.

Hon. Mr. DANDURAND: But the idea is to strike at the man who engineers all those games.

Hon. Mr. McMEANS: If we intend to put down gambling, every man who plays a game of chance should be punished. Under this paragraph as it now reads the only man who becomes liable is the one who induces the other to put up the money.

Hon. Mr. BELCOURT: My honourable friend would let the leading offender get away.

Hon. Mr. McLENNAN: The man who tempts other people to come in is the man whom the leader of the Government is trying to get at.

Hon. Mr. McMEANS: Let us put down all gambling—all games of chance.

Hon. Mr. MITCHELL: This law is not to get at people who might be led away by some professional gamblers: it is to get at the gambler himself. We do not propose to punish people who are drawn in.

Hon. Mr. GIRROIR: The word "induces" is very dangerous, for it would cover the case of a man who asked another to join in a friendly game.

Hon. Mr. McMEANS: I desire to carry out the intention of this section, so that this House shall, if possible, put down gambling or games of chance, of every kind. That is the intention of the Act, and in the endeavor to carry out that intention I desire to move that paragraph e, read:

Any person who induces any person to stake or hazard, or any person who stakes or hazards, any money, etc.

I want the participants in the game to be punished as well as the man who starts it.

The proposed amendment of Hon. Mr. McMeans was negatived.

Section 14, as amended, was agreed to.

Hon. Mr. DANDURAND: There are several newspapers in Western Canada which have been carrying on guessing contests as to the results of English football matches and American baseball matches. The procedure is to publish in the paper an advertisement containing a coupon. The purchaser of the paper may clip out this coupon, insert his name and address, and guess as to the result, and then send the coupon, to the newspaper with 25 cents. The man who sends in the first correct guess gets 50 per cent of the total proceeds, the second 30 per cent, and the third 20 per cent. The result of the scheme has been to increase the circulation of the O.B.U. Bulletin from 1,600 until last week it is stated there were 300,000 guesses made. That means that in one week the amount of prize money for distribution among three people was $75,000. The consequences are at least as serious as those which arise from any large lottery. The scheme is so devised and worked as to render possible an escape from the existing provisions of the Criminal Code in regard to gambling. A prosecution was entered at Winnipeg before the Judge of Sessions, and Sir Hugh J. Macdonald, the police magistrate, dismissed the case on the ground that it was not covered by the Code. An appeal has been entered, but the Crown Prosecutor anticipates an unfavourable decision. The matter is more serious because similar schemes are being adopted by papers started solely for that purpose. I have the papers before me, which I will lay on the table of the Senate.

Now, I have received two telegrams, which I will read:

Business interests of Winnipeg urge that amendments to Code preventing wholesale betting by community should be passed. Would appreciate your assistance.

Winnipeg Board of Trade.

The Employers Association of Manitoba representing 400 firms employing 25,000 workers regard the betting contests now being conducted by the Journal of the O. B. U. and other publications as most harmful to men and women employees and a menace to the stabilization of business. Respectfully urge that the necessary amendments to the Code to prevent such contests be passed at present Session.

Employers Association of Manitoba.

Some publishers, seeing the success which was made by other people, were tempted to issue sheets such as this one entitled "The First Baseball", which is issued simply for the purpose of carrying on the scheme which I have described. Winnipeg employers have noticed that their employees have gone mad on these schemes, and the result will be, as we found in the organization of those art lotteries in the large cities like Toronto and Montreal, to which I have referred, the pilfering of money by young boys and other employees of various business establishments, in order to get a chance at the big prizes which are offered as premiums. It is obvious that this is nothing but a lottery scheme under another name, and the Minister of Justice has suggested that I should move to cover this case, by adding the following clause at the end of this Bill:

15. (1) Paragraph (b) of subsection one of section two hundred and twenty-seven of the said Act is amended by striking out the words "as or for the consideration" in the third line thereof, and by repealing subparagraph (i)

thereof, and substituting therefor the following:

(i) all or any part of which money or valuable thing or its equivalent is to be paid or given to any other person on any event or contingency of or relating to any horse race or other race, fight, game or sport; or

(2) Subsection two of section two hundred and thirty-five of the said Act as enacted by chapter forty-three of the statutes of 1920 is amended by inserting the words "between not more than ten individuals" after the words "any bets" in the eighth line thereof."

The present legislation apparently covers these very same operations, but there is a technical difficulty in the clause which prevents those people from being reached. I confess that it takes some legal and technical knowledge to understand the distinction which a magistrate is obliged to make when applying the law to such cases. In order that honourable gentlemen may see that the covering of this offence is simply a question of drafting a very small modification, I will read the Act as it is:

227. A common betting house is a house, office, room or other place,—

(a) opened, kept or used for the purpose of betting between persons resorting thereto and

(i) the owner, occupier or keeper thereof,

(ii) any person using the same,

(iii) any person procured or employed by, or acting for or on behalf of any such person,

(iv) any person having the care or management, or in any manner conducting the business thereof; or,

(b) opened, kept or used for the purpose of any money or valuable thing being received by or on behalf of any such persons aforesaid.

The following words are those that are to be replaced by the new paragraph which I have read:

As or for the consideration.

(1) for any assurance or undertaking, express or implied, to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any horse race or other race, fight, game or sport.

Honourable gentlemen will see that the distinction is a very slight one. The present clause deals with a contingency, game or chance—a bet pure and simple. The amendment provides for a contingency involving, besides a mere chance, also an element of skill. It is but a technical difference, in the drafting of the Act, between that and the amendment which is proposed. I may add that the Law Clerk of the Senate and the Parliamentary Counsel agree that this new clause will absolutely cover the case that I have described. I think the Department of Justice have also examined this clause.

Hon. Mr. BELCOURT: To what extent will the proposed amendment affect the amendment that was made to section 227 in 1910, which has particular reference to betting at horse-racing.

Hon. Mr. DANDURAND: I am told it will not affect that amendment.

Right Hon. Sir GEORGE E. FOSTER: The House having had the explanation of the proposed amendment, as well as the sections read as they are now in the Act, and the remarks of my honourable friend, I would suggest that this matter might well lie over for a day or so, that we might have ample chance to look into it and come to our conclusions, without involving so much discussion as might otherwise ensue if we took it up direct.

Progress was reported.

The Senate adjourned until 3 p.m., this day.

SECOND SITTING

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

MATCHES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill B5, an Act respecting matches.

He said: Honourable gentlemen, I had occasion on introducing this Bill to explain the reasons for it. It has been asked for by the Insurance Branch at the request of the Insurance Association, in order that the country may be protected from disastrous fires that place Canada in an unfavourable position before the world. I do not think there is any country that suffers more from fires than Canada. I refer not to forest fires, but to the destruction of residential and manufacturing property. I have a published statement which shows the losses to be appalling. If this measure can do anything to reduce the losses to the country, it should be welcomed.

Hon. Sir JAMES LOUGHEED: Would my honourable friend say whether or not the statute law of Canada is sufficiently broad and explicit to determine what class of matches may be dealt in by merchants and others? If not, it seems to me that this is a rather arbitrary measure, because it says:

Imports, manufactures, stores, uses, sells, or has in his possession any dangerous or unsafe matches.

Unless the regulations prescribe the kind of matches which can be used or sold, it is manifest that there would be no standard by which dealers in matches might be governed.

Hon. Mr. DANDURAND: I think my honourable friend will find that considerable power is given the Governor in Council to make regulations under clause 4. We can examine into the merits of the various clauses when we go into Committee.

Hon. Mr. MURPHY: That would be government by Order in Council.

Hon. Mr. ROCHE: I think it is time that a measure of this kind should be introduced. Thousands and thousands of dollars have been lost in Canada in consequence of fires, and largely because of the habit of throwing away matches indiscriminately after they have been used. Frequently large numbers of people are gathered at meetings in public halls, and many persons coming out of such meetings do not wait till they get outside the door before striking matches, and when the match has been used they do not look to see where they have thrown it, and perhaps a fire ensues because of paper or other litter lying about. Honourable gentlemen may also have remarked that callers coming into an office and smoking may throw a match or the butt of a cigar into the waste-paper basket. The result is that, perhaps after hours, a fire takes place and a large amount of property is consumed. The enormous destruction caused in this way is brought forcibly to the notice of those in insurance offices when the police or other authorities try to place the origin of the fire. I can remember cases where considerable damage resulted from the careless throwing of a match into a receptacle containing paper fragments, etc. So I think it is time that the use, or rather the abuse, of matches should be looked into by some authority in the country.

Hon. Mr. REID: Honourable gentlemen, of course I have no objection whatever to the passage of any law that would assist in preventing fires; but this Bill is a measure that may affect one or more industries manufacturing matches in the Dominion. It originates in the Senate, and was presented to this House only on the 19th of this month. If the Bill is passed hurriedly through the Senate, the industries that are now manufacturing matches will not have an opportunity to appear before a Committee and express their views upon it. If the Bill had originated in the House of Commons it would naturally have gone to one of the Committees of the House in order that the committee might call witnesses, and members who had interested industries in their particular constituencies would have an opportunity of understanding the situation, notifying those interested, and giving them a chance to come and state their views. I would like to know from the honourable leader of the Government whether notice has been sent to the several industries manufacturing matches in Canada, or even to the large importers, and whether or not they have agreed to it. Do they know anything at all about the Bill now before us, or is it submitted simply at the request of insurance companies or others for the purpose of protecting them, even though it may injure parties who have vested rights in industries in the Dominion?

Hon. Mr. DANDURAND: Apparently the honourable gentleman was not present when I introduced this Bill on the 19th. At that time I read the following from the Department of Insurance:

> At a meeting of the Dominion Fire Prevention Association, held in September, 1921, a resolution was adopted calling for legislation to restrict the importation and manufacture of matches with a view to eliminating the fire hazard which exists at the present time due to the use of inferior material and employment of imperfect processes in the manufacture of matches. This resolution was endorsed by the various Fire Prevention Leagues and other organizations interested in fire prevention throughout the Dominion, and the Dominion Fire Prevention Commissioner has conferred with representatives of all the manufacturers of matches in Canada, with the result that the present draft Bill has been approved as satisfactory. The Bill will, it is believed be effective in securing a higher grade of matches and a proportionate reduction in the fire loss in Canada.

Hon. Mr. REID: I may say, honourable gentlemen, that I was not present, and of course that removes all objections that I had.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Bradbury in the Chair.

Sections 1 to 4, both inclusive, were agreed to.

On section 5—Minister to appoint officers:

Right Hon. Sir GEORGE E. FOSTER: We are certainly getting speed on—whether

it is at the expense of efficiency or not I do not know. For myself, I wish to have the clauses read before I vote upon them.

But what I rise for is to make an inquiry in regard to section 5. Where officers are appointed you will have to have inspectors and the like of that. Is any fee placed upon this inspection with the idea of making the Department self-sustaining? It does seem to me that where we put on these regulations, which are necessary, as we do in many departments, a system of fees should be devised which would carry the inspection expenses so that they should not be saddled upon the country. Is there any regulation proposed, or any section, which looks after that?

Hon. Mr. DANDURAND: I see nothing in the Act, but I will draw the attention of the Department of Insurance to that point. I know that that Department has adopted the general practice of collecting fees from insurance companies for inspection, and they will probably do the same in this case.

Hon. Sir JAMES LOUGHEED: Following up what my right honourable friend (Right Hon. Sir George E. Foster) has said, I may say that I was very much impressed with the necessity of adopting some well-defined policy touching this subject when I had the honour of being Minister of the Interior. I made an examination into some of the branches which came under me, and found that only nominal fees were being charged by the officers for the work done, supervisory, administrative, and otherwise, the expense of which could easily have been covered had sufficiently large fees been imposed. I may mention the Explosives Act by way of illustration. Where licenses were issued the fee chargeable was $1, while there was certainly a vast amount of paper used, not counting the clerical services involved and the inspection work necessarily performed. I found upon examination that in other countries substantial fees were charged for that class of work. I found that we had established a branch under that general Act which probably did not pay 10 per cent of the costs involved. I made inquiries into other branches of the public service and found very much the same condition existing. I brought the subject before the Government, but the electors of this country did not think it wise to continue us in office so that we could give effect to our views. I would direct my honourable friend's attention to that want of intelligent thought in connection with the public service. I say with every confidence that there is not one of these branches that should not be made to cover the expenses incident to its administration.

Right Hon. Sir GEORGE E. FOSTER: I recollect that when we undertook the inspection and certification of grain in the West, we fought out the question of whether the State or the industry should carry the expenses. There was a very strong opinion amongst certain persons that the State should do it. They said: "Oh, let the State pay expenses; let the public funds carry it." But we were able to institute a system of fees. Anyone knows that the cost of that immense branch of work runs into millions of dollars. We instituted a system of fees on the basis that the industry should carry the protective measures necessary to make it a better industry and more productive to those who were carrying it on. We have had no deficit. In the inspection and certification of our grain in Government elevators and in grain inspection we have paid the expenses, and in the course of years have thereby saved millions of dollars to the public service.

The same thing was partially carried out with reference to weights and measures. But the fee was too small. During my term of office the fee was increased until at the present time weights and measures and electric light inspection more than pays its way, and there is no cost upon the public treasury. The Patent Office is another illustration of the same thing. There the fees more than pay the expenses. In respect to the inspection of insurance, a branch of the Finance Department, fees are fixed and the companies pay all the expenses.

Hon. Mr. DANDURAND: And without grumbling.

Right Hon. Sir GEORGE E. FOSTER: And without any grumbling. This is one field where tremendous expenditures have been saddled upon the State, and that is where we may make some of our best gains in the matter of economy that we all speak a good deal about. So, on the inception of new services like this for the benefit of trade and of the insurance companies, let the fees be sufficient to carry them.

Hon. Mr. CASGRAIN: Would this House be allowed to fix the fees, or would it have to be done by the House of Commons?

Hon. Mr. DANDURAND: I think it could be done under regulations.

Hon. Mr. REID: Clause 5 reads as follows:

The Minister may direct or appoint officers of his department, or any other person to carry out the provisions of this Act and of the regulations made thereunder.

The situation at the present time is such that no appointments can be made to any department except under the Civil Service Act. If clause 5 passes as it now reads, there will be a lot of factory inspectors appointed, and they will be exempt from the Civil Service Act, by the words "or any other person". I therefore ask the leader of the Government whether I interpret the Bill aright, and, if so, could he not strike out these words? In that case the officials of the Department would be appointed in the regular way.

Hon. Mr. DANDURAND: I think that there is no restriction of the Civil Service Act under this wording, and that whatever is done must be done in conformity with the Civil Service Act. I am in hope that the Minister of Finance, he having the administration of the Act, will carry it on in conjunction with the Insurance Act, and that he will find all ready a staff covering the whole country and able to carry on the inspection without addition to their number.

Hon. Mr. LYNCH-STAUNTON: I submit that these words should be struck out. Here is an opportunity to appoint a whole flock of new inspectors. I think the least useful men we have are the inspectors for the administration of these Acts. I read in the Montreal Star yesterday a bitter complaint by a dealer in Montreal in regard to the enforcement of the Act relating to boxes for fruit. It was said that Montreal is inundated with boxes which are small-sized and half full, and no one pays any attention to the enforcement of the Act. A gentleman in this House informed me that he was told on the market in Ottawa that the inspector there had seventy cases of evasion of the Act, and that not one prosecution had taken place. These inspectors perform their duties in the most perfunctory way, and I do not think we should encourage the Government to appoint a new lot of them. If they are going to be appointed under the Insurance Act, let the Bill so state. Do not leave the way open for the appointment of a new line of inspectors who will help the other fellows to do nothing.

Hon. Mr. TURRIFF: In connection with this question, I should like to draw attention to the fact that when strawberries, for instance, are imported early in the season they come in fair-sized and I presume legal boxes. But many of the dealers in this city—I will not say all—take four boxes of berries and fill five smaller boxes out of them and sell them to the public. When we are on the subject of inspection it occurs to me that the attention of the Government should be drawn to this, and that some effort should be made to see that that sort of thing is not allowed.

Hon. Mr. CALDER: I certainly object to the principle of this clause. We have in our service inspectors of all classes—men inspecting meat, food, grain, cattle, coal mines, and so on. In nearly every department of the Government we have inspectors who, so far as my knowledge goes, are all appointed by the Civil Service Commission. As I said in connection with another Bill, if we are going to deal with the principle of whether or not the Government itself should have the right to appoint inspectors, I am prepared to deal with the question; but I do not think we should deal with it piecemeal as it is proposed to do in this Bill. We must either stay by the principle or depart from it. If we are going to depart from it, let us know what we are doing.

By this clause it is proposed to give the Minister a right to appoint any one he chooses, and to give him any salary he chooses. I doubt very much whether the provision contained in this section should be passed. Personally, I have come to the conclusion that the Civil Service Act as passed some two or three years ago should be modified. I think Parliament went much too far in the direction of so-called Civil Service reform, and I think the administration of Government business is being hampered to a large extent by certain provisions in that Act. But if we are going to deal with that question, let us deal with it by amendments to the Civil Service Act which will clearly define the departures made from the Act. I would support the amendment proposed by the honourable member from Grenville (Hon. Mr. Reid), that the words "any other person" be struck out.

Right Hon. Sir GEORGE E. FOSTER: I would suggest to my honourable friend a different kind of amendment, which would perhaps meet the whole case; that is, to insert after the word "may" the following words: "under the provisions of the Civil Service Act." It would then read:

The Minister may, under the provisions of the Civil Service Act, direct or appoint officers of his department, or any other person, to carry

out the provisions of this Act and of the regulations made thereunder.

Then every person who was appointed would have to be appointed in conformity with the Civil Service Act.

Hon. Mr. REID: I do not agree that that really meets the case if we leave in the words, "or any other person".

Right Hon. Sir GEORGE E. FOSTER: I do not see why "any other person" should be in it, but with the striking out of those words I think we ought to put the other words in.

Hon. Mr. REID: I have no objection to that.

Hon. Mr. CALDER: The amendment would scarcely do where it states that the Minister, under the provisions of the Civil Service Act, may direct or appoint. The Minister does not appoint: the Civil Service Commission appoints. It is not necessary to insert the words, "under the provisions of the Civil Service Act." I think the section should simply read something like this:

Officers may be appointed to carry out the provisions of this Act, etc.

Hon. Mr. ROCHE: What would be the practical working of this amendment? The question before us is the specification and testing of matches. Would any officer of the Civil Service be able to give a technical opinion upon brimstone and sulphur and phosphorus and the other commodities used to make matches effective? Would he institute a competitive examination on those points? Are there people in the country who could give expert evidence on that point, or who would be qualified in competitive examinations to be appointed inspectors? Would it not be a great deal better for the Minister to take the power of selecting some person who is conversant with the business, and of making him an inspector, or making somebody else supervisor of the whole work of inspection, rather than submit it to the general government of the Civil Service Commission? They have not expert knowledge of all subjects themselves, and they must hand over the matter to the opinions of people who are conversant with the special line of business upon which to appoint inspectors or officers or servants. As this is a special kind of legislation, I think the Minister should have the power of selecting the officer and discriminating as to his qualifications for investigating that special branch.

Sir GEORGE FOSTER.

In this connection I might remark that there is a gentleman here who is rather supersensitive. He spoke of strawberry boxes. I do not think he was in the House or he would have rebelled against what was done when it was solemnly enacted here that balls of twine which held only 120 yards should in fact be stamped by the Government inspectors as holding 150 yards, and those balls of twine were to be sent to Russia. I do not know whether this caused rebellion in Russia or not, but I thought it was a very singular proceeding, and the gentleman ought not to be so very sensitive on the matter of strawberry boxes now.

Hon. Mr. REID: My amendment, as altered now reads:

Officers may be appointed to carry out the provisions of this Act and of the regulations made thereunder.

The proposed amendment of Hon. Mr. Reid was agreed to.

Hon. Mr. GIRROIR: I think it ought to be obvious to all honourable gentlemen in this House that the amendment made to this section 5 is an attempt to evade the provisions of the Civil Service Act. Other honourable gentlemen have called attention to that point before, but I do not think it can be emphasized too much, that the Civil Service Act was passed in order to take out of the hands of the Ministers and Government the power of appointment, so that there would be absolutely no political influence used in making appointments. That Act was carried through the two Houses of Parliament after a great deal of opposition, but the public desired such an Act, and I do not think it is a proper proceeding to attempt to evade that Act by clauses such as the one before us. I would take this opportunity of moving an amendment to the amendment proposed by the honourable member for Grenville:

That the appointment of all officers under this Act—

The Hon. the CHAIRMAN: I would draw the attention of the honourable gentleman to the fact that the amendment has been carried.

Hon. Sir JAMES LOUGHEED: May I point out that under the Civil Service Commission Act all appointments have to be made by that body unless we specifically provide otherwise. If we enact that officers shall be appointed, they are automatically appointed by the Civil Service Commission.

Hon. Mr. GIRROIR: I got up two or three times to speak on this point, but business is done so quickly here that before I could get an opportunity the amendment was adopted.

Hon. Mr. CASGRAIN: They have anticipated the honourable gentleman's desires.

Hon. Mr. CALDER: I would suggest a slight amendment to the amendment that is still before the Committee, to read:

Such officers as may be deemed necessary by the Governor in Council may be appointed to carry out the provisions of this Act and of the regulations made thereunder.

The phrase "officers may be appointed," is very indefinite, and I think the number of officers to be appointed is a matter that should go before the Council and be decided by it. Once that is decided the Civil Service Commission would operate.

Hon. Mr. DANDURAND: The honourable gentleman desires to reconsider that clause in order to improve it?

Hon. Sir JAMES LOUGHEED: No; the clause is carried.

The Hon. the CHAIRMAN: Do I understand the honourable gentleman to move this in addition to the clause, or in place of the amendment? The amendment was carried.

Hon. Mr. CASGRAIN: Read the clause as amended now.

The Hon. the CHAIRMAN: The clause as amended is:

Officers may be appointed to carry out the provisions of this Act and of the regulations made thereunder.

Hon. Mr. REID: I think this would be an improvement, and I move that we reconsider the clause, and allow the amendment of the honourable member—

Hon. Mr. TESSIER: No, you will have to give notice of motion.

Hon. Mr. DANDURAND: I am disposed to favour the suggestion of my honourable friend from Moosejaw (Hon. Mr. Calder).

The proposed amendment of Hon. Mr. Calder was agreed to.

Sections 6, 7 and 8 were agreed to.

On section 9—offences and penalties for obstructing inspector or disobeying his directions:

Hon. Sir JAMES LOUGHEED: It occurs to me that the word "wilfully" should be inserted here, so that it would read: "Every person who wilfully refuses to permit the inspector." The person may not know the official, or a person demanding an entry upon the property to be an inspector.

Hon. Mr. CASGRAIN: He will have a badge.

Hon. Sir JAMES LOUGHEED: Not necessarily.

Hon. Mr. CASGRAIN: He will have some uniform, some authority.

Hon. Sir JAMES LOUGHEED: I do not think he will have; and, as a certificate of the inspector is made prima facie evidence in all courts of justice, there should be some obligation thrown on the inspector to make his official status known at the time he enters on the premises.

Hon. Mr. CASGRAIN: Does not an inspector carry his authority with him? Do you mean to say that an inspector can go into a factory and look around, and no one know he is there?

Hon. Sir JAMES LOUGHEED: That is what is proposed under section 9: the inspector does not necesarily show his authority. I move that the word "wilfully" be inserted after the word "who."

Hon. Mr. DANDURAND: Does not my honourable friend think that if any inspector lays a charge against a party for refusing entry, the defendant will be able to plead a justifiable excuse?

Hon. Sir JAMES LOUGHEED: I quite agree with that, but why should he be haled before a court of justice or a magistrate for the purpose of establishing that he did not know the official status of the individual who demanded entry? The obligation should be be upon the inspector to make known his official position when he demands an entry upon premises for inspection purposes. The clause does not throw any obligation upon the officer to do so.

Hon. Mr. BEIQUE. I doubt whether the addition would change the force of the section at all. The moment that he refuses it is wilful.

Hon. Sir JAMES LOUGHEED: No, it may not be. He may say, "I did not know this person to be an inspector"; but when you say "wilfully" the presumption of law is that he knows him to be an inspector.

Hon. Mr. BELCOURT: Say, "wilfully and knowingly."

Hon. Sir JAMES LOUGHEED: All right: that will even improve it. Probably the more language we can get in the better.

Right Hon. Sir GEORGE E. FOSTER: The better for the lawyers.

Hon. Mr. CASGRAIN: The word "wilfully" has no meaning if you use the word "knowingly."

Hon Sir JAMES LOUGHEED: Then strike out "wilfully" and leave "knowingly."

The amendment of Hon. Sir James Lougheed was agreed to.

Sections 11, 12, 13 and 14 were agreed to.

Hon. Mr. PROUDFOOT: I would like to revert for a moment to section 7, which seems to place in the hands of the inspector a very wide authority, and possibly may place an individual or corporation in a very awkward position, because it says:

> The certificate of an inspector shall for the purposes of this Act be prima facie evidence in all courts of justice and elsewhere of any facts ascertained by him in the execution of his duty.

Hon. Mr. MURPHY: That is only prima facie.

Hon. Mr. PROUDFOOT: Yes, but the inspector need not necessarily be called as a witness, and it seems to me this section would place too great power in his hands, simply that his certificate is to be accepted as evidence in an action.

Hon. Mr. MURPHY: Not evidence—prima facie.

Hon. Mr. PROUDFOOT: It is evidence. If you make out a case you have a prima facie case made out, and you can recover judgment on it unless the other side show that your case is not well founded. I think the section should not stand as it is.

Right Hon. Sir GEORGE E. FOSTER: What does my honourable friend suggest? We must have some evidence, and it would seem to me that the proper evidence is to be given by the man who made the investigation and was the public official.

Hon. Mr. PROUDFOOT: Quite true, if that official were called as a witness; but why should a certificate of his be sufficient? If he is called as a witness and gives his evidence, he is subject to cross-examination; whereas, if he only puts in a certificate, the other side have had nothing to do with the making of it, and do not know what he may certify, yet it is evidence against them. The inspector should not be placed in a position different from that of any other witness; and if it is necessary to give evidence of what the inspector discovers, then the inspector should be called as a witness and the other side given an opportunity to cross-examine. I move that the clause be struck out.

Hon. Mr. BEIQUE: I think that this is very usual legislation. Take for instance joint stock companies. It is provided in the statute that the certificate of the secretary is prima facie evidence.

Hon. Mr. LYNCH-STAUNTON: Not in the courts.

Hon. Mr. BEIQUE: Of course, it is always permissible to cross-examine the party, but where is the necessity of having formal evidence entered in a suit if the suit is not contested? The mere filing of the certificate should answer the purpose. We have such a provision in a great number of statutes.

Hon. Mr. LYNCH-STAUNTON: I think the honourable gentleman miscomprehends the meaning of that. A person is charged with an offence under section 3. It says:

> Every person shall be guilty of an offence and liable on summary conviction to a penalty not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment, who—
>
> (a) imports, manufactures, stores, uses, sells or has in his possession any dangerous or unsafe matches.

An inspector goes down to a shop in Toronto. He comes back to Ottawa, and sends to Toronto a certificate that he has found unsafe matches. That certificate is used in the courts. The inspector is not called. The inspector may be entirely mistaken, and on being cross-examined might admit his mistake. He is not heard at all. Surely no man is to be convicted and deprived of his liberty on the certificate of an inspector who does not go into the witness-box. All those cases in which a certificate is accepted by the court are matters of formality; but certificates are not accepted unless notice is given to the opposite side in sufficient time to enable the opposition to compare the certificate with the original and ascertain whether it is right or not. Then, if it is found that the certificate is not right, notice is given to the person who filed it to produce the inspector, and he has to do so. But I do not think any legislation has ever been passed in this country allowing a man to be convicted on a certificate.

Hon. Mr. CASGRAIN: Will the honourable gentleman from Hamilton say that the defendant would not have the right to subpoena the inspector?

Hon. Mr. LYNCH-STAUNTON: He would have the right, but his trial is on before he knows that the certificate is going to be produced.

Hon. Mr. CASGRAIN: But would the trial go on without the defendant having a chance to subpoena his witness?

Hon. Mr. LYNCH-STAUNTON: Why should he have to subpoena the witness and pay the expense of bringing him to Toronto? It is a principle that no man shall be convicted unless he has a chance to face the witness. That is what he should do.

Hon. Mr. CASGRAIN: He has the chance. He can subpoena.

Hon. Mr. LYNCH-STAUNTON: Not at all.

Hon. Mr. MURPHY: What do you propose?

Hon. Mr. LYNCH-STAUNTON: Move that it be struck out.

Hon. Mr. PROUDFOOT: I move that the clause be struck out.

Hon. Mr. DANDURAND: I have not the Act before me; but I am informed that this is taken from the Explosives Act, which has a similar clause. The Bill was drafted by the Department of Justice, and I have just seen a statement from Mr. Newcombe that he was following the Explosives Act.

Hon. Mr. GORDON: I desire to express the same opinion as I expressed this morning about a different Bill: I consider that this is freak legislation. I can understand a manufacturer being subject to clause 3, but how is an innocent storekeeper going to get from under that clause? Who can tell by an eye examination whether a match is dangerous or not? If I buy a case of matches and store them somewhere, and an inspector comes along and decides that those matches are dangerous, I am penalized. It seems to me that there is only one place for legislation of that description, and that is the waste basket. It is ridiculous to put upon the statute book a law that would penalize innocent people for having in their possession something about which they know nothing, and cannot possibly know anything.

Hon. Mr. CASGRAIN: Since laymen are discussing laws, I may tell the honourable gentleman that that applies now in Montreal. There a man was arrested and had to pay a fine because he was selling beer of higher percentage than is allowed. He had his redress: he applied to the person who had sold him the beer. He sued him for the damages—passed them on. So the person in the case cited by the honourable gentleman from Nipissing (Hon. Mr. Gordon) would simply have to state: "I bought them from Eddy's", for instance, and then go and sue Eddy's.

Hon. Mr. MURPHY: I am entirely in accord with the remarks of the honourable member from Nipissing. I think that this is freak legislation. The whole Bill is a freak. As has been very well said by my honourable friend from Nipissing, if a man buys a case of matches he is liable to be penalized to the extent of $500. He may be an ordiniary country merchant. The whole Bill, hinging on that, is wrong and is unjust to the community, and after this amendment is disposed of I will move the six months hoist.

The proposed amendment of Hon. Mr. Proudfoot was negatived: yeas, 17; nays, 27.

Hon. Mr. MURPHY: For the reasons that I have just stated, I move that the Bill be not now read the second time, but that it be read this day six months.

The Hon. the CHAIRMAN: The motion is not in order. The honourable gentleman might move that the Committee rise.

Hon. Mr. MURPHY: I move that the Committee rise.

The motion was negatived.

Hon. Mr. CALDER: Mr. Chairman, before the Bill is reported it may be necessary to make a slight amendment of paragraph b, of the interpretation clause, owing to the change that was made in the section. It reads:

(b) "Inspector" means and includes any person who is directed by the Minister to perform any duties under this Act or any regulation made thereunder.

I think that should read:

(b) "Inspector" means and includes any person who is appointed to perform any duties under this Act or any regulation made thereunder.

Under section 5 as it originally stood the Minister could make the appointment. That provision is changed so that the appointment may be made in another manner. Section 5 read:

The Minister may direct or appoint officers of his Department, or any other person, to carry out the provisions of this Act and of the regulations made thereunder.

Hon. Mr. DANDURAND: I submit this situation to the honourable gentleman. The Insurance Department has an entire staff. The Minister may give the duties of inspection to some of the inspectors in the Insurance Department. Apparently he appoints no one, but purely and simply increases the duties of the inspectors in his Department and it seems to me that the expression fits the case:

"Inspector" means and includes any person who is directed by the Minister to perform any duties under this Act or any regulation made thereunder.

Hon. Mr. CALDER: It was not intended to make any new appointments?

Hon. Mr. CASGRAIN: No.

Hon. Mr. CALDER: Then it was not necessary to change section 5 except to strike out "or any other other person". If the clear intention was that the Minister should use for the purpose of performing any duties under this Act or any regulation made thereunder only officers who are already in the Department, then the amendment moved by the honourable gentleman from Grenville (Hon. Mr. Reid) is quite sufficient.

The Bill was reported.

CONSOLIDATED REVENUE AND AUDIT BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 57, an Act to amend the Consolidated Revenue and Audit Act.

He said: Honourable gentlemen, the first section of this Bill deals with the registry of bonds of deceased owners, and the manner in which the authenticity of the will may be ascertained before the transmission of such bonds is registered in the Finance Department. The second clause has for its object the closing of the accounts for the fiscal year on the 1st day of April, and the annulment of unused balances, in order that payments made after the 1st of April on obligations incurred prior to that date may be included in the succeeding year.

Hon. Sir JAMES LOUGHEED: It seems to me that my honourable friend has overlooked making a statement as to a long standing practice in Canada with reference to balances unexpended at the end of the fiscal year. For instance, Parliament makes an appropriation for a particular purpose, and a letter of credit may be issued based upon that appropriation, the assmuption being when the letter of credit is issued, that it will stand good for the absorption of the entire amount. Now, I observe that the effect of this Bill will be that immediately the 31st of March is reached the appropriation will lapse, and that may result in considerable embarrassment and complication, inasmuch as a fund may not be obtainable to meet the particular obligations until Parliament again meets. I can very well understand the desirability of all accounts being closed sharply on the 31st of March, so that all the statements may be concluded and made public; but it seems to me that, inasmuch as we have observed a certain practice for a long time —I fancy since Confederation—the proposal to cut off practically all unexpired balances merits some thought and consideration as to how we should meet the situation, particularly as Parliament invariably does not meet until the following January or February.

Hon. Mr. BELCOURT: Is not that covered by part of subsection 3 of the new section 50:

Provided—

That is, after the lapse has taken place—

—that the Governor in Council may, by order in council, direct that a new credit shall issue, terminable not more than two months after the end of the fiscal year, for an amount not exceeding the unexpended balance of any such appropriation for the purpose only of discharging any proper debt, or to meet any obligation properly incurred, which may be outstanding chargeable thereto.

Hon. Sir JAMES LOUGHEED: Has my honourable friend the section that we repealed—subsection 2 of section 53.

Hon. Mr. BELCOURT: I am reading the section which it is now proposed to substitute.

Hon. Sir JAMES LOUGHEED: By that section we are repealing subsection 2 of section 53 of the Act.

Hon. Mr. BELCOURT: And substituting what I am reading now. Does not that cover it?

Hon. Sir JAMES LOUGHEED: I am a little curious to know what the present law is on the subject.

Hon. Mr. BELCOURT: All payments made under the authority of such Order in Council shall be included in the accounts of the next following fiscal year, so I cannot see that my honourable friend is right

in anticipating that any danger might arise from the issuing of a letter of credit, for the moment it lapses the Governor in Council may revive it.

Hon. Mr. DANDURAND: I may give the explanation given by the Minister of Finance. He said:

Under our practice which has prevailed for a long time, while the fiscal year ends on the 31st of March, a month is allowed for the preparation of accounts, and then there is provision that a further allowance of time may be made which, I regret to say, is usually availed of. The consequence is that there is considerable delay in the preparation and ultimately in the publication of the accounts, and that acts upon the date upon which we are able to commence the business of Parliament. I think it would be very helpful if we could get the public accounts into better shape. We propose to adopt, therefore, the English system, which is that the accounts shall close on the 31st of March just as they are. Any balances of appropriations that have not been expended, or the paying out of which has not been authorized, will lapse; if there are any credits issued against which cheques have not been drawn, they, for the time, will lapse, but provision is made that such credits may be renewed and the expenditure charged against the expenditure of the following year. The great point is to give the officials authority to close the accounts on the 31st of March.

Hon. Sir JAMES LOUGHEED: Yes, but how would they be renewed?

Hon. Mr. BELCOURT: By Order in Council.

Hon. Sir JAMES LOUGHEED: Does my honourable friend read from subsection 3?

Hon. Mr. BELCOURT: Yes, of section 2—the 5th line.

Right Hon. Sir GEORGE E. FOSTER: As far as I can see, it simply makes a difference in the keeping of the accounts, and makes it possible to close the accounts promptly and sharply. We had them that way once; then we used to allow a month more, or maybe another month, so they would run probably three months. Now the accounts are to close on the 31st of March. There are payments yet to be made, and there are letters of credit issued. Those are renewed by Order in Council. A contractor does not have to wait until there is another Session of Parliament. The payments are made just regularly as under the old system.

Hon. Sir JAMES LOUGHEED: He will have to come within the two months.

Right Hon. Sir GEORGE E. FOSTER: That is long enough.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 57, an Act to amend the Consolidated Revenue and Audit Act.

Hon. Mr. Blain in the Chair.

On section 1—transmission of bonds registered in the name of persons dying domiciled abroad:

Hon. Sir JAMES LOUGHEED: I am not prepared to say that the criticism which I am about to advance need receive any very serious attention, but may I point out that in glancing over the Bill I find no provision for any disputation which may take place on any of the documents mentioned in the paragraphs a, b, and c. Let us assume that litigation has been started or that any doubt has been thrown upon the act of the testator or the deceased. The will is duly acted upon at once as to the registration of the bonds in question. It seems to me that there should be a lapse of time before the filing of the instruments referred to, so as to permit of the settlement of any doubt which may have arisen as between the instrument itself and the beneficiaries or those interested in the winding-up of the estate. For instance, if those bonds are handed over at once to the parties claiming to be the beneficiaries under any of these instruments, it would then be too late to dispute any rights which may be in question.

Hon. Mr. BELCOURT: Any question of that kind would arise in the courts to which application for probate has been made.

Hon. Sir JAMES LOUGHEED: Yes, but should not reasonable time be given for notice to reach the parties interested who may dispute the rights of those asserting them? Let us assume that a will has been proved, and that immediately probate takes place. The will is at once forwarded to the Department, and possession of the bonds is given to those who assert their rights under the will. There may be other parties interested.

Hon. Mr. BELCOURT: That is so, but those parties would know and they would notify the Department.

Hon. Sir JAMES LOUGHEED: Let us consider.

Authenticated copy of the probate of the will of the deceased owner, or of letters of administration of his estate.

It is very well known that letters of administration are frequently issued with-

out the court issuing them being seized of all the circumstances, and such letters are frequently withdrawn or cancelled and new letters issued to some one else.

Then, under paragraph b:

An authentic notarial copy of the will of the deceased owner, if such will is in notarial form according to the law of the province of Quebec.

Suppose that immediately a notarial copy of that is secured it is lodged in the Department of Finance and the bonds are handed over. The next day there may be some dispute as to the will or the rights of the persons asserting them.

Hon. Mr. BEIQUE: This is dealing only with Dominion securities. In the case of bonds belonging to an estate, the moment letters of administration are granted the administrator may pay them to the legatee. There is no delay for that, and it would not be practicable, I think, to provide for any delay. It is for those who have rights to assert them in time.

Hon. Mr. BELCOURT: They are presumed to know the law.

Hon. Sir JAMES LOUGHEED: Suppose they have no notice of the death for some two or three weeks.

Hon. Mr. BEIQUE: Take other bonds. We should not make a law which will work differently in the case of Government bonds than it does in the case of ordinary bonds or bank stocks.

Hon. Sir JAMES LOUGHEED: They would be recoverable, but here you practically place the cash in the hands of the parties interested.

Hon. Mr. BEIQUE: Take bonds and securities payable to bearer. The moment letters of administration are received, they may pass away from the estate. It is for the party who claims to have any rights to protect his rights. We should not make exceptional provisions with regard to Dominion securities.

Hon. Sir JAMES LOUGHEED: I do not agree entirely with my honourable friend from De Salaberry (Hon. Mr. Béique) because provision is made by which the bonds can be paid into court pending litigation or further investigation. But apparently, here, immediately the document is presented to the Minister of Finance, even though it represents $1,000,000, bonds which are equivalent to cash are handed over to the parties asserting their rights.

Hon. Mr. BELCOURT: Does my honourable friend mean that the protest of an interested legatee would not receive consideration at the hands of the Department, and that he would have no means of protecting himself as the holder of other securities might, by applying for an injunction?

Hon. Sir JAMES LOUGHEED: We are dealing with the Crown, and the Crown simply ignores the court. Again, the beneficiaries may have had no notice. They may have been out of the country at the time the death occurred; they may have been out of the country at the time the will was proved; they may have been out of the country at the time letters of administration were issued. It seems to me that some thirty days should elapse.

Hon. Mr. BELCOURT: I do not think that would be unreasonable.

Hon. Mr. DANDURAND: I draw the honourable gentleman's attention to the fact that the present enactment is simply for the purpose of stating what documents will justify the Department in transferring the stock. That is all the amendment is intended to cover. There may be regulations in the Department as to delay before acting upon those documents after they come in; but I take it for granted that the point raised by my honourable friend could not be dealt with under this clause. It simply states what documents will be accepted by the Department. Now, those documents may come from anywhere—Canada, England, Wales, the British Colonies; and I draw my honourable friend's attention to the fact that it generally takes a number of weeks for these documents to be in a state to be transferred to the Department of Finance. I am quite sure that if we asked the Deputy Minister what is the practice, we would find that the certificate of death and the will very seldom reach the Department duly authenticated within thirty days of the death.

Section 1 was agreed to.

Sections 2 and 3 were agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

Bill 57, an Act to amend the Consolidated Revenue and Audit Act.—Hon. Mr. Dandurand.

FISHERIES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 70, an Act to amend the Fisheries Act, 1914.

He said: The object of this Bill is to provide for proper protection of our salmon and lobster fisheries. Both these fisheries are conducted beyond as well as within our territorial waters, and if the regulations are not applied in both areas it would be impossible to prevent depletion of these fisheries.

There is nothing new in the principle of the Bill. It has always been the practice to regard the regulations for these fisheries as applying whether fishing was being carried on inside or outside territorial waters. Up to the moment there has been no attempt to violate the intention of the law; but recently it developed that there is danger of contravention of the intention of our salmon fishery regulations in British Columbia by certain persons undertaking to fish for salmon outside our territorial waters in defiance of the license requirement. As a matter of fact, the lobster fishery regulations have for years contained such a provision, and the British Columbia regulations have recently had such a condition incorporated in them. The Department of Justice, however, is of opinion that in a matter of this kind legislation is desirable. On the Pacific coast licenses are required on the United States side by their fishermen whether they operate inside or outside their territorial waters. There is an Order in Council dated October 26, 1918, which says that no one shall engage in lobster fishing nor shall any one leave any port or place in Canada to fish for lobster either inside or outside territorial waters in Canada, excepting under license from the Minister of Naval Service. The fee on such license shall be 25 cents. The opinion has been expressed that there was not sufficient authority vested in the Department to make that regulation, and the principal object of this amendment is to confirm that regulation by what should have been in the Act at first, by having a similar clause in the Bill.

Right Hon. Sir GEORGE E. FOSTER: This goes no further?

Hon. Mr. DANDURAND: That is the whole object of the Act.

Hon. Mr. DANIEL: What is the object of this legislation? Is it for statistical purposes, for revenue, or what?

Hon. Mr. DANDURAND: It is to protect the fisheries, and to see that no one goes outside the three-mile limit without being licensed to do salmon fishing.

Hon. Mr. DANIEL: Why should not a fisherman go outside the three-mile limit to fish if he wants to? What is the object?

Hon. Mr. DANDURAND: It is to protect the salmon industry.

Hon. Mr. GIRROIR: I suppose that the United States has similar provisions. There is no reason why Canadians should be kept within the three-mile limit unless we have international regulations.

Hon. Mr. DANDURAND: I do not know what is the law in the United States. I find here a statement from the Department which may be of some interest:

> Our great difficulty is on the Pacific Coast, where we are limiting the number of licenses to Orientals. Outside the three-mile limit are buying-boats from the United States, so that it would be almost impossible for us to prove intent on the part of a boat leaving a place in Canada to fish outside. She could even leave her equipment with the buying-boat and show no appearance of being prepared to fish for salmon or having fished for salmon when in territorial waters. Just yesterday a telegram was received from the Chief Inspector stating that he had seized 17 Japanese boats for fishing without licenses, presumably outside territorial waters, and explaining that the Japanese fishermen had raised a large sum of money and were employing the best counsel they could get in British Columbia to defend them, so that the matter is likely to be in the courts on the strength of our existing regulation.

As the regulation does not seem to be founded on the terms of the Act this amendment is for the purpose of confirming that regulation.

Hon. Sir JAMES LOUGHEED: May I ask my honourable friend what authority the Parliament of Canada has to issue licenses in extra-territorial waters?

Hon. Mr. BELCOURT: Or to endeavour to prevent fishing there?

Hon. Sir JAMES LOUGHEED: Yes, or to endeavour to prevent fishing. I fancy the offence really means departing from or coming into a Canadian port. I can very well understand our stretching our jurisdiction to making this an offence. The issue of licenses to fish in extra-territorial waters seems to me to be something entirely beyond our jurisdiction. When aeronautics became an important subject there was a serious discussion about our having the British North America Act amended so as to give Canada extra-territorial jurisdiction.

Hon. Mr. BELCOURT: There was a Bill presented, too.

Hon. Sir JAMES LOUGHEED: I think steps were taken in that direction.

Hon. Mr. BELCOURT: Was not a Bill presented?

Hon. Sir JAMES LOUGHEED: I was about to ask my honourable friend whether he is familiar with what had become of the subject we had taken up at that time. I know it was seriously pointed out that we could not engage in the matter of adopting regulations of an effective character for aeronautics unless that extra-territorial jurisdiction was granted to us under Imperial legislation. Owing to our national status, we have not inherently that authority.

Hon. Mr. BELCOURT: I have asked the Clerk of the House if he could find any trace either of a Bill or an Act of that kind. I have been looking for it, but I cannot find it.

Hon. Sir JAMES LOUGHEED: I think there was an international convention that dealt with the entire subject of establishing and defining lanes in mid-air for those purposes; and I think the question arose out of the subject which was presented and discussed in that convention.

Hon. Mr. BELCOURT: I have a clear recollection of some measure being submitted to the House for the purpose of giving extra-territorial effect to our legislation, but what became of the Bill I cannot remember.

Hon. Mr. GIRROIR: In any case it only applied to Canadian subjects. You could not pass legislation to prevent an American, say, from fishing outside the three-mile limit.

Hon. Mr. BELCOURT: No.

Hon. Mr. DANDURAND: The Act attempts to control the fishing outside as well as inside the three-mile limit. The jurisdiction of Canada does not go beyond the three-mile limit; but power is taken to impose upon Canadians the obligation of taking out licenses when they start on fishing expeditions, whether inside or outside, with the intention of fishing for salmon or herring; so that the preparation for fishing outside begins at home—within the three-mile limit. In order to bring anyone under this Act, for violation of its provisions, of course the Crown would have to establish that he had committed the offence of fishing, either inside or outside, without a license so honourable gentlemen will notice that the Act is in these terms:

67a. (1) Every person shall be guilty of an offence, and shall incur therefor a penalty of not less than twenty-five dollars and of not more than one thousand dollars, recoverable with costs upon summary conviction, who at any time, except under license from the Minister,

(a) with intent to fish for salmon or lobsters or to cause any other person to fish for salmon or lobsters in the sea beyond the territorial waters of Canada, leaves or departs from any port or place in Canada or causes any other person to leave or depart from any port or place in Canada for the purpose of such fishing; or,

(b) knowingly brings into Canada any salmon or lobsters taken or caught in the sea beyond the territorial waters of Canada, or any vessel, boat, gear or equipment used either in the taking or catching thereof or for the purpose of taking or catching salmon or lobsters in the sea beyond the territorial waters of Canada.

Then, if honourable gentlemen will look at subsection 2 they will see that—

(2) Failure to produce a licence issued pursuant to the provisions of The Fisheries Act, 1914, or any regulation made thereunder, shall be deemed prima facie evidence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section.

So that if a fisherman has gone on fishing salmon or lobster, whether outside the three-mile limit or inside, when he returns, if he has not in hand a license, he has violated this Act. Of course, if he goes out and comes back with salmon or lobster the case is clear. The first section only speaks of his leaving with intent to fish for salmon or lobster, or to cause another to fish for salmon or lobster in the sea beyond the territorial waters of Canada, or leaving or departing from any port in Canada; so that even if he comes back without any fish, without any lobster or salmon, he will be deemed to have violated the law of Canada, because he has no license. He may have gone beyond the three-mile limit and fished for salmon and lobster, and transferred to an American buyer lying in wait.

Hon. Mr. GIRROIR: The offence is the leaving, not the fishing. You cannot penalize anybody for fishing, but they are penalized for leaving or departing from any place in Canada for the purpose of fishing, or for bringing up any lobster, or salmon. I think that clears up the question of jurisdiction.

Hon. Mr. BELCOURT: The offence is committed entirely on Canadian territory: it is the departure from a port with the intent of fishing that makes the offence. Of

course, you have to prove the intent, and you may do that in different ways—by a declaration, or by the kind of preparations the man is making, or by the fisherman coming back with salmon or lobster. But I do not quite understand why the offence is limited to fishing outside of the territorial waters of Canada. It seems to me that the section should cover any offence of that kind committed within the three-mile limit as well as outside.

Hon. Mr. DANDURAND: I think my honourable friend will find that the fishing within the three-mile limit has been provided for under other clauses.

Hon. Mr. BRADBURY: It seems to me that this is discrimination against Canadian fishermen. This matter of the regulation of salmon fishing has been under discussion for years on the Pacific coast, and the Fisheries Department, time after time, has had different Commissions, and there have been international Commissions. Now, if this legislation passes, and a Canadian fisherman would get outside the three-mile limit—

Hon. Mr. BELCOURT: There is no discrimination; he can do that if he gets a license.

Hon. Mr. BRADBURY: He can take a license to fish outside the three-mile limit?

Hon. Mr. BELCOURT: No; he can take a license and depart, and can fish outside the three-mile limit.

Hon. Sir JAMES LOUGHEED: I might point out that we have always had to strain our public imagination, so to speak, in order to assume jurisdiction to deal with cases of this kind. The question of extra-territorial jurisdiction has always been more or less difficult, and my recollection went back to a clause dealing with bigamy in respect of a marriage entered into outside of Canada. Apparently the Parliament of Canada had to legislate as follows to get over that difficulty:

> No person shall be liable to be convicted of bigamy in respect of having gone through the form of marriage in a place not in Canada, unless such person, being a British subject resident in Canada, leaves Canada with intent to go through such form of marriage.

That is to say, our jurisdiction would extend only to residents of Canada, and then apparently it would be essential to the offence that there was an intent at the time the parties left Canada to commit the offence charged.

Hon. Mr. ROCHE: I am not an expert on fishing, but I would like to ask somebody who is expert whether anybody would go outside the three-mile limit to fish for lobsters, and, if he did so, whether he would catch any.

Hon. Mr. DANDURAND: The honourable gentleman from Manitoba (Hon. Mr. Bradbury) asked if this was not discriminating against Canadians. The question prompts me to inform him that a very large part of this trade on the western coast is in the hands of foreigners, and it is in order to try to reach them and cope with their activity, and have them obey the laws, that this Bill has been submitted. An attempt was made in 1918 by an Order in Council to cover this case, but it is deemed necessary to have an amendment to the Act.

Hon. Mr. BELCOURT: My honourable friend has not answered the point I raised, which I think is of considerable importance: why limit the offence to the intent of fishing beyond the territorial limit? Why would it not equally, and perhaps more, be an offence to do so within the territorial limit?

Hon. Mr. DANDURAND: There are proscriptions in the Act that cover fishing within the three-mile limit.

Hon. Mr. GIRROIR: Fishing within the three-mile limit is all regulated by the Fisheries Act: no fisherman can fish without a license.

Hon. Mr. BELCOURT: But I am not satisfied as regards that. Apparently this is a new offence, altogether outside the provisions of the Fisheries Act. Why exclude a Canadian in Canadian territory from the operation of this amendment?

Hon. Mr. DANDURAND: But this amendment does not cover the same ground at all; it simply covers extra-territorial waters, and apparently it has no other purpose.

Hon. Mr. GIRROIR: The Fisheries Act says that no person can fish for lobsters without a license. That covers the three-mile limit. That Act legislates in regard to fishing. There is a definition in this Act legislating against preparation for fishing, or bringing into Canada fish from beyond territorial waters without a license. You could not regulate fishing outside of territorial waters, and so this Act covers that ground.

Hon. Mr. BRADBURY: I suppose the intention is to limit to some extent those

who secure licenses, and I can see that if legislation is passed in that way it will be a great protection to our Canadian fishermen as against foreigners.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Stanfield in the Chair.

The Bill was reported without amendment.

THIRD READING

On motion of Hon. Mr. Dandurand, Bill 70, an Act to amend The Fisheries Act, 1914, was read the third time and passed.

BANKRUPTCY BILL

SECOND READING

Hon. Mr. BEIQUE (for Hon. Mr. Dandurand) moved the second reading of Bill 107, an Act to amend the Bankruptcy Act.

He said: This Bill does not contain any new principle; it merely adds some new acts of bankruptcy. In the Act as it stands there is nothing to cover such acts of bankruptcy. The only case covered is inability to meet liabilities at maturity, and it is intended by this Bill to extend the number of those acts. Otherwise the Bill will facilitate the working of the Bankruptcy Act. I therefore move the second reading of the Bill.

Hon. Mr. GORDON: Might I ask whether the reference in section 3 to old section 30 will have any effect on advances made under section 88.

Hon. Mr. BEIQUE: It was intended, when the Act was passed in 1919, to protect the assignment of debts, provided it was made known by registration. Under the Act there have been fluctuating decisions between the East and West as to whether all the goods were affected by the Bill, and it is intended to make the practice uniform. I will explain the Bill in detail when we go into Committee.

Hon. Mr. REID: As I interpret this Bill, it means that if a person should go into insolvency under the Winding-up Act, that Act would apply instead of the Bankruptcy Act. That would be the interpretation I would place on it. Now, I have had a little experience in one case under the Winding-up Act, and my experience is that if a person goes into insolvency under the Winding-up Act, and there is an estate, by the time it is wound up the lawyers have all the money and the creditors have nothing. Now, we have the Bankruptcy Act, and I would like some lawyer to interpret this clause. Does this amendment mean that if a person assigned under the Winding-up Act, the bankruptcy proceedings would then go on, or could the whole winding up of the estate be done under the Winding-up Act as well as if it had been under the Bankruptcy Act?

Hon. Mr. BEIQUE: The honourable gentleman will find, if he refers to the Statutes of 1920, that there was added a provision bearing on that point. I will read a portion of it:

> And where the debtor is a corporation as defined by this section, the Winding-up Act, chapter one hundred and forty-four of the Revised Statutes of Canada, 1906, shall not, except by leave of the Court, extend or apply to it notwithstanding anything in that Act contained, but all proceedings instituted under that Act before this Act comes into force or afterwards, by leave of the Court, may and shall be as lawfully and effectually continued under that Act as if the provisions of this paragraph had not been made.

Therefore, by virtue of that provision, the Insolvency Act does not apply to corporations. If they are insolvent the liquidation takes place under the Winding-up Act, unless the judge directs otherwise. That is the law as passed in 1920.

The object of the present Bill is not to change that, but merely to provide for cases of joint stock companies which in the past were in liquidation, and to permit the judge to direct that such companies as were in liquidation before the passing of the Act be wound up under the Insolvency Act. It gives retroactive effect to the Act in that respect, applying to the winding up of such companies the same provisions as mentioned in this Act.

Hon. Mr. LYNCH-STAUNTON: Take a concrete case. A company begins to-morrow to be wound up under the Bankruptcy Act. Do I understand the honourable gentleman to say that this does not allow it to be taken from under the Bankruptcy Act and put under the Winding-up Act? I think that is exactly what it does. I think it nullifies, so far as a company is concerned, all the Bankruptcy Act law. That is clearly what is intended. It is, in effect, a repeal of the section the honourable gentleman has read.

Hon. Mr. BEIQUE: But the amendment is not intended to change the law.

Hon. Mr. LYNCH-STAUNTON: Yes.

Hon. Mr. BEIQUE: When we go into Committee we can consider whether or not it is advisable to amend the law as passed in 1920; but the amendment as presented in the Bill is not intended to change the law at all; it is merely intended to apply to companies which are already in liquidation this provision of the Act of 1920. That is the whole purport of the amendment as printed in the Bill. However, we can take up that question when the Bill is in Committee.

Hon. Mr. LYNCH-STAUNTON: I would recommend that we send this Bill to a special committee. It is a very important matter to interfere with an Act which has been so thoroughly considered as this has, and clause 4 is one that should be threshed out very carefully. I think the clause that we have now under consideration, section 2, will have this effect, that any person may apply to the Court to take any company out of the Bankruptcy Act altogether, and put it under the Winding-up Act. That would be a disastrous thing, because there is no end to proceedings under the Winding-up Act, and every person who is desirous of having the bankruptcy proceedings protracted will do his best to get them under the Winding-up Act, where the costs are unlimited and there is no object in hastening the closing of the affair. I ask that honourable gentlemen send this to a special committee, so that we may thoroughly understand it.

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

Hon. Mr. BEIQUE: I have no objection to the Bill being referred to a special committee, or the Committee on Banking and Commerce might deal with it.

Hon. Mr. LYNCH-STAUNTON: All right.

Hon. Mr. DANDURAND: I intend, honourable gentlemen, moving that the Loan Companies' Act, the Insurance Act Amendment, and the Trust Act Amendment be referred to the Committee on Banking and Commerce. So we may have to give that Committee part of a day and perhaps an evening to examine these Bills. It will be time well spent.

Hon. Mr. LYNCH-STAUNTON: Yes.

Hon. Mr. DANDURAND: Because the work can be done more satisfactorily around the table than in a general discussion here.

On motion of Hon. Mr. Beique, the Bill was referred to the Committee on Banking and Commerce.

OPIUM AND NARCOTIC DRUG BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 137, an Act to amend the Opium and Narcotic Drug Act.

He said: Honourable gentlemen, we heard to-day a statement as to the danger of the development of the sale of opium and narcotics throughout this country. There are two classes of dealers in these noxious drugs, the licensed and the unlicensed. The unlicensed may be subdivided into two classes. There are those who are legally authorized to sell without a license, namely, the doctors, veterinary surgeons, and druggists. The doctors can sell only for medicinal purposes; likewise the veterinary surgeons and the dentists; and the druggists can dispense such drugs only under prescription or written order from the doctor and the veterinary surgeon. I said there were two classes of dealers, the licensed and the unlicensed. The purpose of this Bill is to reach the unlicensed, illegal traffickers who sell to minors. There are some who do not sell to minors. The penalty prescribed is fine and imprisonment. It used to be fine or imprisonment.

An additional clause has been suggested, and the other Chamber has accepted it: if the culprits are aliens they shall be deported, and all persons selling to minors may be lashed. Such persons shall be given a summary trial, and there shall be no appeal on fact. But, in declaring that there shall be no appeal on fact, the Bill contains an error made unintentionally by covering an appeal on questions of law. I will move to restore the right of appeal on questions of law by an amendment to the Bill when we go into Committee.

Hon. Mr. DANIEL: I have read over this Bill and personally I approve of it, with one exception, and that is an exception that I took to the same measure when it was brought before us the last time. If the honourable leader of the Government will look at section 3 he will find this provision:

> Any constable or other peace officer who has reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to this Act, in any dwelling-house, store, shop, warehouse,—
>
> And various other places—
>
> —may search by day or night any such place for such drug....

When this clause came up before I objected to the inclusion of a dwelling-house. I did not think it was right to authorize any constable by law to break into a man's house at any time of day or night on the plea that he might find some opium or cocaine in that house. The provision, I think, is rather too serious to allow it to pass in its present form, and when the Bill goes to Committee I intend moving that "dwelling-house" be stricken out of the section. There is no difficulty about a constable getting a search warrant for any of these cases, and I cannot see any reason why he should have to break into an ordinary dwelling-house in the middle of the night, or why persons should be liable to be waked up by having their house entered by a constable whether he has or has not reasonable grounds for going there. I do not know whom the constable would have to convince that he had reasonable grounds: the section does not say. The probability is that all he would have to give as an excuse is: "Well, I thought that perhaps there might be something in there." If the search could not be done by day as well as by night the clause would not be so objectionable, but for an officer to have the right to enter anybody's house at any time in the twenty-four hours, without the parties living in the house having anything except his bare word to assure them that this man was really a peace officer or constable, means that there is nothing to prevent a man who wanted to burglarize the house from impersonating a peace officer, breaking into the house in the middle of the night, and going through it on the plea that he was searching for drugs. I do not think that that should be allowed. I quite approve of everything possible being done in the way of putting an end to the illicit sale of narcotic drugs and doing away with all the effects. I quite appreciate the very bad results that follow everywhere in the wake of such sale, and I am desirous of doing anything possible to end that; but I think we should draw the line somewhere. I know that the people following that pursuit are what might be called outlaws; they are in a way perhaps outside the law; but the public are not outlaws, and under this section the public are treated as if they were. That is what I object to.

Hon. Mr. WILLOUGHBY: My objection to this Bill is to subsection 2 of section 2, which does away with the right of appeal. There are three classes of people dealt with. The case of a person who sells or gives drugs to a minor comes before a court on an indictment. I have no objection to that. That is perfectly proper. But in this subsection there is a provision which states that any person dealing in drugs,

> —shall be guilty of a criminal offence and shall be liable upon indictment to imprisonment for any term not exceeding seven years, or upon summary conviction to a fine not exceeding one thousand dollars and costs and not less than two hundred dollars and costs, and to imprisonment for any term not exceeding eighteen months and not less than six months.

And in addition the judge may order a whipping. I have no objection to any Act to tighten up on the traffic in narcotic drugs. I think the people on the Pacific coast are the ones who are more particularly affected by this Act. But you have done a most radical thing in taking away the right of appeal, and I think that provision is most objectionable. I will give you a concrete case. I know of a city in Saskatchewan where the city police and the Mounted Police were not acting in very great harmony. The enforcement of the Narcotic Drug Act was there, as I suppose it is all over Canada, under the control of the Mounted Police. They had a Chinaman who was really acting as a stool-pigeon and informer for them. The city police wanted to get that man. This stool-pigeon of the Mounted Police was arrested in his own house, and was convicted by a magistrate of having opium in his possession. He protested his absolute innocence, and the Mounted Police always contended that he was innocent and improperly convicted. He appealed to the District Court Judge, who held that "a plant had been put up on him by someone," and acquitted him. That may be an extreme case, but even a Chinaman has as much right to have his liberty protected as anyone else. It is because of the extreme penalties that are allowed to be given by a magistrate, without the right of appeal, that I take objection. You will find nothing in the Criminal Code enabling a magistrate to impose such extreme penalties without the right of appeal.

Hon. Mr. DANDURAND: What about other prohibitory laws?

Hon. Mr. WILLOUGHBY: I do not know of any as severe as that. Under the Liquor Act the right of appeal is taken away in certain cases, but the punishment is not anything like as severe as this, and whipping is not possible. I am not objecting to a man being whipped if he has been found guilty and his conviction has

been sustained upon appeal. I do not want to make any improper reflections upon the judicature of Canada—I do not mean the Superior Court and County Court benches—but every one knows that there are police magistrates, and other people who exercise the power of police magistrates, two justices of the peace sitting together, who adjudicate on cases in a way that does not at all satisfy the legal profession or the public, and I say this is giving them an absolutely unheard of power. I suggest that the leader of the Government ought to reconsider this portion of the Bill.

Hon. Mr. DANDURAND: Perhaps it would be illuminating to honourable gentlemen who think the provisions of the Bill somewhat severe to know the extent of the practices that fall under the penalty clause of the Act as it stands on the statute book to-day. I have some statistics that I will read to the House.

The total convictions under the Opium and Narcotic Drug Act for the year ending December 31st are as follows: Nova Scotia, 2; New Brunswick, 29; Quebec, 332 males, 20 females; Ontario, 306 males, 6 females; Manitoba, 23 males, 13 females; Saskatchewan, 162 males, 8 females; Alberta, 147 males, 15 females; British Columbia, 764 males, 37 females. That is a total of 1,864. 1,572 out of those 1,864 were fined; 202 were convicted without the option of a fine, and 90 received deferred sentence.

Now I will give the figures by races: British American, 468; French,—that, I suppose is a French extraction—138; Russian, 10; German, 1; Austrian, 1; Italian, 11; Norwegian, 1; Spanish, 2; Jewish, 20; Chinese, 1,211 and Japanese, 1.

For being in possession of opium there were 140 sentences imposed: cocaine, 35; morphine, 13; drugs not specified, 162. There were 104 convictions for smoking opium; for selling narcotic drugs, 72; for dispensing narcotic drugs, 3; keeping opium dens, 69; frequenting opium dens, 260.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 137, an Act to amend the Opium and Narcotic Drug Act.

Hon. Mr. Taylor in the Chair.

Hon. Mr. DANDURAND: I ask that Mr. Cowan of the Department may come within the House.

On section 1—dealing in drugs:

Hon. Sir JAMES LOUGHEED: Can my honourable friend say what those particular drugs are?

Hon. Mr. DANDURAND: Cocaine or any salts or compounds thereof; morphine or any salts or compounds thereof; opium or its preparations, or any opium alkaloids, or derivitives or salts, or preparations of opium alkaloids or their derivitives; eucaine, or any salts or compounds thereof.

Hon. Sir JAMES LOUGHEED: I should like to know what restrictions are placed upon the importation of these products into Canada. While I cannot speak with authority on the subject, it seems to me that the evil very largely lies in the almost indiscriminate importation of these drugs.

Hon. Mr. DANDURAND: They are imported under individual licenses for each shipment.

Hon. Sir JAMES LOUGHEED: That seems to me to be subject to criticism. We are practically dealing in a general licensing system for these drugs instead of the Government taking over to itself the entire power, as it should, particularly when such devastation is sweeping across Canada as the growth of the abuse of these drugs. So long as the Government will issue licenses to those who choose to make application to bring them in, so long shall we be confronted with the evils we are legislating against Session after Session.

Hon. Mr. BELCOURT: Is there any limit to these licenses?

Hon. Sir JAMES LOUGHEED: That is what I should like to find out, because this evil should be stricken at its source instead of these drugs being permitted in the country under a licensing system. Under our own system we should entirely control the regulation; then the Government would be responsible, and could exercise proper restrictions.

Hon. Mr. DANDURAND: I am informed that the importation has been completely controlled, with the exception of the illicit importation.

Hon. Sir JAMES LOUGHEED: How is it controlled?

Hon. Mr. DANDURAND: Under the form of license issued the following results have been obtained. The importation of cocaine in 1919 were 12,333 ounces.

Hon. Sir JAMES LOUGHEED: Brought in by how many persons? That is the main thing.

Hon. Mr. DANDURAND: I cannot tell my honourable friend at the moment, but if the honourable gentleman will listen to these figures, as to importation, I think he will be quite satisfied with the results obtained:

Cocaine, 12,333 ounces in 1919; 6,968 ounces in 1920; 3,310 ounces in 1921; and for the fiscal year ending 1922 the figures are still further cut down to 2,952 ounces. My honourable friend will from that see that there has been a drop from 1919 to 1922 of from 12,333 ounces to 2,952 ounces.

Hon. Sir JAMES LOUGHEED: Is this cutting down due to the act of the Government or is it due to a less consumption of the drug?

Hon. Mr. DANDURAND: The Department insists upon the reduction.

Now, I take the importation of morphine. In 1919 there were 30,087 ounces; in 1920, 28,128 ounces; in 1921, 12,124 ounces; for the year ending 1922, 8,774 ounces.

Crude opium imported in 1919 amounted to 34,263 pounds; in 1920 to 13,626 pounds; in 1921 to 2,953 pounds; in 1922, to 1,700 pounds.

From these figures honourable gentlemen will see what a drop there has been since 1919.

Hon. Sir JAMES LOUGHEED: Would my honourable friend favour the House by telling us what system of supervision is exercised by the Department in controlling the importation of all drugs?

Hon. Mr. DANDURAND: A statement is exacted from the applicant showing the need for this drug in Canada, or in the district. The Department must be satisfied that there is a legitimate demand for the entry of the drugs that are asked for under the license which is sought.

Hon. Mr. GIRROIR: I suppose what they actually do in practice is to take a district and make an allowance for that district. When they have come up to that allowance, then they issue no more licenses. Is that it?

Hon. Mr. DANDURAND: The Department watches over the requirements of the trade, and must be satisfied before issuing a license that it is necessary at the moment to import the amount asked for.

Hon. Mr. SCHAFFNER: I understood the honourable gentleman to state that less drugs were being imported from year to year.

Hon. Mr. DANDURAND: Through legitimate channels.

Hon. Mr. SCHAFFNER: Yes, in a legal manner. The fact is, nevertheless, that the practice of using these drugs and the amount used from the Atlantic to the Pacific is increasing enormously every year. It should be ascertained how this large importation of drugs is being carried on. There is no question that the use of narcotic drugs in Canada is increasing to a very large extent.

Hon. Mr. DANDURAND: I am informed that last year drugs to the value of about $250,000 were seized. It is very difficult to discover the illicit entry and use of those drugs, but the legislation which is now before us has for its purpose the curbing of this trade.

Hon. Mr. REID: I would like the honourable gentleman to tell me the rate of duty on morphine and cocaine previous to 1919, and what it is now?

Hon. Mr. DANDURAND: Fifteen per cent preferential, and 17½ per cent general tariff.

Hon. Mr. REID: I would like to know if there has been any tariff change since 1917?

Hon. Mr. DANDURAND: No.

Hon. Mr. BENNETT: Are the importers mainly wholesale druggists, or people specially and only dealing in these narcotics?

Hon. Mr. DANDURAND: Very few retailers have obtained licenses; they are generally wholesale druggists or manufacturers' agents.

Hon. Mr. BELCOURT: What happens in the case of an individual asking for a license for himself?

Hon. Mr. DANDURAND: There are four classes of individuals that can import —doctors, dentists, and veterinary surgeons, under license, and the others.

Hon. Sir JAMES LOUGHEED: Can my honourable friend say in what way other nations or states or governments control the importation of these drugs?

Hon. Mr. DANDURAND: The United States now are simply working to obtain data as to the amount required for legitimate purposes, and they are working upon regulations, but they are far less advanced than we are.

Hon. Mr. BEIQUE: I think the suggestion made by the honourable leader on the other side of the House is in the right direction—that the best way, if practicable, would be for the Government to take a monopoly of the sale of that class of goods. Of course, I can easily imagine that that may not be practicable. It might require the opening of too many agencies for the purpose; but we may have to come to that. It would surely be the best means.

Hon. Mr. CALDER: I might say that last year the Government had under consideration, and I still think they should consider, the advisability of taking over a monopoly of importing these narcotic drugs. It is an exceedingly difficult law to administer. I can imagine that one reason for the falling off in the quantities brought in legitimately is that which has been pointed out—that the law has been very well administered during the last two or three years. On the other hand, I rather incline to believe the statement made by one honourable gentleman behind me, that there is just as large a quantity of these drugs coming in illegally today as there was under the old law, and probably more. But under the law as now administered every one who is given a license to import these drugs is required to show how he disposes of every ounce: he must show that very clearly; and following up that provision in the law the quantity imported legally has been very well traced. But, although the law as it now stands is very well administered, the Government might consider the question of taking into their own hands all importations. These articles are different from others, and I think, in the interests of the state and of our citizens generally, no harm could be done if the Government had a monopoly of that kind.

Hon. Mr. BEIQUE: I would like to inquire if there is any provision to penalize druggists who purchase otherwise than from the licensed importer? If there is nothing in the law we should have something to cover that.

Hon. Mr. DANDURAND: Every licensee is obliged to make a monthly return of what he has, and the amount that has been imported is followed from week to week, and the Department is absolutely au fait as to what there is in the hands of the licensees; but the difficulty is to trace what comes in illegally. We had comments upon the difficulty of preventing liquor from flowing into one province from another. Here we are facing the importation of a drug which comes in much smaller volume, and the difficulty is not only to prevent that illicit importation, but to follow it. The Dominion Police has been very active in helping the Department in the administration of this law.

Right Hon. Sir GEORGE E. FOSTER: As a matter of fact, how many individual licenses are there in Canada?

Hon. Mr. DANDURAND: The licenses issued last year were as follows: For importation, 186; for export, 34; for wholesale druggists, 112; for retail druggists licensed to manufacture, 57.

Hon. Mr. BEIQUE: The honourable gentleman has not answered my question. I suggest that the best way would be to penalize any druggist who buys any of those goods except from licensed importers.

Hon. Sir JAMES LOUGHEED: Ostensibly that is the only source from which he can get the goods.

Hon. Mr. BEIQUE: But what is illegally imported is sold to the druggist. Evidently it cannot be sold to anybody else.

Hon. Sir JAMES LOUGHEED: It is all brought in illicitly.

Hon. Mr. BEIQUE: It is peddled to doctors.

Hon. Sir JAMES LOUGHEED: Oh, no, it is the operators that we are trying to get at.

Hon. Mr. DANDURAND: If a druggist buys it illegally, he is violating the law, and he hides it. If he buys it regularly, he is obliged to keep a record of what he does buy, and if he fails to do so he is liable, upon summary conviction, to a fine not exceeding $1,000 and costs, or imprisonment for one year.

Hon. Mr. SCHAFFNER: He must also keep a record of all the sales.

Hon. Mr. BELCOURT: Are there any limits as to the ports of entry for that drug?

Hon. Mr. DANDURAND: By Order in Council of the 2nd of May, 1920, it is decreed that any drug or drugs mentioned in the schedule to the Act may be imported or entered at any of the following Canadian customs ports:—St. John, N.B.; Halifax, N.S.; Quebec, Q.; Montreal, Q.; Ottawa, Kingston, Toronto, Hamilton, Windsor, Walkerville, London, Ont; Winnipeg, Man., Regina, Sask.; Calgary, Alta.; Vancouver and Victoria, B.C. It shall be unlawful to import or enter any of those drugs through any other port or place in Canada.

Hon. Sir JAMES LOUGHEED: Has the Department attempted to estimate the proportion of illicit drugs to those legitimately imported?

Hon. Mr. DANDURAND: It is impossible to estimate, but there is an impression in the Department that as much comes in illicitly as legitimately.

Hon. Mr. GIRROIR: I point out what I think is a difficulty in the recording of sales, which are made on prescription. I think the party who buys drugs buys them on prescription issued by a doctor. He may do that in the name of the party who actually gets the drug, and put his own name in the prescription. Then the party goes to the druggist with the prescription and takes the drug out, but there is no record as to the party to whom the druggist sold the drug. The retail druggist keeps the prescription on file, and any police officer can go to the drug store and examine his books, and examine the prescription if it is there; but there is nothing on the prescription to show who got the drug.

Hon. Mr. DANDURAND: The druggist has to keep a record of his sales showing the date of sale, the quantity, the name of the drug, the form in which it was sold, the name of the purchaser, the profession of the purchaser, the address of the purchaser, and, when given on prescription, the name and address of the physician, veterinary surgeon, or dentist, and the signature of the person making the entry.

Hon. Mr. GIRROIR: I was not aware of that; but I know that that part of the Act is not enforced, because within a few months a search was made of the records in Ottawa in a certain store in connection with a matter in which I was specially engaged, and, although the prescription was found all right, and the doctor's name was on the prescription, there was absolutely no record of the party to whom the drug was sold, and no way of proving to whom it was sold, and as a matter of fact it was not a doctor who got it at all. We knew that, but we could not prove it.

Hon. Mr. DANDURAND: There are inspectors who go the rounds of the licensees, and of course there will be defaulters in that business as elsewhere. There were 11 prosecutions last year on that charge.

Hon. Mr. BENNETT: What disposition is made of any goods seized and taken from smugglers?

Hon. Mr. DANDURAND: Everything which is found unadulterated is sold by tender to the licensees; the others are destroyed.

Sections 1 and 2 were agreed to.

On section 3—power of police officer to search for drugs:

Hon. Mr. DANIEL: I would ask for a reading of the original section 7 which this section proposes to repeal.

Hon. Mr. DANDURAND: Section 7 of the present Act is as follows:

> If it be proved upon oath before any magistrate that there is reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to this Act in any dwelling-house, store, shop, warehouse, outhouse, garden, yard, vessels or other place, such magistrate may grant a warrant to search by day or night any such place for such drug, and if such drug is there found, to bring it before him.

Hon. Mr. DANIEL: That is the clause which we put in when it was before the Senate.

Hon. Mr. BELCOURT: After a very long discussion.

Hon. Mr. DANIEL: Yes, and the matter was very thoroughly debated. Under these circumstances, instead of moving to leave out the word "dwelling-house" I think it would be better to keep the old clause. There the constable has to satisfy the magistrate that there is a real reason to suspect any of those places, and he would then get authority to visit them either by day or by night.

Hon. Mr. DANDURAND: I will simply read the reason which has prompted the Department in asking for this amendment:

The Amendment to section 7 of the Act is for the purpose of empowering the police to search for opium and their narcotics without the necessity of first having to obtain a search warrant, so that they may be in position to take prompt and efficient action at all times. At the present time the police are very greatly handicapped in dealing with this traffic, as in many instances where they receive information that drugs are being kept or concealed in a certain building, or being transported by auto or other vehicle, they are powerless to act until first obtaining a search warrant from the magistrate or justice of the Peace, and in most cases time is a very important factor, as it is the custom of these drug traffickers to keep shifting these drugs from one place to another for the purpose of eluding the police. It so happens that in many cases the police have to act on a Sunday, a statutory holiday, a Saturday afternoon, or at night, and it is a very difficult matter to locate a magistrate or a justice of the peace to obtain a search warrant, and in many cases in certain parts of the country the police are miles from the magistrate or justice of the peace, which makes it practically impossible to obtain a search warrant on which to take action with a view to intercepting the illicit shipment of these drugs.

Hon. Mr. DANIEL: I may say that an attempt was made to put the same sort of a clause into a similar Bill before the United States Congress, and the Senate would not permit that clause to go in, for the very reasons that I have given here to-day. You cannot say that the use of narcotic drugs is of any greater extent in the Dominion of Canada than in the United States; that it is of any greater extent on the Pacific coast of Canada than on the Pacific coast cities of the United States; or that we are any better acquainted with or have any greater knowledge of the use of these drugs in Canada than they have on the Pacific coast cities in the United States. Therefore, if the United States Senate thought that it was inimical to the liberty of the ordinary public in that country, I think the same rule and the same argument would apply absolutely to the people and the general public of the Dominion of Canada. I think that it is giving too much liberty of action to any peace officer or constable to allow him to enter any dwelling-house at any time of the day or night. These officers have authority to search every part of a man's premises—to dig up his garden, to excavate his cellar, to do anything they can think of to get after these drugs; and now the Government wants to give them authority to enter a private house at any time in the whole twenty-four hours; breaking in if they cannot get in peaceably, and the unfortunate owner, who may be just as innocent as His Honour the Chairman here, has to put up with that sort of thing.

At six o'clock the Committee took recess.

The Committee resumed at 8 o'clock.

On section 3—power of peace officer to search for drugs:

Hon. Mr. DANIEL: Mr. Chairman, at 6 o'clock I was mentioning the fact that the United States Senate had refused to legislate in the way we are being asked to legislate to-night.

Right Hon. Sir GEORGE E. FOSTER: On the same subject?

Hon. Mr. DANIEL: On the same subject, that of narcotic drugs; and they refused because they considered that to give an ordinary police constable power to go into any man's house at any time of day or night was an infraction of the rights of the ordinary people of the country to which they should not be called upon to submit. I want to emphasize that. If such is the condition of things in the United States, I am quite sure that a similar condition exists in this country, and the rights of the people of Canada should be conserved to at least as great an extent as are the rights of the people of the United States.

I would like the honourable gentleman who represents the Government in this Chamber to give us now, if he can, a single instance in which justice has been foiled since the last Session of Parliament up to the present day on account of police constables being required to get a search warrant before being allowed to enter a dwelling-house at the night time. Will the honourable gentleman, if he has a single instance at his disposal, let us have it to-night so that we may see where we stand?

Hon. Mr. DANDURAND: I am informed that the Department has received correspondence which affirmed that the police were thwarted in their endeavours to get at the culprits by the fact that they happened to have no warrant and a magistrate or justice of the peace was not at hand.

Hon. Mr. DANIEL: Then I think that under the circumstances the least the Department could do is to lay that correspondence before the members of the Senate, who are asked to change the law. We have nothing whatever to go upon—nothing to show that there is any emergency in this respect. A Bill is simply sent down, and we are asked to pass it.

Hon. Mr. DANDURAND: Will the honourable gentlemen tell me particularly whether he objects to the entry of a police officer at night or in the day time without

a warrant, or to the entry without a warrant of a dwelling-house or residence rather than a shop or warehouse?

Hon. Mr. DANIEL: My objection is confined largely to the word "dwelling-house." I do not think that should be included. Moreover, if the honourable gentleman will read the section carefully he will find that there is really no reason for it, even in the case of British Columbia coast towns, where I am told, Chinese largely live in their stores or in connection with their stores. The section says:

In any dwelling-house, store, shop, warehouse, outhouse, garden, yard, vessel, or other place.

What more do you want than that? If the Chinaman lives in a shack alongside his store, the words "other place" are quite sufficient to enable the officer to nab him there.

Hon. Mr. BEIQUE: That would be his dwelling-house.

Hon. Mr. DANIEL: I think that if we just omit the word "dwelling-house" we shall then conserve the liberty of ordinary law-abiding citizens, which is not conserved in this section.

Hon. Mr. DANDURAND: I am ready to accept that suggestion, and move to strike out the word "dwelling-house."

Hon. Mr. DANIEL: All right.

Hon. Mr. ROBERTSON: May I observe that if the words "or other place" are left in they would include a dwelling-house.

Hon. Mr. DANIEL: Not as a regular dwelling-house.

Hon. Sir JAMES LOUGHEED: I think you had better keep those words in.

Hon. Mr. DANDURAND: I do not think the words "other place" would permit entry into a dwelling-house.

Right Hon. Sir GEORGE E. FOSTER: Might not a covert be made in the woods? That is another place, but it is not a store or shop or anything of that kind. If you struck out the words "other place" you might very much hamper officers in their work. For my own part I have not the least objection to "dwelling-house". But I am not going to labour the question. If the honourable leader of the Government assents to striking out the words I will not carry it any further.

The proposed amendment was agreed to.

Hon. Mr. DANDURAND: Then I have to move to add to clause 7 this proviso:

Provided that if it be proved upon oath before any magistrate that there is reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to this Act in any dwelling-house, such magistrate may grant a warrant to search by day or night any such place for such drug, and, if such drug is there found, to bring it before him.

Hon. Mr. DANIEL: That is all right.

The proposed amendment was agreed to.

Section 3 as amended was agreed to.

On section 4—possession of opium pipes, opium lamps, or other device without permit forbidden:

Right Hon. Sir GEORGE E. FOSTER: Is there not another device which is now coming to be very commonly used in the shape of a needle for injecting the opiate itself? Is not this used by these traders and vandals of society quite commonly; and is not the use becoming more common in assemblies and other places? If so, why should not that be brought under this clause, to make it unlawful for any person to have it without a permit?

Hon. Mr. DANDURAND: The difficulty is that the instruments is used for very many other purposes—legal purposes—and, although the Department has had this matter in mind, it has not yet felt that it could with any sense of propriety prohibit the possession of such an instrument.

Right Hon. Sir GEORGE E. FOSTER: I do not want to go any farther than the Department deems is wise.

Section 4 was agreed to.

On section 5—no appeals:

Hon. Mr. WILLOUGHBY: Honourable gentlemen, it was in connection with this section that I made some observations when the Bill was in its second reading. I am moving that this clause be struck out. I am not objecting to the provision in the case of offences against minors, but only in the case of summary convictions in which the accused is subject to the most serious punishments. I move that this clause be struck out.

Hon. Sir JAMES LOUGHEED: Can my honourable friend say why this clause has been inserted? Has there been an abuse

of appeals from convictions upon summary hearing, and if so, to what extent?

Hon. Mr DANDURAND: In a large majority of cases the accused files an appeal, either in order to obtain sufficient delay to enable him to find the sum which he has to pay as a penalty, or in order to postpone his imprisonment if condemned to serve a term in jail. In both cases the accused hopes that his solicitor will find irregularities in the wording of the charge, or in the sentence, or in other procedure, through which he might obtain his discharge. As an illustration it might be mentioned that out of 76 cases inscribed for appeal, 60 at least were cases where the appellant had been condemned by the Lower Court for having been found in possession of drugs, such as cocaine, morphine, or opium, or for having sold or purchased drugs, or for having visited places where such drugs are supplied.

I may say that the right of appeal from conviction for keeping a disorderly house has been stricken out of the Criminal Code.

Hon. Mr. McMEANS: I should like to second the motion made by the honourable gentleman from Moosejaw (Hon. Mr. Willoughby). I look upon this section as simply monstrous.

Hon. Mr. DANDURAND: If the honourable gentleman would allow me to state that I intend to move a proviso, perhaps he would not feel that the section was so objectionable. The proviso is as follows:

Provided, however, that notwithstanding the provisions of subsection 2 of section 769 of the Criminal Code, section 761 of the Criminal Code in any case to which this Act applies shall continue to apply in full force and effect to all intents and purposes as if this section had not been passed.

This reserves the right of appeal on a stated case.

Hon. Mr. McMEANS: What is the meaning of this Bill? and what is the meaning of striking out the right of appeal from a summary conviction? If the larger offence is established, there is no appeal. I am ashamed to say that the Dominion of Canada is about the only place in the civilised world where appeals in criminal cases are not allowed. There is, however, in the Criminal Code a provision that a man may appeal from a summary conviction. That, I take it, is where a conviction is made by a justice of the peace or a —what prevails in Quebec I do not know— magistrate. I know that in Western Canada what prevails in Quebec I do not know— men are appointed as magistrates and justices of the peace who know nothing about law, and who are entirely ignorant of procedure and of the laws of evidence. Yet you put it into the power of those individuals to give judgment, and you say: "Whatever you say goes; there shall be no appeal from you under any circumstances." The people who designed the Criminal Code apparently had these gentlemen in view, because the only class of judges from whom they did allow an appeal were the justices of the peace or the police magistrates. Now you increase the penalty, and the greater the penalty the greater should be the right of the individual to appeal. This, as I understand it, is not for the offence of peddling drugs or giving drugs to minors, but that of not keeping a record of the drugs.

Hon. Mr. DANDURAND: I beg the honourable gentleman's pardon: it covers the dealings of peddlers.

Hon. Mr. McMEANS: I may be wrong, and if I am I should be corrected. Let us see what it does say.

Hon. Mr. DANDURAND: Any offence under the Act—

Hon. Mr. McMEANS: No, no. There are two offences under the Act. Any honourable gentleman in this House who has practised law, and many of them have, knows that the hardest court to go before is the court of a justice of the peace or a police magistrate. You can go before the Privy Council or the Supreme Court of Canada, and they will listen to you, but a magistrate says: "This is a lawyer coming up here; I have to watch him: he is going to put it over me." You cannot tell him anything, and if you do, he will not take it.

Hon. Mr. PLANTA: He wants to dispense justice.

Hon. Mr. McMEANS: Yes, as the honourable gentleman says, he wants to dispense justice. I know of a case in my own experience in which a justice of the peace sent a man up for trial for using abusive language to a cow. That case is on record. As a very young man I once went to a small town outside of Manitoba, and I said to the justice of the peace there: "I would like to see what this man is charged with, and what is the information." "Oh," he said, "you are a lawyer; you are from Winnipeg; you are pretty smart, aren't you?" I did not acknowledge

that, but I said that I was a lawyer and that I was from Winnipeg, and he handed me the Consolidated Statutes of Manitoba and said: "If you can show me anything in these statutes that says that I have to show you the information, I will. If you can't, I won't."

So here we have increased penalties, with a refusal of the right to appeal from a justice of the peace or a magistrate. I cannot understand who are the framers of this Act. The greater the penalty the greater the danger in which the subject stands, and the greater his right to appeal.

Hon. Mr. WILLOUGHBY: May I add just a word or two more. Under subsection 2 of section 5 of the Act any physician or veterinary surgeon or dentist who prescribes any narcotic drug except for medicinal purposes is liable, on summary conviction, to a fine of not more than $1,000 and costs and not less than $200, and to imprisonment for a term not exceeding 18 months, or to both fine and imprisonment. I think it is rather hard to put a medical practitioner in a position to have a charge laid against him of supplying a narcotic drug, and making him liable to trial before an ordinary J.P., and to be sent to jail or fined $1,000 for a term not exceeding 18 months, without giving him any right of appeal. Surely that is taking undue liberties with gentlemen who ought to be men of position. If the conviction is right in the first instance, why should it not be sustained on appeal?

I have nothing further to add to what I have already said as to the persons importing or manufacturing the drug, except that the punishment is very drastic. Fancy whipping anyone on the mere ipse dixit of the ordinary J.P.

Hon. Mr. McMEANS: On page 2 of the Bill, subsection 2a says:

> Any person who manufactures, imports, exports, sells or distributes any drug and neglects or refuses to keep the record required by any regulations made by the said Minister, or neglects or refuses to produce such record for inspection at the request of any peace officer or any person authorized to inspect the same by the said Minister, shall be guilty of a criminal offence and shall be liable upon summary conviction to a fine not exceeding $1,000 and costs and not less than $200 and costs, or to imprisonment for any term not exceeding eighteen months, or to both fine and imprisonment.

I would like to impress upon the leader of the Government the fact that this information may be laid before a justice of the peace or a magistrate for not keeping a record. That is the law as I understand it. The case of supplying drugs to minors does not go before a police magistrate or a justice of the peace. I am not opposed to this Bill. I would vote for almost anything to suppress this traffic, but I think it is exceeding the limit to say that when a man makes a slip and does not keep a record he shall go before a justice of the peace or a police magistrate, who may sentence him to eighteen months in gaol, or a fine of $2,000, and have no right of appeal.

Hon. Mr. BEIQUE: I think possibly the best way to deal with this matter would be to increase the security to be given for the exercise of the right of appeal. Make it more difficult to lodge an appeal; exact a deposit or something of that kind.

Hon. Mr. DANDURAND: Of course, the right of appeal is on facts. Under my modification it will not be on a stated case.

There are conditions in some parts of the country that are probably unknown to people who live in other parts. The remedy just sought is suggested by a member of the Court of the King's Bench of the district of Montreal, who wrote this month to the Minister of Justice as follows:

> I was called upon to preside at the sessions of the Court of the King's Bench in appeal against decisions of Lower Courts of criminal jurisdiction, and I think it is my duty to place before you certain suggestions which came to my mind in the course of the hearings of these cases.
>
> Out of 76 cases inscribed for appeal, 60 of them at least were cases where the appellant had been condemned by the Lower Court for having been found in possession of drugs, such as: cocaine, morphine or opium, or for having sold or purchased drugs, or for having visited places where such drugs are supplied.
>
> In most cases the charge was upheld. The accused files an appeal, either in order to obtain sufficient delay to enable him to find the sum which he has to pay as a penalty, or in order to postpone his imprisonment in cases where he is condemned to serve a term in jail. In both cases the accused hopes that his solicitor will find irregularities in the wording of the charge, or in the sentence or in other procedures, through which he might obtain his discharge.
>
> I may state that I did not "fall" for the clever arguments of lawyers on technicalities.
>
> Abuse is being made of the right to appeal. If you knew, sir, the shameful traffic of drugs which is carried on in Montreal! Young men and very young girls are enticed into supposed-to-be honest places of amusement, and, under the pretext of experimentation, drugs are served to them as wine would be. The law can never be too severe on the traffickers and distributors of drugs. The magistrates seem to be of this opinion. In order to obtain satisfactory results from the severe sentences im-

posed, it would be necessary to take away the right of appeal, as it has been done in the case of disorderly houses. However, the accused may be given the right to appeal by means of a stated case on a point of law. If the magistrate is convinced that the point under discussion should be decided by a Court of Appeal, he will then grant a stated case. In cases where he refuses the application, his decision should be final.

I believe, sir, that you would render an immense service to the community and to our province, if you were to make the law as severe as possible against those engaged in this ignominious trade.

If it should be known that the decision of the Police Court is final, I feel sure that the illicit drug traffic would receive a severe setback.

Personally, I would be without pity for the vendors, traffickers, and distributors of drugs, but I would show some sympathy for the unfortunate drug addicts. They are sick people whom it would be preferable to allow to be treated at some institution other than the prison.

Above, sir, are the suggestions which came to my mind during these last fifteen days.

This is a translation of a French letter.

Hon. Mr. McMEANS: Let us look at the statement made by the leader of the Government. One man, a judge, writes a letter and makes a statement. No other judge is consulted. One man alone sends information to the Government, and it is read to this House without the writer being here so that we could cross-examine him or make inquiries of him. Things have come to a pretty pass when the House of Commons and the Senate must be guided by the individual opinion of a judge in Montreal or in any other place. Let us dissect the letter which the honourable gentleman has just read. It states that drugs are being furnished to young people, which is a very heinous offence. But what does this section say? It says that those who fail to keep a record shall be punished. It is a very simple matter for any gentleman who has an opinion upon one thing or another to write to the Minister of Justice and say so-and-so. But we are asked to take away one of the most sacred rights of the people of this country—the right to appeal from a conviction by a police magistrate or a justice of the peace. What is the injustice in that?

Hon. Sir JAMES LOUGHEED: Why should not my honourable friend limit this section to vendors of drugs instead of permitting it to extend to licensees and those who fail to keep a record? The chief offence which the Act has in contemplation is the illicit vending of these drugs. I venture to say that the appeals which my honourable friend referred to were those of the vendors of drugs who were not licensees. These licensees, presumably, are professional men, men of some standing in the community, to whom the Government issues licenses for professional purposes. These should be treated differently, it seems to me, from the other class. There is no reason why the appeal should not be taken away from the illicit vendor. Furthermore, if my honourable friend should want to restrict appeals, even in the case of licensees, he might take into consideration the advisability of an application being made either to a district judge or to a judge of the King's Bench for leave to appeal, which would doubtless be given if there were any grounds for it. But there should be some discrimination, and some intelligent distinction drawn between the different parties involved.

Hon. Mr. BELCOURT: I must say that the letter just read by my honourable friend does not bring very much conviction to me, because it deals with the police court of Montreal, which is presided over by men of great training and long experience, who are surrounded by officers whose daily business is to deal with those cases. But that is a condition which in almost any other part of the country would not be found. In Montreal, Toronto, and Winnipeg the men who have to deal with these things are experienced, and the objections which are heard from the honourable gentleman who proposes the amendment are not at all answered. I am not going to vote for any provision which takes away the right of appeal especially in a case of this kind, where the offence may be a mere neglect or omission on the part of the druggist, but which calls for a terrific punishment, without right of appeal by the accused.

Hon. Mr. DAVID: It is proper to bring the witnesses before a police magistrate, and then the Court of appeal is in a position to deal with the matter.

Hon. Mr. BELCOURT: There is no objection to the magistrate taking evidence, but it is not taken as fully as it would be in the superior court.

Hon. Mr. GIRROIR: In all cases tried before a magistrate the evidence is taken and signed by the witness.

Hon. Mr. DAVID: It is not so in Montreal.

Hon. Mr. GIRROIR: On the question of taking away the right of appeal in criminal cases, the tendency in the old country, the

United States, and all the colonies is not only not to take it away, but rather to grant it where it is not now allowed. In the discussions on this question each Session for the last three years it was shown that appeals are allowed on questions of fact in all criminal cases in the countries named, and those countries are advancing in the direction of enlarging appeals. We appear to be going in the opposite direction, setting ourselves contrary to the world-wide movement in this matter. I think the point made by the honourable member for Ottawa (Hon. Mr. Belcourt) should be considered, that when the judge wrote the letter that has been read he was dealing with a situation altogether different from that covered by this section. Not only in Western Canada but all through the Dominion, magistrates are appointed who have had no experience at all in dealing with cases of this kind. They are often men of only ordinary education, and not lawyers; and, while they may desire to do justice, practical lawyers know that in many cases their decisions are absolutely absurd. Therefore a man convicted under this Act and having imposed on him the penalties it provides should have the right to appeal, else we would put a premium upon ignorance. In a case of this kind, where a man's honour and freedom are involved, surely he should have a right to appeal, especially when his case was not tried before a trained judge, a man with legal attainments, or a jury. These sections have been placed in the Code because the framers of that Code realized that there were officers of courts who had no legal training, and therefore should not try those cases, but who did so. After all, who is hurt by an appeal? Is it not far better that a number of guilty men should escape than that one innocent man should be convicted? Let us suppose that a man makes the best defence he can before a magistrate, but that the magistrate, through some ignorance of the law, or oversight, or because he does not understand how to weigh evidence, convicts, having made up his mind that the police officers must be right, that the offence is a terrible crime, and that that is the only way to prove his standing in matters of reform and morals, and all that sort of thing. There are hundreds of cases of that kind. Suppose that the magistrate unjustly convicts a man on insufficient evidence, or that he does not weigh the evidence properly, and he imposes the heavy penalties mentioned in this Act, what chance has the party convicted? Absolutely none; the decision is final; he never can get away from it; he is treated as a criminal, sent to jail and punished. If he had a right to appeal he would have an opportunity to get further evidence, and if found innocent the charge would be dismissed, and who would lose by it? I think the community as a whole would gain. On the other hand, suppose that a man is guilty, and he appeals from the conviction to a higher court, if the evidence on which he was found guilty is found sufficient would the higher court reverse that? Not at all. But the right of appeal is a second chance to an innocent man to prove his innocence, and it does not give a criminal any better chance to evade justice, because the greater knowledge of the higher court doubly ensures his conviction. Of course, this right of appeal would throw more work on the judges, but, after all, I do not think we should be concerned with them so much as to give every reasonable opportunity for appeal to a man who may not have had a fair trial, so that he could seek for justice in a higher court.

Hon. Mr. DANDURAND: I am disposed to accept the suggestion of the honourable leader of the Conservative party, who thinks we should make a distinction between the trafficker in drugs and the licensee who may be condemned for having violated some special obligation placed on him concerning registration, keeping a record, etc. I move to limit section 10A so that it will read as follows:

> Section 749 to 760, inclusive, of the Criminal Code shall not apply to any conviction, order or proceedings in respect of any offence under paragraph e of subsection 2 of section 5A of this Act.

That is, the Opium and Narcotic Drug Act, chapter 31 of 11 George V, which reads:

> Any person who has in his possession without lawful authority, or manufactures, sells, gives away or distributes any drug without first obtaining a license from the Minister.

This would limit the refusal of an appeal on facts only to that clause. If this carries I will move my proviso restoring the right of appeal in a stated case.

Hon. Mr. McMEANS: My entire objection to this Act is that you leave it within the scope of a justice of the peace or magistrate to impose this very extreme penalty without any right of appeal. In the course of some remarks I made at the beginning of this Session I endeavoured to point out that Canada to-day is the

only country in the civilized world in which there is no appeal in criminal matters on questions of fact. The Criminal Code lays it down that you cannot appeal on a question of fact where you have a trial by jury or by indictment or before a judge. In such cases there is no appeal whatever; but it is also provided that on a summary conviction before a justice of the peace or a police magistrate there is a right to appeal to the court immediately above. This is the only class of case that I know of, except those under the Canada Temperance Act and the case of disorderly houses, in which an attempt is being made to take away the right of appeal. If we had a judiciary throughout Canada that we could rely upon in matters of this kind I would have no objection whatsoever. The honourable member from Ottawa (Hon. Mr. Belcourt) has spoken about a judge in Montreal, evidently a man of great experience, who deals with those cases and knows all about them. But go up through Western Canada, in the country districts, and outside of the city of Winnipeg I do not know of one lawyer in that western country who has been appointed justice of the peace or police magistrate, except it may be Regina. Yet you put in the hands of those men the legal authority to send a man to jail for eighteen months, or fine him $2,000, and you absolutely say he cannot appeal from that. It may be that the Criminal Code is right in saying you shall not appeal on a question of fact from the decision of any jury or any judge; but I think this Bill is absolutely wrong. In England since 1908 there have been criminal appeals not only on questions of fact but on questions of sentence. We have not that right in Canada, but, in my opinion we ought to have it. I have had some experience in the trial of criminal matters, and I say it is wrong to give to a justice of the peace in some small town such authority that he can send a man down for 18 months and fine him $2,000, and to take away the right of appeal. The evil goes even further than that, for its underlying principle is to put a premium on injustice. When you say to a man, "There is no appeal from your decision; you are clothed with full authority," is he then going to be careful? Will he say, "I must consider this matter very closely"? No; but when you say to him, "There is an appeal from your judgment," what is the effect? He says, "I must look into this matter very carefully, because they have power to carry it to appeal, and they will appeal." I do not know anything that has more influence with any judge who tries a case than the knowledge that somebody is over him, and that there is a right of appeal from him that will prevent him from doing injustice. Honourable gentlemen who have read the newspapers in the last two or three days must have noticed an item in the Ottawa Citizen stating that a magistrate in the county of Russell, adjoining the city of Ottawa, had sent a man to penitentiary for 15 years for taking a horse and buggy from a church and driving it to the next town. That is all there was to it. He was arrested and convicted of stealing the horse and buggy. Apparently he was not a thief, or he would not have driven to the next town; but the magistrate convicted that man and sent him down for 15 years. Yet there was no appeal whatever in such a case until this honourable body within the last two years passed an amendment to the criminal law providing that a sentence of that kind might be appealed. Is this House going to empower justices of the peace and police magistrates to shut such a man up? Shall we practically say, "There shall be no appeal from your judgment; give it to him; soak it to him; do anything you like." I do not care who the magistrate is; he may be the best man in the country; but if you clothe him with such authority, and allow no appeal from his judgment, so that nobody can review anything that he does, he is a different man. But if he is liable to have his sentences reviewed he will be more careful in dealing with his cases. I do not believe it is right, or British justice, to clothe any magistrate or justice of the peace with such authority that no man can appeal from it, in a case of keeping drugs or any other. You may make the penalty as strong as you like; you can provide whipping, if you please; but do not take away from any individual the right to appeal from the decision of a justice of the peace.

Hon. Mr. PROUDFOOT: I want to say a word or two in connection with this matter, because I am just as strongly in favour of appeals in criminal cases as the honourable member from Winnipeg (Hon. Mr. McMeans); and if I were to allow this question to pass now without saying anything, I might be met in future with the statement that I allowed certain legislation to go through and said nothing about it. Now, what is the situation?

What rights are we taking away? Under section 749 of the Criminal Code it is provided:

> Unless it is otherwise provided in any special Act under which a conviction takes place or an order is made by a justice for the payment of money, or dismissing an information or complaint, any person who thinks himself aggrieved by any such conviction or order or dismissal, the prosecutor or complainant, as well as the defandant, may appeal.

Now you are taking away that right. Section 752 provides that where an appeal is taken from a summary conviction, "the court appealed to shall try, and shall be the absolute judge, as well of the facts as of the law in respect to such conviction or order." Then here is the clause which answers the question that was asked a few moments ago:

> Any of the parties to an appeal may call witnesses and adduce evidence, whether such witnesses were called or evidence adduced at the hearing before the justice or not, either as to the credibility of any witness, or as to any other fact material to the inquiry.

That is what you are going to take away by passing this section. A man has no redress, nor has the Crown any redress. It works both ways. I know of two cases within the last few months in which the Crown appealed. The magistrate had dismissed the charges which were laid under the Inland Revenue Act, and appeals were taken to the county judge. In each case the county judge reversed the magistrate's decision and fined the party who had not been convicted by the magistrate. So you will observe that you are taking away not only from the subject but also from the Crown the right of appeal.

Go just a step further. We have heard a great deal about the enforcement of law in the province of Ontario and the rights of individuals under the Ontario Temperance Act, yet we find that even under that Act, rigorous as is the enforcement of it, there is a right of appeal to the county judge, and the county judges of the various counties hear appeals.

Hon. Mr. BELCOURT: Will my honourable friend permit me to ask him a question? Does my honourable friend say that under the Ontario Temperance Act the party convicted has an appeal?

Hon. Mr. PROUDFOOT: Certainly.

Hon. Mr. BELCOURT: It is the other way around. He has no appeal, but the Crown has an appeal.

Hon. Mr. PROUDFOOT: No. You can appeal to the county judge under certain conditions.

Hon. Mr. BELCOURT: The Crown can, but not the convicted party.

Hon. Mr. PROUDFOOT: Certainly the convicted party may.

Hon. Mr. DONNELLY: By recent amendment.

Hon. Mr. BELCOURT: When was the amendment made?

Hon. Mr. PROUDFOOT: I cannot tell off-hand.

Hon. Mr. BELCOURT: This last Session?

Hon. Mr. PROUDFOOT: No, it was before this last Session. I know of appeals which were taken. So the right exists.

Then go a step further. A man may be sued in one of our Ontario courts, say in the division court, for $200. He has a right of appeal, not to a single judge, but to five judges sitting in Toronto as the Court of Appeal, where a matter involving, say, from $200 to $400 is in dispute. In that instance the trial takes place before a county judge. In a case where you are going to take away the right of the subject and probably imprison him, he is tried before a magistrate and convicted.

There is this to be said further, so far as the magistrates are concerned. We all know that the Government employ certain men to work up these cases. The Mounted Police in the various provinces are the enforcers of the law with regard to drugs. They go to a magistrate. Before the warrant is issued the magistrate thoroughly understands the case, and in nine cases out of ten he is so prejudiced that it is a mere mockery of the administration of justice to try a man before a magistrate under such circumstances. That is a well-known fact, and I venture to say that any lawyer who is accustomed to practise in these courts knows quite well that this statement is correct. So you are depriving men of a right, the loss of which may mean the loss not only of their liberty, but also of their money and standing.

I am therefore very strongly in favour of the right of appeal existing. We should not do away with it simply because the Department or the officers engaged in enforcing these laws desire to make them more drastic and to make surer of a conviction in every case. That is what the

man enforcing the law is supposed to do, and as I said before, he prejudices the magistrate at the time the information is laid.

Hon. Sir JAMES LOUGHEED: May I direct my honourable friend's attention to Snow's Criminal Code? It may afford a suggestion to my honourable friend as to the course he should pursue. It seems that in Quebec there is a statute regulating the sale of cocaine, morphine, and other compounds, and that statute especially provides that section 15 of the Criminal Code, regulating appeals, should apply to prosecutions thereunder. The Court of King's Bench has jurisdiction to entertain an appeal from a conviction under such Act. The case of Dufresne vs. the King, in 19 C.C.C. 414, is given as authority for that decision. Apparently there is in the province of Quebec a somewhat similar Act from which an appeal would lie under the Criminal Code. That is to say, they have apparently incorporated into the Code a provision that an appeal shall lie from a summary conviction. What would be the result should we adopt the provision in the Bill? Would the right of appeal in the Province of Quebec touch a similar law?

Hon. Mr. DAVID: It must be stated there that the criminal law will apply.

Hon Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: I am informed that all prosecutions are taken under the Federal Act. This right of appeal would be from a complaint based upon a provincial statute.

Hon. Mr. BELCOURT: And the right of appeal would exist if not taken away.

Hon. Mr. DANDURAND: Yes.

Hon. Sir JAMES LOUGHEED: No. This legislation would not take the right of appeal away from the provincial statute.

Hon. Mr. BELCOURT: I did not say that.

Hon. Sir JAMES LOUGHEED: The right of appeal would still exist.

Hon. Mr. BELCOURT: I would put it the other way: I would say that unless we took away the right of appeal, as it is proposed to do here, it would exist under the provisions of the Criminal Code.

Hon. Sir JAMES LOUGHEED: Notwithstanding the legislation which we might pass, the province of Quebec apparently, by its statute, would have the right to say: "We shall allow certain provisions in the Criminal Code to come into operation in regard to any infraction of that statute."

Hon. Mr. DANDURAND: If proceedings were taken under the provincial statute.

Hon. Mr. CALDER: I would suggest that, unless there is some reason why we should proceed further with this Bill to-night, we be given an opportunity to consider this question further. When I was Minister last year and dealing with this law, the Department were eager to have a provision of this kind made. If I am not mistaken, it was not carried into the Bill. If it was included, my memory has failed me in that regard. It was certainly very strenuously opposed in the Commons. Therefore I would suggest that we be given further opportunity to consider this matter, and that the Departmental officials who are responsible for the administration of this law should take into consideration the representations that have been made here to-day as to the objections against their proposal. Unless there is some particular reason for finally dealing with this question to-night, I ask that it be allowed to stand over until to-morrow.

Hon. Mr. DANDURAND; I have no objection to that, but I would draw to the attention of my honourable friend, who may not have followed the whole discussion, that we are limiting purely and simply to the traffickers in drugs the refusal of an appeal on fact.

Hon. Mr. CALDER: Even on that point I am inclined to take the same view as the honourable member from Winnipeg (Hon. Mr. McMeans). It must be remembered that we have a large number of magistrates who are poorly qualified to carry on their work. That is a fact that we must recognize. The case of a man accused of trafficking of drugs illicitly goes before one of those magistrates. The man may not be responsible, yet he is fined $1,000, $1,500 or $1,800 and sent to jail without any right to appeal at all. It seems to me that if the suggestion is carried out we should at least embody in the Bill this further provision that those belonging to that class shall at least have the right to apply, say, to a Supreme Court Judge or some other person to be given the right to appeal.

Hon. Mr. DANDURAND: This feature will be examined into when we go into Committee again to-morrow.

Hon. Mr. CALDER: I do not know whether the honourable leader of the Government understood my question. It is this. You are proposing to take away the right of appeal in the case of a trafficker in drugs. I suggest that even such a person be given the right to make application either to a District Court Judge or a Supreme Court Judge, who would decide whether the person should have the right to appeal or not.

Hon. Sir JAMES LOUGHEED: Has my honourable friend that citation with regard to the right of appeal in the case of any bawdy house conviction?

Hon. Mr. DANDURAND: I have looked into the Criminal Code, but have not found that.

Hon. Sir JAMES LOUGHEED: I do not recall that appeal.

Progress was reported.

CURRENCY BILL

SECOND READING—CONSIDERED IN COMMITTEE—THIRD READING

Hon. Mr. DANDURAND moved the second reading of Bill 147, an Act to amend the Currency Act, 1910.

He said: Under the Act respecting the currency our silver coins are required to have a certain standard of fineness; out of every 1,000 parts 800 are required to be of pure silver. That, in the language of the mint, is called a "remedy"; for the sake of convenience I will call it the margin of safety. That margin of safety is at present fixed at 4 points; that is to say, if there should be a departure of more than 4 points from the standard, the currency would not be lawful. It has been found, in the experience of the mint, that this limitation, though they have not in any case violated it is a rather severe one, and they ask that the margin be made 6 points instead of 4. Once a year there is a part of the coins made which is known as the trial of the pyx, and if these coins did not conform exactly to the standard there would be a very embarrassing situation.

The motion was agreed to, and the Bill was read the second time, considered in Committee, reported, read the third time and passed.

PUBLIC SERVICE RETIREMENT BILL

SECOND READING

Hon Mr. DANDURAND moved the second reading of Bill 146, an Act to amend the Public Service Retirement Act.

He said: Honourable gentlemen, I am moving the second reading of this Bill with the understanding that we may examine the Bill more minutely in Committee. I can hardly give any more information regarding it than is contained in the Bill itself.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Barnard in the Chair.

Hon. Mr. DANDURAND: I would ask the honourable gentleman from Moosejaw to explain this Bill.

Hon. Mr. CALDER: There are three sections in the Bill. The first is an amendment of an amendment that was made to the original Bill last Session. In the Bill as originally introduced "officers" was defined; that is, an officer who could be retired under this law was defined as a person who received an annual salary. Last year the definition was extended so as to include persons who were employed continuously and received a daily, weekly, or monthly salary. It was intended at that time to cover all persons in the Government service who were employed continuously. It would seem that there are certain persons who are employed at an hourly rate of wage, and as a consequence those responsible for the administration of the law suggest that it should be made applicable to them as well.

Hon. Mr. BELCOURT: Will the honourable gentleman name some of those employees?

Hon. Mr. DANDURAND: Or the class.

Hon. Mr. CALDER: For example, persons employed as charwomen receive so much an hour. They may have been in the public service for twenty or twenty-five years. Many of them have grown old in the service. The question at once arises, why should they not be treated as persons who receive annual salaries? There may be others who are receiving an hourly rate, rather than a monthly or annual rate—I

do not know. It seems to me that if the principle of the Bill is to be carried out, it should be applied to them as well as to those receiving monthly salaries.

On section 1—"Officers" extended to include employees paid by the hour:

Hon. Sir JAMES LOUGHEED: I do not like to oppose the principle involved in this section, and yet it seems to me that it merits very considerable thought. The Government is a very large employer of labour by the hour. The tendency nowadays is for the Government to enter upon many undertakings instead of letting them by contract to contractors who employ workmen by the hour. This means that we are adopting a principle by which the Government not only eventually but now will assume an obligation to superannuate eventually everyone who asks for it. This must necessarily entail a very heavy burden in future upon the Government. I notice that almost every Session that principle is gradually stealing more and more into our activities until now we have practically committed ourselves to a superannuation list co-equal with that of our employees, no matter whether we employ them by the hour, by the day, by the week, or by the month.

Hon. Mr. BELCOURT: My honourable friend named some cases of employment by the hour.

Hon. Sir JAMES LOUGHEED: Take, for instance, labourers.

Hon. Mr. BELCOURT: They are not permanently employed.

Hon. Sir JAMES LOUGHEED: It is not necessary that they should be.

Hon. Mr. BELCOURT: I understood so.

Hon. Mr. CALDER: Yes, they must be permanently employed, and they must put in so many years service before they are entitled to come under the Act.

Hon. Sir JAMES LOUGHEED: Can you conceive of a permanent employee employed by the hour?

Hon. Mr. BELCOURT: Take the case of the charwoman mentioned by my honourable friend.

Hon. Sir JAMES LOUGHEED: Are they permanent employees in the sense of that designation?

Hon. Mr. BELCOURT: I am not very sure on that either.

Hon. Sir JAMES LOUGHEED: I am very much at sea as to what this will cover. At the same time, we should not thoughtlessly enter upon anything without knowing what it involves—how many employees and how much money.

Hon. Mr. BELCOURT: Can my honourable friend name any other case?

Hon. Sir JAMES LOUGHEED: I am not posing as an authority; I am asking for information.

Hon. Mr. BELCOURT: I quite agree that we should not pension anyone who is employed for an hour or two hours a day unless he is permanent. I understood from the honourable gentleman from Moosejaw (Hon. Mr. Calder) that that was the case.

Hon. Mr. PROUDFOOT: Do these employees employed by the hour in that way pay anything towards the Superannuation Fund?

Hon. Mr. CALDER: No. The Act as it now stands is applicable to "any officer, clerk, or other employee who is employed in the public service and who receives a stated annual salary, and to any officer, clerk or employee in the said service who has been continually employed from year to year, for a portion of each year." The other Chamber insisted upon that provision going in the law last year. That is to say, there are certain employees, for example, sessional clerks, some of whom have been employed twenty or thirty years.

Hon. Sir JAMES LOUGHEED: Seasonal employees on canals, and so on.

Hon. Mr. CALDER: Yes, "or who, having been continuously employed receive a daily, weekly or monthly rate of wage or salary, but shall not include any person appointed for a temporary purpose or any person whose duties do not require constant attention."

I should like to point out as well that when we had this measure up for consideration last year it was thought that that definition of the persons who might be entitled to come under the Act would not be sufficient, and we put in a further provision. I think this is all that is necessary to cover any other class that should be brought under the law, and, instead of carrying through this amendment I think that we might leave the law just as it stands. That further provision is:

If in the opinion of the Civil Service Commission the provisions of the Act should be made applicable to any officer, clerk or employee, not included under paragraph (b)—

That is what I have just read.

—the Commission shall report the same to the Governor in Council, setting forth the circumstances and the reasons therefor and in the event of the Governor in Council approving such report, such officer, clerk or employee may be retired as provided by this Act.

It seems to me it is much better to leave the law just as it stands, and if it found that there is any clerk, whether working on an hourly wage or not, who the Commission think should be brought under the law, their view can be reported to the Governor in Council.

Hon. Mr. BELCOURT: Can my honourable friend tell me whether the distinction between a temporary employee and a permanent employee is still recognized?

Hon. Mr. CALDER: Oh, yes.

Hon. Mr. BELCOURT: In my day the charwomen and mechanics and labourers in the Public Works Department were all on what was called the temporary list, and at that time it would not have been thought that they were entitled to a pension. But my honourable friend says that this is to give the people a right to a pension.

Hon. Mr. CALDER: A great proportion of those formerly called temporary employees are now permanent employees, but there are still temporary employees. For instance, if there is a snowstorm a gang of men may be employed to clean the snow off the walks.

Hon. Mr. BELCOURT: Is that the line of demarcation?

Hon. Mr. CALDER: All the other employees have been brought under the Civil Service Act and the Classification provided for by that Act, and they have become permanent employees with very few exceptions.

Hon. Mr. BELCOURT: The charwomen employed here, for instance, are permanent employees.

Hon. Mr. CALDER: I would think so, yes.

Hon. Mr. DANDURAND: In order that the House may have all the information before it which the other Chamber had, I will read a memorandum which was in the hands of the Minister. It is as follows:

As subsection 1 (b) of the act now stands, provision has been made to retire employees receiving daily, weekly or monthly rates of wages, but no provision has been made for an employee receiving an hourly rate. This is obviously an oversight and has resulted in anomalies.

Hon. Mr. DANDURAND: So far we are not very much enlightened.

Hon. Sir JAMES LOUGHEED: Yes, that is very enlightening.

Hon. Mr. DANDURAND: It continues:

As the act now stands it is possible for the Civil Service Commission to recommend for retirement under its terms, hourly rate employees by invoking subsection 2 of section 1 of the act as amended, i.e. in each case making a special case to be reported before council. This class of employee covers those men now drawing prevailing rates, but who, up to May of 1920, for many years' service were paid on a salary scale.

On the other hand, hourly employees who are employed seasonally may be reported for retirement under sub-section 1 (b) of the act, thereby creating an anomaly, in that, without any special report, an hourly rate seasonal employee may be retired, whereas, an hourly rate yearly employee may be retired only by invoking subsection 2 of section 1 and thereby making a special case of it. To correct this anomaly it is recommended that the word "hourly" be inserted in subsection (b) of section 1, between "receives" and "daily".

As I have no knowledge whatever of the operation of the Act, this is Greek to me, but I hope the honourable gentleman from Moosejaw (Hon. Mr. Calder) has now more light than he had before I read this memorandum, and that he may see his way to accepting the Bill as it is.

Hon. Sir JAMES LOUGHEED: Limited as my honourable friend's light may be, can he see a gleam through this paragraph:

This class of employee covers those men now drawing prevailing rates, but who, up to May of 1920, for many years' service were paid on a salary scale.

What is the distinction?

Hon. Mr. CALDER: That is an hourly wage. Certain persons employed in the Public Works Department were on an annual salary. Since the classification passed by the Civil Service Commission and approved by the Government, these people are paid an hourly wage based upon the current wage in the community. If I am not mistaken, that took place about a year ago. A year or so ago, when they were on an annual salary, they could be retired under the provision of the law, and many of those people, old in the service, are still there and cannot be retired under the law as it stands, because the method of payment has been changed.

Hon. Mr. DANDURAND: Does the honourable gentleman think that this will be at least harmless?

Hon. Mr. CALDER: That is my view, so long as the administration of the law is

carried out properly. Then, as pointed out in that memorandum, there is power under the law to deal with those cases. The Civil Service Commission, in the case of an employee not covered by the general provisions of the law, has a right to report the facts and the circumstances to the Governor in Council.

Hon. Sir JAMES LOUGHEED: Why should we not leave it at that?

Hon. Mr. BELCOURT: Quite so. That is the way the section reads:

> The Civil Service Commission shall, immediately after the passing of this Act, and after consultation with the deputy heads prepare and submit to the Governor in Council a report upon all officers of the age of 65 years and over, and all such officers who are not reported to be rendering good and efficient service for the remuneration that is being paid them shall be retired from the public service.

But, so far as this House is concerned, I do not think we could take the benefit of this with regard to our own employees. We are not a deputy head.

Hon. Sir JAMES LOUGHEED: Oh, yes, we are.

Hon. Mr. BELCOURT: And, what is more, we appoint our own employees without any reference whatever to the Governor General in Council.

Hon. Sir JAMES LOUGHEED: That is, the Senate.

Hon. Mr. DANDURAND: The Minister is the Speaker and the Deputy Minister is the Clerk.

Hon. Mr. BELCOURT: Where do you find that?

Hon. Sir JAMES LOUGHEED: In the Civil Service Act. We are the whole machinery.

Section 1 was agreed to.

On section 2—retirement extended to officers over as well as under 65 and made retroactive to July 1, 1920:

Hon. Mr. CALDER: Under the law as it originally stood when it first came into operation, the Civil Service Commission was required immediately to review the cases of all persons over 65 years of age, and to report as to whether or not they should be retained in the service. That was two years ago, and that work has been carried out; so the section is no longer operative. The next section went on to state that in the case of all persons under 65 years of age the Governor in Council might direct the Civil Service Commission to inquire as to whether or not they should remain in the service. This amendment proposes that the second subsection should read:

> The Civil Service Commission shall, when requested by the Governor in Council, and after consultation with the deputy heads prepare and submit to the Governor in Council for approval the names of all officers who, being either under or over 65 years of age—

and so on. This is because the cases of some persons who were 64 years of age two years ago were not reviewed, and now they are 66. In order to be able to deal with their cases the second subsection is amended.

Section 2 was agreed to.

Section 3 was agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

Bill 146, an Act to amend the Public Service Retirement Act.—Hon. Mr. Dandurand.

DOMINION ELECTIONS BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 92, an Act to amend the Dominion Elections Act.

Hon. Mr. McMeans in the Chair.

On section 1—change of elector's residence before general elections not ground for disqualification:

Hon. Mr. REID: Honourable gentlemen, when this Bill was before the House a few days ago, I raised the point that if it passed in its present form we would be going back to the situation which existed many years ago, when bribery and corruption were caused by bringing people living outside an electoral district into it. This Bill allows those who may have left a constituency to return to it and to vote in the district in which their names appear. The present Act does not allow that, and I think it is fair to all parties as it now stands. It is with regret that I see the Election Act being changed now so that it will give opportunity for such practices as were carried on for many years, and which I think we all regret. If it is the wish of the Government to enlarge the franchise, I think we should go farther and provide that every person who is on the voters' list in any constituency, and who is rightly entitled to vote

in that constituency, if he has gone to some other constituency, should also have a right to vote even if he had stayed longer than two months. I therefore move to add the following as subsection 3:

3. If the name of any voter is on the voters' list of the district in which he previously resided, and conditions prevent him from having his name placed on the voters' list in the district in which he is resident at the date of polling, he may cast his vote in the constituency where his name is inscribed on the voters' list.

In other words, if the list has been completed and is ready for the election, and the man who was resident at the time was put on the list and would be entitled to vote in that constituency, if he has moved to the adjoining constituency, even though for a longer time than two months, he should have the right to vote if you are going to allow those to vote who have moved from the constituency.

Even with this amendment, candidates of all parties would be in the position that they would have to bring voters from outside; if they are on the list they are compelled to bring them, and some one must pay those voters' expenses, and probably for their time. This would result as it did in the past, in many cases, in bribery, perjury and so on. That has been eliminated for the last fifteeen or twenty years, and every Government, so far, up to the present time, has resisted that.

I understand that this Bill was urged by some members as intended mostly for cities, where many electors move from one part to another. In those cities there are several electoral districts, and it was claimed that many voters would be deprived of voting. That may be true; it is as fair for one as it is for another; but in rural districts also we have some difficulty. From my own constituency I know that numbers have moved, some only across the line into another constituency, others a few miles away, and I am sure they would have had to be brought back if that had been the law.

It has been suggested that as this amendment was intended for cities, it should be applied only to cities. For instance, the clause, as amended, might read, as follows:

(2) At a general election, any person who would have been qualified to vote in an electoral district situated in a municipality where there is more than one electoral district, if he had continued to reside therein, shall remain so qualified to vote in such electoral district although he within two months immediately preceding the date of the issue of the writ changed his place of residence from such electoral district to another within the same municipality.

If this Bill is intended for cities only, then I think we should limit it to them; but that would hardly be fair, though it would avoid a great deal of the possibility of bribery and corruption in the future. I think every honourable member of this House, especially those who have had experience in elections, will admit that for the last 15 or 20 years we have had very little trouble in election contests, as concerns bribery and corruption, which were caused by what I have mentioned. Therefore, while I do not wish to try to block the Bill in any way, I want to get what I believe would be fair and just, and have our elections carried on in a pure way in the future. They have been much better in the last few years than they were previously. Therefore I make this motion, and leave the House to vote on it; but, before giving final consideration to it I would ask the leader of the Government to delay the Bill till another Session, and consider the few remarks I have made; and perhaps, after consulting his colleagues, he would decide whether there might not be some way of changing this Bill so as to meet at least in part, the objections I have mentioned.

Hon. Mr. CASGRAIN: Perhaps the honourable gentleman might accept this suggestion. During the last election there were people who had no vote because they had moved from one electoral district to another. It was then suggested by some lawyers that the law be amended so that a man would vote where he resided on polling day, but he would have to produce a certificate from the returning officer that he was entitled to vote, and that certificate would be handed in to the returning officer in the electoral district where he then resided, and where he was about to vote. The returning officer would then give him permission, as he would to any resident to vote at such polling place as the returning officer thought proper. He would vote on the returning officer's ordinary permit. That would obviate the difficulty.

Hon. Mr. REID: That would meet my objections at once, because the voter would not have to be brought back to the other constituency. If he had a certificate from the returning officer or from the judge—

Hon. Mr. CASGRAIN: The returning officer.

Hon. Mr. REID: Or the judge who prepared and signed the lists; that would be

the best way. If the voter had a certificate from him to vote in the constituency in which he resided at that time, it would meet all objections, because then he could not come back to vote in his original constituency, but would have to vote where he was on election day.

Hon. Mr. CASGRAIN: The plan suggested to me was that the returning officer where the elector had the vote would give him a certificate that he was entitled to vote there, and the returning officer where he was then residing would give him a permit to vote at a certain poll,—say number 19 or 20.

Hon. Mr. TANNER: I have had a good deal of experience in the making of lists, and I think the worst point of that suggestion is that the voter would not have any guarantee that his name would not be stricken off the list in the section from which he had moved, and consequently he might not be able to get such a certificate. There is a condition here which ought to be remedied if possible, and I want to make a suggestion. The principle of the Election Act to-day is that a man or a woman shall vote in the district in which he or she is residing at the time of the election, and I think that is a good principle.

Hon. Mr. DANDURAND: But the law says, for the two months preceding.

Hon. Mr. TANNER: Yes, I understand: I will come to that. This amendment reverses that principle altogether, and introduces the absentee voter. Now, it seems to me the whole difficulty arises out of fixing the time from which you figure out the qualification of the voter. That is to say, he must have resided in that district two months previous to the date of the issue of the writ. I do not see any reason why that date should be accepted as an arbitrary date for the purpose of fixing the qualification of the voter. Voters' lists in cities and towns are made up and are being revised until about two weeks before the election. Why could not the law be amended so as to enable a person to vote where he or she had resided for two months previous to the day upon which he or she applied to be registered? That would, I think, practically cut out 90 per cent of the difficulty, if not more; so that, if I lived in Ottawa, say, and in two months all but two weeks I moved to Montreal, I could get on the list in Montreal. Revision of the list begins about sixty days before election day, but if you examine the law you will find that there are opportunities to apply right up until within two weeks in towns and cities; so that, as I understand it, I can go any time within two weeks before the election day and apply to have my name put on the list. I would have been there two months before the day I applied.

Hon. Mr. DANDURAND: That is the law at present.

Hon. Mr. TANNER: No, you must be a resident for two months before the date of the issue of the writ.

Hon. Mr. DANDURAND: You would shorten the time during which one would have to acquire residence.

Hon. Mr. TANNER: No, I think my honourable friend is mistaken. The law says that you must have resided in the district—ordinarily resided—for two months previous to the date of the issue of the writ of election. As the writ of election is issued very nearly two months before election day, that puts a man two months back from the election day, and then two months further; that is, four months. Now, if I see this matter correctly, by saying that he must reside for only two months previous to the day on which he applies for registration, you carry him forward the two months, except about two weeks. In a country district he could be put on the list on the day of election, so that all he would have to do would be to reside there two months previous to election day. I am making that suggestion to my honourable friend, because I think that it may work out in that way, and at the same time preserve the principle of the election law; that is, to vote in the district in which you reside.

Hon. Sir JAMES LOUGHEED: I am not aware whether my honourable friend has in mind the criticism which I made on this Bill when it was before us a few days ago, and which I think was not appreciated by the House at that time. Possibly the House may not appreciate it to-night, but I can illustrate it more clearly than I did then. I advanced the argument that this Bill proposed qualifying a man to vote in two districts. It permits him to move out of one district into a new district, which will bring him within the Dominion Elections Act, section 29, paragraph c, qualifying him to vote if he resides for at least two months immediately preceding the issue of the writ of election.

This Bill provides that he can go back to his original district, and he is qualified to vote there if he has within two months immediately preceding the date of the issue of the writ changed his place of residence from such electoral district to another. That is to say, he is qualified in both. Now, let me illustrate this by dates. The writs for the election issue on the 1st of January. On the 1st of November he moved to his new district, and he lived in that new district during November and December. He has qualified himself to vote in that district by living within that district those two months. He possibly may vote and if he is an enthusiastic supporter of the present Government I have no doubt he would vote—in that district.

Hon. Mr. DANDURAND: Or of the Opposition.

Hon. Sir JAMES LOUGHEED: He then may go back to the district from which he moved, and he comes within a clause embodied in this Bill qualifying him to vote in the district from which he has left, because the reading is:

> Within the two months immediately preceding the date of the issue of the writ, changed his place of residence from such electoral district to another.

Now, the law knows no fraction of a day, and consequently he is within the two months, and therefore he is qualified in both places. Surely it is not intended that he should acquire a new qualification by residing two months in a new district, and at the same time be permitted to go back to the district which he had left and vote in that district. He is entitled to only one vote, but he has the qualification to vote—and if he is not a man of sensitive political morals he is going to exercise his vote—in both.

Hon. Mr. BELCOURT: My honourable friend is confounding the date of the election with the date of the issue of the writ.

Hon. Sir JAMES LOUGHEED: Both qualifications are based upon the issue of the writ, and the language is the same. Let me read again:

> Has ordinarily resided in Canada for at least twelve months, and in the electoral district wherein such person seeks to vote for at least two months immediately preceding the issue of the writ of election.

Now, this is the same thing—

> Two months immediately preceding the date of the issue of the writ.

Hon. Mr. CASGRAIN: The person would have had to live in the county in November and December.

Hon. Sir JAMES LOUGHEED: If the writ is issued on the 1st of January, he would have moved into the new district in November.

Hon. Mr. CASGRAIN: But it would count the same in the new district.

Hon. Mr. BEIQUE: He cannot qualify in both constituencies.

Hon. Sir JAMES LOUGHEED: I contend that he can. I cannot see the distinction.

Subsection 1 and 2 of section 1 were agreed to.

The Hon. The CHAIRMAN: The honourable gentleman from Prescott (Hon. Mr. Reid) moves:

> That the following be added as subsection 3: "If the name of any voter is on the voters' list of a district in which he previously resided and conditions prevent him from having his name placed on the voters' list in the district in which he is resident at the date of polling, he may cast his vote in the constituency where his name is inscribed on the voters' list."

Shall this amendment carry?

Some Hon. SENATORS: Carried.

Hon. Mr. DANDURAND: No. I have just read the proposed subsection, and it does not seem to me that it adds much to subsection 2. If it goes to the House of Commons, they may take their choice, but it seems to me it is on the same lines as subsection 2.

Hon. Mr. BELCOURT: Subsection 3, I take it, simply illustrates the way in which subsection 2 is to work out. That is all it does.

Hon. Mr. REID: It goes further than that. Instead of limiting the period to two months, it gives the right to vote to any person who has been away longer than two months if he was legally on the voters' list of the constituency in which he formerly resided.

Hon. Mr. DANIEL: I can give the Committee a case exactly in point, in which an elector was deprived of his vote just under such circumstances. In the last election I ran there was a gentleman who had been a resident of St. John, but he moved to Fredericton. He was too late to get his name on the list in Fredericton; so he thought he would come down to St. John to vote. When he came there he found that, not being a resident, he could not vote. As he had come down to vote against me, I shed no tears. But under the amendment

offered by the honourable gentleman from Prescott, if it had been in force, this man would have been entitled to vote in St. John, where his name was on the list.

Hon. Mr. BEIQUE: I am not quite sure as to the value of the amendment, but I am inclined to accept it, because it may be useful in the country.

Hon. Mr. REID: Yes, that is right.

Hon. Mr. BEIQUE: If the Commons see any objection to it—

Hon. Mr. DANDURAND: They will say so.

The proposed amendment of Hon. Mr. Reid was agreed to.

Hon. Sir JAMES LOUGHEED: Has my honourable friend given some thought to the point raised the other night, that this Bill is not an amendment to subsection 2?

Hon. Mr. DANDURAND: Yes. I interviewed the Electoral Officer, Mr. Biggar, and he said that those clauses were being repealed purposely as being now of no use.

The preamble and the title were agreed to.

The Bill was reported as amended.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

LOAN COMPANIES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 59, an Act to amend the Loan Companies Act, 1914.

He said: Honourable gentlemen, the Loan Companies Bill has for its main object the restriction of investment powers and the increase of the power to take deposits. Loan Companies could receive deposits up to an amount equal to their capital. That limit is now being removed by this Bill, but a limit is fixed as to the total liabilities of those companies to the public: it is fixed at four times their capital and reserve.

Hon. Mr. BELCOURT: What was it before?

Hon. Mr. DANDURAND: It was equal to the amount of their capital. One of the other principal modifications of the Act is the obligation upon those companies to maintain a local reserve of 20 per cent of their deposits.

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

TRUST COMPANIES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 60, an Act to amend the Trust Companies' Act, 1914.

He said: The main objects of this Bill are to restrict further the investment powers of trust companies, both as to the trust moneys they hold and as to their own funds, and to provide for the appraisement of the real estate that they hold.

Hon. Mr. ROCHE: I would ask the honourable gentleman in what direction the investment of the funds is being restricted, and what is the object of the restriction.

Hon. Mr. DANDURAND: This Bill will go to the Banking and Commerce Committee, of which my honourable friend is a member, and he will have an opportunity to obtain the explanation there.

Hon. Mr. CASGRAIN: I have been asked particularly to call attention to this fact. Trust companies that have Federal charters are by this Bill restrained from doing certain things that companies like the Royal Trust Company in Montreal, operating under a provincial charter, are allowed to do. This does not restrain those provincial trust companies from doing certain things—

Hon. Sir JAMES LOUGHEED: We have no authority over them.

Hon. Mr. CASGRAIN: And the consequence is that you are now taking away rights formerly enjoyed by Federal trust companies in which people have invested their money. There would be only one thing for those Federal companies to do, namely, to abandon their Federal charter and take out a provincial charter. But this would cause them a great deal of disturbance and trouble. I am pointing this out only by way of warning to the Banking and Commerce Committee. We should give notice to the parties who are interested, so that they may have opportunity to be heard.

Hon. Sir JAMES LOUGHEED: My honourable friend's position is equivalent to

this, that no matter how recklessly the companies do business under a provincial charter, we must keep pace with them.

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

VANCOUVER HARBOUR COMMISSIONERS BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 106, an Act to amend the Vancouver Harbour Commissioners Act.

Hon. Mr. Beaubien in the Chair.

The Bill was reported without amendment.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

SUPREME COURT BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 125, an Act to amend the Supreme Court Act.

Hon. Mr. Bennett in the Chair.

Hon. Mr. DANDURAND: Honourable gentlemen, the purpose of this Bill is to allow the provinces an appeal to the Supreme Court on a stated case from one of their appeal courts.

The Bill was reported without amendment.

THIRD READING

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

CANADA SHIPPING BILL (PUBLIC HARBOURS AND HARBOUR MASTERS)

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 144, an Act to amend the Canada Shipping Act (Public Harbours and Harbour Masters).

Hon. Mr. Gordon in the Chair.

On section 1—application of Part XII, relating to public harbours and harbour masters:

Sir JAMES LOUGHEED.

Hon. Mr. DANIEL: What is the object of the Bill?

Hon. Mr. DANDURAND: This Bill, as honourable gentlemen will see, amends sections 850 and 854 of the Canada Shipping Act, Revised Statutes, 1906, chapter 113. Section 850 is one of the sections within Part XII of the Act, and specifies generally the application of the Part. Certain ports, however, which at the time of the passage of the Act, were administered by harbour commissions, were exempted from its application. Since the Act was passed, however, several new ports have come under the administration of harbour commissions, and it is the purpose of the amended Section in the present Bill to exempt these additional ports from the application of the Part, as, in harbours under a harbour commission, the Commissioners are given power to appoint a harbour master and to make regulations fixing his duties. It is also the purpose of the new Section to provide that any ports hereafter placed under a commission, which have not been specifically named in the Bill, shall also be exempted from its application. The Bill also provides, that, in case of the abolition of any harbour commission, the harbour affected may then, by proclamation, be brought under the application of Part XII.

Under the present section 854, the Governor in Council has power to make rules and regulations for the Government of any harbour or port in Canada. It is proposed, by the amended Section 854, to obviate conflicting regulations, but to provide that any harbour commission, desiring to adopt a regulation made by the Governor in Council for public harbours generally, that they may do so by making application to the Governor in Council and receiving consent thereto.

Section 1 was agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time and passed.

FISHERIES BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 145, an Act to amend the Fisheries Act, 1914.

Hon. Mr. Planta in the Chair.

Sections 1 and 2 were agreed to.

On the preamble:

Hon. Mr. CASGRAIN: It is strange that the more salmon the curing establishments have the higher goes the rate per thousand. When they have only fifty tons the rate is 50 cents. When they have more it is 75 cents.

Hon. Mr. DANDURAND: It is according to the ability to pay.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time and passed.

ESCHEATS BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 124, an Act to amend the Escheats Act.

Hon. Mr. Daniel in the Chair.

Section 1 was agreed to.

On section 2—prescription:

Hon. Mr. DANDURAND: When this Bill was in the other Chamber, someone asked if the time provided for bringing an action against the Crown, after two years, was long enough. The Minister, who had no information at hand, and who was looking in vain for a memorandum from the Department, said, "Well, I have no objection to making it five years," and it was made five years. Now I find here a memorandum from Mr. Newcombe. We had asked the Department of Justice if it was not an innovation to use the words: "No action shall be brought against His Majesty the King represented by his Government of Canada." He answered justifying the expression, but he added:

> The draft with regard to the five years is not mine. My suggested term was two years, and I thought if there were to be five years delay before the dissolution the people entitled were very likely to lose the benefit of it. These dissolutions, in order to serve the purpose intended, should be made as early as possible.

I am inclined to take the view of the Deputy Minister of Justice who drafted the Bill, and to restore the two-year period.

Hon. Mr. BELCOURT: Oh, no.

Hon. Mr. DANDURAND: Well, I submit it to the gentlemen of the Senate. I am simply explaining that five years seems to me to be too long.

Hon. Mr. BELCOURT: No, five years is not too long. It may take a long time for people whose property is taken in their absence to know that it has been taken. The Crown may take the property while the people are in Europe or in the antipodes, and have no opportunity of knowing that it has been taken. I think five years is little enough. As between subject and subject, it would be either ten, twenty or thirty years.

Hon. Sir JAMES LOUGHEED: I was particularly struck with the element of delay, which was strongly urged in the Commons. It was pointed out that the property would become depreciated in value and fall into disrepair if the Crown could not enter at once and take possession. That was urged as a reason why the time should be short. It is quite apparent that provision could be made permitting the Crown to take possession of the property, and to keep it in repair and maintain it, and charge that up against the property. That is what should be done. Non-repair of the property should not be an element in entirely ousting the possible title of those who might have an interest in it.

Hon. Mr. BEIQUE: Under the law in the province of Quebec, the Crown would be entitled to be repaid before returning the property.

Hon. Sir JAMES LOUGHEED: Such a provision could be inserted in the Bill.

Hon. Mr. DANDURAND: I would have no objection to sending this Bill to the Committee on Banking and Commerce, and asking Mr. Newcombe to come and defend it.

Hon. Sir JAMES LOUGHEED: The Crown talks about being absolutely helpless. It is apparent that the whole matter is in their own hands.

Hon. Mr. DANDURAND: I understand that this Act concerns mainly the West, because it refers to property that reverts to the Dominion Government. In the East all these properties of course go to the provincial Government.

Hon. Sir JAMES LOUGHEED: That would be in the unorganized territories, I

presume, because I cannot see any distinction between the Western Provinces and the Eastern Provinces in their rights under the British North America Act.

Hon. Mr. DANDURAND: I do not think the provincial Governments have any Escheats Acts.

Hon. Sir JAMES LOUGHEED: They are entitled to escheat property under the decision of the Privy Council in the Mercer case, which was decided in Ontario many years ago.

Hon. Mr. BELCOURT: The provinces, not the Dominion Government, would be entitled to escheat property. Let us presume that proceedings are taken in the Exchequer Court by someone who comes along and claims property. The Crown would say: "Yes, but we have taken care of it and spent a certain amount of money on it."

Hon. Mr. DANDURAND: Well, we will let the Bill go as it passed the House of Commons. But first I should like to make a slight amendment in the third line on page 2, where it says:

Or where the person last seized or entitled to such property was a corporation, association or society, within five years of the date of the dissolution or winding up.

I want to change "within" to "after."

The Hon. the CHAIRMAN: Is that an amendment or a clerical error?

Hon. Mr. DANDURAND: I am a little diffident about calling it a clerical error. The Act asserts that certain rights would accrue to the Crown within five years; as a matter of fact, it is after five years.

The proposed amendment of Hon. Mr. Dandurand was agreed to.

Hon. Mr. CASGRAIN: You must amend the marginal note, too.

Hon. Mr. DANDURAND: I do not think there need be any amendment.

Hon. Sir JAMES LOUGHEED: No, the marginal note can be altered.

Section 2, as amended, was agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time and passed.

MEAT AND CANNED FOODS BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 150, an Act to amend The Meat and Canned Foods Act.

Hon. Mr. Blain in the Chair.

Hon. Mr. DANDURAND: I have asked the senior member for Ottawa (Hon. Mr. Belcourt) to take charge of this Bill in Committee. I would like to recognize the right honourable member in future as the junior member for Ottawa.

Right Hon. Sir GEORGE E. FOSTER: Thank you.

Hon. Mr. BELCOURT: The first purpose of the Act is to put this work under the administration of the Department of Marine and Fisheries. Formerly it was administered by the Department of Agriculture. The purpose of the Bill is to provide for the inspection of fish canning establishments in order to insure that they are kept and operated in a sanitary manner. It also provides that the raw material shall be subject to inspection during the whole process of preparation and packing; that the cans shall contain the specified weight; and that on the labels shall be shown a true description of the contents; the weight, the name of the packer and the place of packing. It further specifies certain requirements for imported canned fish and shell fish. The experience of its operation in recent years has made it clear to the Department, and to the canners, that some of its sections require amending and others repealing, more especially those dealing with the canning of lobsters. A draft of the proposed amendments was submitted to a meeting of the Lobster Canners' Association held recently at Moncton, N.B., at which an officer of the Department was present. After full and free discussion the draft, as it now appears in the form of this Bill, was unanimously agreed to as practicable and comprehensive. A draft was also submitted to the salmon canners of British Columbia. Some minor changes were suggested by them, and these are embodied in the Bill.

Sections 1 and 2 were agreed to.

On section 3, new section 12C—unsound fish and shell fish liable to confiscation:

Hon. Mr. BELCOURT: The explanation of this is that section 12C of the Act, which is to be repealed, provides for the seizure

of unsound fish or shell fish before packing, but does not make any provision for so dealing with unsound fish or shell fish when in the cans. As fish and shell fish found to be unsound prior to canning are amply provided for in section 12B of the Act, this amendment to section 12C is intended to cover unsound goods in cans.

Section 3 was agreed to.

On section 4, new section 12D—cans to be of five standard sizes:

Hon. Mr. BELCOURT: This amendment to section 12D of the Act is intended to definitely fix the size of each of the five sizes of cans at present legalized; also to empower inspecting officers to seize and hold light weight cans, pending a decision as to their disposal.

Sections 4 and 5 were agreed to.

On section 6—imported canned fish to be labelled:

Hon. Mr. DANIEL: What authority inspects the imported fish? Is it the Customs?

Hon. Mr. BELCOURT: No; special inspectors appointed under this Act.

Hon. Mr. DANIEL: Are they appointed at the port of importation? Are the cans that are imported from outside countries inspected? If they are inspected at all, I suppose it is at the point of entry.

Right Hon. Sir GEORGE E. FOSTER: This is only as to labels, not as to quality of the fish.

Hon. Mr. BELCOURT: The inspection is made by the inspectors appointed under the Act, and acting under regulations made by the Department. I presume those regulations would indicate just what my honourable friend wants as to locality, etc., but that would be part of the regulations.

Section 6 was agreed to.

The preamble and the title were agreed to, and the Bill was reported without amendment.

THIRD READING

On motion of Hon. Mr. Belcourt, the Bill was read the third time, and passed.

INSURANCE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 58, an Act to Amend the Insurance Act, 1917.

He said: This Act is somewhat extended, because it covers a number of modifications of the Act, many of which are of minor importance. The principal changes increase the classes of business which may be combined under one license.

Hon. Sir JAMES LOUGHEED: Does my honourable friend intend to send this to the Banking and Commerce Committee?

Hon. Mr. DANDURAND: Yes. I move the second reading.

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

CRIMINAL CODE BILL (SCRIP FRAUDS).

SECOND READING POSTPONED

On the Order:

Second reading of Bill 54, an Act to amend the Criminal Code.—Hon. Mr. Dandurand.

Hon. Mr. DANDURAND: I move to discharge this Order, because I have not received any information concerning this Bill, and the Act itself does not furnish me with any explanation.

Hon. Sir JAMES LOUGHEED: I might say to my honourable friend that this is not a Government measure at all. It is a Bill introduced by a private member, and by some means or other it has been put in the name of my honourable friend.

Hon. Mr. DANDURAND: Perhaps that would justify me in moving to discharge the Order, and put it on the Orders of the Day for to-morrow morning, first sitting, so that I may inquire.

Hon. Sir JAMES LOUGHEED: Yes, because I intend to move against it.

Hon. Mr. WATSON: What is the Bill for?

Hon. Sir JAMES LOUGHEED: It proposes repealing a clause in the Criminal Code which was put in the Code by the Minister of Justice at the last Session of Parliament, simply limiting the time for actions being brought against frauds dealing with scrip. The Criminal Code had provided a limitation of actions in almost every conceivable offence, except this particular class of case, and last Session, at the instance of the Minister of Justice, a limitation of three years was put upon this class of offence, and it was thus included amongst the most serious classes of offences committed. An entirely false interpretation has been placed upon it. Some proceedings have been taken in the city of Edmonton against a well-known resident, who was alleged to have committed a fraud touching scrip some twenty years ago.

Hon. Mr. BELCOURT: What was the fraud?

Hon. Sir JAMES LOUGHEED: The charge was of having secured some scrip from a half-breed. Apparently, when this clause was passed it was not retroactive at all, and would only have operation from the date when it was passed, and could only go back three years. The provincial Government, apparently, dropped the prosecution of the case, and the Minister of Justice himself said in the Commons, when it came up yesterday, that the statute was not retroactive. At page 3328 he said:

Sir Lomer Gouin: I have looked over the record regarding this matter. The question was put to the officers of my Department, and over their signatures they have given it as their opinion that the statute of 1921 had no retroactive effect. That is also my opinion. As to the Secord case, which was mentioned, it was commenced before the Bill was introduced, passed, and sanctioned. I would consider that this amendment would not affect that case.

Hon. Mr. BELCOURT: Why did they pass it?

Hon. Sir JAMES LOUGHEED: I suppose it was simply because the member for Edmonton, who is apparently one of the Progressive members of Parliament, regarded this as a factor in his election. He argued that this legislation was passed purposely to prevent prosecution in the Secord case, and based his argument upon the allegation that the Government of last year, for the purpose of assisting a wealthy citizen, had legislated in a special way for his relief, whereas it will be observed that such is not the case at all.

Now, in the last Session, after receiving from the Minister of Justice a letter touching the criminal law amendments that were before us, I likewise received a letter from the Parliamentary Counsel, reading as follows:

Memorandum for Sir James Lougheed.

The Minister of Justice would like the enclosed amendment made to the Criminal Code when it is being considered in Committee by the Senate. It would come in after clause 24 of the Bill, page 9, line 6.

The object of the clause is to provide a prescription of three years with respect to any offence relating to the location of land issued by half-breed script. It is urged that there were a good many irregularities amounting to fraud and perjury in connection with the location of these lands, and parties are raking up these frauds for the purpose of blackmailing. If this clause passes any such prosecution would be proscribed as the offences were committed a long time ago.

Francis H. Gisborne.

31st May, 1920.

Sir JAMES LOUGHEED.

That means that the proceedings were not then started. Now, the only case that we know of was the Secord case, which was started, but which was not affected at all by this legislation.

Hon. Mr. BELCOURT: Started when?

Hon. Sir JAMES LOUGHEED: Before the Bill was ever introduced. That is what the Minister of Justice himself states. Now, the amendment to the Criminal Code reads as follows:

24A. Paragraph (a) of section eleven hundred and forty of the said Act is amended by adding thereto the following sub-paragraph:

(iv) Any offence relating to or arising out of the location of land which was paid for in whole or in part by script or was granted upon certificates issued to half-breeds in connection with the extinguishment of Indian title.

That is to say, 1140 of the Criminal Code deals with prosecution for crime, and fixes a limitation of time for action, thus:

After the expiration of three years from the time of its commission, if such offence be—

and it recites the following offences in the three sub-paragraphs immediately preceding the new sub-paragraph iv, which I have just read: treason, treasonable offence, and offences relating to fraudulent marking of merchandise. These classes of cases are the most serious in the Criminal Code. This offence has been included in the list, and the longest limitation has been given to this particular class of case. It was in the public interest that a limitation should be placed upon this class of offence, because it was clearly omitted from the Criminal Code. As honourable gentlemen know, almost every class of case has been severally mentioned in the Criminal Code under 1140 except this class of offence, and this had been overlooked.

Hon. Mr. BELCOURT: This was not known at that time.

Hon. Sir JAMES LOUGHEED: That may be the case; but it would certainly be an abuse of justice if parties were now permitted to go back twenty years, owing to the absence of a limitation in this class of prescription, and prosecute those who would not be able to secure evidence that must necessarily have disappeared some time ago. For instance, in the Secord case, the Provincial Government making the prosecution, withdrew the proceedings. No injustice would be done the parties who entered the prosecution, because they could recover in the civil courts if a fraud had been committed. The right to recovery still exists, because a man can not take advantage of his own fraud. I am there-

fore desirous of disposing of this case, and would move—

Hon. Mr. DANDURAND: I have not moved the second reading. I have just now learned that my name was attached to the Bill in error, and that the name of the honourable gentleman from Edmonton (Hon. Mr. Harmer) appears on the record as that of the Senator who was in charge of this Bill.

Hon. Mr. BELCOURT: Wait until you get the real culprit.

Hon. Sir JAMES LOUGHEED: It will necessitate my making an explanation to the House again.

The motion was agreed to, and the Order was discharged and placed on the Order Paper for the first sitting to-morrow.

PENNY BANK BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 148, an Act to amend the Penny Bank Act.

He said: Honourable gentlemen, the purpose of this Bill is to enable a Penny Bank to leave a proportion, not exceeding one-half, of deposits received elsewhere than at the place where the chief office of the Bank is situated, on deposit in such chartered Banks or other financial institutions as the Minister of Finance may designate.

The Penny Bank of Toronto, which was incorporated by Letters Patent in 1904, appears to be the only institution which has been formed under the provisions of the Penny Bank Act. The Act and the proposed amendment are, of course, of general application.

The officers of the Penny Bank of Toronto state that the business has grown largely and covers not only Toronto but numerous points throughout the country. In handling the business outside of Toronto they must rely upon the good offices of a chartered bank or other financial institution which is willing to act as agent for the Penny Bank. To facilitate this outside business the officers state that they could secure closer co-operation and a keener interest in the extension of their work if they were permitted to leave a part of their deposits with each Bank which acts for them.

By section 25 of the Act a Penny Bank may hold five per cent of deposits, for the purpose of paying withdrawals. All moneys received on deposit in excess of such amount must, under the Act as it now stands, be deposited in a Government Savings Bank or a Post Office Savings Bank whence they can be withdrawn only as stated below.

Subsection 2 of the Bill is necessary to make other parts of the Act conform with the proposed amendment and covers withdrawals under section 26 for the payment of working expenses or the augmenting of the gurantee fund, for which purpose a portion of the interest may be used. By subsection 2 of section 26 moneys may be withdrawn to pay withdrawals by depositors in the Penny Bank. By Chapter 11 of the Statutes of 1917 the Bank may also make withdrawals for investing in such bonds, etc. of the Dominion as the Minister may approve.

The Bill is restricted to moneys "received on deposit elsewhere than at the place where the chief office of the Bank is situated". Section 7 of the Act requires the letters patent to declare "(c) the place, being a place in Canada, where the chief office of the Bank is to be situate."

By section 37, as amended by Chapter 11 of the statutes of 1917, the bank is required to transmit to the Minister of Finance statements showing the condition and business of the Bank on the last day of June in each year, verified by oath of specified officials.

The Manager of the Penny Bank advises that deposits made by school children in the Penny Bank outside of Toronto are received by a chartered bank and put to the credit of the Penny Bank. Withdrawals of these deposits made by the children are charged against the same account. The account is closed out every month by a draft forwarded to the Head Office at Toronto. There is at present about $300,000 on deposit from centres other than the Head Office.

The Head Office maintains a staff of thirteen persons which handles all the business resulting from 50,000 individual accounts of the Toronto school children, in addition to Head Office work.

Hon. Sir JAMES LOUGHEED: What do the deposits amount to?

Hon. Mr. DANDURAND: I have the last statement of the directors. I have, however, been wondering how this can be a Government measure, and by whom it was introduced in the House of Commons.

Hon. Sir JAMES LOUGHEED: Is it under a charter issued under the Bank Act?

Hon. Mr. BELCOURT: Under the Penny Bank Act.

Hon. Sir JAMES LOUGHEED: Is there a Penny Bank Act?

Hon. Mr. BELCOURT: Chapter 31 of the Revised Statutes.

Hon. Mr. DANDURAND: On the 8th of November, 1921, Mr. Lockhart Gordon, President, said that the deposits for the past year had increased from $606,404, to $731,000, an increase of $125,000, or more than 20 per cent during the year.

Hon. Mr. BELCOURT: Is the amendment of subsection 2 of section 35 because of the work that is entailed? Perhaps I had better read the section we are now amending:

All moneys received on deposit and on hand at any time in excess of such amount—

That is, the amount stated above—

—shall be deposited by the Bank in a Government Saving Bank or in a Post Office Saving to the credit of the Bank.

We are amending that so as to allow a portion of this deposit not exceeding 50 per cent to be deposited in some chartered bank—I do not know why.

Hon. Sir JAMES LOUGHEED: It is difficult to understand how the ordinary chartered bank could be of service. It seems to me it would be very much better for the Government—

Hon. Mr. DANDURAND: Apparently those Penny Banks have no regularly organized branches outside of Toronto, but they have in various parts of Ontario a representative who, as the agent of the Penny Banks, receives money from school children and deposits it in a local bank.

Hon. Sir JAMES LOUGHEED: I see. It is only fair that they should participate.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Tessier in the Chair.

The Bill was reported without amendment.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

Hon. Mr. DANDURAND.

DIVORCE BILL

FIRST, SECOND AND THIRD READINGS

Bill J5, an Act for the relief of Margaret Mary Ivor Horning.—Hon. Mr. Willoughby.

FERTILIZERS BILL

FIRST READING

Bill 149, an Act to regulate the sale of agricultural fertilizers.—Hon. Mr. Beique.

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE

Thursday, June 22, 1922.

FIRST SITTING

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

PRIVATE BILL

THIRD READING

Bill C5, An Act respecting the Dominion Chain Company, Limited.—Hon. Mr. Proudfoot.

ICE-BREAKER J. D. HAZEN

INQUIRY

On the notice:

Hon. Mr. MURPHY:

That he will direct attention to the purchase of the ice-breaker, J. D. Hazen, from her former owners, and will ask:—

1. Why landsmen were sent to France to implement her delivery?
2. What is the allowance, salary and expenses of these men?
3. Has an expert captain or mariner recently been sent over to take charge of her?
4. Why was he not sent in the first instance and the non-technical man's expenses saved to the Government?
5. Are the original men sent over not now receiving two salaries while engaged in this occupation?

Hon. Mr. FOWLER: In the unavoidable absence of Hon. Mr. Murphy, I ask the questions standing in his name.

Hon. Mr. DANDURAND:

1. Two officers of the Department of Marine and Fisheries highly competent to conduct the necessary negotiations were sent to France.
2. These officers are allowed $15 per day for expenses during their absence.
3. Captain John Hearn of Quebec is in France at present and will take charge of

the vessel if the purchase is concluded.

4. For the reason that the officers sent by the Department were the best qualified to conduct the negotiations.

5. No.

TRANSPORTATION OF EX-SERVICE MEN

STATEMENT AND DISCUSSION

On the Orders of the Day:

Hon. Mr. DANDURAND: Honourable gentlemen, I beg leave to refer to a statement of the honourable Senator from Welland (Hon. Mr. Robertson), the ex-Minister of Labour, as to the cost of a special train from Ottawa to Toronto. The honourable Senator gave the cost as $800 or thereabouts. I wrote to the Deputy Minister of Railways to ask him his opinion as to these figures, and here is the letter from Major Bell:

I am in receipt of your communication relative to Senator Robertson's statement in the Senate in regard to the payment of the Canadian Pacific Railway Company's account of $1,423.00 for the carrying of certain men to Toronto.

Senator Robertson is mistaken in his statement. The Canadian National Railways would have furnished a special train for the carrying of these men at the same rate as the Canadian Pacific Railway carried them on their regular train, but in consideration of furnishing a special train they would have required a guarantee of $3.00 per mile for the special, and if the collections from tickets had fallen under this amount, then the Government would have had to make up the difference, but if the collections from tickets had been in excess of the minimum guarantee, they would have had to pay the larger amount, so that the only difference would have been that they would have, possibly, had a little quicker despatch.

Hon. Mr. ROBERTSON: In reply to the honourable leader of the Government's remarks, I may observe that had the Government purchased one ticket covering one thousand or one hundred men, as the case may be, they would have found that the result would have been what I have indicated. Furthermore, the justification advanced for sending those men back to Toronto via the Canadian Pacific was that the Canadian National did not have a train leaving here until one o'clock. I would point out again that the Canadian Pacific train was a local train, stopping at all points between here and Toronto, and reached Toronto only a short time ahead of the Canadian National train, and that there was contributed to the Canadian Pacific Railway the sum of $1,422, which it might have been expected would have been directed in another channel by the Government, who owned the other railway. I have no objection to the Canadian Pacific Railway getting the business. I happen to know that the Canadian Pacific "hustled." That fact had not been brought out.

Hon. Mr. WATSON: I would like to ask a question. As a matter of fact I was not here at the time the thing happened, but from reading the press I understand that the Mayor of the city of Ottawa and the authorities here generally were anxious to get those people embarked and out of Ottawa on the first possible train for Toronto. Even if it did cost a few hundred dollars more, I think the city of Ottawa authorities were desirous of getting rid of them.

Hon. Mr. ROBERTSON: My information is that these gentlemen started for Toronto on foot and got several miles out of town, but were induced by a member of the Government to return.

Hon. Mr. FOWLER: Honourable gentlemen, I would like to ask for some information from the honourable leader of the Government in this House with regard to this matter. Ever since the Canadian National Railways became the Canadian National Railways I have continuously given all my patronage to the Canadian National Railways.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. CASGRAIN: That is a great help.

Hon. Mr. WATSON: On a pass?

Hon. Mr. FOWLER: Honourable gentlemen seem to laugh at that.

Hon. Mr. WATSON: Did you tip the porter?

Hon. Mr. FOWLER: It reminds me of what the Scripture says about the laughter of a certain kind of people. Now, if it pays better to transport people over the Canadian Pacific Railway than it does over the Canadian National—if it is better business for the country—I shall certainly patronize the Canadian Pacific in future, in the matter of freight or any other business, apart from the carrying of my person, which is not perhaps very remunerative to the railway. Yet they are very glad to have members of Parliament travel over their lines. Members of Parliament have to pay for their reservations, their meals, and all that sort of thing, which helps in the upkeep. But, if I understand aright the answer the honourable gentleman read from Mr. Graham Bell, the

country would have been very much more out of pocket if those gentlemen had been carried by the Canadian National. Let us understand this thing.

Hon. Mr. CASGRAIN: Well, they are doing business at a loss.

Hon. Mr. FOWLER: It would seem to be a monstrous thing, in view of the fact of the deficit on this road, that for the transportation of these men the Government made use of the Canadian Pacific instead of the Canadian National; but of course, if the report of the Deputy Minister is correct and we saved money by doing it, we had better try to send all the business of the country by the Canadian Pacific.

Hon. Mr. CASGRAIN: In that way we would have no deficit.

Hon. Mr. FOWLER: Exactly.

Hon. Mr. CASGRAIN: The ex-Minister of Railways (Hon. Mr. Reid) said in another place that in order to make one dollar we have to spend one dollar and twelve cents. Well, the less business you do, the less you lose.

Hon. Mr. DANDURAND: There is in this small matter, honourable gentlemen, a factor which for obvious reasons, has not been emphasized, but it is perhaps well to mention it. I think it was referred to by my honourable friend from Portage la Prairie (Hon. Mr. Watson). The authorities of the city of Ottawa were most desirous of freeing the city from this mob.

Hon. Mr. FOWLER: Mob?

Hon. Mr. ROBERTSON: There was no mob.

Hon. Mr. DANDURAND: Well, this crowd of people. Perhaps the expression "mob"—

Hon. Mr. FOWLER: It is very unfortunate.

Hon. Mr. DANDURAND: —conveys an idea which is not a proper translation for the expression I have in mind, but these people were threatening to walk back to Toronto with all that that implied of imposition upon the various municipalities and towns through which they passed, and the decision was that it was better to have them go by the first train, which was leaving early in the morning. That was the request that was being made all around.

As to the men themselves, I may say that the matter of the re-establishment of soldiers is one that has attracted and retained the attention of Parliament to a considerable degree—to a larger degree in the House of Commons, probably, than in this House. We are all disposed to extend our greatest sympathy to all the men who have returned, and whose health has been in the least affected by their work overseas. Ninety per cent, I would say, of the others, who have come back in good health, have got back their positions in civil life. There are a certain number of men, a residuum, in some towns and cities, who have not found an easy outlet for their activities or a means for their bread-winning. There have been difficulties in this respect in every town. Montreal is as large a place as Toronto. We have coped with the difficulty in Montreal, and I think it devolves on each municipality to take care of that residuum. I do not know who were those 200 men who started on that jaunt from Hamilton and Toronto to Ottawa. I would have liked to have seen a census taken of the men and their past records in order to ascertain what they were doing before they went abroad. Now that they are out of work, the provinces and the municipalities have a prime duty in the matter. I do not know what those 200 men gained by coming to Ottawa, except to herald throughout Canada that there were 200 or more unemployed. We all knew that before. We have had unemployed of all grades in our towns and cities. Those men, through the imagination of one or two who styled themselves "generals" or "leaders", were prompted to take this little walk from Toronto to Ottawa—

Hon. Mr. FOWLER: I beg the honourable gentleman's pardon for interrupting him, but he is not answering my query at all: he is indulging in a bit of camouflage which has nothing to do with the case. My query was: why it was more advantageous to the country, and why it was a saving to the country, to pay out the money to the Canadian Pacific to carry these men to Toronto than it was to use the Canadian National line.

Hon. Mr. DANDURAND: Because there was a general demand by the civic authorities of Ottawa to free the city as quickly as possible of these people who had invaded the city.

Hon. Mr. FOWLER: Just a moment. I asked why it was more advantageous to the country, from the financial point of view, to have these men carried by the Can-

adian Pacific rather than by the Canadian National line.

Hon. Mr. DANDURAND: The question did not enter into consideration, because there was a train leaving between 8 and 9 o'clock in the morning, and the Canadian National train was leaving only at 1 o'clock—

Hon. Mr. FOWLER: Three hours' difference.

Hon. Mr. DANDURAND: —and these people in their full strength, and within their rights, said: "We will not leave by the one o'clock train in the afternoon." I am informed by the ex-Minister of Labour that they had started to walk back towards Toronto. Well, I think that the sooner an end could be put to that exhibition the better it was for the country.

Hon. Mr. TURRIFF: Honourable gentlemen, since this question has come up, I would like to bring to the attention of the honourable leader of the Government another phase of it. I do not think the explanation about using the Canadian Pacific Railway train instead of the Government train is very convincing.

Hon. Mr. DANDURAND: Under ordinary circumstances I would condemn this.

Hon. Mr. TURRIFF: I am very glad to hear my honourable friend say that, because all over the country, from the Atlantic to the Pacific, there is thousands and tens of thousands of dollars' worth of work being handed over by the Government to the Canadian Pacific Railway Company, that could be just as well given to the railroads that we have to keep up anyway.

Hon. Mr. FOWLER: Hear, hear. That is right.

Hon. Mr. TURRIFF: I will not add anything to what has been said in regard to the returning of those soldiers. I agree with what has been said about work and the desirability of doing everything possible and reasonable for the returned soldiers, but I want to say this, that that mob—for that was the proper word for them—

Hon. Mr. ROBERTSON: Oh, no.

Hon. Mr. TURRIFF: —did not deserve very much consideration; and I will tell my honourable friend why. The Prime Minister asked them time and again to give their names and their regimental numbers.

Hon. Mr. PARDEE: And their records.

Hon. Mr. TURRIFF: And their records, or at least sufficient information to enable the Government to get their records, and they refused point blank to do it.

Hon. Mr. ROBERTSON: When he had first refused point blank to meet them.

Hon. Mr. TURRIFF: He did not refuse point blank to meet them.

Hon. Mr. PARDEE: No.

Hon. Mr. BELCOURT: He did meet them.

Hon. Mr. TURRIFF: They refused to give their names, and they refused to give their regimental numbers whereby the Government could have found out whether these men were entitled to further consideration or not. I doubt very much that they were all returned soldiers. They may have been, or they may not have been —who knows? If they would give their names and regimental numbers, it would have been found out how they had been treated, and whether they were deserving of further consideration or not. I am the last man who would complain of treating our returned soldiers well, but there comes a limit. They were out of work, and I venture to say that if they were like many others out of work in the large cities, work was the very last thing they wanted. I remember that a year or two ago there was a parade of over two thousand men in the city of Toronto calling for work or bread. They left their names. The next day a firm wanted to get four hundred men to go to work. Do you think they could get them out of that two thousand? They could not get two hundred out of that number. It was not work those men wanted, unless they were given about a dollar an hour and six-hour day, and the privilege to stay in the cities so that they could go to the picture shows every night. The whole labour situation in Canada is on a wrong basis, and until the men get down to the right basis and are willing to do a fair day's work for a good day's pay, we shall never have any satisfaction and there will not be much success in any line of business in this country.

But what I particularly desired to do was to emphasize the idea that the Government should be more careful in seeing that their officials who have it in their power to handle the business should give that business to the Government road and not to the Canadian Pacific Railway. Like my honourable friend from Kings and Al-

bert (Hon. Mr. Fowler), ever since the Government has taken hold of these roads I have by precept and example tried to induce my friends, as far as possible, when they can do so conveniently, to make use of the Government road rather than the Canadian Pacific. The Canadian Pacific is all right. It does not need to worry. It is making big dividends, paying its shareholders 10 per cent, while we are taking a deficit of many millions each year.

Hon. Mr. CASGRAIN: It is under private ownership.

Hon. Mr. TURRIFF: It was private ownership that brought these railroads to the position they are in—not Government ownership. Who put the Canadian Northern on the rocks? Who put the Grand Trunk on the rocks? Both of them were private corporations, and my honourable friend and many of his colleagues are wanting to give the Government railroads back to private corporations and let the Government retain all the liabilities.

Hon. Mr. CASGRAIN: Surely.

Hon. Mr. TURRIFF: That is what my honourable friend wants to do. Now, honourable gentlemen, we are going to incur a very serious loss; but I believe as firmly as I stand here that under proper management, under decent management—not as good as private management, but under decent Government management—we shall incur much less loss in connection with our railroads than we would by handing them over to the C. P. R., or any other private company. No matter who they are, the C. P. R. would be behind them. We can get ordinary, decent Government management. You have not got it now, not by any manner of means, and you will not get it until there is a general clean-up on the railway situation. I know of towns in the West in which the two railroads, the C.P.R. and the Government line, are concerned, and where for the same amount of work the Government road is using three, four or five times the number of men, the number of engines and the amount of other equipment that the C.P.R. is using. The Canadian National is doing less work than the C.P.R. is doing with one-third the number of men.

Hon. Mr. CASGRAIN: Saskatoon.

Hon. Mr TURRIFF: That applies all around.

Hon. Mr. TURRIFF.

Hon. Mr. ROBERTSON: Then may I ask my honourable friend a question? His statement is so astonishing and, in my opinion, so incorrect, that I would ask him to be specific and show us the cases. In answer to the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain), I may say that in Saskatoon at the present time the Canadian National does four times the business that the Canadian Pacific does; consequently it requires more men.

Hon. Mr. TURRIFF: I think my honourable friend is very much mistaken—

Hon. Mr. ROBERTSON: I am not mistaken.

Hon. Mr. TURRIFF:—if he says that the Government road at Saskatoon does four times as much business as the C.P.R. I say he is very much mistaken in that statement. I did not mention Saskatoon or any other place, but if the Government would hold an investigation to ascertain what it is costing in different places to do the work on the Government railroads, it would be easily proven that the statement I made is perfectly correct.

Hon. Mr. ROBERTSON: It cannot be, because the conditions under which the employees on both railroads are working are identical. In each case the agreements and the rates of pay are the same, for they were arranged by the Railway War Board, which had on it representatives from both those railroads. The cost of doing a specific piece of work is practically the same on both railroads in every instance.

Hon. Mr. TURRIFF: Will my honourable friend say that the Government does not have more men at a given place to do the same amount of work as is done by the C.P.R.? Will my honourable friend say that?

Hon. Mr. ROBERTSON: I do say that, west of Montreal.

Hon. Mr. TURRIFF: Then my honourable friend is absolutely wrong. Let me give him an instance. In a little town with which I am very familiar, as familiar as I am with the city of Ottawa—I do not say this exists to-day—

Hon. Mr. ROBERTSON: Oh!

Hon. Mr. TURRIFF:—but let me tell my honourable friend this, that a year ago—

Hon. Mr. CASGRAIN: When they were in power.

Hon. Mr. TURRIFF:—a year ago the Government had a station agent to whom they paid $125 a month, and that station agent had his daughter hired to help at $120 a month, and there were five men employed there—and they had been for two or three years—doing one man's work. The number has now been cut down to two.

Hon. Mr. ROBERTSON: What was the station?

Hon. Mr. TURRIFF: I am not going to mention the station.

Hon. Mr. ROBERTSON: I challenge my honourable friend to name the station, and if he does I will ascertain the facts for him. I question his statement right here.

Hon. Mr. TURRIFF: Let the Government, or let my honourable friend or anybody else, call for an investigation, and I will name the station and will put up the men to give the evidence. I looked into it, and it is absolutely true.

Hon. Mr. ROBERTSON: There cannot be an investigation unless you know where the investigation is to take place and what is to be investigated.

Hon. Mr. TURRIFF: I am speaking of things that I know absolutely of my own knowledge. People in that part of the country have said time and again: "If this Government road is being run throughout the country in the same manner as it is run in this town, the gold mines of the earth would hardly keep it going." That sort of thing is absolutely absurd, and it is going on to-day in spite of what my honourable friend says, and it nearly all comes from the labour situation. Until the railroads take hold of the labour situation and put an end to this time and a half, and double time and overtime, and get down to where we were before the war, there will be no success either in the operation of the railroad or in bringing prosperous conditions throughout this country.

Right Hon. Sir GEORGE E. FOSTER: I would like to ask a question as to what we are debating. We used to do certain things in another House, but we did not go quite as far as we have been going this morning.

Hon. Mr. WATSON: There is a free-for-all this morning.

Right Hon. Sir GEORGE E. FOSTER: If it is going to be a free-for-all, and we are going to take the rest of the day on it, let us all understand that, and take off our coats and go at it; but I do think we have important business before us, and there ought to be, if there are not, certain rules in the Senate which prevent a discussion on this line.

Hon. Mr. DANDURAND: Question.

Hon. Mr. REID: I do not rise to enter into any discussion in connection with this matter, but merely to make a suggestion. I see by the newspapers of the last two or three days that these same gentlemen intend making another trip to Ottawa in the near future; and I merely rise to suggest to the leader of the Government that it might be well to have the Minister of Labour notify them before they leave Toronto that if they walk to Ottawa again they will walk back to Toronto; and, secondly, that if the Government should decide to send them back, perhaps they could even matters up by sending them on the Canadian National Railway.

Hon. Mr. BENNETT: I would like to ask the honourable leader of the Government if the statement is correct, as reported in the Toronto and other papers, that these men, before they started to return to Toronto on the train furnished by the Government, were promised that within 48 hours after their arrival in the city of Toronto they would all be supplied with work.

Hon. Mr. DANDURAND: I did not see the statement in the newspapers, and I know nothing about it; but I will inquire.

MATCHES BILL

REFERRED TO BANKING AND COMMERCE COMMITTEE

On the Order for the third reading of Bill B5, an Act respecting Matches.—Hon. Mr. Dandurand.

Hon. Mr. DANDURAND: When this Bill was at its second reading or in Committee I was asked if the manufacturers of matches in Canada had been informed of the intended move in the direction of this legislation. I answered by reading a statement from Mr. Finlayson that the intended legislation had been submitted to the Canadian manufacturers of matches, and that they had accepted it. The statement I then made was true according to the correspondence exchanged between the Department and the various people who were consulted in the matter. There had been a meeting

at Ottawa of the Canadian manufacturers of matches and other people interested, where the question of the proposed legislation had been discussed, and the conclusions were fairly agreeable to the meeting. At that meeting the Eddy Company was represented by Mr. Wood. On May 18, a letter was addressed to Mr. Wood, as well as to other parties, with a copy of the Bill which is now before us for third reading. There had been no suggestion of modification, and the Bill was proceeded with. The day after this Bill had gone into Committee and passed there, Mr. Finlayson received a communication from the E. B. Eddy Company. I do not know that it is necessary to read that letter, because, instead of taking the third reading of the Bill, I intend to ask that it be referred to the Standing Committee on Banking and Commerce, which will meet to-morrow, so that parties may be heard. These gentlemen will appear before that Committee to make representations which concern their own interest. This may not deter Parliament from proceeding with its work of controlling the importation and manufacture of matches, but as this is a new departure it may be well to give all parties a chance to be heard. I therefore move that the Bill be referred to the Standing Committee on Banking and Commerce for consideration and report.

The Hon. the SPEAKER: I would point out to the honourable leader of the Government that he has to make the motion for the third reading, and some other honourable gentleman may make the motion that the third reading be not now proceeded with.

Hon. Mr. DANDURAND: I move the third reading of the Bill.

Hon. Mr. BEIQUE: I move that the Bill be not now read the third time, but that it be referred to the Standing Committee on Banking and Commerce.

Hon. Sir JAMES LOUGHEED: It seems to me unfortunate that this Bill should have been introduced at so late an hour in the Session, dealing as it does with a very important industry, and possibly affecting very seriously the interests of the manufacturers of matches. If this Chamber stands for anything it stands for caution in the matter of protecting important interests against hasty legislation. While I have no doubt that the principle of the Bill is very meritorious, and should receive every recognition and every attention, yet, if a favourable opportunity does not present itself, when it goes to the Banking and Commerce Committee, for giving mature consideration to so important a question, I hope the Committee will not consider it incumbent upon them to deal hastily with the Bill. Apparently a serious misapprehension has existed as to the alleged agreement of the match manufacturers to the proposals in the Bill. It now turns out that the Eddy Company, which is the largest manufacturer of matches in Canada, is very much opposed to it, and claims to have always opposed it. The impression seems to have gained ground in the Insurance Department that the manufacturers were favourable; but the Insurance Department and the match manufacturers seem to be diametrically opposed to each other. I would therefore suggest to the Government that, in dealing with this Bill, they should keep in view the fact that we are within probably a couple of days of the prorogation of Parliament, and, if there is any material objection to the passage of the Bill this Session, it should be held over till the next Session of Parliament.

Hon. Mr. REID: In raising this question the other day, I did so merely in order to give any industry that might be interested an opportunity of protecting itself before the Committee. As far as the Bill is concerned, I am in favour of the principle, but there is another class that may possibly be affected, that is, the importers; so that every opportunity should be given to every person and every industry that might be affected in case the Bill passes. If the Bill goes before the Standing Committee on Banking and Commerce, it will be absolutely impossible to bring people from long distances to give their views as to how it would affect their industry. As far as the Eddy Company is concerned, the reference to the Committee would be quite satisfactory, for its representatives could attend on a few hours' notice; but how about people who may be at the other end of Canada? They have just as much right to be protected as those who are here and able to be present. I would therefore suggest that before the Committee on Banking and Commerce reaches a final decision the Government should ascertain what corporations or industries would be affected by importations of matches, and give them equal rights to be present, and, if it is impossible for them to attend, surely the present law would stand good for a few months until the House meets again, and in

the meantime they would have an opportunity to go through the Bill and study it.

Hon. Mr. DANDURAND: The Standing Committee on Banking and Commerce will report after hearing the parties. I think my honourable friend will be satisfied, after the Bill has gone to that Committee, that there are very few match manufacturers in Canada: the list is very short. At all events, that Committee will deal with it and make its report.

Hon. Mr. BLACK: There is one feature of this Bill that seems to me a very pronounced restraint on trade. The Bill is said to be satisfactory to the manufacturers and to the Insurance Department. There are two other classes, however, who are interested in this legislation —the wholesalers, who distribute the matches to the retail trade, and the retailers themselves. If this legislation is passed, as it now appears, it will impose an additional tax and another restraint on the wholesale and retail trade of the country. Inspection, according to this Bill, means that if the retailer or the wholesaler has in his warehouse a large stock of matches, the inspector may come around and condemn those matches, subject the dealer to a fine, and put him to considerable loss, and he has no means whatever to protect himself.

Hon. Mr. FOWLER: I would ask how it could be possible, if this man observed the law, that he could have matches condemned. If he had contraband matches, I could understand.

Hon. Mr. BLACK: Suppose he had ten thousand cases of matches brought in before this Bill went into effect. These ten thousand cases would carry his warehouse for 12 months. There are only two places where inspection should be held: where they are manufactured and, in the case of imported matches, at the port of entry. If you impose additional responsibility on the wholesalers and retailers, they pass that on to the consumer, and if this Bill goes through as it is now, it simply means an additional burden will be placed on the consumers of Canada. The trade of Canada to-day is subjected to enough, and more than enough burdens, in the way of taxation, on its ability to do business.

The motion was agreed to, and the Bill was referred to the Standing Committee on Banking and Commerce.

CANADA TEMPERANCE BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 132, an Act to amend the Canada Temperance Act.

Hon. Mr. Blain in the Chair.

Section 1 was agreed to.

On section 2—upon receipt of Order of Lieutenant-Governor in Council, the Governor in Council may issue proclamation:

Hon. Mr. GREEN: I have an amendment to move to that. In the prohibition provinces there are vested interests that have some rights to protection. Under this section as it now stands it will be possible for Orders in Council to be passed immediately, which would practically mean the confiscation of the various stocks that are now held by the exporters in those provinces. Those stocks were purchased by those people under the law, they were stored there under the law, and were being dealt with under the law. I move:

That at the end of section 157 the following proviso be added:

Providing that such Order in Council shall not be passed prior to the first day of January, 1923.

If this amendment is added to that particular section it will give the dealers an opportunity to get rid of their stocks, and prevent those stocks from being practically confiscated.

Hon. Mr. CURRY: In the absence of the honourable member for St. John (Hon. Mr. Thorne), and at his request, and with the permission of the House, I would like to read a telegram which he received yesterday dealing with this matter:

Winnipeg, June 20.

Reference to matter I was speaking to you about at Chateau Laurier, prompt action necessary to save situation. Bill 132 amending Canada Temperance Act and prohibiting export of liquor from Saskatchewan and Alberta will reach its Committee stage in Senate to-morrow. We have very large stocks in both provinces, especially Saskatchewan and want reasonable time, say a year or not less than nine months, to liquidate stocks. Otherwise this becomes practically a confiscatory measure and great loss would result to us. The request we make is reasonable, and would ask you to kindly be on hand to-morrow and support giving reasonable time. Also urge the matter with your friends in Senate and get them to urge giving time. Matter extremely urgent, and will appreciate highly all that you can do.

Abe Bronfman.

Hon. Sir JAMES LOUGHEED: Who is he?

Hon. Mr. CURRY: "Abe."

Hon. Mr. FOWLER: Champion bootlegger of Saskatchewan.

Hon. Mr. DANDURAND: I have heard the amendment of the honourable gentleman from British Columbia (Hon. Mr. Green), and I recognize that there is a certain merit in giving some time to the owners of liquor in Saskatchewan to dispose of their stocks or to transfer them elsewhere. But I should like to hear from the representatives of Saskatchewan in this Chamber as to the length of the delay which would be satisfactory to them and to the people of the province.

Hon. Mr. TURRIFF: Honourable gentlemen, I agree with the leader of the Government that in a matter of this kind our action should not be too drastic, and that a reasonable time should be given to the owners to dispose of liquor brought in under the law. But the request of the person who sent the telegram which has just been read, asking for a year or at least nine months, is, to my mind, altogether unreasonable. My idea, speaking on behalf of the people of the province of Saskatchewan, is that three months would be ample time to allow these people to dispose of their stocks.

Hon. Mr. FOWLER: Thirty days.

Hon. Mr. TURRIFF: Possibly three months would be too long, but I am not disposed to be unreasonable.

Hon. Mr. WATSON: They could not absorb it all in three months.

Hon. Mr. TURRIFF: Oh, there are a lot of thirsty people in that country.

Hon. Mr. LAIRD: So far as I have been able to learn, there is a unanimity of opinion in the Province of Saskatchewan on this question. There are no two opinions. Everybody in the province knows that these so-called export houses are little less than headquarters for bootlegging in the province, and for the running of whisky into the United States. Every newspaper in the province, so far as I am aware, has been condemning the condition of affairs which has existed and still exists there, and is advocating a restriction such as is called for in this legislation. I do not think the suggestion to give them nine months in which to dispose of their stock of liquor would meet with public approval. I think three months is ample; in fact, I would restrict them to a shorter period than three months, because I am satisfied that the best sentiment of the province is practically unanimous in desiring to have these exporting houses wiped out of existence—and the sooner that is done the better pleased every one will be.

Right Hon. Sir GEORGE E. FOSTER: I should like to ask one or two questions. In the first place, what is the legal status of the liquor which is now in the province of Saskatchewan that would call for this Chamber exercising some caution and care along the line of protecting vested rights in property? The second question is: How is it proposed that these people shall get rid of the amount of liquor that is there if they are given three months, or six months, or nine months, or a year to dispose of it? Is it that we want to give them the opportunity of sending that liquor into the United States, where there is a general prohibition of the entrance of intoxicating liquors through the customs houses on the border? Or is it that we wish to make it harder for the United States authorities to carry out the will of the people of that country by putting these resources for violating their law close on their borders, and keeping them there for nine months, six months, three months, or for a single month? Or is it, perhaps so that the owners shall have six months in which, through bootlegging operations, to carry on the distribution of that liquor amongst the people of Saskatchewan, who have repeatedly stated that they do not want it, and who have asked us to aid them in getting rid of it? I think we ought to answer those questions before we make a change in this Bill.

Then, I have this other suggestion. The people whose interests are most at stake are right in the province of Saskatchewan —the legislature and the authorities there. They, I think, are the best judges as to what should be done with the liquor which is there now; liquor which came there against their will, and is kept there against their wishes; and which, if this extension is given, will remain there against their wishes to trouble them for another series of months. These are questions which I think we must decide for ourselves before we give these opportunities.

I have followed the discussion in the lower House, where the matter was brought up and fully discussed; and the proposition which was acceded to—and, I think, acceded to without an adverse vote—was to let the people of Saskatchewan decide for themselves. I am in favour of letting them decide for themselves, and letting the Bill

remain exactly as it is. We must not have too much commerce with vested interests in a bad cause.

Hon. Mr. BRADBURY: Is it not a fact that the Saskatchewan Government has power to confiscate this liquor?

Hon. Mr. BELCOURT: Why have they not done it?

Hon. Mr. BRADBURY: That is what I want to know.

Hon. Mr. DANDURAND: I do not believe for one moment that the Saskatchewan Government has the right to confiscate that liquor. In answer to the query of the right honourable gentleman the junior member for Ottawa (Right Hon. Sir George E. Foster) I may say that I believe the liquor is there legally, although a certain part of it, and perhaps the whole of it, may have entered Saskatchewan when the importers knew they were importing it in violation of an Act that was to be, in anticipation of an Act that either had been or was to be voted upon. But from conversations which I have had with the Department of Justice I have come to the conclusion that the liquor which is there and which would be covered by this amendment has a certain legal status and is protected by the law.

Hon. Mr. BELCOURT: By what law—The law of the Province or the law of the Dominion?

Hon. Mr. DANDURAND: By the law of the Province.

Hon. Sir JAMES LOUGHEED: I should like to ask my honourable friend a question. He is familiar with the Quebec Liquor Act. As I understand it, the legislature of the Province of Quebec took possession of the stocks of liquor in that Province by giving compensation therefor. That involved, I should say, the exercise of a power by which they could confiscate.

Hon. Mr. CASGRAIN: Expropriate.

Hon. Mr. DANDURAND: I was coming to that point. The Province of Saskatchewan could pass a law to take that liquor and pay for it.

Hon. Mr. BELCOURT: Or not pay for it at all.

Hon. Sir JAMES LOUGHEED: If they have authority to pay for it, they have authority to take it.

Hon. Mr. DANDURAND: The Legislature of Saskatchewan would perhaps have the power to confiscate; it certainly has the right to do what was done in the Province of Quebec, namely, to compensate the holders of the liquor at a price to be fixed by them, knowing the real value.

Right Hon. Sir GEORGE E. FOSTER: That implies that they want the stuff. Do they?

Hon. Mr. DANDURAND: I have not the law of Saskatchewan before me, but I am sure the law allows the entry of liquor into that Province for medicinal and manufacturing purposes.

Hon. Sir JAMES LOUGHEED: May I ask my honourable friend who spoke a moment ago (Hon. Mr. Laird), if there is not a vendor system in the Province of Saskatchewan?

Hon. Mr. BELCOURT: I am inclined to agree entirely with the right honourable gentleman (Right Hon. Sir George E. Foster) about this matter. The Province has the authority to deal with this. It is not clear to me that these people are there legally at all. I will assume for the purpose of the argument that they are there legally. The province has absolute power to take that liquor, expropriate, confiscate, or destroy it. The authorities there know best whether these people are there legally; they are the best judges of that. I think the province alone ought to deal with this thing. We have no business to deal with it. If the provincial authorities feel that they are carrying out the wishes of the great majority of the people of the Province in destroying this liquor, I do not see why they should not have the right to do it without compensation.

Hon. Mr. MITCHELL: If they have full power, why are we dealing with it?

Hon. Mr. BELCOURT: I do not want to.

Hon. Mr. CASGRAIN: The honourable leader of the Opposition asked the leader of the Government if he was familiar with the law in the Province of Quebec. I may say that a case practically analogous to the one existing in Saskatchewan existed in the City of Quebec. Some whisky of a very inferior kind—

Hon. Mr. WATSON: How do you know?

Hon. Mr. CASGRAIN: I am talking seriously. Some whisky of a very inferior kind had been imported by the carload into the city of Quebec by some firm. The Liquor Commission of Quebec did not want to buy this whisky, but it was there and had come there legally. Therefore they

allowed the owners a certain number of months or weeks to export that liquor from the province of Quebec.

Hon. Sir JAMES LOUGHEED: Possibly into Saskatchewan.

Hon. Mr. CASGRAIN: Very possibly. Now, the right honourable gentleman has asked: "What are they going to do? Bootlegging, and so on?" Not necessarily. It is much easier for British Columbia to get liquor from Saskatchewan than it is to bring it across the ocean. The Government of Saskatchewan could very well condemn that liquor, which means to expropriate it and pay the owners for it—but not pay them a profit—as the Province of Quebec has done. The Province of Quebec appointed auditors, and they went to anyone who had liquor and said: "What did you pay for it and what duty did you pay on it?" The owner of the liquor then had to produce his books showing what he had paid. No interest and no profits were allowed. He was simply placed in the same position that he would have been in if he had never bought it. But in the case of the liquor in the city of Quebec, the Commission decided, on the recommendation of the Attorney General of the province, to give the owners a certain time to export. Where they sent it to, I do not know. The same thing applies now in Saskatchewan. Give these people a reasonable time in which to sell the liquor to British Columbia, or forsooth, if it is good, to send it back to Quebec.

Hon. Mr. LAIRD: I was going to say that if honourable gentlemen would read the sections of the Bill, they would probably be better informed as to what it proposes. These liquor houses cannot be put out of business unless two things are done. First, the Lieutenant-Governor in Council of the province must pass an Order in Council requesting the Federal authorities to bring this law into effect. There is no time limit to that. The provincial Government may defer the passing of that Order in Council one month, or two months, or for whatever time they desire. Then, that Order in Council having been passed, upon its receipt by the Federal authorities the Federal Government may pass an Order in Council bringing the law into effect. They have the option of extending the time also, and I have no doubt that they would give a reasonable time for the parties interested to dispose of the liquor which they have in stock.

The question has arisen as to where this liquor can be disposed of—was it to be run across the border and be thereby allowed to interfere with the American authorities enforcing their law? It is hard to say what may be done with it. There are two options at least in Canada. One is to ship it to the province of British Columbia, where the sale is legal, and the other is to ship it to the province of Quebec.

Hon. Mr. DANDURAND: Is there not a third option? The province of Saskatchewan can handle it, directly or through a Commission which must exist for the purpose of supplying druggists and other people entitled to purchase liquor.

Hon. Mr. LAIRD: I was coming to that. Under our system in Saskatchewan, as I understand it, an official vendor has been appointed whose business it is to supply the drug stores and those entitled under the Act to purchase liquor, and it will be possible for the export houses to dispose of their liquor stocks within the province, to this official vendor, who is entitled to receive and entitled to sell it. Now, it is not for the people of Saskatchewan, who have had to put up with this incubus for several years, to suggest what should become of this liquor. The law provides means whereby it can be disposed of, and restrictions by which it cannot, and it is for those who are interested to get rid of it in a manner which appears to them best and in compliance with the laws of the country. The point I am trying to make is that, according to section 157, ample provision is made for giving the interested parties due notice before this law can come into effect, so that they may make whatever arrangements they think necessary to dispose of their stock in any manner which may appear to them proper.

Hon. Mr. MITCHELL: Does not the honourable gentleman think that three months would be rather a short period in which to dispose of it in such a limited market as that provided by drug stores and persons requiring it for sacramental use.

Hon. Mr. LAIRD: I can answer that question by saying that there was in the Province of Saskatchewan a time when the dispensary system was abolished, and no difficulty was then found in getting rid of all the liquor that was in stock, in the hands of dealers. No delay was claimed, and the liquor in store at the time was all disposed of without any injustice being done to anybody.

Hon. Mr. BELCOURT: May I mention two reasons which have occurred to me since I spoke a few moments ago, and both of which seem to be conclusive as to the propriety and advisability of leaving this matter entirely in the hands of the province. In dealing with the question of prohibition, we have for many years past adhered to the principle that we ought to defer entirely to the will of the province. That is one reason why this particular question of the disposal of the liquor should be left to the province. The other point is a legal one. The disposal of the liquor which is now in the province of Saskatchewan is a matter of provincial jurisdiction. It is a matter which comes under property and civil rights. I do not think we have any power to deal with it at all. For these two reasons I think we ought to leave the matter to the provincial authorities.

Hon. Mr. BARNARD: Throw out the Bill, then.

Hon. Mr. WILLOUGHBY: The honourable leader of the Government has asked that the representatives of Saskatchewan express their views. That is my only apology for saying a word. The honourable member from Regina (hon. Mr. Laird) dealt with the matter rather fully. Now, without necessarily endorsing the view expressed, I would bring to the attention of the House a message I have received from a gentleman in Winnipeg, who says:

Large stocks in the province of Saskatchewan can be confiscated unless nine months given.

Hon. Mr. CASGRAIN: That is the same one.

Some Hon. SENATORS: No.

Hon. Mr. WILLOUGHBY: I dare say other honourable members have received telegrams. My own opinion is that the province of Saskatchewan should be left absolutely to deal with this question as it sees fit. I acquiesce in the contention of the honourable member for Ottawa (Hon. Mr. Belcourt) that the liquor in that province is a matter of property and civil rights. In my opinion, the province can confiscate it if it sees fit. It can expropriate it, and on whatever terms it deems proper. The analysis made by the honourable member for Regina (Hon. Mr. Laird), in speaking of the absorption of all the stocks of liquor in the province at the time it first went dry, is not quite in point or quite complete, for the reason that when the province first went dry the Government established dispensaries, where there was a ready market for all the beverages in Saskatchewan at that time. What stocks are in hand there now perhaps could not be absorbed by the Liquor Commission that exists there to supply liquor for medical purposes, for sacramental purposes, and for mechanical purposes. But the people who brought that liquor into Saskatchewan since the passing of prohibition, so far as liquor could be prohibited in Saskatchewan, after all did it knowing that they were taking certain commercial risks. For a time it was thought they could not export it from Saskatchewan to the United States. A certain dealer loaded up an automobile and started for Montana. He was arrested by the police. The case was tried. It was shown that the liquor was legitimately intended to be exported from the province of Saskatchewan into the United States, and the conviction made was quashed. But I for one, as an inhabitant of Saskatchewan, am not willing that people in that province should, under the protection of the provincial laws, try to override the legislation of any of the United States or disturb the comity that should exist between us and the people to the south. The people of the United States, by an amendment to their constitution, have made a pronouncement, whether rightly or wrongly—and I have my own views of that, but they are not material. As a neighbour, desiring good relations with these people, our province is in my opinion not justified in having its whole southern boundary lined with export houses, and that is what is the case.

Hon. Mr. BRADBURY: The province can stop it.

Hon. Mr. WILLOUGHBY: I think the province can stop it. I quite accede to the proposition that it is the primary duty of the province to regulate its own affairs in matters pertaining to the consumption of liquor, and that all that this Parliament should do is what the present legislation contemplates doing, and all that the Doherty and preceding Acts ever contemplated doing, namely, to give what power this Parliament has to the provinces in order to supplement the rights they already have. I have full confidence that the Assembly at Regina will be influenced by the public sentiment of the province of Saskatchewan, and will do justice to the people who own these liquors. I believe there are only two Customs licensed liquor houses in Saskatchewan. The others occupy a most anomalous position. The only case in which any warehouse in Sas-

katchewan is licensed for the export of liquor is where the liquor can be taken in bond, and the Excise department of the Dominion, as I understand, grants no license if the warehouse does not take bonding privileges, which means that the liquor is put in there and the duty is paid on it as it is taken out. Numerous other houses out there have sprung up. Like Topsy, they just grew. The legislature of Saskatchewan passed an Act at its last Session proposing, not a license, but a tax on the liquor export house of $5,000 a year. Prior to that there was a tax of $2,000, I think. The municipalities in Saskatchewan, where export houses are now located are imposing taxes on them, and those taxes are being contested in the courts at the present time.

Coming back to where I started, I think we can trust the legislature of Saskatchewan as representing the people of that province. We can trust the Government and the Assembly, as representing public sentiment in Saskatchewan, to deal with the question in a manner which will be just to all the people and will put the burden where it properly should rest.

Hon. Mr. CASGRAIN: Will the honourable gentleman answer this question? When all those warehouses were bonded—there are 57 of them—

Hon. Mr. WILLOUGHBY: They are not bonded at all.

Hon. Mr. CASGRAIN: They are export houses. Were they not recognized by the legislature? As the legislature made them pay a tax, they recognized their existence.

Hon. Mr. WILLOUGHBY: They must be recognized to that extent.

Hon. Mr. CASGRAIN:: They were recognized by the legislature, since they were taxed by the legislature. Why should the legislature not have taken action before? Why come here?

Hon. Mr. WILLOUGHBY: Speaking from a legal point of view, I do not think the legislature had the power of itself and without supplementary legislation, to prohibit the export of liquor.

Hon. Sir JAMES LOUGHEED: The same power that Quebec had.

Hon. Mr. BEIQUE: I take it that what has been expressed by the honourable members from Saskatchewan is the expression of the opinion of that province; but whether it be or not, under section 157, an Order in Council has to be passed by the province setting the date when this law or a part of it, shall come into force, and, in my opinion, if we are consistent with the position that we have taken for several years past in leaving to each province a question of this kind and in supplementing the power which it lacks, we must leave this question entirely to the province, and I intend voting in that direction.

Hon. Mr. TURRIFF: After hearing this discussion, I am inclined to agree altogether with what has been said by the honourable Senator from Ottawa (Hon. Mr. Belcourt) and is now confirmed by the honourable member from De Salaberry (Hon. Mr. Béique). However, in my opinion, all the liquor that is now held in Saskatchewan in those warehouses is held under Dominion Government license.

Hon. Sir JAMES LOUGHEED: No, no.

Hon. Mr. TURRIFF: Yes. The Federal Government, as I understand, has licensed the warehouse, and the liquor goes there in bond.

Hon. Mr. REID:: May I correct the honourable member with reference to that? It was decided some years ago by the Dominion Government—and the present Government have carried out the policy—not to authorize a bonded warehouse unless the local Government itself, or the Liquor Commission appointed by them, agree to or recommend the licensing of such warehouse. That position has been held strongly, and I believe it has been adhered to since the Prohibition Act went into force.

Hon. Mr. CASGRAIN: The Saskatchewan Government did it.

Hon. Mr. TURRIFF: I may be mistaken, and possibly the honourable gentleman who has just spoken (Hon. Mr. Reid) is right. But what I rose to say was that, after looking into the section more carefully and after hearing the arguments put forward, I am inclined to think it would be better, instead of carrying out the suggestion I made of allowing three months for the disposal of the liquor in stock to the province, which has the best right to deal with it, to leave it to the government of Saskatchewan, and the people of that province, to give the necessary time, as I am satisfied they will, for the disposal of the liquor to the people who own it, and who brought it in under some law. So I would prefer that to having my own suggestion of three months carried.

Hon. Mr. GREEN: Honourable gentlemen, I do not want any wrong impression to exist in the minds of honourable members as to my position on this question. In the first place, it is my belief that those people are there legally. If there is a bonded warehouse in the province of Saskatchewan, it was bonded under a license from the Dominion of Canada.

Hon. Mr. REID: And at the request of—

Hon. Mr. GREEN: And at the request, I was going to say, of the province. I know that, because, so far as British Columbia is concerned, to my certain knowledge there were requests made to the Dominion for the establishment of bonded warehouses there, and the reply in every case was that it was necessary first to obtain the consent of the province. For a year or two there were no licenses issued, because the consent of the province was not forthcoming. Then a change came over the scene, and certain persons secured the consent of the province, and then secured a license from the Dominion. What I desire to point out is that those people are there legally. I have no desire in the world to protect the bootleggers or to have anything to do with people who are encouraging bootleggers. I said before, and I repeat, that these people are there legally. They have money invested, and they are entitled to protection. They are there at least, with the consent of the Federal authorities and with the permission of the provincial authorities. It has been shown here to-day how narrow are the channels through which they can legally dispose of their goods. It is admitted that there are only certain channels. In addition to those mentioned, there is the channel of the foreign markets. They cannot sell their liquor in British Columbia, because British Columbia has already imported and is importing direct the liquor she wants. I presume they cannot sell in Quebec. They might ship to Mexico or the Orient or somewhere else.

Hon. Mr. TESSIER: Or to Bermuda.

Hon. Mr. GREEN: To Bermuda and other countries. They had a legal means or opportunity of getting rid of this liquor.

Hon. Mr. FOWLER: They could not sell in Bermuda.

Hon. Mr. GREEN: They have a legal means of getting rid of these liquors outside of Canada. All I am urging is that, as they are legally there, and as there is no present opportunity for them to get rid of these liquors quickly, they be given a fair and reasonable time in which to dispose of their stocks.

Right Hon. Sir GEORGE E. FOSTER: I would like to ask my honourable friend one question. It is this. Is there any disability which, under the emergent circumstances, would prevent these people from shipping what they have in Saskatchewan either to British Columbia or to Quebec and holding it there for as long as they liked, and making such disposition of it as they deem proper?

Hon. Mr. GREEN: If this Bill passes in its entirety, they certainly cannot ship it to British Columbia.

Right Hon. Sir GEORGE E. FOSTER: But if the Bill passes, it takes a certain time to get two Orders in Council passed and the Bill made operative, even though there is an endeavour to facilitate it as much as possible; but it would not take them a week to ship all that they have, either to British Columbia or to the province of Quebec.

Hon. Mr. CASGRAIN: They must find a purchaser.

Right Hon. Sir GEORGE E. FOSTER: Then they would have all the time they wanted to find a purchaser.

Hon. Mr. GREEN: Where are they going to place it when they get it into British Columbia? They would have no warehouse there or any other place in which to put it. They cannot get a bonded warehouse there without the consent of the province, which they are not likely to obtain. Moreever, what have these men done in investing their money that they should be forced at a moment's notice to take a course of action such as the right honourable gentleman suggests?

Hon. Mr. LAIRD: I wish to correct a wrong impression of the honourable gentleman from Kootenay (Hon. Mr. Green) when he states that those people hold bonded warehouse licenses from the Federal Government, and that the warehouses were bonded on request of the provincial government. I want to inform this House that for a number of years the provincial government have steadily and absolutely refused to request the Federal Government to issue these licenses, and there has been an impasse between the two Goverrments on that question. The Federal Government have refused to give the bonded license because the Provincial Government would

never ask for it, and the Provincial Government has religiously refused to ask the Federal Government to issue such licenses.

Hon. Mr. CASGRAIN: How did they get them?

Hon. Mr. REID: The honourable gentleman states that in Saskatchewan there are to-day at least one or two bonded warehouses.

Hon. Mr. WILLOUGHBY: Two.

Hon. Mr. REID: If there are two bonded warehouses on license issued by the Dominion Government, they exist now at the request or with the consent of the Saskatchewan Government. If they are in existence now it is because the local government has not requested the cancellation of the licenses, which are continued from year to year. The liquor has been shipped there; it must have been shipped from Montreal; and it is in store there; and surely, until the licenses expire on the 1st of January next, the parties who have sent the liquor and stored it legally should have an opportunity to get rid of it.

Hon. Mr. LAIRD: The honourable gentleman who has just spoken is under a wrong impression. The two licenses to which he is referring are licenses issued by the Federal Government to the official vendors, who legally supply the drug stores and others entitled under the law to receive it. But we are discussing now the question of those export houses. They, I repeat, have not a license from the Federal Government, and the reason is that the Provincial Government has always refused to request it.

Hon. Mr. CASGRAIN: Have they a provincial license?

Hon. Mr. LAIRD: I do not think they have a provincial license. They pay taxes to the Provincial Government.

Hon. Mr. PARDEE: And the Provincial Government recognizes them.

Hon. Mr. BRADBURY: I would like to say just one word with reference to those export houses in Saskatchewan. When this law first came into force I was myself approached by some Winnipeg friends who wanted an export house in Saskatchewan. I approached the Dominion Government to secure a license. I was told by the Government at that time that they would issue no license except at the request of the Saskatchewan Government, and it was a very short time afterwards that these people secured their license; and I presume secured it after getting the consent or request of the Saskatchewan Government. I am satisfied that was the law, and I am satisfied it is the law to-day.

Hon. Mr. CASGRAIN: Sure.

Hon. Mr. BRADBURY: I hold, in connection with this question—and I am no friend of the bootlegger—that the Saskatchewan Government has the power, if it wants to exercise it, and the onus ought to be placed on the Provincial Government and not upon this House. I think the Saskatchewan Government is shirking its duty. In view of that fact, I feel that this House could very well afford to say to the Saskatchewan Government: "If you do not want this liquor, confiscate it. You are collecting a license fee from it; you are legalizing it by doing that."

Hon. Mr. CASGRAIN: I think we should hear from the member from Moosejaw (Hon. Mr. Calder).

Hon. Mr. FOWLER: You will hear from the member for Sussex now. I am opposed to prohibition and have always been opposed to prohibition, because I do not think it is in the best interests of the country. At the same time, if there is any one man more than another that I hold in absolute detestation and abhorrence it is the bootlegger; and, so far as I understand the situation, those co-called export houses in Saskatchewan are merely bootleggers' headquarters, where they can purchase the liquor and take it across the line to debauch the people of the United States.

Hon. Mr. BRADBURY: The Saskatchewan Government licenses them.

Hon. Mr. FOWLER: I do not care for the Saskatchewan Government. That is not our affair; it is an affair for Saskatchewan; and I am in favour of the Bill as it stands, which throws tthe onus on the province of Saskatchewan. Let it deal with the proposition. They have it there under their own eyes, they know all the conditions, they know whether these places are bootleggers' headquarters or not—better than we can at this distance; and they know the justice and the injustice surrounding the case. I think the Bill is all right as it is, and though I am an anti-prohibitionist, I shall vote for the Bill as it stands.

Hon. Mr. MITCHELL: Those bonded houses may be bootleggers' headquarters,

as the honourable gentleman has just said, but, if so, they are kept there by both Governments. We have legalized the acts, and, whether they are bootleggers or not, I do not think the Senate of Canada is going to confiscate any property—surely not.

Hon. Mr. FOWLER: We do not confiscate.

Hon. Mr. MITCHELL: Yes, you do confiscate.

Hon. Mr. FOWLER: How?

Hon. Mr. MITCHELL: If you pass this law and the Saskatchewan Government refuses to act, then you confiscate.

Hon. Mr. FOWLER: Then it is the Saskatchewan Government that confiscates, not we.

Hon. Mr. MITCHELL: It is our law that we are discussing, not Saskatchewan law. We are discussing the Bill that is before this House.

Hon. Sir JAMES LOUGHEED: Can my honourable friend say whether the Saskatchewan Government has been the active party in asking for this legislation, or from what source has it originated?

Hon. Mr. DANDURAND: I would have to go back to the discussion in the House of Commons; but I believe that it is submitted at the demand of the Saskatchewan Government.

The amendment of Hon. Mr. Green was negatived: yeas, 27; nays, 29.

On section 2, new section 158, paragraph b—effect of prohibition:

Hon. Mr. BELCOURT: I propose to add, after the words, "common carrier," the words:

Or to a purchaser under a permit issued by competent provincial authority.

Honourable gentlemen will see at once that unless these words or others to the same effect are inserted the wholesaler could not deliver to the druggist or the doctor, say, under a permit which is issued by any provincial authority to those who are authorized to receive intoxicating liquor.

Hon. Sir JAMES LOUGHEED: May I ask what interest the provincial authority would have to issue a permit for export purposes? I understand that this section deals simply with the exportation of liquor, and the liquor is handed to the common carrier for exportation purposes.

Hon. Mr. BELCOURT: I am afraid my honourable friend has not paid sufficient attention to the wording. My honourable friend will notice the words:

The carriage or transportation through such province of intoxicating liquor which may lawfully be exported therefrom shall only be by means of a common carrier by water or by railway and not otherwise, excepting for delivery direct to and from such common carrier.

Now, you cannot deliver any intoxicating liquor for transportation through the province to the people who might have a perfect right to receive such delivery—for instance, to a doctor or a chemist, and I think for certain manufacturing purposes also. Speaking of Ontario for the moment, the Provincial Government issues permits to doctors, chemists, and manufacturers for certain purposes, giving a right to receive delivery of intoxicating liquor.

Right Hon. Sir GEORGE E. FOSTER: Surely that clause is dealing not with liquor which may be purchased within the limits of Saskatchewan for delivery within those limits. That clause is dealing entirely with exportable liquor, and which is being exported. Is that not so?

Hon. Mr. BELCOURT: I do not see that.

Right Hon. Sir GEORGE E. FOSTER: Yes; it says: "the carriage or transportation through such province of intoxicating liquor which may lawfully be exported therefrom." That is, it is an export shipment.

Hon. Sir JAMES LOUGHEED: You will see that later lines provide that the package shall not be broken in any way.

Right Hon. Sir GEORGE E. FOSTER: This is the method prescribed whilst it is being exported to another country or another province, whichever it is, and it is made all the stronger by the clause directly afterwards, providing that during that transport it shall not be broken open. It does seem to me that that has reference only to liquor that is being exported out of Saskatchewan, and not to that which is being delivered inside Saskatchewan under the law.

Hon. Mr. DANDURAND: I would further point out that all this part refers to exportation.

Hon. Mr. BEIQUE: I think the object my honourable friend has in view should be provided for at the end of the section by a proviso saying:

Nothing shall prevent the transporting in the province of liquor to a purchaser under a permit issued by competent provincial authority.

Hon. Sir JAMES LOUGHEED: I think it is under part V that your amendment would come.

Hon. Mr. BELCOURT: I do not care where it is put: all I want to avoid is this situation. Take Ontario, for instance. Suppose I am a physician; Ontario gives me a permit to receive, use, and dispose of a certain quantity of intoxicating liquor; I can only get that in the province of Ontario from the wholesaler or the manufacturer. I may be wrong, but I assume that that section is drawn to prevent that.

Hon. Sir JAMES LOUGHEED: No; that would come in under section 163.

Hon. Mr. DANDURAND: This clause would only cover exportation, or the passing through a province. For instance, if British Columbia is importing from the Atlantic seaboard, then its importation must cross through very many provinces, and this clause covers the manner in which it may be transported through those prohibition provinces.

Hon. Sir JAMES LOUGHEED: That is scarcely the condition. The condition is that liquor may be in a province for export; then the delivery of that liquor can only be made to a common carrier for the purpose of taking it out of that province. That is exclusively what this section deals with.

Hon. Mr. BELCOURT: I will bring that up again.

Subsections 1 and 2 of section 2 were agreed to.

On subsection 3 of section 2—burden of proof:

Hon. Mr. BELCOURT: This goes very much against the grain with me. To impose the burden of proof on the accused is something which I look upon as vicious legislation.

Hon. Mr. DANDURAND: Would not my honourable friend admit, at the outset, that a party who would fall under this Act would need to have a license in his hand in order to do a certain thing? If that is admitted, then it is upon him to produce that license.

Hon. Mr. BELCOURT: Of course he would produce the license, but the case would not be complete by his producing the license unless some other evidence were gone into. What would the production of the license prove? Simply that he is authorized to do something. But he may be charged with doing something which would be against the license which he holds.

Hon. Mr. DANDURAND: That would be another offence, and the burden of proving his right to manufacture or to export intoxicating liquor, or to cause intoxicating liquor to be manufactured or exported, is on the accused. Surely he has the instrument for his defence in his own hands.

Right Hon. Sir GEORGE E. FOSTER: That would be no burden.

Subsection 3 of section 2 was agreed to.

Progress was reported.

The Senate adjourned until 3 p.m. this day.

SECOND SITTING

The Senate met at 3 p.m., the Speaker in the Chair.

Routine proceedings.

BRITISH EMBARGO ON CANADIAN CATTLE

INQUIRY

On the Orders of the Day:

Hon. Mr. DONNELLY: Honourable gentlemen, before the Orders of the Day are proceeded with, I desire to call the attention of the Government to a despatch in this morning's Ottawa Citizen, which is as follows:

London, June 21.—Replying to a question asked in the House of Commons yesterday, Sir A. Griffith-Boscawen, minister of agriculture, said he was aware that it was estimated that 200,000 head of cattle would be imported from Canada at once if the present precautions regarding importations of live cattle were abolished. The ministry of agriculture, he said, had not estimated the probable cost if quarantine arrangements similar to those in Canada were established in Great Britain. Probably large additional accommodation at the ports would be necessary but the cost presumably would not fall on the taxpayer, but on the meat trade.

The report largely exaggerates the number of cattle that would probably be shipped to England at once if the embargo on cattle were removed. I have figures here, supplied to me by the Agricultural Department this morning, which go to show that the total number of cattle marketed in Canada in 1921 was 900,549. That figure

includes dairy cows, calves, and stockers as well as finished cattle; so only a very small percentage of that number would be ready to go to the English market. Up to date this year the total number of cattle maketed in Canada is 337,097, of which 18,646 have been exported. The average weekly receipts of the cattle market at Toronto, which is the main cattle market in Canada, are around 6,000 head, including dairy cows, calves and stockers. So it would take the total receipts of this market for over six months to make up this 200,000, the number of cattle referred to by the Minister of Agriculture in Great Britain. There is a general belief that there has been a falling off of perhaps 15 or 20 per cent of the total number of beef cattle in Canada since last year owing to the scarcity of food and the rushing of unfinished cattle to the market. With the abundance of food which is probable this season, it is altogether likely that the cattlemen will not send the cattle to England unfinished.

The embargo on Canadian cattle going to England was imposed in 1892. The reason advanced for putting on the embargo was to protect the herds of Great Britain from the disease they might get if Canadian cattle were permitted to enter that country. I never thought that was the real reason. As a young man I had some experience in this business, and in 1890 I was in the Liverpool market, and in discussing the cattle trade with one of the leading cattle men there at that time, it was pointed out by him that strong pressure had been brought to bear upon the Government of Great Britain to protect the beef raisers of England against Canadian competition. Previous to 1892 the practice of Canadian cattle dealers was to ship a considerable quantity of partly finished cattle to Britain. They were largely sent to Scotland, where they were fed for a time before being slaughtered. My own idea is that it is better for farmers and cattlemen to finish their cattle before shipping them to the old country. But it has been the experience of stockmen that some cattle do not stand the voyage well, and it would be a great advantage to have the privilege of sending those cattle inland and having them fed a while before they are sent to market; also to have the privilege of shipping unfinished cattle when feed is scarce here. Since 1892 it has been the law that when our cattle reach England after the specified time they must be slaughtered at or near the port of entry, and are not permitted to be sent inland to be fed. The despatch which I have referred to is, I believe, the result of a propaganda designed to prevent the embargo against our cattle being removed, and I would suggest to the leader of the Government that representations be made to the Minister of Agriculture in England to show that there is no ground for the fear expressed that if the embargo were removed the British market would be flooded with Canadian cattle, or that the people of Great Britain would be put to any great expense in providing quarantine. M · own opinion is that if the embargo were removed less than 10,000 of the cattle referred to would be immediately sent to England.

Hon. Mr. DANDURAND: I may assure my honourable friend that I will make it my duty to draw the attention of the Minister of Agriculture to the remarks which he has just made.

RULES OF THE SENATE

PROPOSED AMENDMENT

Hon. Mr. DANDURAND: Honourable gentlemen, some ten years ago I suggested in this Chamber that, in order to expedite the business of Parliament and to distribute our work more evenly throughout the Session, some modification of our rules should be considered. On several occasions I had intended moving in that direction, but did not do so. I will now ask the opinion of the Senate on the point by giving notice of an amendment to our rules, as follows:

That he will move to make the following a rule of the Senate as rule 18A, and that the Senators in attendance on the Session be summoned to consider the same, namely:

18A. When a Bill or other matter relating to any subjects administered by a department of the Government of Canada is being considered by the Senate or in Committee of the Whole, the Minister administering the department may with the assent of the Senate enter the Senate Chamber, and, subject to the rules, orders, forms of proceedings, and usages of the Senate, may for the furtherance of legislation relating to the Bill or matter in question take part in the debate.

We have all noticed during our experience, whether long or short, in this Chamber, that the Ministers having the administration of the Departments have generally felt that it was their duty to introduce legislation concerning their departments themselves. The consequence has been that they have generally introduced their legislation in the Chamber in which they had a seat; and as, since Confederation, they have mostly been in the House of

Commons, the legislation has been initiated in that Chamber. If they were allowed to initiate their legislation in the Senate, I am quite sure that we would not have to face the condition which we are facing today, and which we face every Session, of having nearly all of the public Bills, and legislation concerning matters of considerable importance, brought before us in the last days of the Session. If the rule were amended, it seems to me that they would take advantage of the opportunity to come here to further their legislation while the Commons were engaged in some other discussion. Generally there are long discussions on the Address; Supply has to be voted, and the Budget speeches occupy the attention of that House for several weeks, while we in this House, a body of 96 members, are waiting for the Government legislation to be reached in this Chamber.

I suggested this method some ten years ago; the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) suggested it last week; and I will submit it to the judgment of the Senate on Monday next at the second sitting.

THE OFFICIAL DEBATES

THE FRENCH VERSION

Hon RUFUS POPE: Honourable gentlemen, I desire to call the attention of this House to the fact that yesterday, when I was searching for copies of Hansard, in the French Canadian language, I discovered that I could not get one. I was told—I do not know whether correctly or not—that about twenty-five copies are published. In the district from which I come, at least 75 per cent of the people are French, and I have always taken occasion to send copies of Hansard to certain persons who I thought would be interested. I know of no reason why we in the province of Quebec, where there are 65 counties, should not be furnished with more than twenty-five copies of the French edition of Hansard. The two languages are supposed to stand on an equality, and I for one feel that in justice to us and the people we represent, we ought to be able to obtain as many copies of the French version of Hansard as we may desire.

Hon. Mr. DANDURAND: I will take up this matter with the Debates Committee, which I suppose should deal with it. If it belongs to another Committee, I will draw the Committee's attention to the fact that too small a number of French copies of Hansard are allotted to the Senate.

My honourable friend will allow me to correct an expression which he used. He said that he had been looking for a French-Canadian copy. There is one official language besides English in this country: it is the French language, which is common to France and to its old colony in Canada.

Hon. Mr. BLONDIN: For the information of honourable gentlemen, I may say that this morning I took the liberty of calling the attention of the Chairman of the Debates Committee to this matter. I wrote him a letter, which I suppose he has not yet received. I think that if the Debates Committee, after discussion, would simply request the Editorial Committee to supply two or three hundred additional copies to the Distribution Office, the matter would be settled.

Hon. Mr. POPE: In reply to the correction which the honourable leader of the Government made, I may say that, technically, I presume he is right, but in our province of Quebec we recognize only one Canadian language, and that is the French Canadian.

Hon. Mr. DANDURAND: I may inform my honourable friend that all my English-speaking friends in Montreal, up to fifteen years ago, when they became perhaps a little prouder of their title of Canadians, never referred to me except as a Canadian. They used to say: "You Canadians." Of course, that does not bear on the question. My honourable friend mentioned the "French Canadian language." He meant the French language, I suppose.

CANADA TEMPERANCE BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 132, an Act to amend the Canada Temperance Act.—Hon. Mr. Dandurand.

Hon. Mr. Blain in the Chair.

On section 3—importation of intoxicating liquor in certain cases:

Hon. Mr. DANDURAND: I move the adoption of subsection 1 of new section 163.

Hon. Mr. BARNARD: Honourable gentlemen, I am inclined to think that there is a certain amount of opposition to this measure, judging from the debate which took place on the second reading. For my part, I do not wish to go over the ground I then covered; but I intend to vote against this subsection, and, in fact, the whole Part V of the Bill, for the reason I have already stated, that is to say, that the

clauses are not asked for by the people of the province of British Columbia or by the province of Quebec. I move that the whole of Part V be struck out.

Hon. Mr. CASGRAIN: Mr. Chairman, I understand that we are discussing the whole of Part V. I think that part might be adopted if it were amended in some respects. In the first place, I was glad to observe this morning, in the discussion on this Bill, that we were desirous of giving the various provinces the absolute right to deal with the liquor question, and facilities to deal with it as they saw fit. Now, I have a clause which is, I think, in line with giving local provincial option to the various provinces, and I really believe that any sincere friend of temperance should be glad to propose or second the amendment which I am about to read. We know that this question is a very live one, and if we desire to stop the bad effects of alcoholic or intoxicating liquors, the thing to do is to prohibit their manufacture, and that is what I propose.

However, before proceeding to discuss that point, and since we are in Committee, it may be apropos to deal with the whole question. The other day the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) said that some provinces were making money out of the liquor or wine traffic, and that these provinces, instead of taxing their people, found it much easier to obtain revenue from that traffic. I resent that statement so far as our province is concerned, because the purpose of our law is to promote temperance. It has been so framed that the price of what might be called really intoxicating liquor, such as Scotch whisky, is almost prohibitive to any one desiring to purchase it. It is $4, $4.50, even $5 a bottle, which means between 40 and 50 cents a drink. Well, there have not been many and there will not be many who will pay that price; and since our law has been in force, I am very glad to declare in this House—and I hope my voice will reach beyond the walls of this Chamber—that there has been practically no drunkenness in the province of Quebec. The price is prohibitive. On the other hand, there is the use of beer. Why, one could not possibly get intoxicated with it if one tried.

Hon. Mr. WATSON: A man is full before he is drunk.

Hon. Mr. CASGRAIN: It is suggested by the honourable member from Portage la Prairie that the man is full before he is drunk. I think that is perfectly correct. One could not possibly drink enough of this light beer to become intoxicated. He would become sick at his stomach first.

As to the use of wine we have only to go to the Good Book to learn that the first miracle that Our Lord performed was at the wedding feast at Cana in Galilee. What was His first miracle performed in the thirtieth year of His life? He changed water into wine—not a small quantity, but the contents of three vases, each containing two or three firkins, whatever that measure is.

Hon. Mr. MURPHY: Three barrels.

Hon. Mr. CASGRAIN: The water was in stone vases such as the Jews used for purifying themselves, and if you can purify yourself in any other way than in a bath I do not know how. So there were three bathfuls at that wedding feast.

Hon. Sir JAMES LOUGHEED: They were heavy drinkers.

Hon. Mr. CASGRAIN: His Mother, the Blessed Virgin, was present at that feast. Our Saviour was there with his disciples, and after a while his Virgin Mother came to him and said: "My son, they have no more wine to drink." I am speaking by the Good Book. Then He said: "Fill up those three large stone vases." And he transformed that water into wine.

Hon. Sir JAMES LOUGHEED: They are doing that to-day.

Hon. Mr. CASGRAIN (reading): "The ruler of the feast (who in modern times would be called the butler) went to the bridegroom and saith unto him, Every man at the beginning doth set forth good wine, and when men have well drunk, then that which is worse, but thou hast kept the good wine until now."

Hon. Mr. WATSON: They do not know what they are drinking.

Hon. Mr. CASGRAIN (reading): "This was indeed better wine than the first." Now, that is from the Good Book, and I do not like to see people smiling, even laughing, when I am quoting the Bible.

Hon. Sir JAMES LOUGHEED: That must be a new version.

Hon. Mr. CASGRAIN: No, no; that is absolutely according to the text.

Then, for sacramental purposes, as everybody knows, use is made of bread and wine—wine that contains no water. Look at the Psalms. In Psalm 104, the 15th

verse, what do you find? "Wine maketh glad the heart of man." The Latin is: "Vinum bonum lætificat cor hominis." "Le bon vin nous met la joie dans le cœur." With those examples, coming from on high, we cannot say that wine can possibly be detrimental.

I would recommend the reading of an article which has been written by the Prime Minister of our province. I will quote only the last five lines of it:

> Even if promoted by prohibitionists, whose sincerity of purpose cannot be questioned, any agitation aiming at Federal prohibition will be highly resented in the province of Quebec. In order to better resist such warranted attempts all should keep well in mind the statement of Abraham Lincoln in the prohibition controversy in 1840.

I see before me my honourable friend from Mille Iles (Hon. Mr. David), who has heard our late leader Sir Wilfrid Laurier state many a time that he considered Abraham Lincoln to be the greatest statesman and one of the best Christians America ever saw; and what does Abraham Lincoln say?

> Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason, in that it attempts to control man's appetite by legislation and makes a crime out of things that are not crimes. A prohibition law strikes a blow at the very principles on which our Government was founded.

So much for Abraham Lincoln and his opinion. Now, in order to live up to this and to show that we are all in favour of giving the provinces absolute, free control of this liquor question, I would move as the first clause of Part V:

> Upon the receipt by the Secretary of State of Canada of a duly certified copy of an order of the Lieutenant Governor in Council of a province praying that local option be granted to a province to prohibit the manufacture of intoxicating liquor in a province, the Governor in Council may by proclamation published in the Canada Gazette declare that such province is granted local provincial option to prohibit the manufacture of intoxicating liquor in that province.

If we want to destroy the effect, let us destroy the cause. The cause is manufacture. There is one province in which, I suppose ever since Confederation and before, most of the liquor has been manufactured. I do not know that there is any manufactured legally in Prince Edward Island, or in New Brunswick, or in Nova Scotia. Is there any district in Manitoba, or Saskatchewan, or Alberta where it is legally manufactured? I do not know that there is even one. I do not suppose that there is one in British Columbia. Therefore the province that has been agitating—and it is the banner province of this country—is the very province from which this evil is supposed to come. I really believe that my right honourable friend from Ottawa (Right Hon. Sir George E. Foster) should propose this amendment, and if he does I will second it. If he will not, perhaps the honourable member from Goderich (Hon. Mr. Proudfoot) would move it. He was trying only the other day to make life very uninteresting for young people. Surely there must be in this House some sincere friend of temperance, some one who would prohibit the manufacture of whisky.

Hon. Mr. BRADBURY: In Quebec.

Hon. Mr. MURPHY: All the distilleries are in Ontario.

Hon. Mr. CASGRAIN: I ask honourable gentlemen across the way, and honourable gentlemen on this side too, is there in this House no friend of temperance who will move this?

Hon. Mr. WATSON: Move it yourself.

Hon. Mr. CASGRAIN: Will the honourable gentleman second it?

Hon. Mr. DANDURAND: There is another motion before the Committee.

Hon. Mr. CASGRAIN: I am told there is another motion. Therefore this will have to stand. I will move it later.

Hon. Mr. BELCOURT: The honourable gentleman can then make another speech.

The Hon. the CHAIRMAN: Shall the whole of Part V be struck out?

Hon. Mr. BIEQUE: That would not be an amendment. The motion is to adopt the subsection.

Hon. Mr. DANDURAND: I have moved that subsection 1 of new section 163 be adopted. It is not necessary to move an amendment that it be not adopted. We need only vote on the motion.

Hon. Mr. BARNARD: I thought perhaps it might shorten the discussion to deal with the whole of Part V at once.

Hon. Mr. BELCOURT: What is the motion?

Hon. Mr. DANDURAND: The motion is to adopt the first subsection of section 163, and it is moved in amendment by the honourable gentleman from Victoria (Hon. Mr. Barnard) that the whole of Part V be struck out.

I have had occasion to state that the principle which has been followed by Parliament in the last few years was to respect the freedom of each province to legislate for itself on the liquor business. Parliament has stated that where a province was deficient in its power to carry out its own procedure or method of dealing with the question, the Dominion would come to its help. That was done in many instances during the last parliament. This part of the Bill has for its object practically the implementing of provincial legislation. British Columbia and Quebec have declared that they would adopt what I think was known up to two years ago as the Gottenburg system of control by the state of the liquor business and the dispensing of liquor to the people. This has been the action officially taken by the legislature of British Columbia and the legislature of Quebec. It is supposed to be the will of the people of those two provinces.

Some Hon. SENATORS: No, no.

Hon. Mr. DANDURAND: I hear the negative to that affirmation. I think there can be no negative against my affirmation that the legislature of a province speaks for that province; and it speaks for the province so long as the law which it enacts remains on its statute book. British Columbia has, through its legislature, adopted a certain Act; Quebec has done likewise. Now, are we to go behind the power granted those legislatures and ask by what authority they have enacted such legislation? I believe that we cannot. Until British Columbia or Quebec changes its policy at a general election, we must take for granted that the policy enacted by those legislatures has behind it the will and endorsation of the people. Now, British Columbia and Quebec have decided that the control and sale of liquor shall be exercised direct by the Government of the province, or through an officer or a Commission; that no license shall be given except under certain conditions; and they are desirous of retaining control of this business. Control, of course, means monopoly, and since they declare in favour of that monopoly, I think we are simply standing on a principle that has governed this Parliament during recent years: "Let your will be carried out."

Hon. Mr. FOWLER: Does control mean monopoly?

Hon. Mr. DANDURAND: In this instance the province of British Columbia and the province of Quebec claim the sole right to the sale of liquor in those provinces.

Hon. Mr. MURPHY: In my province, too.

Hon. Mr. DANDURAND: And the other provinces as well have been practically taking control of the liquor business. But British Columbia and Quebec have gone further: they have declared that they would sell liquor under certain limitations and conditions to the people of those provinces. In order to maintain control, and carry out their legislation, they ask that the Federal Parliament come to their help and declare that when, by an Order in Council, a province expresses its desire that nobody in the province but the Government or a Commission or an agent specially named be entitled to import, the importation shall be restricted to the province or to a Commission or other agency set up by provincial legislative enactment. This is the will and the desire of those two provinces. They have a monopoly of the sale of liquor, and they desire that we should help them in preventing individuals from purchasing outside liquor.

We have heard, and we shall hear again, the statement that this is limiting the liberty of the subject. The answer has been made that there are very few restrictive legislative enactments that do not limit the liberty of the subject. I recognize that personally. I have always bought my wines direct from France; but under the Quebec Act, if we pass this legislation, I shall be obliged to ask the provincial Commission to kindly fill that order for me. I may pay a little more, but I shall be ready to join, and all good citizens in the province of Quebec are ready to help in trying to make a success of the legislation which has been voted by the legislature. We shall be somewhat restricted in the freedom we have heretofore enjoyed, but I do not see why we should not be ready at all times to make some individual sacrifices in order to obtain better results in the community.

As my Honourable friend to my left (Hon. Mr. Casgrain) said, the effort in the province of Quebec is to increase temperance, to remove abuses. It is an experiment, as is that being carried out by British Columbia. In the matter of dispensing liquor to the people, we are still in the experimental stage throughout the world. The Federal Government has

stated that it would allow the provinces to experiment with any method which they might desire to adopt.

Other provinces are proceeding on other lines. Quebec and British Columbia have adopted a certain system. Is there anything wrong in giving those provinces the right to conduct their own affairs, and to apply to this question of the liquor traffic their own principles, systems, or doctrines? I think that the experiment that is being carried out in Quebec, which I know better than I know what is going on in British Columbia, is a most interesting one, and I would be very sorry to see anything done that would prevent the experiment from having free scope.

It may be alleged that in a year or two, if we do not give those provinces the powers which British Columbia, for example, is asking for, the system will break down because we did not provide the necessary implementing powers. The same result may follow our withholding these powers from the province of Quebec. I do not know that, nor do I know to what extent this legislation will help them; but they are asking that we allow them to control the importation of liquor, and to limit it to those whom the legislature has decided should have the control of that business. For that reason I hope that the amendment of my honourable friend will not be accepted.

Hon. Mr. TAYLOR: Will the honourable gentleman tell me whether the province of Quebec joins with the province of British Columbia in demanding that the liquor that is being imported by the Government shall not pay any import duty?

Hon. Mr. CASGRAIN: You cannot speak for our province.

Hon. Mr. DANDURAND: I have not seen any such demand from the province of Quebec, and I have not heard that the province of British Columbia was asking for that authority.

Hon. Mr. TAYLOR: Surely the honourable gentleman knows that the province of British Columbia has had his Government in court to establish that very point.

Hon. Mr. DANDURAND: But what has that to do with the present legislation?

Hon. Mr. TAYLOR: It will have a good deal to do with the legislation if we are asked to give authority to two provinces to escape this amount of federal taxation.

Hon. Mr. DANDURAND: We are not doing it under this Act.

Hon. Mr. TAYLOR: No, we are not doing it under this Act, but I think that is a fair question.

Hon. Mr. DANDURAND: I do not suppose that the Federal Government will allow liquor to enter without paying duty.

Hon. Mr. CASGRAIN: The Privy Council will say that.

Hon. Mr. TAYLOR: Yes, as the honourable gentleman says, the Privy Council will say that, if any Government is permitted the sole right to import liquor, or to import anything else for that matter. If the Privy Council establishes, in the case which is now open, and which I believe is on appeal, that a province is not liable for duty on liquor imported by its government, the effect will be very important indeed. It has a very serious bearing on the legislation which we are now asked to pass. While a question of this kind is pending, and while the issue is in the balance, and we do not know whether this liquor is to be duty free or not, we are asked in effect to confer on two great provinces the right to abolish import duties on all the liquor which they may bring in for public consumption.

Some Hon. SENATORS: No, no.

Hon. Mr. DANDURAND: We are not asked in virtue of this amendment.

Hon. Mr. TAYLOR: I am not surprised at honourable gentlemen saying no. It seems almost incredible that the Government should bring forward legislation of this kind under the circumstances; but I say yes, there is no doubt about it whatever. The honourable gentleman who leads the House told us he did not know that British Columbia was putting forward this question; yet British Columbia has had a suit in the Exchequer Court to establish this very point, and of course if British Columbia obtains a verdict in that litigation, Quebec will have the advantage of it.

Hon. Mr. CASGRAIN: Certainly.

Hon. Mr. TAYLOR: It seems to me that it is a most important thing to have a distinct agreement with the province of British Columbia and with the province of Quebec, before we confer on them the sole monopoly of importation, that they will abandon any pretence of bringing in the liquor free of duty.

Hon. Mr. BEIQUE: The honourable member is evidently under a misapprehen-

sion that the Province of British Columbia may have raised the question as to whether the Dominion of Canada can levy a tax on importations made by the province because the importation is made by the Crown; but this Bill is not dealing at at all with that. The only question under this Bill is as to whether the provinces shall be given autonomy as regards dealing with liquor. One province may be in favour of prohibition; another province may be in favour of limited prohibition or some other system; and I think that if we follow the course that has been heretofore laid down we should supplement for each province the power which is necessary to give effect to the will of that province. I am sure we all listened with a great deal of interest and a great deal of pleasure to the admirable speech made two or three days ago by the right honourable member for Ottawa (Right Hon. Sir George E. Foster). In the first part of his speech the right honourable member showed the importance of supplementing legislation as far as necessary to give effect to the will of each province on a question of that kind, and he went to the extent of saying that if it were necessary to amend the constitution he would be in favour of doing so. Well, we are not called upon to amend the constitution in any shape or form. We have a constitution under which the power is divided; the jurisdiction to deal with this matter rests partly with the provinces and partly with the Dominion; and I do not care what province it is, I would give to any of the other provinces to-morrow what I would give to Quebec to-day. The honourable leader on the other side of the House will remember that when the province of Ontario was in question, when it wanted to have from this Parliament the necessary power to supplement its own legislation, I supported the Government Bill that gave that power. Now, what I did for the province of Ontario I hope every honourable member of this House will do for the province of Quebec and for the province of British Columbia.

It has been argued that it may not be necessary to give power to the provinces to prevent importation by individuals. Let me say what has been the policy of the province of Quebec. It was stated that the will of the people had not been ascertained. Speaking for Quebec province, I say the will of the people has been ascertained in this way. There was a referendum for the purpose of ascertaining whether the people wanted absolute prohibition or wanted the sale of beer and wine, and by a tremendous majority the will of the people was asserted in favour of the sale of beer and wine. The Government of Quebec then decided to abolish the bar, and to limit the number of licenses to some 25 in the province of Quebec—licenses to houses that would be allowed to sell liquors to the retailer. But the Government found that that was insufficient, as the province became a field for bootleggers for the United States and for other provinces. It was then that the Government decided that it would go to the extent of taking hold of the liquor trade, and of removing the interest from all other parties. I remember perfectly well when in the city of Montreal we had as many as 600 licensed taverns. This meant an army of 600 men who were interested in debauching their friends and as many other people as they could, in order to make a living by the distribution of their goods. The Government decided to do away with that, and authorized sale only by a single Commission composed of parties who had no interest at all at stake. While there is a profit, it is only for the benefit of the Government and the community at large. It was said that this might be a monopoly for a political party; but, speaking for the province of Quebec, I can affirm without any fear of contradiction that both parties are agreed, the Opposition as well as the party in power, that this is the best law for the province, and it is supported by all parties there.

Now, how is the money applied? By expending some $6,000,000 for good roads; by subscribing for universities over $3,000,000 in one year; by distributing very large amounts for education, for colonization, for agriculture, for charity and hospitals, and for various other public purposes. Only the other day the local Government subscribed $150,000 for a sanitarium in the city of Montreal; and that was the third sanitarium which was subsidized or created by the province of Quebec.

This power is necessary because, if individuals are allowed to import, the province of Quebec will not be able to give effect to the will of the people, and it will create all kinds of disorder. If I am allowed to import 25 or 50 cases, how will the Government be able to follow the distribution of those 25 or 50 cases? It will be done by hundreds or thousands

of people in the province, and it will be the source of all kinds of disorder, and will re-establish the conditions to which I have referred. Therefore I hope that honourable gentlemen will ponder very seriously upon this question. It is a question to which we should attach the greatest importance. We may be in favour of prohibition; we all, I hope, are in favour of temperance; but we are not agreed upon the best means of promoting it. I think I may say without fear of contradiction that I know a large number of men in the province of Quebec who have spent their lives in temperance work who approve the legislation that has been adopted by that province.

Hon. Mr. DANDURAND: Or do they live in other provinces?

Hon. Mr. BEIQUE: I am speaking of members of our temperance societies. I know that in Montreal—I cannot speak for any other city—Judge Lafontaine and Bishop Farthing, who have for twenty-five years or more given a large amount of their time to promoting temperance, approve of the law as passed by the Government.

Right Hon. Sir GEORGE E. FOSTER: Will my honourable friend allow me to ask him a question? I want to get at what I do not quite understand yet. The Government appoints a Commission which buys and sells all the liquor. That is the idea first. That Commission sells to whom—to licensed wholesalers?

Hon. Mr. CASGRAIN: No, they sell themselves through agents. There are no middlemen.

Hon. Mr. BEIQUE: The Commission desire, in order to be able to control the quantity of liquor imported into the province, to be the only importer; and the Commission appoint agents or employees who are paid regular salaries: they have no interest at all in the sales. So the Government controls not only the quantity that is imported, but the quantity that is sold and also the quality of the liquor. It is sold only in a certain number of houses, which are limited to the number required to answer the demands that are made, and no one can buy more than one bottle a day. Of course, there are bars and restaurants in which wine and beer can be sold.

Right Hon. Sir GEORGE E. FOSTER: Just on that point, may I ask about how many retaliers there are in the province?

Hon. Mr. WILSON: About 35 or 40, all over the province.

Right Hon. Sir GEORGE E. FOSTER: And then the restaurants sell wine and beer?

Hon. Mr. DANDURAND: No.

Hon. Mr. CASGRAIN: Yes.

Hon. Mr. WILSON: The restaurants sell beer, and dining rooms can sell light wine, but only with a meal.

Hon. Mr. DANDURAND: There are two distinct licenses.

Hon. Mr. BEIQUE: I am sure we are all desirous of doing what is fair. I am speaking for the province of Quebec, because I am aware of conditions there. I do not attempt to speak for the province of British Columbia; but I say advisedly and without fear of contradiction that the Government of the province of Quebec is desirous of promoting temperance. That is their object and that has been their object. The Prime Minister is as good a temperance man as any man can be: but the Government has to consult the opinion and the wish of the people. It was felt that if the Government tried to impose prohibition, the law would not be obeyed, because, rightly or wrongly, public opinion was not prepared for it, and it was thought that a bad quality of spirits would be manufactured everywhere in the province. The Government took the only means left at its disposal, not for the object of making money, but for the purpose of promoting temperance.

Right Hon. Sir GEORGE E. FOSTER: Just one question more, if I am not bothering my honourable friend. In distributing the sellers, thirty-five or forty, we will say, for the province, what system is followed? Is it open to a municipality by vote or by petition to prevent a distributor being appointed in that municipality?

Hon. Mr. BEIQUE: Oh, yes.

Hon. Mr. DANDURAND: There must be a demand by the Municipal Council.

Right Hon. Sir GEORGE E. FOSTER: Is it by vote or by petition?

Hon. Mr. DANDURAND: By resolution.

Hon. Mr. BEIQUE: It has been by resolution of the Municipal Council. I do not know whether it has not even been by by-law.

Hon. Mr. WILSON: No, by resolution of the municipality. And in districts where prohibition is in effect, they have to repeal the prohibition law before they can get a license. A license is never granted unless it has been requested by the municipality.

Hon. Mr. BEIQUE: In four-fifths of the municipalities in the province there is no sale of liquor at all. There are in the city of Montreal how many places for the sale of liquor?

Hon. Mr. WILSON: I think about half are in the city of Montreal.

Hon. Mr. BEIQUE: It is only within the year that one was opened within the city of Quebec, because that city was under the Scott Act.

What we have to decide, honourable gentlemen, is whether we in this House shall take the responsibility of refusing what the province of Quebec deems necessary to give effect to this legislation in favour of temperance.

Hon. Mr. BARNARD: Will my honourable friend pardon me? The leader of the House told us yesterday that the province of Quebec is not asking for this—that it is solely a request from the Government of British Columbia.

Hon. Mr. CASGRAIN: The province of Quebec is not asking for it because, having taken the bull by the horns, it is acting on it. If the honourable gentleman goes to Montreal he can cable across to have 1,000 cases of Scotch whisky sent to him. They will be sent to Montreal, where they will be put in the Government warehouse. He can pay the duty on it, but the moment he passes the threshold of the warehouse the Hon. George Simard is there with his police, and he will arrest him and seize his whisky, and confiscate the automobile, and if there is anybody in the automobile he will put him in jail right there and then.

Hon. Mr. FOWLER: If my honourable friend is correct, that nobody can import except the Government, what do they want this legislation for in the province of Quebec?

Hon. Mr. BEIQUE: This Commission has to assert rights which I as a lawyer do not think they possess. If they did not assert them there would be leaks everywhere, and they would be unable to give effect to the will of the people of the province, and it is my duty as a member of this House to try to secure for them the powers which are necessary to give effect to the temperance system which has been adopted.

Hon. Mr. FOWLER: Stripped of all its camouflage, with which it has been pretty well surrounded by the honourable gentleman who has just taken his seat, this legislation is asked for simply for the purpose of creating in those two provinces what might be called a Crown monopoly, and of depriving the people of those provinces of their natural right to import for themselves.

Hon. Mr. DANDURAND: In what inferior position would they be to that of the honourable gentleman living in Sussex, New Brunswick, or in any municipality in Ontario?

Hon. Mr. FOWLER: If they are in no worse or no different position, what do they want this legislation for? They only want this legislation because in the province of British Columbia and in the province of Quebec the Governments desire a monopoly of the sale of liquor.

Hon. Mr. CASGRAIN: Absolutely correct.

Hon. Mr. FOWLER: That is the real reason, the whole reason, and the sole reason. Then, why not face the music? Why all this talk about temperance? It is to get some unwary temperance men to vote for this. That is all it is done for, of course, and the eulogy of the honourable gentleman from Montreal (Hon. Mr. Béique) on the subject of the right honourable the junior member for Ottawa (Right Hon. Sir George E. Foster) was to get a good temperance man like him to vote in favour of it. To come down to solid, hard facts, the situation is that the province of British Columbia and the province of Quebec want to have a monopoly of the liquor business.

Hon. Mr. CASGRAIN: That is true.

Hon. Mr. FOWLER: Why? To make more money. That is the reason. It is not in the interest of temperance.

Hon. Mr. CASGRAIN: Certainly.

Hon. Mr. FOWLER: It is in the interest of increasing their revenues. Read the speeches of the Finance Ministers at the opening Sessions of the respective Houses. They boast of the amount of money they have made.

Hon. Mr. MURPHY: $9,000,000.

Hon. Mr. FOWLER: I am not opposed to the legislation of those provinces; I am

not opposed to those provinces carrying on the sale of liquor under Government inspection and control, but I am in favour of the liberty of the subject to import for his own use from any market in which he can buy cheapest. That is the whole thing I stand for. I am opposed to Crown monopolies.

Hon. Mr. BEIQUE: Would the honourable gentleman be disposed to vote in favour of giving the prohibitory power to any province that desired to establish prohibition?

Hon. Mr. FOWLER: No, I would not be in favour of giving a Crown monopoly to any province.

Hon. Mr. BEIQUE: Would the honourable gentleman be in favour of giving the necessary power for the application of local option? If a municipality wanted to prohibit the use of liquor, would the honourable gentleman favour that?

Hon. Mr. FOWLER: I certainly would not. I am not in favour of prohibition at all, in any shape or form. I am in favour of proper regulations—and I can speak on this matter impartially, because I am not a drinking man myself. I approve of the Quebec Act, also the British Columbia Act, but I stop at that. I say that the individual who desires to import liquor for his own use should not be deprived of that right. The only reason why either of these provinces desires to deprive him of that right is because they wish to retain themselves all the profit there is in the business. That is the whole thing, and when honourable gentlemen attempt to put it on the ground of the desire for temperance among the people, I say it is mere camouflage and not true at all.

Hon. Mr. CASGRAIN: Will the honourable gentleman remember that it is absolutely necessary to have a monopoly? If everybody is allowed to import liquor, what is the Commission going to do? If I can import all I want, would I buy from the Commission at a higher price?

Hon. Mr. FOWLER: That is it exactly.

Hon. Mr. CASGRAIN: Then I can ask my neighbours to my house and they can come in and drink as much as they like. It is a good thing we are a sober people in the province of Quebec; in other provinces, where they are not as sober as we are, what would happen?

Hon. Mr. BEIQUE: During the last twelve months the consumption of liquor in the province of Quebec has diminished 50 per cent.

Hon. Mr. CASGRAIN: Here is what our law has accomplished. In an article by the Prime Minister of Quebec he quotes the New York Evening World, which sent Mr. Buchanan Fife to observe the situation. Mr. Fife states in his paper that prohibition has—

> Abolished the saloon;
> Practically killed the business of bootlegging;
> Reduced drunkenness about 75 per cent;
> Placed beer within reach of those who want it by the glass;
> Submitted to chemical analysis all spirituous liquor so that their purity might be guaranteed to the purchaser;

I may say that it is Dr. Milton Hersey, of McGill University, who examines all the liquor, and if any liquor is found defective it is returned to those who sold it. When they took over the stock that was in the province, all of it that was not exactly up to standard was simply set aside and those who held it got no money for it.

> Provided severe penalties for violations of the law;

The Commissioner acts very much like the Czar of Russia used to act: imprisons people first and tries them afterwards to see whether they should be in prison or not.

> Created its own police department to enforce the law.

The system is working very well indeed. I had the privilege of saying in this House the other day that a man cannot carry any liquor across the street from his own house without being arrested, and if he has liquor in an automobile, even if it is a beautiful limousine costing thousands of dollars, it may be stopped and he may be arrested.

Hon. Mr. FOWLER: All that has nothing to do with depriving a person of his natural right to import liquor for his own use—not to give or sell it to his neighbour or anybody else, but to import for his own use. It comes down to this, that the sole thing that these two provinces desire is a Crown monopoly. That I am against every time. In regard to my honourable friend's statement of what may happen to a man who violates the law, the honourable gentleman is, to use a common expression, talking through his hat. Under the law as it stands a man has a right to apply to a court, and that is a right which we are trying to take away by this legislation. The Commissioner could not prevent a man from exercising that right.

Hon. Mr. CASGRAIN: Well, he does.

Hon. Mr. FOWLER: He could not under the law.

Hon. Mr. CASGRAIN: He does by force. I do not know how it is done, whether by law or not.

Hon. Mr. FOWLER: I had always understood that you people in Quebec were a law-abiding people, but you must be the most lawless if your authorities act in defiance of the law. I cannot believe that to be true. I think the honourable gentleman is misstating the facts.

Hon. Mr. POPE: I have been listening to some of my colleagues from the province of Quebec endeavouring to convey to this honourable body an idea of the position of affairs in that province. I have never listened to more extravagant language and misrepresentation of facts than I have heard on the floor of this House this afternoon with regard to the situation in the province of Quebec. We never had any bootlegging in Quebec, or any cause for bootlegging, until we had that law. It is useless to say that it has done away with bootlegging. It has created bootlegging. Now it is the duty of the Administration to destroy if they can the evil they have created. It did not exist until it was brought in under this legislation. As for the removal of intoxication, there is no use in telling that to me. My honourable friend from De Salaberry (Hon. Mr. Béique) may live a secluded life. He may not mix with the people as I do.

Hon. Mr. WATSON: Hear, hear.

Hon. Mr. POPE: Honourable gentlemen thoroughly appreciate what I say. I offer myself as—what do you call it?—as exhibit No. 1, in regard to that. I know the habits of our people in the province of Quebec. We in that province are not a drunken outfit; but if you want to make a popular appeal in the country constituencies of Quebec, you should go and ask for the return of the old tavern, and you will see many election changes in the constituencies in that province. It has been stated to-day that there are 35 or 40 places where liquor may be legitimately placed. That is all right. My home is sixteen miles from Sherbrooke; it is 20 miles from Scotstown; it is 50 miles to Lake Megantic; and so on. We are in a prohibition county—in a Scott Act county; therefore we cannot have any dispensaries. We have to go to the city of Sherbrooke. I might have to go a long distance, even to obtain liquor for medicinal purposes. And do you tell me that our people in all that district to which I have just referred do not have drinks? Is there a sane man who believes that the people living there by the thousands have not a thing to drink? Why, the idea is absolutely preposterous. Anybody with the slightest regard for the reputation of the province of Quebec would not dare to stand up in this House and make a statement of that kind. If he did, not only would he be attempting to mislead this House and the country, but he would not be doing justice to himself as an honourable member of this House in making such a statement with regard to Quebec.

Moreover, we have in our province something that appears under that legislation. It is the home-brew business. We have in the province of Quebec more illicit stills than you, honourable gentlemen, have of hairs on your head—or than you had even before you shed any. Everywhere throughout the length and breadth of that province there are illicit stills. I mix with those people, and I taste the stuff sometimes when I cannot get anything else. I am talking by the facts, and I think it is the duty of honourable members of this House to talk by the facts, for we do not have to look to the electorate to be returned to Parliament. The people of Canada expect honourable gentlemen who speak in this House to speak by the facts, and to speak fearlessly of conditions as they exist.

As to the effort of the Government of the province of Quebec, I do not desire to speak disparagingly, but as to the statement that that effort up to date has been a success, I must say that I regret exceedingly that such is not the case. Quite true, I never voted for prohibition. I did not vote for it in the county which I represent, which is a prohibition county. I did not when the Scott Act was put into force, and why? Because I have lived all my life near the international boundary line from Maine to New York and have travelled across that line thousands of times into prohibition States, and I have never found a state that could prohibit. Everyone of them had their places where you could go and get what you wanted. And they have been trying out prohibition for fifty years. What do you do with prohibition? You increase the use of drugs. The drug habit in Maine, New Hampshire, and Vermont has been intensified by the hypocritical efforts put forward there for prohibition,

and I fear the introduction of the drug system into the province to which I belong. In those counties of the Eastern Townships that have made their effort at so-called prohibition—I do not care to name them, but you can find them out by looking at the statutes—if you go amongst the people, you will find that the drug habit is increasing just as it is across in Vermont, New Hampshire, etc. Under these circumstances I can never see my way clear to vote for prohibition. I never saw a law that could prohibit. You cannot make people good by legislation. You must exercise moral suasion; you must have recourse to intensified education; the example must be provided at home. Home life has been destroyed in many parts of our country. It has been broken up by those efforts to make young people so much better than the old people were when they were young.

Hon. Mr. TAYLOR: Honourable gentlemen, if I may be permitted, I want to resume the matter of business that I introduced half an hour ago. I was not joking when I suggested to the honourable gentleman who leads the House that the effect of this Bill, giving a monopoly to two provinces to import liquor, may be the gift to them of a very substantial portion of the revenue of Canada. I do think that before we go on with this measure we should have a distinct understanding with those two Governments that if they are to get this monopoly they must pay the duty on the liquor just the same as private importers would. As I said when I was up before, this matter has been challenged by the Government of British Columbia in a suit in the Exchequer Court. That suit, while it has passed through the Exchequer Court, is not yet determined, because an appeal is pending. That, of course, is a matter of common knowledge to every member of the Government and is known to the Government of the Province of Quebec.

Hon. Mr. BELCOURT: Will my honourable friend allow me to ask him a question? In what respect will this legislation affect the right of the province of British Columbia, or the right of the province of Quebec, in the matter?

Hon. Mr. TAYLOR: If the honourable gentleman had permitted me to proceed I was about to show what this has to do with the question. I was at the point when the honourable gentleman rose. The effect is this. When a province comes to this Government for a very valuable consideration, that is an opportune time for the Government to make terms with it. We have already heard that the province of Quebec now has a monopoly of import—that under the law, as she asserts it, none but herself can import. Then the question naturally arises, what has Quebec to get out of this legislation, which Quebec did not ask for, as we are told, but seemingly very gladly accepts? If she is to get freedom from Customs duty on all the imports of liquor, that is a most valuable consideration.

Hon. Mr. BEIQUE: The honourable gentleman will allow me to say that in Quebec it is not the Government that is importing: it is a Commission. Therefore, that would not apply at all.

Hon. Mr. MURPHY: It is the Government just the same.

Hon. Mr. TAYLOR: I would not like to express an opinion on law against the honourable gentleman, but I would say this, that the condition in British Columbia is precisely the same. It is a Commission that is importing there; yet the Attorney General of the province of British Columbia thought it worth while in the Exchequer Court to declare that his Commission was entitled to import liquor without any payment of duty. It seems to me only a businesslike precaution to take, to say to these governments: "If we give you this valuable monopoly and secure it by legislation, you must on your part undertake to waive any claim which you think you may have to bring this in free of duty." As I see it, we would be most closely questioned by our constituents if we were to go back after the close of this session and tell them that we had put a stiff excise tax on every cup of chocolate and on every stick of candy that anyone bought in Canada, and that at the same session we have absolved the two greatest importers of liquors in Canada from the necessity of paying any Customs duties.

I may say at this point that the Finance Minister has recognized the question that may be raised by those Governments, and has provided for it in legislation now before Parliament in connection with the Sales Tax. He has taken the precaution to put in his statute the express provision that the Sales Tax is payable on the very liquor which we are discussing this afternoon. If it is worth while for the Finance Minister to

take that precaution with respect to the Sales Tax, surely it is worth while for Parliament to take a similar precaution in respect to the larger question of Customs duties.

Before I sit down I wish to say that, so far as British Columbia is concerned, this is not a matter of prohibition at all. British Columbia has not voted for prohibition and is not asking for it. So far as the province of British Columbia is concerned, it is a matter of revenue only—how many dollars' profit the Government of British Columbia can get out of the sale of liquor, which the people of British Columbia desire them to sell. So there is no prohibition sentiment in this. With us it is not a question as to the morality or immorality of selling liquor; it is simply a matter of business regulation for any authority that we give to that province or any other province.

Hon. Mr. BELCOURT: I have followed my honourable friend very closely to hear an answer to the question which I put to him. I asked him this question: in what respect will the rights of the province of British Columbia or the rights of the province of Quebec be affected by anything we may do here by this legislation? Whether the provinces are or are not obliged to pay customs duties on liquors imported by them is a matter which depends entirely and exclusively on the constitution as it exists to-day—I mean the Confederation Act? My honourable friend will admit that we cannot amend the British North America Act. Being an Imperial Act it can be amended only by the Imperial Parliament. That being the case, no matter what we do to-day, the right of the province, which is now before the courts, cannot possibly be affected.

Hon. Sir JAMES LOUGHEED: But cannot my honourable friend appreciate the distinction between the province bringing in an article which it claims is duty free and the individual bringing in such an article? The individual would have to pay duty, and by this legislation you ask us to prevent the individual from bringing it in, thus throwing the whole importation into the hands of the province.

Hon. Mr. BELCOURT: That is not at all the point I was discussing.

Hon. Mr. TAYLOR: In answer to the honourable gentleman (Hon. Mr. Belcourt), my suggestion is that we should take this opportunity of securing ourselves by saying to those two provinces: "We will not give you this business concession unless you concede our right to collect duty, which we think we have anyhow, but which you may successfully dispute; we will not make the concession unless you admit your obligation to pay duty."

Hon. Mr. BELCOURT: Unless I misunderstood the honourable gentleman, he based his argument largely on the ground that what we are doing to-day would prejudice British Columbia in the exercise of its rights, which are now being considered by the courts.

Hon. Mr. DANDURAND: No.

Hon. Mr. BELCOURT: I do not think the honourable gentleman will deny that.

Hon. Mr. TAYLOR: I did not attempt to say that at all.

Hon. Mr. GIRROIR: The point that I wish to raise and discuss, in the hope that I may obtain some information with regard to it, is this. So far as the discussion has gone, the House believes that this Bill, the first part of it relating to the exportation of liquors, and the second part to the importation of liquors, will apply only to the provinces of Quebec and British Columbia.

Hon. Mr. BELCOURT: Or Saskatchewan.

Hon. Mr. DANDURAND: They are general provisions.

Hon. Mr. GIRROIR: What struck me all through the discussion was that no other provinces were mentioned. It appeared to be the opinion of everybody that it was for only a couple of provinces that this legislation had been passed. Honourable gentlemen must surely forget that besides the province of Quebec there are other provinces in the Dominion that are doing a liquor business.

Hon. Mr. WATSON: There is no province mentioned in the Bill.

Hon. Mr. GIRROIR: No, that is what I am trying to make out. But the argument all through, was that these provinces were seeking to get special privileges by virtue of this legislation.

There is in the Province of Ontario a Government which is selling liquor through its vendors. It is true that the regulations respecting the sale of intoxicating liquors are somewhat different in the province of Ontario from those in the province of Quebec. Nevertheless it cannot be con-

tradicted that the province of Ontario is selling liquor, or has appointed vendors to sell it. In order to obtain liquor in the province of Ontario, all you have to do is to go to a doctor and get your prescription, and you will obtain all the liquor you want. You have to pay for it in Ontario, just as you pay for it in Quebec, but you can get it if you can get your prescription; and I do not think it is very difficult in the good old province of Ontario to convince your doctor that sometimes you need a little stimulant.

In the province of New Brunswick practically the same law obtains. The Government of New Brunswick is selling liquor and pocketing the profits. It has its vendors. The doctors make out the prescriptions, and the man who wants a drink gets it just as he does in Quebec.

In the province of Nova Scotia, the province from which I come, the municipalities are doing a rushing liquor business. I have before me the Act relating to the sale of liquor in the province of Nova Scotia. It says:

> In any municipality in which Part I of this Act is in force, the council for such municipality may appoint one or more suitable persons, to be called vendors, who shall keep and sell such liquors, other than ethyl alcohol, as are required for medicinal, sacramental, mechanical or manufacturing purposes.

So that in a different way there are other provinces besides those which have been mentioned in the debate that engage in the liquor traffic. As I pointed out, the only difference is the manner in which they retail their liquor. The provinces of Ontario, New Brunswick and Nova Scotia do not want anybody to import liquor into those provinces except their Governments and municipalities; and the way they prevent the individual from importing is that they take the liquor away from the man who imports, and impose a very heavy fine. Therefor it seems to me that it is far better to have legislation enabling those provinces to prevent liquor from coming into them than to take the chance of getting it away from the man who has imported it. It seems to me that this is sane legislation for you are not only helping the province of Quebec but every other province in the Dominion to carry out the law which it has in force. The municipalities of Nova Scotia are importing liquor, and they are selling it broadcast. I say advisedly, broadcast, because any physician can give a prescription; and in order to maintain their monoply, as in Ontario, their statute says than any person found in possession of liquor without a vendor's stamp on it is punished, and the liquor is taken away from him. Now, surely any reasonable man will say that the proper way to preserve that monoply, if you like to call it that, which the province of Ontario wants for the sale of liquor, and other provinces want and are striving to maintain, is to prevent individuals from importing liquor into those provinces—not by taking liquor from them after they have imported it, and after they have broken the law. If I wanted good whisky, I would send to Scotland for a case; but when I would go to the Custom house to get the liquor, if it had not the vendor's stamp it would be taken away from me. I think that is a very foolish law. The proper way would be not to allow a man to import it at all.

Hon. Mr. BARNARD: I want to correct an impression which I think the leader of the House erroneously made. In the course of his remarks he inferred that the people of the province of Quebec and of the province of British Columbia wanted this legislation. He told us yesterday in explicit terms—and has not said anything to the contrary to-day—that the province of Quebec had not asked for this legislation, and I presume that that statement stands and is correct—that is to say, that they have sufficient safeguards under their provincial statute, and they do not need any further legislation from this Parliament.

So far as British Columbia is concerned, I am of opinion that the people of that province do not want this legislation. It is true that a member of the Government of British Columbia has come down here and asked the Federal Government to strenghten his hands in the making of money out of this particular business by passing this legislation, but the whole history of the legislation leading up to the present local situation out there shows that the people of British Columbia do not and never did intend or wish to give up their right to private importation. In the old Prohibition Act, which was repealed when the present Liquor Control Act was brought into operation, there was an express clause stating in the most explicit terms that nothing in the Act should prevent the right of importation by the individual for his own use in his own home. Subsequently a referendum was taken, and the only question put to the public upon which to vote was: "Are you in favour of the present Prohibition Act, or the sale by the Government in sealed packages?" It was on that question

that the people voted, and upon the vote being taken the legislature of British Columbia passed the Act which is at present in force, called the Liquor Control Act. In passing that Act they anticipated and contemplated that there still would be private importation, because under section 55 they provided that if anybody does import he shall do so and pay a tax. So that the only way you can say the people of British Columbia have spoken is through the legislature. What may be the individual opinion of certain members of the Government out there is another thing altogether. Therefore I say that this argument has to some extent proceeded on a wrong assumption, because as a matter of fact I believe when the vote is taken on this amendment most of the members of this House from the province of British Columbia will be totally against this prohibition.

If that is the case, and if the people of the province of Quebec do not want this legislation, and we are the only two provinces which are affected by it, then I say there is no object in passing it, and the legislation should not pass. My honourable friend from Nova Scotia who has just spoken (Hon. Mr. Girroir) seems to think that all the province are on the same footing with regard to this proposed Act, but that is not so. You already have the prohibition of importation under Part III of the Doherty Act into provinces which have prohibition. This legislation is designed to apply only to provinces which have a system of Government control and sale of liquor for beverage purposes, and it is possible that those words ought to be inserted in the clause if it is going through, in order to make that definition clear. For these reasons I am strongly of the opinion that this legislation should not pass.

Hon. Mr. REID: I would like to say a few words as to how this legislation might interfere with the province of Ontario. I want to submit this question for consideration by the legal gentlemen of this House. It has struck me that perhaps this Act, if passed, might affect the revenues of the Dominion so far as the province of Ontario and other provinces are concerned. That struck me after hearing the statement of the honourable member for New Westminster (Hon. Mr. Taylor), that our present tariff legislation imposes a duty on all liquors imported into this country, whether by private individuals or by the Government. The Ontario Government passed a law prohibiting it from coming in, and that law does not interfere with the Dominion Act. Now we are putting on the statute another special act which says:

> —intoxicating liquor which has been purchased by or on behalf of, and which is consigned to His Majesty or the Executive Government of the province into which it is being imported, sent, taken or transported; or any Board, Commission, officer of other Governmental agency which, by the laws of the province, is vested with the right of selling intoxicating liquors.

Now, I understand that this Act is intended to prohibit the transportation of liquor from one province to another; but it struck me that there might be an interpretation put on that, to the effect that the Parliament of Canada had by this special Act consented that the provinces or local governments or commissions under them, would have the right to import. If this could be in any way interpreted like that on a case going to the Privy Council, or if at any future time there might be a question of law in it, I would ask whether it would not be advisable to provide that if they did import liquor, it should be subject to payment of duties in accordance with the general tariff.

Hon. Mr. DANDURAND: I will draw the attention of the Department of Justice to the point raised by the honourable gentleman from New Westminster and discussed by the honourable ex-Minister of Railways. We may vote upon this amendment of my honourable friend from Victoria, and if that part of the Bill is maintained, the right to prohibit, we will adjourn further consideration of the Bill, so that I may be able to consult with the Department of Justice.

In answer to the statement of my honourable friend from Victoria (Hon. Mr. Barnard) that his province does not clearly express a wish in favour of this legislation, I may say that it is somewhat difficult for this Parliament to go beyond the desires of the legislature and the executive. Now, I have in my hand a telegram from the Attorney General of British Columbia which expresses a desire that this Bill be passed. It says:

> This province needs the passage of the Bill to attain a semblance of clean administration of the liquor law. We are not interested in the money end of the business except as a necessary incidental. Will treat export houses fairly. In the event of Bill passing, monopoly will not be used to increase prices; on contrary, we are now reducing prices downward, and doing our utmost to that end.

This is signed "A. M. Manson."

The proposed amendment of Hon. Mr. Barnard was negatived.

Subsection 3 of section 2 was agreed to.

On paragraph b of section 3 exceptions:

Hon. Mr. BEIQUE: The Commons have inserted an amendment in this paragraph by adding, after the word "railway," the following:

Excepting for delivery direct to or from such common carrier.

But they omitted to make the addition in this paragraph, although they made it in paragraph b of section 158. There is a like reason in both cases. My attention has been called to that omission during the sitting by Colonel Thompson, who received a telegram from Montreal referring to it.

Hon. Sir JAMES LOUGHEED: We might carry that amendment, with the right of consideration again to-morrow when we go into Committee.

Right Hon. Sir. GEORGE E. FOSTER: If it is to be thrown over till tomorrow, might it not be as well to have the amendment on the Minutes, so that we might see the effect of it?

Hon. Mr. BEIQUE: If the honourable gentleman reads paragraph b in the previous section, he will find the very same wording, and he will see that the two sections should be the same.

Paragraph b of subsection 2 of new section 163, section 3, was agreed to.

Paragraph c of subsection 2, of new section 163, section 3, was agreed to.

On the proviso of paragraph c of subsection 2 of new section 163, section 3:

Hon. Mr. BEIQUE: It has been suggested to me that an amendment should be inserted in the proviso to protect the brewers and distillers duly licensed by the Dominion Government. An amendment was handed to me, but upon consideration I have come to the conclusion that it is not properly worded, and would suggest that the proviso stand.

The proviso to paragraph c of subsection 2 of new section 163, section 3, stands.

Subsections 3 and 4 of new section 163 of section 3 was agreed to.

On subsection 5 of new section 163 of section 3—Governor in Council may issue proclamation.

Hon. Mr. CASGRAIN: I submit that my amendment would fit in here perfectly and would be germane. There would be another proclamation saying that the province had local option.

Hon. Mr. DANDURAND.

Hon. Mr. DANDURAND: It has.

Hon. Mr. CASGRAIN: This is to prohibit the manufacture. I thought I made myself clear enough before. I move now my amendment as paragraph a:

(a) That upon receipt by the Secretary of State of a duly certified copy an order of the Lieutenant Governor in Council of any province praying that local option be granted to the province to prohibit the manufacture of intoxicating liquors in the province, the Governor in Council may, by proclamation published in the Canada Gazette, declare that such province is granted local provincial option to prohibit the manufacture of intoxicating liquors in that province.

Hon. Mr. BEIQUE: I call attention to the marginal note of section 157, which states:

Upon receipt of order of Lieutenant Governor in Council, the Governor in Council may issue proclamation.

Then, section 158:

Upon such prohibitoin coming into force no person other than a brewer or distiller shall, be licensed by the Government of Canada for the manufacture of spirituous fermented or other liquors shall keep or have in his possession or control intoxicating liquors for sale in or exportation of such province, nor shall any such person export intoxicating liquors out of such province.

Hon. Mr. CASGRAIN: That has nothing to do with my amendment at all. I say they should not be allowed to manufacture.

Hon. Mr. BEIQUE: I do not see what the amendment of the honourable gentleman would lead to.

Hon. Mr. CASGRAIN: If the honourable gentleman will lend me his ear for one moment, I think I can make it plain enough. We want to destroy the evil effects of alcohol. To destroy the effects get rid of the cause. The cause is the manufacture. If the province of Ontario, for instance, does not want the manufacture carried on within the province, with this on the statute book the Prime Minister can send down here an Order in Council asking this Government to issue a proclamation granting them the right to suppress the manufacture of liquor in the province. I think that is plain enough. There are none so deaf as those who will not hear.

Hon. Mr. DANDURAND: The result would be that distilling would be prohibited in the country, but importation would not. It seems to me that we cannot touch one without touching the other. So long as we maintain the principle that each province is to be the judge of its own legislation, the

situation as to the distilling or importation should remain as it is.

Hon. Mr. CASGRAIN: There is no allusion to importation; it is just the manufacture. If the province does not desire to have manufacturing, surely if we respect provincial autonomy we will give it that right.

Hon. Mr. BELCOURT: Upon hearing the amendment read, I was inclined to look upon it with more or less a want of seriousness; but when I read it, it does not appear to me to be so inconsistent. I think it is worthy of consideration. This is merely along the lines, I take it, of the policy which we have adopted of giving the provinces the right to determine just what sort of thing they are going to have. This merely provides, as I take it, that if the people of any province should declare that they want local option, and that they do not want it interfered with by reason of the Dominion Government issuing a license to a brewer or distiller within that province, a license to manufacture in the province will not be granted. Upon serious reflection, it does not seem to be inconsistent, to me at all events, with the manner in which we have been dealing with this subject.

Hon. Mr. TURRIFF: Why not include importation?

Hon. Mr. CASGRAIN: Make one for yourself.

Hon. Mr. BELCOURT: It has been dealt with by the other provisions of the Act.

Hon. Mr. BEIQUE: Can this Parliament decide to prevent the manufacture in a province? It is not within the powers of this Parliament at all.

Hon. Mr. BELCOURT: It is within the power of this Parliament to decree that the Government shall not issue a license.

Hon. Mr. BEIQUE: But what I am calling attention to is the question of whether it is within the power of any province to decide that manufacturing shall be prohibited.

Hon. Mr. CASGRAIN: No, no. They get a license from the Dominion Government to manufacture.

Hon. Mr. BEIQUE: Is it not in the power of the province to prohibit the manufacture?

Hon. Mr. CASGRAIN: No, sir, not according to the advice I got to-day from one of the good lawyers in Toronto.

Hon. Mr. BEIQUE: So long as the province has not prohibited the manufacture, the Dominion may license the brewers; but I claim that it is open to a province to prevent the manufacture.

Hon. Mr. BELCOURT: It may be open to the province to say that there shall be no manufacture in the province. That is not germane; but, assuming that it were, that would not interfere with the Dominion Government issuing licenses under the authority of the Act.

Hon. Mr. BEAUBIEN: I would like to find out whether a distiller can manufacture liquor of any kind without a Federal license.

Hon. Mr. CASGRAIN: No.

Hon. Mr. BEAUBIEN: Is not that the answer? If the Federal Government has in its hands the power to prevent the manufacture of spirits by refusing to issue a license, it seems to me quite clear that the right to prohibit the manufacture is in the hands of the Federal Government. Like my honourable friend, I am not prepared to say that the amendment suggested is very much out of the way. If a province wants to prevent importation, it is to prevent the sale. If manufacturing is continued in a province and the boundaries are closed, it seems to me that that is not the very best means of getting a dry territory. The liquor is prevented from coming through the doors, but it is manufactured in the kitchen. The people get home brew; they do not get the foreign liquors, which they might prefer, and which might be more palatable; they manufacture at home. I really do not know, being absolutely opposed to prohibition, whether the best method is not to allow the people who really want bone-dry prohibition to get it. If they want to try it on themselves I think it only fair to give them all the means, complete and perfect, to make their territory absolutely bone-dry; and if you give them the right to prevent importation, I do not see that you can logically refuse them the right to prevent the manufacture.

The proposed amendment of Hon. Mr. Casgrain was negatived: yeas, 14; nays, 25.

New section 164 of section 3 was agreed to.

On the preamble:

Hon. Mr. BELCOURT: I want to suggest a clause which would be section 4 of the Bill, and which would read as follows:

The provisions of sections 157, 158 and 163 shall not apply to any sale, purchase, delivery or transport into, through, or out of a province of any intoxicating liquor authorised by or under any provincial law, order or regulation.

Honourable gentlemen will remember that, when we were discussing subsection b of section 158, I proposed something very much of the same nature. The object of the clause is to protect the physician, the chemist, the veterinary surgeon, and the manufacturer, who has obtained from the provincial authority the right to purchase and have delivered to him intoxicating liquors, either for medical, sacramental, or manufacturing purposes. There are permits of that kind issued, and unless we have a provision of this kind that would be prohibited.

Right Hon. Sir GEORGE E. FOSTER: Probably that had better go with the others for thinking over. I should like to see about how far it goes.

Hon. Mr. DANDURAND: I would suggest that we suspend the study of the Bill, and that the Committee rise and report progress and ask leave to sit again, so that we may have an oportunity of examining the amendment.

Hon. Mr. BELCOURT: My honourable friend will see that the proposed amendment does not authorize anything that the provincial law will not authorize. Nothing would be permissible that is not permissible under the provincial law.

Right Hon. Sir GEORGE E. FOSTER: I am not saying that it is not germane and proper, but perhaps my honourable friend will allow it to remain over.

Hon. Mr. BELCOURT: Certainly.

Progress was reported.

QUEBEC HARBOUR ADVANCES BILL.

SECOND READING POSTPONED

Hon. Mr. DANDURAND moved the second reading of Bill 78, an Act to provide for further advances to the Quebec Harbour Commissioners.

He said: Honourable gentlemen, this Bill would authorize the Governor in Council to advance the sum of $1,500,000 to the Quebec Harbour Commission to enable it to carry on the construction of such terminal facilities as may be necessary to equip properly the port of Quebec. The Bill is in accord with the form of Act that for a number of years we have been passing to cover such cases. The Financing of the Harbour Commissions has been done through the Government, which has taken the debentures of these corporations and has advanced out of the public treasury the amounts of which they have been in need, under Acts of Parliament. I have looked at this Bill, and at the one which follows, concerning the Port of Montreal, and I find them to have been drafted in the same manner as all Acts for a similar purpose.

Hon. Sir. JAMES LOUGHEED: Can my honourable friend give the House any information as to whether the interest has been paid upon the $8,000,000 of debentures referred to in clause 8 of the Bill?

Hon. Mr. DANDURAND: Yes, I can inform my honourable friend. The interest on those debentures has not been paid. In fact, debentures which the Government of Canada has received from many ports, with the exception of the port of Montreal, have been in a similar position; the interest has not been paid. I asked the Minister of Marine to furnish me with a statement covering those advances by the Government of Canada to all the ports, because I expected that such a question would be put to me. If my honourable friend needs the answer before we vote the second reading, I will postpone the motion for the second reading, because I should have had that information at hand.

Hon. Sir. JAMES LOUGHEED: I think the House should be furnished with some information as to the purposes to which this money is to be applied. True, the Bill states that it is required to carry on certain improvements in the Harbour of Quebec. I should like to know whether or not those improvements have been determined upon, whether they have been entered upon or not, or what stage has been arrived at in regard to the extensions which are being carried on or are intended. And would my honourable friend be good enough to say, when on his feet, whether or not there is any expectation of the Government of Canada ever receiving any return for this money?

Hon. Mr. DANDURAND: I wanted to have the record before me. I will have it to-morrow. I know that information has been furnished the Government as to the needs of the port, but I am not ready to speak at this moment regarding the details of those needs. I will ask that the motion for the second reading of this Bill be postponed until to-morrow.

Hon. Mr. BELCOURT: Will my honourable friend, whilst he is securing the information requested by the honourable gentleman from Calgary (Hon. Sir James Lougheed), at the same time ascertain, if the memorandum does not contain the information, whether this amount of $1,500,000 to be advanced is for new work, or in payment of work already done, and for which debentures may have been issued? In other words, would that $1,500,000 be applied to doing something more at the port of Quebec, or would it be applied simply to paying for some of those bonds that have been issued?

Hon. Mr. DANDURAND: My information is that it is for new work.

Hon. Mr. BELCOURT: Perhaps we might be informed definitely.

Hon. Mr. DANDURAND: I think the Department has prepared a detailed statement of the improvements which it is desired to carry out by means of this vote. I will have that detailed statement.

Right Hon. Sir GEORGE E. FOSTER: Also, will my honourable friend add what is the estimate or anticipation of business and revenues which would probably make such an added expenditure remunerative? I have no objection to the putting of money into large ports like that, to equip them if there is any reasonable expectation that the investment will end in gathering business to that port to make it remunerative, but the expenditure may not be advisable if it is only increasing the debt to the Dominion, and if no payment has been made of interest due in the past, and if there may be no increased revenues in the future, to make the harbour self-supporting, and there is also the difficulty of competition with the port of Montreal. We ought to have reasonable assurance that the money will be economically profitable.

Hon. Mr. TURRIFF: When the honourable leader of the House is bringing down that information, would he specify what proportion of this $1,500,000 it is intended to spend on new work and what amount on repairs to work already completed? My understanding is that a considerable portion of the money is to be expended on repairs to the harbour. Voting money for new work, if it is necessary and advisable, is all right, but if I am rightly informed, the Harbour Commissioners ought to be able, out of the receipts of the harbour, to look after any repairs that are necessary to piers, and wharves, or general repairs. I shall be glad if my honourable friend will bring down that information.

Hon. Mr. DANDURAND: I have no official data before me, but it seems that latterly the port of Quebec has shown far greater activity than in the past. A committee of the Senate was appointed during the Session to consider the possibility of developing trade at the port of Quebec. The Transcontinental ends there, and I am in hopes that, independently of what may be proposed under this Act, the port of Quebec will before long come into its own; that trade will flow directly to it from the West by the Transcontinental. The port of Montreal will soon be overcrowded, and it seems to me that before long trade might find its way a little below Montreal and strike Three Rivers and Quebec.

Hon. Mr. DANIEL: Would the Minister also get information as to how the revenue is obtained—whether by side wharfage, or top wharfage, or both? I think that in Montreal the whole revenue is obtained from top wharfage. I think that they charge no side wharfage at all. The Minister might ascertain and let us know about that, and the amount of revenue obtained.

Hon. Mr. DANDURAND: I will.

Hon. Mr. ROBERTSON: Could the Minister tell us to what extent present facilities at Quebec are utilized? Are there not to-day much greater facilities than have yet been made use of?

Hon. Mr. DANDURAND: There seem to be considerable facilities at the present time, but I do not know what this intended expenditure will cover. I hope to be in a position to answer my honourable friend to-morrow.

Hon. Mr. ROBERTSON: Is it not true that the existing facilities have never been operated to their capacity since they were constructed?

Hon. Mr. DANDURAND: I would not like to answer at the moment. I have an

impression, but I would rather withhold any statement.

Hon. Sir JAMES LOUGHEED: That is a very safe position to take.

The motion for the second reading of the Bill was withdrawn, and placed on the Order Paper for to-morrow.

FERTILIZERS BILL.

SECOND READING

Hon. Mr. BEIQUE moved the second reading of Bill 149, an Act to regulate the sale of agricultural fertilizers.

He said: Honourable gentlemen, this Bill is the outcome of the work of the Committee of the House of Commons on Agriculture and the result of consultation with the manufacturers of fertilizers and users of fertilizers, represented by the leading agricultural associations. From the reading that I have been able to make of the Bill, it appears to have been well considered. When we take it up section by section we shall be able, if desired, to give the reasons for each clause.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Béique, the Senate went into Committee on the Bill.

Hon. Mr. Proudfoot in the Chair.

Section 1 was agreed to.

On section 2—definitions:

Hon. Mr. BEIQUE: Technical words or terms that appear in the text of the Bill are here defined. The definitions were for the most part made by the technical officers of the Department, and concurred in at a joint conference composed of three representatives of fertilizer manufacturers, three of fertilizer users, and three agricultural chemists; and, finally, the definitions have been approved by Mr. Gisborne, Parliamentary Counsel. This applies also to most of the Bill. The whole Bill has been considered by those different bodies and approved.

Section 2 was agreed to.

On section 3—registration of brand; application for registration; fees:

Hon. Mr. DANIEL: Is there the registration fee paid every year or only once?

Right Hon. Sir GEORGE E. FOSTER: It is the fees for renewal.

Hon. Mr. DANDURAND: There are fees for renewal, and there are fees paid on the registration.

Right Hon. Sir GEORGE E. FOSTER: The fees for renewal are the same as the original.

Section 3 was agreed to.

Sections 4 to 8, inclusive, were agreed to.

On section 9—powers of Minister:

Hon. Mr. BEIQUE: It will be noticed there that—

> The Minister shall have power,—
> to appoint an advisory board which may at his request prepare and recommend to him such regulations as it is of opinion should be established under this Act;

Right Hon. Sir GEORGE E. FOSTER: Does this advisory board carry any salary?

Hon. Mr. BEIQUE: No, only the travelling expenses. The board is composed of three representatives from each of the different bodies mentioned.

Sections 9 and 10 were agreed to.

On section 11—inspectors:

Hon. Mr. BEIQUE: These clauses are practically the same as in the old Act.

Right Hon. Sir GEORGE E. FOSTER: With reference to inspectors, what about their payment? Are they paid out of fees?

Hon. Mr. BEIQUE: Yes, they are paid out of fees fixed by the regulation.

Sections 11 to 16, both included were agreed to.

On section 17—appointments:

Right Hon. Sir GEORGE E. FOSTER: There will have to be some clause here to bring these appointments under the Civil Service Act, such as was introduced in yesterday's discussion.

Hon. Mr. DANDURAND: The objection taken yesterday was to the fact that the Minister would do so, but here there is no power taken by anyone, so that the general law applies.

Sections 17, 18, 19 and 20 were agreed to.

Hon. Mr. BEIQUE: I would like to revert to section 15. I move that the word "fertilizer" in the fourth line be replaced by the word "package." I drew the attention of the officers of the Department to this, and they approved of the change.

Hon. Sir JAMES LOUGHEED: It seems to me unreasonable that a man should be prosecuted if he retains a package unopened, as he has no knowledge of the contents. If he is an innocent holder of those packages, he should not be prosecuted until he has guilty knowledge of the character of the fertilizer. He might possibly put in a stock that would carry him through several years. Because he warehouses them without a knowledge of the contents, why should he be liable for prosecution?

Hon. Mr. GIRROIR: Why should not the seller of bulk fertilizer have the same protection as is afforded to the seller of package fertilizer?

Hon. Mr. BEIQUE: I have this memorandum on section 14:

This includes the same principle as was provided in the Seed Control Act of 1911 and the Feeding Stuffs Act of 1920. In administering these laws it is occasionally found that the retail seller is under the financial control or domination of the manufacturer or wholesale seller, and is disposed to act in collusion. It is usually found that the retail seller is in part blamable. Where the retail seller is willing to disclose the name of the person from whom he purchased in good faith he is invariably given the privilege, in company with the inspector, of calling upon the local magistrate and under oath making the statement as prescribed in this clause, which statement is necessary to the inspector in order that he may proceed against the manufacturer or importer.

It will be seen that the clause has been fully considered, and as it is dealing with a technical matter we do not interfere.

Hon. Mr. GIRROIR: Under section 15 we find that an innocent purchaser who in good faith holds package fertilizer in his possession for sale, without knowing the contents, is protected. Why is there a special clause for him, and not for the man who buys bulk fertilizer in good faith?

Hon. Mr. BEIQUE: He would be protected by having his recourse at law against the manufacturer, who might lose his license.

Hon. Mr. GIRROIR: According to the provisions in section 4 the purchaser in good faith of bulk fertilizer is in a very different position from the purchaser and seller of the package, and I do not see why there should be any difference.

Hon. Mr. BEIQUE: I will not ask for the third reading of the Bill, but I will call the attention of the Department to that.

Hon. Mr. BELCOURT: I do not think the amendment proposed by Hon. Mr. Béique is necessary, because, although not very apt language is used, it is an expression that would be employed by the man on the street, and when it says in line 18 that "it was neither opened nor the state of the fertilizer altered while it was in his possession," it would mean that the package had not been opened and examined.

Hon. Mr. BEIQUE: I suggest that we leave that.

Hon. Mr. BLACK: I would like to ask if sections 3, 4 and 5 apply to every individual who buys fertilizer and redistributes it?

Hon. Mr. BEIQUE: I have this note:

The Fertilizers Act, 1909, provided for the registration of each brand of fertilizer and also the licensing of each brand of fertilizer by the manufacturer. The fee for the former was two dollars and for the latter eight, sixteen and twenty-four dollars, according as it contained one, two or three of the following substances, nitrogen, phosphoric acid and potash. In this bill an endeavor is made to simplify the system of control by adopting the plan that is in vogue under the Feeding Stuffs Act, and is now common to the fertilizer laws of most states and countries, so that instead of having the dual system as heretofore we will have each brand under full control by the process of registration alone. It is believed that this more simple system will reduce the cost of administration.

Hon. Mr. BLACK: In New Brunswick fertilizer is very largely used; the phosphates and various ingredients are bought by carload and distributed by the farmers themselves to other farmers in the community. Does the provision for fees apply in such cases? The farmers are really manufacturers, because they buy the nitrogen and other ingredients and mix them.

Hon. Mr. BEIQUE: When a farmer buys the different ingredients and mixes them he would not be called on to pay any fees. Only the manufacturer would be so called on.

Hon. Mr. BELCOURT: And the manufacturer only pays a fee for the registration of his brand, not for selling.

Hon. Mr. BEIQUE: I move that the Committee rise and report progress.

Hon. Mr. BELCOURT: Before the motion is carried may I delay the House for two minutes? I want to express my congratulations to the Government upon having brought down this measure, which is one that I look upon as being of very great importance to Canada. For many years I have thought that the question of selling

and distributing and encouraging the use of fertilizers was of great interest to this country. There are many parts of Canada where fertile tracts of land have been cultivated for perhaps two centuries or more, and which have never seen any real fertilizer. Some of those lands are still productive, but the time has come when we must adopt European methods and use fertilizers in larger quantities than we have done in the past. We must follow the example of France and England, and encourage our people to use fertilizers in a large way. I hope this measure will be followed by others of a similar nature. I hope in time to see Canada encouraging, by means of large grants, the manufacture and distribution of fertilizers throughout the country. We have in our water-powers great facilities for manufacturing artificial fertilizers more cheaply than anyone else in the world, and the Government ought to try to induce people to come here to manufacture them, so that we can get them much cheaper than we are getting them at present.

Hon. Mr. DANDURAND: Has my honourable friend any data as to the extent to which they are used?

Hon. Mr. BELCOURT: No, but I know that they are used to a much greater extent in England, France, and the United States than in Canada. In the southern States of the American Union fertilizers are manufactured and used in large quanities. I do not know that this is so in the northern part of the Union; I do not think that in the New England States, for instance, they are used to a very large degree. But, as I have said, I think this is one of the things the Government ought to consider very seriously, for the reason that agriculture is our most important industry, and because the products of the farm are the things that we must look to to help us out of the frightful financial situation in which we find ourselves to-day.

The motion of Hon. Mr. Béique was agreed to, and progress was reported.

At 6 o'clock the Senate took recess.

The Senate resumed at 8 o'clock.

EXPLOSIVES BILL

DROPPED

On the Order:

Second reading Bill P3, an Act to amend the Explosives Act.—Hon. Mr. Boyer.

Hon. Mr. DANDURAND: I understand that the honourable gentleman does not intend to proceed with this Bill this Session, so perhaps it is as well that it should be dropped.

The Bill was dropped.

CRIMINAL CODE BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 93, an Act to amend the Criminal Code.—Hon. Mr. Dandurand.

Hon. Mr. Farrell in the Chair.

On the proposed section 15:

Hon. Mr. DANDURAND: This is a new clause. I will read the section as it stands in the statutes so that honourable gentlemen may understand what we are amending. The section in the Act reads as follows:

A common betting house is a house, office, room or other place—

(b) opened, kept or used for the purpose of any money or valuable thing being received by or on behalf of any such person as aforesaid, as or for the consideration

(i) for any assurance or undertaking, express or implied, to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any horse race or other race, fight, game or sport, or—

It is proposed to amend this by striking out the words "as or for the consideration" and by repealing sub-paragraph i thereof and substituting therefor the following:

(i) all or any part of which money or valuable thing or its equivalent is to be paid or given to any other person on any event or contingency of or relating to any horse race or other race, fight, game or sport; or

Hon. Mr. PARDEE: Then, what is the amendment?

Hon. Mr. DANDURAND: I may say that it is quite technical. The honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) was in consultation to-day with the Law Clerk of the House, with the Parliamentary Counsel, and with a brilliant member of the legal fraternity in the House of Commons, and, after examining the text and looking for a betterment, they came to the conclusion, in view of the decision of the police magistrate in Winnipeg, that this would cover the case which it is intended to cover. I think that the honourable gentleman from Sussex (Hon. Mr. Fowler) and the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) have devised another amendment to effect more surely the purpose of the amendment. So I will content myself with moving this one, and will agree to the

honourable gentleman from Sussex moving his amendment afterwards.

Hon. Mr. BELCOURT: I suggest to the leader of the Government that he strike out the words "horse race or other" in the second last line. The amendment suggested by my honourable friend reads:

(i) any horse race or other race, fight, game or sport; or....

I would ask honourable gentlemen to follow me closely. The objection in that is the objection to the words "horse-race or other." Horse racing and betting on horse racing have been the subject of specific legislation. In 1910, as honourable gentlemen will probably remember, there was in the House of Commons a very long discussion on what was then called the Miller Bill. The Statutes of 1910 contain special and very definite provisions, under this section and section 235, with regard to betting on horse racing. In 1912 there were some amendments to that special legislation, which honourable gentlemen will find in chapter 19 of the Statutes of that year. I need not trouble honourable members with all the details. The last time the matter came up was in 1920, two years ago, when Parliament adopted, in addition to the safeguards and requirements of those provisions, a schedule. The amounts collectable at races was determined by schedule entitling people running races to a percentage of 7 per cent up to $20,000, 6 per cent up to $30,000, and so on. Now, if you leave in the amendment proposed by the honourable leader of the Government the words "horse race" you are legislating on this matter of horse racing in a way which will actually defeat the specific legislation which has been enacted in regard to horse-racing. I am simply suggesting that the words "horse race" be taken out of this amendment. As I say, there will be a conflict, but in any case it is wholly unnecessary to include those words for the purposes my honourable friend has in view. As I understand it, this Bill, especially the section before us, aims at the people who have organized that method of betting in regard to baseball and other games.

Hon. Mr. DANDURAND: Guessing contests.

Hon. Mr. BELCOURT: People who induce others to guess or bet on baseball games. That is dealing with a specific thing in a specific way, entirely different from the way in which horse racing has been dealt with. You do not want to affect the legislation which is on the statute book, and has been for twelve years, with regard to horse racing. I say, if you put the words "horse race" in this paragraph you are going to legislate against the provisions affecting horse-racing, which are specific provisions, entirely different from, and in fact conflicting with, the provision now proposed.

Hon. Mr. DANDURAND: I would like to put a question to my honourable friend. Does he claim that the legislation to which he has alluded has completely or partially replaced the enactment of section 227, which covers betting on horse-races?

Hon. Mr. BELCOURT: Yes.

Hon. Mr. DANDURAND: If legislation which has been enacted by special Acts renders clause 227 useless, would he move to modify it by striking out the words "horse race," even if I were not moving the present amendment?

Hon. Mr. BELCOURT: Yes. That is the position I take.

Hon. Sir JAMES LOUGHEED: While my honourable friend is on his feet perhaps he would deal with this feature. I understand the intention is not to restrict the offence to betting on horse-racing, but the language of the section, it seems to me, would be interpreted as restricting the offence to that.

(i) All or any part of which money or valuable thing or its equivalent is to be paid or given to any other person on any event or contingency of or relating to any horse race or other race, fight, game or sport.

The offence is limited in that way. It seems to me that this is narrowing the operation of the clause and the purpose which my honourable friend has in view. Why should the offence be described in that way?

Hon. Mr. DANDURAND: It will not narrow the clause if in reality the same offence has been dealt with by subsequent legislation. However, I have put a question to my honourable friend (Hon. Mr. Belcourt). In amending this legislation I would not like to see an offence uncovered which this clause was deemed to cover.

Hon. Mr. BELCOURT: Perhaps I might put the case in another way. You have the Criminal Code, which at the time it was passed contained the enactment which

my honourable friend read a moment ago, prohibiting betting on horse-races. That was modified so as to make such betting permissible under certain conditions and requirements, in 1910. That legislation was continued in 1912 with additional requirements. Again in 1920 further conditions were imposed upon race courses.

Hon. Mr. DANDURAND: Without this amendment?

Hon. Mr. BELCOURT: Without that clause being amended. Now, if you re-enact the original clause of the Criminal Code in the manner proposed, you are practically repealing the legislation of 1910, the legislation of 1912, and that of 1920 with regard to horse racing.

Hon. Sir JAMES LOUGHEED: Could there not be a proviso inserted there, that this is not to have any effect upon that particular legislation? It seems to me that would be the way to do it. That is to say, if the Act as it is at present will not cover the class of offences referred to by the honourable leader of the Government, then it seems to me a proviso might.

Hon. Mr. BELCOURT: The simplest way would be what I have suggested, namely, to strike out the words "horse-racing." The clause would then read:

All or any part of which money or valuable thing or its equivalent is to be paid or given to any other person on any event or contingency of or relating to any race, fight, game or sport.

Then my honourable friend has all he wants. What he is aiming at is not horse-racing at all. He admits that he does not want to touch that.

Hon. Sir JAMES LOUGHEED: But the offence may be created and a horse-race may be the subject of it.

Hon. Mr. WATSON: Yes. You can guess on a horse-race as well as on a baseball game.

Hon. Sir JAMES LOUGHEED: Why can you not say "any kind of race, game or sport"?

Hon. Mr. BELCOURT: If my amendment carries, this is the way it will read:

Relating to any race, fight, game or sport.

There is a second reason why my amendment ought to carry.

Hon. Sir JAMES LOUGHEED: You might say, "any race by man or animal." Then you would cover it.

Hon. Mr. BELCOURT: But there is no restriction to that at all. Then, if you look at subsection 2, you will find that that addition is wholly unnecessary, because subsection 2 covers all that my honourable friend (Hon. Mr. Dandurand) desires to cover:

Subsection two of section two hundred and thirty-five of the said Act as enacted by chapter forty-three of the Statutes of 1920,—

The statute I have referred to

—is amended by inserting the words: "between not more than ten individuals" after the words "any bets" in the eighth line thereof.

That subsection 2, it seems to me, amply and fully covers just what my honourable friend wants to cover. What I am concerned about is this. I am quite clear in my own mind that any legislation enacted now with regard to horse racing is going to have the effect of repealing those specific provisions which were made in the years I have mentioned, with regard to horse-racing.

Hon. Sir JAMES LOUGHEED: Unless we specifically provide against that.

Hon. Mr. BELCOURT: But that is not done here.

Hon. Mr. WATSON: Can you not do that?

Hon. Sir JAMES LOUGHEED: Why not insert that proviso?

Hon. Mr. WATSON: You are trying to stop guessing contests.

Hon. Mr. BELCOURT: I am afraid I cannot suggest anything better, or in fact anything else.

Hon. Mr. WATSON: The honourable leader of the Opposition suggests that you can exempt horse-racing. Can you not do that?

Hon. Mr. FOWLER: Honourable gentlemen, as I understand, you are proposing to amend the Criminal Code in order to cover the cases of newspapers—

Hon. Mr. WATSON: Those guessing contests.

Hon. Mr. FOWLER: I wish to bring before the Committee an amendment that is proposed by my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), who has in conjunction with the Law Clerk gone very carefully into this matter. We have here an amendment that I think will cover it.

Hon. Mr. DANDURAND: But is it an amendment to follow this one?

Hon. Mr. FOWLER: This is an amendment to section 16, paragraph g of subsection 1 of section 235 of the Criminal Code. In section 235, as it stands to-day, paragraph g says:

(g) Advertises, prints, publishes, exhibits, or posts up any offer, invitation or inducement to bet...

This proposed amendment says:

Section 16, paragraph g of subsection 1 of section 235 is hereby repealed and the following substituted therefor:

(g) Advertises, prints, publishes, exhibits, posts up, or otherwise gives notice of any offer, invitation or inducement to bet on, to guess or to foretell the result of any contest; or,

The word "contest" covers everything.

Hon. Sir JAMES LOUGHEED: That seems to meet the situation. You could say, "game or contest."

Hon. Mr. FOWLER: "Contest" is the all-embracing word, it seems to me. However, I have no objection to adding "game."

Hon. Sir JAMES LOUGHEED: I suppose the element of contest enters into any game.

Hon. Mr. FOWLER: Yes, the essential part of the game is the contest.

Hon. Mr. PROUDFOOT: I suggest that the word "game" be put in there.

Hon. Mr. FOWLER: I do not see any objection to putting in the words "game or contest." This certainly will cover the case in point, regarding those advertising contests.

Hon. Sir JAMES LOUGHEED: Yes, I prefer that amendment to the one moved by the honourable leader of the Government.

Hon. Mr. WATSON: But we want this one too.

Hon. Mr. ROBERTSON: That would not be necessary.

Hon. Mr. FOWLER: Would that be necessary if this one is adopted?

Hon. Sir JAMES LOUGHEED: What does my honourable friend (Hon. Mr. Dandurand) think of the amendment moved by the honourable gentleman from Kings and Albert (Hon. Mr. Fowler)? My honourable friend has followed this matter very closely, I suppose. Am I to understand that the Criminal Code did not apply to the proceedings instituted against the offences charged, on the ground that the Code only made provision against betting and not against guessing? That, I understand, is the feature involved. If the Code had made the same provision against guessing as against betting, would not the Code have been sufficiently comprehensive to have met the situation?

Hon. Mr. DANDURAND: The scheme which is being worked—

Hon. Sir JAMES LOUGHEED: Yes, I know the scheme.

Hon. Mr. DANDURAND: —in some of the provinces in the West is somewhat as follows. The newspaper sells for 5 cents and the coupon on which to make the guess is thus secured. That is sent in with 25 cents, and the person making the nearest guess gets 50 per cent of the prize money; the second prize is 30 per cent; the third 20 per cent.

Hon. Sir JAMES LOUGHEED: So the guessing is the element against which we have to legislate.

Hon. Mr. DANDURAND: An information was laid before Sir Hugh John Macdonald under sections 227 and 228 of the Code, but he held on the English cases that there was no offence.

It would appear from the decisions that it is not a lottery, because skill is used, differentiating it from a mere sweepstake or drawing from a hat. The Crown Prosecutor therefore laid the information under the betting section, and two lines of defence were used. The first defence was that in Regina versus Hobbs it was not money paid on the contingency of a game but on the contingency of a drawing. My opinion is that this distinction was not sound, although the magistrate so found.

I think the language of our section 227 would cover the offence.

The other defence arose under section 235, subsection 2, as amended in 1920 by chapter 43, section 6. If you refer to those sections you will find that sections 227 and 228 do not extent to any person or association by reason of his or their becoming the custodian or depository of any money, property or valuable thing staked or to be paid to the winner of any bet, or of a private bet between individuals not engaged in any way in a business of betting. Therefore, if this is a bet, as I am inclined to think it is, the depository, namely the Bulletin and other papers, would not be covered by the Act. There is a question in the case of Regina versus Torritt that even if those transactions do not amount to bets there still would be an offence; but it is a very doubtful point. It is so doubtful that it seems that this is a case where there should be an amendment to the Code. The menace is a serious one and should be attended to.

So, after consultation with the honourable gentleman from Kings and Albert (Hon. Mr. Fowler) and the honourable

gentleman from Hamilton (Hon. Mr. Lynch-Staunton), I thought that I would persist in the two amendments of which I had given notice, and that the third one would supplement and strengthen them.

Hon. Mr. BEIQUE: Honourable gentlemen, I think that the point raised by the honourable member from Ottawa (Hon. Mr. Belcourt) is well taken. By implication the section of the criminal law to which the honourable leader of the Government referred was repealed by the Statute of 1920. I agree with the suggestion made by the honourable leader of the other side of the House. The best course in order to cover what the honourable member from Ottawa has in mind would be to add this to the clause proposed:

Nothing in this section shall apply to the operation on any race course as authorized by section 6 of Chapter 43 of the Statutes of 1920.

That would make it very clear.

Hon. Mr. WATSON: That is a good idea.

Hon. Mr. DANDURAND: That will have to go at the end of the clause.

Hon. Mr. BEIQUE: Yes.

Hon. Mr. BELCOURT: I have gone about it in the most direct way, by moving for the deletion of four words, and it would have had the same result. However, I am quite satisfied.

Hon. Mr. DANDURAND: All right. Then I move my amendment.

The Hon. the CHAIRMAN: Hon. Mr. Dandurand moves: That the following be added as section 15:

"15. (1) Paragraph (b) of subsection one of section two hundred and twenty-seven of the said Act is amended by striking out the words as or for the consideration in the third line thereof, and by repealing subparagraph (i) thereof and substituting therefor the following:—

'(i) all or any part of which money or valuable thing or its equivalent is to be paid or given to any other person on any event or contingency of or relating to any horse race or other race, fight, game or sport; or'"

The amendment was agreed to.

Hon. Mr. DANDURAND: I have finished with that section of the Code. I am coming to another one later.

Hon. Mr. FOWLER: You are not going to sidetrack my amendment?

Hon. Mr. DANDURAND: No, I am not forgetting that.

Hon. Mr. BEIQUE: I move that the following be added:

Nothing in this Act shall apply to such operations on any race course as are authorized by section 6 of chapter 43 of the Statutes of 1920.

Hon. Mr. PROUDFOOT: I do not quite understand the nature of that amendment. I have been trying to follow it with the statute and with the clause as it appears in the discussion in the Debates of the Senate, page 502. I do not understand where it comes in or how it is going to affect the force of the section.

Hon. Mr. BEIQUE: It is a further extension of the amendment the honourable leader of the Government has made. It comes in at the end of section 14. It will be new section 15.

Hon. Mr. PROUDFOOT: Does it come in immediately after the words "game or sport" under subsection 1?

Hon. Mr. BEIQUE: Yes, it will come under that.

Hon. Mr. DANDURAND: It will come at the end of section 227.

Hon. Mr. BEIQUE: It does not matter. The Law Clerk should be instructed to rearrange the Bill, which deals with certain sections of the Code and then comes back to various other sections. It should be consecutive.

Hon. Mr. PROUDFOOT: That is just the difficulty with enacting legislation in this way: we are likely to have it so complicated that when the courts come to construe it they will probably arrive at a conclusion entirely different from what we intended.

Hon. Mr. BELCOURT: There could be no difficulty here with regard to this, because it says, "nothing in this Act." So it does not matter very much where it is: there cannot be any confusion.

Hon. Mr. PROUDFOOT: I think there can be, because these different clauses will eventually find their way into the regular order of the Criminal Code.

Hon. Mr. BEIQUE: I suggest to the honourable leader of the Government that the Bill be arranged by the Law Clerk, and reprinted before the third reading, so that we shall know where we are.

Hon. Mr. DANDURAND: I would like now to move this amendment:

That subsection 2 of section 235 of the said Act as enacted in Chapter 43 of the Statutes of 1920 be amended by adding the words "between not more than ten individuals."

Hon. Mr. McDONALD: I would like to find out how far-reaching this amendment is. There is a great deal of advertising in the form of taking a certain word, or words, such as "underwear," "brick factory," "medicine," and so on, and the advertisement might say, "Who can make a verse?" or "Who can make the best line?" or, "Who can write the most intelligent piece of advertising?" or, "Who can take this group of words and letters and put them in the best shape?" Does this amendment cut out all the advertising of that nature?—because it is done by everybody and everywhere. If this is going to cut out all games of chance or skill or guessing, no premium of any nature could be offered in a newspaper. It will be pretty hard to write any kind of an advertisement if this is going to cut out every kind of competition and guessing.

Hon. Mr. PARDEE: That is the trouble with all legislation of this kind.

Hon. Mr. McDONALD: It is a most dangerous attack on legitimate advertising, and I think it should be gone on with pretty carefully.

Hon. Mr. BELCOURT: After all, what is the difference between the case my honourable friend puts and the case of a magazine proprietor offering to pay a prize of $500 for the best drama or for the best essay on a given subject?

Hon. Sir JAMES LOUGHEED: That is not a guessing contest. I was going to make this comment yesterday, that my honourable friend in introducing this subject referred to the offence having been committed by newspapers. I do not understand that to be the case. This offence has been created by propaganda sheets issued primarily for the purpose of working this scheme or fraud upon the public. I am unaware of any reputable papers having taken it up, and I think if reference is made to the literature that has been issued it will be seen that that literature was not issued by any newspapers. These publications do not assume to be newspapers: they are simply propaganda sheets, that is all.

Hon. Mr. McDONALD: The newspapers all over this country have had contests in which they offer a trip to Europe, or a trip to France, or an automobile, for contests of different kinds. This amendment certainly attacks that. Some of the largest newspapers in Canada have increased their circulation by just such methods.

Hon. Sir JAMES LOUGHEED: Well, if they are gambling projects they should be suppressed, I do not care how reputable the paper that promotes them.

Hon. Mr. McDONALD: If it is gambling, yes; but that is not gambling; yet here they say no games of chance, no games of skill, no contests of any kind. If you are going to make a crime of a contest of any kind, that would be serious.

Hon. Mr. BELCOURT: That is the inevitable result of legislation of this kind; when you want to do something good, you are likely to do at the same time something seriously detrimental or worse.

Hon. Mr. PARDEE: It is well to leave it alone.

Hon. Mr. DANDURAND: We can adopt these amendments and not take the third reading till to-morrow, so that we shall have plenty of time to examine them.

Hon. Mr. DANIEL: Will the honourable gentleman tell us what this amendment really means, and read the section as it will be if the amendment passes, so that we shall know what we are doing?

Hon. Mr. DANDURAND: Section 235 says:

> Every person is guilty of an indictable offence and liable to one year's imprisonment, and to a fine not exceeding one thousand dollars, who—
>
> (a) uses or knowingly allows any part of any premises under his control to be used for the purpose of recording or registering any bet or wager, or selling any pool;

Then there are these exceptions:

> 2. The provisions of this section and of sections 227 and 228 shall not extend to any person or association by reason of his or their becoming the custodian or depository of any money, property or valuable thing staked or to be paid to the winner of any lawful race, sport, game or exercise, or to be paid to the owner of any horse engaged in any lawful race, or to be paid to the winner of any bets—

And the amendment comes—

—"between not more than ten individuals"—

Then goes on—

> —or to a private bet between individuals not engaged in any way in a business of betting, or to bets made or records of bets made through the agency of a pari-mutuel system only as hereinafter provided, upon a race-course of any association incorporated in any manner before the 20th day of March, 1912, or incorporated after that date by a special Act of the Parliament of Canada or of the legislature of any province of Canada during the actual progress of a race meeting conducted by such association upon races being run thereon. Provided, etc.

Hon. Mr. FOWLER: I move the following as section 16:—

Paragraph (g) of subsection (1) of section 235 is hereby repealed and the following substituted therefor:—

"(g) advertises, prints, publishes, exhibits, posts up, or otherwise gives notice of any offer, invitation or inducement to bet on, to guess or to foretell the result of any contest; or,"

This covers guessing contests or foretelling what the results of the contests will be, and is intended to cover the case in Winnipeg which has caused so much interest.

The proposed amendment was agreed to.

The Hon. the CHAIRMAN: There is another amendment here, moved by the honourable member for Huron (Hon. Mr. Proudfoot):

That section 238 of the Act be amended as follows:—

M. As owner, part owner, agent, servant or otherwise, has charge or control of any motor vehicle and uses or knowingly permits such motor vehicle to be hired or used for the purpose of illicit sexual intercourse, or the practice of indecency.

N. The word "motor vehicle" as used in the preceding subsection shall extend to and include motor launches, houseboats, yachts, row boats, and structures of a similar kind.

Those in favour of the amendment please rise.

Hon. Mr. PROUDFOOT: I went very fully into this matter—

Hon. Mr. DANIEL: I take the point of order, that the honourable gentleman has no right to speak now as the vote is being taken.

Hon. Mr. PROUDFOOT: I want an opportunity of making some remarks.

The Hon. the CHAIRMAN: Those against the motion please rise. The amendment is negatived.

Hon. Mr. PROUDFOOT: With all due deference to your ruling, Mr. Chairman, I do not think the motion has been properly or fairly dealt with, because I should have had an opportunity of explaining it to the House. The question was taken up the other evening, and before we had concluded the House adjourned, and the matter was not again gone into.

The Hon. the CHAIRMAN: I do not propose to argue the matter with the honourable gentleman. He may appeal from the Chair if he wishes.

Hon. Mr. PROUDFOOT: I want to let the Chair and the House know that in my opinion the matter has not been fairly dealt with.

Hon. Mr. BELCOURT: That is out of order altogether. The decision of the Chair has been given. I do not think that is fair to the House or to the Chair.

Hon. Mr. PROUDFOOT: I am not asking your opinion.

Hon. Mr. BELCOURT: Perhaps you will take it without asking.

Hon. Mr. PROUDFOOT: No, I won't take it.

Some Hon. SENATORS: Order.

The preamble was agreed to.

Hon. Mr. PARDEE: Before the Bill is reported, I should like to suggest that it be reprinted before coming up for a third reading. I doubt very much whether there is a man in this House who knows exactly what the Bill means. I am free to confess that I do not. I doubt if any honourable gentleman in this House could give us a synopsis of the amendments which have been made.

While I am on my feet, I should like to say that in the amendments of the Criminal Code that come here from the Commons we find some of the most remarkable things the mind of man could devise. I have no objection whatever to proper amendments to the Criminal Code; but very often the great trouble with the amendments coming to this House from the House of Commons is that they do not tend in the least to minimize the evils they are intended to minimize, but only make confusion worse confounded, with the result that the evils become very much worse than they were supposed to be. I think we ought to treat amendments to the Criminal Code sanely, and should give each one of them the consideration which it deserves. To do as we have done to-night, put through amendments holus bolus without realizing what they mean, is not, I think, doing justice either to the Code or to ourselves; I think we should thoroughly understand them before they are put in force.

Hon. Mr. DANDURAND: I will ask the Clerk to see that the Bill is reprinted with the amendments made in this House before the third reading is taken.

I should like to add a word on the matter of amendments which come to this Chamber from the House of Commons. There have been numerous comments in years past in the press upon the dissent of this Chamber from amendments made to the Criminal Code by the House of Commons. They have

failed to notice the fact that very many important amendments were made in this House and were later presented to the House of Commons. There has not been one word of comment upon them. In the present instance I have been looking up the reports of the Debates of the House of Commons to find some explanation of, or some discussion or light upon, those amendments, and in very many instances there was only the word: "Carried." The Commons is a Chamber consisting of 235 members, and it seems only natural that some queries should be made in regard to the necessity of the amendments passed. An amendment is brought in, proposed and carried; then it is sent to the Senate. I think the press, before criticising the action of the Senate, could well afford to take the Debates of the Senate and those of the House of Commons for the last few years and compare them, and see what the Senate has done. If they did this, I think they would commend the thorough discussions that have taken place in this Chamber.

Hon. Mr. WILLOUGHBY: Is the honourable gentleman going to leave the Bill in Committee? I fancy that when we see the Bill printed we shall be satisfied, and that there will be no necessity to recommit it; but I would suggest leaving it in Committee.

Hon. Mr. DANDURAND: If it is urged, we can leave it in Committee, but if it is reported we can recommit it if it seems necessary.

Hon. Mr. FOWLER: Wind it all up now.

The Bill was reported as amended.

OPIUM AND NARCOTIC DRUG BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 137, an Act to amend the Opium and Narcotic Drug Act.—Hon. Mr. Dandurand.

Hon. Mr. Taylor in the Chair.

On section 5—no appeals:

Hon. Mr. McMEANS: I want some information about this Bill. The honourable gentleman from Moosejaw (Hon. Mr. Willoughby) has moved an amendment striking out certain clauses. Does that motion have to be moved again, or does it come up now in the natural course of events?

The Hon. the CHAIRMAN: The discussion is on that motion. It does not have to be moved again; it has not yet been put.

Hon. Mr. DANDURAND: My honourable friend moved to strike out section 5. That section had the effect of taking away the right of appeal not only on a legal point, but also on a question of fact. My honourable friend the leader to the left (Hon. Sir James Lougheed) suggested that we limit the right of appeal to cases which do not concern traffickers in drugs. I have in my hand an amendment which I should like to submit to the Chamber as a substitute clause. It reads as follows:

> Except in cases tried before two justices of the peace, sections 749 to 760 inclusive, and subsection 2 of section 769 of the Criminal Code, shall not apply to any conviction, order or proceedings in respect of any offence under paragraph (*e*) of subsection 2 of section 5A of this Act.

I think that will meet the objections of my honourable friend from Manitoba (Hon. Mr. McMeans) and my honourable friend from Moosejaw (Hon. Mr. Willoughby), who claimed that citizens could be condemned by justices of the peace who had no experience, and that there was no right of appeal. What the Department has more especially in view is the curbing of the activities of the traffickers in drugs in the large cities like Toronto and Montreal, and they are urging that we should deprive of the right of appeal all traffickers in drugs who are condemned by experienced magistrates. Under this new draft, persons condemned by two justices of the peace will have the full right of appeal on the facts as well as on the law. Of course, I know my honourable friend from Manitoba (Hon. Mr. McMeans) desires to enlarge the right of appeal and is reluctant to restrict it. But here we are face to face with people who are inflicting a real injury upon the community by this traffic in drugs; and in view of the fact that they have been deprived of the right of appeal, it is certain that the magistrates and judges in the large cities will be very careful in condemning them to the severe punishment provided by the Act.

Hon. Mr. McMEANS: The honourable gentleman's explanation is rather mystifying to me. I do not quite understand it. I desire to say that so far as I am concerned the trafficker in drugs will get no sympathy; but if I read the Bill aright, it means that the trafficker in drugs may go

to the penitentiary for seven years and may be whipped.

Hon. Mr. DANDURAND: That is by way of indictment only.

Hon. Mr. McMEANS: Yes. The Act provides the punishment, and if he has been tried upon an indictment, there is no appeal upon the question of fact. But when it comes to the man who is not keeping proper records, and who is tried by a police magistrate or by two justices of the peace, the Criminal Code provides that there is a right of appeal.

Hon. Mr. DANDURAND: The honourable gentleman has not seen the text of my amendment.

Hon. Mr. McMEANS: I think it ought to be printed.

Hon. Mr. DANDURAND: I have no objection to that.

Hon. Mr. McMEANS: It must not enlarge the jurisdiction of men who are not professional men and who are ignorant and not accustomed to trying cases, and then wipe out the ground of appeal. If I correctly interpret the Act, it is the trafficker in drugs that you are after.

Hon. Mr. DANDURAND: The amendment covers that case only.

Hon. Mr. McMEANS: If he gets a fair trial before an experienced man, under the Criminal Code he has no right of appeal; but you go on and say that in this matter of keeping a record a man is liable to summary conviction before two justices of the peace or a police magistrate.

Hon. Mr. DANDURAND: "Except in cases tried before two justices of the peace—"

Hon. Mr. McMEANS: Why do you not include the word "magistrate"? We have many magistrates that are just as bad as two justices of the peace.

Hon. Mr. DANDURAND: Will my honourable friend allow me to answer the point that he has raised?

Except in cases tried before two justices of the peace, sections 749 to 760, inclusive, and subsection 2 of section 769 of the Criminal Code shall not apply to any conviction, order, or proceedings, or proceedings in respect of any offence under paragraph (*e*) of subsection 2 of section 5A of this Act

Paragraph e says:

Has in his possession without lawful authority, or manufactures, sells, gives away or distributes any drug without first obtaining a license from the minister.

Hon. Mr. McMEANS: Would not the honourable gentleman include with "justices of the peace" the word "magistrates"?

Hon. Mr. DANDURAND: My honourable friend will find in the definition clause a definition of "magistrate":

"Magistrate" means and includes any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace.

Hon. Sir JAMES LOUGHEED: Better have the amendments printed.

Hon. Mr. McMEANS: And let us know what they are. I want to say, honourable gentlemen, that my sympathies are entirely with the Department in their endeavours to put down the traffic in drugs, but it is possible for a Department to come to the House of Commons or the Senate and ask for an amendment of provisions in the criminal law for which they should not ask. It is the duty of the Department to put down the traffic in drugs, but they must not rely upon getting Bills through the House of Commons to suit themselves.

Hon. Sir JAMES LOUGHEED: Have the amendments printed. There will be plenty of time to study these questions.

Hon. Mr. DANDURAND: The amendment we are proposing is somewhat similar in principal to the one in reference to disorderly houses.

By section 773, subsection (f) of the Code the magistrate may hear and determine in a summary way any prosecution for an infraction of sections 228 and 229A of the Code.

By section 797 of the Code it is provided that "When any of the offences mentioned in paragraphs (a) or (f) of section 773 is tried in any of the Provinces under this Part before two justices of the peace sitting together an appeal shall lie from a conviction for the offence in the same manner as from summary convictions under Part XV and all provisions of that part relating to appeals shall apply to every such appeal."

It has been held in a number of cases, e.g., Rex v. Brown, 26 C.C.C. 97; Rex v. Berenstein (1917) 24 B.C.R. 361, etc., that the legislalative intention in the amendment to section 797 was to withdraw the right of appeal for offences specified in subsections (a) and (f) of section 773 where the conviction had been made by a district judge or a police magistrate, and to retain it only where the conviction had been made by two justices of the peace.

Hon. Mr. GREEN: Honourable gentlemen, I am somewhat diffident about entering into a debate on this particular subject,

as it is largely a matter which those who are learned in the law are better able to debate. I do not claim to have any particular knowledge of the law, but if I understand the amendment that is now proposed by the honourable leader of the Government, it is that the appeal applies only when two justices of the peace hear the case. Perhaps the honourable gentleman does not know—or if he does perhaps he forgets—the conditions in some of the provinces other than that in which he resides. In the province of British Columbia, in the outlying districts, there are many stipendiary magistrates who have never had any training in the law. However, if a police magistrate has not been appointed, or if the police magistrate does not happen to be actually sitting, in any of the small towns in British Columbia, the statute gives the Mayor of the town the right and authority to sit as a stipendiary magistrate to deal out justice in that particular place. These men are not lawyers; they are not learned in the law; they know nothing of it. If you are going simply to make it apply where the case is tried before two justices of the peace, you might just as well leave it as it was before, because a great many of the cases in those outlying districts are tried by men who are not lawyers, and, while justice is almost always given, because the judgment is based upon common sense, yet it is a serious matter when a man's liberty is in question. Like my honourable friend from Winnipeg (Hon. Mr. McMeans), I have no sympathy for the particular class of offenders aimed at. I am just as desirous as anybody in this Chamber to see that they are punished. But when it comes to a man's liberty, he should have the right to appeal unless his case is tried by some court that is absolutely competent.

Hon. Mr. DANDURAND: This will have to be considered later.

Section 5 stands.

On section 6—convicted aliens subject to deportation:

Hon. Mr. DANDURAND: The last clause reads as follows:

6. The said Act is amended by inserting the following section immediately after section 10A thereof:—

"10B. Notwithstanding anything to the contrary in The Immigration Act, any alien who, at any time after his entry, is convicted under subsection two of section 5A of this Act shall, upon the termination of the imprisonment imposed by the Court upon such conviction, be kept in custody and deported in accordance with section forty-three of The Immigration Act."

Hon. Mr. McMEANS: There is no objection to that, but I do not know how you are going to carry it into effect unless you put in some further provision. Suppose an alien is convicted and liable to deportation. Should you not have more machinery to work that out without any further order?

Hon. Mr. PROUDFOOT: He puts in his term.

Hon. Mr. DANDURAND: The machinery is all found in the Immigration Act.

Hon. Mr. McMEANS: Suppose he is convicted under this Act. On the expiration of his sentence is he liable to be deported?

Hon. Mr. DANDURAND: Yes, under section 43 of the Immigration Act.

Hon. Mr. McMEANS: Does it say he shall be deported?

Hon. Mr. PROUDFOOT: Section 10 B says so.

Hon. Mr. McMEANS: I am asking only for information.

Hon. Mr. DANDURAND: Yes; he shall be.

Hon. Mr. McMEANS: So nothing further would be required than simply his conviction.

Hon. Mr. DANDURAND: He will be handed over to the Immigration authorities. I find that an Act approved on the 26th of May last by the Congress of the United States contains the following clause:

(e) Any alien who at any time after his entry is convicted under subdivision (b) shall, upon the termination of the imprisonment imposed by the Court upon such conviction and upon warrant issued by the Secretary of Labour, be taken into custody and deported in accordance with the provisions of sections 19 and 20 of the Act of February 5th, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States," or provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections.

The offence would be importing or trafficking in drugs. I move the adoption of section 6.

Hon. Mr. PROUDFOOT: Before we pass this section I would like to ascertain from the honourable leader of the Government whether or not it is fully intended that the Court is to have no option. As the clause reads, it provides that any alien who

is convicted under subsection 2 of section 5a of this Act—

Shall, upon the termination of the imprisonment imposed by the Court . . . be kept in custody and deported.

Would it not be very much better to leave it to the trial judge to say whether the man should be deported or not? He may be convicted of an offence for which even the Immigration Department would not think it fair to deport him. In this clause there is no option. The trial judge has really nothing to do with it. I think it would be very much better to leave some discretion to the trial judge. I discussed this very question with one of our high court judges recently, and his opinion was that the court should have discretion in the matter and if at the termination of the sentence the judge was of the opinion that the man should be deported he should so provide in his judgment.

Hon. Mr. DANDURAND: I may say that fifty per cent of the people found guilty of trafficking in narcotics are aliens, and this clause was asked for in the House of Commons by all the members from British Columbia, who felt that, as the culprits were mainly aliens, they should be deported. It was they who asked for this stringent enactment.

Hon. Mr. PROUDFOOT: That may be quite true, but—

Hon. Mr. BEIQUE: Suppose that the party is under a charge of murder. He should not be deported. He may be in jail, having been convicted of this offence, but he may be accused of a more serious crime. I think that the suggestion is sound that power should be given to the trial judge to order deportation.

Hon. Mr. ROCHE: Is not the phrase "shall be deported" too vague? To what country will he be deported?

Hon. Mr. McMEANS: Send him to Ireland.

Hon. Mr. ROCHE: Some countries would not receive him, and he would be like the wandering Jew going up and down creation.

Hon. Mr. DANDURAND: That is settled by the Immigration Act.

Hon. Mr. McMEANS: It would seem to me, Mr. Chairman, that, as has been stated, the term is very vague. This is a case where the person is convicted by a judge, not by a magistrate.

Hon. Mr. DANDURAND: By a magistrate or a judge.

Hon. Mr. McMEANS: A summary conviction?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. McMEANS: I do not think that is right.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. McMEANS: I do not think a peddler of drugs can be convicted by a magistrate according to my reading of the Act; that is, where the penalty is seven years in penitentiary.

Hon. Mr. DANDURAND: I am informed that 90 per cent of the convictions are before magistrates.

Hon. Mr. McMEANS: Then the accused are not charged with the serious offence mentioned in the Act, the punishment for which is whipping and a penitentiary sentence of seven years, because such offences cannot be tried by a magistrate.

Hon. Mr. DANDURAND: That is by indictment.

Hon. Mr. McMEANS: Yes. In such a case a man may be sent down for five or seven years. I think that deportation should be added to the sentence for this reason. Suppose for one moment that I occupied the high position of judge and a man came before me. I would take into consideration that this man, after serving his sentence, was to be deported. I might give him only two years in penitentiary because we want to get rid of such a man and get him out of the country as soon as possible. If he is to remain in the country, that fact would enter into my consideration of the case, and I might consider that he ought to get seven years. On the other hand, if this country could get rid of him, if he could be deported to the country from which he came, I might give him only three months. I think there should be in the clause some guidance to the judge, so that the judge may order that the convicted alien shall be deported.

Hon. Mr. DANDURAND: But if the judge is to be influenced by the fact that the convicted alien is to be deported, he has the Act before him at the same time as he has the case under review. He must take cognizance of the fact that he has an alien to deal with and that the alien is to be deported after his sentence is terminated.

Hon. Mr. BELCOURT: Perhaps the point might be met by this suggestion: leave in the statute the provision that the convicted alien shall be deported, but add the words, " unless the trial judge for some reason in his discretion thinks he should not be."

Hon. Mr. McMEANS: That would be better.

Hon. Mr. BELCOURT: That would cover the case. It would cover every contingency.

Hon. Mr. ROBERTSON: Would the trial judge have discretion to override the provisions of the Immigration Act?

Hon. Mr. BELCOURT: Yes.

Hon. Mr. ROBERTSON: When the convicted alien has served his sentence and has been kept in custody, to be delivered to the immigration authorities, then the immigration authorities would be the only tribunal that would have power to administer that law, would they not?

Hon. Mr. BELCOURT: No. If you made it a provision of this Bill that the convicted alien shall be deported, then you can impose any condition or provide for the exercise of any discretion which you may think proper. It is true that the actual deportation of the man would be carried out by the Immigration Department, but an order of the Court would be binding on the Department.

Hon. Mr. PROUDFOOT: I do not think that the last statement is borne out by the wording of this statute. It says:

be kept in custody and deported in accordance with section 43 of the Immigration Act.

I understand from a reading of this section not that the man is handed over to the Immigration Department, but that he is deported in accordance with the terms of the Immigration Act.

Hon. Mr. BELCOURT: Yes.

Hon. Mr. PROUDFOOT: Who is to deport him? That is not provided for here. There should be a statement that the convicted alien should be handed over to the Immigration Department to be deported according to the terms of the Immigration Act.

Hon. Mr BELCOURT: I have not the section before me, nor can I remember to have read it lately, but my impression is that the section referred to by my honourable friend is that which determines the manner of carrying out the sentence of deportation. So if we provide that the convicted alien shall be deported unless the trial judge for some reason or other thinks he should not be, then the section of the Immigration Act would be fully effective and the man would be deported in the manner provided for in it.

Hon. Mr. PROUDFOOT: I am going to move an amendment to that section, to add at the end the words just mentioned by the honourable member from Ottawa (Hon. Mr. Belcourt)—to add after the words, "be kept in custody and deported in accordance with section 43 of the Immigration Act," the following words: "unless the trial judge shall otherwise order." I think those are the words the honourable gentleman used.

Hon. Mr. PLANTA: Do I understand it would be optional with the magistrate whether or not the convicted alien should be deported?

Hon. Mr. PROUDFOOT: Yes.

Hon. Mr. PLANTA: I would not do that. Some magistrates may be very easily influenced.

Hon. Mr. BELCOURT: I have no desire to move an amendment. I am merely suggesting this as a way out of the difficulty.

Hon. Mr. McMEANS: I desire simply to make this statement—and probably the honourable member from Ottawa will agree with it. I do not like a penalty over-riding the judge's discretion. The clause says the convicted alien shall be deported even if he is sent to penitentiary for seven years and ordered to be whipped. No matter what becomes of him, he must be deported.

Hon. Mr. BELCOURT: After he serves his sentence.

Hon. Mr. McMEANS: But there may be circumstances in which he cannot be deported.

Hon. Mr. BELCOURT: Would not the judge exercise his discretion in the very contingency of which my honourable friend speaks?

Hon. Mr. McMEANS: Yes, if you so provide.

Hon. Mr. BELCOURT: That is what I am suggesting.

Hon. Mr. McMEANS: To say that, no matter what occurs, the convicted alien must be deported, looks to me to be a poor way of dealing with the matter.

Hon. Mr. BELCOURT: He shall be deported unless for some reason, such as my honourable friend anticipates, the judge should consider it better not to deport him.

Hon. Mr. ROBERTSON: The point I raised, and on which I would like to be clear, is this: has any judge authority to express such an opinion or make such a ruling? Aliens are deported under the terms of the Immigration Act, which is administered by the Immigration Department. If a man is committed for a crime, tried and found guilty, and serves his sentence in Canada, and if the crime has been such that the immigration officials believe he should be deported after serving his sentence, would it not be their duty to deport him? Looking at the matter from the common-sense standpoint, for I know nothing of the legal side of it, I doubt very much that it would be within the jurisdiction of a magistrate to say whether the convicted alien should or should not be deported after serving the sentence imposed upon him.

Hon. Mr. BELCOURT: The trial judge would be bound by whatever provision we put in here. If we say that an alien who is guilty of this crime shall be deported unless the trial judge for some reason, in the exercise of his discretion, thinks he should not be deported, the judge would be bound by that. Not only would he have the power to deport, but he would have to act in accordance with the statute.

Hon. Mr. ROBERTSON: It would probably supersede the provisions of the Immigration Act.

Hon. Mr. BELCOURT: It would not supersede them at all.

Hon. Mr. PROUDFOOT: I move to add, immediately after the end of 10B, in section 6, the words "unless the Court before whom he was tried shall otherwise order."

Hon. Mr. CALDER: I doubt very much the advisability of adding those words. The Immigration Act sets forth very clearly the classes of persons to be deported; those are all set out in detail. For example, a woman comes across from the United States, she is convicted of being a prostitute, and without any question the Immigration authorities may deport her. I understand we are dealing with persons who are aliens, and are found guilty of trafficking in these narcotic drugs. I doubt very much if there should be any discretion left to the authorities. Those persons have been found guilty of doing those things which we want to have stopped in Canada, and I do not think the Court should have any discretion. I think those persons, if they are aliens, should be deported at once, or immediately after their term of imprisonment has been carried out. This crime is very much worse than other crimes for which persons are deported.

Hon. Mr. BELCOURT: Suppose a man is under accusation for murder, and has to undergo his trial in a short time, surely you would not want to deport the fellow: you would want to hang him if you could.

Hon. Mr. CALDER: Yes, keep him here and hang him if he is found guilty, but you are not hanging these people who have been guilty of the offences we are discussing.

Hon. Mr. BELCOURT: Suppose a man is found guilty of having trafficked in these drugs, and is in jail, and the judge knows at the same time that there is an indictment against that man for murder. It is just in order to cover such a case that we are suggesting the amendment.

Hon. Mr. DANDURAND: I think that the trial for murder would take precedence of the other.

Hon. Mr. CALDER: I would be inclined to think so. I would go a little further than this amendment goes. This only deals with aliens. If an alien has become a naturalized citizen in Canada, there is power under the immigration law to denaturalize him. For example, many Chinese at the coast become denaturalized.

Hon. Mr. BELCOURT: They are not aliens, then.

Hon. Mr. CALDER: They are not aliens, but if they deal in these drugs and are caught, I would denaturalize them and deport them, and I would like to see this amendment go that far.

Hon. Mr. McMEANS: Draw the amendment.

Hon. Mr. DANDURAND: The advantage of this clause being maintained intact is to deter those people from dealing in

drugs. Over 50 per cent of those men convicted of dealing in narcotics on the Pacific coast are aliens, and it seems to me that we should maintain as stern a clause as possible. There is not any great danger that such an event may happen as that mentioned by my honourable friend from De Salaberry (Hon. Mr. Béique)—that we would desire to retain the prisoner in order to put him on trial on some more grievous charge. I think that, concurrently with any sentence pronounced against him under this Act, he would be tried on the more grievous charge.

Hon. Mr. BELCOURT: It is conceivable that the two offences might have been committed almost concurrently. For instance, a constable who has information that this man had been guilty of trafficking in drugs goes to arrest him, and the alien takes a revolver and shoots the constable. You would not deport that fellow: you would hang him.

Hon. Mr. DANDURAND: Yes, but he would first be put on trial for murder.

Hon. Mr. McMEANS: If a man is an alien, and is going to be deported, I do not see why he should be kept in penitentiary for seven years at the expense of the country.

Hon. Mr. DANDURAND: Under this clause the judge may save so much expense to the country by condemning him to a few months imprisonment, knowing that he is to be sent out of the country.

Hon. Mr. BELCOURT: Give him only enough time to make preparation to be deported.

The amendment of Hon. Mr. Proudfoot was agreed to.

Progress was reported.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, June 23, 1922.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

GREAT WEST BANK OF CANADA BILL

REFUND OF FEES

Hon. Mr. WATSON moved:

That the fees paid upon the Bill B4, intituled: "An Act respecting The Great West Bank of Canada," be refunded to the solicitor for the applicants, less the cost of printing and translation.

Right Hon. Sir GEORGE E. FOSTER: What is the reason for that?

Hon. Mr. WATSON: The Bill did not pass.

The motion was agreed to.

SITTINGS OF THE SENATE

On the Orders of the Day:

Hon. Mr. DANDURAND: Before the Orders of the Day are called, I would like to inform this Chamber that we shall have to sit to-morrow. The progress being made in the other Chamber is such that their work will be over by to-morrow, with the possible exception of one question which might cause a long debate, and in regard to which the situation will be cleared this evening when the Committee's report on the matter to which I allude, and which is in the mind of everybody, is adopted. In view of such a situation it would be inadvisable for the Senate to absent itself.

CRIMINAL CODE BILL (SCRIP FRAUDS)

REJECTED

On the Order:

Second reading Bill 54, an Act to amend the Criminal Code.—Hon. Mr. Harmer.

Hon. Sir JAMES LOUGHEED: I saw the honourable gentleman whose name appears on the Order Paper as having charge of this Bill, and I asked him to be in his place.

Hon. Mr. DANDURAND: Could we not suspend the Order until the honourable gentleman comes in?

Hon. Sir JAMES LOUGHEED: The fact is that the honourable gentleman knows nothing about the Bill, and, I fancy, would prefer that it should be disposed of without his being called upon to deal with it.

Hon. Mr. CASGRAIN: In the absence of the honourable gentleman (Hon. Mr. Harmer) and to expedite matters, I will move the second reading of the Bill seconded by the ex-Minister of Labour (Hon. Mr. Robertson).

Hon. Sir JAMES LOUGHEED: Well, honourable gentlemen, I move:

That the Bill be not now read a second time, but be read this day three months.

I made an explanation of this matter to the Chamber the other evening when it

came up, but, owing to a number of honourable gentlemen being absent, I may be pardoned if I to some extent repeat what I then said. Under section 1140 of the Criminal Code there are lengthy provisions dealing with the limitation of criminal actions. In that section I think almost every conceivable criminal offence is specifically mentioned, except the particular offence which is the subject-matter of this Bill. It has always been the policy of the law, particularly the Criminal law, to fix a limit of time within which criminal actions should be brought against individuals. It is apparent upon a mere statement of the fact that after a period of years evidence disappears—both witnesses and documents; hence the policy of the law, not only under our judicial system, but under every other, to limit the time within which action should be brought. Consequently the period of time fixed under this section for the most serious offences, including treason, is three years.

In 1921 it was pointed out to the Minister of Justice, by one of the members representing the province of Alberta, that the Criminal Code did not provide a limitation of time in regard to offences in connection with the location of land for which halfbreed scrip had been issued, and it was pointed out that, owing to a conflict of conditions which had arisen, actions had been or would be brought against certain individuals based on facts that had happened twenty years ago. Of course, it is quite apparent to honourable gentlemen that any man might be called upon to face a criminal charge based upon such facts, and might find himself utterly unable to produce witnesses, documents or other evidence successfully to defend himself. Hence it was thought that this condition of affairs afforded a means of successfully carrying out blackmail by which even reputable citizens might suffer seriously. When the Minister of Justice in 1921, the Hon. Mr. Doherty, sent to this Chamber his Bill amending the Criminal Code, the Parliamentary Counsel, Mr. Gisborne, at the same time sent me a letter reading as follows:

> The Minister of Justice would like the enclosed amendment made to the Criminal Code when it is being considered in Committee by the Senate. It would come in after clause 24 of the Bill, page 9, line 6.

The Parliamentary Counsel, who is absolutely disinterested, makes this statement in the letter to me:

> The object of the clause is to provide a prescription of three years with respect to any offence relating to the location of land issued by halfbreed scrip. It is urged that there were a good many irregularities amounting to fraud and perjury in connection with the location of these lands, and parties are raking up these frauds for the purpose of blackmailing. If this clause passes any such prosecution would be prescribed, as the offences were committed a long time ago.

The paragraph which Mr. Gisborne enclosed to me reads as follows:

> 24A. Paragraph (a) of section eleven hundred and forty of the said Act is amended by adding thereto the following sub-paragraph:
>
> (iv) Any offence relating to or arising out of the location of land which was paid for in whole or in part by scrip or was granted upon certificates issued to halfbreeds in connection with the extinguishment of Indian title.

That is to say, offences of this character not prosecuted within three years after their commission would be prescribed. This was passed without any hesitation by Parliament; but afterwards attention was directed to the fact that a reputable citizen of Edmonton had been arrested and was being prosecuted for this very offence, on facts alleged to have taken place some twenty years ago. This legislation, honourable gentlemen, was not made retroactive. If honourable gentlemen will keep that in view, they will see the desirability of placing this upon the statute book. It was not made retroactive; it did not extend back to that particular case; it did not touch any cases which had existed previous to its passage. But immediately it was passed, the provincial government, or whoever was prosecuting Mr. Secord, dropped the case, and it was afterwards alleged that the Prime Minister, then Right Hon. Mr. Meighen, who, by the way, was in England at the time, and knew nothing about it, was playing into the hands of Mr. Secord in having this legislation passed. I likewise was charged with the offence of being a party to this proceeding. I had never come in contact with Mr. Secord in this matter directly or indirectly up to that time, and from that time until this morning, when I received a telegram from him, I never had any communication with him, either directly or indirectly. During the last election, however, this charge was made against the late Government, and the changes were rung upon it in every possible manner. The Progressive party, triumphantly, I might say, went through the province of Alberta, charging the then Prime Minister and myself with playing into the hands of the big interests and with passing legislation for the purpose of protecting alleged criminals.

The Progressive member for Edmonton, Mr. Kennedy, who has not hesitated to ring all the changes on these charges that his mind could conceive, brought in a Bill this Session to repeal the Act of last Session, and to throw open again the flood-gates, so to speak, so that any person might bring a criminal action against those who were engaged twenty years ago in the buying of half-breed scrip. The House of Commons passed the Bill repealing the legislation of last Session. The present Minister of Justice pointed out in the House that it was not retroactive legislation, and that it could not have affected the charges brought against Mr. Secord. He addressed the House as follows:

I have looked over the record regarding this matter. The question was put to the officers of my department, and over their signatures they have given it as their opinion that they believe the statute of 1921 had no retroactive effect. That is also my opinion. As to the Secord case which was mentioned, it was commenced before the bill was introduced, passed and sanctioned. I would consider that this amendment would not affect that case.

Now, the Prime Minister and myself, as I have said, have been charged with having introduced and put through Parliament retroactive legislation, and I do not propose, without attempting to vindicate myself against such a charge, to permit a Bill of this kind, repealing the legislation of last Session, which was proper legislation and should remain on the statute book, to be passed; and, so far as I can contribute to keeping it there I will do so.

Hon. Mr. TURRIFF: Honourable gentlemen, I have been asked to try to have this Bill put through. After the explanation of my honourable friend, the leader of the Opposition, the statement made by the late Prime Minister in the House of Commons, and the statement of the present Minister of Justice, I am sure that no one either in this House or out of it will think for one moment that the leader of the Opposition in this House was guilty of any such thing as trying to put through legislation that would save or help any man who had been charged with a criminal offence.

Of the facts that have been mentioned, I know absolutely nothing. To my mind it is not a question of whether or not this legislation helps or did help Mr. Secord. The whole question to my mind is whether or not it is advisable that these cases in which fraud was perpetrated—and I think there is no doubt that in a good many cases fraud was committed—should be opened up. The purchaser would buy the half-breed scrip and pay a certain small amount of money on it, and he would put a proviso in the agreement that the balance of the money would be paid when the owner of the scrip was notified to come into the land office to make entry for the land. In many cases these half-breeds lived four or five or six hundred miles from the land office, and it was a matter of very considerable expense to bring them in, and it is reported that in a good many cases the party who purchased scrip would get some other half-breed, not the owner at all, to go into the office and sign the necessary papers and the transfer, and in that way save the expense of bringing the real owner of the scrip into the land office, and also the expense of paying the balance of the money that was agreed upon to be paid. As I say, to my mind the whole question is whether or not it is advisable to open up these cases. All I know about the matter is found in the House of Commons Hansard of the 19th of this month, which shows that two half-breeds came in several hundred miles and saw Mr. Meighen, who was at that time in Edmonton. Naturally he agreed to look into the matter, and when he came home he did so; and, as my honourable friend has pointed out, his officers were against granting the request, and wrote back to these people stating that they could not accede to it. In the meantime, there was a case pending against Mr. Secord of Edmonton, who, so far as I know, is a first-class man, and a pretty wealthy man, who has been in business in Edmonton for the last twenty-five or thirty or forty years. He is supposed to be a millionaire, and I think he is. A case was brought against him, and there was enough evidence found to commit him for trial. As soon as this amendment to the Criminal Code was passed last year, the prosecution was dropped. There is some evidence in the speeches made the other day to show that the amendment passed last year prevented it going on. For instance, here is one statement that was made:

I have had a talk with Mr. McDonald, solicitor for the complainant, and he is now of our opinon, that the amendment is retroactive in character and cuts out the right to proceed further.

That was at a conference that took place between Mr. McDonald, K.C., acting for the private prosecutor; Mr. Cogswell, K. C., Crown Prosecutor, and Mr. Browning,

Deputy Attorney General. So while I quite agree, after what I have heard, that the legislation is not retroactive, at the same time the general impression in the country is that it is. Therefore the whole question is whether or not it is advisable, even if injustice has been done and fraud perpetrated in the past, to reopen the matter. There can be no reflection upon my honourable friend, the leader of the Opposition, or upon the present Minister of Justice or the late Prime Minister. I do not know enough about the law to express an opinion on the matter, and I am only making these few remarks because I was asked to do so. It must be left to the Senate to judge whether there is sufficient justification for repealing the amendment passed last year.

Hon. Mr. DANDURAND: It is unfortunate that the circumstances related to us have brought about a desire on the part of a member of the other House to repeal the legislation which we passed last year. These circumstances are what we have been told by the honourable leader of the Conservative party in this Chamber. I accept his word without hesitation that he knew nothing of the prosecution which was going on against a citizen of the city of Edmonton. When the amendment was dealt with in this Chamber it had to be examined on its merits. I felt at the time that there was no objection to a prescription being declared as against such offences. There are limitations in our Criminal Code for far more serious offences. Judging the matter on its merits to-day, I am not ready to retrace my steps. If we had been made aware of the fact that there was such a prosecution we would perhaps have examined the proposition with a little more care. But we gave to the proposition our candid study, and I am quite sure that every member of this Chamber was absolutely disinterested in the matter. My honourable friend is now moving the six months hoist. If he thinks that he should stand by the legislation of last year, I have no objection to do likewise.

The motion was agreed to.

CANADA TEMPERANCE BILL

FURTHER CONSIDERED IN COMMITTEE—PROGRESS REPORTED

The Senate again went into Committee on Bill No. 132, an Act to amend The Canada Temperance Act.—Hon. Mr. Dandurand.

Hon. Mr. TURRIFF.

Hon. Mr. Blain in the Chair.

The Hon. the CHAIRMAN: When the Committee rose yesterday the amendment of the senior member for Ottawa (Hon. Mr. Belcourt) was under consideration.

Hon. Mr. DANDURAND: I remember that there was that amendment, and another suggested, which the honourable Senator for De Salaberry (Hon. Mr. Beique) may have in hand. As they are working in the Committee on Banking and Commerce, I would suggest that we report progress, and ask leave to sit again, and take up this Bill again before the end of the sitting, proceeding with another Bill meanwhile.

Hon. Mr. PARDEE: Before this Bill goes out of Committee, I desire to give notice that I will move to amend section 157 by adding at the end the words:

Provided that this section shall not come into force until October 1st, 1922.

Hon. Mr. REID: May I ask the leader of the Government if he consulted the Department of Justice with reference to the question I raised, as to whether there was a possibility of the Provincial Government being allowed free imports?

Hon. Mr. DANDURAND: I am in sympathy with the suggestion, and I asked my colleague, the Senator for De Salaberry, to kindly draft an amendment on that line. It is because he is not in his seat that I wish to defer taking the matter up now.

Progress was reported.

INDIAN BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 142, An Act to amend the Indian Act.

Hon. Mr. FOWLER: Is that striking out the enfranchisement clauses?

Hon. Mr. DANDURAND: No. We passed an act in 1920 which authorized the Superintendent General of Indian Affairs to set in motion machinery for the enfranchisement of Indians. The purpose of this Bill is to enact that an Indian, or the majority of the band to which he belongs, may request the Department to enfranchise an Indian or a certain number of Indians, so that the enfranchisement of Indians would henceforth take place only at the request of the Indian or of the band itself. There is another amending clause which refers to

the title to common lands of bands, which may be granted for land acquired for an Indian who is being enfranchised. I move the second reading of the Bill.

Hon. Mr. FOWLER: This Indian question is apparently becoming somewhat acute, and it is rather important. The Indians, particularly those belonging to the Six Nations, have an idea that they are not subjects of this country at all. They claim to be allies and not subjects, and therefore not subject to the laws of this country. They are at present, as they have been for some time, defying the Department and the Government and everybody connected therewith. Now, the sooner they are taught that they are not allies of Canada, but subjects of Canada, and that they are Canadian citizens so far as the moderate kind of citizenship they have, without the franchise, is concerned, the better, because we do not want any such anomaly in this country. We have troubles enough about our immigration, without having contention with our aboriginal inhabitants. It seems to me that the Indian Department has not handled those people with sufficient firmness. There was a statute passed for the purpose of enfranchising them, giving them a chance to become citizens if they were disposed to take advantage of it. Many Indians desired to take advantage of it, but in the bands the opposition was so strong that an Indian who wanted to be enfranchised could not do so; he was boycotted, various difficulties being thrown in his way. Under the Act I think it was required that there should be one or more Indians as sponsors for the person who wanted to be enfranchised; but no one dared to sign the petition necessary for them to become enfranchised, because they were terrorized. That is the condition now, and it seems to me that any legislation tending towards easing up on those people makes them think that they are masters of the situation, that they have got the Government scared, and that the Government dare not go on. Now, I want the Minister to understand that some of us at least are in favour of using the strong arm, if necessary, in order to make those people understand that they are subjects of Canada, and not, as they arrogantly claim, allies.

Hon. Sir JAMES LOUGHEED: I fully concur in what my honourable friend from Kings and Albert (Hon. Mr. Fowler) has said. It seems to me to be very essential that authority should be asserted in regard to any law that we put upon the statute book. Immediately we recede from any position taken, where, either by experiment or otherwise, satisfactory results having been obtained, such action will be accepted as a sign of our being intimidated by the unreasonable attitude which irresponsible parties have taken touching Indian administration. It seems to me that the law of 1920, which we are not altogether repealing, but which we are weakening, was a very salutary statute. The policy of that law was that the Government, of whom the Indians are the wards, would determine whether an Indian should be enfranchised or not. The Department of Indian Affairs is the best judge, from the machinery which it has, and which is constantly in motion, to determine this important question. We cannot assume that for all time to come the Indians must necessarily be wards of the nation. In course of time, and at no distant period, they must become self-sustaining. We know that very large sections of the people of Canada were at one time aboriginal inhabitants of Canada, and occupied a position analogous to the present wards of the nation—the Indians who occupy many of our reserves. The whole trend of treatment by the Government of the Indians of Canada has been to make the Indian self-sustaining. Because of this fact the policy of the Canadian Government has been far superior to that of the United States. While that country has had very serious trouble with its Indian population, there is probably no branch of the public service of Canada that has been productive of more satisfactory results than the policy pursued by the Canadian Government since Confederation. We have always proceeded on the assumption that the Indian could be made a citizen of Canada; that he could be so educated as to be able to discharge all the responsibilities of citizenship. We have continuously pursued that policy up to the present, and thousands of Indians are to-day amongst the citizens of Canada, discharging their duties most satisfactorily. Now it is proposed to recede from the position that we took in 1920 to permit the Indians to participate in the council to determine whether or not an Indian should be enfranchised. My own impression is that there will be vigorous and systematic opposition to any action taken by this Board for the enfranchisement of the Indian. Upon every reserve there are always a certain number of restless and dissatisfied spirits who will attempt to make trouble and will oppose the Government's policy of placing the Indian upon a self-supporting basis. They want to continue in the position of

wards of the nation; they want to be supported by the state for all time; and if we give recognition to that spirit of dependence on the Government, we shall never be able to develop our administration of Indian affairs to that stage at which we shall finally solve the Indian problems of Canada by absorbing the Indian population on the basis of citizenship.

I therefore regret that the Government has seen fit to depart from the policy which we embodied in the Act of 1920. I had some experience in administering this Act as Superintendent General of Indian Affairs, and I found it to work out most satisfactorily. During the period that I occupied that office I was unaware of any case which, upon investigation, should have caused us any concern as to the Act not fulfilling all the objects which we had in view. It seems to me that, as it was a step forward towards making the Indian self-supporting, we should give it a longer trial than it has had, namely, since its passage a year an a half ago.

Right Hon. Sir GEORGE E. FOSTER: What change does this really make in the past policy?

Hon. Sir JAMES LOUGHEED: It proposes that a representative of the band shall be upon this Board. This representative of the band on the Board will be constantly importuned by the Indians of the band who are opposed to enfranchisement, and his usefulness will be marred by the pressure that will be brought to bear upon him, and it will be constantly a source of dissatisfaction to the Indian that his views do not prevail.

Right Hon. Sir GEORGE E. FOSTER: There was a Board before?

Hon. Sir JAMES LOUGHEED: Yes, of the Indian Department; that is to say, of the Government. The Government determined whether a man should be enfranchised or not. If this Bill becomes law, there will, in my judgment, be set in motion a species of terrorism, which will injuriously affect the carrying out of this policy.

There is another criticism which might be made, in regard to clause 2 of the Bill, and perhaps my honourable friend will give the House some information upon it. It is proposed that the Indian settlers shall have all the advantages of the Soldiers' Settlement Act of 1919. That seems to me to be extending paternalism to a degree that we should scarcely go. The Indians upon many of the reserves are in fairly good positions, and it is a question whether we should extend such generous treatment to any but the returned soldiers. It involves an advance of a very substantial amount of money. I am not prepared to believe that the results would be as satisfactory in the case of the Indians as they have been in the case of the returned soldiers, because you are dealing with an entirely different type of man. Why the Government should assume financial obligations of this kind, in addition to those already assumed in connection with the administration of Indian affairs in Canada, I do not understand. I doubt that this assumption of obligation will be satisfactory.

Right Hon. Sir GEORGE E. FOSTER: Is that assistance granted to an Indian who has not been a soldier?

Hon. Sir JAMES LOUGHEED: Yes.

Right Hon. Sir GEORGE E. FOSTER: Who has not served?

Hon. Sir JAMES LOUGHEED: That is the way I read the section.

Hon. Mr. DANDURAND: My honourable friend is in error.

Hon. Sir JAMES LOUGHEED: May I read the section?

> The Deputy Superintendent General may acquire for a settler who is an Indian, land as well without as within an Indian reserve, and shall have authority to set apart for such settler a portion of the common lands of the band without the consent of the council of the band. In the event of land being so acquired or set apart on an Indian reserve, the Deputy Superintendent General shall have power to take the said land as security for any advances made to such settler, and the provisions of The Soldier Settlement Act, 1919, shall, as far as applicable, apply to such transactions.

That is apparently to be extended to all Indian settlers. Quite a number of Indians did join the forces during the Great War and were sent to the front and discharged their duties most gallantly. Upon their return to Canada they were given all the advantages which were given to the other returned soldiers. I think several hundred of those young men were located upon Indian lands, and all the advantages of the Soldier Settlement Act of 1919 were extended to them, and I believe, with satisfactory results. I am not at the moment prepared to speak definitely, but without further thought my inclination is decidedly against our extending this Act to all the Indian population of Canada. My honourable friend, I think, did not make any reference to this subject, and as it is

one which will involve probably millions of dollars, and is of such importance, it is desirable that we give it full consideration.

Hon. Mr. DANDURAND: Honourable gentlemen, I think that Canada has reason to be proud of its treatment of the Indians. In my early years the situation of the Indians and the treatment of the Indians in the United States called for the strictures of many people outside of that country, and generally the treatment of the Indians on this side of the line was highly commended when a comparison was made between the two systems applied to the Indians of North America. Paternalism has perhaps been displayed, but I think we should not criticize our Governments of the past for the gentle, paternal way in which they have treated the Indians. We have had peace among them generally. There have been very few occasions when they have shown discontent or excitement, or where any trouble has appeared among them.

Strange to say, the Indians generally seem to be opposed to their own enfranchisement. They are slow in claiming Canadian citizenship. They resent any action on the part of the Government to enfranchise them against their will, and they ask that the band be left intact—that no Indian be forced out of the band if he is not seeking the privilege of citizenship. The Indians have been constantly protesting against any idea of breaking up the bands. They claim their autonomy. It seems to me that that is an encomium on Canada's treatment of them, that they want to remain under the tutorship of the Federal authorities.

My honourable friend (Hon. Sir James Lougheed) himself moved in this House some amendments to the Act under which compulsory enfranchisement might be applied to the Indians. The purpose of this proposed legislation is to enable us to retrace our steps. My honourable friend thinks that the Indians should not even have a voice in the tribunal or commission which would pass upon a request for enfranchisement. I am not surprised that my honourable friend has so short a memory; but I pardon him for being in error on this point. The tribunal of which the Indian would be a member was created by my honourable friend himself. I have before me the Act which we passed. Section 107, which my honourable friend himself moved in this Chamber, reads as follows:

(1) The Superintendent General may appoint a Board to consist of two officers of the Department of Indian Affairs and a member of the Band to which the Indian or Indians under investigation belongs, to make enquiry and report as to the fitness of any Indian or Indians to be enfranchised. The Indian member of the Board shall be nominated by the Council of the Band, within thirty days after the date of notice having been given to the council, and in default of such nomination, the appointment shall be made by the Superintendent General. In the course of such enquiry it shall be the duty of the Board to take into consideration and report upon the attitude of any such Indian towards his enfranchisement, which attitude shall be a factor in determining the question of fitness. Such report shall contain a description of the land occupied by each Indian, the amount thereof and the improvements thereon, the names, ages and sex of every Indian whose interests it is anticipated will be affected and such other information as the Superintendent General may direct such Board to obtain.

Hon. Mr. BRADBURY: How does the honourable gentleman reconcile that with the treaties that have been made with the Indians in this country?

Hon. Mr. DANDURAND: I do not know; I do not remember on what grounds they resisted this legislation. I know they did resist it. They petitioned both branches of Parliament, and in the face of their pressing demands we appointed a Committee of the Senate to hear them. I sat in that Committee. They made various representations. Did they claim the right to retain their autonomy under treaties signed by Canada? I know that they claimed that they had obtained from the Imperial authorities at the time, assurances which should protect them against the legislation which it was sought to introduce. Whatever may have been their representations, the Department was of opinion that it should obtain the right to enfranchise the Indians against their will. Now I am informed that, although this power was given to the Department, not one Indian was enfranchised under this Act; that is to say, the machinery which my honourable friend—that is, which the Government, or, let us say, the Department of Indian Affairs—had sought was never put into operation. The present Minister of the Interior met the Six Nation Indians—

Hon. Sir JAMES LOUGHEED: Does my honourable friend say that there have been no enfranchisements of Indians since the passage of this Act?

Hon. Mr. CASGRAIN: Of course there have been.

Hon. Sir JAMES LOUGHEED: There have been many of which I have personal knowledge.

Hon Mr. DANDURAND: I got my information by reading the statement made by the Minister in the other Chamber. I have no direct memorandum on the point, but I see at page 3302 of the Hansard that when this Bill was before the other House Mr. Stewart said:

I agree with some part of what my right hon. friend (Mr. Meighen) has said, but not with all of it. So far as I can ascertain, no Indian has been enfranchised under the Compulsory Enfranchisement Act passed last Session.

Hon. Mr. CASGRAIN: The Compulsory Act, yes.

Hon. Sir JAMES LOUGHEED: I refer to enfranchisement under whatever law is upon the statute book. We put any number of them through.

Hon. Mr. DANDURAND: The statement of the Minister is that under this Compulsory Act, which my honourable friend (Hon. Sir James Lougheed) asked us to pass in this Chamber, there was not one Indian enfranchised. So the right to force an Indian to become a free citizen of this country has not been utilized since this Act was placed on the statute book.

I was proceeding to say that the Minister of the Interior met the Six Nation Indians, who belonged to the east of Canada, and after smoking the calumet—the pipe of peace—the Minister deemed it proper to abandon his right to initiate the enfranchisement of the Indian. He has moved for an addition to clause 107. Honourable gentlemen will have noticed that section 107 provided:

The Superintendent General may appoint a Board to consist of two officers of the Department of Indian Affairs and a member of the Band to which the Indian or Indians under investigation belongs, to make inquiries...

So it was he who had the initiative. The proposed legislation reads:

Upon the application of an Indian of any band, or upon the application of a band on a vote of a majority of the male members of such band of the full age of twenty-one years at a meeting or council thereof summoned for that purpose, according to the rules of the band and held in the presence of the Superintendent General or of an officer duly authorized to attend such council, by the Governor in Council or by the Superintendent General, a Board may be appointed by the Superintendent General to consist of two officers of the Department of Indian Affairs and a member of the band.

Then the rest of the section as it is now. So I think I was stating the situation fairly when I said that instead of the Superintendent General setting in motion the machinery for the enfranchisement of Indians, it will be the Indian himself, or a majority of the Band, who will ask for that privilege, if it be one, and then the Superintendent General will set the machinery in motion. That is all there is in this section.

I may say that this change is proposed at the request of the Indians of the East. I observe that the Minister of the Interior has expressed his intention of visiting the western bands or tribes, and having conference with them this summer. I think we are all interested in satisfying the first occupants of the soil, and applying to them a treatment which they will accept without demur.

My honourable friend from Kings-Albert (Hon. Mr. Fowler) thought that we should show the strong arm. My conviction is that by conciliation we may attain the same results in a happier way. The Department, under the direction of my honourable friend (Hon. Sir James Lougheed), did not apply the Act. It has not been tested. The reason given by the Minister of the Interior for leaving the Act inoperative was that there was a violent protest on the part of the Indians. Another method is suggested, and that is the one embodied in this Bill.

Hon. Mr. CASGRAIN: Is it not a fact that the Indians do not want to be enfranchised, because, forsooth, they will have to pay taxes, and may be called upon under conscription. Is it not a fact that so long as they are not enfranchised they will not be conscripted?

Hon. Sir JAMES LOUGHEED: I may say that my honourable friend has explained just now what he did not explain in introducing the Bill. This destroys the legislation passed in 1920; it practically wipes out the Board which we appointed—

Hon. Mr. DANDURAND: No.

Hon. Sir JAMES LOUGHEED: —and it places the matter entirely in the hands of the Indians. This is a retrograde and reactionary step. If you leave it to the Indians to decide whether they are going to become enfranchised and become citizens, they will of course say that they prefer to remain wards of the State. They will remain in the condition in which they are to-day, you will not be able to introduce any educational system among them. If the Government ever hopes to make anything of the Indians of Canada, it will have to assume the initiation of whatever steps may be necessary to place them in the same position as the other citizens of Canada.

I am somewhat familiar with the development of the Indian population in the West, and I could point out to honourable gentlemen many Indians who, less than a generation ago, went about the streets with a blanket around them, but who to-day, through the Government impressing upon them the necessity of their assuming all the responsibilities of citizenship, are developing all their faculties in the discharge of those responsibilities, and are a credit to Canada.

But now we are dropping the legislation which was so largely discussed in 1920, and which was, I say, successfully enforced. I disagree with my honourable friend when he says that it was never enforced. I know that many cases of enfranchisement came up under that legislation; and, although many cases were passed through Council, there never was a case passed in which it was not established beyond peradventure that no injustice was being done to the Indians. The attitude of the Government is too well known for any one to believe that the Government of Canada would enforce upon our Indian population any injustice by reason of the policy which was carried out of placing them in a self-sustaining position.

Hon. Mr. DANDURAND: My right honourable friend has asked for some information as to the second clause. I may say, before I pass to the second clause, that I find the principal grievance of the Indians against being forced to take their enfranchisement was that the Superintendent or Deputy Superintendent could name any Indian, enfranchise him against his will, have him take his share of the band money and land, and place him in a position in which he might subsequently sell the land to a white man if he so desired, thereby breaking up the reserve.

As to the second clause. The statute reads as follows:

> The Deputy Superintendent General may acquire for a settler who is an Indian, land as well without as within an Indian reserve, and shall have authority to grant to such settler a location ticket for common lands of the band without the consent of a Council of the band,—

That is the legislation my honourable friend was defending a moment ago. It goes on:

> —and in the event of land being acquired or provided for such settler in an Indian reserve, the Deputy Superintendent General shall have the power to take security as provided by the Soldier Settlement Act, 1919, and to exercise all otherwise lawful rights and powers with respect to such lands, notwithstanding any provisions of the Indian Act to the contrary.

Hon. Sir JAMES LOUGHEED: What is the honourable gentleman reading from?

Hon. Mr. DANDURAND: From my honourable friend's own Act, clause 197.

Right Hon. Sir GEORGE E. FOSTER: But, as I understand the reading, that does not give the Deputy Superintendent General or the Government any authority to make any advances out of the Consolidated Revenue Fund of Canada and take security for the repayment of interest and principal. He may take security, but there is no authority for an advance, is there?

Hon. Mr. DANDURAND: It says:

> And in the event of land being acquired or provided for such settler in an Indian Reserve, the Deputy Superintendent General shall have power to take security as provided by the Soldier Settlement Act.

Hon. Sir JAMES LOUGHEED: That is a different thing.

Hon. Mr. DANDURAND: For what will he take security? It will be for my honourable friend to explain that term.

Right Hon. Sir GEORGE E. FOSTER: There is a location of land.

Hon. Sir JAMES LOUGHEED: What is the statute?

Hon. Mr. DANDURAND: I am referring to section 197 of the said Act, as enacted by chapter 56 of the Statutes of 1919, first Session. The amendment which is now proposed reads as follows:

> The Deputy Superintendent General may acquire for a settler who is an Indian, land as well without as within an Indian reserve, and shall have authority to set apart for such settler a portion of the common lands of the band without the consent of the council of the band. In the event of land being so acquired or set apart on an Indian Reserve, the Deputy Superintendent shall have power to take the said land as security for any advances made to such settler, and the provisions of the Soldier Settlement Act, 1919, shall, as far as applicable, apply to such transaction.

The Soldier Settlement Act, which is mentioned in the clause now in the statute, should govern the transaction. That is the condition stated in the Act.

Right Hon. Sir GEORGE E. FOSTER: Perhaps the advance is made out of the proportion of the band's funds that would come to him.

Hon. Mr. DANDURAND: They are entitled to land and to money.

Right Hon. Sir GEORGE E. FOSTER: That is the point—whether it is an appro-

priation made to the Indians out of the Consolidated Revenue Fund of Canada.

Hon. Mr. DANDURAND: No, it is money belonging to the band.

It shall, however, be only the individual Indian interest in such lands that is being acquired or given as security, and the interest of the band in such lands shall not be in any way affected by such transactions.

Hon. Sir JAMES LOUGHEED: What is the difference? What do you propose to change?

Right Hon. Sir GEORGE E. FOSTER: It provides the Soldier Settlement conditions.

Hon. Mr. DANDURAND: If my honourable friend will take clause 2 of the Bill that we are now reviewing, and place it by the side of his own clause 197—

Hon. Sir JAMES LOUGHEED: There is no clause 197 in the statute that I have.

Hon. Mr. DANDURAND: It is chapter 56 of 1919.

Hon. Mr. REID: I rise to ask whether we are discussing clause 1, or whether it has been passed; or whether we are discussing both together.

The Hon. the SPEAKER: We are on the second reading of the Bill. The discussion has been rather irregular, but as it was for the purpose of giving information that honourable gentlemen desired, I did not interfere.

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

Hon. Mr. DANDURAND: I will ask that we go into Committee on the Bill at the end of the Orders of the Day.

Hon. Sir JAMES LOUGHEED: I would prefer that my honourable friend would postpone the consideration of the Bill in Committee. A great deal of attention was given to the Act in 1920, I think it was, by a Committee of the Senate, and now, without any good reason having been shown, to repeal absolutely that legislation simply because the Minister of the Interior visited the Six Nations, who asserted that they were allies of Canada rather than citizens or wards of Canada, is to my mind a most extraordinary thing to do. I think the most mature consideration should be given to this Bill before it is put through.

Hon. Mr. DANDURAND: Then we will take it up in Committee to-morrow at the first sitting.

Hon. Mr. DANDURAND.

Hon. Mr. BELCOURT: May I ask my honourable friend whether it is intended to enfranchise Indian women as well as men?

Hon. Sir JAMES LOUGHEED: There will be no enfranchisement under this Act if you leave it entirely to the Indians.

Hon. Mr. DANDURAND: I see that it is simply the male members of the band who will be consulted.

Hon. Mr. BELCOURT: This is a matter having to do with the principle of the Bill.

Hon. Mr. BRADBURY: It does seem to me to be very drastic legislation in view of the treaties we have made with our Indians. Out West we have been enfranchising Indians for years if they asked for it; but for the Government to say that an Indian or a band of Indians must be enfranchised is pretty drastic.

Hon. Mr. BELCOURT: The Act does not provide for that. There is no compulsion.

Hon. Mr. PARDEE: There is in the old Act, but not in this one.

FERTILIZERS BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 149, an Act to regulate the sale of Agricultural Fertilizers.—Hon. Mr. Béique.

Hon. Mr. Blain in the Chair.

Hon. Mr. BEIQUE: If I am not mistaken, this Bill has been considered, with the exception of clause 15, which was reserved. There was a suggestion made by the honourable gentleman from Antigonish (Hon. Mr. Girroir), who has gone to the trouble of redrafting the first part of clause 15. I have submitted this draft to the officer of the Department, who has accepted it. I will read the clause as it will be when amended:

Any person accused of selling, offering, exposing or holding in his possession for sale any fertilizer which does not comply with the requirements of this Act or of any regulation thereunder, who proves that the fertilizer respecting which action is taken was bought by him directly within one year from a manufacturer or merchant domiciled in Canada, that if contained in a package said package was not opened, and whether contained in a package or not, that the state of the fertilizer was not altered while it was in his possession, and that he had no reason to believe that the said fertilizer did not comply with the provisions of this Act,—

And so on. The rest of the clause remains as it is. I move that the clause be amended as suggested.

The preamble and title were agreed to, and the Bill was reported as amended.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time, and passed.

CRIMINAL CODE BILL

THIRD READING POSTPONED

On motion of Hon. Mr. Dandurand, the amendments made in Committee of the Whole in Bill 93, an Act to amend the Criminal Code, were concurred in.

Hon. Mr. DANDURAND moved the third reading of the Bill.

Hon. Mr. McDONALD: I move that the third reading of the Bill be not now proceeded with, as I have an amendment. The whole purpose of this legislation is to stop gambling and the breaking up of the moral fibre of the nation. During the debate reference was made to a newspaper which was sold for five cents with a coupon attached giving a chance to compete for prizes. That may be wrong, but I think this is pretty drastic legislation. However, wiser heads than mine have decided that it is gambling. But I cannot see why legitimate advertising should be called a game of chance. If I offer a prize or a bonus—for example a piano—for the best piece of verse, or a prize to the scholars of Canada, who pay nothing to enter the contest, and only the winners gain an advantage, I cannot see anything wrong in that. I therefore propose that section 14 (d) be amended by adding after the words "chance and skill" the words:

In which the contestant or competitor pays money or other valuable consideration.

That would protect the giving of any kind of presents, premiums, bonuses, or prizes, and also legitimate advertising, where no gambling takes place, because no money or other valuable consideration is put up. I am at present offering a couple of scholarships in that way, and I consider that I am a philanthropist, and not a scoundrel. Many prizes are offered where there is no money paid. For instance, you offer a trip for the solution of a problem, and no one pays to compete, and no one loses when he does not win. The gambling element comes in when people pay so much for a coupon, and those who do not get prizes lose something. The paragraph as it reads is too drastic.

Hon. Sir JAMES LOUGHEED: Why should we not say "disposes for gain of any goods", etc. It seems to me the situation might be met in that way.

Hon. Mr. LYNCH-STAUNTON: That would cover it.

Hon. Mr. PARDEE: I think that is the amendment which is wanted there.

Hon. Mr. CALDER: Honourable gentlemen, I would suggest that we take a little time with this section, because I see all sorts of possibilities of trouble. You have the illustration given by the honourable gentleman who has just spoken. There are a good many dealers in various classes of wares who offer prizes to extend their business, to increase their sales. You cannot say that they are not doing that for gain. They are doing it for gain. On the other hand, the persons who get the prizes pay nothing. Nevertheless, those who give the goods or prizes certainly do so for gain. It is a question of interpretation. I may be right, or I may be wrong. Take again the practice which is common with all our newspapers, that of offering all sorts of inducements in the shape of prizes, sometimes running into thousands of dollars, for the sake of increasing their circulation. In many cases the contestants pay something. They may have to give a subscription for the paper, which is a payment; or they may have to fill in a coupon and send it in with, say, twenty-five or fifty cents. You cannot say that there is not gain there; nor can you say there is not a payment; yet you would scarcely call it gambling in the sense in which we discussed the matter the other day, in the case of those other newspapers, or in the case of football matches and that sort of thing. So, unless there is some very good reason for hurrying this up now, I think a little time should be given to the law officers to reconsider this clause and get it into proper shape.

Hon. Mr. McDONALD: Would not the first suggestion I made be acceptable?

Hon. Mr. CALDER: I do not know. I do not think we should deal with this hurriedly. The House is going to sit tomorrow, and it will take only a few minutes to deal with the matter.

Hon. Mr. McDONALD: This is only a question of common sense. I do not think any different interpretation can be placed upon the paragraph. My original wording was:

In which the contestant or competitor pays money or other valuable consideration.

Hon. Sir JAMES LOUGHEED: It seems to me that if no gain changes hands between the two active participants, namely, the one who disposes of the goods and the other who may receive the advantage, the transaction should not be prohibited.

Hon. Mr. CALDER: Take the case of the newspaper contest. Those who are contesting for the prizes go out and solicit subscriptions and get thousands of dollars in subscriptions, which they hand over to the newspapers.

Hon. Sir JAMES LOUGHEED: But it should be necessary to establish the fact that gain was received from the participant.

Hon. Mr. McDONALD: I would make this motion. It may be somewhat lengthy, but I think it is common sense, and it covers what the honourable gentleman suggested the other day:

(d) disposes of any goods, wares, or merchandise by any game or mode of chance, or mixed chance and skill, in which the contestant or competitor pays money or other valuable consideration.

That covers the whole thing. There can be only one interpretation placed upon that, and that makes safe and sound what ought to be permissible, and eliminates entirely what ought to be forbidden.

Hon. Mr. MITCHELL: Can you dispose of property with gain?

Hon. Mr. McDONALD: No gain enters there at all. You cannot dispose of property by any game in which the contestant pays money. That sort of thing is done in Louisiana; but I am speaking of a different case. The amendment I have proposed is clear and fair.

Hon. Mr. CURRY: Should you not have in it the word "purchaser?"

Hon. Mr. McDONALD: "In which the contestant, competitor, or purchaser." I am quite willing to put in that word.

Hon. Mr. LYNCH-STAUNTON: A man cannot be a purchaser unless he pays.

Hon. Mr. McDONALD: I think the original amendment covers it: "in which the contestant or competitor pays money or other valuable consideration."

Hon. Sir JAMES LOUGHEED: I suggest that the honourable gentleman see the Law Clerk, and that we deal with this to-morrow.

Hon. Mr. CALDER.

Hon. Mr. BELCOURT: I am quite satisfied with the amendment proposed by the honourable gentleman from Shediac (Hon. Mr. McDonald), except as to the words "mixed chance and skill." I think those words should not be in the statute at all, and if we are logical we shall strike them out of paragraph d. Yesterday we struck out of paragraph e words which are similar: "or other games of chance, or mixed chance and skill." I now propose as a sub-amendment that the words "or mixed chance and skill" be eliminated from paragraph d of section 14. The reason which I gave, and which I may be permitted to repeat, is this, that it is a very unsafe and uncertain thing to give to a justice of the peace the power to determine upon any game or mode which is a mixture of chance and skill. In my opinion, it would take a trained legal mind, a man of considerable experience on the Bench, to determine where chance ends and skill begins, or vice versa. I think it is a very dangerous power to give to a judge, especially one who in this instance is very likely to be a justice of the peace.

Right Hon. Sir GEORGE E. FOSTER: On the other hand, does not my honourable friend see the difficulty in eliminating those words when it comes to a contention as to whether it is a game of chance or not?

Hon. Mr. BELCOURT: No.

Right Hon. Sir GEORGE E. FOSTER: I should think a lawyer could very easily put up a fine argument in almost any case, that this was not a game of chance—that skill was the main factor.

Hon. Mr. BELCOURT: Of course, that would all be before the court even if those words were struck out. My right honourable friend will follow this closely:

Disposes of any goods, wares, or merchandise by any game or mode of chance.

The question of chance would be before the court, and the argument which my right honourable friend puts in the mouth of the able lawyer would no doubt be made.

Right Hon. Sir GEORGE E. FOSTER: But if these words remain in, the answer could be made by the judge or the opposing lawyer: "It is true that there may be a bit of skill in the game, but it is mixed with chance; consequently there are opportunities for abuses."

Hon. Mr. BELCOURT: I do not think anything more convincing could be said in support of my theory than the words

of my right honourable friend. To segregate the chance from the skill would necessarily take a trained legal mind. It is a very difficult thing to do. I am sure that my right honourable friend, as well as myself, would have great difficulty in determining where the chance began or ended in a given case. But if you have the word "chance" still in the section, the whole question is left open.

Hon. Mr. BEIQUE: The objection that is made to the honourable gentleman's suggestion is that it may be contended that it was not merely chance, but a mixture of chance and skill. Therefore by the elimination of the words as suggested the object of the clause would be defeated.

Hon. Mr. BELCOURT: No, it would not. The judge who hears the case will have to determine whether it is chance or not. We do not intend to punish skill.

Hon. Sir JAMES LOUGHEED: Will the honourable gentleman be good enough to read the clause as he proposes it?

Hon. Mr. BELCOURT:

(d) Disposes of any goods, wares or merchandise by any game or mode of chance.

And I propose the elimination of the words, "or mixed chance and skill", because the object of this clause is not to punish skill; it is to prevent lotteries, or games or modes of chance, and the magistrate who hears the case will have ultimately to decide whether or not it is a game or mode of chance. If there is an element of skill in it, and if we leave in those words, it will be for the magistrate to decide which element of the mixture predominates, whether it is the chance or the skill.

Hon. Mr. McDONALD: I would withdraw my amendment if the amendment proposed by the honourable gentleman from Ottawa (Hon. Mr. Belcourt) is carried, because it covers my point. In the next paragraph (e) we eliminated yesterday the words "or mixed chance and skill". Why should we not do likewise with this paragraph? The object is to eliminate the gambling.

Hon. Mr. BELCOURT: It is the gambling part we are after.

Hon. Mr. DANDURAND: I have not now the memorandum which I had before me, but I believe that if those words are taken out we may as well strike out paragraph e completely.

Hon. Mr. BELCOURT: Not at all. The whole thing is there.

Hon. Mr. DANDURAND: My recollection is that the form of the amendment was to cover the game of mixed chance and skill.

Hon. Mr. ROBERTSON: If I remember correctly, the honourable gentleman, in referring the other day to a memorandum in his possession, intimated that the prosecution of a particular case had failed because of the existence of a doubt as to whether the case in point was chance or skill.

Hon. Mr. BELCOURT: You do not want a conviction in a case of that kind. Surely that is not what is wanted.

Hon. Mr. ROBERTSON: The purpose of this legislation was to remedy the defect or difficulty that was found in a particular case.

Hon. Mr. BELCOURT: I do not think it should be remedied.

Hon. Mr. MITCHELL: I understand the honourable gentleman from Ottawa objects to the words "chance and skill"; he says the magistrate will not be able to distinguish between them. Why not leave them both in? Then the magistrate will not have to distinguish.

Right Hon. Sir GEORGE E. FOSTER: I think the paragraph is workable as it is.

Hon. Mr. MITCHELL: We are making a law against betting.

Hon. Mr. BEIQUE: I understand the Department of Justice had in mind specific practices that were to be guarded against, and these practices cannot be reached because it can be contended that they involve partly chance and partly skill. That was the purport of the memorandum read by the honourable gentleman (Hon. Mr. Dandurand). If that is so, the amendment proposed would entirely defeat the object of the Bill; the Department of Justice could not achieve its purpose at all. It may be objectionable to touch skill, but if it has to be touched in order to reach certain parties we shall have to touch it.

Hon. Sir JAMES LOUGHEED: I suggest to my honourable friend that he consult the Department of Justice, and we can then deal with the question. We are not making any headway.

On motion of Hon. Mr. Dandurand, the debate on the motion for the third reading of the Bill was adjourned.

OPIUM AND NARCOTIC DRUG BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 137, an Act to amend the Opium

and Narcotic Drug Act.—Hon. Mr. Dandurand.

Hon. Mr. Taylor in the Chair.

On section 5—no appeals:

The Hon. the CHAIRMAN: Hon. Mr. Willoughby moves, seconded by Hon. Mr. McMeans, that this section be struck out. Hon. Mr. Dandurand moves in amendment to substitute for 10A the following:

10A. Except in cases tried before two justices of the peace, sections seven hundred and forty-nine to seven hundred and sixty, inclusive, and subsection two of section seven hundred and sixty-nine of the Criminal Code shall not apply to any conviction, order or proceedings in respect of any offence under paragraph (e) of subsection two of section 5A of this Act.

Hon. Mr. PROUDFOOT: I do not quite understand what would be the effect of that amendment. The motion is to strike out the clause.

Hon. Mr. BELCOURT: If this clause is struck out, then there is no appeal?

Hon. Mr. DANDURAND: There will be appeal from decisions of justices of the peace.

Hon. Mr. BELCOURT: But I mean, if the amendment proposed by the honourable gentleman from Moosejaw (Hon. Mr. Willoughby) is carried. Its object is to give an appeal in all cases; and if it is carried, it will limit the appeals to certain cases.

Right Hon. Sir GEORGE E. FOSTER: That is right.

Hon. Mr. DANDURAND: It will not limit the appeal on points of law; but it will limit the appeal on points of fact, except in cases tried before justices of the peace.

Hon. Sir JAMES LOUGHEED: If the cases are tried by justices of the peace there will be appeal allowed.

Hon. Mr. DANDURAND: Yes.

Hon. Sir JAMES LOUGHEED: In other cases not.

Hon. Mr. DANDURAND: No.

Hon. Mr. PROUDFOOT: In Ontario a police magistrate has the same jurisdiction as two justices of the peace. Is it contended that if a trial takes place before a police magistrate, the amendment which the honourable gentleman has moved will have effect, that is, that there will be no appeal from his decision?

Hon. Mr. DANDURAND: There will be no appeal on questions of fact.

Hon. Mr. PROUDFOOT: There will still be an appeal on a question of law?

Hon. Mr. DANDURAND: There will.

Hon. Mr. PROUDFOOT: Then, am I correct in understanding that the amendment takes the place of subsection 10A as it appears here?

Hon. Mr. DANDURAND: Yes, it is a substitute clause.

Hon. Mr. BELCOURT: I am not certain, but I do not think you can get a stated case in some of the provinces when the trial has taken place before two justices of the peace or a magistrate. If that is so, there will be no appeal whatever.

Hon. Mr. DANDURAND: The amendment specifically allows an appeal. It says:

Except in cases tried before two justices of the peace, sections 749 to 760, inclusive, and subsection 2 of section 769 of the Criminal Code shall not apply to any conviction, order, or proceedings in respect of any offence under paragraph e of subsection 2 of section 5A of this Act.

Hon. Mr. BELCOURT: My honourable friend does not quite understand the point. He says that whilst there will be no appeal on the facts there will be an appeal by way of a stated case, if the case has been tried before two justices of the peace or a police magistrate. I do not think there is any possibility of getting a stated case from two justices of the peace or a police magistrate.

Hon. Mr. PARDEE: There is an appeal to the county judge.

Hon. Mr. BEIQUE: That would be saying that the criminal law is insufficient, because the purport of the amendment is not to amend the law, except in regard to judgments rendered by magistrates.

Hon. Mr. BELCOURT: Justices of the peace are sometimes called magistrates. In Ontario the power of a police magistrate is equal to that of two justices of the peace, so we have to make a distinction between magistrates and justices of the peace.

Hon. Mr. CALDER: I must say that I do not like this provision at all. I think the honourable gentleman from Winnipeg (Hon. Mr. McMeans) and also the honourable gentleman from Moosejaw (Hon. Mr. Willoughby) stated the conditions that exist in Western Canada. We have out there, in towns like Battleford, Moosomin and Yorkton, magistrates two of whom will sit upon these cases. In very many in-

stances these men are, to say the least, not very highly qualified for this work; and we place in their hands the power to impose the very severe penalties mentioned, and we take away from the persons tried the right to appeal.

Hon. Mr. DANDURAND: Not under the amendment. We are giving the right.

Right Hon. Sir GEORGE E. FOSTER: In cases tried by justices of the peace.

Hon. Mr. McMEANS: What I said the other day as to justices of the peace applies with equal force to magistrates. A magistrate appointed in the Western country has the jurisdiction of two justices of the peace. It was against that very individual that my remarks were directed the other day. He is not a lawyer, and he has no qualifications for the position. I can take you to a town of 10,000 or 12,000 people where they have magistrates who never saw the inside of a law office and who have not studied the criminal law. That is my objection. The Criminal Code of Canada has always provided a right to appeal from a magistrate on a summary conviction; but there is no appeal on a question of fact, whether a man has been tried by a judge of the county court or a jury. As a matter of fact, in Manitoba the statute says that no practising barrister shall be a justice of the peace. He may be a magistrate. There is a magistrate in the city of Winnipeg, Sir Hugh John Macdonald, who is very competent in every way, but unfortunately that is not the case throughout the other portions of the province.

There is another phase to the question. A magistrate is appointed by the local Government, and his appointment can be revoked the next day. Unlike a judge, he is not appointed for life, and, in the limited sense that his position is uncertain, he is not independent. A police court or a magistrate's court is the poorest place in the world to get justice. The police officers sit around and advise the magistrate and talk to him, and a man has not the same same opportunity of defending himself that he has in the higher courts. The underlying principle of the whole thing is this: you must not clothe individuals who are not responsible with such great authority that there shall be no appeal from what they do. Take the Speaker of this House, a gentleman for whom we all have the highest consideration and respect; if a motion were introduced into the House to make his word absolute, how many men here would support it? I do not suppose there would be one. I think it is very dangerous to the administration of the law of this country to clothe men like justices of the peace with so much authority—and when I say justices of the peace, I mean magistrates too, with the exception of the men in the larger cities, who are all very competent.

Hon. Mr. BELCOURT: Not always. For a quarter of a century we have had police magistrates in the city of Ottawa who had no legal training of any kind.

Hon. Mr. McMEANS: The police magistrate is the most important of all. If a case is taken before him and he is competent, everybody is satisfied, and no cost is put upon the country. But if he is an inferior man, what is the result? There is an appeal that costs the country three times or five times as much as the magistrate's salary. I think we should go slowly.

Hon. Mr. BEIQUE: Why not grant an appeal subject to the leave of a judge? I think that should satisfy all parties. Say: "There shal be no appeal except by leave of a judge."

Hon. Mr. McMEANS: Of what court?

Hon. Mr. BEIQUE: What court would you suggest?

Hon. Mr. McMEANS: A judge of the Court of Appeal or the Superior Court. I understand that in the case of a summary conviction you appeal to the County Court judge, and it ends there.

Hon. Mr. BELCOURT: I do not think my honourable friend's suggestion is going to ameliorate the situation in any way at all. What is going to happen? The accused is convicted; he wants to appeal, and he has to go to a judge to get permission. The judge is not going to give permission until he has practically tried the whole case over again. All the facts would have to be submitted to him, the matter would have to be argued pro and con, and the whole case would be practically re-tried. What is the advantage of that? I am strongly of the opinion expressed by the honourable gentleman from Winnipeg (Hon. Mr. McMeans), that to cut off the right of appeal is wholly inconsistent with British justice and British law. It is repulsive to my sense of fair play to think that a convicted man, subject to such dire conditions, should have no appeal.

Some Hon. SENATORS: Question.

Hon. Mr. PROUDFOOT: The amendment reads:

Except in cases tried before two justices of the peace.

That is really not applicable to nine-tenths of the cases that may be tried in the province of Ontario. In the larger places in Ontario the cases are tried before police magistrates, and this would cut out any appeal from them. In my opinion, cases which come under this Act should be allowed to stand in just the same position as other cases, and that the appeals coming under sections 749 to 760 should be permitted. Why should we make this Act different from the ordinary law of the land? Surely people who may be convicted under this law should have the same rights that other people have. As I pointed out when this matter was up before, you not only cut out the right of appeal of the accused, but also of the Crown. I think you should leave the clause out.

The proposed amendment of Hon. Mr. Dandurand was negatived: yeas, 17; nays, 27.

The motion of Hon. Mr. Willoughby to strike out section 5 was agreed to.

The preamble and the title were agreed to.

The Bill was reported, as amended.

THIRD READING

Bill 137, an Act to amend the Opium and Narcotic Drug Act.—Hon. Mr. Dandurand.

CANADA TEMPERANCE ACT

FURTHER CONSIDERED IN COMMITTEE AND REPORTED

Th Senate again went into Committee on Bill 132, An Act to amend the Canada Temperance Act.—Hon. Mr. Dandurand.

Hon. Mr. Blain in the Chair.

Hon. Mr. BELCOURT moved that the following be added as section 4:

That the provisions of sections 157, 158 and 163 shall not apply to any sale, purchase, delivery, or transport into, through or out of the province of any intoxicating liquor authorized by or under any provincial law, order or regulation.

Right Hon. Sir GEORGE E. FOSTER: Perhaps my honourable friend will just tell us what would happen if that were not moved.

Hon. Mr. BELCOURT: What would happen would be this, that no one could either import or export intoxicating liquor or carry it through the province for medical or sacramental purposes, as it would be an offence under this Act to do so. It is in order to get over that difficulty that I am moving this amendment.

Right Hon. Sir GEORGE E. FOSTER: But section 157 has relation to export only —nothing else. Simply, after certain things have taken place, it forbids the export.

Hon. Mr. BELCOURT: I want to guard against that. Suppose a distiller in Ontario wishes to export to some other province intoxicating liquor for medical or sacramental purposes, we surely do not want to prevent that.

Hon. Mr. DANDURAND: But section 157, which we are enacting, declares that it does not apply to brewers and distillers. It distinctly says "other than brewers and distillers".

Hon. Mr. BELCOURT: That may be so. I did not take that meaning. The other one is section 158; that would prevent the carrying of intoxicating liquor through the Province for the purposes I have stated.

Right Hon. Sir GEORGE E. FOSTER: Then clearly it does not touch 157?

Hon. Mr. BELCOURT: It may not.

Hon. Sir JAMES LOUGHEED: I would not think it would touch 158 either, because this section deals exclusively with liquor for exportation, the intention being that it should remain in the province, and only be handed over to the carrier. That is to say, it is brought into the province for purposes of exportation, and it remains undisturbed until it is delivered to the carrier for transportation out of the province. So it seems to me that this is not the class of liquor which my honourable friend may have in view.

Hon. Mr. BELCOURT: My honourable friend means that the people I have in mind need no protection?

Hon. Sir JAMES LOUGHEED: The general law covers the purpose my honourable friend has in view. This Bill deals only with two provinces—British Columbia and Quebec. Provision is already made as to the other provinces. These are importation clauses, and they only affect those two provinces.

Hon. Mr. BELCOURT: Does my honourable friend think that the provisions of this Act have no application whatever except

to importing into or exporting out of the province?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: Yes, that is all.

Hon. Mr. BELCOURT: And it would not in any way affect the sale or disposal of intoxicating liquor as permitted by the different provinces?

Hon. Sir JAMES LOUGHEED: No; that is already provided for.

Hon. Mr. BELCOURT: I think that is right. I withdraw the amendment.

The motion of Hon. Mr. Belcourt was withdrawn.

Hon. Mr. PARDEE: I beg to move the amendment of which I gave notice—to amend section 157 by adding it at the end of the section:

Provided that this section shall not come into force until October first, 1922.

This matter came up last night, and was more or less threshed out. The Bill provides that upon a certain request being made to the Governor in Council, thus and so may be done. In the opinion of a great many people, that would contemplate a measure of confiscation of the liquor that is already now stored—and legally stored, I take it—in the province of Saskatchewan. In order to avoid that, and in view of the fact that those people, as I judge from the discussions I have heard in this House, have liquor legally in their possession, I think it is only right that we should name some certain time in order that they may have a chance of disposing of that liquor prior to the time when the Order in Council comes into force. My amendment gives three months to those people who have liquor stored in their export warehouses to dispose of that liquor. Something was said here to the effect that any extension granted to those people to dispose of that liquor would mean that bootlegging would run rampant. Against that contention it appears to me that unless such time is given to those people—who, I repeat, have this liquor legally in their possession under the laws of the province—it will mean that, if there is to be an attempted confiscation of that liquor, those people who now hold it will take very good pains to get rid of it locally before the time when the Order in Council is passed; that it will be stored through the whole province, and that thereby bootlegging will be given very much of a lift, instead of the obnoxious practice being stopped. If we give those people the right to dispose of this liquor within the time stated, enabling them to sell it in Europe or in other markets where it is purchasable, we would be doing not only justice to the province of Saskatchewan, but also to the men who are making the application, and saying that their rights are being prejudiced by an Order in Council being passed immediately.

Hon. Mr. BELCOURT: Has my honourable friend verified the statement made in this House, that the provincial government has received money from these vendors by way of license and tax?

Hon. Mr. PARDEE: No, but that is as I understand it.

Hon. Sir JAMES LOUGHEED: While it is not unreasonable that a period should be given for the disposal of this liquor, it seems to me that the proposal of my honourable friend might be the subject of very considerable abuse. He proposes that the Act should not come into force for three months, but the latter part of section 157 provides that:

The Governor in Council may by Order in Council declare that such prohibition shall come into force in such province on a day to be named in such Order.

That is to say, you have suspended the operation of this Act for three months; then the Governor in Council may suspend its operation for any time within their discretion; so that you give a double-barrelled privilege which might be very considerably abused. If my honourable friend would say that the Order in Council in question should give three months, I think probably that would appeal to the judgment of this House.

Hon. Mr. BELCOURT: That might be considerably worse; the Order in Council might not be passed for three months.

Hon. Sir JAMES LOUGHEED: In any event, if we suspend the operation of this measure for three months, the Government need not necessarily bring it into operation for a year. They have full discretion, under this language, to embody in that Order in Council such time as may seem wise to them to bring the Order in Council into operation.

Hon. Mr. PARDEE: It has been repeatedly stated on the floor of this House that this was the will of the province of Saskatchewan. If that is so, can it be possible that the Governor in Council would practically flout the will of the people of

that province as expressed through an application from their own Government for bringing into force this very provision? It appears to me that the people, through the Government, are speaking, and no Government here would attempt, nor would the Governor in Council, to hold up such an application, but would immediately give them the relief they ask for.

Hon. Sir JAMES LOUGHEED: My answer to that is that by circumscribing the time we are flouting the will of the people of Saskatchewan, if there is anything in that.

Hon. Mr. PARDEE: No, not at all.

Hon. Sir JAMES LOUGHEED: It seems to me this Act can scarcely be made subject to any abuse. In the first place, the initiative must be taken by the Provincial Government, and until the Lieutenant-Governor asks for this prohibition to be into force the export warehouses in those provinces will remain undisturbed. In the next place, the fullest discretion is given to the Governor General in Council as to the time when the Order in Council adopting the prohibition shall be put into force. In addition to that you propose adding three months to those other two discretions that may be exercised, one by the Lieutenant-Governor in Council and the other by the Governor in Council. But it seems to me that, if my honourable friend would say that the three months' period should be fixed by the Order in Council, that would be sufficient.

Hon. Mr. BEIQUE: Or say that this Order in Council shall not come into force for three months.

Hon. Mr. DANDURAND: The same point as my honourable friend has raised occurred to me, and I went to the table to look at the phraseology of this amendment. Section 157 reads:

> The Governor in Council may by Order in Council declare that such prohibition shall come into force in such Province on a day to be named in such Order.

I would add—and I think this would meet the point of my honourable friend—

> Provided that such day shall not be prior to the first of October, 1922.

So that the Order in Council would have to fix the first of October.

Hon. Sir JAMES LOUGHEED: That is all right.

The proposed amendment was agreed to.

The proviso in subsection 2 of Part V was agreed to.

The preamble and the title were agreed to.

Hon. Mr. DANDURAND: I shall probably move at the third reading an amendment to meet the point raised by the honourable Senator from New Westminster (Hon. Mr. Taylor), who has informed us that the Province of British Columbia claimed the right to import without paying Customs duties. It may be possible to devise an amendment which will protect the Federal treasury.

The Bill was reported.

LAKE OF THE WOODS BILL

FIRST READING

Bill 141, an Act to repeal The Lake of the Woods Regulation Act, 1921.—Hon. Mr. Dandurand.

MATCHES BILL

REPORT OF COMMITTEE

Hon. Mr. BENNETT moved concurrence in the report of the Standing Committee on Banking and Commerce, to whom was referred Bill B5, an Act respecting Matches.

Hon. Mr. BEIQUE: The amendments are of no consequence. The object is to prevent the Minister appointing officers and to leave the appointment under the Civil Service Act.

Hon. Sir JAMES LOUGHEED: May I ask my honourable friend what took place in Committee this afternoon when the manufacturers presented their case to the Committee?

Hon. Mr. BEIQUE: They were heard. They had no objection to the draft regulations which were prepared by the Department, after consultation with them and all the interested parties, but they were jealous of their entire liberty and desirous of preventing the principle of regulation from being adopted at all; but the Committee came to the conclusion that Parliament had already, four or five years ago, adopted a Bill regarding a certain kind of matches—

Hon. Sir JAMES LOUGHEED: White phosphorous.

Hon. Mr. BEIQUE: —and that, in the public interest, as there were fire losses amounting to between $1,000,000 and $1,500,000, caused by the use of matches, the Department should be empowered to make proper regulations to prevent the manufacture of inferior matches, and also

to regulate establishments of all kinds with a view to the prevention of fire. The Committee was unanimous, and its view was supported by the Superintendent of Insurance.

Hon. Sir JAMES LOUGHEED: The Bill has to go down to the Commons. It has originated here.

Hon. Mr. DANDURAND: Yes.

Hon. Sir JAMES LOUGHEED: Of course, a Bill of this character is subject to the comment that no opportunity has been given to the manufacturers to make such representations as they desire to the Committee.

Hon. Mr. BEIQUE: Their representations were made; and it is understood that no regulation will be made without some interview.

Hon. Sir JAMES LOUGHEED: Without consulting them respecting the regulations?

Hon. Mr. BELCOURT: My honourable friend will remember that the Bill only empowers the Department to make regulations. That is all there is in it.

The report was concurred in.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

TRUST COMPANIES BILL

REPORT OF COMMITTEE

Hon. Mr. BENNETT moved concurrence in the report of the Standing Committee on Banking and Commerce, to whom was referred Bill 60, an Act to amend the Trust Companies Act, 1914.

The report was concurred in.

MOTION FOR THIRD READING POSTPONED

Hon. Mr. DANDURAND moved the third reading of the Bill as amended.

He said: This legislation is a forward step and will give much greater control to the Department of Finance. The inspection of these companies will afford considerable added security to the public and will mean as much control as that which is exercised over insurance companies.

Right Hon. Sir GEORGE E. FOSTER: That may be very true, but what strikes me as peculiar is this. The Senate sends a Bill to a Committee; the Committee makes its report, and, without its being allowed to lie on the Table for a single sitting, we are asked to vote upon it. Not a single one of us knows what is in it, except honourable members who have been in the Committee. That is a speedy way of passing legislation. I am not sure that it is the wisest.

Hon. Sir JAMES LOUGHEED: Summary trial.

Hon. Mr. DANDURAND: We can take the third reading to-morrow. The amendments are not numerous. The work which the Commons will have to do on it is not considerable, and we can afford to postpone the third reading until to-morrow.

The motion for the third reading was postponed.

INSURANCE BILL

REPORT OF COMMITTEE

Hon. Mr. BENNETT moved concurrence in the report of the Standing Committee on Banking and Commerce, to whom was referred Bill 58, an Act to amend the Insurance Act, 1917.

Hon. Mr. BEIQUE: The amendments are similar to those we made in the other Bill. The Bills are on the same lines.

Hon. Mr. BELCOURT: These are twin Bills.

The report was concurred in.

LOAN COMPANIES BILL

REPORT OF COMMITTEE

Hon. Mr. BENNETT moved concurrence in the report of the Standing Committee on Banking and Commerce, to whom was referred Bill 59, an Act to amend the Loan Companies Act, 1917.

Hon. Mr. BEIQUE: These amendments are the very same.

The report was concurred in.

BUSINESS OF THE SENATE

Hon. Mr. DANDURAND: I do not know whether or not there has been a motion adopted whereby the Senate may adjourn from Friday until Saturday morning. If there has been no motion to this effect, I move that when the Senate adjourns to-day it do stand adjourned until to-morrow morning.

Hon. Sir JAMES LOUGHEED: How long would the House sit to-morrow?

Hon. Mr. DANDURAND: We shall be in a better position to know to-morrow morning.

Hon. Sir JAMES LOUGHEED: I think we might sit until noon. I do not think we should sit to-morrow afternoon, because many members of the Senate have made their engagements for to-morrow. The sitting is entirely unexpected. No intimation was given.

Hon. Mr. DANDURAND: We shall have to be governed by circumstances.

Hon. Mr. BELCOURT: Perhaps my honourable friend will give us an idea of how much work remains to be done in the Commons, so that we may govern ourselves accordingly with respect to our own sittings.

Hon. Mr. DANDURAND: My honourable friend was in the Banking and Commerce Committee when I made a statement. We shall know only this evening whether it will be possible or not to have prorogation on Monday or Tuesday. The Government measures will all be through the other House by to-morrow, or perhaps this evening, with the exception of one, which is now before a Committee, who will report this evening.

Hon. Mr. BELCOURT: Does it all depend on that?

Hon. Sir JAMES LOUGHEED: I see no particular reason, honourable gentlemen, why we should recklessly hasten through the public business because the House of Commons is approaching the termination of its business. It is only reasonable that we take adequate time, after the House of Commons gets through its business, to deal with the matters which come before the Senate. If we try to keep pace with them, to march step by step with them, it will simply mean that for all time we must recklessly transact the most important business of Parliament within a very few hours, without giving it proper consideration.

Hon. Mr. BELCOURT: And endanger our own lives.

Hon. Mr. CASGRAIN: They have the Estimates to pass.

Hon. Sir JAMES LOUGHEED: Within the last three days we have dealt with more important measures than had come down during the entire Session.

Hon. Mr. DANDURAND: I would point out to my honourable friend that the Commons will be sitting to-morrow, Saturday, and there is hardly anything to justify us in taking a holiday to-morrow, in the last days of the Session. I am not asking that the House sit on Sunday.

Hon. Sir JAMES LOUGHEED: We have the whole of next week before us. I am not finding fault with the Government, but we must be given sufficient time to consider our business properly, and, as my honourable friend did not give any intimation that to-morrow would be taken, engagements have been made, and very properly so, by honourable members who thought they would be at liberty to-morrow.

Hon. Mr. DANDURAND: The Senate has not been overworked these last two or three months.

Hon. Mr. BELCOURT: We have made up for it in the last three or four days.

Hon. Sir JAMES LOUGHEED: We must also remember that the whole budget is to be discussed yet.

Hon. Mr. DANDURAND: We could reserve Monday and Tuesday for that. I move that when the Senate adjourns to-day it do stand adjourned until 10.30 to-morrow morning.

Hon. Sir JAMES LOUGHEED: Why not say 10 o'clock.

Hon. Mr. DANDURAND: Ten o'clock.

The motion was agreed to.

The Senate adjourned until to-morrow at 10 a.m.

THE SENATE

Saturday, June 24, 1922

FIRST SITTING

The Senate met at 10 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

CAPE TORMENTINE SHIPPING FACILITIES

INQUIRY

Hon. Mr. BLACK rose in accordance with the following notice:

That he will call the attention of the Senate to the desirability of the restoration of proper wharfage and loading facilities at Cape Tormentine, New Brunswick, and inquire whether it is the intention of the Government to restore shipping and export facilities at Cape Tormentine, N.B., and when.

Hon. Mr. DANDURAND: I am informed by the representative of the province of New Brunswick in the Cabinet,

Hon. Mr. Copp, that engineers are to be sent without delay to inspect the wharf and the surroundings to see what dredging is necessary, and that it is the intention of the Government to proceed with the dredging operations this summer.

THE PRINCE OF WALES

CONGRATULATORY RESOLUTION

Hon. L. O. DAVID moved the following resolution:

Resolved, That the Senate of Canada desires to extend its congratulations to His Royal Highness the Prince of Wales upon the occasion of the twenty-eighth anniversary of his birth and seizes this opportunity also to congratulate His Royal Highness upon his safe return from his visit to India, where he displayed the noble qualities of heart and mind which characterize him and for which he is beloved throughout the Empire.

He said: I do not think it necessary, honourable gentlemen, to add anything to my resolution, which expresses, I am sure, the feelings not only of this Senate and of Canada, but of all the countries which he has visited, and in which he has demonstrated his admirable and lovable qualities, and convinced all the populations that he will be a good and great King. At a time when democratic ideals are so popular, if all princes were what the Prince of Wales is, and if all kings were what he promises to be, there would be less political agitation and less revolution in the world. England has had the good fortune to have been governed for more than a century by a Queen and a King who have understood the needs of the times, and what was best for the proper working of British institutions. There is no doubt that the Prince of Wales will imitate their wisdom and continue to prove that those institutions deserve to be maintained for the good of the world. I remember that when King Edward VII as Prince of Wales visited this country, about 62 years ago, he was called by all the French people "le Prince Charmant," which means, as you know, "Prince Charming." His grandson deserves the same title, for he has the same qualities. We saw him, we heard him, and, by his courtesy and kindness to all who approached him, without distinction of class or nationality, we were convinced that he was endeavouring to forget, and to make us forget, that he was a Prince destined to be our King. His mind and character fit him to play a great and useful role in the affairs of the world.

Hon. Mr. CASGRAIN: I have the honour of seconding the motion, and I echo every word that has been said.

Hon. RAOUL DANDURAND: Honourable gentlemen, I am sure that we are simply expressing the mind of the whole population of Canada in wishing health and happiness to the Prince of Wales. He has shown himself to be possessed of the intelligence and the necessary humane feelings of a lovable representative of sovereignty in the British Empire. As our honourable friend has well said, the Prince of Wales, in visiting, first, Canada and then India, has been everywhere acclaimed as one of the most charming representatives of the Crown who have appeared upon the scene for more than a hundred years. I had the privilege of living in the reign of Queen Victoria, and during the half century in which I have had opportunities to observe the functions of the Queen and Kings of England, I have found them to have invariably manifested a great respect for British institutions, compliance with the wishes of Parliament, and a desire to fill worthily the role of constitutional sovereigns, never asserting rights on behalf of the Crown beyond those which have been established by tradition. We have seen the present King, at a time of crisis, assent to a dissolution of the British Parliament, with the understanding that if the people affirmed its will over the action of the House of Lords, he would appoint the necessary 400 or 500 peers to give effect to the will of the democracy of Great Britain. This is in accordance with the true traditions of British sovereignty. I am quite sure that, reared in such a school, his Royal Highness the Prince of Wales will be found to do the right thing on every occasion, whether as Prince of Wales or in future times as King of Great Britain and of the Dominions beyond the seas.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I concur most heartily, not only in all that has been said by my honourable friend from Mille Iles (Hon. Mr. David), who has moved the resolution, but also in the apt expressions which have fallen from the lips of the leader of the Government.

Since the accession of the present reigning family in Great Britain, no member of that family has appealed so much to the sympathy and admiration of the people of the Empire as His Royal Highness the Prince of Wales. He occupies

a unique position. So strongly marked is his personality that he is to-day acclaimed as the most popular personage in the Empire to which we belong. His visit to the different British Dominions is regarded generally by British subjects as being one of the most interesting events in the experience of the Royal Family. He has not only evoked feelings of loyalty and patriotism, but has also struck a note of the deepest sentiment in every part of the Empire that he has visited. Though the possessions of the Crown lie on every sea and extend to all parts of the civilized world, yet those distant and widely separated parts, those outlying posts of Empire, have been strengthened in their loyalty to the Empire by the visit of his Royal Highness.

I need not refer to the gallantry of His Royal Highness in the late Great War. There was no soldier who participated in those battles of the Empire in France and Flanders who conducted himself more gallantly or with greater bravery than his Royal Highness. He did not seek to protect himself in any way by the position which he occupied as a member of the reigning family of Great Britain. He courted danger and established for himself a reputation of gallantry and courage not exceeded by any soldier in the Empire.

I know of no member of the Royal Family who has exhibited in greater degree the peculiarly democratic spirit of the times than has the Prince of Wales. Wherever he has gone he has mingled freely with the people. He has not regarded himself as one who should be isolated from the sympathies and touch of the common people, but has gone in and out amongst them. He has, indeed, regarded himself as practically one of the people of the Empire in his communication with them. I trust that the reigning King may be long spared to fill the position which he so worthily occupies to-day as head of the State of which we are a part; but when the time comes for him to lay down the sceptre, I am satisfied that, if His Royal Highness the Prince of Wales shall be then living and shall enter upon the important duties and great responsibilities of state which will then be his lot, there will be in the history of Great Britain no more popular monarch gracing the throne of this great Empire than His Royal Highness the present Prince of Wales.

Sir JAMES LUGHEED.

SOLDIER SETTLEMENT BILL

FIRST READING

Bill 193, an Act to amend The Soldier Settlement Act, 1919.—Hon. Mr. Dandurand.

ROOT VEGETABLES BILL

FIRST READING

Bill 133, an Act to regulate the Sale and Inspection of Root Vegetables.—Hon. Mr. Dandurand.

CANADIAN WHEAT BOARD BILL

FIRST READING

Bill 176, an Act to provide for the constitution and powers of The Canadian Wheat Board.—Hon. Mr. Dandurand.

INCOME WAR TAX BILL

FIRST READING

Bill 187, an Act to amend The Income War Tax Act, 1917.—Hon Mr. Dandurand.

CANADIAN PATRIOTIC FUND BILL

FIRST READING

Bill 188, an Act respecting The Canadian Patriotic Fund,—Hon. Mr. Dandurand.

RETURNED SOLDIERS' INSURANCE BILL

FIRST READING

Bill 191, an Act to amend The Returned Soldiers' Insurance Act.—Hon. Mr. Dandurand.

PENSION BILL

FIRST READING

Bill 192, an Act to amend The Pension Act.—Hon. Mr. Dandurand.

OLEOMARGARINE BILL

FIRST READING

Bill 194, an Act to amend The Oleomargarine Act, 1919.—Hon. Mr. Dandurand.

PUBLIC LOAN BILL

FIRST READING

Bill 197, an Act to authorize the raising, by way of loan, certain sums of money for the public service.

CUSTOMS TARIFF BILL

FIRST READING

Bill 198, an Act to amend The Customs Tariff, 1907.—Hon Mr. Dandurand.

INLAND REVENUE BILL

FIRST READING

Bill 199, an Act to amend the Inland Revenue Act.—Hon. Mr. Dandurand.

SPECIAL WAR REVENUE BILL

FIRST READING

Bill No. 200, an Act to amend The Special War Revenue Act, 1919.—Hon. Mr. Dandurand.

CUSTOMS AND EXCISE BILL

FIRST READING

Bill 200, an Act to amend The special Act and The Department of Customs and Excise Act.—Hon. Mr. Dandurand.

INQUIRY FOR RETURNS

On the Orders of the Day:

Hon. Mr. TANNER: I would like to ask the leader of the House if he will be good enough to ascertain if it is possible to get two returns, one which was moved on the 27th of April in respect to the purchases of anthracite coal, and the other on the 8th of June, for copies of agreements in respect of the Thorburn Railway in Nova Scotia. Major Bell told me the other day that the coal return had been prepared and sent in, but I can get no trace of it.

Hon. Mr. DANDURAND: I will try to ascertain if it has been mislaid on reaching this Chamber, and if it has not reached me I will try to obtain a duplicate return.

CANADA TEMPERANCE BILL

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 132, An Act to amend the Canada Temperance Act.

He said: I asked that the third reading be not taken before this morning, because I wanted to examine into the question raised by the honourable Senator from New Westminster (Hon. Mr. Taylor). The claim made by the British Columbia Government was that, inasmuch as the Crown, in the right of the province of British Columbia, was directly importing liquor to be sold in the province, it was free from Customs duties, and the honourable gentleman stated that that claim was before the Exchequer Court of Canada. I find that chapter 15 of the statutes of 1917 contains the affirmation by this Parliament of the right to levy Customs duties upon goods imported by the Crown, whether in the right of the Dominion of Canada or of the Provinces. The section reads as follows:

(3) The rates and duties of Customs imposed by this Act or the Customs Tariff or any other law relating to the Customs, as well as the rates and duties of customs heretofore imposed by any Customs Act or Customs Tariff or any law relating to the Customs enacted and in force at any time since the first day of July, one thousand eight hundred and sixty-seven, shall be binding, and are declared and shall be deemed to have been always binding upon and payable by His Majesty, in respect of any goods which may be hereafter or have been heretofore imported by or for His Majesty, whether in the right of His Majesty's Government of Canada or His Majesty's Government of any province of Canada, and whether or not the goods so imported belonged at the time of importation to His Majesty; and any and all such Acts as aforesaid shall be construed and interpreted as if the rates and duties of Customs aforesaid were and are by express words charged upon and made payable by His Majesty: Provided, however, that nothing herein contained is intended to impose or to declare the imposition of any tax upon, or to make or to declare liable to taxation, any property belongoing to His Majesty either in the right of Canada or of a province.

Of course, a distinction was made between the taxation of property belonging to the provinces and the right to levy duties on goods imported by the provinces. I quite recognize that the affirmation of that right by the Parliament of Canada does not judicially settle the point raised by the Province of British Columbia, and which may be raised by the other provinces. But, since that right is challenged, and since the Bill now before us provides for limiting the importation of liquor into the provinces, it follows that, if the contention raised by British Columbia was upheld, we should be deprived of the right to levy Customs duties upon the goods imported by that province, which would in consequence have a monopoly of the importation of such goods. Therefore I think it is but just that we add to this Bill the following clause, as subsection 7 of section 163:

(7) 7 Nothwithstanding the provisions of paragraph a of subsection 2 of section 163 of this Part,

Whenever the authority of the Parliament of Canada to impose any rate or duty of Customs in respect of any goods imported by or for His Majesty in the right of His Majesty's Government of any province of Canada, or the authority of His Majesty's Government of Canada to collect such rate or duty, is denied by His Majesty's Government of that province, the Gorvernor in Council may by proclamation published in The Canada Gazette—

(a) refuse to declare the prohibitions of subsection 1 of this section to be in force in that province; or,

(b) in the case of those prohibitions having been brought into force in that province, revoke the proclamation bringing them into force therein, in which case those prohibitions shall cease to be in force therin, or suspend the operation of those prohibitions for such time, and from time to time, as the Governor in Council thinks proper.

As I have moved the third reading, I would ask my honourable friend Senator Pardee to move this amendment.

Hon. Mr. PARDEE: I move that the said Bill be not now read the third time, but be amended by adding the new clause read by Hon. Mr. Dandurand.

Hon. Mr. CASGRAIN: My motion comes first: I have given the first notice, and I have priority.

The Hon. the SPEAKER: The honourable gentleman from Lambton (Hon. Mr. Pardee) has moved the amendment.

Hon. Mr. CASGRAIN: But I gave notice of motion yesterday, and I have the first amendment.

Hon. Mr. BEIQUE: I do not think that matters.

Hon. Mr. CASGRAIN: I think it matters very much. I might want to go away and play this afternoon.

Hon. Mr. DANDURAND: But my honourable friend's duty is to remain with us.

Hon. Sir JAMES LOUGHEED: Yes, particularly as he is such an apostle of temperance.

Hon. Mr. CASGRAIN: But I insist on my right: I gave the first notice of amendment.

Hon. Mr. DANDURAND: My honourable friend's amendment may come in due time. We will dispose of this one now.

Hon. Mr. CASGRAIN: I have right of way. Why should I lose my right of way?

Hon. Mr. BARNARD: I move, in amendment to the amendment, that section 3 be stricken out.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, it seems to me that the reasonable course to take is this. This is a Government Bill. Let the Government finish its Bill, and complete it with the assent of the Senate in the way it desires, and when it is a completed Bill, on the motion for third reading my honourable friend from British Columbia can move that it be not now read the third time, and his amendment would then come in. In the same way my honourable friend from De Lanaudière (Hon. Mr. Casgrain) could move his amendment. But I think we ought to have the completed will of the Government expressed in the Bill before we come to the amendments.

The Hon. the SPEAKER: I would point out that the motion was made by Hon. Mr. Dandurand, seconded by Hon. Mr. Watson, that the Bill be now read the third time.

Right Hon. Sir GEORGE E. FOSTER: He surely does not want it read the third time before it is completed.

The Hon. the SPEAKER: The amendment was moved by Hon. Mr. Pardee.

Hon. Mr. DANDURAND: The procedure is to move the third reading, and Hon. Mr. Pardee moves that the Bill be not now read the third time, and submits the amendment.

Hon. Mr. BELCOURT: I think the regular procedure would be, the leader of the Government having moved the third reading, and the Hon. Mr. Pardee having moved an amendment, that the honourable member for Victoria (Hon. Mr. Barnard) should propose his sub-amendment, and we should vote on that, and then vote on the amendment to the main motion.

Hon. Sir JAMES LOUGHEED: And particularly because if the sub-amendment is carried, it would render unnecessary the other.

Hon. Mr. BARNARD: I now beg, honourable gentlemen, to move in amendment that section 3 be struck out. That section embodies Part V, which includes the amendment of the honourable gentleman from Lambton (Hon. Mr. Pardee). If my proposed amendment carries, his amendment goes by the wall.

The Hon. the SPEAKER: I would point out to the honourable gentleman that that is not an amendment to the amendment.

Hon. Mr. BARNARD: I submit that it is, Mr. Speaker, inasmuch as the amendment proposed by the honourable gentleman from Lambton is to add a new section to Part V. Section 3 is the section which brings the whole of Part V into effect, and if section 3 goes out my honourable friend's amendment goes with it.

Hon. Mr. DANDURAND: The whole of the second part of the Bill.

Hon. Mr. BARNARD: Exactly.

The Hon. the SPEAKER: After the House has disposed of the amendment of the honourable gentleman from Lambton (Hon. Mr. Pardee), the honourable gentleman can move his amendment.

The proposed amendment of Hon. Mr. Pardee was agreed to.

Hon. Mr. BARNARD: Now, Mr. Speaker, I move that the Bill not now read the third time, but that section 3 be struck out. That is the part which deals with the prohibition of importation into provinces which have a system of Government control of the sale of liquor for beverage purposes. I do not think there is any necessity to discuss the matter further, as it has already been discussed very fully.

Hon. Mr. BELCOURT: The amendment does not cover the first part of the Bill.

Hon. Mr. BARNARD: No, it does not touch that.

The Senate divided on the proposed amendment of Hon. Mr. Barnard, and the same was agreed to on the following division:

CONTENTS

Honourable Messieurs:

Barnard,	Laird,
Bénard,	Lougheed (Sir James),
Bennett,	Lynch-Staunton,
Blain,	Martin,
Blondin,	Macdonell,
Bolduc,	McLean,
Bourque,	Michener,
Bradbury,	Mulholland,
Black,	McDonald,
Curry,	McCormick,
Crowe,	Planta,
Calder,	Poirier,
Daniel,	Pope,
Donnelly,	Robertson,
Fisher,	Reid,
Foster (Rt. Hon. Sir George E.),	Schaffner,
	Tanner,
Gillis,	Taylor,
Greene,	Willoughby—37.

NON-CONTENTS

Honourable Messieurs:

Béique,	Montplaisir,
Belcourt,	Proudfoot,
Chapais,	Prowse,
Casgrain,	Pardee,
Dandurand,	Ratz,
David,	Roche,
Dessaulles,	Ross (Moosejaw),
De Veber,	Smith,
Farrell,	Tessier,
Forget,	Thibaudeau,
Lavergne,	Todd,
Legris,	Watson,
L'Espérance,	Webster (Brockville),
McHugh,	White (Inkerman),
McMeans,	White (Pembroke)—31.
Mitchell,	

Hon. Mr. CASGRAIN: I now move my amendment:

That the Bill be not now read the third time, but that it be amended by adding the following:

Upon the receipt by the Secretary of State of Canada of a duly certified copy of an order of the Lieutenant-Governor in Council of any province praying that local option be granted to a province to prohibit the manufacture of intoxicating liquor in a province the Governor in Council may by proclamation published in the Canada Gazette declare that such province in granted local provincial option to prohibit the manufacture of intoxicating liquor in that province.

That will come after section 162.

Nothing could be clearer than that. It simply means that nothing can be done except on the initiative of a province. Take Saskatchewan, for instance. We have heard a great deal about the will of the people in favour of prohibition in that province. Well, any one to-day can go to the proper department and get a license to erect a distillery in the province of Saskatchewan. I defy contradiction of that statement. If I am wrong, I want to be corrected. Is that what the members from Saskatchewan want? If they vote for this amendment, the minute the Government of Saskatchewan notifies the Federal Government in the proper way of its intention to have local prohibition of the manufacture of liquor in that province, no distilleries can be erected in that province. It is up to the members from Saskatchewan, particularly the honourable gentleman from Moosejaw (Hon. Mr. Willougly), who takes a particular interest in this question, to say whether they want the manufacture. They have had enough trouble with these warehouses which they have spoken about. Who put them there? They are licensed by the Federal Government. The question I had on the Order Paper yesterday had the same effect. Bonded warehouses for the export of intoxicating liquor were licensed during the past year against the protest of our province. It is not right.

Hon. Mr. BRADBURY: It is not right. This was at the request of the Saskatchewan Government.

Hon. Mr. CASGRAIN: What would you think, honourable gentlemen, of a municipal council who voted against a by-law giving that council the option to prohibit houses of prostitution or bawdy houses in their district? What would you think of their sincerity or virtue if they said: "We will not agree to that action"? Yet we are in a similar position. What would you think of that municipal council if the explanation was: "We do not use these places ourselves: we keep them for strangers"? I would like to know what is the difference between such a council and a province which manufactures something it does not want to drink, but manufactures it for strangers—for export?

Hon. Mr. LAIRD: It is nothing like that in Saskatchewan.

Hon. Mr. CASGRAIN: No question of filthy lucre should enter into this matter. This is a question of principle. The Government of the various provinces will, no doubt, deal properly with such interests as at present exist, if there are any.

I will not take up the time of this House, but I would remind honourable gentlemen: "qui facit per alium facit per se"—which simply means that what you do by another you do yourself. If by your vote to-day you perpetuate the manufacture in the various provinces, nolens volens, so far as the provinces are concerned, then you are in exactly the same position as the people who are making the whisky, because you are doing it through their agency. When the records are looked up in the future, it will be seen that in the year 1922, in the month of June, one man had the courage to rise in his place in this House and say: You may vote for the manufacture of liquor or you may not, but you must remember one thing: you cannot serve God and Mammon at the same time. You can no longer fold your arms and say you are for prohibition if you perpetuate the manufacture of whisky. It is for honourable members of this House now to show who are the real friends of temperance.

Right Hon. Sir GEORGE E. FOSTER: I would draw my honourable friend's attention to his resolution. I am, of course, as everyone knows, in favour of the prohibition of importation, manufacture, and sale of intoxicating liquors for beverage purposes. My honourable friend's resolution, I think, goes too far. He would prevent the manufacture of alcohol in this country for the thousand and one other purposes, including motive power, for which it is necessary now and will be more necessary in the future. I think he ought to limit his amendment by inserting after the word "manufacture" in the third line the words "for beverage purposes".

Hon. Mr. CASGRAIN: I accept that.

Right Hon. Sir GEORGE E. FOSTER: And then, in the last line, before "manufacture", strike out the word "the" and substitute the word "such".

Hon. Mr. CASGRAIN: Certainly. I accept those amendments.

Hon. Mr. ROCHE: Honourable gentlemen, I second the motion of my honourable friend from De Launadière (Hon. Mr. Casgrain), and I do it cheerfully, because the Province of Nova Scotia already prohibits the distillation and also the sale of intoxicating liquor. We cannot expect other provinces to rise immediately to the high standard in morals and ethics of the province of Nova Scotia. However, I hope that the result shown in the province of Nova Scotia will induce other provinces to adopt its policy.

Hon. Mr. ROBERTSON: Honourable gentlemen, my honourable friend who introduced this amendment is, I think, going a little more rapidly than the policy of the Federal Government would warrant in connection with prohibition legislation. I think it has been the custom of the Federal Government to endeavor to enact such enabling legislation as was necessary to give effect to the expressed will of the people in the various provinces. This amendment is a step in advance of that, as it indicates to the people of the province what the Federal Government is prepared to do. In other words, it invites them to take a particular line of action. I do not object to my honourable friend raising his voice in this House, or anywhere else that he sees fit, to endeavour to concentrate as far as possible the industrial activity of Canada in his native province.

Hon. Mr. CASGRAIN: Shame! Shame! I rise to a point of order. The honourable gentleman has no right to attribute motives, and especially motives that are absolutely false—no right; and I ask for your ruling, Mr. Speaker. Let the honourable gentleman read the rules. None of that! None of that!

Hon. Mr. ROBERTSON: Before His Honour gives his ruling—

Hon. Mr. CASGRAIN: Wait a moment. You cannot speak until then.

Hon. Mr. ROBERTSON: I was going to make a statement. I simply stated that I had no objection to my honourable friend doing such a thing. If he thinks he is not doing it, then I have nothing more to say about it.

Hon. Mr. BEIQUE: I have no objection to the former part of the resolution. But there is one part to which I cannot assent, and it is this.

Hon. Mr. ROBERTSON: I sat down in anticipation of the Speaker giving a ruling on the point of order. I had not finished.

Hon. Mr. CASGRAIN: Let the Chair rule.

The Hon. the SPEAKER: I understand the honourable gentleman from Welland (Hon. Mr. Robertson) to say that he did not impute motives to the honourable gentleman.

Hon. Mr. CASGRAIN: Very well. Then let him not do it.

Hon. Mr. ROBERTSON: I am seriously of the opinion, honourable gentlemen, that it is not becoming in the Fderal Parliament to pass legislation which, in any case, certainly invites public opinion to take a certain view of a question, in anticipation of asking the Federal Government to enact legislation of this kind. I think that, while it is a matter that should probably be given serious consideration by this House at any time that a province may ask for such power, yet until such a request is received from a province, it is unbecoming in the Federal Parliament and unnecessary for us to go to this extent.

Hon. Mr. BEIQUE: Honourable gentlemen, I rise to say that I cannot give a silent vote on this motion. I am not against the former part of the motion, but the motion implies the power of the Federal Parliament to deal with the prohibition of the manufacture of intoxicating liquor in a province. That is not within the four corners of the constitution. I claim—and I think it cannot be disputed—that it is the privilege of a province to prohibit or to allow the manufacture of liquor. The Government of Canada has no power at all in that respect. The moment that a province permits the manufacture of liquor, then the Parliament of Canada has the right to issue a license and compel the manufacturer to take a license, for the purpose of raising revenue. But as far as the manufacture of liquor is concerned, that is within the exclusive jurisdiction of the province. Therefore, these words should be struck out: "to prohibit the manufacture of intoxicating liquor in that province." It is the province alone that can prohibit that.

Hon. Mr. REID: Honourable gentlemen, there is another phase of this question that I should like to present before the vote is taken. I do so because there is a distillery in the constituency in which I live. As I understand this amendment, if it were carried the province could then pass an Order in Council asking that the prohibition of manufacture in that particular province be granted.

Hon. Mr. SCHAFFNER: Not by Order in Council.

Hon. Mr. CASGRAIN: The option only.

Hon. Mr. REID: They would ask this Government, and the Government here would pass the Order in Council if they so desired.

Hon. Mr. CASGRAIN: Giving them the option.

Hon. Mr. REID: Giving them the option. The question at once arises: if you do that, is it fair to prohibit, or close out and destroy, an industry without compensation? The jurisdiction is entirely under the Dominion Parliament. Suppose the province of Ontario were to ask the Dominion Government to prohibit the manufacture?

Hon. Mr. CASGRAIN: That is not it.

Hon. Mr. REID: Well, I have just read the amendment.

Hon. Mr. CASGRAIN: This Government simply grants the option; then Ontario can do as it chooses. If it finds that it is costing too much money, and it would sooner have the money—

Hon. Mr. REID: Admitting the position taken by the honourable gentleman, the question of compensation then comes up. Those industries were established under the laws of the Dominion of Canada, and if we give the province that power it might refuse to compensate. And what would be the result? Take the province of Ontario. There is in my constituency a distilling industry in which every dollar of the owners is invested. There are at Belleville millions of dollars invested in a similar industry there. There is in Toronto another large industry. There is one at Waterloo, and one at Windsor, or Walkerville. Are we going to give up our right in regard to industries that have been honestly operating under our laws, and give to the province, as suggested by my honourable friend in moving his amendment, power to wipe out those industries without any compensation whatever? I am satisfied that, if you give that right to a province and the people must compensate for these industries, they will not be so anxious to pass an Order in Council to wipe them out.

Another point in connection with this matter. What harm are those industries doing to a particular province? In the province of Ontario we have several very large industries now manufacturing alcoholic liquors. Not one dollar's worth of

their product is used in that province, except such as they sell direct to the provincial authorities for sale and disposal in the province. Some of those industries are running at their full capacity, and the whole of their product is sold to countries whose laws permit the use of alcoholic liquors. These industries manufacture from the products of our own country. The Walker people, for instance, manufacture rye whisky from corn. I am satisfied that 95 per cent of the corn they use is grown right in the vicinity of Windsor.

Hon. Mr. PARDEE: In Essex county.

Hon. Mr. REID: There is no reason why that market for the farmers in that district should not be allowed to continue. The honourable gentleman wants to destroy the industry of the Walker people, who are manufacturing there and shipping their product abroad. I say that if any action is to be taken by Parliament in the way of giving the province the right to wipe out those industries, then we should protect the people who have their money invested in them, by insisting that they be compensated, or else the Federal Government should retain its power and assume the responsibility for wiping out the industries and compensating their owners.

Hon. Mr. LYNCH-STAUNTON: Honourable gentlemen, there is a question here that has been raised by the honourable member from De Salaberry (Hon. Mr. Béique), and it is a very important one. I must say that it had always appeared to me that the Dominion, and only the Dominion, had power to prohibit; and yet, when one thinks of it, if the province has not power to prohibit the manufacture of liquor, then the Province has no power to prohibit anything, because there is nothing peculiar about liquor in commerce any more than about starch, or about boots, or shoes, or anything else. Where in the British North America Act is the right to prohibit given to the Dominion? I would be glad if the mover of this amendment, whether he is sincere in his motion or not, would point that out. If the Dominion had the power to prohibit, then it would have the power to prohibit all over the Dominion, not in one province only; because the Dominion cannot prevent one province from trading in certain articles and allow another province to trade in them. This is not a question of temperance; this is a question of trade. Can the Dominion of Canada say that all the wheat of Canada shall be a monopoly in the province of Saskatchewan and that no other province shall grow wheat? Or that no province but Quebec shall grow hay? That is what the principle of this amendment comes down to. The Federal Parliament must prohibit either in the whole Dominion or not at all. So my honourable friend may find, if this amendment is passed, that he will not get his bottle in Quebec.

Hon. Mr. CASGRAIN: I am asked a question by the honourable gentleman. He evidently has not read the thing—

Hon. Mr. LYNCH-STAUNTON: Yes, I did read it.

Hon. Mr. CASGRAIN: —because, if he has read it, with his legal acumen he would have made out a better case than he has done. In the very first place, by my amendment, it is not the Dominion Government that prohibits.

Hon. Mr. LYNCH-STAUNTON: Yes, it is.

Hon. Mr. CASGRAIN: I see the honourable gentleman has not read it.

Hon. Mr. LYNCH-STAUNTON: I think the honourable gentleman has had that motion put into his hands and has not read it himself. It says the Dominion, at the request of the province, will prohibit it.

Hon. Mr. CASGRAIN: No, no. The motion was not put into my hands. Although I am only a land surveyor, I drafted it on this desk without showing it to anybody. Very often amendments are turned down; so I decided that this should be my own. It is so clear that he who runs may read. It simply says that a province, if it likes, may ask this Government to give it the option either to have prohibition or not to have it. The province may leave conditions as they are, or it may change them. The honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) knows that. Then what does this Government do? It simply delegates its powers. I have obtained legal opinion on this point, and I say that this Government has a right to delegate some of its powers to a province.

Hon. Mr. BELCOURT: Honourable gentlemen,—

Some Hon. SENATORS: Question.

Hon. Mr. BELCOURT: I want to say just a word. What the honourable gentleman sitting at my right wants is this—

Hon. Mr. BENNETT: Does he want it?

Hon. Mr. BELCOURT: —that, in any province where prohibition is desired and is in force, there should be no license issued for the distilling of alcohol except for such purposes as are properly exempted, as stated by my right honourable friend opposite (Right Hon. Sir George E. Foster). I agree with those who object to this proposed amendment, that it goes further. I do not think it is open to this Parliament to declare that any province which has accepted prohibition shall have it. I agree with the honourable gentleman from De Salaberry (Hon. Mr. Béique) and the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), that it has not the power to grant or to refuse prohibition, but we can declare that in any province which has adopted prohibition no license shall be issued to brewers or distillers. I think this amendment can be changed to cover that ground, and that ground only, and thus not be open to the objection which has been raised to it. My idea would be to cover the narrow limits of medical, sacramental or industrial purposes, as it is only consistent that that should be done.

Hon. Mr. BEIQUE: It is perfectly well known that the legislature of the province of Quebec has prohibited brewers from manufacturing beer containing alcohol exceeding a certain quantity, and its right to do that has not been and cannot be challenged. If the legislature of the province has been able to do that under the constitution it could have prohibited the manufacture of beer entirely. That was open to the legislature to do: it has the right to prohibit the manufacture of beer or of alcohol as it chooses. I am in favour of the idea, but what I object to is that this implies that the power is within the Dominion Parliament. It is not a power that rests with us at all. When in a legislature the manufacture of alcohol is prohibited, the Dominion Parliament has the power to require, for the purpose of revenue, that the manufacture be under license; but it has no power to declare as to whether alcohol shall be manufactured or not.

Hon. Mr. MITCHELL: I think it would be more consistent if the honourable gentleman had framed his amendment so that the province of Quebec could manufacture or distill its own liquor. It seems to me very inconsistent that, although a province has a liquor law, yet it is bound by the law of the Dominion Parliament to go to other countries to purchase its liquor. If the Saskatchewan Government or any other provincial government wants temperance it has a perfect right to it, and, according to what I know and have heard of the constitution of this country, only the Federal Government has a right to interfere with imports or exports of liquor.

The Hon. the SPEAKER: Are you ready for the question?

Hon. Mr. CASGRAIN: I understand the honourable gentleman from Ottawa wants to move an amendment.

Hon. Mr. BELCOURT: No, I do not want to interfere. I simply suggested a change in this amendment to cover the point I had in view.

Hon. Mr. CASGRAIN: Can I have it left to the next sitting of the House?

Some Hon. SENATORS: Question, question.

Hon. Mr. CASGRAIN: Call in the members. I want the yeas and nays; I want a record of this vote.

The proposed amendment of Hon. Mr. Casgrain was negatived.

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

INSURANCE BILL

THIRD READING

Bill 58, an Act to amend The Insurance Act, 1917—Hon. Mr. Dandurand.

LOAN COMPANIES BILL

THIRD READING

Bill 59, an Act to amend The Loan Companies Act, 1914—Hon. Mr. Dandurand.

TRUST COMPANIES BILL

THIRD READING

Bill 60, an Act to amend The Trust Companies Act, 1914—Hon. Mr. Dandurand.

CRIMINAL CODE BILL

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 93, an Act to amend the Criminal Code.

Hon. Mr. McDONALD: I move that this Bill be not now read for the third time, but be amended by adding to paragraph d of section 14, the following words after the word "skill":

—in which the contestant or competitor pays money or other valuable consideration.

Hon. Mr. DANDURAND: I have no objection to that amendment.

Hon. Mr. PROUDFOOT: It seems to me that the addition of those words does not mean anything, and that it is going to spoil the section as it stands. The amendment in paragraph d is clear and precise as it is, and to my mind the addition of these words would do away with any value there may be in the section.

Hon. Mr. DANDURAND: The amendment would add to paragraph d, so that the section would then read:

Subsection one of section two hundred and thirty-six of the said Act is amended by inserting the following paragraph immediately after paragraph (c) thereof:—

"or (d) disposes of any goods, wares or merchandise by any game or mode of chance or mixed chance and skill in which the contestant or competitor pays money of other valuable consideration.

Even if that amendment were not there it would seem to be implied, at all events it would in practice be implied, that the one who would dispose of any goods, wares or merchandise by any game or mode of chance, or mixed chance and skill, would draw some consideration therefrom. His only object would be to obtain a gain through some game or mode of chance. So that, with those words added, we would only be defining more exactly what a party who would fall under this Act would aim to do, namely, to get money or other valuable consideration. That is why I have no objection to adding those words. They do not disturb the economy of the Act; they simply express the fact that the amendment is limited to a game of chance or skill in which the participant pays money, because it has been alleged that there were many advertising schemes in which the participants were not asked to give any money. The object is to except from the operation of this clause advertising schemes in which no immediate money return is asked from the participants in the scheme.

Hon. Mr. PROUDFOOT: I quite understand that, but it seems to me that the added words are not applicable to that particular section, and that if you add those words you do away with the value of the paragraph.

Hon. Sir JAMES LOUGHEED: I fail to appreciate the contention of my honourable friend from Huron (Hon. Mr. Proudfoot). The reasons advanced by the mover of the amendment appeal to me as creating a situation which should be protected. For instance, a business man may dispose of any of his goods so long as he does not receive money from a game of chance or a contest which he may invite. The essential evil of the present situation, as disclosed in a case mentioned by my honourable friend the leader of the Government, is this, that certain fraudulent devices are placed upon the market by which their active promoters become the recipients of substantial sums of money, as they induce the public to enclose with their guesses, or with their participation in the device, a certain sum of money. If several hundreds or several thousands, or even a greater number, should participate in devices of that kind, the House can understand what a very large accumulation might proceed from that source. But what evil could come from our allowing a reputable newspaper to say, "We will give a trip to Europe to those of our subscribers, who make a certain guess correctly," so long as they do not receive any money from it?—for that is the evil. It seems to me it would not be right to invade such spheres where money does not pass.

Hon. Mr. PROUDFOOT: But they are getting consideration.

Hon. Sir JAMES LOUGHEED: Where is the wrong? No gambling propensity is exercised by reason thereof. If no money is staked upon the contest, it seems to me no evil arises. The essence of the offence is that the fraud presupposes a large contribution of money from the participants, and the object is to stop those fraudulent devices to secure money in that way.

The proposed amendment of Hon. Mr. McDonald was agreed to.

THIRD READING

Bill 93, an Act to amend the Criminal Code.—Hon. Mr. Dandurand.

QUEBEC HARBOUR ADVANCES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 78, an Act to provide for further advances to the Quebec Harbour Commissioners.

He said: Honourable gentlemen, I have been asked to give the details of the amount of $1,500,000 covered by this Bill. I have a detailed statement in my hand, but I would first like to say that the money is intended to cover a period of three years—the present year and the two following years. Inasmuch as these works form an ensemble which will not be completed before three years, it is deemed

proper to allow the Harbour Commissioners this credit in order that they may enter upon their scheme with the knowledge that it will be brought to completion.

Item No. 1—Dredging for three seasons, $210,000.

This item is to cover the cost of operating the Commissioner's Bucket Ladder dredge, for three seasons. The dredging to be done during the above period, will consist of widening out the entrance of the river St. Charles basin, widening out the basin to uniform lines and grades, and removing materials that accumulate at the various berths, so as to maintain the standard depth of 35 feet at low tide.

Item No. 2—Quay-wall River St. Charles, $729,152.

This item is to cover the cost of continuing the Louise embankment quay wall in the river St. Charles in a westerly direction for a length of 600 feet, to make a junction with the lock walls in river St. Chales.

This work is required to enable completion of the filling in of the embankment, and will provide an additional steamship berth 500 feet long, and an additional quay surface area of about 200,000 superficial feet which is required for the accommodation of coal and other storage grounds.

Item No. 3—Elevator alterations, $25,000.

This item is to cover the cost of alterations and mechanical improvements for the grain elevator No. 2, in order to render the operations more efficient.

Item No. 4—Paving floor of Shed No. 26 in wood, $18,000.

A new floor at this shed is required, as the present old floor, from long use has become so worn as to render the work of trucking goods at difficult and costly operation.

Item No. 5—Paving floor of Shed No. 19 and Quay Surface, $20,598.

This item is to cover the cost of laying down a 2½-inch tongued and grooved flooring in shed 19, and surfacing the quay front and open wharf at east end of shed with concrete. This work is required as the present shed and wharf planking is worn out and requires to be renewed.

Item No. 6—Breakwater facing, $53,470.

This item is to cover the cost of rebuilding the river face of the old breakwater, for a length of 880 feet. This work is rendered necessary owing to the fact that the wharf timbers from low water mark up to coping level have become decayed, and are no longer capable of retaining the filling materials in wharf.

Item No. 7—Shed No. 29 increasing foundations, $20,000.

This item is to cover the cost of certain alterations and additions to the foundations of shed 29 rendered necessary by the uneven settlement, due to the varying depths of the sand filling on which the shed has been erected.

Item No. 8—Indian-Cove, reconstruction of wharf, $30,000.

This is to continue the work of reinstalling of the long wharf at Indian Cove damaged by floods as previously reported and which work has already been approved to the extent of $53,900.

Item No. 9—Six new floating fenders.

This item, amounting to $4,800, is to cover the cost of providing 6 new floating fenders of 8 feet diameter for the protection of vessels moored at pier No. 1.

Item No. 10—Painting grain gallery bents, $6,000.

This item is for painting the exposed iron works out of the dock front grain galleries which have not been painted since erection, and are now depreciating for want of painting.

Item No. 11—Gantry grain loader—Departmental works, $5,000.

This item is to cover the cost of installing the machinery, electrical wiring, etc., in the travelling grain loader, structural steel work, which was completed last year and is now ready to receive machinery.

Item No. 12—Surface concrete between Sheds Nos. 18 and 26, $2,520.

This item is to cover the cost of laying down concrete paving, to replace the present decayed planking over the space between the landing sheds 18 and 26 along the dock front. This part of the dock front will then conform with the concrete quay surface of pier No. 1.

Item No. 13—Railway lines, $15,000.

This item is to cover the cost laying down additional railway lines to serve the space at the western end of the embankment which will be made available for use on the completion of the work provided for under item No. 2 of this memorandum.

Item No. 14—Fixed fender at berth shed No. 26, $113,191.

This item is to cover the cost of constructing a fixed fender for a length of 300 feet along the river face of pier No. 1 at shed No. 26 berth. This fender will take the place of the present floating fenders at this part of the frontage and will keep vessels at this berth clear of the wharf, as do the present floating fenders, except in case of severe storms of easterly wind, when they may become misplaced or be carried away, thus allowing the vessel to come in contact with the wharf and be liable to injury. It is to avoid this contingency and to make this berth as secure as possible under all conditions, that it is considered advisable to replace the floating fenders by a fixed one for a length sufficient for one vessel's berth.

Item No. 15—Oil tank, $42,275.

The commissioners have entered into an agreement with a company for the erection of oil tank for the supply of fuel oil to vessels berth in Louise docks. This amount is to cover the cost of laying down the pipes, installing the valves and other appliances required to complete the installation.

Item No. 16—Coal tower foundations, $17,572.

This is to cover the cost of replacing foundations for coal towers on the area leased of the Canadian Import Company on the St. Charles frontage, and there is a continuation of a contract by which the commissioners lay down similar foundations in the wet dock for the same purpose.

Item No. 17—Parc St. Charles Company—Arbitrators' award, $51,539.58.

This item is to provide the amount required to pay La Cie Parc St. Charles amount of arbitrators' award on which the commissioners have to pay yearly interest at 6 per cent.

Item No. 18—Piers at entrance of St. Charles river, $125,000.

This item is to cover the cost of constructing guide piers at the entrance to the river St. Charles quay frontage, in order to protect vessels from the bank on the northern side of the entrance works to render the navigation into this part of the docks easy and secure.

Item No. 19—Landing stage and overhead passage at sheds Nos. 25 and 26, $30,000.

This amount of $30,000 is to cover the cost of constructing landing stage over shed No. 26, similar to the one now over shed 18 and connecting this landing stage with the Immigration building by overhead passage ways, to take the place of the present passage way which is not suitable for the purpose.

Hon. Mr. ROBERTSON: For the purpose of obtaining information, may I inquire of the leader of the Government as to the reason or necessity for departing from what I think has always been the custom of Parliament, to vote such sums of money as are required to carry on the public business for the period of the fiscal year succeeding the Session of Parliament. I understood him to say that this money would be expended over a period of three years. I think it would be interesting to the House if the honourable gentleman would tell us why that was thought necessary.

Hon. Mr. DANDURAND: If my honourable friend will look at the Bill he will find that it is not a vote of money, but that it is simply an authorization to the Harbour Commissioners of Quebec to issue debentures, in order to raise that amount of money, and that the debentures will only be issued as the actual need occurs. These debentures will be taken up by the Finance Department when the Marine Department, which has the control of these works, has authorized them or is satisfied that the expenditure is necessary in order to carry on the operations for which it is sought to issue the debentures.

Hon. Mr. ROBERTSON: Notwithstanding that, these debentures are guaranteed by the Government through the Department of Finance.

Hon. Mr. DANDURAND: They are taken up; it is the Finance Department that advances the money.

Hon. Mr. ROBERTSON: Yes, I understand that, and that therefore Parliament is now asked to approve appropriations of money to be expended through the Quebec Harbour Commission for a period extending over three years. My honourable friend perhaps may recall that when this Bill was introduced the other day I asked for certain information, namely, to what extent the present facilities for the handling of traffic through the port of Quebec were utilized or whether they had been utilized up to the present time. If they have, I think it would be interesting to the House to have more detailed information of the necessity of spending the amount referred to, particularly No. 2, for the extension of walls, and so on, for the accomodation of more ships.

Hon. Mr. DANDURAND: I may inform my honourable friend that no farther back than last week there were transatlantic steamships which were unable to get berths because all facilities were in use at the time. I myself a few weeks ago saw a considerable line of transatlantic steamers waiting. There were two C.P.R. steamers of the largest type, and two of the White Star Line, I think, although my recollection is not clear on that point. Many of the ships that come up to Montreal are obliged to stop at Quebec, and two of those ships that came in could not be accommodated because the facilities where they could have berthed were already occupied.

Hon. Mr. CASGRAIN: Honourable gentlemen, I have a very unpleasant duty to perform, but, as I believe it is my duty, I will do it, even if I make enemies. I draw the attention of this House to item No. 17: Parc St. Charles Company. It will be within recollection of the right honourable gentleman opposite (Right Hon. Sir George E. Foster) that there was a big row about this very item in the other House last year, and that the then Minister of Justice was compelled, if I remember correctly, to drop it. Am I right in that?

Right Hon. Sir GEORGE E. FOSTER: No, not quite. If my honourable friend will allow me to explain—

Hon. Mr. CASGRAIN: Certainly.

Right Hon. Sir GEORGE E. FOSTER: Leaving all the anterior circumstances aside, it is known, I suppose, to both sides of the House that there was a claim, that there was an arbitration, and that there was a resultant judgment given, and consequently a liability established. An item was put in the Estimates to cover that amount. That was in the later days of the Session, just before prorogation, and when the item came to be discussed in the House the present Speaker of the House of Commons made the statement that the money which was supposed to come from that vote had already been expended in the Yamaska election, that the same should never have been allowed, and that it would be a public scandal to allow it to pass. Upon which the leader of the Government immediately rose, and said that under such an allegation made by a member of Parliament he would strike out the vote, but that he would also make pro-

vision by which, either before a judge or a commissioner—and it was a judge—an investigation should be held into the whole thing, and that the member making the accusation or any other person who wished to support it would be able to appear to establish the fraud or the wrong if there was one; he would not allow the item to pass until such an investigation had been made. It was dropped. The court was constituted, but the accuser in the House of Commons refused to appear before the court, saying, I believe, that he would prefer to go before a Committee of the House. The court met, but there were no accusers and there was no case tried. There it remains. It appears that the present Government purpose paying it.

Hon. Mr. DANDURAND: No. I beg my right honourable friend's pardon.

Right Hon. Sir GEORGE E. FOSTER: I withdraw that and let what I have stated go as my explanation to my honourable friend.

Hon. Mr. DANDURAND: The details of the projected expenditure of $1,500,000 came from the Quebec Harbour Commissioners themselves. Since the question is raised, I desire to state that the situation is at this moment a somewhat difficult one. The question was brought up last year, and is now raised again. Parliament is confronted with a judgment, which has been confirmed by an arbitration which took place, respecting the claim of persons who represented that they had suffered damages by the dredging in the St. Charles river. An arbitrator was appointed and a report was made, which was homologated or confirmed by the court, and the Quebec Harbour Commissioners, I understand, are paying interest on the amount of the judgment. They have not been able to pay the amount, because they have not the money. If the items mentioned in this statement pass unchallenged, I take it for granted that, provided the necessary authorization is obtained from the Department of Marine and Fisheries, that judgment will be discharged.

Hon. Mr. TURRIFF: What is the amount?

Hon. Mr. DANDURAND: $51,000.

Hon. Mr. CASGRAIN: And some odd dollars.

Hon. Mr. DANDURAND: As a member of Parliament I should oppose the payment of this sum if we could avoid paying it—if the matter could be reopened in some way or other. My objection goes back to the inception of the claim. My grievance is against the Harbour Commissioners of Quebec and against the Department of Marine and Fisheries if the Department has anything to do with the matter, or any control over the Harbour Commissioners' actions. The Government decided to dredge the mouth of the St. Charles river, just below the city of Quebec, where the water at high tide covers considerable low-lying land to the right of the mouth of the St. Charles river, and renders the land absolutely useless. My grievance is that the Harbour Commissioners, or the Department of Marine and Fisheries did not approach the owners of those lands that are submerged at every tide by—how many feet of water?

Hon. Mr. CASGRAIN: Twenty feet of water at high tide.

Hon. Mr. DANDURAND: —by ten or fifteen feet of water, and ask them if they would agree to allow the dredging on part of the land that came to about the centre of the river, in order that when a retaining wall were erected, thousands of feet or hundreds of acres of land, which were not then worth one cent a foot, might become valuable. Any man in ordinary business would have done that. The idea of spending hundreds of thousands of dollars to dredge a shallow river where the tide covers nine-tenths of the land on both sides, and especially to the right, for perhaps a mile, and laying themselves open to a claim for damages when the effect of these works was to enhance the value of the lands for the future, passes my comprehension. I have not yet had an explanation of the absence of forethought in starting dredging operations at that place without taking the natural precaution of saying to the owners: "Will you give us free entry and freedom of action in that channel? Here are our plans. We intend putting up walls and making valuable tens of thousands of feet of land that are now absolutely worthless." I may say that, speaking with a certain sense of responsibility, as representing the Government, I will not allow that amount to be paid until the Department of Justice has declared that we are confronted with the obligation of paying the amount and there is no possibility of shaking off that responsibility.

Right Hon. Sir GEORGE E. FOSTER: But my honourable friend will see that that that will not meet the case at all. That is exactly what was done. That is exactly

what the Department had concluded that we were up against—the fact that it was an award; that it was an award which was approved by a judge; and that that money was due and should be paid. The Department of Justic does not need to be consulted by my honourable friend. The Department of Justice is on record on that very question, and its record is that that was something due, no matter what were the anterior circumstances. They had nothing to do with the claim as it then appeared. That was the condition then, and it is the same now. But the matter became one of public notoriety. It was ventilated in the House of Commons, in which an absolutely definite, unqualified charge was made by one of the most important members of the Liberal party. The charge was that this was a fraudulent transaction, and that it was meant to meet the expenses of a party election; that the money had already been spent in Yamaska and the reimbursement was to come from that vote. Now, before this guaranteed vote of $1,500,000 is paid, it is necessary, I think, that that charge should at least be disproved. It is not fair. We must play fairly, one party with another, and it is not fair that the party now out of power should be left under that implication and charge, and no attempt be made either to prove it or disprove it, and that the money should be paid in the meantime. I think my honourable friend should conduct an investigation and disprove that charge.

Hon. Mr. DANDURAND. My honourable friend will realize that the charge was made in the other Chamber and that it was not made by myself. So I was not au fait.

Right Hon. Sir GEORGE E. FOSTER: But my honourable friend is standing for the Government here.

Hon. Mr. DANDURAND: Yes, but I may say that that item appeared in a special supplementary vote in the closing hours of last Session, and that the honourable gentleman who objected when he saw that item going through at that time was informed that the Department of Marine and Fisheries had strenuously refused up to that moment to pay the amount or consent to its being paid. I think that some one did ask for a copy of the record to be laid on the Table of the House. I do not remember whether the Government complied with the motion and deposited the record or not. However, I think the record will bear out my statement that the Department of Marine and Fisheries persistently refused to pay the amount, and that explains why the judgment rendered a year or two before had never been paid.

Right Hon. Sir GEORGE E. FOSTER: I presume that at the worst, or at the best —whichever you may call it—if the present Government pay that sum of money, they thereby deny that there was any truth or substance in the charge made in the last days of the last Parliament. Surely the present Government would not pay $50,000 or $60,000 for the purpose of debauching an electorate. Consequently, if the money is paid by my honourable friend or his Government, after what has taken place, it will be a complete exoneration on the part of the present Government of the parties charged, as they were charged during the last hours of last Session.

Hon. Mr. L'ESPERANCE: Honourable gentlemen, I was Chairman of the Harbour Commission at the time that this award was made, and I think it is due to myself to give to this House a few words of explanation. The dredging was not done by the Commission of which I was Chairman; it was done by the former Commission, headed by Sir William Price. During the time I was Chairman, and, I think, prior to that, a claim was put in by the St. Charles Park Company—I think that is the name of the firm.

Hon. Mr. CASGRAIN: La Compagnie du Parc St. Charles.

Hon. Mr. L'ESPERANCE: And with my colleagues I refused to entertain the claim until such time as an action was taken in court against the Commission. When this was done our legal advisers looked into the matter.

Hon. Mr. CASGRAIN: There is the trouble.

Hon. Mr. L'ESPERANCE: The claim was for some 350,000 feet of land.

Hon. Mr. CASGRAIN: For 384,000 feet.

Hon. Mr. L'ESPERANCE: Well, 384,000. I have not the papers before me.

Hon. Mr. CASGRAIN: I have them.

Hon. Mr. L'ESPERANCE: Yes, my honourable friend has them, and he will correct me if I am not absolutely right. I did not say 350,000; I said about 350,000. We went to the best legal advisers we had in Quebec, and finally it was decided that,

as the damage, at most, could be but a trifle, we ought not to enter into a long judicial contest. In a previous case between the Harbour Commission and some shore lot owners, the Government, through the Department of Marine and Fisheries, had absolutely declined to interfere and told the Commissioners that these were cases for them to settle. The case I have in mind took place, I think, under the previous Government, the Laurier administration. My honourable friend will, no doubt, find that in the correspondence. The Commission therefore decided to resort to arbitration. Many names were suggested. I refused to agree to arbitration unless a judge of the Superior Court was put in as arbitrator, and we would have, in that way, as we thought, all the guarantee possible. So Judge Pelletier, one of the prominent judges of Quebec, was appointed sole arbitrator. The claimants opposed this appointment as long as they could do so. They did not want him as arbitrator. The claim was for about 380,000 feet of land. During the arbitration, unfortunately, I was taken very ill; in fact, I was given up by the doctors at that time.

Hon. Mr. CASGRAIN: It was enough to make anybody sick.

Hon. Mr. L'ESPERANCE: While I was on my sickbed a further claim was put in by the claimants for some 250,000 feet, increasing the amount of the claim to nearly double. One may prefer to settle a small claim by arbitration rather than go into a long litigation in court, but if the claim is a very large one arbitration may be refused. Our attorney objected to the claim being increased, but he was ruled out by the judge, who allowed the increased claim for almost double to be put in; then he gave judgment against the Commission, and, instead of it being for 380,000 feet of land, which was the only claim we entertained for the arbitration, the judgment was for almost double, because the amount claimed was increased after the contract. It was only after I had resumed my duties as Chairman of the Commission that I learned of this. Had I been made aware of this at the time, I should have refused to go on with the arbitration for an increased claim.

We consulted our attorneys, who were of opinion that we would have to pay for the first amount claimed, but not for the amount as increased. We therefore took up the matter with the Marine Department; but the law officers in that Department, or in the Department of Justice, were of a different opinion from our attorneys: they advised that the fact that the claim was increased in spite of our attorneys' objections, invalidated the whole procedure. Our attorneys in Quebec advised us that if we took action to have the whole award nullified we would be likely to lose in Court—that it would be much better for our Commission to effect a settlement on the basis of the first amount claimed. The Department of Marine and Fisheries took the case out of our hands and we, of course, could not then make a settlement with the claimants. I was of opinion that we could have settled on the basis of the first amount claimed. The authorities in Ottawa, however, differed, and took the case away from our Commission, and put it in the hands of their own lawyer, Mr. Lafleur. In the court of first instance the Marine Department lost. They went to appeal, and lost again. I do not remember exactly whether the case went as far as the Supreme Court.

Hon. Mr. CASGRAIN: Yes, and they won in every Court against the Harbour Commission.

Hon. Mr. L'ESPERANCE: They went to every Court and lost because our attorneys in Quebec claimed that they did not go the right way about it. Instead of admitting the award on the first claim, they asked that the whole award be thrown out. In so far as the Quebec Harbour Commission was concerned, I am sure I need not tell this House that, neither directly nor indirectly, was there any question of conspiracy or dishonesty in this case, as was suggested in the other House. I fought the case as hard as I could along with my colleagues, and we waited until an action was taken in the Superior Court against us before we took any action whatever; in fact, we did not even answer the first demand. Now, it is up to the Government to settle this case in the best way they can. It was taken out of our hands at a time when, I think, we could have settled for about half the amount.

Hon. Mr. CASGRAIN: This looks very much like a real comic opera. This land is a mudbank covered with 15 or 20 feet of water at high tide. I have sailed over it nearly every day in the summer-time during my youth. The title came down from the Kings of France who gave it to the Jesuit Fathers, and they were not very particular about limits in those days.

They said: "You can have four leagues deep; that will take you up to where the mountains are in the north, and you will start, not from this little river Lairet, but you will start a little farther up, and go down to the Beauport river, and that will be the northern boundary of your property." That was in the year 1626. They did not think that title was good; so in 1637 there was some affirmation and some increase in the land, and in 1651 there was another deal, always with the Jesuits. While the Jesuits were in possession they sold to one Jean Trefle Rottat. I may say that I spent the greater part of last night studying these documents, at the request of somebody. This Rottat is the author of all the titles: he starts the line of title. When he bought from the Jesuits he bought no beach lots; he bought riparian rights; he bought what we call utility rights—the right to use the water to sail on or to pass over or to fish in, but not any proprietary right to the bottom. However, the bit of land seems to me to be a sort of a mudbank. I believe the honourable gentleman (Hon. Mr. L'Espérance), who was Chairman of the Harbour Commissioners at the time, became very sick, and I absolve him or the Commissioners, or Sir William Price, of any wrong; but the matter got into the law courts on the question of title, and one bright day they said, "Let us have an arbitration about this." The arbitration went on for three or four months, and then the claimants asked for delay, and they raised the ante. They were asking $96,000 for this mudbank. It was not worth 5 cents. Nobody would have it. They never paid a cent of taxes on it. They raised the ante from 334,000 feet to just about double. The mudbank is big, and it is in the river; you can call it as large as you like. What we should have in the first place is a survey to define the boundaries. In our province we get two or three surveyors to do that, for they must be defined with great precision. That is the first thing to be done. Some say—and it is on the record—that land is not even located where the expropriation took place. I know Judge Cyrias Pelletier, a most lovable man, but they seem to have put it all over him; and, mark you, honourable gentlemen, in all the litigation there was never any adjudication on the merits of the case. All the litigation was on the question whether the award should be maintained or not.

Hon. Mr. DANDURAND: If the arbitration was final.

Hon. Mr. CASGRAIN: Yes, that was the only thing. Judge Brodeur says: "The price is preposterous, but you do not submit that to us." Here are the Harbour Commissioners represented by their lawyers, who go to court with the lawyers of the claimant company, and after the claimants raised the ante and doubled the area of the site, and so on, the Harbour Commissioners still say that the case should go on. They should have said: "If you want to raise the ante and double the area that we have to expropriate, we will not have anything to do with it." But that was not the position they took at all: they kept right on telling their attorneys: "Get this award from this man." Judge Pelletier awarded $51,300 and some odd. I waded through these documents the better part of last night. I do not pretend to be a lawyer in any way; I am a surveyor; but it would be awfully hard for me to go and mark the boundaries of this property, and I would have to be a much older man before I would find where the property is at all, although I am a land surveyor. I defy anybody to go and find any boundaries on this property.

Hon. Mr. L'ESPERANCE: Does my honourable friend say there was a reconsideration?

Hon. Mr. CASGRAIN: No, I absolve the Harbour Commissioners thoroughly, and also Sir William Price, and the men who were in office at the time of the suit, and others who were in before that. The matter was taken out of the Superior Court; that is where the trouble is; then they had an arbitration, and only went to the Court to find out whether the arbitration was final or not. That question was submitted to the Superior Court and the Court of Appeal, and afterwards to the Supreme Court. Naturally if two parties agree to a final arbitration, you cannot get that reversed unless there is something wrong; but any wrong can be redressed under the British constitution. They should define the limits of that property, and if the property is not where they say it is, why should we pay the money?

Hon. Mr. DANDURAND: What about the Government?

Hon. Mr. CASGRAIN: If the property is not there at all, would the Government have to pay this money?

Hon. Mr. DANDURAND: The Court said so.

Hon. Mr. CASGRAIN: They said the arbitrator was right, but the arbitrator

should be shown to have been wrong. Get some ingenious lawyer, and he will be able to find what is wrong. Sir Richard Cartwright said in this House, in my hearing, that a very great lawyer had said to him: "That is my opinion, but if you had told me you wanted something else I could have given you equally good reasons the other way." I am glad we have a categorical promise by the leader of the Government in this House that this money will not be paid without some more information than we now have, and that the limits will be defined so that we shall know whether the property is there or not.

Hon. Mr. TURRIFF: It has been stated all around that this land has absolutely no value. If that be so, in what way do the damages come in? The land was improved by the dredging of a channel.

Hon. Mr. DANDURAND: Yes, it has certainly been improved.

Hon. Mr. TURRIFF: Then why would any claim be made for damages if there was no damage done, but if, on the contrary, the land was improved?

Hon. Mr. CASGRAIN: I do not agree very much with the idea that there is an improvement, because anyone who is familiar with the river knows that it is a mile, or a mile and a half, from the jetty to the shore. The file shows that boundaries of this property are to the north, not to the south arm of the river St. Charles. There is a delta between the two little channels, and as a matter of fact anybody owning any riparian rights would stop at the high-water mark, and anything else would be only rights of utility—the right to navigate or fish there, or put fisheries in; and in the old times of the Colony that was the thing that was valued very much by the farmers—the right to put out those long fisheries so as to catch eels, etc., and some of them drew a better revenue from that than from the farms they had cleared. They possessed riparian rights, but they had no right to the bed or bottom of the land. They say in this regard that even the King of France had no right to the bottom of the river.

Hon. Mr. REID: I rise to ask the leader of the Government if, when we consider this matter in Committee, he will bring down a statement showing the revenues and expenditures of the Harbour Commission for the last five or six years, so that we can discuss that also?

Hon. Mr. WATSON: Is there any revenue.

Hon. Mr. REID: We will find that out. I want to correct a statement made by the honourable leader of the Government. He led the House to believe that after all the dredging that was done in the St. Charles river, there should have been a dyke built behind it, and more land made.

Hon. Mr. DANDURAND: According to the plans, I think it is intended that it shall be so.

Hon. Mr. REID: But the honourable gentleman knows that that was exactly what was done—that the soil that was excavated was disposed of in the way the honourable gentleman states it should have been done.

Hon. Mr. DANDURAND: It is not done yet.

Hon. Mr. REID: Yes, it was done, and I will explain. All the land made at that time the dyke was built, from where the railway crosses, for a long distance and across, was made with the dredging taken out from under the water on the Limoilou side.

Hon. Mr. DANDURAND: It has been recovered?

Hon. Mr. REID: Reclaimed, and the Government owns the land. In addition to that, I might say that the land all the way from the outer pier to the railway bridge was reclaimed, and piers built all along there, and that was all filled in by the soil that was excavated from the river; so that, as far as the dredging was concerned, it was all taken and put in to reclaim the land, first on the Limoilou side, and then to make berths and wharves all the way from the railway clear down to where the long pier in the river is built.

Hon. Mr. DANDURAND: But the honourable gentleman agrees with me that the works have had the effect of giving value to thousands of feet of land which remains with the owners.

Hon. Mr. REID: It has given value to the land behind, but I have always been under the impression that where Governments make improvements such as those made by the Commission in Ottawa the neighboring property is improved, and the owners of it get the advantage. The Government cannot buy all the property because they improve it.

Hon. Mr. TURRIFF: Yes, but those people do not claim damages.

Hon. Mr. REID: No, but this claim is for damages for land taken by the Government.

Hon. Mr. DANDURAND: The land that was under water.

Hon. Mr. REID: The land that was under water, I admit, but the Government intended, if they had gone on with this work, to build a dyke and do further dredging, and reclaim that land. I mention this matter only to show that what the honourable leader of the Government stated should have been done was done.

Another point, with reference to this judgment that was mentioned, is that the Government of the day put into the Estimates the amount awarded, so that it was open for every one to see what it was for. When there was any difficulty they did what has always been done: they instructed the Justice Department to put it in the Courts, and when judgment was given by the Courts, even though it did not satisfy some of the ministers, it was accepted, as it has always been the policy of every Government to recognize the decisions of the courts. They insist on private individuals doing that, and they should do it as a Government. Unless the Government admit that the statements of the honourable gentleman who made those charges are untrue, or unless they have them investigated, I will oppose the vote of this amount in every way, shape, and form, until we have from the Government an ackowledgment that they are recognizing what the highest courts in this country say was just and right in so far as any claims are concerned.

Hon. Mr. CASGRAIN: I agree absolutely with the honourable gentleman. I think he is perfectly right in asking that the information in reference to the Quebec Harbour Commission's receipts and expenditures be brought down; but by way of comparison you might add the harbours of St. John and Halifax.

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

The Senate adjourned until 3 p.m. this day.

SECOND SITTING

The Senate met at 3 p.m., the Speaker in the Chair.

CORRECTION OF STATEMENT

On the Orders of the Day:

Hon. Mr. BEIQUE: With the leave of the House I desire to correct a statement that I made this morning in referring to the prohibition law of Quebec. I stated that that province had prohibited the manufacture of beer, with the exception of that containing only a given quantity of spirit. On referring to the Quebec Act, I find that this has been done by refusing to permit the sale.

Hon. Mr. CASGRAIN: That is what I told you.

Hon. Mr. BEIQUE: But it is the exercise of the same power, and I have no doubt that it is within the power of the legislature to prohibit the manufacture of beer or spirits.

Hon. Mr. CASGRAIN: I accept your apology.

QUESTION OF PRIVILEGE

On the Orders of the Day:

Hon. Mr. CASGRAIN: Before the Orders of the Day are called, I would like to rise on a question of privilege. This morning I asked, seconded by the honourable gentleman from Halifax (Hon. Mr. Roche), who rose in his place, that the names be taken and entered in the Minutes, and I was refused that request. Rule 52 says:

> If two Senators require it, the "Contents" and "Non-Contents" are entered upon the Minutes.

I would like to ask the Speaker of the House on what authority I was refused.

The Hon. the SPEAKER: I have to apologise to the honourable gentleman, because I did not have the rule before me at the moment, and I had always understood that five Senators must require it.

Hon. Mr. CASGRAIN: That is no excuse. You should know your business.

Hon. Sir JAMES LOUGHEED: How many are required?

Hon. Mr. CASGRAIN: Two.

Hon. Mr. DANDURAND: If my honourable friend had had the privilege of sitting in the other House for some time, he would easily have understood how His Honour the Speaker, who had that privilege, made the error. It is all the fault of my honourable friend.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. CASGRAIN: The fact remains that I was very anxious to have the names recorded, and I was denied that privilege when I was within the rules of the House.

Hon. Sir JAMES LOUGHEED: You were calling for the yeas and nays.

Hon. Mr. REID: You can get them next Session.

QUEBEC HARBOUR ADVANCES BILL

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 78, an Act to provide for further advances to the Quebec Harbour Commissioners.

Hon. Mr. Fisher in the Chair.

On section 1—short title:

Hon. Mr. REID: I should like to know if the honourable the leader of the Government has the information I asked for this morning.

Hon. Mr. DANDURAND: Will my honourable friend be satisfied if I start from 1913?

Hon. Mr. REID: Oh, yes.

Hon. Mr. DANDURAND: The annual receipts and expenditures on account of revenue have been as follows:

Year	Recepits	Expenditure
1913	$226,020	$239,728
1914	287,194	267,835
1915	251,872	261,862
1916	282,327	288,474
1917	267,812	321,476
1918	437,496	418,252
1919	389,502	438,673
1920	322,397	387,619
1921	387,323	335,303

Hon. Sir JAMES LOUGHEED: What is the total deficit?

Hon. Mr. DANDURAND: I have not had an opportunity of adding the figures.

Hon. Mr. REID: May I also ask the leader of the Government what is the total amount that has been advanced to the Harbour Commissioners up to the present time?

Hon. Mr. DANDURAND: The total expenditure made by the Quebec Harbour Commissioners for harbour improvement since the reorganized form (three members only) was adopted in 1913 to January 31, 1922, amounts to $6,993,946.43. The total amount authorized for advance on loans to the Commissioners for harbour improvements under the different enabling Acts is $7,000,000. With the above expenditure the Commissioners have added the following to the original harbour facilities:

The dredging of a basin 800 to 1,000 feet in width, 35 feet deep at low tide; and the provision of new berthing space by the widening and extension of the old Princes Louise Embankment for approximately 2,500 lineal feet.

The building of a new concrete grain elevator of 2,000,000 bushels capacity, with power-house and generating plant complete, and with two and four-belt conveyer galleries to the berths along the new embankment.

The construction of new fireproof cargo sheds 776 feet by 75 feet and 1,000 feet by 102 feet respectively, fronting the embankment, their structure carrying the tracks for operating four gantry cranes for handling mixed cargo from or into the sheds, and several travelling grain loaders for spouting grain from the conveyer galleries to the vessel's hold.

Provisions of a railway yard, locomotives and other rolling stock, locomotive repair and storage house, with tracks to all berths and sidings.

A new three-storey cut stone office building housing the offices of the staff of all operating departments, and the Commissioners offices and board room.

Purchase of a large property known as Indian Cove on the Lévis side of the harbour and the repairing of the old pier or wharf thereon, some 3,000 feet long, this forming an excellent storage and repair yard for floating plant and equipment and materials, and the construction of cribs for wharf building.

The provision of necessary dredging and other plant, and equipment, including gantry and locomotive cranes and a floating crane of 50 tons capacity, with tugs, scows, etc.

The rebuilding of shed No. 26 on pier No. 1, provision of an elevated passenger landing space at shed No. 18, and office quarters in freight sheds for use of shipping companies and customs officers; the paving of wharf areas about sheds, and the roadways, with concrete and brick and shale blocks.

Hon. Mr. REID: I know the work that has been done there, and I think the amount expended, roughly $7,000,000, has been well expended. It has made a good harbour of Quebec, and has given it facilities to which it was entitled for many years past, and which are required now. However, there is another question which the honourable leader of the Government has not answered as plainly as I should like. What I asked for was the actual amount of

money received in connection with the harbour, and whether the expenditures were the actual expenditures in connection with the operation, or whether they included also the interest advanced on the money. For example, take the first item. The expenditure was $239,728. I take it for granted, knowing the work that has to be done there in connection with operating trains and vessels and dredges and so on, that that merely represents the expenditure in connection with the operation, and does not include the interest.

Hon. Mr. DANDURAND: The honourable gentleman is right.

Hon. Mr. REID: If I am right in that respect, the operation of the harbour work is costing the country roughly the interest on $7,000,000, or, in round numbers, about $400,000 per annum, and when we advance another $1,500,000, it will entail upon the country a loss in interest of between $400,000 and $500,000 as well as the amount by which the expenditures in connection with the operation exceeds the receipts. I have not added the figures but they would show quite a deficit.

Hon. Mr. ROBERTSON: $106,000.

Hon. Mr. REID: I want to mention that, so that we shall fully understand the situation.

Another question I should like to ask the honourable gentleman is this. I notice in the press that the Harbour Commission have very materially reduced the charges in connection with the operation. With a view to assisting the port of Quebec they have abandoned fees such as are collected at all other harbours. I have no objection whatever to that, so long as it is not going to be a serious matter for the public, who as a whole must pay any deficit. Has the leader of the Government any idea of how much more this will reduce the receipts—because it seems to me that the items that are being reduced will very seriously affect the revenues of that port.

Hon. Mr. DANDURAND: I may tell my honourable friend that my information does not go beyond his own—that I learned only through the press that there had been a reduction in some wharfage dues, and comments were quoted from some newspapers as to the effect this would have. I read that the answer given was that the revenue might perhaps be decreased for some time to come; but the idea was that the policy would increase the traffic and bring about a larger income before long. That, in a few words, was what I read as the answer.

Hon. Mr. REID: What I cannot understand is how it would increase the revenue. You are cutting it off altogether.

Hon. Mr. DANDURAND: It would attract more trade.

Hon. Mr. REID: It may attract more traffic through the port, but will not that increase the expenditure in connection with operation? If you double the traffic without getting any revenue, of course you increase the cost of operation. I have always understood that to increase business of any kind takes a larger operating expenditure. If you increase your revenues you will of course have more profits; but if you double the business and increase the cost of operation and then cut off your revenues, what will be the result? You will certainly increase the cost to the country. The country will have to pay, as I understand, not only the $400,000 or $500,000 in interest —not only the present losses, but another $100,000 a year. What I desire the country to understand is that the policy the Government is adopting will mean a cost to the country of probably $600,000 per annum for the operation of this harbour.

With regard to further construction, I understand from the little experience I have had that the present facilities of the harbour are adequate. The elevator at Quebec is not used to the extent of one-hundredth of its capacity; therefore no additional elevator accommodation is required. There are more berths for vessels at Quebec than are used now, or will be used for some time to come, unless there is other traffic in sight; and I cannot see that the traffic will develop so quickly that the Government ought to undertake immediately enlargements which would cost $1,500,000, and add a liability of from $90,000 to $100,000 per annum in interest alone, for all time to come. This is, to my mind, one of the works that should be held over by the Government until there is some necessity for it. I would like to see the harbour at Quebec do ten times its present business, and if there is anything we can do to increase it, we shall be glad to do it; but I am satisfied that the expenditure intended under this vote is unnecessary. It should not have been placed in the Estimates. The Government, in view of the present financial situation, should not agree to spend $1,500,000 in this way.

Hon. Mr. DANDURAND: The honourable gentleman has in his hands the detailed memorandum furnished by the Harbour Commissioners of Quebec; so he can judge for himself, by examining one item after the other, the necessity for these expenditures. He has had sufficient experience to be able to pass judgment on these items. I should not like to see the entire request dismissed by my honourable friend with a sweep of the hand before he looks at each of these items, and judges each upon its merits. I have read these items, and, although I am but a layman in this matter, many of them seem to me to be of pressing necessity. I cannot express as definite an opinion on every item, because I do not know the conditions in the harbour. There is the Commissioners' statement. These expenditures will be controlled and will have to be sanctioned by the Department of Marine and Fisheries. I do not know how far that control goes, but there is that safeguard surrounding the expenditure to be made at the port.

Hon. Mr. REID: I may say to the honourable leader, that I was not in the House —I was out just a few moments—when he read those items this morning. I would like to look over them now, if it is at all possible. To anything that is absolutely necessary in connection with the harbour I have no objection, but it does strike me, from my knowledge of the situation there, that this expenditure is not necessary.

Hon. Mr. ROBERTSON: While my honourable friend (Hon. Mr. Dandurand) is obtaining that information for the honourable gentleman from Grenville (Hon. Mr. Reid), I desire to state that among the nineteen items my honourable friend read this morning there are only one or two items to which, at first glance, I should take exception. One was the item discussed before adjournment at one o'clock. I think every honourable member of the House is fully acquainted with that, and it need not be further discussed at the moment. The other item which I question the advisibility of accepting and adopting, is the sum of $729,000 for an extension of the Louise walls six hundred feet for the accommodation of additional ships. The port of Quebec, I think, has at present greater facilities than probably any other port in Canada handling the same amount of business. All the money should be expended upon it that is necessary for the proper handling of the business that offers, but I think that any honourable gentleman who has visited that port and kept in touch with its development must know that there have been works constructed there at an expenditure of hundreds of thousands of dollars, and in many cases the advantages have not been used at all up to the present time. The honourable leader of the Government stated this morning in reply to an inquiry that only a few days ago it happened that there were at the port more ships than could be berthed at one time. I can quite appreciate how that occurs. One day about a year ago I happened to be in the city of Quebec and saw an incident of that kind. Five ocean liners came up, each almost within sight of the other. Three of them could be seen at the same time from the promenade in front of the Chateau. All wanted to dock—for what? For about an hour, or an hour and a half, to discharge passengers and mail, but not to handle any freight. At the same time there were probably a score of vessels in the port of Montreal waiting to get to the dock to load or unload cargo. It is not a fair representation of the facts to say, because four or five boats came up the river and arrived at the port of Quebec almost simultaneously, each of them having about an hour's work to do in discharging a few passengers, that the facilities at Quebec are inadequate to handle the business. I do think, from what general knowledge I have of the situation there, that the sum of $729,000 could be expended in many ways that would bring greater benefit to the people of Canada than in building further wharf facilities at the port of Quebec.

A very substantial number of the items that my honourable friend enumerated for repairs and upkeep, I think, should certainly not be held up; but those two items, that of $729,000 and the item discussed before adjournment, are important matters which should receive most careful consideration by this House before the Bill is approved.

Hon. Mr. REID: I may say to the honourable leader that in this statement that the Harbour Commissioners have submitted there are certainly some items which unquestionably should not be proceeded with at the present time. Let me take the items as they are. The first one is:

Dredging for three seasons, $210,000. This item is to cover the cost of operating the Commissioners' Bucket Ladder Dredge for three seasons.

There is no doubt at all that no dredging is required around the present completed works. There is no dredging needed in front of the long wharf where the Empresses land. The berths are all completed. This item is included merely for the purpose of doing work which I have not the least doubt can and should be delayed till better financial conditions justify its being proceeded with, and that will be when the harbour of Quebec is getting three or four times more business than it is doing at the present time.

Where is this dredging to be done? Before starting with the dredging you will have to build more dykes. To repeat the statement I made this morning, all the dredging that has been done up to the present time was used to fill in. Dykes were built, and berths were built, and all the material was placed there, and it made very valuable property for the Harbour Commissioners and saved them from the necessity of expropriating other property. So the cost of doing that was money well spent. The same is true of the Limoilou side. Now, this work should not be proceeded with at the present time, nor until we decide on very much larger works, if the time should come when the harbour ought to be enlarged.

The next item is:

Quay Wall River St. Charles, $729,152.
This item is to cover the cost of continuing the Louise Embankment Quay Wall in the River St. Charles in a westerly direction for a length of 600 feet, to make a junction with the lock walls in River St. Charles.

I think that no honourable member of this House who knows the situation could at all justify extending that wall at the present time. This is not at the front of the river, where the Empresses land; it is not around the several other berths that have been made. This quay wall has been extended already from the main wharf, where the Empresses land, away up the St. Charles river. In my judgment it is doubtful that this quay wall would be used for many years to come. Betwen the main wharf and where this would commence, there are quay walls enough to take care of all the vessels that will be required for some years. Quebec already has the main wharf along the river, where the Empresses land, and then the other berths all along, away up to within 600 feet of the Bridge. Surely that is sufficient accommodation for years to come. I venture to say that there has not been a day since their completion that every one of these berths has had one vessel in it at one time; and every berth that is there will accommodate not merely one, but several vessels. So, if we are not using the present capacity to any great extent why should we start in to complete the quay wall and do the dredging proposed. I see now that they want the quay wall continued and the dredging done to dump the material in behind this quay wall and simply use it as has been done with every single foot of material that has ben dredged up to the present time.

So I cannot see why the items of $729,000 and $210,000 should be passed. I think it is an almost criminal proceeding, with financial conditions as they exist, to pass these two items, which together amount to nearly $1,000,000, and place on this country a liability in perpetuity of $60,000 per annum.

The next item is for elevator alterations. Of course, no one could object to an item of that kind. If there are any alterations required in the machinery necessary for the operation of the elevator they should be made. The elevator should be kept in the very best condition, so that any grain that may be there, coming in or going out, can be dealt with in the most economical way.

The next item is: "Paving floor of shed No. 26, $18,000." A new floor is required. Of course, that should be attended to.

The next item is: "Paving floor of shed No. 19, and quay surface." That should be done. That is for repairs.

"Breakwater facing, $53,470. This item is to cover the cost of rebuilding the river face of the old breakwater." That is all in bad repair and the work should be done.

The next item is: "Shed No. 29, increasing foundations. This item is to cover the cost of certain alterations and additions to the foundations." That should be done.

"Indian Cove, reconstruction of wharf, $30,000." I believe that nothing ever goes to that wharf at Indian Cove at all. It was constructed and intended to be used by the Transcontinental Railway. The Transcontinental ran down from Quebec Bridge past Indian Cove into Champlain market, but there is very little traffic on the Transcontinental into Champlain market. Practically no freight goes there on the railway, for this reason. The Government purchased from Mackenzie and Mann a small piece of railway,

eight miles long, running right into the Canadian Pacific and Canadian Northern terminals, so that now all passenger and freight traffic goes there, and the track down to Champlain market is, I understand, used only for local passenger traffic. The wharf at Indian Cove will not be used for a long while. Items 9, 10, 11 and 12 cover work and repairs which should be done. Item 13 is a small one, and the work should be done if necessary for switches. As to item 14, no doubt the Commission feel that that is an improvement or repairs, and that should be done. The oil tank, item 15, is something that should be done, as it is for the benefit of the port and of navigation. Item 16 is for repairs that should be done. As to item 17, in my judgment the award of the arbitrators $51,539.59, be paid. Should I hold that when the Courts give a decision, even though it is against my views, I must accept it. Though I may not have always agreed with a judge's opinion, I have never yet gone back on it or criticised it, and I take it that when the Government puts a case in the hands of the Exchequer Court—

Hon. Mr. CASGRAIN: But they did not; they only put it before the arbitrators, which is very different.

Hon. Mr. REID: As I understand, the case was put before the court, and the court decided. I would not object to that except in this respect. When the item was put in the Estimates last year the present Prime Minister and those associated with him objected to it because of the statement made by one of their supporters in whom they had confidence, that he could prove that the transaction was dishonest. I think the Government of that day did right in holding the item over until that was cleared up. I think the present Government should now assume the responsibility, for they say that the statement made by that honourable gentleman was not correct. They were right in taking objection at that time; but now I think it is up to them to say that the charge was unfounded and, they should not pay the award until they are in a position to give the House that assurance. Regarding item 18, practically the only vessels that can go into the basin inside of the railway are small fishing vessels. Large vesels of any great depth only get in at high tide, for two hours a day. Therefore there is no necessity for this work; and since the general works were constructed we have had no demand for those piers. The late Government had no demand of this kind from the Commission, and I do not see why we should start in now and spend this large amount, $125,000. In my judgment it is hardly fair that such work should be proceeded with at present. The last item, for Landing stage and overhead passage at sheds, covers work that I think should be done, because, so far as the passenger traffic is concerned, large vessels now go to Quebec that cannot go to Montreal, and as time goes on I believe their number will increase. The building of those sheds would afford better facilities for landing and examining passengers and getting them away quickly. For the small amount involved I think work of that kind should be proceeded with at once.

On the Quebec harbour we must of course pay whatever deficit there may be. There is no way of collecting the amount, and the Dominion Government must assume it. So long as we are called upon to pay the losses, amounting to $7,000,000, surely works that are not required should not be proceeded with now. I say deliberately that they will not be required or used for some time, and they should not be gone on with until the leader of the Government shows us that the present facilities are working up to their capacity. I venture to say it is absolutely impossible to show that at present.

Hon. Mr. CASGRAIN: Was it under the honourable gentleman's Department that those works were going on? I know that the works on the river St. Charles were started under the Laurier Government.

Hon. Mr. REID: The reason I have a little better knowledge than others on this matter is that it was necessary for me, in connection with the Department of Railways and Canals, to visit Quebec at different times and take in the whole situation. In addition to that, between 1913 and up to and during the war period, I assisted in carrying on Departments of other Ministers when they were absent, and in that way I had to become intimate with the situation.

Hon. Mr. CASGRAIN: I am very familiar with this matter, as Quebec is my native city, and I lived there until I was twenty-nine years of age. The mistake was made under the Laurier administration when they agreed to construct a barrage on the St. Charles river. It had no

sense on God's earth. It meant that the only drainage of the whole valley of the river St. Charles was interfered with.

Hon. Mr. L'ESPERANCE: That was not undertaken by the Harbour Commission.

Hon. Mr. CASGRAIN: No. The river St. Charles is the natural outlet for the sewage of St. Roch and other places, and some bright engineer—I do not name him, though I know his name—advised a plan by which the Government blocked the outlet of the river somewhere near the railway bridge, necessitating the construction of a collecting sewer by the city of Quebec on the city side, costing a million dollars, and on the Limoilou side, costing another million. I repeatedly protested against that to all our friends, and the city of Quebec protested. When Hon. Mr. Monk was Minister of Public Works I went to him and said: "There is no sense in this: you are blocking the outlet for the sewage of Quebec and of the northern portion with this barrage. Instead of holding back the water to flood some land that somebody wants to sell, you should dig and make the sewerage better, and not compel the city of Quebec to build those costly collecting sewers to take care of the sewage, costing as much as the property." But nothing happened. When the Hon. Mr. Carvell was Minister of Public Works, I went to him and protested in the same way against the blocking of the outlet of the river that was carrying away the sewage of a city of 100,000 people. He went down to Quebec, and the matter was quiescent, as far as I know. Why it should have dragged on for eleven years till another Administration came in I do not know: they were not committed to that. I do not know whether those works are going to be completed. There is no stronger partizan of the Government than myself, I will admit, but I cannot agree with them when they want to block the river St. Charles, which is the natural outlet of the sewage of Quebec. I cannot imagine why they are dredging to get there—which is what we are arguing about—and paying, or promising to pay $51,000 for a mud-bank that is in the way of their getting there. Governments come and Governments go, but people who want to get money out of the Government seem to manage to get there.

Hon. Mr. WATSON: They go on for ever.

Hon. Mr. CASGRAIN: They go on for ever, as my honourable friend says, but I say that barrage should be done away with. My honourable friend the ex-Minister of Railways knows that I went to him when he was Minister and begged him not to spend any more money on Port Nelson in Hudson Bay—and I was right, as following events proved.

Hon. Mr. REID: I want to say to the honourable leader of the Government that in my judgment they are simply proceeding with the work that was part of the scheme mentioned by the honourable member (Hon. Mr. Casgrain), to get away up inside of the railway bridge; then they were going to make two dry-docks right alongside at the railway bridge. Then, in order to let vessels in at high tide—

Hon. Mr. CASGRAIN: Twice a day.

Hon. Mr. REID: Yes; then they blocked it. Those gates were there to keep the water in, and all the time the water was held there, St. Roch was being flooded, and there was no possible way for the sewage to run out of St. Roch or Limoilou. That portion of the work was withheld for future development. I am satisfied that if any Minister looked into that matter thoroughly he would prevent any further proceeding up to the other end, for the moment you carry out that scheme and block up the outlet, you will have to pay St. Roch or the city of Quebec millions of dollars for damages on account of their having no sewer; and the same is true of Limoilou. The other portion of the work from the railway bridge to the berths in the Louise basin, the building of the elevator, and providing other facilities, no one can object to, as all those things were necessary and were well done.

So far as I am concerned, with the knowledge I have, I could not possibly vote for this Bill in its present condition. I am in favour of doing everything possible to keep the Quebec harbour and its facilities right up to date, and making it as good a port as can be found, according to its requirements.

Hon. Mr. CASGRAIN: You could not make it better than it is.

Hon. Mr. REID: No, you cannot. The Harbour Commissioners did excellent work. We are bound, because of the advances which were made by the Dominion Government, and because we hold the bonds against those works, to assume the annual loss of interest on the amount advanced.

Hon. Mr. CASGRAIN: That is like the cost of St. John and Halifax harbours.

Hon. Mr. REID: I will come to that in a moment, and explain. There is no way to get over any loss connected with the operation of the Quebec Harbour except payment by the Government; we must carry on; but I object to going on with that great big scheme, or any portion of it, at the present time.

I would ask the leader of the Government if he will not lay this matter before his colleagues, and give it a little further consideration, and see if they cannot strike out or reduce the amount of at least some of those items I have mentioned. If he can do that we might let the Bill go through with whatever is required for the repairs, or whatever is necessary to carry on. If he can do that I would like to see him do it, and amend the Bill. If he cannot, I am sorry, but I shall have to cast my vote against the whole Bill, because, as this is a money Bill I understand we have no power to reduce. If the Government will not agree to do as I suggest I will have to vote against the passing of the Bill in its present form.

Hon. Mr. L'ESPERANCE: Perhaps the House would like to hear from somebody in Quebec who knows something about that port. I have not the items before me, but I understand from the newspapers in Quebec that when this amount was put in the Estimates by the Government, this $1,500,000 was going to be spread over five years.

Hon. Mr. DANDURAND: Three years in some cases.

Hon. Mr. L'ESPERANCE: As regards the dredging, it is certainly very important. The channel is filling all the time there, and has to be dredged. Vessels drawing some 35 feet are coming to Quebec, and we do not know that vessels will not require a still greater depth in two or three years from now.

Hon. Mr. DANDURAND: At what point is the channel filling?

Hon. Mr. L'ESPERENCE: Where it was dredged towards the Limoilou side. Wharves were built to allow a dredging of 40 feet, and the dredging was actually done to 35 feet, with the intention of dredging to a greater depth if necessary. Now, it might prove very serious to the port of Quebec, should we refuse to allow this dredging to go on. In two or three years ships with a greater draught may be coming there. When the plans were made in the first place, and the work on the building of those wharves began the understanding was that the channel would be dredged to 40 feet, so the wharves were built accordingly; but if you are going to stop the dredging and say you will not go deeper than 35 feet, you may defeat the object for which the dredging was done and for which the wharves were built in the first instance.

Hon. Mr. LYNCH-STAUNTON: Have you any reason to expect vessels drawing more than 35 feet?

Hon. Mr. L'ESPERANCE: I can only say the vessels are being built to-day drawing more water, and well-known naval engineers will confirm what I say, because I got this information from one of the most eminent of them, who told me that ocean ships to-day, in order to make more money, must draw more water. Up till now the great mistake made in naval construction, he tells me, has been in building ships too long for their draught; and, in order that their full possibilities for carrying freight at a low rate may be utilized, they must be built so as to draw more water. We may therefore assume that as time goes on ships will be built with an increased draught. But even if that were not to happen within the next two or three years, I know that the channel where it was dredged accumulates sand every year by the discharge of the river St. Charles, and therefore some dredging must be done there every year: next year, or within two years from now, if no dredging is done, it may be filled up to 30 feet so that even the vessels coming to-day would not be able to dock. I understand that the sums we are now called upon to vote are to complete the works that were approved when the harbour improvements were submitted and approved in the first instance. They were to go on as far as the mouth of the river St. Charles. This has nothing whatever to do with the locks and the dredging of the river St. Charles which my honourable friend spoke of a minute ago, because the Harbour Commissioners, when the St. Charles project came along, refused to have anything to do with it, and told the Government: "You must do this under a separate Department, because the Harbour Commissioners will not assume this work."

Hon. Mr. CASGRAIN: They did not want it.

Hon. Mr. L'ESPERANCE: They may not have approved of it, but it has nothing to do with the present Bill.

Hon. Mr. REID: Oh, yes, it has.

Hon. Mr. L'ESPERANCE: No; as I heard the items read to the House to-day, it has nothing whatever to do with the other project in the river St. Charles. It is simply to extend this wharf, which is now about 4,000 feet in length, for another 500 or 600 feet; and, while the dredging is being done the filling in would go on, and the land thus redeemed, would, I am sure, be worth more than the actual cost of construction. For this reason, I think the dredging should not be curtailed. If it is, a great injury will be done to the port of Quebec. So before voting on the matter every honourable gentleman in this Chamber should give it his careful consideration.

My honourable friend has very little objection to the other items with the exception of the claim of the River St. Charles Park Company. I have very little more to say in that regard. My honourable friend (Hon. Mr. Casgrain) spoke of a conspiracy. That is an ominous word. The decision to arbitrate was taken after a great deal of consideration. My honourable friend is not a lawyer, but he can consult lawyers. The arbitration was not so much to decide who was the owner of the land, as to decide on the question of damage. There was a case of the Harbour Commissioners against Dussault, which went as far as the Privy Council.

Hon. Mr. CASGRAIN: Another case.

Hon. Mr. L'ESPERANCE: It was a similar case. I am not a lawyer, but when I have to take a decision upon a legal point, I go to the best legal advisers I can get. That was the course taken in this case. We consulted Mr. Rivard, now a judge in Quebec, Mr. Belly, who was a Minister in the late Government, and who I think no one will say is not one of the most eminent legal advisers in Quebec, and Mr. Charles Smith, K.C. These gentlemen decided that this case was somewhat similar to the Dussault case, in which the Privy Council had given judgment against the Harbour Commissioners of Quebec. I was afraid that if we went to court we might have a judgment with very heavy costs awarded against us. There was an arbitration, and, to my great surprise, for I could not see that much damage had been done to the owners of these shore lots, a large award was given against us. Where was the conspiracy? I think honourable gentlemen will admit that up to that time the action taken by the Commission was perfectly fair and reasonable. We went before a judge of the Superior Court who had been considered one of the best judges in Quebec. There is nothing dishonest in that, nothing that looks like conspiracy. I thought the award was unreasonable; and had it not been for the fact that I was sick in bed at the time and not expected to live, I would have taken the case out of the Arbitration Court the moment I heard that the claimants wished to increase their claim.

After the award, the matter was taken up with the Government, and it was decided that the whole case should be contested in the courts of justice. Now, so far as the late Government is concerned, where is the conspiracy? It went to a higher court, and the court having adjudged against the Government, they submitted. I do not see any conspiracy there. There may have been an error in judgment, but there was no conspiracy. I may say that when I have had the management of public funds, I have always taken more care than I do in the management of my own. I gave this question serious consideration, and it was only when a judge of the Superior Court was selected as arbitrator, that I accepted the arbitration. If this was an error of judgment, I am quite willing to take my full share of the responsibility. But where was the conspiracy? The Minister of Marine and Fisheries blamed us for entering into an arbitration, and he went to the courts and fought the case, but lost. What else could he do then but pay the claim?

I am only sorry that I cannot present the case of the Harbour Commission of Quebec in as clear language as my honourable friend could do it. I think it is a very fair case. I have given the reasons which, in my humble opinion, fully justify the passing of this Bill.

Hon. Mr. CASGRAIN: The honourable gentleman said the question of deciding the value of the title was not submitted to Judge Pelletier.

Hon. Mr. L'ESPERANCE: I did not say that.

Hon. Mr. CASGRAIN: Or, you submitted the title?

Hon. Mr. L'ESPERANCE: We had to submit the whole question, but it was more especially the question of damage.

Hon. Mr. CASGRAIN: There is no "more especially" in an arbitration. Here is the judge saying that the Park Company bought the land, and that the title went back from So-and-so to So-and-so, on down back to 1626; and yet it is said that he did not give judgment on the title, although if any one can find a title in that rigmarole, it is more than I can do. The honourable gentleman who has just spoken has been a member of the Harbour Commission of Quebec for a long time. Can he tell anybody why they want to dredge when they have 40 feet of water from the Custom House right up to the Quebec bridge, and a railroad line right along a large area of railway lands where they could have the finest terminals in Canada?

Hon. Mr. REID: I want to clear up some of my remarks that might be misunderstood. I do not wish it to be understood that I was stating that this was $200,000 worth of dredging was up beyond the railway bridge. It was between the railway bridge and the other end. The Harbour Commission stopped work just where this work is to commence. If you are going up on the other side of the bridge you will have to commence here first; therefore you will have to spend $1,000,000, and will again have trouble with regard to the sewage. It is possible that when there is a change of Harbour Commissioners the view may be taken that the work should have gone on; but, since it was stopped, I have never found any one who was not of the opinion that it should stop where it did.

It is now contended that this work should be done at once in case big vessels should come along in the next two or three or four years. The largest British vessel afloat to-day is, I think, the Olympic, a vessel of 47,000 tons, or some other vessel of that class. With the present facilities the Olympic can go right up to the city of Quebec and land her cargo. The only reason these large vessels do not go there, is, I think, because they are somewhat afraid of the present route. There is no likelihood of such vessels going to Quebec within the next few years; even if there were, vessels drawing 40 feet of water could find plenty of accommodation by the Customs House.

At the present time the Transcontinental railway runs from the Champlain market up to the bridge, where, with very little expense, wharfage and facilities for unloading onto the railways could be provided.

Hon. Mr. L'ESPERANCE: The property will have to be bought first. It does not belong to the Harbour Commission.

Hon. Mr. REID: The honourable gentleman knows that the Dominion Government has expropriated that land. Of course, the Quebec Harbour Commissioners would have to buy it, but they would be buying it from the Dominion Government.

Hon. Mr. DANDURAND: I move that the Committee rise, report progress, and ask leave to sit again on Monday, when we will take up this matter, and when I will try to have the Deputy Minister here with a plan of the harbour showing these works.

Progress was reported.

BANKRUPTCY BILL

FURTHER CONSIDERED IN COMMITTEE

Hon. Mr. BENNETT, by leave of the House, presented the report of the Banking and Commerce Committee on Bill 107, an Act to amend the Bankruptcy Act.

On motion of Hon. Mr. Béique, the said report, with the Bill, was referred to the Committee of the Whole, and the Senate went into Committee thereon.

Hon. Mr. Blain in the Chair.

Hon. Mr. BEIQUE: If honourable gentlemen will look at Bill 107, I will endeavour to make the points clear in as short a time as possible.

Section 2 of the Bill reads as follows:

> Moreover, an order of the court, whether made heretofore or hereafter, granting leave to extend or apply to any such corporation the Winding-up Act, shall not be invalid or subject to any objection by reason only that the corporation had previously made an assignment under the provisions of this Act, or that proceedings in bankruptcy under this Act were at the time pending against the corporation, and in any such case the provisions of the Winding-up Act shall apply and prevail, and the bankruptcy proceedings shall abate subject to such disposition of the costs thereof to be made in the winding-up proceedings as the justice of the case may require.

It will be noticed that this section refers to orders of the court "whether made heretofore or hereafter." Objection was taken to the word "hereafter," so the word "whether" and the words "or hereafter" were struck out.

Hon. Mr. PROUDFOOT: What is the object of keeping the Winding-up Act in

force at all, now that we have in the Bankruptcy Act the provision for these assignments?

Hon. Mr. BEIQUE: Under the Winding-up Act the machinery is provided for the winding-up of the affairs of corporations, and when the Bankruptcy Act was passed it was intended to give power to the judge to direct that the winding-up take place under either the one or the other. The new section was intended to cover two purposes: first, to make clear that the law was intended to apply to cases of the past; also to apply it for the future. The honourable member from Hamilton (Hon. Mr. Lynch-Staunton) has taken very strong objection to the clause in so far as it would apply to future cases, because he claims it would be the means of enormously increasing the cost. I do not take responsibility for the amendment, but the Committee has agreed to it and so reports. The honourable member for Hamilton may in a few minutes state the reason why he made the objection.

The next clause—

Hon. Mr. BELCOURT: Does the honourable gentleman not intend to dispose of this first?

Hon. Mr. BEIQUE: I think it is better to give an explanation of the amendments, so that they may be better understood.

The next clause of the Bill is 4, on page 2, and deals with section 30 of the Act, on assignments of book debts. Under the section as it appears in the statute book a question arose as to whether the assignment was good in provinces where there is no machinery for registration. There was a difference of opinion as between the province of Ontario and the lower provinces. In one case it was held that the assignment was good without registration; in the other case it was held that the assignment was not good without registration. Clause 30 as printed in the Bill is intended to clear up that question, but an addition is made in order that the clause may have no retroactive effect. Either the assignments are legally binding or they are not. If they are binding, the assignee should have the benefit. If they are not binding, the mass of creditors should have the benefit of the law. Therefore this subsection was adopted by the Committee:

Section 30 of the said Act is further amended by adding there to subsection 3 as follows:

(3) Subsection one of this section shall not be deemed to apply to any assignment of existing or future book debts made prior to the date of its enactment, and any such assignment shall be subject to and governed by the provisions of section 30 of this Act as enacted by chapter seventeen of the Statutes of 1921.

The bearing of this amendment is merely to prevent the clause having a retroactive effect.

Hon. Mr. PROUDFOOT: Are we going to deal with each clause as we go along, and show the amendment made by the Committee? It strikes me that would be the better way.

Right Hon. Sir GEORGE E. FOSTER: Then take the first one.

Section 1 was agreed to.

On section 2—Winding-up Act to apply in certain cases:

Hon. Mr. PROUDFOOT: I object to this clause. I think, now that we have a Bankruptcy Act, that all procedings under the Winding-up Act should be done away with. Every lawyer who has any experience under the Winding-up Act knows perfectly well that it is a most expensive Act under which to proceed. Under the Bankruptcy Act proceedings the estate is wound up quickly.

Hon. Mr. BEIQUE: The object of the amendment is to keep it under the Bankruptcy Act.

Hon. Mr. PROUDFOOT: I asked the honourable gentleman a few moments ago and understood from him that the Winding-up Act would still be in effect.

Hon. Mr. BELCOURT: Not in cases which are now being dealt with under the Winding-up Act.

Hon. Mr. LYNCH-STAUNTON: The amendment has put it the way the honourable gentleman (Hon. Mr. Proudfoot) desires.

Hon. Mr. PROUDFOOT: I did not understand the honourable gentleman's (Mr. Béique's) explanation.

Hon. Mr. BELCOURT: Not quite that way. I think what my honourable friend (Hon. Mr. Proudfoot) means to ask is, why do you not take away from the Winding-up Act the cases which are now being wound up, as well as future cases? It does not apply to cases now being dealt with.

Hon. Mr. LYNCH-STAUNTON: To cases that are already under the Winding-up Act.

Hon. Mr. BELCOURT: That is what the honourable gentleman complains of.

Hon. Mr. PROUDFOOT: No; I refer to the future cases.

Hon. Mr. LYNCH-STAUNTON: It is now in the form which the honourable gentleman desires.

Section 2 as amended was agreed to.

Section 3 was agreed to.

On section 4—avoidance of general assignment of book debts; proviso that foregoing provisions not to apply where registration under a Provincial Act; further cases where section 30 not to void assignments:

Hon. Mr. PROUDFOOT: What is the amendment there? I have a strong impression that assignments of book debts which are made bona fide should not be made void as the section provides. One can readily understand why. I have a case in point where the book debts were assigned not very long prior to the assignment to the trustee. Yet according to the section as it reads such an assignment is voided. I think protection should be given to a bona fide assignment for a valuable consideration.

Hon. Mr. BELCOURT: That is a question which I discussed at some length in the Committee and which I thought the Committee was going to deal with. I understood that the point was left to this Committee to deal with, but I am sorry to find that it has not done so. I thoroughly agree with my honourable friend. You declare void and invalid any assignment of existing or future book debts; it does not matter how long before the bankruptcy such an assignment may have been made. You can well conceive that today a merchant, in order to meet a temporary difficulty, may have borrowed from some person the sum of $1,000. He may pull through and continue to carry on business for a year, two, three or four years and then become bankrupt. The assignment which the borrower made was bona fide and absolutely valid when it was made, but because the person borrowing the money becomes bankrupt four or five years after, that assignment is declared void. I do not think that is fair. It is quite possible that the borrowing of the money has enabled the merchant to pay all his debts and continue his business. It may have been the salvation of the business carried on by him. Why that should be condemned I cannot see. I am sorry the Committee did not deal with the question, because to me it seems a serious one.

Hon. Mr. DANDURAND: The Committee discussed it at length and came to the conclusion that the adoption of the proposal would open the door to fraud. Balancing the possible danger which my honourable friend sees with the great danger of fraud being perpetrated by the debtor against the creditors generally, the Committee decided to leave the clause as it is.

Hon. Mr. BELCOURT: That is not my understanding of the intention. My understanding is that this matter was to be dealt with by the sub-committee—that it was left with the sub-committee to be dealt with. At all events that has not been done. Let us not waste time, but let us deal with it now. I suggest that the point raised is one of considerable importance. Honourable gentlemen will notice that by this section an assignment of existing or future book debts in all cases is made void if it is followed by bankruptcy. The bankruptcy may not take place for four or five years after the assignment, yet that assignment, which was absolutely valid and perhaps beneficial to the creditors generally at the time it was made, is declared to be void.

Hon. Mr. BEIQUE: It is irregular for any honourable member of this House to refer to what has taken place in Committee, but I have no objection in this case. The honourable member forgets that he raised that question and the Committee decided against him. There was nobody to support his contention.

Hon. Mr. BELCOURT: I am not going on that ground at all. The report is before the Committee of the Whole now.

Hon. Mr. BEIQUE: I refer to the honourable gentleman's statement that the committee was to do a certain thing and it has not been done.

Hon. Mr. BELCOURT: I am sorry if I have hurt my honourable friend's feelings. Perhaps I should have said I thought the sub-committee was going to deal with the question.

Hon. Mr. BEIQUE: The honourable gentleman raised the question and a vote was taken on it. Of course it is open to the honourable gentleman to raise the question before this honourable House.

Hon. Mr. BELCOURT: That is what I am doing.

Hon. Mr. BEIQUE: And I have no objection to the honourable gentleman doing

that. And I may say that I am Vice-President of a Bank, and in advancing this argument I am speaking against the interest of the institution to which I belong; for it is known that banks to a very large extent take assignments of books debts. But I want to show the motive of Parliament and to place before the House the position as it appeared when the Bankruptcy Act was passed originally. I am quite sure that I speak within the recollection of the honourable leader on the other side of the House and that he will bear me out in what I say. The question was discused at that time and it was contended that in each province there should be a means of registering assignments so that they might be known to the public; that it was unfair for a merchant buying goods to get credit for large amounts on his stock and on the assumption that he was possessed of his book debts, whereas he had in fact parted with the main portion of his assets; and that, therefore, only assignments that were published by registration should be protected. That was the ground upon which Parliament acted at the time. A question arose as to whether this provision was carried out or not, and there was a difference of opinion in the judgments to which I have already referred. The clause was therefore amended as printed in the Bill, to cover the doubt that existed. The proposed amendment, however, affected past assignments, and the secretary of the Banking Association asked that this additional amendment be inserted in the Bill:

> Subsection 1 of this section shall not be deemed to apply to any assignment of existing or future book debts made prior to the date of its enactment, and any such assignment shall be subject to and governed by the provisions of section 30 of this Act as enacted by Chapter seventeen of the Statutes of 1921.

So you leave to the parties their rights as they have existed before this Act is passed. As to whether it is the desire of Parliament to validate assignments of book debts without registration, it is for them to say.

Hon. Mr. BELCOURT: My observation has to do only with assignments in the future.

Hon. Mr. LYNCH-STAUNTON: This section is not nearly so wide as some honourable members seem to think. The first subsection declares when an assignment shall be void Then there are two provisos which cut it down very much indeed. The first proviso is that if there is a law in the province requiring assignments to be registered like chattel mortgages or deeds, then any such assignment which is registered in accordance with that law is not made void under this section.

Hon. Mr. PROUDFOOT: If there is a statute in any province providing that assignments of book debts shall be registered.

Hon. Mr. LYNCH-STAUNTON: There is a law in some provinces; there is not in Ontario. There are further clauses here that ought to be looked at to find out the extent of this matter. It is provided in the last paragraph that:

> Nothing in this section shall have effect so as to render void any assignment of book debts, due at the date of the assignment —

That is one; and

> —from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made bona fide and for value, or in any authorized assignment.

All those provisos bring down the enactment to cover only assignments of future book debts. Then banks have a clause in that document which they now get everybody to sign who borrows money from them, that all the debts you may have between now and the end of the world shall belong to them if you continue to owe them money. You may not have any book debts at all to-day; you may not have any for twenty years from now; but if in twenty-one years you are still dealing with the bank and you have book debts, that assignment covers them. The banks bring it under that case in England, Talby vs. Official Receiver, where it was held that in the assignment of book debts, a chose-in-action, as it is called, it is not necessary to specify them. So this enactment is only to prevent a wide assignment giving things which may come in future, and to my mind it is a very proper one, and does not take away the rights of a man who gets an assignment on an existing chose-in-action—on an existing book debt—for money now advanced, or as security, or who gets an assignment, in other words, covering anything that is not now in existence but that may become due before the assignment. It appears to cover those drag-net assignments made to the bank. The provisiion is not nearly so wide as one might think. The honourable gentleman from De Salaberry (Hon. Mr. Béique) says that the representative of the bank was there, and he said: "I prefer that this should not be passed, but the law in some parts of the country has rendered it

impossible for us to take asignments, and if you will legislate I am satisfied with this."

Hon. Mr. PROUDFOOT: While the subsection does limit the value of those assignments, yet it does not cover a broad assignment. As the proviso stands it is absolutely necessary for you to give the name of the person who is the debtor, and whose account is being assigned. It does not cover—

Hon. Mr. LYNCH-STAUNTON: It does cover existing debts.

Hon. Mr. PROUDFOOT: For existing debts at the present time you would have to put in the name of the debtor. My idea is that we should have a clause similar to this, and I move that the following words be added after the word "assignment" in subsection 1:

Provided that the foreging subsection shall not apply to a bona fide assignment for valuable consideration.

Hon. Mr. LYNCH-STAUNTON: Does not the last clause cover that? I think if that is adopted we might as well cancel the whole section.

Hon. Mr. McMEANS: That is what the law is now.

Hon. Mr. LYNCH-STAUNTON: That is what the law is now.

Hon. Mr. BEIQUE: The section is intended to remove the difficulty, and you open it.

Hon. Mr. LYNCH-STAUNTON: If that amendment is accepted, and then one borrows money from a bank and signs one of those assignments of his future book debts, that is bona fide and for valuable consideration; so you might as well refuse to pass the whole section.

Hon. Mr. PROUDFOOT: No, let the section stand with that proviso in it.

Hon. Mr. LYNCH-STAUNTON: But the proviso is in there, and it is just the same as cancelling it. The only evil, if it is an evil, that this enactment aims at is the assignment of future book debts that are not registered. Well, if the honourable gentleman puts in a claim that all assignments of book debts—which includes future book debts—must be made bona fide for consideration, the assignments to the banks come in that. Now, all assignments of existing book debts made bona fide and for good consideration are protected in the last words of the last proviso in this section.

Hon. Mr. PROUDFOOT: Providing you put in the names of the parties.

Hon. Mr. LYNCH-STAUNTON: No, providing you comply with the form of the law in your assignment; and your amendment does not take you any further than that.

Hon. Mr. BELCOURT: Does my honourable friend think that the law does not affect assignments in the future?

Hon. Mr. LYNCH-STAUNTON: All existing book debts. It will not affect in the future an assignment made to-morrow; it will leave assignments made to-morrow as they were yesterday—all existing book debts.

Hon. Mr. BELCOURT: It will surely prevent an assignment of existing and future book debts?

Hon. Mr. LYNCH-STAUNTON: Not of existing, but of future book debts—assignment of future book debts after the passing of this Act. If to-morrow you make assignment of book debts that you expect to have two years from now, this will affect it. If you make an assignment of book debts which you have at the time of making the assignment, this will not affect it at all.

Hon. Mr. BEIQUE: That is not quite my understanding of the clause; I understand that an assignment of book debts is valid wheter registered or not, as regards all collections which are made or debts which are due up to the time of the assignment. The assignment is made to-day of book debts, and the debtor who has made the assignment of his book debts fails in a month from now; then the assignment will be good for the book debts that mature up to the time of the assignment, but not for those that mature after the assignment, unless the assignment has been registered and made known. But it is open to any province that has no means of registration to adopt the registration to enable the making of assignments of debts.

Hon. Mr. LYNCH-STAUNTON: I think the honourable gentleman has overlooked this point, which is stated in the last proviso, that this shall not apply or render void any assignment of book debts due at the date of assignment from specified creditors. That is clear. That is the first case. If I have assigned a book debt from John Smith and specified it in my assignment, and it is due at the time of the assignment, it is not affected. Then it goes on

and makes another exception—"or of debts growing due under specified contracts." Now, that means this, that if a customer goes into a bank and produces a number of accounts for goods sold to his customers which are to come due, we will say, in three months, or six months, he can only make an an assignment of those book debts, so far as this section is concerned. Thus we have two exceptions; first, those that are due at the date, and second, those which are coming due from customers, or any assignment of book debts included in the transfer of a business. Now, the third one is not a case between the bank and the creditor, but it is a case where I sell a business, and also sell the book debts as a going concern. So there are three cases excluded: first, those that are due; second, those that are coming due, and, third, those that are assigned for a present consideration. Of course, this applies only to existing debts. A man goes into the bank and says: "Here I have a hundred accounts; they amound to $50,000 taken together; they are maturing at three, six and nine months; I will assign these accounts to you as security for this money that I am borrowing from you." Those accounts are clearly excepted from this section, and are left to be governed by the law, whatever the law was before the passing of this section. So that, when one analyses it, the effect of this Bill is this —that it only deals with assignments of book debts which a man cannot specify or describe, because they may not be existing at the time when he makes the assignment to the bank.

Hon. Mr. BELCOURT: That is what I understood to be the meaning of the section.

Hon. Mr. LYNCH-STAUNTON: And that is what it is.

Hon. Mr. BELCOURT: No doubt that is what it is; but I want to show the Committee that there is no reason why that should not be extended to the registering of debts that may not be existing at the moment, but which may arise the next day. I do not see why that should not be done, for this reason: we all know what takes place in the course of trade; the existing accounts which are being offered may all be paid up in a month or two months, and yet the borrower may want to borrow, and may succeed in borrowing, on a term of three months. In order that that security may be a continuing security the creditor ought to have the right to look not only at the existing debts but at the debts within three months. Otherwise, you have an assignment that is perfectly legal, but if the man becomes insolvent a year after, you have a question as to the validity of that transaction. What I want to cover is the case of the man who wants to borrow not only on the accounts of to-day but on the accounts that he will have coming to him within three or six months. I do not see why that should not be done, or why, if a man becomes bankrupt in two years afterwards, he should have those accounts questioned because the assignment was not registered.

Hon. Mr. ROCHE: I want to say a word about the policy of this. Take the case of a trader dealing with another trader, and one transfers his business to another. In the meantime the trader goes to a bank and receives an advance of money on book debts and other assets. That man goes into bankruptcy. The creditors think that there is something to draw upon, and that they will be paid a portion of the indebtedness, but when they meet they find that all the assets of the bankrupt have been covered by advances made by the bank, of which the creditors in general have had no advice whatever. They simply trusted their goods to the fancied security of the property of the trader who has assigned. Now, is it advisable that the bank should gobble up everything in sight, when it means that on an unregistered document the creditors are deceived and have lost their property?

Hon. Mr. BELCOURT: Did it ever occur to my honourable friend that that money got from the bank has probably gone to the creditors? The trader borrowed that money in order to meet his liabilities, and the creditors have got the benefit of that loan.

Hon. Mr. PROUDFOOT: Referring to what was said by the honourable member for Hamilton (Hon. Mr. Lynch-Staunton), it is quite clear that the second proviso excepts certain debts; but the objection to that is this. You take in, say, a dozen accounts, and those accounts are all assigned. You have the names of the persons, and that assignment will be good under this second proviso. Then, if that is to stand, and that account is increased, or the account is changed by the merchant, the security is gone; so that my idea is that we should have the assignment of book debts very much in the same way as they existed before this Bankruptcy Act

came into effect—that is, that the banks and other people may take the security just in the same way as they did before. There was no crying evil. People must do business, and the way that they do business is by securing money from the bank. I see no reason why the bank or any individual who advances money should not be allowed to take an assignment which would be good not only as to the book debts which exist at the time of the assignment, but as to future debts. I therefore move that amendment.

Hon. Mr. BELCOURT: There is a provision of that kind to-day in the statutes of Ontario which renders valid an assignment of book debts provided certain time elapses between the date of the assignment and the date of the bankruptcy.

Hon. Mr. PROUDFOOT: The Bankruptcy Act supercedes that, though.

Hon. Mr. BELCOURT: Possibly.

Hon. Mr. WILLOUGHBY: In a general way I would like to support the amendment, but I would prefer to add that the transaction should not be invalidated for three, five or six years hence by insolvency. I really do not think that would impose a very great hardship. I do not think the case would often arise. If this provision is going to be retroactive to the time the credit is given, make it retroactive within the statute of limitations.

Hon. Mr. BELCOURT: Perhaps my honourable friend would add to his amendment: provided it is made within a certain time, say six months before the assignment.

Hon. Mr. McMEANS: You had better make it three months, I should think.

Hon. Sir JAMES LOUGHEED: Then you neutralise everything that has gone before.

Hon. Mr. PARDEE: The whole thing is shot to pieces.

Hon. Mr. BEIQUE: That is changing the economy of the Act.

Hon. Mr. LYNCH-STAUNTON: You may as well leave it out altogether.

Hon. Mr. PROUDFOOT: I will add: "where such assignment is made at least three months prior to the bankruptcy."

The proposed amendment of Hon. Mr. Proudfoot was negatived: yeas, 7; nays, 17.

Section 4 was agreed to.

On section 5—further particulars to be included in notice of first meeting of creditors:

Hon. Mr. McMEANS: I have been asked to introduce a very slight amendment to that clause. I understand it was intended to amend it in the other House as I am about to suggest. The amendment which I have been requested to make is to make the clause read:

A list of such creditors, the amount of their claims, and their post office addresses.

A gentleman who was here to look after this Bill, the President of the Credit Men's Association, said that those words were left out by an oversight. It is desirable that when a list of creditors and their post office addresses is sent in, there should be included also a statement of the amount of their claims, so that when the meeting is held that information will be available.

Hon. Mr. BEIQUE: There is no objection to that.

Hon. Mr. McMEANS: Add after the word "creditors" the words "the amount of their claims."

The proposed amendment was agreed to, and section 5, as amended, was agreed to.

Section 6 was agreed to.

On section 7—courts of bankruptcy not now to be so called:

Hon. Mr. PROUDFOOT: Why is that?

Right Hon. Sir GEORGE E. FOSTER: What are they to be called?

Hon. Mr. BEIQUE: I explained that before. Under the Bankruptcy Act as now in force, the judges of the Bankruptcy Court are appointed by the Minister of Justice; this is to do away with that system, and to permit of the administration of the Bankruptcy Act by the judges of the ordinary courts in each province. As I said before, there ceases to be any bankruptcy judge; the court ceases to be the Bankruptcy Court—it is the existing court. In Quebec it is the Superior Court.

Section 7 was agreed to.

On section 8—single judges to be assigned to bankruptcy work by Chief Justice instead of by Minister of Justice:

Hon. Mr. BEIQUE: As the Bankruptcy Court disappears, and as the Act is to be administered by the ordinary existing tribunals of the provinces, which have

their own officials who are paid by the provinces, this is to do away with the special officers who were collecting large amounts in fees. This amendment is made at the request of some of the provincial Governments who say: "We pay the expense of the administration, and we will pay the employees: the fees should not go to any special employees."

Hon. Mr. PROUDFOOT: Have you considered the effect of using the words "Chief Justice of the court" as far as Ontario is concerned? In Ontario, as I recollect it, there are two divisions of the Court of Appeal. Division Number 1 is presided over by the Chief Justice of Ontario.

Hon. Mr. LYNCH-STAUNTON: Is there not a definition in the original Act?

Hon. Mr. PROUDFOOT: I have not looked at that.

Hon. Mr. LYNCH-STAUNTON: If there is not, that had better be provided for.

Hon. Mr. BEIQUE: "The court means the court which is vested with original jurisdiction in bankruptcy under this Act."

Hon. Mr. BELCOURT: There are half a dozen chief justices in Ontario.

Hon. Mr. PROUDFOOT: As a matter of practice, the Chief Justice of Ontario has acted in all these matters and I think it advisable to have him continue; but whether these words confer jurisdiction on him or the Chief Justice of one of the other divisions I am not prepared to say.

Hon. Mr. BEIQUE: It is assigned to the Chief Justice. We must provide for the administration of the Act; and the business is to be done by such judges of the court as the Chief Justice, under whose jurisdiction the Act falls, will decide.

Hon. Mr. LYNCH-STAUNTON: But you have not provided what jurisdiction it will be under. In Ontario there is the Chief Justice of Ontario, there is the Chief Justice of the Common Pleas—and there is no Common Pleas Division, there is the Chief Justice of the Exchequer—and there is no Exchequer Division. Now, who is the Chief Justice?

Hon. Mr. PROUDFOOT: Then there is the Chief Justice of the Second Divisional Court.

Hon. Mr. LYNCH-STAUNTON: He is called the Chief Judge, I think.

Hon. Mr. PROUDFOOT: I think this matter should be looked into before the section finally goes through.

Hon. Mr. LYNCH-STAUNTON: There were Bankruptcy Courts when the Act was drawn, and when it was intended that they should exercise jurisdiction it was always stated. I think the honourable gentleman had better let this lie over.

Hon. Mr. BEIQUE: Very well, we will leave this.

Hon. Mr. BELCOURT: There is another point. In section 7 you speak of "constituted appeal courts of bankruptcy." You are repealing the law in that respect and are creating a new jurisdiction, or, rather, you are conferring the power on another court. How does that affect the right of appeal? Will there still be an appeal from the court you are creating?

Hon. Mr. BEIQUE: I think that is covered by the amendment. At all events, it may stand, and I will look into it.

Section 8 stands.

On section 7—Courts of Bankruptcy not now to be so called (reconsidered):

Hon. Mr. LYNCH-STAUNTON: Section 7 had better stand too.

Hon. Mr. BELCOURT: Yes, 7 and 8 go together.

Section 7 stands.

Sections 9 and 10 were agreed to.

Hon. Mr. BEIQUE: Now, there are the new sections 11, 12 and 13 that were added in Committee. These are very important sections; I call special attention to them. They are intended primarily, I believe, to help in settling the affairs of Riordan, but they are of general application; and I, with other members of the Committee—

Hon. Mr. BELCOURT: May I interrupt my honourable friend and tell him that he is divulging what took place in Committee?

Hon. Mr. BEIQUE: I think I am quite in order. I say that the Committee has gone carefully into these new provisions and, in my opinion, has adopted them in a very conservative way.

In 1903 or 1904, as a young member of this honourable House, I took upon myself the duty of framing an Act, which was passed

by Parliament, to provide for schemes of arrangement in the case of insolvency of railway companies. Under the law as it existed then, in case of such a failure, the railway had to be sold by the sheriff, which was destructive of the value of the property. I thought it was important that we should have in this country, as they have in England and in the United States, the power of protecting the rights of all parties concerned. Otherwise a single interested party might ruin the interests of the majority. The legislation passed at that time is to be found in section 365 of the Railway Act as contained in the Revised Statutes. I will read just a small portion of the Railway Act, because it embodies the same principle that is applied to insolvent corporations. Section 365 says:

Where a company is unable to meet its engagements with its creditors, the directors may prepare a scheme of arrangement between the company and its creditors, and may file it in the Exchequer Court.

(2) Such scheme of arrangement may or may not include provisions for settling and defining any rights of shareholders of the company as among themselves, and for the raising if necessary of additional share and loan capital.

The machinery is provided in the section, and then section 366 says:

The scheme shall be deemed to be assented to—

(a) by the holders of mortgages or bonds issued under the authority of this or any Special Act relating to the company, when it is assented to in writing by three-fourths in value of the holders of such mortgages or bonds;

(b) by holders of debenture stock of the company, when it is assented to in writing by three-fourths in value of the holders of such stock;

(c) by the holders of any rent charge, or other payment, charged on the receipts of or payable by the company in consideration of the purchase of the undertaking of another company, when it is assented to in writing by three-fourths in value of such holders;

(d) by the guaranteed or preference shareholders of the company, when it is assented to in writing by three-fourths in value of such shareholders, if there is only one class of such shareholders, or three-fourths in value of each class, if there are more classes of such shareholders than one; and,

(e) by the ordinary shareholders of the company, when it is assented to by a special meeting of the company called for that purpose.

As to that last class, the shareholders, it requires to be assented to only by a majority of the shareholders.

It was deemed proper by the Committee to recommend the insertion of a few new sections. The remarks that I am now making I am not authorized to make as representing the Department of Justice or the Government. I make them as a member of the committee merely for the information of the House. Therefore when this Bill goes back to the House of Commons, if the Minister of Justice cannot approve of the amendments, he need not feel committed to them in any way. Section 11, which is a new clause, would read:

11. Section 13 of the said Act is amended by inserting therein immediately after subsection 2 thereof the following:

"(2a) Any scheme of arrangement under which the right of participation therein of any creditor or of any shareholder of a debtor which is a corporation is made conditional upon the purchase by such creditor or shareholder of any new securities or upon any other payment or contribution by such creditor or shareholder shall provide that the claim of any creditor or shares of any such shareholder who elects not to participate in the scheme shall be valued by the Court at the amount, if any, realizable thereon upon a sale by the trustee of all the property and asets of the debtor to wind up his estate and that the value so determined shall within ninety days after the determination thereof or such further time as may be allowed by the Court to be paid to such creditor or shareholder either in money or in such securities as shall be specified pursuant to such scheme of arrangement and approved by the Court and such payment shall be in full satisfaction of his claim or payment upon his shares as the case may be. For the purpose of assisting the Court to so value the claims of any creditors and shares of any shareholders of a corporation debtor who elect not to participate in the scheme, the Court may appoint a qualified person to examine into the value thereof as aforesaid and report the same to the court. In case of request therefor by creditors or shareholders who do not elect to participate in the scheme holding one-fifth in amount of all proved debts, or one-fifth in interest of all the shares of such corporation debtor hereinafter referred to as "the minority creditors" or "the minority shareholders" as the case may be, the Court shall appoint three persons; one to be nominated by the minority creditors to assist the Court in valuing the claims of the minority creditors, one by the minority shareholders to assist the Court in valuing the shares of the minority shareholders, and the third by the creditors and shareholders who elect to participate in the scheme; provided however that a majority of the minority creditors or shareholders shall have the right to agree with the creditors and shareholders who elect to partici pate in the scheme upon one or two persons only being appointed. Such person or persons shall be entitled to reasonable compensation to be fixed by the Court which together with the necessary expenses in connection with the examination into the value of such claims and shares shall be paid from the estate of the debtor. No secret arrangement shall be made with any creditors or shareholders to induce them to participate in any such scheme.

That is section 11. Now section 12:

12. Section 13 of the said Act is amended by striking out subsection 3 thereof as enacted by secton 12 of the Bankruptcy Act Amendment Act, 1921, and substituting therefor the following:

I will point out what is new in this section:

(3) As soon as possible after an authorized Trustee has been required to convene a meeting of creditors to consider a proposal of a composition, extension or scheme of arrangement, he shall fix a date for such meeting and send by registered mail

(a) at least ten days' notice of the time and place of meeting, the day of mailing to count as the first day's notice,

(b) a condensed statement of the assets and liabilities of the debtor,

(c) a list of his creditors and

(d) a copy of his proposal

to every known creditor—

There is nothing new in that. Now comes in the new part:

—and, in the case of a meeting to consider a proposal of a scheme of arrangement of the affairs of a corporation debtor of a nature that any change is made in the rights of the shareholders under the letters patent or other instrument of incorporation of the company or the right of participation in such scheme of any shareholder is made conditional upon the purchase by such shareholder of any new securities or upon any other payment or contribution by such shareholder, to every shareholder of such corporation.

That is the new part. Then follows what is contained in the existing Act:

—If any meeting of his creditors whereat a statement or list of the debtor's assets, liabilities and creditors was presented has been held before the Trustee is so required to convene such meeting to consider such proposal and at the time when the debtor requires the convening of such meeting the condition of the debtor's estate remains substantially the same as at the time of such former meeting, the Trustee may omit observance of the provisions identified as (b) and (c) in this subsection. If at the meeting so convened to consider such proposal or at any subsequent meeting of creditors a majority of all the creditors and holding two-thirds in amount of all proved debts—

Then the new part:

—and, in the case of a meeting to consider a proposal of a scheme of arrangement, of the nature mentioned in this subsection, of the affairs of a corporation debtor, the holders of a majority in interest of each class of the shares of such corporation debtor resolve to accept the proposal either as made or as altered or modified at the request of the meeting, it shall be deemed to be duly accepted by the creditors and in the case aforesaid by the shareholders of any such corporation debtor.—

That is the new part:

—If approved by the court such extension, composition or scheme of arrangement shall be binding on all the creditors—

That is the law as it stands, and then there is added:

—and, in the case of a scheme of arrangement of the nature mentioned in this subsection of the affairs of a corporation debtor incorporated by or under an Act of the Parliament of Canada, upon all the shareholders thereof upon the filing in the office of the Secretary of State of a certified copy of the scheme and of the Court's approval thereof and, in the case of a scheme of arrangement, of the nature mentioned in this subsection, of the affairs of a corporation debtor incorporated other than by or under an Act of the Parliament of Canada, upon all the shareholders thereof upon any necessary steps being taken to give effect thereto under the laws by or under which such company is incorporated.

13. Section 13 of the said Act is amended by striking out subsections 8 and 9 thereof and substituting therefor the following:

(8) If the court is of opinion that the terms of the proposal are not reasonable, or are not calculated to benefit the general body of creditors, the court shall refuse to approve the proposal and in any case in which the court is required, where the debtor is adjudged bankrupt, to refuse his discharge, the Court shall refuse to approve the proposal—

Then comes in the new part:

—unless for special reasons the court otherwise determine.

That is giving an additional discretion to the court.

(9) If any facts are proved on proof of which the court would be required either to refuse, suspend or attach conditions to the debtor's discharge were he adjudged bankrupt, the court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than fifty cents on the dollar on all the unsecured debts provable against the debtor's estate—

Then comes in this addition:

—or unless in the opinion of the court such refusal would be prejudicial to the interests of the general body of creditors.

Then clause 14:

14. Subsection 5 of the section 46 of the said Act is amended by inserting after the word "direct" in the sixth line thereof the following: —"and any such sale by the Trustees shall have the effect provided in subsection 3 of section 20 of this Act."

These are the amendments which were prepared in the Committee.

Hon. Mr. McLEAN: I would like to ask the honourable gentleman a question. Suppose a man has asked for an extension of time, and the extension has been granted by his creditors. He makes an assignment to the bank. He is conducting his business and shipping goods in the meantime. Then he becomes bankrupt. Will the security of the bank hold in the meantime, while he is asking for an extension of time?

Hon. Mr. BEIQUE: I think so. Of course, it will not affect the security.

Hon. Mr. PROUDFOOT: Mr. Chairman, I think it is asking a good deal of the members of this House to expect them to accept these amendments just after hearing them read. Some of them are very important. They may be all right, but be-

fore they are finally passed, so far as I am concerned, I would like to have an opportunity of reading them.

Hon. Mr. BEIQUE: Would it not be best to report them, to get them out of the Committee, with the understanding that at the third reading, if necessary, they may be reconsidered, and full consideration will be given to any suggestion made? That would give us the advantage of having the Bill reprinted between now and Monday, so that every honourable member might have a copy.

Hon. Mr. PROUDFOOT: That is quite satisfactory.

Hon. Mr. DANDURAND: But the honourable gentleman forgets that he has appended two clauses.

Hon. Mr. BEIQUE: I was bearing that in mind. I would ask that they be passed and taken with the Bill.

Hon. Mr. BELCOURT: Why cannot the Committee direct that the Bill be printed? We could rise, report progress and ask leave to sit again.

Hon. Mr. BEIQUE: My suggestion is merely that the Bill be printed as amended. It will not leave this Committee stage. But I suggest that the amendments be adopted, so that they may be printed, with the understanding that they may be reconsidered.

Hon. Mr. BELCOURT: I do not see how we can do that consistently. We cannot adopt them and take them up again. Let us have the Bill reprinted, and let us report progress and ask leave to sit again to consider the amendments. If we adopt them now we cannot discuss them again. We must do one thing or the other.

Hon. Mr. BELCOURT: I am like my honourable friend opposite (Hon. Mr. Proudfoot). My mind is not swift enough to carry me through three or four pages of typewritten matter of that kind. If I voted for those amendments now it would be simply because I have unbounded confidence in my honourable friend (Hon. Mr. Béique.)

Right Hon. Sir GEORGE E. FOSTER: We shall be just as far ahead if we wait until they are printed.

Sections 11, 12, and 13, as amended, were agreed to.

Progress was reported.

MONTREAL HARBOUR ADVANCES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 80, An Act to provide for further advances to the Harbour Commissioners of Montreal.

He said: Honourable gentlemen, this Bill provides that the Governor in Council may advance and pay to the Harbour Commissioners of Montreal, in addition to any moneys heretofore authorized, which have not at the date of the passing of this Act been so advanced, such sums of money, not exceeding in the whole the sum of $5,000,000, as are required to enable them to carry on the construction of terminal facilities in the harbour of Montreal. When we go into Committee I will give the details of the expenditure which will be covered by this enabling Act.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Taylor in the Chair.

Hon. Mr DANDURAND: The details of the advances and expenditures to the Harbour Commissioners of Montreal, which I promised on the second reading of this Bill, are covered in the following statements:

Memorandum—Harbour Commissioners of Montreal. Total Expenditure for Harbour Improvements made with Government Loans.

Total amount authorized for advance on loan to date, $32,250,000.

Last loan authorized in 1914, up to an amount not exceeding $9,000,000.

Total amount advanced on loan to December 31st	$31,243,000 00
Expenditure by Commissioners applied for but not yet advanced	221,521 88
	$31,464,521 88

Balance remaining of amount authorized, $787,293.43.

Total debenture indebtedness of Commissioners:	
To Public	$ 330,000 00
To Government	31,243,000 00
Advances applied for	221,521 88
Improvements made from revenue income	1,551,540 25

Expenditure has been made on following items of harbour development:—

Harbour dredging	$ 4,394,601 13
Real Estate	765,219 72
Wharves, piers and basins	9,634,802 84
Plant, shops & building	1,398,843 23
Harbour railways	2,599,135 84
Permanent sheds	5,571,125 60
Electric freight hoists	184,409 03
Grain elevator system	6,473,183 66
Storage warehouse & cold store	2,324,741 08

Total expenditure on harbour improvements to March 31, 1922.. .. .. $33,346,062 13

Interest paid on debentures—

Year	
1917..	$ 892,709 76
1918..	904,394 59
1919..	915,274 37
1920..	971,181 43
1921..	1,048,060 94

Total amount of grain shipped from Commissioners' elevator system, 1921, 101,679,956 bushels.

Previous years as follows:—

	Bushels
1917..	42,831,504
1918..	45,520,688
1919..	35,509,323
1920..	44,435,104

Total number of ocean ships arriving at Montreal during season 1921, 964. Total tonnage, 2,891,956.

Summary of proposed expenditure for Montreal Harbour during 1922—Items and Amounts:

1. Storage Warehouse.. .. .. $ 326,772 49
   This amount necessary to complete building and equipment.
3. Steel Sheds, Nos. 17, 18, 19, Victoria Pier.. .. .. 24,194 85
   This amount necessary to complete the sheds and trucking platforms.
4. Jacques Cartier Pier Extension.. .. .. 204,089 98
   To lengthen this pier by 220 feet, from 803 feet to 1,023 feet.
5. Railway, Victoria Pier to Queen City Wharf.. .. .. 202,827 77
   For the construction of industrial sidings and additional tracks.
6. Electrification of Railways and one-third Power House. 96,371 84
   For completing the electrification of the Harbour railways and one-third the cost of the power house in the harbour, sections between Lachine Canal and Berry Street.
7. Paving and Track Extensions on Wharves.. .. .. 99,782 70
   This amount required for paving the high level roadway and the remodelling of the railway track layout in the vicinity of the new cold stores and warehouse.
8. Dredging and Filling in General.. .. .. 56,975 49
   For dredging necessary channels and approaches to the wharves.
9. Bickerdike Pier Approach.. 100,150 35
   For dredging in connection with the extension of Bickerdike Pier and new wharf site. Continuation of work begun.
10. High Level Wharves, Sections 25-35.. .. .. 755,067 96
    For further extension of high level wharves; to extend present high level wharves for the same distance as the low level are already extended.
12. New Victoria Pier and Market Basin.. .. .. 23,157 10
    For dredging and other small items necessary to complete finally the new Victoria Pier and Market Basin.
15. General Improvements and Plant.. .. .. 54,394 47
    For extension of electric transmission lines in the harbour made necessary by the installation of new electrically operated plant.
20. Queen City Wharf.. .. .. .. 250,000 00
    For the extension of the wharf known as "The Queen City Wharf" which is under lease to the Imperial Oil Company and where their extensive plant is located, for a length of 500 feet.
23. Real Estate, Government Farm Trunk Sewer, Montreal South. 36,924 57
    For completing the trunk sewer across the Commissioners' property at Montreal South.
24. New Industrial Wharves, Pointe aux Trembles.. .. .. 250,000 00
    For the construction of a new industrial wharf at Pointe aux Trembles.
25. Elevator No. 2, Extension of Jetty & Conveyer.... .. .. 300,000 00
    This amount for the extension of the existing jetty and Marine tower at Elevator No. 2 to furnish two new berths for loading grain vessels.
26. Elevator No. 3, Maisonneuve. 2,000,000 00
    For the construction of a new grain elevator and conveyer system in the vicinity of Tarte Pier at Maisonneuve in the lower part of the harbour.
27. High Level Wharves, Maisonneuve.. .. .. 150,000 00
    For new high level wharves in connection with the construction of the new grain elevator at Maisonneuve.
28. Extension Sheds and Conveyer, Jacques Cartier Pier.. .. .. 350,000 00
    For sheds and grain conveyer gallery system for the newly extended portion of Jacques Cartier Pier.
29. Real Estate, Maisonneuve.. .. 275,000 00
    To acquire land in the vicinity of Maisonneuve adjacent to the proposed new grain elevator site to permit of additional storage capacity.

Total.. .. .. $5,555,709 57

Right Hon. Sir GEORGE E. FOSTER: What is the capacity of the new elevator? Do you happen to have that?

Hon. Mr. DANDURAND: The capacity is not indicated in the memorandum which I have.

Sections 1, 2 and 3 were agreed to.

On section 4—monthly applications for advances:

Hon. Mr. PROUDFOOT: I would like to know if the Commission has ever so far paid interest, or if there is any likelihood of them paying the 5 per cent on this $5,000,000 provided for?

Hon. Mr. DANDURAND: The honourable gentleman did not lend me his ear when I stated that all the interest had been regularly paid on the amount of debentures out, including the interest due last year, which was over a million dollars, and that there is a very large margin, not only for the administration, but for the carrying out of the works. In the statement I read a million and a half, I think, is indicated as having been taken from revenue for capital expenditure.

Section 4 was agreed to.

On section 5—deposit debentures with Receiver General to cover advances:

Hon. Mr. DANIEL: Are those debentures retained by the Receiver General, or are they offered for sale to the people of Canada?

Hon. Mr. DANDURAND: The Government retains the debentures, and issues its own bonds. The Government has always been able to borrow at a cheaper rate, and is giving the advantage of that rate to the ports.

Hon. Sir JAMES LOUGHEED: Not at present. We do not get money for 5 per cent.

Hon. Mr. DANIEL: The debentures come before the public in the end? The public buy them?

Hon. Mr. DANDURAND: It all depends on where the Government issue its bills; it may be in London, as has often happened.

Hon. Mr. BEIQUE: But I understand there are only three millions in the hands of the public; the balance is in the Treasury of the Commission.

Hon. Sir JAMES LOUGHEED: Yes.

Sections 5 and 6 were agreed to.

The title and the preamble were agreed to.

The Bill was reported without amendment.

THIRD READING

On motion of Hon. Mr. Dandurand, the Bill was read the third time and passed.

INDIAN BILL

CONSIDERED IN COMMITTEE AND POSTPONED

Hon. Mr. DANDURAND: Is the honourable gentleman ready to go into Committee on this Bill?

Hon. Sir JAMES LOUGHEED: I would like to get some information. Take, for instance, the question of the enfranchisement of Indians since this Act passed. I understand, upon inquiry, that 560 Indians have been enfranchised.

Hon. Mr. DANDURAND: But not by compulsory law?

Hon. Sir JAMES LOUGHEED: No, whatever the law is on the statute book. In 1920 we practically repealed everything dealing with enfranchisement, and the section now on the statute book of 1920 is the law touching the enfranchisement of Indians. How many, whether by the compulsory system, as you call it, or any other system?

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 142, an Act to amend the Indian Act.

Hon. Mr. Willoughby in the Chair.

On section 1—inquiry as to fitness of Indian for enfranchisement in future to be at request of Indian or of band:

Hon. Mr. DANDURAND: Honourable gentlemen, this Bill is composed of two clauses. The first one has for its object simply the withdrawing from the Superintendent General of Indian Affairs, of the right to set in motion machinery for the enfranchisement of Indians, which was provided under the Act on the statute book, and leaving to the Indian himself or to the majority of the band the right to initiate the enfranchisement. There are here two policies which are quite clearly different and opposed to each other. My honourable friend the late Minister of the Interior (Hon. Sir James Lougheed) favours the compulsory system. The Present Minister favours the liberty of the Indian to remain as he is so long at it pleases him to do so, or so long as it pleases

the majority of the band that the band should remain as it is. Now, I draw the attention of my honourable friend to this fact, that we could perhaps reject the policy of the present Minister of the Interior, but it would not set the present Act in motion. If the Minister of the Interior is adverse to using his compulsory powers, then the machinery will never be set in motion. He is under the impression that there is considerable dissatisfaction among the Indians; that they are constantly making representations because of the threat under which they lie, of being disorganized by the will of the Superintendent General of the Indian Department. The Minister of the Interior is of the opinion that we should return to the freedom which they had before the Act of 1920, and that the Indian should not be under the constant threat of being some day subjected to enfranchisement against his will.

My honourable friend stated that there was a necessity for this country to force those men into civil life, to make them the equals of white men, to throw responsibility on their shoulders, and have them develop, through the use of liberty and freedom, to the stature of full-fledged citizens. Well, I think the programme that the Government has followed will tend greatly to bring them up to the level of the white men around them. The Government has not been slow about giving them educational facilities. It has put up schools in every reserve, and it has furnished them with an opportunity to develop intellectually.

The other clause is proposed to meet the wishes of the Indians who have a fear that their right to maintain the reserve as it has been heretofore may be disturbed by the phraseology of clause 197 of the old Act. It says:

> The Deputy Superintendent General may acquire for a settler who is an Indian land as well without as within an Indian reserve, and shall have authority to set apart for such settler a portion of the common lands of the band without the consent of the council of the band. In the event of land being so acquired or set apart on an Indian reserve, the Deputy Superintendent General shall have power to take the said land as security for any advances made to such settler, and the provisions of The Soldier Settlement Act, 1919, shall, as far as applicable, apply to such transactions.

This is to cover the case of the Indian who has enlisted, and who on returning asks, under the Soldiers Settlement Act, for land in the reserve. The memorandum I obtained from the Deputy Superintendent General dealing with this clause is as follows:

> The 197th section of the Act gave the Deputy power to grant location tickets to Indian settlers who obtained loans—

Hon. Mr. BELCOURT: Has my honourable friend any estimate of the number who have obtained loans?

Hon. Mr. DANDURAND: Would my honourable friend have that statement in mind?

Hon. Sir JAMES LOUGHEED: No; I think there were some two or three hundred, but I could not tell that.

Hon. Mr. DANDURAND: The statement goes on:

> —and to take security for loans upon the lands granted to Indian soldiers.
>
> The Indians urged that this power endangered their title to their lands, and that the result might be to alienate the lands. In order to remove this objection the proposed amendment provides that security shall only be taken on the individual interest and improvements of the Indian soldier, and that the interest of the band shall not be affected.
>
> It was also claimed that the title given by a Location Ticket was a better title than the title under which many of the bands hold their lands; and to remove this objection the amendment provides that the land shall be set apart without reference to the character of the title conveyed.

The Department sets apart a piece of land without stating what kind of title the Indian soldier will have in the land, so that he may not have a better title than that of the band in the reserve.

Hon. Mr. BRADBURY: Could the Indian mortgage that land after he becomes enfranchised?

Hon. Mr. DANDURAND: No, I do not beleive he could. By virtue of this Act he could only mortgage for the advance made under the Soldiers Settlement Act, and that is limited to the improvements which he makes; so that the Government has not even a mortgage on the real estate itself.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, this Bill proposes to alter very materially the policy which we have been pursuing for many years touching the enfranchisement of the Indian. Now, it is utterly impossible to discuss this satisfactorily to-night, and my honourable friend can very well appreciate that we cannot do justice to so important a subject as this in fiften minutes. There is certain information which I would like my honourable friend to give me, touching the number of Indians who have been enfranchised, say since the first of July, 1920; that would bring us down practically for two years, as we are closely approaching the first of

July, 1922. I should also like to know the number of returned soldier settlers belonging to the different Indian tribes that have been settled upon lands since their return from overseas.

Hon. Mr .WATSON: On and off the reserve?

Hon. Sir JAMES LOUGHEED: Under both conditions; and possibly my honourable friend would be good enough to ascertain what representations have been made to the Departments as to the changes which are embodied in this Bill, and by whom.

Hon. Mr. DANDURAND: What representations have been made in favour of this legislation?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. TANNER: The memorandum on the Bill speaks about the individual interest of the Indian in the land: what does that mean?

Hon. Sir JAMES LOUGHEED: I would suggest to my honourable friend to have the Deputy Superintendent General present on Monday. He is very familiar with all these questions, and would be of great assistance, not only to himself but to the House.

Hon. Mr. DANDURAND: I put the question to the Superintendent himself, this morning, and he said it only concerned whatever movables and improvements the Indian had made upon the land which would come to him under this Act.

Hon. Mr. TANNER: Suppose the Indian moved off the land, would he have any further interest in it?

Hon. Mr. DANDURAND: I will look into the Act. There must be a way for the Government to have a re-entry; but the re-entry of the Government is only in the rights of the band. The land would revert to the band.

Hon. Mr. TANNER: What occurred to me was that it looked a very illusory thing.

Hon. Mr. DANDURAND: Under the Soldier Settlement Act money can be advanced for agricultural implements, and a chattel mortgage is taken upon the rolling stock of the soldier who settles upon the land.

Hon. Mr. TANNER: But that is not an interest in the land; that is an interest in the movables. What I am referring to is the interest in the land.

Hon. Mr. PROUDFOOT: The Indian has no interest in the land which he could sell, say, to a white man.

Hon. Mr. DANDURAND: No, he has not.

Hon. Mr. TANNER: Then there is no meaning to that?

Progress was reported.

RED CROSS SOCIETY BILL

FIRST READING

Bill 175, an Act respecting the Canadian Red Cross Society.—Hon. Mr. Dandurand.

The Senate adjourned until Monday June 27 at 11 a.m.

THE SENATE

Monday, June 26, 1922.

FIRST SITTING

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

TREATIES OF PEACE BILL

FIRST READING

Bill 203, an Act for carrying into effect the treaties of peace between His Majesty and Hungary and Turkey.—Hon. Mr. Dandurand.

TRENTON HARBOUR BILL

FIRST READING

Bill 204, an Act respecting the Harbour of Trenton, in the Province of Ontario.—Hon. Mr. Dandurand.

INDIAN BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 142, an Act to amend the Indian Act.—Hon. Mr. Dandurand.

Hon. Mr. Willoughby in the Chair.

On section 1—inquiry of the fitness of Indians for enfranchisement in future to be at request of Indians or of Bands:

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, when this Bill was presented to the House by my honourable friend (Hon. Mr. Dandurand) I made some observations upon what I considered the undesirability of this legislation. I appreciate the responsibility that one takes in opposing a measure such as this, which

is administrative so far as the Minister of the Department charged with the administration of the Act is concerned. I therefore question in my own mind the desirability of voting against the Bill, although I am strongly opposed to it.

I recall that in 1920 the House of Commons spent nearly a week in giving consideration to the amendments to the Indian Act which are involved in the measure now before us. The Senate of Canada did the same. We spent at least three of four days dealing with that subject, and it was only after very mature consideration that we placed upon the statute book the legislation which is to-day being repealed. There is a tendency on the part of incoming Governments to repeal, at one fell swoop, legislation which has been tried and has given satisfactory results. It seems to me undesirable that this kind of thing should be done. When legislation embodying an important policy and promising results is once placed upon the statute book, and Parliament has deliberately expressed itself in that respect, every reasonable effort should be made to carry it out successfully.

The policy involved in the legislation which it is proposed to repeal to-day is that of practically civilizing the Indians, placing them upon a self-supporting basis, impressing upon them the necessity of their assuming all the obligations of citizenship at as early a day as possible. It is not reasonable to suppose that the Canadian Government must necessarily for all time retain the obligation of looking after the Indians and maintaining them as wards of the nation. We have already had experience that Indians are just as susceptible to education and appreciation of the responsibilities of citizenship as other members of the community. We have in Canada to-day thousands of Indians who have been enfranchised, and have in this way been, so to speak, separated from their Bands and have taken upon themselves the obligations attaching to all citizens. Immediately responsibility is thrown upon any individual, even if he has only a gleam of intelligence, he almost invariably recognizes that responsibility and prepares himself to meet and discharge it, whatever it may be.

Now it is proposed to revert to the position which obtained some time ago, leaving it entirely to the Indians to determine whether they shall become enfranchised or not. It goes without saying that once the State enters upon the responsibility of keeping people providing for them the necessaries of life, doing the thinking and the acting for them, there is a failure to develop the human faculties which are to be found in Indians as well as in other persons. Consequently my impression is, and I venture to say to the House, that no enfranchisement will take place among the different Indian bands of the Dominion so long as we leave to them the responsibility of taking the initiative.

There is in the Bill a qualification: that is to say, any individual Indian who may choose to express a desire to become enfranchised will have the right to do so. But that position is an improbable one. If an Indian finds himself at variance with his Band, he will scarcely take the initiative himself to become enfranchised. Therefore it seems to me that this responsibility was very much safer in the hands of the Government than it will be under the Bill now before us. I do not intend opposing the Bill further. I have expressed my views upon the subject, and if the present Superintendent General of Indian Affairs —who is likewise the Minister of the Interior—feels that it is only in this manner than he can administer successfully the affairs of the Indian Department, the responsibility is upon his shoulders and not upon ours. I therefore would have great hesitation in expressing my views to the extent of moving any amendment to the Bill.

Hon. Mr. DANDURAND: Honourable gentlemen, I have already stated that there are two systems that come into conflict in this Bill: the system of forcing the Indian to take out his citizenship papers, and that of leaving the matter to his own initiative. My honourable friend is of the belief, supported by a certain number of those who have studied the problem, that compulsory powers should be vested in the Department. Others believe that it is better that the treatment of the Indians should continue in the form and procedure that we have followed since Confederation—suaviter in modo.

The remarks of my honourable friend as to Acts being passed and then repealed recall to my mind a statement made by Mr. Joseph Chamberlain to a late colleague of ours, who had been twenty-five years in power in Ontario. Mr. Chamberlain said to him: "This is a very extraordinary situation. The same party in power for twenty-five years? We in Great Britain believe that legislation only becomes the law of the nation when, after having been opposed by His Majesty's regular Opposition, the Opposition assumes the responsi-

bilities of office later on, accepts that legislation, and leaves it on the statute book. Their acquiesence represents the real will of the nation." He expressed his surprise that a party should impose its will for twenty-five years without giving a chance to the other half of the population less one to consent to proposed legislation or give its imprimatur to past legislation. I recognize that there may come a time when all parties interested in these questions may agree upon the procedure to be adopted; but, with my honourable friend, I recognize also that, when the head of the Department decides upon a policy, it should be his policy for the time he has the administration of the Department.

I would ask Mr. Williams to come to the floor.

Right Hon. Sir GEORGE E. FOSTER: I would like to call the attention of my honourable friend to the second section. My honourable friend, in explaining it, gave the Chamber to understand that it applied simply to Indians who had served in the war. But it does not seem to me that the section makes that clear. It is "an Indian" without limitation, and nowhere in the section can I see any implication, that it is restricted to an Indian who has served in the war. The allusion to the Soldier Settlement Act, as I understand it, simply applies those regulations to the working out of the loans—to the payments and responsibilities which apply to the Soldier Settlement Act. I would like to have my honourable friend's opinion on that.

Hon. Mr. DANDURAND: I am informed that the second section deals only with the Indian soldier.

Right Hon. Sir GEORGE E. FOSTER: Does my honourable friend think the section really defines that?

Hon. Mr. DANDURAND: Clause 196 of the Act is not amended, and it reads as follows:

(1) The Soldier Settlement Act, 1919 (excepting sections three, four, eight, nine, ten, eleven, fourteen, twenty-nine, subsection two of fifty-one, and sixty thereof, and excepting the whole of Part Three thereof), with such amendments as may from time to time be made to said Act shall, with respect to any "settler" as defined by said Act who is an "Indian" as defined by this Act, be administered by the Superintendent General of Indian Affairs.

(2) For the purpose of such administration, the Deputy Superintendent General of Indian Affairs shall have the same powers as the Soldier Settlement Board has under the Soldier Settlement Act, 1919, the words "Deputy Superintendent General of Indian Affairs" being, for such purpose, read in the said Act as substituted for the words "The Soldier Settlement Board" and for the words "The Board."

(3) Said Act, with such exceptions as aforesaid, shall for such purpose, be read as one with this part of this Act.

We are amending Part III of the Act by the second section of this Bill, which has to do with Indian soldiers' settlement.

Section 1 was agreed to.

On section 2—title for common lands of band may be granted on land acquired for Indian settler, etc.:

Hon. Mr. BRADBURY: How does that affect the tribal rights in a reserve? Does that alienate that part of the land from the reserve?

Hon. Mr. DANDURAND: No. I have a short memorandum giving a complete explanation of this amendment, and I will put it on record. The objection of the Indians was:

1. That the granting to an Indian soldier of a location ticket for the common lands of the band would be granting to such soldier a better title than that held by other Indians on their reserve;

2. That the security taken on the holding of an Indian soldier under this section for a loan made under the Soldier Settlement Act might result in the fee of the land passing away from the Indians in the event of the land being sold to recover the amount of the loan.

With respect to the first objection, I beg to point out that the title to Indian reserves is in the Crown for the Indians of each particular band. When the reserves were first set apart, the land was all common land. Gradually various members of the bands took up the occupation of particular parcels and remained and continued in possession of the same clearing and cultivating it, erecting buildings, fences, etc. The interest which they thus acquired is called the individual Indian interest in that particular parcel, and such interest is transferred from one Indian to another by quit claim deed or by will. When an Indian gives a quit claim deed of his land, which can only be done to a member of the band, he disposes of his individual interest only. The common interest of the band in the land in question is not in any way affected by such transactions.

Subsequently provision was made in the Indian Act for giving an Indian a better security as to his holding by the issue of what is called a location ticket. The process for obtaining the same is to secure a resolution of the council of the band locating an Indian for the land he may be already in occupation of, or land from the common land. On approval of this resolution by the Superintendent General a location ticket is issued to the occupant of the land in question and a record of his holding kept in the Department. The question as to the adoption of this system was left to the discretion of the various bands. Only a few bands have adopted this system. The Six Nations Indians are among those who have not adopted this system, they having a land registration of their own. That is why they object to a soldier receiving a location ticket. To meet this situation the section is amended eliminating the

issue of a "location ticket" and substituting therefor the "setting apart" of a portion of the common land by the Superintendent General which gives the soldier a right to the occupation of that particular parcel "set apart" which is all that is necessary and which satisfies the objection taken by the Six Nations.

Hon. Mr. BRADBURY: What do you mean by "set apart"?

Hon. Mr. DANDURAND: It is set apart by enclosure, which gives them the enjoyment of that part under the general laws that govern the territory of the band.

With respect to the second objection, I have to say that there was no just cause for alarm that the title of a soldier's land might be alienated from the reserve. Under the Act, as it stands, there are only three ways by which the band title to land can be disposed of, and that is:

1. By surrender of a reserve or part of a reserve by the band in Councill. (See Section 48).

2. Where land is taken with the consent of the Governor in Council for rights of way, public utilities, etc. (See Section 46).

3. Where an Indian gets a patent for land on enfranchisement after having paid to the band the value of the band interest in the same. (See Section 107).

But to allay any misapprehension that there may be in this matter the proposed amendment specifically states that the band interest is not to be in any way affected by the taking of security by way of mortgage against the Indian soldier's holding. In the event of action being taken to secure the amount of a mortgage on such holding on default by the soldier, the land with all the appurtenances would be offered for sale to a member of the band and the purchaser would go into possession of the same and have the same title as the Indian soldier had which title is called the individual Indian interest. The conveyance of the same is by quit claim deed without any covenants as to title whatever. The common band interest is accordingly not in any way prejudiced.

Hon. Mr. BELCOURT: I should like to know to what extent returned Indian soldiers have taken advantage of the provisions made for giving them soldiers' land, and the success, if any, with which they have met.

Hon. Mr. DANDURAND: I have not complete information in that regard, but I may say that in the Six Nations band alone 80 out of 400 have availed themselves of the facilities of the Soldier Settlement Act.

Hon. Mr. BELCOURT: Are those Indians treated in exactly the same way as the other returned soldiers? We must bear in mind that most of them are not enfranchised.

Hon. Mr. DANDURAND: The same terms apply to them.

Hon. Mr. DANDURAND.

Hon. Mr. BELCOURT: So they exercise rights without assuming the corresponding duty of exercising the franchise.

Hon. Mr. DANDURAND: The Dominion Elections Act gave the Indian soldier the right to vote.

Hon. Mr. BELCOURT: Yes, but that Act has gone.

Hon. Mr. TANNER: I am not sure whether I got the whole import of the statement read by the honourable leader of the House. Suppose an Indian who is a returned soldier acquires from the Soldier Settlement Board a farm property entirely outside of the Indian reserve and fails to pay the debt incurred and it becomes liable to forfeiture, what would happen? If I understand this section correctly, the situation is exactly the same as though the land were part of the reserve.

Hon. Mr. DANDURAND: Land acquired outside the reserve is not affected by this section in any way whatever, and the Indian who has acquired land outside the reserve is treated just like an ordinary white man.

Hon. Mr. TANNER: What does this mean, then?

The Deputy Superintendent General may acquire for a settler who is an Indian, land as well without as within an Indian reserve, and shall have authority—

and so on. If I read this correctly, the final provision applies to that land:

It shall, however, be only the individual Indian interest in such lands that is being acquired or given as security, and the interest of the band in such lands shall not be in any way affected by such transactions.

I should like to know whether the band acquires any interest whatever in that land.

Hon. Mr. DANDURAND: No, none whatever.

Hon. Mr. BRADBURY: Could the honourable gentleman give any information as to how many western Indian returned soldiers took advantage of the Act—Manitoba Indians.

Hon. Mr. DANDURAND: I will get the information for the honourable gentleman before prorogation.

Hon. Mr. BELCOURT: The number of Indians mentioned by my honourable friend is the number outside the reserve?

Hon. Mr. DANDURAND: No, the 80 Indian soldiers belonging to the Six Na-

tions band have taken land in the reserve.

Hon. Mr. BELCOURT: I was really more interested in knowing how many had gone outside.

Hon. Mr. DANDURAND: I am informed that they are very few.

Hon. Mr. ROBERTSON: There is just one further point. In the case of these 80 Six Nation Indians who have taken up land within the reserve, and to whom the Government has advanced sums of money to enable them to settle upon it and stock it—in the event of their failure to make good, and in event of forfeiture, what security has the Government when it already owns the land?

Hon. Mr. DANDURAND: All the improvements upon that land—house, outbuildings, implements, and whatever the land could be sold for to another Indian in the band.

Hon. Mr. ROBERTSON: I understood my honourable friend the other day to state that if an Indian went off the land he would have no further claim, and that the band would own whatever was there. Therefore, if the band owns the property that is left, I fail to see where the security is.

Hon. Mr. DANDURAND: The Superintendent General would take it as security for the loan, but subject to the obligation of disposing of it to another member of the band.

Hon. Mr. BELCOURT: In other words, the Crown reserves the title, but the Indian would have the right to have the improvements disposed of for his benefit.

Hon. Mr. ROBERTSON: The value would be restricted to whatever could be obtained for it from other Indians.

Section 2 was agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

THIRD READING

Bill 142, an Act to amend the Indian Act.—Hon. Mr. Dandurand.

QUEBEC HARBOUR ADVANCES BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 78, An Act to provide for further advances to the Quebec Harbour Commissioners.—Hon. Mr. Dandurand.

Hon. Mr. Smith in the Chair.

On section 2—$1,500,000 may be advanced to Harbour Commissioners for terminal facilities:

Hon. Mr. ROBERTSON: The honourable leader of the Government was asked for some information, and promised to make a statement in the House in reference to the discussion the other day in Committee.

Hon. Mr. DANDURAND: It may be somewhat difficult to convey to the House the information as to the place where dredging would be done, without honourable gentlemen looking at the plan which is on the Table. If honourable gentlemen are au fait of the topography of the port of Quebec they will know where the large steamers come to the wharf. Some dredging is required at the entrance of the St. Charles river, to admit of large steamers entering the mouth of this river to go to the inside pier. If steamers were not increased in length this dredging would not be necessary; but for steamers of from 500 to 800 feet length there is danger when they turn they may touch the outside part of the entrance. There is also necessity for dredging to greater depth to enable them to reach the inside of the wharfage system which has been installed. It is desired to provide an entrance behind the present wharves in order to utilize the wharfage.

Hon. Mr. DANIEL: What is the scale of the map?

Hon. Mr. DANDURAND: 4½ feet to 1,000 feet.

Hon. Mr. REID: This is the clause to which I raised objection, and I asked the leader of the Government if he would consider amending it. He has brought down the plan, and, as I understand it, the situation is exactly as I stated to the House on Saturday; that is, work had been done at the city of Quebec, and under the policy of the Government the work was to be carried towards the St. Charles river and was to stop at a certain point. The plan shows that along the water front there is a long pier for the accommodation of large steamers like the Empresses, and the warehousing conditions are of course in first-class state. I was at Quebec within the last few weeks, and no complaint could be made as to that part of the harbour. It would accommodate the largest vessel that crosses the Atlantic both for depth of water and other ship accommodation. The

proposed plan of the inside work shows the number of berths for vessels, but of course that work is exactly in the same condition as it has been for a number of years. The width of the channel to enter those berths is about 800 feet, with a safe waterway of at least 35 feet in depth.

Hon. Mr. DANDURAND: But the scale shows only 650 feet.

Hon. Mr. REID: The Deputy Minister said it was 800 feet, but even if 650 feet is the width, it was stated around the table when the honourable members were looking at the plan that that was hardly wide enough on account of the tide making a current in and out. This is the first time that I have heard that the channel was not wide enough, or that there was any difficulty in any vessel entering that channel to pass into the berths. If it was quite safe, and vessels had no difficulty, and there was no accident during all the years of the war when there was such a great traffic, harbour conditions being exactly the same as they are now, and all those vessels could pass through this 650-foot or 800-foot channel into the berths and load and unload and come out again safely, surely there is sufficient capacity now when conditions are back to normal, and the traffic is probably only 25 per cent of what it was during the war. Quebec was the port where probably two-thirds of the traffic was done during the war.

Hon. Mr. L'ESPERANCE: I beg my honourable friend's pardon. We had hardly any traffic during the war except during the last year, 1918. The larger steamers do not go inside now: they are afraid.

Hon. Mr. REID: Perhaps I am wrong, so far as the traffic is concerned.

Hon. Mr. ROBERTSON: I think the figures which the honourable leader of the Government read the other day indicated that from 1919 to 1921 the earnings of the Quebec harbour were substantially more than double what they were in previous years, which would indicate a very substantial increase in traffic.

Hon. Mr. REID: At all events, there must have been a great deal of traffic at that time going to Quebec, if the port of Quebec is now equipped to do the work it has done for so many years, with conditions as they are, surely we should not start in to spend at least another million dollars for work that in my judgment will not be required for many years to come. But, in addition to that, there was a question, when the St. Charles river work was delayed, whether it would not be better, if we were going to spend more money for wharfage accommodation, to put the wharves along the west side where the Transcontinental railway runs to the Champlain market. If the wharves were constructed there the trouble would be overcome in relation to sand or other material filling, and requiring to be continually dredged. If the honourable leader of the Government has decided that he will leave the Bill as it is, and cannot consider reducing it, I will move an amendment to reduce the amount, in accordance with the notice I gave him on Saturday.

Hon. Mr. DANDURAND: I draw the attention of my honourable friend to this situation. Some $5,000,000 worth of work has been done on the inside at the mouth of St. Charles river in order to enable large steamers to go behind the present wharfage, which faces the St. Lawrence. Now, would it be good policy, after $5,000,000 has been spent, partly by my honourable friend—

Hon. Mr. REID: Might I ask my honourable friend to give me some detail as to how that $5,000,000 was spent, because I think it includes the elevator.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. REID: But it makes no difference, so far as the elevator is concerned, whether the ships go inside or not, as there is a long elevator that carries the freight to and from the ships.

Hon. Mr. L'ESPERANCE: Not outside.

Hon. Mr. REID: It carries it to those berths, and it could be carried out farther.

Hon. Mr. L'ESPERANCE: It does not extend to the outside wharves.

Hon. Mr. REID: No, but it carries it to the present berths, and it could easily be extended to carry it outside; so that from the $5,000,000 there should be deducted the cost of the elevator, and, in addition, the cost of the trackage that runs right out to the main pier. The only part that the honourable leader should include in the $5,000,000 is the cost of the berths, the piers that connect them, and the dredging.

Hon. Mr. LYNCH-STAUNTON: This expenditure we are asked to sanction for Quebec is confessedly necessary only if we have vessels of 40 foot draught. It is admitted that there are at Quebec Harbour sufficient channels and wharves for all the

existing vessels and for all vessels which have been laid down so far. In spite of the unlikelihood of vessels of larger capacity being laid down and in future years coming to Quebec, we are asked to vote a million dollars and more. A million dollars in these post-war days seems very little, but prior to the war we thought a great deal of it. As I said in some remarks I made the other day, we pay very little attention to enormous expenditures made for terminal and transportation work; but here we have the Estimates of the Government showing that their expenditure for the coming year will be over $100,000,000 more than the expected revenue. The Minister is at his wits' end to get money, and the people are being taxed to the very extreme; yet we find this item of $1,500,000 for the improvement of Quebec Harbour, which now has facilities far beyond what it requires for any trade it now has or may expect for a long time to come. This item is put in against a mere possibility, for there is no additional business in view, nor are there any reasonable expectations of such business as will require this expenditure. The Government say: "It is a good thing to be always prepared for what may happen." The Government have not come to us and said: "We know that there are vessels being built that will increase the trade in Quebec; we know that these vessels want to come to Quebec and cannot get into that harbour unless this expenditure is made." If the Government told us that, there might be some reason for asking for this vote, but are we to pass it just because it is proposed? I submit that we should not allow any of these expenditures unless we see that they are imperative for the well-being of the country.

Hon. Mr. ROCHE: I have listened with great attention to the remarks that have been made by the former Minister of Railways (Hon. Mr. Reid) and by my honourable friend who has just sat down. I would point out one fact which will at once appeal to all honourable members who are discussing this precise mode of operation, namely, that the dredging at the mouth of a river is very changeable. You dig a big hole—that is what dredging means—and all that is adjacent to it, and all the mud that is brought down the river, and all the waste material, go into that hole, filling it up. So if there is 30 feet of water there to-day, there may not be 25 feet in the spring. There is the drawback in all deep dredging, that it forms a receptacle for all the mud and waste material in the neighbourhood.

With regard to the nautical question, with which my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) is so familiar, I do not think it requires a much larger number of vessels to make imperative the deepening of a channel, or of water adjacent to a channel. It may be needed to accommodate even one vessel. Everybody who is familiar with the matter knows that a large vessel, or even a small vessel, approaching a dock is greatly dependent upon the wind, the tide, the speed of the vessel, whether she is light or deep in the water, whether the tugs that have hold of the vessel operate together at the psychological time or whether they pull apart, or whether the steam of the ship is sufficient to carry her to the objective point or whether it fails just at the critical moment. A vessel, whether of large size or of small, requires a circumference, as much as length, all around her in order to be safe in making the movement of approaching a dock, which is difficult with a variable or a beam wind or with any of those circumstances that I have detailed derogating from the straightness of her course to the distant objective. It is my experience with dredging—and I have seen dredging all my life, at railway piers, at wharves, and other places—that a large circumference is necessary before it is safe for any vessel to approach a wharf of the description that has been indicated to-day.

Hon. Mr. DANDURAND: I do not know whether all members of the Senate are familiar or not with the situation at the port of Quebec and the entrance to the wharves that have been equipped at considerable expense, with sheds and railway tracks. Just at the rear of the wharf on the St. Lawrence there is an entrance 600 feet in width. As my honourable friend from Halifax (Hon. Mr. Roche) has said, when the ships desire to enter in order to berth at what may be called the entrance of the St. Charles river, which is simply at the back of the wharf fronting on the St. Lawrence where the Empresses come, they sometimes find themselves in difficulties. I am told that in 1918 two ships tried to enter in the wind, and their sterns were swept around just at the place where the dredging should be done. The question now before us is whether, after a few millions of dollars have been spent for the thorough equipment of the wharf, we should withhold our hands and allow that expenditure and the splendid wharfage go to waste and be a loss to the country. We have already invested some millions of

money in the port. The present request is that we do some dredging in order to enlarge the entrance and make use of what has cost some millions of dollars. The dredging will cost, according to the figure I have given, the first item, $210,000, which is the item that my honourable friend the ex-Minister of Railways (Hon. Mr. Reid) wants to strike out. Well, every one must assume responsibility for his own actions: to govern is to foresee. If we strike out this item, and if filling goes on at the port of Quebec, which ought to be equipped not only for the present but also for the future, and if that port loses the advantages that would accrue from the vote proposed, then we must accept the consequences.

Hon. Mr. FOWLER: May I ask the honourable gentleman how much is the vote that we are on now?

Hon. Mr. REID: A million and a half.

Hon. Mr. DANDURAND: It is $210,000 for dredging work to be done during three seasons, to enlarge the entrance. Will my honourable friend come and look at the plans? The enlargement of the entrance will allow over 4,000 feet of wharfage to be utilized which may otherwise go to waste.

Hon. Mr. TURRIFF: I desire to raise my voice in protest against votes of this kind, in view of the present condition of the country. As was pointed out by my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), in spite of an extra $30,000,000 or $40,000,000 being imposed in the way of sales tax, and in spite of all the other heavy taxes that the people have to pay, it is now proposed to incur expenditures that will bring our total expenditures for the current year up to $100,000,000 more than the revenue in sight. In the face of that situation it seems foolish to vote money to be expended for the next three years. So far as one can judge by the explanations on both sides of the House, the building of the harbour at the St. Charles river has been a mistake.

Hon. Mr. DANDURAND: No, no, not there.

Hon. Mr. TURRIFF: From what I know of the harbour of Quebec, I believe that farther west, along the St. Lawrence shore, there is a depth of 35 or 40 feet of water where this dredging could have been done at much less expense, and it would be where the railway accommodation is. However, it is done now. The only reason that the Government can advance for the extravagant expenditure now proposed is that the same sort of thing, or worse, was done and is being done at St. John and to a certain extent, perhaps, at Halifax. I was down at St. John last year and looked at Courtenay Bay. How any man in his senses could advocate dredging there, when there is so much better water all around, is more than I have ever been able to understand. However, I am speaking now only with regard to the advisability under present financial conditions of voting a million and a half for work extending over three years. Why depart from the usual method of voting what is necessary for the work this year? Some dredging may be necessary at Quebec to make the channel wider to enable vessels to get in behind the wharves, and into the St. Charles river. But there is a great deal of work proposed in this vote that is to my mind not necessary. Last year, when I had the pleasure of going around that harbour, there were facilities of all sorts—wharves and elevators and all other equipment for a large amount of shipping: there was everything but the shipping. There were practically no steamboats and practically no freight. So it seems to me that the Government are going beyond what is at present necessary, and are doing so at a time when we are not in a position to do so. Every dollar expended there and on other work will add that much to our national debt, for the Finance Minister says that we shall likely go behind to the extent of $100,000,000 this year. In the last two years we were from $70,000,000 to $80,000,000 short.

Hon. Mr. DANDURAND: Will my honourable friend allow me to draw his attention to this fact, that the item of $210,000 does not represent a vote of money: it represents the right of the Harbour Commissioners of Quebec to issue debentures to that amount during the three years, according as the work proceeds. By approving of this vote we shall be simply deciding for the principle of carrying on the work. The information I would convey to my honourable friend is that, if we do approve of this vote, the work will take three years and the $210,000 will cover that period.

Hon. Mr. TURRIFF: That is all very well, but that does not affect the general result. The Harbour Commission issue the bonds. The Department of Finance, or the people of Canada, must pay them.

Hon. Mr. DANDURAND: As the work proceeds.

Hon. Mr. TURRIFF: As the work proceeds, during the next three years. But

we ought to bear in mind also that we have invested there now some $8,000,000 that is bringing no interest at all, and that the annual deficit from operating the harbour amounts to $100,000 or $200,000. In view of these facts, if the accommodation at Quebec now is sufficient for present needs, would it not be better to wait for a year or two until we are in a stronger financial position? I must say that personally I am very pessimistic about the future. If we cannot stop our expenditures and bring them down to a level with our revenues, where are we going to land? Great Britain is paying off its debt at the rate of a hundred million pounds a year; the United States are paying off their debt; yet we go on adding to our tremendout debt $100,000,000 this year. If the Government or the other Chamber will not curtail the expenditures, it is the duty of the Senate to try to curtail them somewhat. It may be, as my honourable friend (Hon. Mr. Dandurand) intimates, that as a great deal of money has already been expended there is some justification for spending enough more to get some advantage from the investment, or at least to prevent the facilities from deteriorating.

Hon. Mr. DANDURAND: Hear, hear.

Hon. Mr. TURRIFF: There is some point in that, I must confess; but it is not so much this particular work that I am worried about: it is the whole tendency of the Government towards extravagant expenditures. I had thought that with the change of government we would have some economy.

Hon. Mr. BENNETT: Oh, oh.

Hon. Mr. TURRIFF: I did think so. We had none when my honourable friends were in power.

Hon. Mr. SCHAFFNER: And now it is worse.

Hon. Mr. TURRIFF: I had hoped so, and I have not lost hope. Perhaps by the time next Session comes around, my honourable friends represented by the leader of this House (Hon. Mr. Dandurand) will realize whither we are drifting and will take a new turn.

Hon. Mr. DANDURAND: Let us all pray.

Hon. Mr. TURRIFF: The late Hon Mr. Tarte said that prayers did not count much in elections, and I am afraid that prayers will not save this Government or make them more economical. They may, and if they are likely to do any good I would recommend that my honourable friend the leader get in his best licks. But I have very grave doubts about the efficacy of prayer to make this Government economical. We shall know better by another year. However, I just wanted to make my protest against the extravagant expenditures that we are called upon to support, in connection with the whole administration and on works throughout the country. I have said time and again, in past Sessions, that from $75,000,000 to $100,000,000 could be saved every year without any public interest suffering at all. We have to impose extra taxation on the poor—a great deal more than on the rich—and they have to pay these taxes, and the money derived from them is thrown away on useless and extravagant expenditures.

Hon. Mr. PROUDFOOT: May I ask the honourable gentleman a question? He says that from $150,000,000 to $175,000,000 can be saved.

Hon. Mr. TURRIFF: No, I did not say that. I said from $75,000,000 to $100,000,000.

Hon. Mr. PROUDFOOT: Will the honourable gentleman kindly point out how?

Hon. Mr. REID: This is not really a vote on an item of $200,000. There is before us a Bill calling for a vote of $1,500,000 for the Harbour Commission of Quebec. I suggested to the Government that they reduce that amount by what was intended for construction.

Hon. Mr. LYNCH-STAUNTON: How much is that?

Hon. Mr. REID: About $1,000,000.

Hon. Mr. LYNCH-STAUNTON: Oh, it is reduced, is it?

Hon. Mr. REID: No; I am asking that it be reduced by $1,000,000.

Hon. Mr. DANDURAND: On two items.

Hon. Mr. REID: On two items. The details were given by the honourable leader of the Government showing how this million and a half, is made up. I suppose the details appear in Hansard. The amount includes about $1,000,000 for construction and half a million for eight or ten items of repairs and renewals. I think the facilities that are now at Quebec and being used should be kept in a good state of repair and maintained. In the total of $1,000,000 there is provision for a certain amount

of dredging to widen the entrance into the berths. That is for new work. At the entrance certain work was completed and the vessels have been using it for a number of years in coming into the berths. I take the position that this is sufficient for a number of years, and that under present financial conditions it is not advisable to proceed with that dredging until it is needed for larger vessels going into that harbour. I feel that there is plenty of time ahead for us to consider that work. It will be time enough to undertake it if at any time in the future larger vessels are going to use it. Therefore I take issue with the Government and ask them to refuse the proposed expenditure for dredging.

There is also an item of about $700,000 for the extension of the present pier, or for some work at the upper entrance, towards the St. Charles river. It is admitted by the honourable leader of the Government and by the officials of the Department that inside the harbour there is already 4,000 feet of wharfage completed, with tracks running through it, and with adequate elevator capacity.

Right Hon. Sir GEORGE E. FOSTER: 5,000 feet.

Hon. Mr. REID: I was putting it within the bounds in saying 4,000. In view of the fact that we have had such facilities for several years, and that they have not been utilized to their full capacity, my request is that the Government defer new construction work until financial conditions improve. I asked the leader of the Government on Saturday if he would take the matter up with the Government. I did not wish to move an amendment. I thought that if the facts were put before the Government they might consider reducing the amount in the Bill. I stated that if the honourable gentleman could not see his way to reducing that figure; I would move my amendment. May I ask the honourable gentleman again whether it is the intention of the Government to reduce the amount mentioned in the Bill, or does he wish me to move my amendment?

Hon. Mr. DANDURAND: The difficulty I am in is this. I am advised by the engineer of the Harbour Commissioners of Quebec and by the officials of the Marine and Fisheries Department that this 4,000 or 5,000 feet of wharfage, splendidly equipped, as my honourable friend has said, will be threatened and left unused and wasted if this dredging is not done, and if the continuation of the Louise embankment quay wall in the river St. Charles in a westerly direction for a length of 600 feet, to make a junction with the lock wall in the river St. Charles, is not completed. On the other hand, if this work is done, there will be 500 feet more of wharfage, and the constant movement of the sand towards the present 4,000 feet of wharfage, thus reducing the depth of water at the wharves, will be prevented. It would seem that this expenditure of $1,000,000 was needed in order to permit of the use of the inside wharves in order to enable the large steamers to reach them. I have already intimated that these sandbanks are dangerous to large steamers, which have refrained from going in. In view of the fact that some millions of dollars have been expended already, is this dredging not worth while?

My honourable friend says that this work is not needed because there is enough wharfage on the St. Lawrence side. My information is that even to-day the wharfage at times is not sufficient, and that steamers have to wait for a chance to reach the wharf. We are not discussing the policy of expenditures that have been incurred up to the present time. The money has been spent. The question now is whether it is good policy to do the dredging necessary to utilizing the facilities already there, and to continue the work of completing the junction between the Louise embankment and the lock walls of the St. Charles river.

Hon. Mr. FOWLER: Do the engineers say that in order to utilize the present work and to prevent the coming in of sand, the building of this 500 feet of wharf is necessary?

Hon. Mr. DANDURAND: Yes, they make that statement.

Hon. Mr. LYNCH-STAUNTON: I understood my honourable friend (Hon. Mr. Dandurand) and also the honourable gentleman from Quebec (Hon. Mr. L'Espérance) to say that this expenditure of $1,000,000 was to be made for the purpose of providing facilities at the docks for vessels of 40 feet draft.

Hon. Mr. DANDURAND: Oh, no; my honourable friend is in error.

Hon. Mr. LYNCH-STAUNTON: There is another thing. Will the honourable gentleman explain why it is necessary or desirable to pass at this Session a larger amount than it is expected will be expended in a year?

Hon. Mr. DANDURAND: My honourable friend was not in the Chamber when I gave the answer to that question. There is no money voted. That is simply an enabling Act in favour of the Harbour Commissioners of Quebec.

Hon. Mr. LNYCH-STAUNTON: But it commits us to the $1,500,000.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. LYNCH-STAUNTON: Why should we be committed this year to expenditures to be made in the next three years any more than to expenditures for the next twenty years?

Hon. Mr. DANDURAND: That is the usual procedure followed in such cases. We are allowing the Harbour Commissioners to borrow up to $1,500,000, but each item will have to be approved by the Department of Marine and Fisheries and passed by Order in Council. The $210,000 for dredging is set down in virtue of a programme which it is declared will require three years for completion; but the debentures will be issued as the work goes along. When engineers say that this dredging is necessary to enable ships to reach this 4,000 or 5,000 feet of wharfage, and to utilize a work which has been carried on for the last four or five years, how can I refuse to ask for this $210,000? I suggest that my honourable friend should reconsider his amendment to strike out that particular item?

Hon. Mr. ROBERTSON: May I ask my honourable friend how long this 4,000 feet of wharfage has been in use? How long has it been constructed?

Hon. Sir GEORGE E. FOSTER: 5,000 feet.

Hon. Mr. DANDURAND: It took five or six years to construct that work. It was started in 1914 and was finished around 1920.

Hon. Mr. ROBERTSON: It was commenced in 1914?

Hon. Mr. DANDURAND: That is my information.

Hon. Mr. L'ESPERANCE: Yes.

Hon. Mr. DANDURAND: The ex-chairman of the Harbour Commission is better informed than I.

Hon. Mr. ROBERTSON: Only this morning I was reading the report of the Special Committee of this House, of which the honourable gentleman from Quebec (Hon. Mr. L'Espérance) was Chairman, and which had to deal with the matter of traffic through the port of Quebec. In the report I noticed reference to the fact, if it is a fact, that whereas in 1916 a substantial quantity of grain had passed through the elevators of Quebec, not one bushel had passed through since 1916. I therefore assume that these 5,000 feet of wharf, and the large elevators on the river St. Charles, have not been in general use since that time. I understand also that boats come in day after day and land passengers and mails along the edge of the St. Lawrence at the deep water docks there, but the freight cargoes are not loaded at the city of Quebec, the boats, with the exception of perhaps two or three of the very largest, going to the port of Montreal. We all know that water transportation is cheaper than transportation by rail. That is true the world over, and I do not think it can be justly contended that the facilities of the port of Quebec should be further increased until business warrants the increase. This House last Saturday voted $5,000,000 for the port of Montreal without one word of criticism—why? Because the port of Montreal has paid its way—it has paid interest on the investment and more—and under such conditions this House should not hesitate to do everything necessary to help in the expansion of that port. But in the port of Quebec this country has spent from $7,000,000 to $8,000,000, and not one single cent of interest has been repaid on the investment. The figures submitted by the leader of the Government indicate that the operating deficit exceeds $106,000, yet they come to us and ask for the expenditure of another $1,500,000 in a place where there are idle wharves already. I submit that that is not good business.

Now, I wish to make a somewhat personal reference. Last Saturday afternoon an honourable gentleman in this House from the province of Quebec approached me and charged me with opposing this legislation because the work was located in the province of Quebec. I want to state that nobody concurred more gladly than I did in the voting of the money for the development of the port of Montreal. I would also point out that not less than ten days ago I opposed what I thought was an unnecessary and unwarranted expenditure of money in my own native county in the province of Ontario. It is not because of any special feeling against the province of Quebec that I take this stand in this matter; but I hold, as the honourable gen-

tleman from Assiniboia (Hon. Mr. Turriff) does, that this is not the time to make large expenditures and to lay additional taxation on the poor man. This is not the time to discuss taxation, but if time permits we shall be given an opportunity to show that the cross is being laid more heavily each day and each year upon the shoulders of men of responsibility, and I submit that it is the duty of this House not to permit of the laying of additional burdens upon them by reason of expenditures in the city of Quebec which are wholly unnecessary.

Hon. Mr. DANDURAND: I desire simply to correct a statement of my honourable friend. He said that no grain had gone through the port of Quebec in the last three or four years. I am informed that 4,000,000 bushels passed through last season.

Hon. Mr. ROBERTSON: I was quoting from the report.

Hon. Mr. DANDURAND: The question now is whether my honourable friend (Hon. Mr. Reid) should move to strike out $210,000 for dredging, when he will realize by looking at the map that there is danger of all the work of the Administration of which he was a member going to waste.

Right Hon. Sir GEORGE E. FOSTER: If I could believe that statement, I would take a different attitude towards this Bill and the vote contemplated in it. But I cannot bring myself to believe the statement. I know the facility with which arguments may be manufactured to support an appropriation when the Government wishes to put it through. They come to us now in the last days of the Session and ask us for a vote of $1,500,000. They say that the money is not to be shelled out immediately. But money is not shelled out immediately on any vote that is put through the Estimates. However, once the money is voted and put in the hands of the Government to dispense, it is an indebtedness and an obligation which we are bound to meet. I think that we ought to have had, and ought yet to have before we pass this measure, the authorities which would lead us to believe that if we do not pass this vote we shall destroy almost at once and forever all the 5,000 feet of wharfage inside the harbour of Quebec. I do not believe that is so. There is 35 feet of water there, and there is an entrance of from 650 feet to 800 feet. Vessels have been using that port every year for the last four years. The statement is made that there are occasions when there are more vessels than can be accommodated. There is a strap hour in every well-populated city when no number of cars that any municipality or company could provide would take everybody and afford him a seat; but that strap hour does not extend over the whole day; and this House cannot be asked to accept the statement that there is a pressure of vessels for berths and that there are not berths to accommodate them. Month in and month out, during the season of navigation, the wharves at the city of Quebec are comparatively idle. It is true, as my honourable friend has said, that the cargoes go up to Montreal; it is true also that it is possible to make an expenditure which will justify itself because of a fair prospect of bringing business to that port. Is there that fair prospect at the city of Quebec under the present circumstances? There is there an elevator, one of the best, properly equipped, of large capacity; and yet it is not employed, except occasionally, and to a very small extent—why? Quebec has all the railways it ever will have from the wheat areas of the West, and it has probably as good an opportunity as it has had in the past, if that elevator can be furnished with a constant supply of grain by means of land carriage. There has been that opportunity for the last three or four years, and yet the grain trade has not developed; and, taking water rates and land rates into account, it is very difficult to come to the conclusion that it will develop.

The Harbour Board is reducing the rates in order to attract trade; and consequently there is a deficit of $100,000 odd on working expenses. Where is that going to come from? Is it going to be taken out of capital? Taking all these things into consideration, my honourable friend would be well advised if he were to reduce this amount—because I should like to see part of that expenditure provided for. It is not good business to provide it from capital. All repairing and painting and renewing ought to be paid for out of the revenues of the port; but there is not sufficient; and their cost has to come out of capital. Taking all things into consideration, does not my honourable friend think that he would be well advised to take what is actually necessary for the improvements of the present year, some $500,000, and let that suffice? Why should we unnecessarily increase our expenditures at a time when they are well over $100,000,000 in excess of our revenues, and thereby add to the burden of our liabilities and taxation?

Hon. Mr. REID: I judge from the remarks of the leader of the Government that it is not his intention to reduce this amount, and therefore I will move my amendment. Before doing so, however, I want to refer again to the two items that are really covered by my amendment. But one item for dredging that has been mentioned and emphasized by the leader of the Government is not dredging of material that flows into the river, for that was completed, but is for new work altogether, away out at the entrance to the berths that have been completed. The Harbour Commission completed an entrance of 650 or 800 feet in width for any vessel to enter the harbour and along the St. Lawrence where the Empresses moor, and that entrance, so far as I have ever heard, has been quite sufficient since the work has been completed. I have never heard until now of any request from the Harbour Commission to widen that entrance. Therefore, this being new work, and the other work having been satisfactory for so many years, I feel that this is not the proper time to proceed with this new work.

The other item is to extend the pier away up towards the St. Charles river, or to complete the additional 500 or 600 feet of new pier. Already we have 4,000 or 5,000 feet of pier there now, and it has not at any time been used to its capacity. In my judgment, the work included in that item of $700,000 odd should not be carried on at present.

Hon. Mr. FOWLER: Is that part of the $1,500,000?

Hon. Mr. REID: Yes; that is new work. We have 4,000 or 5,000 feet completed, and this would make it 400 or 500 feet more.

Hon. Mr. FOWLER: What do you say as to the argument that this addition of 500 feet is essential to the other?

Hon. Mr. REID: There is nothing in it whatever, in my judgment, and I have been there and know the whole situation thoroughly. Those 500 feet would extend the work up to the bridge that crosses over to Limoilou.

Hon. Mr. FOWLER: Would that prevent the sand from coming down?

Hon. Mr. REID: There is nothing coming down there now; it is not filling in. It would be a good half mile out. There is a 35-foot navigation there now along those 4,000 feet, and I claim that that should be allowed to remain until this work is proceeded with, if it ever is. I think the view of the previous Harbour Commission was that if new work were to be done it should be to build new piers and warehouses from Champlain market west along the Transcontinental railway.

Hon. Mr. L'ESPERANCE: What Commission does the honourable gentleman refer to?

Hon. Mr. REID: The Harbour Commission. I understood that that was their view. I never understood, from any of the Harbour Commissioners with whom I talked, that it was advisable to continue that St. Charles river work away up through the river as it was laid out on this plan. Now I beg leave to move this amendment, seconded by Hon. G. D. Robertson:

That section 2 be amended by striking out the words "one milion" in lines 4 and 5 in said section, and adding the words "maintenance and repairs," in line 6, after the word "the".

That leaves the full amount that the honourable leader of the Government said to us on Saturday was necessary for all repairs, and to put the plant, if I may so call it, into first-class condition for operation in the most economical way.

Hon. Mr. DANDURAND: I would ask my honourable friend if he would not consider this proposal: that he test the feeling of the Senate on the two items separately; submitting the item for the new construction work and extension of the wharf, which represents an expenditure of $700,000, by itself, and separately test the Senate on the question of adding dredging at the entrance to the port?

Hon. Mr. REID: I could not very well do that, because the dredging is new work, not in the channel at all; it is to widen the entrance. In my judgment, if even a 650-foot channel has been sufficient for some years, it is adequate for many years to come. Therefore I would not feel justified in voting that the dredging be done. Then, as to the new pier, I believe, from my knowledge of the conditions, that it is not required at all. Even if the number of vessels coming there should increase, it would be many years before that would be required, if ever. For these reasons I would rather submit the two amounts together, and test the Senate on both.

Hon. Mr. DANDURAND: But you have this difficulty, that there may be Senators

who would desire to maintain the item for the dredging, but who would follow my honourable friend on his amendment to cut out the extension. There is an extension of wharfage which would serve a double object, as I understand, which would represent $700,000. On the other item, there is a demand for $200,000. So it seems that dealing with those two matters separately instead of combining them would be doing justice to the two claims.

Hon. Mr. ROBERTSON: Might I point out to my honourable friend that section 2 of this Bill does not divide into items the various expenditures proposed; and also that item 18 of the memorandum which he read last Saturday for the expenditure of about $125,000 was for the building of a certain pier which the honourable mover of this amendment mentioned at that time as work that in his opinion was wholly unnecessary. So that out of the $500,000, if the amendment is adopted, there would be available approximately $125,000 to carry on dredging work, if the Harbour Commissioners so desire. This would provide ample funds for any dredging work that may occur to the Commission as being required.

Hon. Mr. GIRROIR: I would like to ask the honourable leader a question. I understand that in 1912 a Commission was appointed for the port of Quebec, and that a scheme was proposed for the improvement of that harbour. Is this part of the original scheme as laid out for the port in 1912, or is it something new?

Hon. Mr. DANDURAND: It is not new. It is part of the plan.

Hon. Mr. REID: It is part of the original plan, but it is new work as compared with what was done and completed in 1919.

Hon. Mr. DANDURAND: It is part of the comprehensive plan laid out in 1912 and 1913.

Hon. Mr. GIRROIR: It was contemplated in 1912, and proposed by the engineers who planned the improvements for the port of Quebec; is that right?

Hon. Mr. DANDURAND: Yes, by a select firm of engineers from England who were retained at that time.

Hon. Mr. PROUDFOOT: I would like to ask the honourable member for Grenville if his amendment takes out the item of $210,000 which appears on page 633 of the Debates, and item $729,152, which appears on page 634, making a total of $930,152? Is that the object of the amendment?

Hon. Mr. REID: That is really the object of the amendment.

Hon. Mr. PROUDFOOT: Then I do not understand it as it reads.

Hon. Mr. REID: My amendment strikes out $1,000,000, roughly, and leaves $500,000 that the Harbour Commission may use as they and the Government may agree. When I read those items on Saturday as given by the leader of the Government, I thought that those two items, amounting roughly to $950,000, should not be proceeded with. There was another item of $50,000 for an award. That would make about $1,000,000 in round numbers.

Hon. Mr. FOWLER: What is that award?

Hon. Mr. REID: There was a firm in Quebec that had a claim against the Harbour Commission, and the Commission handed it to the Government. The Government said to the Minister of Justice: "Put it in to the Exchequer Court." That Court gave an award of some $50,000. It was appealed to the Supreme Court, who held that it should be paid. Accordingly, at last Session the late Government put the amount in the Estimates, feeling that as the courts had awarded $50,000 it should be paid. At that time objection was taken by a member of the Opposition.

Hon. Mr. FOWLER: From Gaspé?

Hon. Mr. REID: I do not know where it was, but at all events it was from the Opposition side. He said he could prove that the whole thing was a fake—at least, that was the meaning of it.

Hon. Mr. ROBERTSON: Fraud?

Hon. Mr. REID: Fraud. Then the Government withdrew the amount. The present Prime Minister also, refused to allow it to pass. A commission was granted. No action was taken by those who made the charges to disprove the item. The position I take is that the amount should be paid, but that the present Government should acknowledge that they were wrong. They should first carry on the investigation that was started, and if after they investigate it, they say that that amount should be paid, I think it should be paid. Until then I say it should be withheld, but I am in favour of paying it.

Hon. Mr. PROUDFOOT: As a judgment of the Court?

Hon. Mr. REID: As a judgment of the Court. That makes up about $1,000,000 in round figures.

Hon. Mr. DANDURAND: I think I owe the Senate, and the members of this Chamber who were in the other Chamber last Session, an explanation of the stand taken by a member of the Opposition in that Chamber last year, and I may name him —Hon. Mr. Lemieux, the present Speaker of the House of Commons. Mr. Lemieux knew that a considerable number of claims had arisen from the dredging of the St. Charles river. At the beginning of the Session he had heard that there was a claim in a case of Bélanger vs. The King, for which an award of $225,000 had been made to the claimant, Bélanger, but which had been appealed to the Supreme Court. He knew that the Crown had admitted judgment for $200,000 and had limited its appeal to $25,000. The judges of the Supreme Court expressed surprise at the appeal being limited to the reduced amount when it should have been for $225,000. Mr. Lemieux took up the case, knowing it from the summary of the investigation, and asked in the Commons Chamber why there had been an appeal for only $25,000 instead of $225,000. The Department of Justice took notice, withdrew the attorney, disavowed him, and appealed for the whole amount. What was the judgment of the Supreme Court?—$23,000. The judgment reduced the amount from $225,000 to $23,000. Lately, on an appeal by the claimants to the Privy Council, that court confirmed the judgment of the Supreme Court for $23,000. Now, Hon. Mr. Lemieux knew of that situation, and he had heard of other claims. In the last hour of the last Session a third or fourth Supply Bill, with a small item for the river St. Charles claim, appeared and was being put through. He did not know anything about that claim, but he was tapped on the shoulder by a member for the district of Quebec and told: "This is to pay some gentlemen who are there"—indicating them in the gallery—"who are just back from Yamaska county, and are coming to take their pay." Hon. Mr. Lemieux rose to seek for an explanation, and went to a high official of the Department who was not very far from him, and that gentleman said: "The Department of Marine and Fisheries will have nothing to do with that steal." Hon. Mr. Lemieux returned to his seat; he made the scene which my honourable friend witnessed; and he had not to draw very much on his imagination. On finding the claimants in the gallery at the last minute of the Session, and being told by a high official of the Marine and Fisheries Department that it was a steal, and that the Department would have nothing further to do with it, he made the statement which he did.

Hon. Mr. BENNETT: Was it the official who said it was a steal, or the member who had tapped him on the back? I want to ask this further: are statements made in the House of Commons by Mr. Lemieux or other honourable gentlemen to be accepted without inquiring into the truthfulness of them?

Hon. Mr. DANDURAND: Well, Hon. Mr. Lemieux had no time to turn around. He simply saw enough—that there were claimants in the gallery whose names were indicated to him, who were shown to him, who were just back from Yamaska county, and who were using pressure to get money out of the Government. Mr. Lemieux took the first short-cut he could by going to a high official of the Department of Marine and Fisheries, and the official, in a flippant manner, told him: "The Department of Marine and Fisheries is not responsible for that amount and will not pay it."

Hon. Sir JAMES LOUGHEED: Will my honourable friend say whether the present Government, since coming into office, has made inquiry into the conduct of those parties connected with the Department of Marine and Fisheries, and does he not consider it his duty to do so?

Hon. Mr. DANDURAND: My honourable friend the ex-Chairman of the Quebec Harbour Commission (Hon. Mr. L'Espérance) who is now sitting in this Chamber, admitted on Saturday last that there was no foundation for that claim. He considered it valueless, and was most aggrieved at finding that the arbitrator had allowed the doubling of the claim that had come before him, and had mulcted the Government of this country in that amount.

Hon. Mr. FOWLER: Is that this claim that has gone through two courts?

Hon. Mr. DANDURAND: It went through two courts in this way, as my honourable friend will learn if he will look at Hansard. He will find it stated in clear terms by the ex-Chairman of the Harbour Commission of Quebec, who is in this Chamber. There was a claim made by the St. Charles Park Company for compensation for a limited number of

feet of land taken, or for trespassing, or other damage done to their land, ten or fifteen feet under water, by the dredging that had taken place. A suit was entered against the Commission. We were told last week by the then Chairman of the Commission that he felt that the amount, not being very large, could be sent to an arbitration, and they appointed a retired judge of the Superior Court as the arbitrator. Our honourable colleague fell ill, and was at death's door for weeks, and when he came back to his duties he found that the arbitration had been enlarged, and some hundred thousand feet of land had been included in the arbitration; and to his horror the arbitrator decided that it was worth 11 cents a foot—that land under water.

He was face to face with an arbitrator's award. He states that the Department of Marine and Fisheries, hearing of that, took the case away from the Harbour Commission and appealed upon the whole award, whereas the Commission was advised that the appeal should be limited to the increased amount that had been asked during the award, and to which the Commission had not consented at the outset. The award was appealed through two Courts, as far as the Supreme Court, but the judgment continued to be unfavourable to the Commission. The merits of the case were never tested. There was no test of the facts, nor of the ownership of the land, nor of the estimate of the damages. The whole appeal was on the question: "Have you a right to appeal from an arbitrator's award?" So when the Hon. Mr. Lemieux made the protest which brought about the withdrawal of that item in the last hours of last Session he did not know all the facts. He knew the facts that I have now placed before the Senate, but after he had stated what he knew, and had perhaps drawn his own conclusion from what he saw and the information he had, he found, on looking up the record, and we find, that by a judgment of the Supreme Court the award was declared to be binding. What the Department of Justice will do in the present instance I do not know.

I have only this to add, that the Minister of Marine and Fisheries had before him a duplicate of the Estimates that had come from Quebec. The Quebec Commissioners are facing a judgment upon which they are paying 6 per cent interest, and they put in the amount necessary to discharge that judgment; but the Minister of Marine and Fisheries thought that it was not for him to sanction that payment, or to ask for a vote for the purpose, until some further investigation took place, and he struck it out of the memorandum that was sent to him in the Commons. I asked for and received a duplicate of that memorandum, but in it the item was not struck out; so in reading the duplicate I read that sum to cover that judgment. I may say, however, that it is not intended that any of the money voted under this appropriation shall go towards the payment of that judgment.

Hon. Mr. BENNETT: Is this canard that was propagated by Mr. Lemieux on a parity with that propagated by Mr. Mackenzie King with regard to the shells at Quebec? Or are such stories indigenous to Quebec?

Hon. Mr. DANDURAND: I understand that the shells were there all right, and were paid for with our own money.

Progress was reported.

The Senate adjourned until 3 p.m.

SECOND SITTING

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

RULES OF THE SENATE

MOTION FOR PROPOSED AMENDMENT POSTPONED

On the Notice of Motion:

By Hon. Mr. Dandurand:

That he will move to make the following a rule of the Senate as rule 18A:

When a Bill or other matter relating to any subject administered by a Department of the Government of Canada is being considered by the Senate or in Committee of the Whole, the Minister administering the Department may with the assent of the Senate enter the Senate Chamber, and, subject to the Rules, Orders, Forms of Proceeding and Usages of the Senate, may, for the furtherance of legislation relating to the Bill or matter in question, take part in the debate.

He said: This is a motion for the consideration of which a special notice was issued to the Senators. As I understand that some honourable members would like to discuss this motion for a revision of our rules at some length, I will ask that it be postponed until the second sitting tomorrow; but I will indicate a small amendment in the notice so that it may be incorporated with the proposed rule, I desire to insert before the word "enter" the following words:

On the initiative of the Minister representing the Government.

The idea has occurred to me that the privilege which we would confer upon the Minister sitting in the other House should be availed of only when the representative of the Government in this Chamber shall suggest to the Senate that the Minister be given leave to enter the Senate Chamber. A somewhat difficult situation might be created if the Senate invited a Minister to come and give explanations on a Bill, and the Minister, for reasons of his own, declined to appear in this Chamber. The object of the amendment would be to leave the initiative to the Minister representing the Government here, and he would take the initiative only after having conferred with the Minister of the Department as to his willingness to bring his legislation before us.

Hon. Sir JAMES LOUGHEED: Then, when we wanted him he might not come.

Right Hon. Sir GEORGE E. FOSTER: And we might not put through his measure.

Hon. Mr. BELCOURT: My honourable friend is discovering some of the small difficulties in the way.

Hon. Mr. DANDURAND: However, all this is matter for debate.

The Order was discharged and placed on the Order Paper for the second sitting to-morrow.

QUEBEC HARBOUR ADVANCES BILL

FURTHER CONSIDERATION IN COMMITTEE POSTPONED

On the Order:

House again in Committee of the whole on Bill 78, an Act to provide further advances to the Quebec Harbour Commissioners.—Hon. Mr. Dandurand.

Hon. Mr. DANDURAND: I would ask, honourable gentlemen, that this Order stand. I have requested the Deputy Minister of Marine and Fisheries to supply me with some special data justifying the expenditure on dredging and on wharf extension on the inside of the Louise basin.

Hon. Mr. L'ESPERANCE: The Louise basin? The St. Charles.

Hon. Mr. DANDURAND: Yes, the St. Charles. But is it not on the outside?

Hon. Mr. L'ESPERANCE: On the outside of the Louise basin.

Hon. Mr. DANDURAND: On the outside of the Louise basin, but facing the opening of the St. Charles river.

Hon. Sir JAMES LOUGHEED: That, I presume, will mean the actual expenditure necessary for present maintenance? I think what the House is most desirous of knowing is what is really indispensable for the maintenance of the present work, as distinguishable from extension work.

Hon. Mr. DANDURAND: It may be irregular to do so on my motion to suspend the Order, but I desire to convey to my honourable friend the essential idea of that extension. The primary purpose of the extension is not to increase the wharfage, but to close up the gap through which sand comes in and is deposited along the 4,000 feet of such wharfage to a depth of two or three feet every spring. The extension will of course provide 500 feet more wharfage, but the closing up of the gap is, I am informed by the Deputy Minister, the principal object of the work.

Hon. Sir JAMES LOUGHEED: What would be the engineering alternative if the Government did not proceed with that extension?

Hon. Mr. DANDURAND: It would be to continue dredging every year to remove the deposits.

Hon. Sir JAMES LOUGHEED: We might have information upon that likewise.

The Order was discharged and placed on the Order Paper for the first sitting to-morrow.

LAKE OF THE WOODS BILL

REJECTED

Hon. Mr. DANDURAND moved the second reading of Bill 141, an Act to repeal the Lake of the Woods Regulation Act, 1921.

He said: Honourable gentlemen, this is a very short Bill, but it deals with a question the history of which I desire to give in a few words to the House, in order to refresh the memory of the members who were present with us last Session, and to inform honourable Senators who have entered this Chamber since. The matter refers to the control of works on the Winnipeg River, which has its source in the Lake of the Woods, and on the English River, which flows into the Winnipeg River some distance below, but in the province of Ontario. The legislation which we passed last year, and which comprised two Acts, duly assented to and placed on the statute book, was initiated under the following circumstances:

The International Joint Commission, in its findings in the Lake of the Woods reference matter, reported to the Governments of Canada and of the United States, on June 12th, 1917, and among other things recommended that the levels and outflow of the Lake of the Woods should be controlled by the appropriate authority in Canada in order that:

(a) the levels of the Lake be maintained between elevations 1056 and 1061; and

(b) dependable flow be furnished from the Lake in the interest of all concerned.

At the time of the Commission's report, the Norman Dam at the outlet of the Lake, the main factor in its control, was being operated by the Department of Public Works of Ontario, upon the the advice of engineers in the Dominion Water Power Branch of the Department of the Interior.

A very heavy flood occurring in the summer of 1916 precipitated a situation which demanded a more formal, definite and responsible method of control. Consistent with the Commission's recommendations and following informal conferences with certain representatives of the Governments of Canada and Ontario, it was agreed that a joint Control Board be set up by Order in Council. Accordingly, upon the representation of the then Minister of the Interior, the Governor in Council, on the 21st January, 1919, constituted a Lake of the Woods Control Board, to consist of four qualified civil engineers, two to represent Canada and two to represent the Province of Ontario. The two Dominion engineers appointed in this connection were Mr. W. J. Stewart and Mr. J. B. Challies. On the 13th February, 1919, a provincial Order in Council was passed for the same purposes, and appointed Mr. H. G. Acres and Mr. L. V. Rorke as the two provincial members of the Board.

One of the main functions of this Board was "to consider and take appropriate action through the proper authorites of the Dominion and Provincial Governments, to secure all necessary authority and to have everything done to enable the Board to carry out the purpose and intent of this Minute".

Consistent with the responsibility specifically mentioned, the Control Board urged that a conference be called of representatives of the Governments of the Dominion, of Ontario and of Manitoba, for the purpose of arriving at some definite and mutually satisfactory arrangement whereby certain requisite statutory authority could be given to the Control Board. This conference was held in the office of the then Minister of the Interior, the Honourable Sir James Lougheed, on January 31st, 1921. At this conference the concurrent legislation scheme was agreed to.

This concurrent legislation was to be passed by the Federal Parliament and by the Legislature of Ontario. They agreed upon a joint Bill to be introduced into the two Houses for the purpose of appointing a joint Board of Control of the Lake of the Woods and the Winnipeg and English river works. The agreement is contained in chapter 10 of the Statutes of last year, the preamble of which reads as follows:

Whereas it has been agreed by and between the Government of the Dominion of Canada and the Government of the province of Ontario that the powers hereinafter mentioned shall be vested in a Board consisting of four members, two to be appointed by the Governor General in Council and two by the Lieutenant Governor in Council and that the necessary legislation to authorize the same shall be enacted by the Parliament of Canada and the Legislature of Ontario respectively.

The Bill was submitted to both branches of this Parliament, and was passed. Hon. Mr. Drury, Prime Minister of Ontario, introduced a similar Bill in the Ontario legislature. But on the 28th of April he addressed to the Prime Minister of Canada the following communication:

In view of the fact that the Lake of the Woods Control Bill was opposed last night in the House by the Liberal Opposition and the Conservative opposition as well as from the Government side it was found inadvisable to press second reading under circumstances that pointed to the probable defeat of the measure.

In withdrawing the Bill I made the announcement that if then desired it would be reintroduced next session. I respectfully urge that in the meantime the present control arrangement be continued and assure you of the thorough co-operation of this Government to ensure the best results for all the interests involved.

E. C. Drury.

He was asking that the Control Board appointed under the Order in Council, and which was in existence at that time, should be continued. On the 29th of April the Prime Minister of Canada answered as follows:

I have your telegram of yesterday. I regret very much indeed that the Lake of the Woods Control Bill is not to be passed by the Ontario Legislature this session. It has already passed both Houses of the Federal Parliament.

I will take up the matter of continuing the present Control Board with the Minister of the Interior and can assure you that we will endeavour to do so if same can be effectively done.

Faithfully yours,

Arthur Meighen.

Between the 29th of April and the latter part of May the Federal Government decided to pass legislation to fill the gap between that time and the time when the legislature of Ontario would be ready to implement its undertaking, and pass the Joint Control Act. The Act which was so passed is chapter 38 of last year, which is the one it is now sought to repeal.

Hon. Mr. BELCOURT: I thought you said it was chapter 10.

Hon. Mr. DANDURAND: The first one is chapter 10.

Hon. Mr. BELCOURT: Why do you not repeal that too?

Hon. Mr. DANDURAND: No. The second Act passed, chapter 38, an Act respecting the Lake of the Woods and other waters, contained this clause:

If the necessary legislation of Ontario referred to in the preamble of the Lake of the Woods Control Board Act, 1921, be enacted by the legislature, the Governor in Council may, by proclamation, published in the Canada Gazette, repeal or suspend this Act and the regulations made thereunder at any time when or after the Lake of the Woods Control Board Act, 1921, shall come into force.

If the clause had stopped there, there would be no difficulty now. But there is a proviso upon which there may be some divergence of opinion in this Chamber, as there was in the other. It is as follows:

Provided that notwithstanding any repeal or suspension of this Act in the manner provided by this section the works and each of them hereby declared to be for the general advantage of Canada shall remain and continue to be works for the general advantage of Canada.

Hon. Mr. BELCOURT: Will my honourable friend tell us now whether there were any regulations made under chapter 38 or chapter 10?

Hon. Mr. DANDURAND: I am informed that the same engineers who had been appointed under the Orders in Council that preceded this legislation were continued in office.

Hon. Mr. BELCOURT: And they had made regulations?

Hon. Mr. DANDURAND: Yes, there were regulations under that Order in Council.

On the 26th of May, the right honourable the Prime Minister made the following statement:

It is only because through no fault of ours, but entirely through the fault of the Government or the Legislature of Ontario—I do not care where the blame is placed, but I think it is chiefly on the shoulders of the Premier of Ontario by reason of his failure to carry through the joint legislation—we are compelled to take the position which we are taking now to ask that Parliament vest us with authority to serve the interests of both provinces and the whole country until we are able to effect the joint legislation for which we strove in the first place.

On May 31, the Prime Minister said:

The Bill already passed was intended to be concurrent with legislation by the province of Ontario, which did not go through; so our former Bill is valueless. The present measure is designed to hold the situation in the meantime.

Well, honourable gentlemen, the legislature of Ontario, during its last session, passed concurrent legislation in the very terms of chapter 10 of 1921. Before doing so, Mr. Drury came to Ottawa and asked the Prime Minister and some other members of the Government whether, if he carried out his part of the agreement and obtained from the Legislature its sanction of the Bill which he had introduced, the Federal Government would deem it its duty to withdraw chapter 38. The Government examined into the situation and decided that it would abide by the undertaking of the preceding Prime Minister and his Administration. Hence the present Bill.

I draw the attention of honourable gentlemen of this Chamber to the fact that the works that are covered by the Act which it is now sought to repeal are wholly within the province of Ontario, and interest that province in the highest degree. Manitoba is interested also, but not in the same way. Manitoba is interested in the maintenance of a certain level of water in the lower part of the Winnipeg river. Manitoba does not appear very prominently in these negotiations, because the Federal Government, through the fact that the lands of the province of Manitoba are vested in the Dominion of Canada, was principally representing the interests of that province in seeing that it suffered no injury from the controlling of the waters from the Lake of the Woods to the line of division between Ontario and Manitoba.

It would seem strange, in view of the agreement between the parties, if Ontario was to be deprived of its control over waters and works wholly within that province. The action of the present Government, in moving to repeal the Act is based upon what the Government believes to be a solemn enactment, undertaking, or agreement, which should be adhered to between Governments, as well as between individuals. The agreement was a simple one. It could not be carried out last year. The Prime Minister of Ontario asked the Prime Minister of Canada if there was still time to carry out the agreement. The Prime Minister last year had declared that the second Act was for the sole purpose of filling the gap until the Ontario Legislature had carried out its part of the undertaking. The Ontario Legislature having now done so, it seems that it is our duty, in dealing fairly between the two Governments, to live up to the understanding.

There is another reason, which I think should strike honourable gentlemen in this Chamber. It is the fact that the Dominion of Canada, in moving towards a Joint Control Bill, has been actuated principally by a call from the province of Manitoba, which

it was bound to protect because it held its lands; and it would seem somewhat extraordinary if the Dominion of Canada were to claim the whole authority when there would appear to be a simple solution.

I do not know whether there will be any objection to this legislation. The facts seem to be simple. Shall the province of Ontario be deprived of its control of lands and of works wholly within the province, more especially after it has agreed to a joint control in order to benefit or give greater protection to the province of Manitoba, which is solely interested in the lower part of the Winnipeg river? I am quite sure that what was true in April of last year is true in June, 1922. In April last year my honourable friend succeeded in arranging a satisfactory agreement between the province of Ontario and the province of Manitoba, except for the last proviso in clause 10. I do not see any reason why that proviso should be retained. The situation, if this Act is repealed, will simply be that which existed in the minds and in the will of the Dominion of Canada and of Ontario and Manitoba in March and April of last year. If there is any new reason that has arisen to vary that arrangement between Ontario, Manitoba, and the Dominion of Canada, I have yet to hear of it.

Hon. Mr. BELCOURT: The question has occurred to me, but I have not studied it out at all, whether carrying out the agreement for the joint control would not necessitate the declaration that the work is for the general advantage of Canada? How can the Dominion be a party to an agreement of that sort, or how can the agreement be carried out, unless the Dominion has some interest in it? How can any joint control, or any kind of control, be exercised over this property, which is in Ontario, unless the Act contains some declaration such as the one we are going to take out of it?

Hon. Mr. DANDURAND: My answer is in the statement I made, that the Dominion of Canada was in the right of Manitoba because it held all the public lands of that province, and nobody ever questioned the right of the Dominion of Canada to legislate along with Ontario for a joint control. If my honourable friend will look at chapter 10 of 1921 he will find that he himself was a party to the passing of this legislation:

> Whereas it has been agreed by and between the Government of the Dominion of Canada and the Government of the Province of Ontario that the powers hereinafter mentioned shall be vested in a Board consisting of four members, two to be appointed by the Governor General in Council and two by the Lieutenant Governor in Council and that the necessary legislation to authorize the same shall be enacted by the Parliament of Canada and the Legislature of Ontario respectively:

There was no statement that those works were to come exclusively under the Federal jurisdiction by declaration that they were for the general advantage of Canada, and yet my honourable friend and the Senate and the House of Commons passed the Act by which that joint control was established, and it was only when the second Act was passed that it was deemed appropriate to add that clause. If it was not deemed necessary when chapter 10 was enacted, I for one do not see that it is necessary now, and, since an arrangement has been arrived at between the Federal Government representing Manitoba and the province of Ontario, I have not yet heard a good reason why we should go back upon that agreement.

Hon. Mr. BELCOURT: It is never too late to learn. At the time chapter 10 was passed probably the attention of Parliament was not drawn to the position I am now taking. I cannot remember that the matter was discussed in either House. The more I think of it the more it seems to me that my position is absolutely correct. My honourable friend cites Chapter 10, but I retort by reciting chapter 38, in which the declaration was inserted because it was considered necessary at that time. I have not heard any reason why the declaration in chapter 38 was not right. How are you going to insist on exercising a control over some property which is wholly situated in one province? You cannot do that. It is only by declaring it to be a work for the general advantage of Canada that you can continue to have a status in that agreement. Your status is gone if you take that out.

Hon. Mr. DANDURAND: I am not ready to agree with that statement. The Federal Government was in the right of Manitoba in agreeing to pass concurrent legislation with Ontario, which held the powers in those lands, and I do not see that the Federal Government needed to declare that the works were for the general advantage of Canada. If it did so, it did not need to consult Ontario.

Hon. Mr. BELCOURT: But the need for the declaration was because it was going to be a joint control.

Hon. Mr. DANDURAND: A joint Act of Parliament was to be passed concurrently by Ontario and by Ottawa. The Federal Parliament did pass chapter 10 in conformity with the agreement, that my honourable friend is thinking we had brought into being. The legislature did not pass the legislation at the succeeding session, and the Prime Minister of Canada at that time said: "Because the legislature did not aid us at the succeeding session, therefore we should be free." We should be free if the province had decided to hold up the agreement, but he did not say that. He said, on the contrary, in his speech, in explaining the Bill:

Mr. Meighen: The previous bill, already passed, was intended to be concurrent with legislation by the province of Ontario which did not go through, so our former bill is valueless. The present measure is designed to hold the situation in the meantime, until, if it should come to pass, the Ontario Legislature enacts the concurrent legislation contemplated.

And, later on:

It is only because, through no fault of ours, but entirely through the fault of the Government or the Legislature of Ontario—I do not care where the blame is placed—but I think it is chiefly on the shoulders of the Premier of Ontario by reason of his failure to carry through the joint legislation—we are compelled to take the position which we are taking now to ask that Parliament vest us with authority to serve the interests of both provinces and the whole country until we are able to effect the joint legislation for which we strove in the first place.

So that the Prime Minister of Canada did not withdraw because Ontario had fallen down. No; he said: "When Ontario is ready to implement"—he did not state the time, but he certainly gave Ontario as far as the following Session.

Hon. Mr. BEIQUE: Has the honourable gentleman the Ontario statute?

Hon. Mr. DANDURAND: The Ontario statute that was passed is absolutely on all fours with the agreement entered into by the Ontario Government and the Federal authorities.

Hon. Mr. BELCOURT: I have no objection to the Bill personally. It is not because I am opposed to what the Government wants to do, but I am drawing attention, which I think is my duty, or the duty of any one else who might have the idea, to the fact that we are introducing a serious constitutional question. For my part I want to warn the Government that if they carry out this Bill their status under this joint agreement has ceased, and they will not be able to insist any longer on having any kind of control over those works.

Hon. Mr. DANDURAND: But chapter 10—

Hon. Mr. BELCOURT: I do not care what chapter 10 says; we have a constitution which says that this Parliament has no jurisdiction over provincial matters. That is the point I am making.

Hon. Sir JAMES LOUGHEED: I propose, before sitting down, to move that this Bill be not now read the second time, but be read the second time this day three months. May I say, for the information of the House—possibly some honourable gentleman may have overlooked it—that in January, 1909, the United States and Great Britain entered into a treaty dealing with the boundary, to prevent disputes regarding the use of boundary waters, but also among other things—

—to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions that may hereafter arise.

In pursuance of that treaty the representatives of both Governments, known as the International Joint Commission, were set in motion for the purpose of determining one of the questions in dispute, and I read from the letter of June, 1912:

The questions so referred to the Commission are as follows:

1. In order to secure the most advantageous use of the waters of the Lake of the Woods and of the waters flowing into and from the lake on each side of the boundary for domestic and sanitary purposes, for navigation and transportation purposes, for fishing purposes, and for power and irrigation purposes, and also in order to secure the most advantageous use of the shores and harbours of the lake and of the waters flowing into and from the lake, is it practicable and desirable to maintain the surface of the lake during the different seasons of the year at a certain stated level, and if so at what level?

2. If a certain stated level is recommended in answer to question No. 1, and if such level is higher than the normal or natural level of the lake, to what extent, if at all, would the lake when maintained at such level, overflow the lowlands upon its southern border, or elsewhere on its border, and what is the value of the lands which would be submerged?

3. In what way or manner, including the construction and operation of dams or other works at the outlets and inlets of the lake, or in the waters which are directly or indirectly tributary to the lake, or otherwise, is it possible and advisable to regulate the volume, use and outflow of the waters of the lake so as to maintain the level recommended in answer to Question No. 1, and by what means or arrangement can the proper construction and operation of regulating works, or a system or method of regulation, be best secured and maintained in

order to insure the adequate protection and development of all the interests involved on both sides of the boundary, with the least possible damage to all rights and interests, both public and private, which may be affected by maintaining the proposed level?

Hon. Mr. BELCOURT: Is the Lake of the Woods mentioned in that Treaty?

Hon. Sir JAMES LOUGHEED: I have not a copy of the Treaty before me, but the United States joined in submitting these particular questions to the International Joint Commission.

Hon. Mr. BELCOURT: And there is no doubt that those waters were included?

Hon. Sir JAMES LOUGHEED: No doubt, because the International Joint Commission, made up of the representatives of those two Governments, the United States Government and the Government of Canada, proceeded to examine into those matters, and to report, and I now propose to read one of its conclusions on dealing with question No. 1:

> Whenever the level of the lake rises to 1,061 sea level datum, water shall be wasted or conserved as directed by the Commission under the system of international supervision and control hereinafter recommended, and between 1,056 and 1061 water may be drawn from the lake by the appropriate authority in Canada for the benefit of Canadian interests, provided, however, that the level of the lake shall not, even toward the end of a series of dry years, be drawn below 1,056 sea level datum.

The senior member for Ottawa (Hon. Mr. Belcourt) asked me whether this particular subject was regarded as coming within the Treaty, and I now quote from the report of the Commission dealing more particularly with the Norman dam, because the question of the control of the Norman dam is really the storm-centre of this whole question.

So that honourable gentlemen may understand the more specific question that is agitating the Ontario Government, I may say that there is a dam known as the Norman dam at the outlet of the Lake of the Woods, and that was recently purchased by Mr. Backus, a very enterprising captain of industry, one of the leading ones in the United States, who appreciated the advantage it would be to hold the key to the situation. He is therefore not only master of the Norman dam, but to a very large extent master of the Ontario Government at present.

Hon. Mr. DANDURAND: Is that justifiable?

Hon. Sir JAMES LOUGHEED: I think so. I think honourable gentlemen present who are familiar with all the details of this very important question are likewise familiar with the very important role that Mr. Backus plays on that particular stage.

Hon. Mr. BELCOURT: My honourable friend is spoiling a good case, I am afraid.

Hon. Sir JAMES LOUGHEED: This is what the Commission said in reference to the Norman dam:

> The regulation of the outflow from the Lake of the Woods involves the use of controlling works. The present Norman Dam in the western outlet is well adapted to such use. Although built for power purposes, it has sufficient wasteway capacity to discharge all the flood water that need ever be drawn from the lake through this outlet.

Before I deal with the other phases—

Hon. Mr. BELCOURT: Before my honourable friend proceeds, will he tell us just what the International Commission did under the reference, if anything?

Hon. Sir JAMES LOUGHEED: They made recommendations to this Government, which the Government proceeded to carry out, and it is in order to carry out those recommendations that this legislation is now brought down.

Hon. Mr. DANDURAND: I stated the same thing.

Hon. Sir JAMES LOUGHEED: Yes; I am not contraverting the position taken by my honourable friend. Under chapter 10 of the Statutes of 1921 an arrangement was entered into, as outlined by my honourable friend the leader of the Government, for a joint control by the two Governments, the federal Government and the Government of Ontario. Mr. Drury, the Premier of Ontario, visited Ottawa, and after a conference expressed his hearty willingness to join in that joint control, and not only to do that but to pass the necessary legislation to exercise control over the Norman dam. That was left in rather a nebulous state. Mr. Drury at that time was not fully convinced as to how he could intervene with this Government in dealing with that question, but as to the general proposal he was heartily in favour of it, recognizing at the same time that the Norman dam was the key to the situation for the control of the waters of the Lake of the Woods.

The Parliament of Canada in all good faith placed this Act, chapter 10, upon the statute book. Honourable gentlemen can read it, and it will be observed that the purpose was that the two Governments should exercise a joint control. Mr. Drury

could not implement the promise which he had made to the Government of Canada to pass legislation by which the Ontario Government would unite with this Government in the joint control. Our statute was no sooner placed upon the statute book than the interested parties in Ontario began to play politics with the whole subject, and that is the reason why Mr. Drury was unable to pass the legislation which he had in view.

Hon. Mr. TURRIFF: Who composed the opposition?

Hon. Sir JAMES LOUGHEED: The fact is that, in my judgment, he never made a genuine trial to pass that legislation. He introduced the Bill and then dropped it. Mr. Backus at once protested against the legislation, and Mr. Drury naturally looked to the representations which Mr. Backus made on that occasion. By the way, I may say that there has been no more favoured child of the Government of Ontario than Mr. Backus. Mr. Backus has been practically given concessions in the province of Ontario representing almost an empire. I am not criticising or finding fault with Mr. Backus. That is his business. He is a captain of industry, a prince of pulp manufacturers. He is here for that particular business.

Hon. Mr. DANDURAND: Could my hon. friend state during what period—is it lately, or during the last year or two—Mr. Backus has obtained those immense concessions?

Hon. Sir JAMES LOUGHEED: Yes. My honourable friend, I suppose, wants us more particularly to go back previous to 1896.

Hon. Mr. DANDURAND: No. I would like to know if it was from Mr. Drury that he got those concessions.

Hon. Sir JAMES LOUGHEED: I may say for my honourable friend's information that it was from Mr. Drury.

Hon. Mr. BELCOURT: He wants to give everybody his due.

Hon. Sir JAMES LOUGHEED: Most valuable concessions. But I am not criticising Mr. Backus for that. Mr. Backus has facilities in securing a very large volume of American capital for the purpose of developing Canadian resources and pouring the profits into the financial coffers of the great republic to the south of us. Possibly we are unable to develop our own resources to the extent that our good friends the capitalists of the United States are prepared to do. More particularly of late, as the pulp industry has been a very profitable one, our friends in the United States have looked with a very covetous eye on the resources which we in Canada possess, with a view to the development of those resources. But, I may say, Mr. Backus is probably the largest pulp manufacturer in the province of Ontario, or has the largest limits, which he has received from the Ontario Government. These forces in Ontario, having joined hands, prevented Mr. Drury, apparently, from putting through the joint legislation.

The consequence was that this Government found itself confronted with a situation which governed the very important investments that had been made in the province of Manitoba. To honourable gentlemen who may not be familiar with the situation in Manitoba, let me explain that the large power industries, in which millions have been expended, depend upon the flow of water in the Winnipeg river, and if there be any interference with the Winnipeg river by which that flow is stopped, then Manitoba is deprived of the power upon which she absolutely depends for the operation of all those industries.

In order that you may have some appreciation of the enormous amount of money which has been invested in the province of Manitoba for the development of power, and of the degree to which the success—the very existence—of these investments depends upon the maintenance of the flow of water in the Winnipeg river, which is regulated by the Lake of the Woods waters, let me give you just an inkling of some of the investments which have been made there. For instance, the Winnipeg Electric Company has approximately $8,000,000 in power development. The Manitoba Power Company, Limited, has $7,500,000; the city of Winnipeg has $10,000,000; the province has $2,500,000.

Hon. Mr. DANDURAND: Has that development been during the last twelve months?

Hon. Sir JAMES LOUGHEED: That development has been going on for some years.

Hon. Mr. DANDURAND: But my honourable friend made that agreement for joint control.

Hon. Sir JAMES LOUGHEED: Certainly. That is the only way we can give protection to those interests. If we fail to

give protection to those interests, then they are wiped out at one fell swoop.

Hon. Mr. DANDURAND: But chapter 10 was the extent to which my honourable friend intended to give them protection.

Hon. Sir JAMES LOUGHEED: I am coming to that in a moment, and I venture to say my honourable friend will agree that chapter 10 was inadequate, in view of the subsequent conditions which arose. I say that if there had been good faith between the two Governments as to the exercise of control without the intervention of any interested parties, whose interests would be thus affected, that might have been sufficient; but we had no sooner placed upon the statute book this legislation for the co-operation of Ontario, based upon the mutual good will of the two Governments, than we became convinced that the legislation would be inadequate The Government had to have something more. The Government had to have a pronouncement that the work was for the general advantage of Canada.

My honourable friend has asked why was not the assurance of the Ontario Government sufficient. The Ontario Government could have passed this legislation one day and repealed it the next, and where would the legislation of the Dominion Parliament be? Where would be the interests of the province of Manitoba if the Ontario Government should at any time repeal its legislation and withdraw from mutual control and exercise the arbitrary powers which they claimed to have? Consequently it became necessary for the Federal Government to declare: "We shall exercise to the limit whatever rights we have in those premises." In doing so they simply invoked the right to assure adequate protection being given to those interests.

I hold in my hand a letter from Mr. Julien Smith, Supervising Engineer of the Manitoba Power Company, Limited. I understand he is an engineer very well known in the city of Montreal. He writes to me:

> I feel it my duty to protest against the passing of the proposed Bill which is now before the Parliament of Canada, by which the former Act concerning the control of the Lake of the Woods is to be altered.

That is to say, he is opposed to this legislation which my honourable friend has introduced to-day.

> The banking interests who have financed the seven and a half million dollars of bonds of the Manitoba Power Co., appointed me as Supervising engineer to represent their interests in the Manitoba Power Company.
>
> These seven million and a half dollars ($7,500,000) of bonds were sold to a syndicate of American and Canadian bankers and have been distributed all over Canada and the United States.
>
> Water-power Bonds in Canada have always had a good reputation, and this is the first time to my knowledge that any Act of the Dominion of Canada has been suggested which would in any way affect injuriously the investments which people have made in good faith in the water-power propositions of this country.
>
> The taking away of the control of the Lake of the Woods from the Dominion Government is a serious matter to all of the water-powers on the Winnipeg River, and particularly to the plant now under construction at Great Falls, Manitoba.
>
> This plant is one of the great water-powers of Canada, and when completed will have a capacity of over 150,000 H.P.

My honourable friend (Hon. Mr. Dandurand) asked the question, why was the legislation of last year passed without the declaration, which under the British North America Act was necessary, that this was a work for the general advantage of Canada? I need scarcely refer, honourable gentlemen, to the section of the British North America Act, but I will take the liberty of reading it.

Hon. Mr. PROUDFOOT: It is section 92, paragraph 10 (c).

Hon. Sir JAMES LOUGHEED: Under section 92 of the British North America Act the powers of the provinces are very clearly defined. Then, under paragraph 10, there are exceptions made. It states that the province has jurisdiction in—

> Local works and undertakings other than such as are of the following classes.

Then, among those classes of exceptions is to be found this provision:

> Such works as, although wholly situate within the Province are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces.

Hon. Mr. BELCOURT: While my honourable friend is dealing with these subsections of paragraph 10, might I ask him what is his opinion of subsection A? My object is to see if my honourable friend agrees with me that these are not works within paragraph a:

> Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province.

I would like to know whether my honourable friend agrees with me that the works

in question do not come within the terms of paragraph a.

Hon. Mr. DANDURAND: Why?

Hon. Mr. BELCOURT: Because they are not "lines of steam or other ships, railways, canals, telegraphs"; they are not works and undertakings connecting one province with another, or extending beyond the limits of the province. The last words, "or extending beyond the limits of the Province," must of necessity be related to the first words of the paragraph.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: It is only where works of that kind extend beyond the limits of the province that they come under paragraph a. I would like to know what my honourable friend thinks of that.

Hon. Sir JAMES LOUGHEED: I have not examined paragraph a in that respect. So I have no hesitation in saying that when paragraph c specifically provides for a condition such as that upon which we were seeking to legislate, we come under that paragraph; and if we come under c I think we therefore do not come under a.

Hon. Mr. BELCOURT: May I tell my honourable friend why I put that question to him?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: Because it would be argued, I assume, that Canada had that power anyway and there was no necessity of putting a declaration of that kind into chapter 38. It will be contended that if we do take it out now it will not matter at all, because it would be claimed or argued that the Dominion of Canada would in any case have jurisdiction under paragraph a. That is the reason I put the question.

Hon. Sir JAMES LOUGHEED: In the first place, the Parliament of Canada had power to intervene in this matter, under the authority given it by the British North America Act with regard to navigation. It was obligatory upon the Government of Canada to see that these waters were kept at the flowage recommended by the Commission, for the purpose of maintaining navigation. Entirely apart from the general powers exercisable by the Government under the North America Act, we have the specific power vested in us under the Act, these being navigable waters. According to the findings of the International Joint Commission, they are navigable waters, and the obligation of maintaining the flowage devolves upon the Government. The International Joint Commission, in making their recommendation, would not necessarily have in mind the maintenance of the flowage from a power standpoint. They were looking at those waters as boundary waters. The report found that the duty of the maintenance is cast upon the Government, and the report suggested that the Board of Control should be appointed for the purpose of regulating and controlling those waters. This Government then, in good faith, carried out to the utmost its arrangement with the province of Ontario, but the Government of Ontario did not see fit to implement the agreement which it had similarly entered into to place upon the statute book of the Province precisely similar legislation.

My honourable friend the leader of the Government points rather triumphantly to the fact that during the present Session the Ontario Government have placed upon the statute book the statute which they were to have placed there last Session. I venture to say to my honourable friend now, and I say it with confidence, that had we not enacted chapter 38 last Session, and declared the work to be a work for the general advantage of Canada, we should not have heard from the Ontario Government during its recent Session. I say it is owing to chapter 38 having been placed upon the statute book and the Government of Canada having declared this work to be one for the general advantage of Canada that the province of Ontario has implemented the agreement and provided for it in its own statutes, and now seeks to have us withdraw the legislation of last Session. I cannot understand the Parliament of Canada, or the Government of the day—for this is a Government Bill—placing such reliance as they apparently do upon the legislation of the province of Ontario concerning a matter involving the many millions I have mentioned—a statute which can be repealed on the morrow after it is passed. There is no assurance or guarantee on the part of the Government of Ontario to implement the agreement which they have entered into, and the default which they made in not carrying out their agreement of last year is the very best evidence that we can have that this Government is called upon to exercise the most drastic power it has in protecting the interests to which I have alluded.

Can anyone doubt for a moment that this is a work for the general advantage of Canada? If the Parliament of Canada does not regulate the dam known as the Norman dam nor control the waters of the English river and Lac Seul, I fail to see in what way it can give the necessary protection to the interests in the province of Manitoba that are demanding protection. And who can find fault with the Parliament of Canada for this purpose declaring this to be a work for the general advantage of Canada? What injury is it going to do? If the province of Ontario were suffering any specific damage from the exercise of this power vested in the Dominion Parliament, I could very well understand the province of Ontario protesting against the legislation which my honourable friend (Hon. Mr. Dandurand) now seeks to repeal. But has there been any evidence submitted to this House that the existence of this legislation and its continuance as a law of the Dominion will operate injuriously or with prejudice to the province of Ontario? No. The Ontario Legislature should be the first body to say to the Parliament of Canada: "Our interests in this respect are not provincial; this is larger than a provincial matter; we will support you in every way we can to protect the enormous investments in the province of Manitoba depending upon the flow of water in the Winnipeg river. As I have said, this has become a political matter in the province of Ontario; and because one gentleman finds that his interests have been somewhat handicapped in regard to the exercise of his discretion in dealing with the enormous interests in the province of Manitoba, he intervenes and says that the province of Ontario must demand the repeal of this legislation, and the province of Ontario is here to-day for that purpose, and at his request.

Now, I ask my honourable friend the leader of the Government, who, I am sure appreciates the situation, in what other way could the Dominion of Canada protect those great industries in the province of Manitoba? It is well known from an engineering standpoint—and any engineer who has studied this whole situation will tell you—that Mr. Backus has the key to the situation. Being the owner of the Norman dam, and owning the dam known as the White Dog Rapids, he controls the whole situation. He, in the exercise of plenary powers, can prevent the people of Manitoba getting the water necessary to give them the power which they have at present, and to which they are entitled, and which, I am satisfied, the Parliament of Canada will see that they enjoy for years to come.

Hon. Mr. GIRROIR: Was the province not asked to enter into an agreement with regard to this joint control, or was it simply to pass a statute?

Hon. Sir JAMES LOUGHEED: They signify a willingness now to come within chapter 10; but it only provides for a joint control. But, as I have pointed out, there is nothing to assure us that that joint control will continue, or that the Ontario Government at the next session will not repeal the Act passed this session.

Hon. Mr. DANDURAND: Likewise, what about this Parliament?

Hon. Sir JAMES LOUGHEED: This Parliament is a very much more dependable institution than the provincial legislatures.

Hon. Mr. DANDURAND: My honourable friend is not modest.

Hon. Sir JAMES LOUGHEED: No. I am always prepared to pay a tribute to the Parliament of Canada as compared with the provincial legislatures.

My honourable friend speaks of our depriving Ontario of the control of its lands. There is no deprivation. In what way is there an interference with the right of the province to enjoy the full exercise of its legislative powers as to its lands? My honourable friend says that we entered into a solemn engagement with the province of Ontario. What about the solemn engagement that it entered into with this Government last year? We have a right, I should say, to measure the extent of the solemnity of the province of Ontario by the way in which it dealt with the subject last year. When my honourable friend talks about solemn engagements, it rather appeals to my sense of levity.

I think it is hardly necessary for me to say anything further upon this matter. In the first place, we are simply carrying out the recommendations made by the International Joint Commission, a Commission appointed by the Government of the United States and the Government of Canada for the adjustment and settlement of the question. That Commission has intimated that the only way to regulate the flowage of the Lake of the Woods is by control of the Norman dam. As Mr.

Backus is the owner of the Norman dam, we have to adopt some method to exercise control, and we think the British North America Act has fully met the situation, and we have evoked that power.

Hon. Mr. DANDURAND: Who owned the dam in March and April last year?

Hon. Sir JAMES LOUGHEED: Backus.

Hon. Mr. DANDURAND: Then chapter 10 seemed to be sufficient to control him?

Hon. Sir JAMES LOUGHEED: No, it does not.

Hon. Mr. DANDURAND: It seemed to be strong enough.

Hon. Sir JAMES LOUGHEED: We think it is not. This dam was built many years ago, and it is an outlaw dam in the sense that the permission of the Minister of Public Works for it was not obtained under the Navigable Waters Act, and no authority has since been obtained from the Federal Government for its retention.

Hon. Mr. BELCOURT: Was there ever any request from the Dominion Government?

Hon. Sir JAMES LOUGHEED: No, I understand not. But Mr. Backus has purchased it, and owning, as I say he does, the key to the situation, he proposes to make it a very valuable instrument probably for the purpose of levying tribute elsewhere. Therefore it seems to me, in a word, that the Parliament of Canada is within its rights in having passed this legislation. Honourable gentlemen, I fancy, will not doubt that for a moment. In the second place, we may ask ourselves this question: were the conditions of so important a character as to warrant the Government in exercising this power under the British North America Act? I say yes. There were $38,000,000 or $40,000,000 invested in enterprises in Manitoba which are dependent upon receiving water from the Lake of the Woods by way of the Winnipeg river. It is necessary to protect those interests; and, notwithstanding any assurances that may be given by the province of Ontario, either by legislation or otherwise, I say it will not be sufficient to warrant us in continuing to depend upon those assurances. I therefore move:

That the Bill be not now read a second time, but that it be read a second time this day three months.

Hon. F. F. PARDEE: Honourable gentlemen, after listening to the honourable leader of the Opposition, who has just finished his remarks, it appears to me that if his argument is carried to its logical conclusion, such a thing as what I may call vested interests in provincial rights is gone. In other words, no matter what right a province may have, if any private individuals or private interests step in, they may come to the Dominion Parliament and say: "We desire that this or that particular provincial right shall be taken and that So-and-so shall be declared to be for the general advantage of Canada;" thereby absolutely depriving the province of the right, and setting aside provincial control.

The honourable gentleman says: "Why did not the province of Ontario come in a big, strong way and say, 'We have nothing against the province of Manitoba, and as a consequence are quite content to enter into an arrangement which will give people lower down on the Winnipeg river a dependable flow of water'." I submit to this House that that is exactly what was done. There was some trouble; there was a getting together; there was an agreement made. That agreement was reduced to writing. There were certain things to be done by the Commission in the way of controlling the flow of water. That Commission later on was to be fortified by an Act of this Parliament, and by an Act of the Provincial legislature. The agreement was to be crystallized into legislation giving them all the powers the province would have or that the Dominion on behalf of the province of Manitoba, demanded. That was done. what then?

It appears to me that my honourable friend stretches a point when he says: "Ah, that is very well; but what did the province of Ontario do? They did not carry out their agreement: they refused to carry it out." As a matter of fact, I think it is hardly worth while to tell any honourable member of this body that the province of Ontario did not refuse and could not refuse, and my honourable friend knows quite well why it could not refuse. There was in the Legislature of Ontario, as there is in this Parliament to-day, a tinge of group representation. Mr. Drury told Mr. Meighen, and it is set out in the correspondence, that he could not bring down that legislation, because, with the groups that he had about him, he could not carry it. But what he said was this: "I cannot carry the legislation in my own House, but I am perfectly content that the Commission should go on and that Manitoba should receive the rights that she was to receive under the agreement." And I submit to this House that when my honourable friend says,

"But what reliance can you place on the word of the Ontario Government?"—and inferentially, therefore, on the word of any Government—the answer comes very promptly from the action of the Ontario Government during the Session just ended—why? Because the very things that they promised some two or three years ago that they would do as soon as they were in a position to do them were done. Then the Government of the day comes along, very properly, I submit, and says: "The agreement having been carried out, and Ontario having come forward in a big, broad, generous way, and having said, 'We do not desire to take any advantage of the province of Manitoba,' we will repeal the Act that was passed last session declaring these works to be works for the general advantage of Canada, and we will put provincial rights back where they belong." That is what is done by this proposed legislation. So far as that phase of the question is concerned, let it rest there.

When the honourable gentleman comes here—and he is an authority—and says: "Really, the great trouble is that financial men have invested $40,000,000 in the bonds of these power and electric companies, and they stand a chance of losing the money they have invested," let me ask the honourable gentleman if they did not know when they put their money into the ventures that there was no Act declaring these works to be for the general advantage of Canada?

Hon. Mr. SHARPE: $7,000,000 of that was let loose this year.

Hon. Mr. PARDEE: Very well, we will deduct $7,000,000 and make it $33,000,000. When they put the $33,000,000 into these enterprises, did they take the proper legal advice, as they could have done, and found out that the volume of water flows from the Lake of the Woods through the Norman dam, and via the White Dog Rapids, all of which are within the province of Ontario, and every square foot of which were subject to provincial rights and to the laws of the province of Ontario?

Hon. Mr. McMEANS: May I inform the honourable gentleman that a portion of the Lake of the Woods is within the province of Manitoba. But that is not all. The city of Winnipeg has spent from $15,000,000 to $20,000,000 in water in getting a supply from that lake within the boundaries of Manitoba.

Hon. Mr. PARDEE: But the Norman dam is not in Manitoba.

Hon. Mr. McMEANS: No.

Hon. Mr. PARDEE: That is what is complained of. It seems to me that the real milk in the cocoanut is that there is a water-power which has ben improved, and upon which a good deal of money has been spent, and that the city of Winnipeg and the private interests there, who are complaining, desire to take advantage of that, and do not desire to spend one dollar of their own money in getting their own water-power.

Some Hon. SENATORS: No, no.

Hon. Mr. PARDEE: Let us see now. In the report which was brought down there were some figures as to the fall of the water. It is set out in the report that there is a fall of 29 feet at the Norman dam, which is spoken of as the governing factor in this matter. There is a fall of 291 feet in the Winnipeg river below the Norman dam. Very well; if you substract the 29 feet from the 291 feet you have the remainder of the fall for the development of the water-power in the Winnipeg river. Why would it not be quite possible, if the people of Winnipeg and the province of Manitoba are so fearful that an even flow of water will not be maintained, and that the level will not be properly controlled, to develop water-powers below the Norman dam and maintain an even flow by storage, and in that way avoid any trouble with the province of Ontario? I contend that if the people of the city of Winnipeg and the people of the province of Manitoba desire to develop their own water-power, they can do so at their own expense. The plea is made that these are navigable waters. Well, almost any waters are navigable these days. But if you take the reports brought down and examine the type of boats sailing on the Rainy river, you will find that the biggest boat draws 7 feet, and the draft of most of them is 3 feet. I do not think anyone needs to control those waters for the purposes of navigation in the class of navigation that is carried on—and it is the only class there is.

I repeat: if the procedure of the late Government is to go on, if for private interests of any kind the provinces are to be done out of their provincial rights, where is the end of that to be. If the Dominion Government has a right to declare those works to be for the general advantage of Canada, to take them without the control of the province of Ontario, it has a right, with regard to any waters or anything else in any part of the pro-

vince of Ontario, to say: "These waters shall not belong to this particular province; nothing of the nature of provincial rights shall further stand; we declare them all to be for the general advantage of Canada," and the province will have to give them up. To argue that we have that right is to go back to the earliest history of the province. Some of the greatest constitutional fights that were ever known were fought then as between the Liberal and Conservative Governments to establish the very thing that that Norman dam stands for; and it was established in the highest courts of the realm that those water-powers belonged entirely to the province, which had absolute jurisdiction over them.

I do not know whether it is worth while going any further into particulars in this matter. I have gone into it rather thoroughly, and I spoke last year in the House of Commons regarding it. In conclusion, I wish to say that in my opinion it does not matter whether or not Mr. Backus is mixed up in it. He seems to be rather a bugaboo to the honourable gentleman (Hon. Sir James Lougheed). I hold no brief for Backus, but I will simply say that when Backus did purchase the pulp mills and limits in Ontario the present Government got almost twice as much out of them as the former Government was prepared to sell them for. That is not germane to the question, neither is Backus nor any other man germane to it; but he came along and through certain channels he obtained certain rights. If he obtained those rights properly it is not for this House or the other House to step in and in any way intervene in the bargain that the province of Ontario made with Backus, no matter whether it is detrimental to the other province or not. If it was detrimental to the other province, which I will not admit, it has no right to complain to us, because it has its own remedy. Under the legislation as it exists to-day on the statute book of Ontario, the commission of engineers that was formed and carried on could have carried on last year without this legislation being passed in any way whatever, and that is what Mr. Drury desired. I say there is no possible chance that that Commission, or any other commission of fair-minded men, backed up as they would be by the Government or governments for whom they are acting, would do anything that might be detrimental to the perpetuation of an even flow of water for the industries and powers that my honourable friend wants. Under the legislation as it stands to-day, with the repeal of the Act of last year whereby those works were declared to be for the general advantage of Canada, Manitoba is absolutely safeguarded, and it cannot go higher than have the word of the Government which is at present in power, or any Government.

Hon. ROBERT WATSON: Honourable gentlemen, in taking part in this discussion I shall have to be excused because I am not a lawyer. I will not argue it from a legal standpoint. I will deal with this question more from a practical standpoint, as to how it affects the people of Manitoba.

This matter has been prolonged for some years, and attention has been directed to Manitoba, because unfortunately that province is in the position of having no standing in this case except through the Senate and the House of Commons. As has been well said here, the Winnipeg river is entirely under the control of the Federal Government, and is administered by them; they control every right to construct works in that river, and every dollar that is received from power franchises and charters to do business on that river; consequently we have to look to Ottawa for protection, and you would naturally suppose that people who got power to construct those works on the Winnipeg river would receive protection from Ottawa.

Some two years ago it became known to the people of Manitoba that Mr. Backus had secured large pulp and timber concessions from the Ontario Government. It was also known to the people of the West that he had purchased the Norman dam. That dam has been properly described to-day by the leader of the other side as an outlaw dam, because under the legislation of the Department of the Interior the builder of every dam of that description constructed on water which is international or interprovincial had to secure permission from the Federal Government. Such permission was never secured by the people who built the Norman dam. The dam, to my knowledge, was originally built b· Mr. John Mather and the late Senator Gibson.

Hon. Mr. McMEANS: How many years ago?

Hon. Mr. WATSON: It must have been about twenty years ago.

Hon. Mr. McMEANS: More like thirty.

Hon. Mr. WATSON: No, twenty years ago. I happen to know something of the

circumstances from Mr. Mather himself, and am able to say why the dam was built. Mr. Mather had timber limits which comprised the islands in the Lake of the Woods. The Ontario Government did not want the timber cut off those islands, and they gave Mr. Mather power to construct the Norman dam to control a water-power in lieu of his right to cut timber on the islands. That was about the time of the agitation about transmitting power over long distances, and I know that Mr. Mather at that time came to Winnipeg and secured contracts for only about 5,000 horse-power. At that particular time the methods of conducting electrical energy with high voltage were not so advanced as they are to-day, and it would take 5 wires of three-eighths of an inch in diameter to carry even 10,000 horse-power, and they could only deliver at the other end about 80 per cent of the power that was generated. Hence that project was given up. But under the arrangement with the Ontario Government Mr. Mather had to construct a dam, and he formed a company which constructed this Norman dam, and which was able to control the flow of water into the Winnipeg river.

The people of Manitoba learned that Mr. Backus, in addition to securing those large pulp and timber limits, had secured this dam. It is reported that he paid $110,000 for it. We know that he proceeded to Winnipeg, knowing the relation that Norman dam held towards the power down the river that Winnipeg was interested in, and he tried to sell the dam to Winnipeg for $1,500,000. I do not blame Mr. Backus; he is a good, shrewd business man, but I do blame the people who allow him to take this power and have it operated for the general advantage of Backus instead of for the general advantage of the people of Canada.

Now, not only Winnipeg, but the province of Manitoba, is entirely dependent on the Winnipeg river power. The city of Winnipeg has invested a large sum of money in a power plant, and that power has been extended to different parts of the province of Manitoba. It was extended to my town a year ago, and people there are using it, and the rates charged for it have been reduced to about two-thirds of the rates charged by the local steam plant. The people of Manitoba are as as much dependent on the Winnipeg River as the people of Toronto and Ontario are dependent on Niagara Falls, or the people of Quebec are dependent on the St. Maurice river. I think it is fair to give those comparisons for illustration of our position in Manitoba. The Lake of the Woods occupies practically the same position as the large dam that was built on the St. Maurice river, from which I understand the Quebec Government is to-day getting a revenue of about $200,000 a year by regulating the flow of that river.

Mr. Backus is known pretty well in the West. I do not need to mention his name to the newspaper men, for they know what he charged them for paper; that is his business, and he had the power. This Parliament about twenty years ago granted Mr Backus the privilege of constructing a pulp and paper mill on the International Falls, at Fort Frances, on Rainy River. He erected his plant at Fort Frances, where he was to develop as much power on the Canadian as on the American side. He put his pulp mill in the middle of the stream, and he ran his pulp logs to the mill on a chain, and had them ground into pulp, which was then pumped to his pulp mill on the American side; and all that Canadians got from it was the tail water from his pulp mill in the Fort Frances locks. That is what we know about Backus and the Rainy River.

My honourable friend referred to the water as belonging to Ontario. I may say that it is not only international but it is interprovincial. Winnipeg city gets its water from Shoal lake, which is an arm of the Lake of the Woods, and is situated in Manitoba. The water comes through an aqueduct 100 miles long. The city of Winnipeg has expended about $20,000,000 in bringing that water from Shoal lake to Winnipeg.

We are not coming here without a claim, and we think that the Federal Government should recognize our claim. If there ever was a situation that warranted the Federal Government in making a declaration that works were for the general advantage of Canada, I believe it is now, and we are insisting on that because we are having the very experience we have been speaking of to-day. If Ontario has been deprived of any rights she can go to the law courts. I remember Ontario's fight for provincial rights years ago. There was a saying in Ontario that it was Hardy, Pardee and Mowat who were fighting for provincial rights. In Manitoba we have no legal rights, and we have to appeal to the Senate, because the House of Commons is willing to give away our rights, as shown in the legislation submitted here to-day.

I have had some little experience in talking about provincial rights. Just about 40 years ago to-day I was campaigning in Manitoba for provincial rights, and I do not think I can be accused of not abiding by the principle of provincial rights; but if that principle is to be made use of in a case of this kind, we shall be working provincial rights to death in a way that will seriously affect the city of Winnipeg and the entire province.

Hon. Mr. BRADBURY: It is affecting the whole province of Manitoba.

Hon. Mr. WATSON: If I did not take the stand I am taking to-day and back up the legislation of last year, I would not be playing the game fairly. I had the privilege of being invited to and of attending conferences in Ottawa and Toronto, on behalf of the interests of Manitoba; and long before this legislation was attempted to be passed in the province of Ontario, immediately upon its being introduced at Ottawa, Mr. Backus, with his legal luminaries, came to Ottawa to protest against the joint legislation. I had the privilege of being present at the meeting in the Privy Council Chamber in Ottawa, when I think four members of the Senate, who were in the then Government, were present, to hear what he had to say. Mr. Backus with his counsel from Minnesota fought that thing to a finish, and claimed that if this concurrent legislation that has been referred to were passed it would ruin him, and he could not get money to carry out works at Rat Portage which he had promised. That was his claim. He went from here to Toronto, and again he protested there. Mr. Hudson, the late Attorney General of Manitoba, who is now in the House of Commons, was present, looking after the interests of Manitoba, and he met the same opposition there against this concurrent legislation. Mr. Backus was never satisfied with concurrent legislation, and he used his influence to prevent that from being passed in the Ontario Legislature. Now he comes, at the suggestion of the very men who prevented the passage of that legislation in the Ontario House, and tells them, "I prefer the concurrent legislation of Ontario and the Federal Government," rather than the Act passed here, when the provision was made that it was for the general benefit of Canada, in order, to protect the province of Manitoba.

Have we any guarantee that if we withdraw this legislation Ontario will not rescind the legislation it has passed this session? I say we have no guarantee, knowing as we do the influence that Mr. Backus has with the Ontario Government. I venture to say he has control there, though I believe that, when Mr. Drury said he was anxious to come down here to help Manitoba, he was perfectly sincere. I think he gave away more than he thought he was giving when he gave those concessions to Mr. Backus, because he gave not only the timber limits but the water-powers. In this situation, surely this Parliament is not going to put Manitoba into the hands of Mr. Backus, because that is exactly what it means, according to my judgment.

As far as the present situation is concerned, what complaint has Mr. Backus or the Ontario Government? There were to be four men, two appointed by the Federal Government and two by the Ontario Government, to form a Commission. That was before this legislation was passed, and the same men are the commissioners to-day, and there is no complaint. Why interfere with the situation? Why not leave it as it is? If there are any abuses later on, it will be time enough to make the change then.

I might say, so far as development is concerned, that about 200,000 horse-power are developed at the present time on the Winnipeg river, and I understand that about 300,000 horse-power more can be developed and made available. That would make a total of 500,000 horse-power. Let it be understood that it is very important to have a dependable flow of water. A few years ago it was thought there were only two or three places on the Winnipeg river where electric power could be developed—Lac du Bonnet, 60 miles from Winnipeg, and the outlet of the Lake of the Woods, 120 miles from Winnipeg. It is a very rapid river, and I think it has more fall than my honourable friend stated, because I understand there is a 300-foot fall between the Lake of the Woods and Winnipeg; then there is a 40 or 50-foot fall from Winnipeg to Lake Winnipeg. A few years ago it was thought that it would not be practicable to develop that power on account of the frazil ice forming in the rapids. Honourable gentlemen who have anything to do with water-powers, even in Ottawa here, know the trouble there is with frazil ice; that is an ice that is formed right in flowing water. It is almost like needles, and when it strikes the water-wheels it will often ball up like a snowball and stop the

wheel in a few seconds. More power is developed where there is dead water, with solid ice over the water, because there is no trouble with frazil ice, which only forms in rapids. But there is trouble when there is anchor ice, which jams up the whole stream, when the water is covered with ice and is kept at a uniform level.

In the matter before us now, I know I am speaking for 100 per cent of the people of Manitoba when I take this stand. They want the legislation that was passed here last year. I am not a lawyer, but I am inclined to think that if we passed this Bill it would look like an admission on the part of the Federal Government that they did not possess the right to declare that the works are for the general advantage of Canada, and that that was the reason they rescinded that legislation. As I said, this is a case where the Senate or the Parliament is justified—

Hon. Mr. GIRROIR: I would like to ask the honourable gentleman if there ever was an agreement in writing between the provinces of Manitoba and Ontario and the Dominion Government with respect to these rights?

Hon. Mr. WATSON: No, I think not; I never heard of any.

Hon. Mr. DANDURAND: There was the agreement which brought forth chapter 10 for joint control.

Hon. Mr. WATSON: Oh, yes; I thought you meant previous to that.

Hon. Mr. GIRROIR: That was merely a verbal agreement?

Hon. Mr. DANDURAND: But implemented by the Premiers of both provinces.

Hon. Mr. WATSON: There was nothing in writing at that time, but there is no question that Mr. Drury was prepared to do anything and everything he could to protect Manitoba, and I believe he would have carried out that concurrent legislation but that the Backus influence prevented him from doing so.

Hon. Mr. MITCHELL: Mr. Drury was prepared to do whatever he could under provincial rights?

Hon. Mr. WATSON: I think this case involves the Federal and not provincial rights, and on behalf of the people of Manitoba I urge that the motion of my honourable friend (Hon. Sir James Lougheed) be carried. I think it would be a calamity to allow this Bill to pass.

I am not going to refer to the money that has been invested on the strength of this legislation; but, honourable gentlemen, you will understand the situation. The people of Manitoba are depending on the Winnipeg River for their power, for their electric energy, for their street railway, for manufacturing. The city of Winnipeg is dependent upon the Winnipeg River and practically the whole province of Manitoba is now depending or will depend upon it. It supplies their hydro-power, and they have no other and will not have any other. It appears to me that the control should be vested in the Federal Government and not entrusted to a local government or to Mr. Backus or any other individual. I think this control ought to be retained by the Federal authorities, and I trust that in the interest of the people of Manitoba the Government will see fit to retain it.

Hon. Mr. TURRIFF: Honourable gentlemen, I wish to ask a question. As I understand from the honourable leader of the Government, the reason for the action proposed by the Dominion Government is that they have the control of the land in Manitoba; consequently any action that the Dominion Government takes is taken ostensibly for the benefit and protection of Manitoba. Is the Government of Manitoba asking for the repeal of this statute, or do they want it repealed? Do they think it is in their interest to have it repealed?

Before I sit down I want to say just one word to my honourable friend the leader of the Opposition (Hon. Sir James Lougheed). It seemed to me that he was placing a great deal of blame on Mr. Drury for not passing the Act last Session, as he had promised to do. It strikes me that the blame was not so much on Mr. Drury. I think he would have passed the measure last Session if he could have done so; but, as I understood the matter, Mr. Backus had secured the services of two very able lawyers to oppose it. They happened to be the leader of the Liberal party and the leader of the Conservative party. They were in opposition to Mr. Drury.

Hon. Sir JAMES LOUGHEED: They seem to be a bad lot all round.

Hon. Mr. TURRIFF: So I do not think it is fair to put all the blame on Mr. Drury. I think the blame belonged on the other side of the House. If they had acquiesced the

legislation would have been passed last year. And no doubt Mr. Backus is getting in his work to-day. I remember that a year or two ago, when this Parliament passed a law with reference to newsprint and the Canadian manufacturers obeyed the law, this American pirate refused to obey, and did not obey. I do not think Mr. Backus deserves any consideration whatever at our hands.

Hon. Mr. LYNCH-STAUNTON: I desire to say a few words in regard to the vote I intend to give on this matter. I do not think this is at all a question of Mr. Backus or any other person. If it were, I certainly would vote for the amendment proposed by the honourable leader of the Opposition (Hon. Sir James Lougheed).

Let us see where we are. About fifteen or sixteen years ago, on behalf of Ontario, I appeared as counsel before a Committee of this Senate and before the House of Commons Committee to oppose just such legislation as this. At that time the late Mr. Conmee wanted to get the control of the power on the Nipegon River and the control of two or three other power propositions in the northern part of Ontario. He could not get possession of them from Ontario; so he conceived the bright idea of building a canal from Lake Superior to Edmonton and he brought down a Bill regarding this power on the Nipigon River, which was declared to be a work for the general advantage of Canada.

Sir James Whitney sent me down here to oppose the measure; and my instructions were to tell the Dominion Parliament that if at any time they insisted on declaring to be for the general advantage of Canada part of the domain of the province they would find that any legislation they chose to pass by that high-handed action would remain unenforced; the Government of the province of Ontario controlled the administration of the law, and it was not going to lend itself to supporting any law which robbed it of the right guaranteed to it under the British North America Act.

The British North America Act is a treaty, an agreement made amongst the various provinces of this country, and by that act the public lands are given to the four original provinces. That was a bargain made between the Federal authorities and the provincial, and this legislation is, I think, the first ever passed by the Parliament of Canada in violation of that agreement. I contend that the clause in the British North America Act which gives to the Parliament of Canada the right to declare any work to be for the general advantage of Canada does not, in the true intent and meaning of the Act, apply to provincial properties. It was meant to apply only to property of subjects of the King, not to the property of the provinces. If that power does apply to provincial properties—and of course the question would be contested bitterly by the province of Ontario before the Privy Council—then the Parliament of Canada can on the same plea declare to be for the general advantage of Canada all the works on the Niagara river, and so deprive the province of control of its Chippewa development.

I submit to this Senate that there is no reason for the action that was taken by the Dominion Government, and there is no advantage being given to Manitoba by it. Manitoba is not accorded a single jot more of protection by leaving chapter 38 on the statute book than that province would have if the statute were repealed. I will give you my reasons for that. In the first place, there is a great principle involved, whether the Dominion of Canada will live up to the pact made at Confederation, or whether it will violate it, not in regard to private interests, but by direct violation of the right of the province itself. There is a great difference between declaring a railroad through Canada to be for the general advantage of Canada and declaring something belonging to the province itself to be for the general advantage of Canada. What does chapter 38 enact? I am interested in urging my view only on the question of principle, because I believe that the legislation is only a violation of principle and confers no benefit upon Manitoba. In section 2 of chapter 38 it is declared that the works now existing or which may hereafter exist on the outlets of the Lake of the Woods, the Winnipeg River and the English River, are works for the general advantage of Canada. Notice that the whole Act is confined to works on the outlet of the Lake of the Woods, the outlet of the Winnipeg River and the outlet of the English River. I do not know why anyone should imagine that the province of Ontario would try to injure Manitoba. But if the Ontario Government desire to injure the province of Manitoba, what is to prevent them from putting works on the river that leads out from Rainy Lake? That is not involved, and the Dominion Government would have no right to interfere with the stoppage of the flow of the water from Rainy Lake into the Lake of the Woods. I

am not very well versed in the topography of that country—

Hon. Mr. BRADBURY: That would be international water.

Hon. Mr. LYNCH-STAUNTON: I am coming to the question of navigation in a moment. There is nothing in chapter 38 to prevent the Ontario Government from interfering with the flow of the water from Rainy lake. Now I want to pass from that point—

Hon. Mr. WATSON: Will the honourable gentleman excuse me? Rainy Lake is international water.

Hon. Mr. LYNCH-STAUNTON: I do not say it is not. I say there is nothing in this legislation to prevent interference with the flow of the water that supplies the Lake of the Woods.

The situation that the honourable leader of the Opposition put before the Senate was this: "the Government of Ontario is not to be relied upon: its word is not to be taken." I would be very sorry indeed that any Government in Canada, whether Dominion or provincial, would violate its undertaking or agreement, and there is in Canada, so far as I am aware, no record of any of the Provinces ever having tried to injure any other Province. If a Province did so, what would be the result? The Province of Ontario has this year passed an Act giving the control of the works in question to a joint commission to be appointed by the two Governments. That law has been passed beyond recall—except by new legislation.

According to the argument of my honourable friend the leader of the Opposition (Hon. Sir James Lougheed), the Dominion Government is the guardian of the Provinces. If a Province passes any such new legislation the Dominion Government can disallow it immediately. The Provincial Legislature can pass no legislation to revoke the establishment of the Joint Commission without the consent and assent and endorsement of the Dominion Government. So there need be no fear whatever of any such legislation being put on the provincial statute book without the concurrence of the Dominion Government.

Hon. Sir JAMES LOUGHEED: Does my houourable friend know of any statute passed within the right of the province and disallowed by the Dominion Government?

Hon. Mr. LYNCH-STAUNTON: I do know that there have been several statutes passed to that effect. Sir Allan Aylesworth did, when he was Minister of Justice, rule that although they had the right, the Dominion Government would not interfere with the legislation of a province when it was satisfied that the legislation was within the authority of the Legislature. That is quite right.

Hon. Mr. BELCOURT: However bad it might be?

Hon. Mr. LYNCH-STAUNTON: But that does not in any way prevent the Dominion Government from disallowing legislation which is fraudulent and in violation of a contract.

Suppose further that the Dominion Government will not exercise that power. What is to prevent the Dominion Parliament, if it finds the province violating its bargain, passing an Act to declare the work in question to be one for the general advantage of Canada, when the question arises?

Hon. Sir JAMES LOUGHEED: Then we have the power to do it.

Hon. Mr. LYNCH-STAUNTON: I think it is very unfortunate that any one should impute dishonest motives to any Government in the Dominion of Canada. I think it brings our institutions into discredit for the Senate of Canada to say that our Governments are unworthy of respect. If this Dominion cannot rely upon the honour of the provinces, how can we expect foreign countries to rely upon it? How can we expect foreign countries to respect our provincial institutions if it is blazoned abroad that we ourselves have not regard for them? I think we should wait until the Provincial Government disregards its solemn duty to the people of Canada before we throw obliquy upon it. Personally I think there is no reason to believe that Ontario will deal improperly with the Government of the province of Manitoba.

I do not see why this legislation was ever passed at all.

Hon. Mr. DANDURAND: That is, chapter 38 of the statutes of 1921.

Hon. Mr. LYNCH-STAUNTON: Yes. Without that legislation it is within the power of the Dominion to interfere. There is no doubt that the Dominion Parliament can pass all the legislation it desires to regulate navigation. It need not declare that it is for the general advantage of Canada. Any dam that interferes with the flow of the water into Lake Winnipeg the Dominion Parliament, by virtue of its powers regarding navigation, can have removed at once. In

the present circumstances there was no necessity to annoy or harass the provincial Government by placing the law on the statute book. The Dominion has at hand a weapon which, at any time a Province attempts to exceed its powers, can be used to beat it into submission.

Hon. Mr. BEIQUE: I thought this law was not for the protection of navigation at all, but for the control of water- power. In what way does it affect navigation?

Hon. Mr. LYNCH-STAUNTON: It is to regulate the flow. The Dominion may regulate the flow. Under the law regarding navigation it has the power to do that if it desires.

Honourable gentlemen, I am discussing this question for just one reason, namely: I consider that one of the purposes for which the Senate was formed was that the delegation from each province should look after the interests of its own province. The delegation of each province is here. And, mind, it is the provinces that insist on the Senate seeing that no violation of provincial rights is allowed.

In support of what I believe to be the principle involved, I approve of the Bill which is before this House.

Hon. N. A. BELCOURT: May I say a very few words here? I have heard a great deal about vested rights. Let us see what these vested rights amount to. As I understand, the people who lay claim to these rights got them from the province of Ontario. My honourable friend who has just spoken admits, as everyone must, that there were at that time and still are rights vested in the Dominion, and that Manitoba also had some rights. The vested rights which the gentleman in question has are rights acquired or rights which have arisen from the action of Ontario alone. So far I have not heard that any rights have been acquired from the Dominion Government, and it is only the rights that are vested in the Dominion of Canada or in the province of Manitoba that these who are opposed to the Bill are endeavouring to protect here.

Hon. Mr. DANDURAND: It is the province. It is not individuals.

Hon. Mr. BELCOURT: The rule is just as applicable for or against a province as for or against an individual. What is it we are doing? I am afraid my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) has not read the Bill. He speaks of disallowance. He says that if the province of Ontario passed an Act to-morrow to repeal the Act passed last Session, and sent this agreement to the fire, we could disallow that legislation. What will be the position of this Parliament if this Bill is adopted? Will it be in a position to exercise such an extraordinary power as disallowance—a thing which has practically never been done. What does the Bill say? It says: "Chapter 38 of the Statutes of 1921 is hereby repealed, and the works mentioned or described in the said Act shall no longer be deemed to be works for the general advantage of Canada." If we pass that, we are simply putting ourselves out of court forever. We could not talk disallowance after that. We would be told: "Why, gentlemen, the Parliament of Canada has admitted that you have no rights."

I must confess that I did not know that such a Bill had been submitted to the other House; but the mere reading of the Bill—I know nothing of the facts—convinces me that this is legislation which we should not pass. I do not see why all this time should have been taken in arguing about it. To use a trite expression, it is as plain as the nose on your face. I am quite sure that the Ontario Government will not do anything contrary to its dignity or honour; but we have no guarantee, and this Parliament, in a conflict of interests, cannot rely purely and simply on somebody's word. We cannot afford to put ourselves out of court. If we do that we are derelict in our duty. I cannot see why any lawyer should have any doubt as to the meaning of this Bill or of the position in which it would place us.

Hon. WILLIAM PROUDFOOT: Honourable gentlemen, I have a few remarks to make in regard to this Bill, more particularly as I come from the province of Ontario and intend to support the amendment. I quite agree with many of the remarks which fell from the lips of the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), and, so far as provincial rights are concerned, I am as strongly opposed as he is to their being interfered with. During the early part of my political career we dealt with the rights of the provinces in Ontario, and we used to discuss on the platform at elections, the Streams Bills and certain other Bills. We attempted to show, and apparently we satisfied the people for many years, that the rights of Ontario were being interfered with by the Dominion Parliament.

The situation here is somewhat peculiar. One would imagine that the province of Manitoba was not particularly interested. I find, however, upon referring to the map issued by the International Joint Commission in 1915, that that province can develop about 500,000 horse-power, while Ontario has on the Winnipeg river about 100,000 horse-power and on the English river about 140,000 horse-power. Then there is the further fact that we are dealing with navigable waters, and that a very considerable portion of the Lake of the Woods runs into and borders on American territory. So we have the interprovincial and also the international situation to consider. Furthermore, we find that a great deal of money was spent in securing the reports of this Joint Commission. It seems to me that the work in question is clearly within the rights of the Federal Parliament, and, while I would dislike very much to see the Federal Parliament interfere with the rights of any province, I take it that the situation in regard to this particular matter is one in which the Goverment has a perfect right to interfere. What I do not understand is why the Government last Session saw fit to enter into an arrangement with the province of Ontario. Why did they not, in the first instance, pass the Bill which they finally passed without reference to the province of Ontario? Had they done so they could have protected not only Ontario, but also the province of Manitoba.

I would like to present to honourable gentlemen my views of the position we occupy. Last Session an Act was passed —chapter 38—which, after describing the object of the legislation, used these words, in referring to the various dams and so on:

> At any time are and each of them is declared to be for the general advantage of Canada.

That is set forth in the second clause. Then in the last clause we find that, even if the Ontario Government should see fit to pass last Session the legislation, which it was expected to pass, the Act declares:

> Provided that notwithstanding any repeal or suspension of this Act in the manner provided by this section the works and each of them hereby declared to be for the general advantage of Canada shall remain and continue to be works for the general advantage of Canada.

What are we asked to do by the Bill before us? We are asked to say that when we made use of that language last Session we were stating something which we had no right to state, because the Bill says:

> Chapter 38 of the statutes of 1921 is hereby repealed, and the works mentioned or described in the said Act shall no longer be or be deemed to be works for the general advantage of Canada.

I do not understand how any honourable gentleman can stultify himself by saying that the Act of last Session should be repealed, and that we made use of a statement then which was not in accordance with the facts, and are now going to say we were wrong in that respect. Suppose we pass this legislation and find in a few years that provincial rights, so far as Manitoba is concerned, are being interfered with. Maitoba may come to the Dominion Parliament and ask for protection. If we pass this Bill, how can we in the face of that declare that these works are for the general advantage of Canada? We would be placing ourselves in a position in which we should not be placed.

What is the great hurry for this legislation? The Act of last Session has gone into operation. We find that the Commission has been appointed, and that they have passed certain regulations which have been acted upon. We have heard no complaints from any of the parties that the Dominion Government or the people enforcing the legislation have acted unfairly. That being so, why are we asked to pass this legislation? There must be some ulterior reason for asking to have legislation of this kind placed on the statute book. Should we not go slow in retracing our steps? Why not let the Act remain as it is. If, after it has been in operation a number of years, it is found that an injustice is being done to the province of Ontario or to the province of Manitoba, we can reconsider the matter, and will then be in a position to retrace our steps and retrace them honourably.

My honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) said that the province of Ontario might interfere with the flow of water by damming Rainy lake. Well, I ask honourable gentlemen to look at the plan supplied by the Joint Commission, and to tell me what would be done with the power if Rainy lake were dammed? What use would there be for it? The only people who have any considerable use for the power, at any rate at the present time, are the people of the province of Manitoba.

I would not like it to be thought that I was in any way opposing provincial rights, and if I thought the action we are taking to-day would in any way interfere with provincial rights, or would cause any harm to the province of Ontario, I

would be one of the first to oppose the amendment.

There is another thought which comes to me. We all know that Mr. Drury, the Prime Minister of Ontario, is a man of very high character and reputation—a man who, I think, would be only too willing to act fairly. But he has not a majority in the Legislature, and we do not know what may happen in the next Session. This being so, why not let the legislation already on the statute book remain as it is until some party in the Province of Ontario acquires a clear majority and is in a position to legislate for the people? I believe that to enact proper legislation a Government should have a sufficient majority at its back to say authoritatively to the people: "We believe in so-and-so, and we are going to pass this legislation." That is not the position in the province of Ontario at the present time, and until the Government has such a majority we should let matters rest as they are. No harm has been done during the past year, and I am satisfied that none will be done.

Some Hon. SENATORS: Question.

Hon. G. H. BRADBURY: Honourable gentlemen, I desire to say a word or two on this question. I am peculiarly interested because these great water-powers on the Winnipeg river are situated in my own county. When I entered Parliament, in 1908 or 1909, there was a Bill brought before the Commons by Mr. Conmee to get control of these great water-powers by a canal scheme from the Lake of the Woods through the Winnipeg river to lake Winnipeg and via the Saskatchewan river up to Edmonton. Ever since that day, from time to time, efforts have been made to get control in some way of the water-powers of the Winnipeg river. The matter before the House concerns not only the city of Winnipeg, but every town and every part of northern Manitoba, and a considerable portion of the southern part. All our light, heat, and power come from Lac du Bonnet, and the other water-powers on that river. While some honourable gentlemen have spoken of the expenditure of $30,000,000 or $40,000,000, they are only speaking of the money invested in these power developments, and are leaving out of their calculations the hundreds of millions of dollars invested in the great city of Winnipeg and in other portions of Manitoba which would be affected. If anything were done to affect the supply of power it would injure and destroy hundred of millions of dollars worth of investments in the province of Manitoba. My own town of Selkirk would be affected, as would every other town in that part of the province; consequently I am very much interested in this matter.

Some honourable gentleman took the opportunity to point out that when the water-powers were developed on the Winnipeg river, those taking part in their development knew the conditions of the Norman dam and the Lake of the Woods. I should like to tell honourable gentlemen that when the water-powers were developed on the Winnipeg river the conditions were not the same as they are to-day. The Norman dam then was not in the possession of Mr. Backus; it was in the hands of a private company, and the men who built that dam were men who would not injure any power-scheme on the Winnipeg river. But as soon as Mr. Backus got control of it and the English river power, he controlled the whole situation. He could starve the water-powers on the Winnipeg river. If he were left in control he could do incalculable damage not only to the city of Winnipeg but to the whole province of Manitoba.

I am not going to enter into the legal aspect of this case, as it has been discussed by so many legal gentlemen here, hardly one of them agreeing with the other; but the moral situation is this, that we have the Norman dam situated on the Lake of the Woods, which is an international water and also an interprovincial water. Honourable gentlemen here should be seized of the fact that the Lake of the Woods is not altogether in Ontario; part of it is in Manitoba; consequently the province of Manitoba has a decided interest in anything that affects the level of that water. Outside of those great water-powers we are dependent on that lake for our water supply in the city of Winnipeg and in Greater Winnipeg, and if it is interfered with or not properly controlled by the Government it will injure that great water scheme and affect all the people of that great city. The Government of Manitoba must have some say in that question, or else there must be some neutral power that will be absolutely fair to the province of Manitoba. But while the whole province of Manitoba is directly interested, we have no other court of appeal than the Parliament of Canada for our protection, and we feel that our case is a good one. It happens that this Norman dam is in Ontario, as is also the English river, and the great powers upon it. This gentleman,

Mr. Backus, is an American citizen who came into Canada to secure great concessions. I am not going to blame him as a business man; his is a business proposition; but I want to say that the influence of Mr. Backus, in the public life of this country up to the present moment, has not been for the best, and has not been an uplifting influence in the politics of this country. When this matter was before Parliament, and before the local House, I was told by men who know, that there was such an intensive lobby instituted under Mr. Backus that it was impossible for the Premier of Ontario to carry out what I honestly believe he intended to do. In view of this fact, and in view of the situation in the province of Manitoba, I trust that this law will be left as it is. If the late Government had done less than it did, it would have been open to the condemnation of every right-thinking man in the provinces of Manitoba and Ontario. I hope the Senate will vote solidly to maintain the matter where it is.

The Senate divided on the proposed amendment of Hon. Sir James Lougheed, which was agreed to on the following division:

CONTENTS

The Honourable Messieurs

Barnard,	McCormick,
Belcourt,	McDonald,
Bennett,	McLean,
Black,	McLennan,
Blain,	McMeans,
Bolduc,	Michener,
Bradbury,	Mulholland,
Calder,	Murphy,
Chapais,	Planta,
Cloran,	Pope,
Crowe,	Proudfoot,
Daniel,	Prowse,
David	Reid,
Donnelly,	Robertson,
Fisher,	Schaffner,
Foster (Sir George),	Sharpe,
Fowler,	Smith,
Gillis,	Stanfield,
Girroir,	Tanner,
Gordon,	Taylor,
Green,	Turriff,
Harmer,	Watson,
L'Espérance,	Webster (Brockville),
Lougheed (Sir James),	White (Inkerman),
Macdonell,	White (Pembroke),
Martin,	Willoughby—52.

NON-CONTENTS

The Honourable Messieurs

Béique,	Ratz,
Dandurand,	Roche,
De Veber,	Tessier,
Legris,	Thibaudeau,
Lynch-Staunton,	Todd,
Pardee,	Wilson—12.

Hon. Mr. LAIRD: I was paired with Hon. Mr. Ross of Moosejaw. If I had voted, I would have supported the amendment.

Hon. Mr. BRADBURY.

BANKRUPTCY BILL

REPORTED FROM COMMITTEE

The Senate again went into Committee on Bill 107, an Act to amend the Bankruptcy Act.

Hon. Mr. Blain in the Chair.

Sections 11, 12 and 13 were agreed to.

Hon. Mr. BEIQUE: I suggest that section 8 be reconsidered for the purpose of making an amendment which was suggested by the Law Clerk, as the term "Chief Justice" covers all the provinces except Ontario, but it is necessary to change the wording relating to that province. On section 8—single judges to be assigned to bankruptcy work by Chief Justice instead of by Minister of Justice:

Hon. Mr. BEIQUE moved that after the word "court" in the fourth line the words be added, "in the province of Ontario the Chief Justice of Ontario."

The section as amended was agreed to.

The preamble and the title were agreed to, and the Bill was reported as amended.

THIRD READING

On motion of Mr. Beique, the Bill, as amended, was read the third time and passed.

At six o'clock the Senate took recess.

The Senate resumed at 8 o'clock.

ROOT VEGETABLES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 133, an Act to regulate the Sale and Inspection of Root Vegetables.

He said: Honourable gentlemen, this Bill regulates the grading, marking, and packing of potatoes and onions, and one of its clauses relates to other vegetables. This is the result of the work of the Committee on Agriculture of the House of Commons, who seem to have gone minutely into the matter.

Hon. Mr. ROCHE: This seems to be a very comprehensive Bill, dealing with potatoes, onions, and, I suppose, other vegetables. I thought the honourable leader of the House would give us some explanation of the scope of the Bill.

Hon. Mr. DANDURAND: When the Bill is read in Committee my honourable friend will see exactly what it covers.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Beaubien in the Chair.

Hon. Mr. DANDURAND: Mr. Chairman, if you will allow me, I will preface our examination of this Bill by reading a few lines of a statement which explains the situation:

This bill had its origin in certain representations made to the department for many years by growers of potatoes and dealers in root vegetables asking for examination of cars of potatoes received which were not graded. The department very wisely started to get in touch with the different potato growers all over Canada and with the dealers in these commodities, and a conference was held at the Chateau Laurier two years ago last fall. The conference was attended by men of prominence from all over the Dominion connected with the potato industry. The official delegates appointed from the various provinces were as follows:

Prince Edward Island—Representing growers: W. N. McGregor, Central Lot 16. Representing dealers: Nelson Ratterbury, Charlottetown.

Nova Scotia—Representing growers: F. W. Foster, Kingston, H. M. Palmeter, Grande Pre. Representing dealers: A. E. McMahon, Kentville.

New Brunswick—Representing growers: *A. A. H. Margison, East Centreville. Representing dealers: O. R. Estey, Woodstock.

Quebec—Representing growers: Joseph E. Parent, Rimouski; Roger Gagnon Riviere-du-Loup; John McEvoy, Montreal. Representing dealers: William Bell, Montreal.

Ontario — Representing growers: Henry Broughton, Sarnia; J. G. Fleming, Blenheim; J. M. McNaughton, Orangeville. Representing dealers: David Spence, Toronto.

Manitoba—Representing growers: R. P. Andrews, Birds Hill. Representing dealers: J. G. Anderson, Winnipeg.

Saskatchewan—Representing growers: E. W. Marvel, Indian Head. Representing dealers: *J. M. McCrae, Moosejaw.

Alberta—Representing growers: R. Noel Hammon, Edmonton. Representing dealers: S. Savage, Calgary.

British Columbia—Representing growers—C. E. Barnes, Walhachin; J. T. Mutrie, Vernon; *R. M. Winslow, Vernon. Representing dealers: E. L. Fraser, Vancouver.

Representing Consumers: Mrs. F. S. Mearns, Toronto.

Representing Retail Trade: E. M. Trowern, Ottawa.

*Unable to be present.

The Provincial Departments of Agriculture also sent representatives, who took part in the discussion and acted in an advisory capacity, as follows:

Prince Edward Island, Wilfred Boulter, Charlottetown.

Nova Scotia, Dr. M. Cumming, Truro.

New Brunswick, A. G. Turney, Fredericton.

Quebec, J. H. Lavoie, Quebec.

Ontario, A. H. MacLennan, Toronto.

Alberta, J. D. Smith, Edmonton.

British Columbia, R. C. Abbot, Vancouver.

In addition to federal officers with headquarters at Ottawa, the following were present:

S. J. Peppin, Botanical laboratory, Charlottetown, P.E.I.

G. C. Cunningham, Botanical laboratory, Fredericton, N.B.

R. G. L. Clarke, Chief Fruit Inspector for British Columbia.

F. H. Steele, Chief Fruit Inspector for the prairie provinces.

R. E. Robinson, Chief Fruit Inspector for Quebec and E. Ontario.

G. H. Vroom, Chief Fruit Inspector for the maritime provinces.

P. J. Carey, Fruit Packing and Orchardist Specialist, Toronto.

People who are not familiar with the growing of potatoes, onions, and other vegetables would be surprised at the extent of that industry. Those who are familiar with the situation realize how important it is that it be regulated. I am no judge of the rules of procedure applied, but, in reading the discussion which occurred in another place and which revealed differences of opinion on some points, I have been considerably enlightened as to the importance of the work covered by this Bill.

Hon. Mr. McMEANS: Do the provisions of the Bill apply to organized farmers who grow vegetables and bring into a city, town or village bags of potatoes, onions or other produce for sale?

Hon. Mr. DANDURAND: I do not think it does.

Hon. Mr. BEIQUE: Section 13 will answer that question.

Hon. Mr. McMEANS: It does, as far as I can see.

Hon. Mr. BRADBURY: If it does not apply to the farmer who brings in potatoes, for instance, I do not think the Bill is much good.

Hon. Mr. DANDURAND: Section 13 says:

All potatoes, onions, artichokes, beets, carrots, parsnips and turnips offered for sale shall be sold by weight, and the standard pound avoirdupois shall be the unit of weight used. Provided that when any of the foregoing vegetables are offered for sale with the top leaves attached, commonly termed by the trade "green vegetables", or when potatoes are sold or offered for sale by the closed barrel, this section shall not apply to the same.

Hon. Mr. CASGRAIN: Is not that in line with the old law providing that a bag of potatoes should weigh so much?

Hon. Mr. BRADBURY: A change has been made. I understand the practice of considering a bag as 90 pounds has been discontinued, and potatoes are sold by the pound. That is quite right.

While on my feet I would like to say that, in my opinion, there ought to be, in addi-

tion to this Bill, some provision made regarding the sale of other vegetables. Take for instance, spinach. That is a very light vegetable. It is at present sold by the gallon, and some dealers can make a half gallon fill a gallon container to the top. The practice is similar to what is done with strawberries. I think spinach ought to be included in this Bill. It ought to be sold by weight.

Hon. Mr. DANDURAND: If this Bill works out to the satisfaction of the public, the principle of it may be extended to other vegetables.

Hon. Mr. BELCOURT: Can my honourable friend tell us if it applies to sales on markets by farmers? Section 13 would seem to make it apply to such sales.

Hon. Mr. DANDURAND: We will go through the Bill and see what it covers.

Hon. Mr. FOWLER: Is it intended to appoint a number of inspectors? Are there going to be inspectors for this? Everything will be inspected by-and-bye: the whole population will be inspected.

Hon. Mr. BELCOURT: Physically or morally?

Hon. Mr. FOWLER: How are you going to inspect the onions: by the smell?

Hon. Mr. CASGRAIN: Under section 17 there is a penalty for obstructing the inspector.

Hon. Mr. LYNCH-STAUNTON: Is this going to be a new line of inspectors?

Hon. Mr. DANDURAND: No. I surmise that we are already sufficiently provided with inspectors in the various departments not to have to appoint inspectors specially for the application of this Act.

Hon. Mr. PROUDFOOT: But this is an entirely new Act.

Hon. Mr. DANDURAND: Yes, it is entirely new, but there are inspectors for many things, and they would very likely be in a position to take the administration of this Act.

Hon. Mr. LYNCH-STAUNTON: Do you surmise that they shall?

Hon. Mr. FOWLER: A hay inspector could not very well do so.

Hon. Mr. STANFIELD: The department has the men. I know there is one in the Maritime provinces.

Sections 1, 2, and 3 were agreed to.

Hon. Mr. BRADBURY.

On section 4—onion grades:

Hon. Mr. ROCHE: Before you pass the onions, may I say a word? Potatoes from Prince Edward Island are landed on the coast by the cargo, and I think it would be very difficult to know whether they were good or bad, or whether they were Bovees, Bluenoses, Early Rose, or Whites, or whatever you call them. Would inspection of that kind apply to a whole cargo? Would a man have to stand over the hatchway and see every tub of potatoes hoisted out of the hold?

Right Hon. Sir GEORGE E. FOSTER: The Department will have to struggle with that.

Section 4 was agreed to.

Sections 5 to 12, both included, were agreed to.

On section 13—vegetables to be sold by weight:

Hon. Mr. BELCOURT: Does that apply to markets?

Hon. Mr. TURRIFF: It does, according to the section, and very properly so, I think.

Hon. Mr. DANDURAND: Yes.

Section 12 was agreed to.

Sections 14 to 19, both included, were agreed to.

On section 20—repeal:

Right Hon. Sir GEORGE E. FOSTER: Mr. Chairman, I do not know that we have had a satisfactory answer as to inspectors and inspections. We find that this is a Bill under which operations will be carried on over the whole of this Dominion, and in almost every small market and large market throughout the country. The Act can only be effective if it is properly carried out, and that will necessitate officers almost everywhere. I do not see how you are going to get out of that. My honourable friend states that the Department has officers, or that other departments have officers; but that, I am afraid, leaves matters in a rather indefinite state. I would like to be assured that in the main the present officers of the Government will be sufficient for this work, or that, if other officers have to be appointed, inspection fees will be charged in order to bear the expense of administering the Act.

Hon. Mr. CASGRAIN: While the Minister is looking for the information, I might tell my honourable friend that there are inspectors now.

Right Hon. Sir GEORGE E. FOSTER: Let my honourable friend tell us who they are.

Hon. Mr. CASGRAIN: I can tell the honourable gentleman this—

Right Hon. Sir GEORGE E. FOSTER: We have veterinary surgeons all through the country: are you going to put them on this business? You have customs officers: you are not going to put them on this business? You have fruit inspectors: are you going to put them at it? Potatoes, spinach, onions, and all other kinds of vegetables are raised on almost every square foot of cultivable soil in Canada, and they are sold on almost all the markets everywhere. To whom are you going to entrust this work? Are you going to entrust it to mining inspectors or inspectors of hulls and boilers of steamers? You have lots of inspectors, but what branch are you going to put upon this work?

Hon. Mr. BELCOURT: That is left with the Minister, as my honourable friend will see if he reads paragraph a of section 2.

Right Hon. Sir GEORGE E. FOSTER: But what I want to find out is whether there is to be a large number of inspectors appointed. If there are not those already in the service of the Government who will do the work, the inspection will entail a very large cost. I think that if it is for the benefit of the trade—producer and consumer alike—the trade ought to carry the expense of the inspection.

Hon. Mr. BEIQUE: I think the point is well taken. It is quite important that the cost should be paid by the vendors.

Right Hon. Sir GEORGE E. FOSTER: By those benefited—by the trade.

Hon. Mr. DANDURAND: In answer to my right honourable friend, I may say that it is as I surmised. The fruit inspectors already in the employ of the Government will in the main carry out this new legislation, with the assistance of a very few more in each province during the season when this inspection must go on.

Right Hon. Sir GEORGE E. FOSTER: Then we have the assurance of the Minister that in the main the inspection will be performed without extra cost by inspectors already in the Service. Have we also the added assurance that if additional inspectors are to be appointed, a system of fees will be instituted to carry the expense?

Hon. Mr. DANDURAND: I do not find that in the Bill, nor am I aware that that policy will be followed. But, as I have stated already, I think the Government could well afford to pass over to the trade interested the cost of the inspection.

Hon. Mr. MURPHY: Take a province like Prince Edward Island, where there are millions of bushels of potatoes exported in a month. How is it going to be practicable to have those potatoes inspected? and who is going to pay the inspectors? This is freak legislation. The intention is good, but it is the same as a good many other Bills that we have passed this year.

Hon. Mr. CURRY: I take it for granted that there will be no inspection unless the purchaser of the vegetables asks for it. If he is satisfied to take a cargo or a barrel or a box of vegetables as it is, I do not suppose there will be any expense incurred for an inspector.

Hon. Mr. MURPHY: That is just where I object to this Bill. A man sells a carload of potatoes. They go to Montreal and the price drops, and if those potatoes are not up to the millimetre when they are taped, they are turned down. This is freak legislation of the worst kind. I have every respect for the intention of the Bill, but I do not think it is practicable to enforce it.

Hon. Mr. BRADBURY: I would draw attention to the fact that during the discussion on another Bill in this House I pointed out that we had a department that had a very large staff of inspectors. The Meat and Canned Foods Branch has 275 inspectors at different points throughout the country from the Atlantic to the Pacific. Part of their duty at the present time is to inspect vegetables of all kinds before they are put into cold storage. I presume this Bill will come under that department, and I hope it will, because it is a very efficient department, and I believe that the inspection would impose a very little extra expense on the country.

Hon. Mr. BEIQUE: Should not the Minister be empowered to make regulations to provide for inspection?

Hon. Mr. DANDURAND: I think he is.

Right Hon. Sir GEORGE E. FOSTER: Section 11 does that partially for potatoes.

Hon. Mr. DANDURAND: I may say, honourable gentlemen, that this measure is mainly for the trade. Representatives of the Growers' Associations of all the pro-

vinces met here, along with representatives of the provincial Governments, worked upon the Bill and approved of it. They are asking for the inspection for their protection. A letter that was read in another place referred to a carload of potatoes that was sent from New Brunswick to Ontario. In transit the price dropped, and a telegram was sent stating that the potatoes were not of the proper grade. I ask, what was the proper grade when there was no official grading? Fortunately the shipper had a representative not more than 100 miles from the place in Ontario where the potatoes were, and he telegraphd to him to go and see what was the matter. That agent went and asked if there were any good New Brunswick potatoes there: he wanted first class potatoes. He was told that a carload had just been received, and that there were no better potatoes.

Hon. Mr. WATSON: He paid?

Hon. Mr. DANDURAND: Then, of course, he paid. Proper grading will give protection to the shipper. One of the most important trades in the eastern part of Canada will be protected.

Hon. Mr. MURPHY: We all admit the desirability of some regulation for grading potatoes, and for protecting the man who takes proper precautions against the man who does not. I and some of my friends had a sorry experience when we shipped potatoes to the Boston market. When the market went to pieces we had to send them up for inspection, and every little scab or spot on them took 10, or 14, or 20 per cent off their value. I do not think you can enforce this Act.

Hon. Mr. BEIQUE: I will not take the responsibility of moving an amendment, but I think that section 11 is insufficient. It is too limited: it does not give proper powers to the Minister.

Section 20 was agreed to.

On the preamble:

Hon. Mr. DANDURAND: Of course, this Bill is not as severe and as comprehensive in its effect as it might be; but it will be educational during the first or the second year.

Right Hon. Sir GEORGE E. FOSTER: I quite agree with my honourable friend that the Bill will have great educational effects, one of which will be to show us next year whether any fair attempt has been made to put it into operation, and one of the results we will garner will, I fear, be a large bill of costs for the inspection.

The preamble and the title were agreed to.

The Bill was reported without amendment.

THIRD READING

Bill 133, an Act to regulate the Sale and Inspection of Root Vegetables.—Hon. Mr. Dandurand.

CANADIAN WHEAT BOARD BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 176, an Act to provide for the constitution and powers of the Canadian Wheat Board.

He said: I have a vague notion that every member of this body has some knowledge of this Bill.

The farmers of our three Western Provinces, or a good number among them, feel that they should be given an instrument of sale represented by the Canadian Wheat Board. They are far away from their markets, local and foreign, and they are all striving at the same time of the year to dispose of their wheat crop, their sole crop, and send it, through one and the same channel, the railways, to one exit, Port Arthur and Fort William. In order to avoid throwing that crop on the market and flooding it, they feel the need of pooling their interests. They hope to obtain thereby a fairer and better return for the one article which represents their all. The line of cleavage appears when they ask for compulsory powers to force all farmers to join the pool. I do not claim to be an adherent to that policy of compulsion, but the Bill leaves that question to be settled by those three provinces themselves.

Hon. Mr. BRADBURY: It leaves it to two.

Hon. Mr. DANDURAND: To any two or more provinces. The constitution prevents us from enacting a compulsory law.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, the circumstances under which we are called upon to discuss this Bill are such as render it almost impossible to get the attention which its very great importance deserves. This House is not in a temper to listen to long speeches; it is in a temper just at this time to push things through and get the slate entirely cleared off. But I think it is incumbent upon me to ask the indulgence of

the House for a few moments while I point out some respects in connection with this Bill which I think are manifest disadvantages, and which introduce entirely new principles and almost new practices into the general dealings with commercial matters in our country.

This Bill bears no resemblance at all—it is not even a forty-first cousin—to the Act which was in operation during the war years, and which was provided for possible operation during the year 1921. As regards reither principle nor practice are they alike. But, outside of that, the circumstances are absolutely different to-day from what they were at that time. Then you had everywhere buying in gross, and buying through governments; and we had organized selling and buying arrangements amongst ourselves in order to meet the situation abroad. The position is entirely different at the present time. Now you put on a piece of legislation which is unique in itself—which has no counterpart in any other country that I know of.

Take, first and foremost, the principle of buying and selling by exchanges. Every other great agricultural country in the world does buy and does sell through a system of exchanges. In Europe and in America that is the case. Consequently you are putting this legislation into operation under circumstances entirely different, as to regulations of other markets in buying and selling. On this new plan you are going into competition with every other country in the world which has a surplus of wheat and is desirous of selling it; and you are putting an unusual something in the way of every foreign buyer who is looking about the world to decide where he shall buy his wheat—whether he shall go to Canada, to the United States, to Argentina, India, or where.

Now, what are some of those hindrances which we erect? For the first time in the history of Canada you are making a piece of legislation which is absolutely and undadulteratedly class legislation in its operation, and in the motives for its enactment. You are giving to the farmers in two provinces, whose chief product is wheat, a water-tight compartment for 75 or 80 per cent of the chief food product of Canada. Every man must chew his proportion of grain in the form of bread, and must have it to live upon; but the fortunate producers of that wheat in those two provinces from which that bread is made have it in their power to say whether or not one single bushel of that wheat shall go out from those provinces, and when it shall go out. Now, if that is effective, as it is wished to be by the class for whom it is made, it raises the price of food and increases the cost of living to every consumer in the Dominion of Canada, and of our nine millions of people the majority are consumers of wheat which they have to purchase, and the infinitesimal minority are the farmers in those two provinces who raise that wheat.

You interfere with interprovincial trade, making a water-tight compartment in the centre of the wheat-producing industry, and rendering it possible for them to impose what restriction they please. and what export provisions they please, even to prohibition. If there is any motive in it, and if any result comes from it, the motive is and the result will be to raise the price of wheat as against what it would otherwise bring to them; and as it does that it raises the cost of living to every one of the vast majority of people who have to buy their food.

Now, I have just time merely to suggest these things. You do another thing. Do you suppose that the buyers of grain in the European countries, for instance, do not know just about as much as to the wheat production of the world, Canada included, as we in Canada know about the wheat production and the surplus that will be for sale in our own country? They have to provide the hungry mouths in European countries. They are in the market to-day; they will be in the market every day from now until their wants are satisfied—in the market, not waiting until September next, until October next, until November next, but wanting to know now where they can get the food products that are necessary, and have such coming into their ports from week to week, from month to month, during geographical and climatic seasons all round the world. Those buyers say: "We would like to buy from Canada, but in the meantime we do not know what the conditions will be in Canada; we know that they have passed an Act which puts into the hands of a Commission, appointed virtually by two provinces, the bulk of Canadian wheat they have to sell." Those buyers know that this Bill gives to that Commission powers which the Dominion Parliament does not now exercise. We give authority to an unknown thing. We give this Board certain authority and certain powers, and then we say to them: "Go to the two provinces and get all the

powers that they want to give to you, and whatever they give you, and the whole of what they give you, we will cover with our imprimatur and give you authority to do." So this legislation, if put upon the statute book to-day, does not tell European buyers under what conditions they can get wheat in this country. They only know that there are prohibitive and restrictive powers in the hands of the provinces which produce the greatest quantity of Canadian wheat. They are at once turned off from looking to that market at the present time. All is chaos. They hesitate: they do not know what regulations they will have to cope with. Consequently they go on to the countries which have not such restrictions, and they buy, as they have been used to buy for years, through the grain exchanges which are unhampered anywhere else. There are different parts of the world which produce grain, and which have none of those doubts or hesitations or unknown quantities. And so all the primary necessities in Europe are looked after, provided for, and exhausted, before they come to the market which has this uncertainty about it.

Will this help the sale of grain that is grown in those two provinces? I have my doubts that it will. I think it throws hesitation and doubt into the whole operation, by initiating a system which is different from any other system in the wide world; and world business goes upon the old and well-established channels rather than risking possible trouble where new experiments are tried. For, is not this an experiment? The head of the Progressive party in another House has declared, and declared frankly, that he looks upon this simply as an experiment. It may be very fine to experiment, but we are experimenting with the food of the people. We are experimenting in this particular juncture of circumstances when the burdens of living in Canada are tremendously heavy, and the cost of meeting our expenditures is tremendously high. I do not think we ought to be rushed in to put on new experiments just at this particular time.

As I said, the people in the buying countries in the world know just about what surplus there will be in Canada. To my mind they will make provision for all their pressing needs, as far as the possible resources of other countries give them the supplies which they require, and then they will stand off and say: "Very well, you two provinces of Saskatchewan and Alberta: you have 80 per cent perhaps 90 per cent, of the surplus wheat which is for sale in Canada; you are holding it; you bridge it around with restrictions, waiting for another day. Very well; keep it. By and by, when it becomes absolutely necessary, perhaps we will buy from you." But who, in that case, will fix the price? I think it will be found to be possible that in the end the buyers, who are well furnished from all the other parts of the world and can afford to wait, will say: "Well, keep your grain till you come to our price."

Now, I think these are grave considerations. I have simply skimmed the surface of some of them; I have not gone into particulars; I have dealt in generalities, but they are generalities which impress themselves upon my mind as important. It is an ungrateful business to interfere with a Government newly in power, and which, as we suppose, has thoroughly examined this matter, and has come to its decision and voiced it by a majority in the House of Commons, and has sent it up to us. It is an invidious thing for us to step in and balk these operations; but it is certainly our duty to voice our criticisms, and then, if the Government, in face of these, still think that we may be wrong and that they are right, let them take the responsibility of carrying the measure through. I feel that way.

I do not think that the measure will be a successful one. I have an impression that it is a measure which does not bear the unqualified assent of the majority of those in the other House who have passed it. To my mind it is a peril in the administration of the affairs of a country when you have measures not depending upon an out-and-out majority in support of the Government which is carrying on the affairs of the country, but when they have to obey the strings when Bunty pulls. Bunty pulls the string sharply and deadly in this case, and says, on the one hand: "You are bound to give us, and we will see that you do give us, the old rates on flour and wheat —why? Because it will add from three to ten cents to the bushel price of our wheat." On the other hand, Bunty says: "You are bound to give us restrictive control and prohibitive control over 80 per cent of the wheat of this country. We want it at both ends. You are not strong enough to refuse it; therefore we make our demand, and we get it." How long is the Government going to keep the respect of the people with that kind of dealing? How long is it going to retain its own self-respect? I think it is rather a perilous

condition of things, and I give it to you as my impression that if this had not been the peculiar state of circumstances at the present time you would not have had such legislation as this.

I think I have done my duty when I have given my impressions thus shortly but emphatically to the Senate. The Senate must take its own course with reference to it. It is a mere experiment, and the leader of the party which is chiefly in favour of drawing it to a conclusion has confessed that it is only an experiment; but he says: "Let us try it and we will see how it results." Very well, if the Government is determined to put it through, let them try it, and let them take the responsibility for the results.

Hon. Mr. SCHAFFNER: Honourable gentlemen, I had not intended making any remarks on this Bill, but I want to say, with all due respect to the right honourable gentleman (Right Hon. Sir George E. Foster), that in my opinion he has entirely overdrawn his statement and has done more than his duty in attempting to explain this Bill. As we go through this measure we shall find very few of the conditions that my right honourable friend says exist in it. I understood him to say that buyers from the old country—from England, if you like—are not able at present to come over here and make a contract for wheat. Clause 8, I think, makes this point very clear. If there is anybody in the old country or in any other market who wants to come to Saskatchewan or Alberta and make a contract for wheat, he can do so. There is nothing in this Bill to prevent it.

Hon. Mr. CURRY: The Bill is not in force.

Hon. Mr. MURPHY: It will be in a week.

Hon. Mr. SCHAFFNER: I do not quite understand the honourable gentleman (Hon. Mr. Curry). We all know that this Bill has not been passed, but I am referring to the remarks made by the right honourable gentleman, and am stating that in my opinion he overdid his duty. When the Bill is discussed clause by clause, we shall not find in it the terrible conditions which he depicts. The intention of this Bill—and I believe it carries out its intention—is not to raise the price of food to anybody in this country, and it need not have that effect. The object of this measure is that the producers may sell co-operatively—to pool, in order that they may get for their wheat the best price obtainable. I do not think the Wheat Board is so far removed from the former one to be its forty-first cousin. I think that in principle they are very closely related. There are some differences, of course. The former Board was constituted as a war measure. I admit that the foreign market is not the same now, but the principle of this Bill, as of the other, is that the farmer may get for his wheat all that the markets of the world should give him. That is all he asks. The market for wheat will be set in Liverpool as heretofore. This arangement is not going to cost the other provinces of this Dominion one cent. It is not costing the Dominion Government one cent. If there is any deficit the Dominion Government is not called upon to pay one cent of the deficit.

Hon. Mr. CASGRAIN: Who will pay it?

Hon. Mr. SCHAFFNER: The provinces who organize.

Hon. Mr. TURRIFF: The farmers. It comes out of the pockets of the farmers.

Hon. Mr. SCHAFFNER: The Dominion Government is not called upon to pay. I would like to make that clear, because some wrong inferences may be drawn from the right honourable gentleman's statement. He was very sincere, but if I may dare to put my opinion against that of the right honourable gentleman, he has drawn inferences regarding this Bill which are not justified.

Right Hon. Sir GEORGE E. FOSTER: I want my honourable friend to make it clear that I did not make the assertion at all that any deficit would fall on the Dominion.

Hon. Mr. SCHAFFNER: I did not say the honourable gentleman did.

Right Hon. Sir GEORGE E. FOSTER: Then, my right honourable friend—if he will allow me—has mentioned one thing as to which he thinks I have overdrawn my statement. That is, he thinks it is quite free and open for anybody from the old country to go up into Alberta and into Saskatchewan, or come into Canada, and make a contract for wheat to be delivered in October, November, or December. It is free in a way. But does he know what price he will have to pay at that time? Does he know what restrictions will be put upon the wheat as to its egress from those provinces, when there stares him in the

face a power resident in those provinces, to prevent the exportation of wheat from the provinces? I do not think that he would be over anxious to make a contract and have his people depend upon it.

Hon. Mr. SCHAFFNER: That is a fairly long interruption, honourable gentlemen. I made one exception, and that was in reference to the contract. According to this Bill, all bona fide contracts are to be respected, no matter on what day they have been made. I stated also that the purpose was not to raise the price of food. If the right honourable gentleman said anything, he said that the result of this Bill would be that the price of food would be raised. I say that that is not the intention, and in my opinion that is not correct. The farmers do not ask for anything but the market price.

I have made no special preparation to discuss this question, and I was surprised to hear the remarks which have been made. However, I would like to point out one respect in which the old Board was a great advantage to the farmers in the West. Some of them lived right by the station. When they had threshed their grain they could take it to the station and load it right onto a car or put it in the elevator. The first month, or the first two weeks, of the market in Western Canada are as a rule the best, because then you can get the most for your wheat. I say that without fear of contradiction. Under the proposed arrangement, and under the former Wheat Board, the man living ten miles from the station is on an equal footing with the man living right at the station. That is a very great benefit to the farmers in the West, as any honourable member who has had anything to do with farming will understand.

True, the Dominion Government constitute the Board. They appoint the Chairman and the Vice-Chairman, and about there the Dominion Government's duty ends. As I said before, the Dominion Government are absolutely not responsible for one cent of the deficit. They are not responsible in any way financially. The producers say they want a co-operative method of selling their wheat, like the old Board. Honourable gentlemen may call this an experiment, but I claim that the old Wheat Board proved the advantages that I have indicated. One was in the selling of the wheat on the same basis for the farmers, whether they were located near the station or far away from it. The trading was done under exactly the same conditions. As to this Board, I take the right honourable gentleman's word that the leader of the Progressives in the other House said that this was an experiment. What I thought he said was that the Board was to be temporary. I do not remember definitely; therefore I will not say that the leader of the Progressives did not say that this was an experiment. I will tell you where the experiment came in. When the previous Wheat Board was organized, during the war, many of the farmers in the West thought it would not work. As you will observe in examining this Bill, they pay a certain amount of money and are given participation tickets. For instance, they are given 20 per cent or 30 per cent. That permits the farmer to pay the bills which are pressing. He does not have to haul all his wheat and rush it on to the market in the early part of the season. That is one of the principal purposes of this Bill—to permit the wheat to be sold over the year instead of being rushed on the market all at once, so that a Grain Exchange or speculators may take advantage of the fact and get it at a lower price. One of the great objects of this Bill is to allow the selling of the wheat to spread over the year.

Hon. Mr. MITCHELL: Will this Commission have the right to buy wheat outright?

Hon. Mr. SCHAFFNER: You mean the Board?

Hon. Mr. MITCHELL: I mean the Board, Commission, or combine, or whatever you call it. The honourable gentleman knows what I mean. Will this Board have any right to buy the wheat outright?

Hon. Mr. SCHAFFNER: To pay in full?

Hon. Mr. MITCHELL: That is what I want to know.

Hon. Mr. SCHAFFNER: I will tell my honourable friend. The principal object of this Board is to market the wheat to the best advantage of the farmers of that country.

Hon. Mr. MITCHELL: I quite understand that.

Hon. Mr. SCHAFFNER: They cannot say: "We will give you $1.50 for the wheat."

Hon. Mr. DANIEL: What does section 6 say? It says: "To buy and sell wheat."

Hon. Mr. SCHAFFNER: Yes, to buy and sell wheat, but they cannot give the full price. Of course, they can buy wheat from you, from me, or from agents; but they cannot say: "We will give $1.50." They cannot buy the wheat at $1.50, as I understand.

Hon. Mr. FOWLER: Why?

Hon. Mr. SCHAFFNER: Because that is not the intention of the Bill.

Hon. Mr. MURPHY: Why could not the potato growers on Prince Edward Island, ask for a Potato Board, or the fishermen in the Maritime provinces ask for a Fish Board, with just as much right as the wheat growers ask for a Board?

Hon. Mr. SCHAFFNER: I will answer my honourable friend. There is nothing in the wide world to prevent them.

Hon. Mr. MURPHY: That would be adopting socialism.

Hon. Mr. SCHAFFNER: My honourable friend referred to freight rates. I am not going to discuss freight rates, but I will say this, that if the Eastern part of Canada is going to develop and progress it will be because the Western country is prosperous. There is no one in this country who is prouder than I am of Ontario and Quebec; they are two great provinces; but I say that their market has been in the West. There is no question about that. We are not a manufacturing country. Practically all our industries are connected with wheat growing and cattle raising.

What we are trying to do, I want to state emphatically, is not to raise the price of wheat or the price of food. The object of this Board, in which I am exceedingly interested—and in which the Eastern Provinces are very much interested—is to enable the farmers to obtain the best possible price for their wheat. All they ask is to have access to the world market and to get what is in it. They want to prevent the speculator from getting what the producer should receive. I have answered the question asked by my honourable friend from Tignish (Hon. Mr. Murphy). It is a very reasonable question: "What is to hinder the fisherman from asking for a similar Board?" I say there is nothing.

Hon. Mr. CASGRAIN: If the honourable gentleman from Boissevain has finished, I should like to ask him a question. I did not want to interrupt him. The honourable gentleman spoke of deficits. How can there be any deficit? That is what I do not understand.

Hon. Mr. SCHAFFNER: The Bill states distinctly that any deficit there may be is to be paid by the provinces and not by the Dominion. On the other hand, the profits from the wheat—we know that there was a profit under the old Board—go to the two provinces and not to the Dominion.

Hon. Mr. CASGRAIN: There cannot be any deficit.

Hon. Mr. CALDER: Oh, yes, there can.

Hon. Mr. CASGRAIN: If there is going to be a deficit, I would have no confidence in those provinces paying that deficit—no more confidence than I had in their paying when they guaranteed railway bonds.

Hon. Mr. SCHAFFNER: Now, honourable gentlemen, that is all I have to say.

Hon. Mr. MURPHY: Why was the first Wheat Board established? That will answer the whole question.

Hon. Mr. SCHAFFNER: To control the wheat.

Hon. Mr. MURPHY: To handle the wheat, yes, and to hold it.

Hon. Mr. SCHAFFNER: No, no.

Hon. Mr. BRADBURY: When did the provinces refuse to pay the railway bonds?

Hon. Mr. CASGRAIN: Hon. C. A. Dunning, in the Legislature of Saskatchewan: "Here is a surplus of $1,040,000; what shall I do with it?" People answered: "Pay your debts; pay the coupons on the bonds you guaranteed."

Hon. Mr. TURRIFF: Before touching on this wheat matter, I want to tell my honourable friend that the province of Saskatchewan has not defaulted on any interest on any bonds.

Hon. Mr. CASGRAIN: Who is paying the interest on the bonds they guaranteed?

Hon. Mr. TURRIFF: The province of Saskatchewan is paying the interest.

Hon. Mr. CASGRAIN: Saskatchewan?

Hon. Mr. TURRIFF: Yes, Saskatchewan is paying the interest on the bonds, and you do not need to cast a slur on that province about not paying its debts. It can pay its debts, and does pay its debts, just as well as any other province in this Dominion, not excepting the province from which my honourable friend comes.

Hon. Mr. McMEANS: Do you take it back?

Hon. Mr. CASGRAIN: No.

Hon. Mr. TURRIFF: Honourable gentlemen, when I heard my right honourable friend (Right Hon. Sir George E. Foster) on this Wheat Board, my memory was carried back a great many years ago to the time when, in the other House, I often heard him do the same thing, and do it just as well as he did to-night. He has put up a straw man and then proceeded to knock him down, just as neatly and effectively as possible. The right honourable gentleman has pictured to this House the terrible results that will follow if this Wheat Board is established.

We did not have a Wheat Board last year, and what happened then? We had a Wheat Board two or three years ago, established when the price of wheat was away up high, and when it would have gone up very much higher if the Wheat Board had not been established. The wheat growers of the West, through the establishment of that Board, got in many cases less than they would have received had there been no Wheat Board. They got a good, big price; it was a very satisfactory price, and it worked very well—

Hon. Mr. CALDER: May I ask the honourable gentleman a question? What foundation has he for making the statement that the price would have gone very much higher if the Wheat Board had not existed?

Hon. Mr. TURRIFF: This reason is that it shut out all speculation in the wheat of those provinces.

Hon. Mr. MITCHELL: Will not this Wheat Board do the same?

Hon. Mr. TURRIFF: It shut out all speculation in wheat. The price at that time was over $2 a bushel. It had gone up to $3. Some of the farmers in my old constituency sold carloads of wheat at $3 a bushel net at their own station, and when the Wheat Board came into operation they very likely put a good price on the wheat, and got a good price.

There has been very great dissatisfaction among the farmers of the West. What happened? As everybody knows, during the past few years, we have not had in the West very good crops, and the farmers were pressed by those to whom they owed money, and were in many instances forced to draw their wheat to the market just as soon as the wheat was threshed; and what was the result? The price of good wheat throughout the provinces of Saskatchewan and Alberta went down to 75 cents, and in many cases even as low as 60 cents a bushel to the farmer. The farmers were forced to draw the wheat to the markets, and the result was that it was bought by the speculators; and as soon as the winter set in and the farmers could not bring their wheat to market any more, what happened? The wheat, which was chiefly in the hands of the speculators, went up from 35 to 45 cents a bushel above what the farmers got for it. Who got the benefit of that? Did the consumer get any benefit in the price of bread? Last year when wheat was bringing 60 or 65 or 75 cents a bushel, how much less did the consumers in any part of the Dominion pay as compared with the time when wheat was consisting $2.25? Who got the benefit? It was chiefly the middlemen who bought the wheat and held it for a few months and got a profit of 40 to 45 cents a bushel on it. That is the condition that this Bill is going to try to overcome. This Board will take the wheat and handle it, and pay, not 20 or 25 per cent, as my honourable friend suggests, but in all probability about 70 per cent, and there will not be the slightest danger of a deficit. The farmers will be enabled to pay off some of their debts. If they get only 70 cents, and the wheat when it is sold brings $1 a bushel, there will be a distribution, as there was before, of 30 cents a bushel—and this time the farmers will not throw their certificates away.

Hon. Mr. DAVID: Does this legislation apply to oats or feed or other kinds of grain?

Hon. Mr. TURRIFF: Yes.

Hon. Mr. McMEANS: May I ask the honourable gentleman whether this Bill will interfere in any way with the Grain Growers' Company of the West?

Hon. Mr. TURRIFF: I do not know whether it will interfere with the Grain Growers' Grain Company or not. If this Bill is in the interest of the farmers, it is in the interest of the grain growers, and the grain growers are anxious—

Hon. Mr. CALDER: He says the Grain Growers' Grain Company.

Hon. Mr. TURRIFF: They are just the same as any other speculative company, I imagine, and they are supporting it. At all events, the President of the Company is supporting it, and it seems to me that they must be in favour of it. The grain merchants throughout the country are not supporting it, but I am not sure that that is not a good sign for the people.

At all events, as my right honourable friend has said, this is only an experiment: it may not work out as well as the farmers expect it to do. But, surely, when they are practically a unit in demanding it, and when it is not going to cost the Dominion one single dollar, there can be no great objection to passing legislation to enable those provinces to try it out for themselves.

Hon. Mr. SHARPE: Does my honourable friend think it will be brought into force this year?

Hon. Mr. TURRIFF: I do.

Hon. Mr. SHARPE: Two of the three Western Provinces have to ask for it. They will have to call their Legislatures in order to do so. Do you think they will do that?

Hon. Mr. TURRIFF: This Bill is of such importance to the people of the three provinces of Manitoba, Saskatchewan, and Alberta that they will call their Legislatures together and pass the necssary legislation—at least, I am assured by a number of people from these provinces to whom I have spoken, that that will be done.

In my opinion, this Board will be a benefit not only to the three provinces, but to the whole Dominion, for the reason that speculating will to a great extent be shut off, and the millers will be able to buy wheat cheaper than they would if the grain got into the hands of speculators, as it did last year.

My right honourable friend says he is afraid that the buyers from European countries, particularly from Britain, will be deterred from coming across to buy because this legislation enables the provinces to refuse to sell their wheat.

Hon. Mr. CASGRAIN: To make a corner.

Hon. Mr. TURRIFF: What is the object of the farmer? Is it not to sell his wheat? It is to sell his wheat to the best advantage, and to get his money as soon as he can to pay off his debts, or, if he has no debts, to buy what he wants. My judgment is that this legislation will benefit the farmers, the consumers, and trade generally throughout the Dominion, and I do not think there is anything in it to prevent buyers coming here. In fact, to my mind there will be an additional inducement for a buyer coming from the old country who wants to buy a million or two or three million bushels of wheat. Instead of going around to fifteen or twenty concerns, he will go to the Board—the only concern in those provinces that will be selling wheat—and he will be able to buy what he wants. I think the result of the Wheat Board will be so satisfactory that it will become more or less of a permanent institution for handling the grain of our western country. If it is advantageous to the western farmer in that he gets more money out of his crop, it will be advantageous to the merchants and the manufacturers of Canada, because there is no better spender on earth than the western farmer. When times are good and he has money to spend, he spends it, and it is practically all spent on manufactured goods. That being so, everyone will reap the benefit, and I say by all means let us give this measure a trial.

Hon. Mr. FOWLER: Is not this on the same principle as the Cheese Boards that operate in the eastern provinces?

Hon. Mr. TURRIFF: I imagine it is.

Hon. Mr. FOWLER: They work very satisfactorily.

Hon. Mr. TURRIFF: I really do not know enough about the Cheese Boards to be able to say for certain, but I think it is along the same line. This is a co-operative method of selling wheat, and that is practically all it is. The provinces assume the responsibility, but the advances made by the Board will not be large enough to cause any danger of a deficit to anybody. The farmers may not get as large an amount in their second payment as they expect, but they will get something, and there will be no deficit and no loss to anybody.

Hon. Mr. FOWLER: They will get whatever there is.

Hon. Mr. TURRIFF: They will get whatever there is in their wheat, and the speculators will not make so much money, and, in my judgment, the consumer of bread will get it much cheaper.

Now, honourable gentlemen, I have made some memoranda, but as I cannot see them without my glasses, I will not bother you with them. I have said practically all I want to say. Give the farmers what they are asking for, and if that does not work out—

Hon. Mr. PROUDFOOT: Where does the Board secure the money to start out with?

Hon. Mr. WATSON: From the banks.

Hon. Mr. PROUDFOOT: Do they get any money from either of the Governments?

Hon. Mr. WATSON: From the Provincial Governments.

Hon. Mr. BEAUBIEN: The honourable gentleman says very clearly and very convincingly that the purpose of this legislation is not to prevent but to facilitate the sale of wheat.

Hon. Mr. TURRIFF: It is to facilitate the sale.

Hon. Mr. BEAUBIEN: Will the honourable gentleman now tell me how this measure would serve any better than a measure that would create a voluntary board for the purpose of facilitating the sale? Will he tell me what the difference would be, and how this measure will better enable them to sell their wheat. If they all gathered together and agreed upon a commission for the purpose of selling their wheat, would not that accomplish the same purpose?

Hon. Mr. TURRIFF: Well, honourable gentlemen, if they would all agree to a voluntary wheat board, you would have practically the same thing as a compulsory board; but you could not get all the farmers or anything like all the farmers to agree to it. You could not get any class of people to agree to anything like that voluntarily. But the great majority want the compulsory board.

Hon. Mr. CASGRAIN: Then it means confiscation.

Hon. Mr. BEAUBIEN: May I follow up my question with another? If there were a voluntary board, and if everybody agreed, my honourable friend claims that that board would be equivalent to a compulsory board.

Hon. Mr. TURRIFF: In effect, yes.

Hon. Mr. BEAUBIEN: Do I understand then, that the difference between a voluntary board and a compulsory board is that what the people of Saskatchewan want is the power to coerce the minority of the farmers?

Hon. Mr. TURRIFF: Yes.

Hon. Mr. ROBERTSON: Why did you not agree yesterday to coerce the Indians?

Hon. Mr. WILLOUGHBY: I think I enjoyed an advantage that some honourable gentleman of this Chamber did not have. I had an opportunity of attending, and did attend, all the meetings of the other House on this Bill. Do not infer from that, however, that I am going to make a long speech. I am not going to oppose this legislation, but I am free to confess that I am not very hopeful of any benefits being derived from it. The honourable gentleman from Assiniboia (Hon. Mr. Turriff) in almost the last words he uttered before he was asked certain questions, said this was co-operation.

Some Hon. SENATORS: Coercion.

Hon. Mr. DANDURAND: Co-operation by coercion.

Hon. Mr. WILLOUGHBY: The farmers from the West have been developing various co-operative organizations and in the development of the co-operative marketing of wheat they would have my endorsement. But the very essence of co-operation implies voluntary consent. There is no voluntary consent in this. The Board have the right to take our wheat and to prohibit the sale or impose such restrictions or conditions as they like upon the export of wheat from the province.

Hon. Mr. BELCOURT: Will my honourable friend tell us what happens if a farmer refuses to come under that provision?

Right Hon. Sir GEORGE E. FOSTER: He is not allowed to take his wheat out.

Hon. Mr. WILLOUGHBY: I presume he could not market his wheat at all. The position the Minister of Agriculture occupied in relation to this Bill is a matter of public knowledge. I am not going to criticize the position of any man, but it is not known to every one that the Minister of Agriculture, at all events—and I live in the constituency adjoining his, and know whereof I speak—owed his election to a large extent to his supposed belief in a Wheat Board. I for one came down to this House fully convinced that the Minister of Agriculture was a believer in a compulsory Wheat Board. I have learned that I was in error, and that the Minister of Agriculture was a believer in a voluntary board. I am sorry to think that if he is a believer in a voluntary Wheat Board, he is still as inconsistent as he was before, because the Board constituted under the provisions of this Act is not a voluntary Board. As I have said, and as it has been pointed out, the Board has the power to take the wheat and to restrict its sale, and has absolutely compulsory powers.

Hon. Mr. DANDURAND: When two out of three provinces ask for it.

Hon. Mr. WILLOUGHBY: That is quite true. If this Parliament sees fit, in its wisdom or unwisdom, to clothe the Legislatures of Saskatchewan and Alberta with the supplementary powers which they would not enjoy if we did not give them, we are a party to the compulsion. The honourable member for Moosejaw in the Commons expressed the following opinion:

> This provision is, I claim, a necessary protection to the shipper himself and should be embodied in the bill, for as the measure now stands it is worse than useless.

He was the principal proponent of the Bill in the House, and, in my opinion, the ablest student of the subject. The Minister of Trade and Commerce took exception to the compulsory powers. He said:

> When the Bill leaves this House it bears no compulsory powers.

That opinion, I think, was general, but the Bill was afterwards changed, and compulsory powers were given. Another item of compulsion—and one to which I take no exception—is the one obligating the selling to the miller.

When we compare this Bill with the old Wheat Board Bill passed in 1920, we find that they are not pari passu at all, other than dealing with the same subject; but the plenary powers given in the Bill under the Wheat Board last carried on bear little or no resemblance to those here provided. Gentlemen of this House were startled and astonished at the very plenary powers given to the old Wheat Board—the power to compulsorily take and compulsorily sell, to deal with transit both by water and by land, and many other powers which I need not tire the House by defining—every power that could be granted by this Parliament, to enable them to be the sole dealers in all the grain of Canada, not merely the grain of two provinces.

When the farmers of the West asked the Parliament to pass the Wheat Board Bill my honest belief is that they had not in mind the very limited provisions and powers of this Bill, but the plenary powers given to the old Wheat Board. Fortunately for us, the Wheat Board was administered by two skilful gentlemen, Mr. Stewart of Winnipeg and Mr. Riddell of Regina, and they made an unqualified success of it. When Mr. Stewart was examined by the Committee of the Commons and asked what would have happened if the price of grain through the year that they operated had declined rather than increased, he hesitated to say what would have been the result, but he voiced the universal feeling when he said that he thought there would have been one chorus of condemnation throughout Canada. From the time the Wheat Board was installed until the end, its operations were on a rising market. If it had operated on a falling market there would be no demand for a Wheat Board at the present time.

I am not uninterested in the growing of wheat. I am interested, directly and indirectly, perhaps as much as most of the people who were proposing this Bill, but I have no very great hopes of it ever going into force at all. I read in the Saskatoon Phoenix only a few days ago a special communication from Edmonton to that paper, which supports the Government —I do not know whether the article was inspired or not, or authoratative—saying the feeling in Edmonton was that the Legislature of Alberta would not convene for the purpose of passing the necessary legislation. It is conceded that the Legislature of Manitoba cannot very well pass legislation in time for the harvest this year, on account of that province being in the course of an election at the present time; so it will remain, at best, for the provinces of Alberta and Saskatchewan.

Hon. Mr. ROBERTSON: My honourable friend has just made it clear that this legislation cannot possibly come into force this year. Seeing that the Bill circumscribes it, and causes the legislation to end in July, 1923, so that it would not be effective for next year's crop, what is the necessity for it at all?

Hon. Mr. WILLOUGHBY: It certainly only contemplates the crop of this current year. If further legislation is required, they will have to come to this Parliament again. But I have no fault to find with the dealers in grain, or with the farmers. In my judgment as a protectionist, this Bill contemplates eventually a certain protection for the farmers of this country at the expense of the rest of the world, and I am perfectly frank to confess it. All legislation that has any kind of a tariff behind it presupposes restrictions. This is a restriction on a free deal with my own goods. If I grow grain in Saskatchewan I have no power or right, if this Bill goes into force, to sell it except through that Board. Why should I be circumscribed in dealing with my own grain? Why should a merchant in Ontario or in any other province not have his right to sell his own goods in his own way? Why should I not have the right to sell my grain in my own way?

Hon. Mr. BELCOURT: Or purchase?

Hon. Mr. WILLOUGHBY: Or purchase, or trade?

Hon. Mr. PROUDFOOT: I would like to ask the honourable gentleman where he finds in the Bill a statement that any individual farmer is bound to sell his grain to the Board?

Hon. Mr. WILLOUGHBY: The clause at the end is a prohibition.

Hon. Mr. PROUDFOOT: The clause at the end only deals with two Orders in Council that may be passed to prevent the export of grain from any province. As far as I can see, it does not interfere with the individual right.

Hon. Mr. WILLOUGHBY: But if they can "impose such conditions or restrictions as may be deemed advisable upon the export of wheat from that province," surely they can regulate the buying of it? Surely that is implied?

Hon. Mr. PROUDFOOT: I should not think so.

Hon. Mr. WILLOUGHBY: If they can impose conditions for the export of wheat, they can prohibit the export of my wheat from the province, surely.

As I said, I did not rise for the purpose of attacking this Bill, but I think there is a fundamental misconception in connection with the marketing of grain. The fundamental idea referred to by the right honourable gentleman who first addressed the House is that by this Bill the farmers can enhance the price of their products; and there is a conception that they can easily keep the grain over from October for one year more if they think they are going to get a higher price. Figures and data were laid before the special Committee of the House of Commons, and will be found in other publications, demonstrating absolutely that in the course of years from 1908 to 1920, in the Winnipeg Board of Trade, the closing prices of grain were less at the end of the year than they were in the month of October when the grain was marketed. I have the figures here. Similar investigations were made in Minneapolis, and also by one of the professors at Harvard, and by a professor at the University of Chicago.

Hon. Mr. ROCHE: What was the reason that they were lower?

Hon. Mr. WILLOUGHBY: I cannot give you the reason: I can only state the fact that the imports to the English market are a strickingly regular average amount, taking them month by month the year round.

Hon. Mr. ROCHE: Is it the amount of southern wheat that is coming in then from the Argentine?

Hon. Mr. WILLOUGHBY: Yes, there is an amount coming in then, but the English grain dealers have not the large storage facilities that we have in this country, and they buy on comparatively short dates. They do not stock up for long times ahead. The large storages are in this country, in the United States, and in Argentine. But if you take the elevator charges, plus the interest on your money, which costs 1½ cents per bushel per month, and strike an average over a period of years, you will find that the farmer who has sold his wheat in the month of October has been the gainer. If that be the case, then fundamentally there can be no great gain in attempting to carry grain over till the next summer. I do believe that the prices in the months of January, February and March, have often subsided or slumped to some extent. It has been shown by absolute mathematical demonstration for years that the farmer has not gained by carrying his grain over.

Hon. Mr. SCHAFFNER: There is no attempt to carry it over by this Board.

Hon. Mr. WILLOUGHBY: No, but the theory is that you must not glut the market by rushing it out at once. At the present time, under the old method of handling the grain, the farmer can put it in an elevator and get an advance on it at once. Under the Wheat Board he can put his grain in an elevator and he will get a participation certificate. At present, however, he can go to a grain dealer and get the advance on his grain the very moment he puts it in; so that in my opinion there is not the necessity for the farmer dumping his grain out now with the Grain Board, any more than there was under the methods of the grain buyer.

Hon. Mr. BEIQUE: I would like to have the views of the honourable gentleman on clause 10, as to the extent to which the province could legislate.

Hon. Mr. WILLOUGHBY: Well, it would seem to me that, under clause 10, the Board might have powers conferred on it by the Legislature of the Province, because it involves property and civil rights.

Hon. Mr. BEIQUE: I draw your attention to the last words, "within the legislative authority of the province."

Hon. Mr. WILLOUGHBY: The question is, what are the powers of legislation possessed by the province?

Hon. Mr. BEIQUE: Yes, for purchase and sale.

Hon. Mr. WILLOUGHBY: I have grave doubts as to the right of the province to put any restriction on my right to export grain out of the province. That touches property and civil rights. I think it can expropriate the grain in the province.

Hon. Mr. BEIQUE: But export is governed by section 20.

Hon. Mr. WILLOUGHBY: Yes. When you are dealing with the legal phase, it may not be known that long prior to the last election the legal gentlemen connected with the Grain Growers' Association of the West had given their opinion that the old Grain Board could not be legalized at the present time. The solicitor for the Saskatchewan Grain Board gave a written opinion long before the election was on, while candidates were being chosen, stating that the Wheat Board, constituted as it had heretofore been, would be ultra vires. The old Board, with all its powers, would perhaps be a very good thing for the West; but it is not compatible with my ideas of right for the rest of Canada. However, we cannot have it now, because it was created under the War Measures Act.

Hon. Mr. BELCOURT: Was there anything of this kind of coercion in the old Wheat Board?

Hon. Mr. WILLOUGHBY: Absolutely. It had the most coercive, the most drastic powers; they were found in section 6 of chapter 40, the old Act—the Dominion Board, constituted under the War Measures Act.

Hon. Mr. BEAUBIEN: I would like to call the attention of the Government, who are assuming the responsibility for this measure, to article 121 of the British North America Act, which says:

> All articles of the growth, produce, or manufacture of any one of the provinces, shall, from and after the Union, be admitted free into each of the other provinces.

I will ask my honourable friends on the other side if, in their opinion, the law now before the House is not an absolute violation of this clause of the constitution?

Hon. Mr. BELCOURT: Does not that clause refer merely to duty?

Hon. Mr. BEAUBIEN: If my honourable friends follow, they will see that there is a special clause, 122, that deals with duties, maintaining the old export duties as they were.

Hon. Mr. BEIQUE: Export means outside the Dominion.

Hon. Mr. BEAUBIEN: It meant from one province to another.

Hon. Mr. BELCOURT: What is 122?

Hon. Mr. BEAUBIEN: It is this:

> The customs and excise laws of each province, shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada.

But it is distinctly stated in the constitution—and it seems to me the purpose of the law was obvious—that nothing could be done by the Federal Parliament with the object of preventing exporting from one province to another.

Hon. Mr. BELCOURT: That is duty.

Hon. Mr. McMEANS: I would ask my honourable friend what about the liquor traffic?

Hon. Mr. BEAUBIEN: Exactly, and I believe it is the same—a violation. But to my mind the purpose is obvious, for if you allow the provinces to surround themselves with walls of protection, how are you going to make this country a unity? My honourable friend from Saskatchewan has pleaded the case of the farmer, and he has placed it in the best possible light from their point of view. He says that their only purpose is to help the farmers to sell to advantage by grouping them together. I suggest to him that he will succeed so long as the farmers get more money for their wheat; but the farmers of the West cannot get more money for their wheat unless the farmer in my own Province pays more money for his bread.

Hon. Mr. TURRIFF: Oh, yes, they can.

Hon. Mr. BEAUBIEN: Wait a minute. The farmer in my province will not very long pay more money for his bread unless he forces the farmer in the West to pay more for the commodities which he himself produces.

Hon. Mr. TURRIFF: We are doing that now, and we have been doing that all our lives—paying more for the product that the farmer uses to the manufacturer in Quebec.

Hon. Mr. BEAUBIEN: I know the old cry that comes from the West: the poor children who have always been ill-treated by Confederation are the children of the West. May I tell them that the opinion of the East is very different. It is that they are spoiled children of Confederation. They get cheaper transportation for their wheat than applies anywhere else in the world. They have had their railway built with the money that came from the East—that had to be produced in the East.

Hon. Mr. TURRIFF: No, no.

Hon. Mr. BEAUBIEN: Wait a minute—by the farmers as well as by the—

Hon. Mr. TURRIFF: That is the old game.

Hon. Mr. BEAUBIEN: I know that is very easy for the man from the West simply to make an affirmation, wave his hand, and say, "I have proved something."

Hon. Mr. FOWLER: Hear, hear.

Hon. Mr. BEAUBIEN: The man from the West has a great deal of assurance: he has what I call the western spirit. He comes down to Parliament and takes off his coat, rolls up his sleeves, and says, "I must get it." Then the people from the East ask why? "I must get it," is the answer. But give me a convincing answer. The answer in the past has not been quite as convincing or effective as it is at present, but it has been, and it is now, the big stick. You are using it now. Let me tell you one thing: if you succeed, if you raise the price of your wheat, the farmer from the province of Quebec will ask that the price of his hay be raised. Do not forget that the Quebec farmers have a greater agricultural production than the farmers in the Western Provinces. Do not forget that Ontario produces a great deal more agricultural products than any two provinces of the West. Do you not think that, when the majority of the people pay more for their bread, they will ask for equal protection? This measure is to my mind protection to the last degree, and if every province exacts its pound of flesh by coming to Parliament and asking to be given means whereby its farmers may artificially raise the prices of what they produce—

Hon. Mr. SCHAFFNER: This Bill does not say that at all.

Hon. Mr. BEAUBIEN: I say it.

Hon. Mr. SCHAFFNER: I do not.

Hon. Mr. BEAUBIEN: I know the honourable gentleman does not. I say the only possibly reason you can have for the passing of this Bill is to raise the price.

Hon. Mr. SCHAFFNER: No, no.

Hon. Mr. LAIRD: May I ask the honourable gentleman a question?

Hon. Mr. BEAUBIEN: Certainly.

Hon. Mr. LAIRD: Will not the honourable gentleman agree that the Liverpool market governs the price of wheat? And how can the Western farmers by means of the Wheat Board get more than the markets of the world will give them?

Hon. Mr. BEAUBIEN: I am not prepared to say.

Hon. Mr. LAIRD: That is the honourable gentleman's argument.

Hon. Mr. BEAUBIEN: I am not prepared to say that this legislation will be successful. I believe it is not going to be. But what I do say is that the only reasonable purpose there can be is to raise the price of wheat.

Some Hon. SENATORS: No.

Hon. Mr. WATSON: It will be cheaper.

Hon. Mr. LAIRD: It will prevent the speculator robbing the producers. That is the purpose.

Hon. Mr. BEAUBIEN: I am going back, honourable gentlemen, to where I began. What I said in the beginning was what led directly, in my opinion, to the second argument. If each province is going artificially to raise the price of what it produces, what is to become of unity in this country? I desire simply to put this question to the Government: is that not clearly forbidden by article 121 of the British North America Act, which says that there shall be no interference whatever with the produce of one province being exported to any other province of the Dominion? My humble opinion is that this measure is ultra vires and, if attacked, will be so declared by the courts.

Hon. Mr. CALDER: Honourable gentlemen, I desire to say just one word with reference to this Bill. Personally I have the gravest doubt as to its success. Nevertheless I am not going to oppose the Bill. My reason is mainly that mentioned by the honourable member for Moosejaw (Hon. Mr. Willoughby) and the honourable member for Ottawa City (Hon. Mr.

Belcourt). There is no question at all that in the three prairie provinces to-day the great mass of our farmers are in favour of legislation of this kind.

Hon. Mr. DAVID: No doubt.

Hon. Mr CALDER: And they are in favour of it for one main reason: they have a hope that by this legislation the average price they will receive for their grain throughout the entire season will be greater than it is at the present time. They do not expect that from day to day, by any manipulation on the part of the Board, they will enhance the price of wheat for a particular day, but they hope that the Board will control the flow of wheat to the European and Canadian markets in such a way that at the end of the season the farmers generally—for it is intended that they shall all get the same price—will receive a higher price than they would under the present method of handling grain.

Hon. Mr. BELCOURT: Will my honourable friend tell us why and how?

Hon. Mr. CALDER: For this reason. We might discuss for a week the problem now before us, and I dare say many of us would be as far away from a clear understanding of it as I am at the present time; for it is an exceedingly complicated, intricate problem and requires, one might say, a lifetime of study to understand it. That is my experience with it, and I have lived in the West and have been confronted with the problem a great many times. However, the idea is this. The price of wheat is fixed at Liverpool, practically for the world. It is determined by the flow of wheat there and by the demand for wheat from time to time. It is hoped that by means of this legislation a Board will intervene and control the surplus that Canada has, in such a way as to prevent the drop of the Liverpool price. The drop, as I understand it, is the basic, underlying idea.

Hon. Mr. BELCOURT: By controlling the shipping?

Hon. Mr. CALDER: No, no—by controlling the flow, the quantity that reaches the Liverpool market or is on the way to the Liverpool market.

I have always maintained, with respect to this question, that if the wheat-producing nations of the world would get together and form pools or boards, such as is intended here, the purpose in view might be accomplished; but my own idea is, as the right honourable gentleman who spoke first (Right Hon. Sir George E. Foster) pointed out, that the tendency will be for this legislation to defeat the very object that we have in view. So long as the Argentine, India, Egypt, the United States, and other wheat-producing countries have not boards that will control the flow of wheat from those countries to that market, what is going to happen? Well, you can easily imagine. The Board in this country that is endeavouring by its operations to control that flow from Canada and thereby to enhance the price of wheat to our producers, is simply antagonizing all the buyers of the world; that is all there is to it; and the tendency will be for the buyers of all those European countries to get their wheat without looking to Canada for a supply.

Hon. Mr. BELCOURT: To boycott Canada.

Hon. Mr. CALDER: Exactly. That is exactly what I am afraid of. I am not going to take up the time of the House. This is a very big question. As the honourable member from Assiniboia (Hon. Mr. Turriff) has said, this is purely experimental legislation. I have indicated one objection, which is in my opinion a very serious one. My own idea, but I may be wrong, is that in the end our people are going to suffer by this legislation. That is my idea. I state it frankly. I may be wrong. I have no doubt that those who are promoting the legislation have the very best intentions as to what is to be accomplished, and they think it will be accomplished. From my knowledge of the subject, I believe there is the very gravest danger that our people, all the people of Canada, may suffer by legislation of this kind.

Hon. Mr. BELCOURT: Will the honourable gentleman allow me to ask him whether the object aimed at by this Bill is not identically the same that the grain growers had?

Hon. Mr. CALDER: Of course, they have advocated this. They have advocated it since the Wheat Board was first formed, in 1919. There was a howl of opposition to that Board. The whole of Western Canada was up in arms against it. The honourable gentleman from Assiniboia (Hon. Mr. Turriff) thought that if the Board had not been brought into existence wheat would have gone soaring and the farmers would have received higher prices. Nobody knows beter than he that the

prices that were being paid in the Winnipeg market at that time were purely speculative prices—prices offered by speculators from the United States.

Hon. Mr. TURRIFF: May I correct my honourable friend? During the working of that Wheat Board the farmer across the line got a higher price for his wheat, month in and month out, than the Western farmer got from the Wheat Board.

Hon. Mr. CALDER: I can understand that.

Hon. Mr. TURRIFF: Well, he did.

Hon. Mr. CALDER: He did, for this very reason, that at that particular time the American Government had a Board of Control that guaranteed the prices and they were not paying one dollar more. There may have been a certain amount of trading in wheat, but it was infinitesimal, and what occured during the first two weeks or the first ten days after the opening of the market in Winnipeg was purely speculative.

Hon. Mr. WATSON: The Americans had a minimum guarantee, not a maximum.

Hon. Mr. CALDER: Yes, but the American Government at the same time practically took control as we took control.

Hon. Mr. WATSON: No; they guaranteed a minimum price.

Hon. Mr. CALDER: They controlled the price, as we eventually had to do. However, that is aside from the question.

I have pointed out one phase of the matter. Now, there is another phase, and that is the compulsory feature. That, I must say, I do not like. People are farming under entirely different conditions. I will give an illustration. I come in, we will say, from the United States. I bring $75,000 and invest it in one of those Western provinces, buying one of the very best farms I can buy, within a mile of a railway. I have all my plans. I build an elevator at the railway station. I am in a position, on account of my capital, to take full advantage of the world's market at any time. But no: this Board comes in. As everybody knows, the prices at the opening of the market are as a rule the best. We will say the price of wheat is $1.50 and during the season is drops to $1.20 or $1.30. I have all the facilities. I have invested my capital and made all my arrangements so that I may take advantage of the market at any time. As a result of my ability and the investment of my capital I am prepared to take the fullest advantage of the market. But no! Under this legislation it is declared: "You shall not do so. Your wheat shall go into the common pot, and at the end of the season, no matter what the average price is, that price and no more shall you get."

Hon. Mr. TURRIFF: That is what the farmers are asking for.

Hon. Mr. CALDER: I know they are asking for it. I say I doubt very much the advisability of the establishment of that Board. Here is one man who comes in and locates himself on a first-class farm close to a railway, and has the capital to invest in an elevator. Another man is located 20 miles from a railway and has not the same facilities. You are getting pretty close to —shall I say—extreme socialism. You are not very far from it.

Hon. Mr. GIRROIR: Communism.

Hon. Mr. CALDER: It may be all right, but that is the principle embodied in this Bill; and, if I am not mistaken—

Hon. Mr. CASGRAIN: It is Communism.

Hon. Mr. CALDER: —if this legislation goes into force and is operated, there will be thousands of farmers in Western Canada who will come to understand it and will not have the same faith in it as they appear to have at the present time. It is an experiment. I am prepared to see the experiment go on.

Hon. Mr. BRADBURY: Honourable gentlemen, I am not going to attempt to make a speech, but I want to say that I regret that I cannot agree with many of my friends from the West with regard to this measure. I believe this is vicious legislation. I have had this opinion ever since the question has been discussed. It is paternal legislation and, I believe, is not in the best interest of the farmers, many of whom have been asking for it. In the northern part of Manitoba, especially in the constituency I represent, I have a large number of friends who raise, not only wheat, but a large number of cattle and all kinds of root crops. If the Government can justify creating a Wheat Board to take possession and take care of the wheat from the farmers of Saskatchewan and Alberta and guarantee the price to the farmers, the men who are raising live stock in Manitoba, Alberta, and Saskatchewan have just as good or a better right to demand that the Government create facilities to take care of their livestock.

Hon. Mr. SCHAFFNER: Nobody denies that.

Hon. Mr. BRADBURY: Just a year ago, when there was a shortage of fodder all through the West, the farmers in that western country had to sacrifice their live-stock—in some cases practically had to give it away. The wheat grower has never been confronted with a situation of that kind, simply because wheat can be held over. Livestock cannot. I contend that if the Government enters upon a policy of this kind, of creating what is class legislation of the very worst kind, every other industry outside of farming will have the right to make a similar demand upon the Government.

However, I honestly believe that the legislation will never go into force. I do not believe the provinces will ever concur in it. I do not believe that the majority of the farmers in those Western Provinces will agree to it. The coercive feature of this legislation is, in my opinion, obnoxious, and will not appeal to the farmers of the West. To me it looks very much as though the Government and those responsible for this legislation were simply "passing the buck" to the Provinces in the West, and I think you will find that they will refuse to accept it.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Belcourt in the Chair.

Section 1 was agreed to.

On section 2—Canadian Wheat Board to be appointed:

Hon. Mr. PROUDFOOT: In studying that section I find that provision is made for the appointment of a Chairman and an Assistant Chairman, and apparently there are to be ten members of the Board; but, though I have examined the Bill carefully, I cannot discover any section which provides for the appointment of the members other than the Chairman and the Assistant Chairman. It may be in the Bill, but I have failed to discover it.

Right Hon. Sir GEORGE E. FOSTER: It is in section 2.

Hon. Mr. PROUDFOOT: But who is going to appoint them? It says there shall be ten members, but I do not see it mentioned how they are to be appointed.

Hon. Sir JAMES LOUGHEED: By the Governor in Council. It is stated in the first line.

Right Hon. Sir GEORGE E. FOSTER: The first line of section 2.

Hon. Mr. PROUDFOOT: Yes, it says the Board shall consist of not more than ten members.

Hon. Mr. DONNELLY: "The Governor in Council may appoint" the Board.

Section 1 was agreed to.

Sections 2 to 6, both included, were agreed to.

On section 7—sales to Canadian millers on same basis as to foreign buyers:

Hon. Mr. BEIQUE: This says that "sales shall be on the same basis with respect to price, terms of delivery, etc., as sales to foreign buyers."

Right Hon. Sir GEORGE E. FOSTER: That is for the Board.

Section 7 was agreed to.

Sections 8 to 12, both included, were agreed to.

On section 13—disbursements for expenses or otherwise to be deducted from proceeds of season's operations:

Right Hon. Sir GEORGE E. FOSTER: There is one point that I want to call to the attention of the Government. There seems to be a contradiction. The theory of the Board is that it may obtain advances of money from such sources as are spoken of, and that it may take deliveries, and with that money pay the person who delivers the wheat a certain fixed price or initial price, and at the same time give a participation ticket. After the operations of the year are over, and all sales have been made, and all expenses and disbursements have been paid, if there is a surplus it is to be divided among the participation ticket holders pro rata. I understand that that was the practice of the old Wheat Board. The last line in section 13 says that after the disbursements are made, and after all the payments have been received and all disbursements made, the balance shall be distributed pro rata among the producers and others holding participation certificates. That is plain.

Now, I turn to section 16 for the purpose of my comparison. It says:

The Government of Canada shall not be responsible for any deficits that may occur in the operations of the Board in concurring pro-

vinces, and should a surplus occur it shall be divided among the concurring provinces on a pro rata basis.

If all the wheat has been sold and all the expenses paid and the surplus is distributed to the participation certificate holders, how in the world can there be any surplus to be distributed between the two provinces?

Hon. Mr. WATSON: When the Board was in existence before, a number of these certificate holders never asked for the money at all. They had sold their certificates, or lost them.

Right Hon. Sir GEORGE E. FOSTER: That might probably occur, but it probably will not occur to any large extent this time. During the operation of the last Board they had not got on to the idea that the participation certificates were of very much value. There was a surplus under the operation of the old Board, and that was turned into consolidated revenue. In this case it will be turned into the provinces.

Section 13 was agreed to.

Sections 14 to 19, both inclusive, were agreed to.

On section 20—power to prohibit or impose conditions on export wheat from province:

Hon. Mr. BENNETT: If one province has regulations different from another, what happens? Who is going to settle the difference? This section says:

The Board shall have power by regulation approved by the Lieutenant-Governor in Council of any province.

Hon. Mr. WLLOUGHBY: And it says:

and also approved by the Governor General in Council.

Hon. Mr. DANDURAND: The Governor General in Council would see that they harmonized.

Right Hon. Sir GEORGE E. FOSTER: If Alberta did not choose to put on an export restriction, she could not be compelled to put it on, and consequently the restriction would refer only to Saskatchewan. That goes to show how unusual this legislation is.

Section 20 was agreed to.

The preamble and the title were agreed to.

The Bill was reported.

Sir GEORGE FOSTER.

THIRD READING

Bill 176, an Act to provide for the constitution and powers of the Canadian Wheat Board.—Hon. Mr. Dandurand.

INCOME WAR TAX BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 187, an Act to amend the Income War Tax Act, 1917.

He said: Honourable gentlemen, this Bill is for the purpose of modifying the Income Tax Act. It increases the exemption per child from $200 to $300; it frees from Income Tax the travelling expenses of commercial travellers and railway men; it increases the number of relatives that may be counted as dependents.

Right Hon. Sir GEORGE E. FOSTER: We might as well go into Committee on the Bill.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 187, an Act to amend the Income War Tax Act, 1917.

Hon. Mr. Daniel in the Chair.

Hon. Mr. DANDURAND: I would ask Mr. Russell to come to the floor.

Section 1 was agreed to.

On section 2—travelling expenses:

Hon. Mr. DONNELLY: Before this section carries would the honourable Minister explain how the section as amended would read? Does this apply specially to commercial travellers and railway employees?

Hon. Mr. BELCOURT: I do not think it does.

Hon. Mr. DONNELLY: The Minister gave that explanation a moment ago.

Hon. Mr. DANDURAND: The travelling expenses of commercial travellers were not deducted from their total income. Now, in virtue of this clause, they may be deducted.

Hon. Mr. DONNELLY: Does the section specially mention commercial travellers, or are they the only people to whom it would apply?

Hon. Mr. BELCOURT: I should think not. It is much wider than that. It says:

Travelling expenses including the entire amount expended for meals and lodging, while away from home in the pursuit of a trade or business.

Right Hon. Sir GEORGE E. FOSTER: What is the old section of the Act, and how is it changed by this?

Hon. Mr. DANDURAND: I will turn to the Act of 1917, as amended in 1919. It says:

In determining the income no deduction shall be allowed in respect of personal and living expenses, and in cases in which personal and living expenses form part of the profit, gain or remuneration of the taxpayer, the same shall be assessed as income for the purposes of this Act;

Deficits or losses sustained in transactions entered into for profit but not connected with the chief business, trade or profession or occupation of the taxpayer shall not be deducted from income derived from the chief business, trade, profession or occupation of the taxpayer in determining his taxable income.

Then comes the clause in the Bill:

Travelling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business.

Hon. Sir JAMES LOUGHEED: That is apparently a description or qualification. The expenses of any one in the pursuit of a trade or business will be exempt.

Hon. Mr. DANDURAND: Yes, it is not limited to commercial travellers.

Hon. Mr. BEAUBIEN: Would that apply to professional men? Theirs is not a trade.

Hon. Sir JAMES LOUGHEED: It would apply to any one away from home in pursuit of a trade or business. It is a business.

Section 2 was agreed to.

On section 3—normal tax:

Hon. Mr. WILLOUGHBY: I would like to ask the Minister what the old section was. I think there has been a change.

Hon. Mr. DANDURAND: Paragraph a said:

There shall be assessed, levied and paid upon the income during the preceding year of every person residing in Canada for six months or more of such year or who having been resident in Canada has left Canada with the intention of resuming residence in Canada or who is employed in Canada or is carrying any business in Canada, except corporations and joint stock companies, the following taxes:

(a) Four percentum

Upon all incomes exceeding one thousand dollars but not exceeding six thousand dollars in the case of unmarried persons and widows or widowers without dependent children, and persons who are not supporting dependent brothers or sisters under the age of eighteen years, or a dependent parent or parents, grandparent or grandparents, and exceeding two thousand dollars but not exceeding six thousand dollars in the case of all other persons.

Hon. Mr. WILLOUGHBY: There is a limitation there in the case of children.

Hon. Mr. DANDURAND: Now it is:

A parent or grandparent; a daughter or sister; a son or brother under twenty-one years of age, or incapable of self-support on account of mental or physical infirmities.

Hon. Mr. WILLOUGHBY: Take the case of the sister. There is no limitation to the age.

Hon. Mr. DANDURAND: There was a limitation in the Act, but there is none in the amendment.

Hon. Mr. WILLOUGHBY: And a daughter.

Hon. Mr. DANDURAND: "A parent or grandparent; a daughter or sister."

Hon. Mr. WILLOUGHBY: I am speaking of the change. You are reading the present Bill.

Hon. Mr. DANDURAND: In the old Act it said:

Persons who are not supporting dependent brothers or sisters under the age of eighteen years, or a dependent parent or parents, grandparent or grandparents.

Section 3 was agreed to.

Sections 4 and 5 were agreed to.

On section 6—time of default in filing returns extended in the case of religious institutions and others:

Right Hon. Sir GEORGE E. FOSTER: Why?

Hon. Mr. DANDURAND: It is a concession to religious, charitable, agricultural, and educational institutions, and Boards of Trade and Chambers of Commerce.

Hon. Mr. BELCOURT: The reason is, the less you have to report the longer time you have to do it.

Hon. Sir JAMES LOUGHEED: They are devoid of business instinct, that is the reason.

Hon. Mr. DANDURAND: It is perhaps because they pay nothing.

Sections 6, 7 and 8 were agreed to.

Hon. Mr. BEAUBIEN: May I ask whether section 4 is similar to the American law?

Hon. Mr. DANDURAND: Yes; it is called by the American Act a reciprocal enactment.

The preamble and the title were agreed to, and the Bill was reported without amendment.

THIRD READING

Bill 187, an Act to amend the Income War Tax Act, 1917.—Hon. Mr. Dandurand.

CANADIAN PATRIOTIC FUND BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 188, An Act respecting the Canadian Patriotic Fund:

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the House went into Committee on the Bill.

Hon. Mr. Turriff in the Chair.

Sections 1 and 2 were agreed to; the preamble and the title were agreed to, and the Bill was reported without amendment.

THIRD READING

Bill 188, An Act respecting the Canadian Patriotic Fund.—Hon. Mr. Dandurand.

RETURNED SOLDIERS' INSURANCE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 191, an Act to amend The Returned Soldiers' Insurance Act.

He said: The purpose of this Bill is to give full insurance to disabled soldiers who otherwise could not insure. It alters some clauses of that Act, which we will examine in Committee.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Schaffner in the Chair.

On section 1—limit of benefits when death of insured attributable to war service:

Hon. Mr. DANDURAND: The present Act provides that when pension is awarded to a beneficiary of Soldiers' Insurance, the present value of such pension shall be deducted from the amount of insurance. In actual practice when the widow of the insured is beneficiary of insurance and pension is awarded, no insurance is payable except the amount actually paid to the Department by the insured in premiums, which is returned, the present value of the pension being in excess of the maximum amount of insurance. This amendment provides that the sum of $500 shall be paid in addition to pension when the widow or children are beneficiaries under the insurance policy. For example, in a case where, under the present Act, the widow would receive $126 on account of insurance, under the proposed amendment she would receive $626. If pension is not paid the whole face value of the policy is paid.

Right Hon. Sir GEORGE E. FOSTER: Is this according to the report of the Committee?

Hon. Mr. DANDURAND: Yes.

Section 1 was agreed to.

On section 2—powers of Minister:

Hon. Mr. DANDURAND: In the administration of the Act it was found that a number of applications were submitted by persons so seriously ill that they had no expectancy of life, and in many cases the illness was not in any way attributable to military service. Section 13 of the present Act gives the Minister of Finance discretion to refuse to insure any soldier for sufficient reason. This amendment defines the classes of cases in which insurance shall be refused. Briefly, it confines insurance in cases where the applicant is seriously ill to cases where the illness is directly attributable to war service, and there are actual dependents. There is a proviso, however, adopted by the House on a motion by the Opposition, which permits the insurance of all returned soldiers, even though they are so seriously ill that they have no expectancy of life, so long as they have dependents up to and inclusive of January 1st, 1923. The schedule attached to the Act indicates in detail the classes of cases in which insurance will not be granted.

Hon. Sir JAMES LOUGHEED: It expires in 1923?

Hon. Mr. DANDURAND: Yes.

Section 2 agreed to.

On section 3—operation extended for one year:

Hon. Mr. DANDURAND: Under the present Act no application for insurance may be accepted after September 1st, 1922.

This amendment extends the time for making application until September 1st, 1923.

Section 3 was agreed to; the schedule was agreed to; the preamble and the title were agreed to; and the Bill was reported without amendment.

THIRD READING

Bill 191, an Act to amend the Returned Soldiers' Insurance Act.—Hon. Mr. Dandurand.

PENSION BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 192, an Act to amend The Pension Act, 1919.

He said: The principle of this Bill is to cover the case of the widow who had married a disabled soldier, and this provides for marriages before 1920.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on Bill 192, an Act to amend The Pension Act, 1919.

Hon. Mr. Blain in the Chair.

On section 1—"widowed mother" defined:

Hon. Mr. DANDURAND: This amendment is designed to render deserted mothers, when the circumstances are exceptional, as eligible for pension on the same basis as a widowed mother. The case of a mother deserted for some time and without any knowledge of her husband's whereabouts, and therefore unable to compel support, would thus be pensionable in the discretion of the Commissioners.

Hon. Mr. BELCOURT: Would my honourable friend read the definition of "widowed mother"?

Hon. Mr. DANDURAND: There is no definition.

Section 1 was agreed to.

On section 2—time in which application for pension shall be declared:

Hon. Mr. DANDURAND: The insertion of the word "or" between clauses (a) and (b) and between clauses (b) and (c) results in giving to dependents the right to claim pension within three years after the Declaration of Peace (August 31, 1921). Previously claims by dependents had to be made within three years after the date of the soldier's death or three years after the applicant fell into a dependent condition.

Hon. Mr. DONNELLY: I would like to get some information in regard to the widowed mother. Take the case of a mother who lost her eldest son in 1918, and whose husband died early this year. Would she come under the definition of a widowed mother? She also has one or two other sons who are not in a very good position to provide for her.

Hon. Mr. DANDURAND: She would come under the prescriptive dependency clause of the Act at the time of the death of her husband.

Section 2 was agreed to.

On section 3—semi-annual payments for disability less than 20 per cent:

Hon. Mr. DANDURAND: The effect of this amendment will be to make semi-annual payments correspond with the commencement of the fiscal year and a period of six months thereafter. It was found that unnecessary accounting was involved owing to the discrepancies between these dates.

Section 3 was agreed to.

On section 4—new subsection 6 of section 23—bonus to children of deceased pensioner:

Hon. Mr. DANDURAND: The effect of this amendment will be to assist the children of a pensioner who has died as the result of a disability not attributable to his military service. The dependents are not eligible to receive pension and the proposed bonus will materially assist them at a time when in most cases it is urgently required.

New subsection 6 of section 23 was agreed to.

On new subsection 7 of new section 23—pension continued for minor children and of wife:

Hon. Mr. DANDURAND: This is a change from established practice. After the death of a pensioner's wife the additional pension paid to him on her account will be continued in the discretion of the Commission when a daughter or other person assumes the care of the house and minor children. In other words pension will, under the circumstances quoted, continue to be paid to the pensioner without any reduction by reason of the death of his wife.

New subsection 7 of section 23 was agreed to, and section 4 of the Bill was agreed to.

On section 5—pension to widow:

Hon. Mr. DANDURAND: The effect of this amendment will be to render eligible for pension widows of ex-members of the forces who have contracted marriage within one year of the soldier's discharge and whose death is attributable to an injury or disease which had made its appearance prior to the date of marriage. The law, previous to this amendment, excluded all cases where marriage had taken place subsequent to the appearance of an injury or disease which resulted in death.

Hon. Mr. PARDEE: I think that is one of the clauses that the Board should be very particular about. It appears to me it is opening the door rather wide, to allow a pension in the case of a person who has married within one year after being discharged from the forces, and who even at that time was suffering to such an extent that in all probability he was unlikely to recover. Perhaps marriage is contracted just for the purpose of the pension. That is a rather wide clause to put into this Bill, if I understand it aright. Just consider how wide it is. It says, "within one year after the date of discharge from the forces." Suppose a man who has been discharged is in receipt of a 50, 60 or 70 per cent pension. The chances are, medically, that he can never recover, and in all probability his injury or disease will sooner or later cause his death. We know very well that there were many marriages contracted during the war simply for the purpose of obtaining the returned soldier's gratuity. Might not a similar thing happen in this case? I have the greatest sympathy for men who are disabled or injured and who desire to marry; it is a natural desire; but at the same time I think that in this case the pension might me abused to such an extent that this very class might become a great burden on the country. Without definitely opposing the clause, I think it is opening the door very wide.

Hon. Sir JAMES LOUGHEED: Has the Government any information as to the number of cases there would be of this class, or as to what would be the liability that we are assuming?

Hon. Mr. DANDURAND: It is reckoned that by the passing of this amendment there will be an additional liability of $125,000.

Hon. Mr. BELCOURT: A year?

Hon. Mr. TURRIFF: Per annum?

Hon. Sir JAMES LOUGHEED: Then I would suggest that this should stand over until we can fully consider it. It seems to me that the pensions laws already placed upon the statute book are more than generous, and particularly in regard to dependents. If this had regard to ex-soldiers suffering disability I could very well appreciate the desirability of extending the provisions of the Pension Act to men of that kind; but we are, in my judgment, going away beyond what we should do in regard to dependents, particularly in a matter of this kind. I think we had better make haste slowly in extending the provisions of the Pension Act, especially to those who have not participated in any way in the activities of the war, and who at the time of marriage did not contemplate that they would be entitled to a pension. So this is a gratuitous provision in favour of persons who did not expect to become beneficiaries of a pension of this kind.

Hon. Mr. PARDEE: A good point.

Hon. Mr. DANDURAND: My honourable friend does not state the case fully The persons concerned were married in spite of the fact that the law deprived the wife of a pension.

Hon. Sir JAMES LOUGHEED: That is even worse.

Hon. Mr. DANDURAND: Because the law then deprives—

Hon. Sir JAMES LOUGHEED:—deprives her of a pension. And now we are imposing upon the Government the obligation of paying her a pension, notwithstanding that she was not entitled to it and was by statute precluded from receiving it.

Hon. Mr. PARDEE: And of paying pensions to persons who may yet be married.

Hon. Sir JAMES LOUGHEED: I think the better way is to strike out the clause.

Hon. Mr. PARDEE: I think so too.

Hon Mr. BELCOURT: I should think that in many cases the woman would know of the disease of the man she was marrying and of the likelihood of his not living much longer. Probably the obtaining of this pension would be an inducement to marriage.

Hon. Sir JAMES LOUGHEED: That would very often be the case.

Hon. Mr. BELCOURT: I think my honourable friend is right.

Right Hon. Sir GEORGE E. FOSTER: I would like to ask a question. When in a case like this you have proceeded for a number of years on a narrower margin or limit, and now you widen the limit, is the effect to go back and retroactively even up similar cases?

Hon. Sir JAMES LOUGHEED: Yes; because all these marriages must have been contracted.

Right Hon. Sir GEORGE E. FOSTER: If that is so, it is still more serious; and it seems serious enough under the statements that have been made already in the Committee. There is always that pressure. The United States, fifty years after the Civil War—

Hon. Mr. DANDURAND: No, it would not be retroactive.

Right Hon. Sir GEORGE E. FOSTER: It would not be retroactive?

Hon Mr. DANDURAND: The first payment would start on the 1st of September of this year.

Right Hon. Sir GEORGE E. FOSTER: I do not mean retroactive with regard to this particular case; but there were other cases which under the preceding limitations were not allowed at all.

Hon. Mr. DANDURAND: Yes.

Right Hon. Sir GEORGE E. FOSTER: Now pensions are to be allowed to new applicants. Does this extension go back and operate upon all refusals under the preceding law?

Hon. Mr. DANDURAND: Yes, because it affects those marriages that took place within one year after the discharge of the soldier, and the soldiers were mostly discharged before January or February of 1920.

Hon. Mr. BELCOURT: Then it is retroactive.

Hon. Mr. DANDURAND: It is in effect retroactive; that is, it covers cases that were not covered by that Act. It is the payments that are not retroactive.

Hon. Mr. DONNELLY: This is an amendent to the Pensions Act. Is there not somewhere in the original Act a large discretion left with the Minister to deal with such cases?

Hon. Sir JAMES LOUGHEED: Not in a case of this kind.

Hon. Mr. DANDURAND: No, there is no discretion.

Hon. Mr. TURRIFF: I move that section 5 be struck out.

Hon. Mr. DANIEL: There is perhaps, I take it, some reason why the section might remain. I can understand very well a discharged soldier who is in a very poor condition of health getting married and his wife acting practically as a nurse for him until he dies. I presume that it must be with some case of that kind in view that this clause is included in the Bill. I should think there might be reasons for allowing pensions to widows for a reason of that kind. Perhaps we might give a little more consideration to that point.

Hon. Mr. TURRIFF: I think that a returned soldier in the condition referred to by my honourable friend from St. John (Hon. Mr. Daniel) is looked after in the meantime. What I fear is that we may load up the Pension Act year after year, so that in fifty years from now we shall be doing just as the United States is—paying more than we paid at the end of the war.

Hon. Mr. BELCOURT: There is another consideration that we must remember: we do not owe the woman anything.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BELCOURT: She has rendered no service. She married the man who did serve, but he is dead and gone.

Hon. Mr. ROBERTSON: It is quite possible she may benefit from the insurance, and she is taken under the Insurance Act.

The motion of Hon. Mr. Turriff was agreed to.

On section 6—disability at time of discharge attributable to military service:

Hon. Mr. DANDURAND: This is a new section and incorporates in the Act the practice in force for some time past.

Hon. Mr. PARDEE: There are very many border line cases of this kind. The Commission will say: "This man is ill, but the difficulty is that the illness he now has was not contracted during service and was not due to service." If a man went on military service apparently well, and has come out in six months, a year, or two

years, having something the matter with him, the Board are rather inclined to hold that the illness was not the result of service at all. As a matter of fact they will go back to the time of the man's enlistment and say that the particular disease was present at that time, and that consequently he is not entitled to a pension. My contention is now and has always been that a man who has been on active service comes out in considerably worse condition than he went in. Even if he had some disease when he entered, we must always remember that the man was accepted by the country; he was passed by the medical examiners, was given his certificate of health and went to serve. If he came out of the service in worse condition than when he went in, that man or his dependents are, I contend, most assuredly, entitled to a pension. If we desire to broaden the Act in any way at all, that is a way in which it might very well and very equitably be broadened. I hope that the honourable gentleman who leads the Opposition (Hon. Sir James Lougheed), with the experience he has had in the Militia Department, will bear me out in the statement that I have made.

Hon. Sir JAMES LOUGHEED: It seems to me that this matter is left very largely to the Commission to decide whether the disability was attributable to, or was incurred or aggravated during, service; and, inasmuch as this responsibility is thrown upon the Commission, I think we should not go further than section 5.

Hon. Mr. DANDURAND: I think that this clause covers exactly the case my honourable friend (Hon. Mr. Pardee) has in mind.

Hon. Mr. PARDEE: I should like to know from the Minister if that was the intention of the Committee at the time the clause was re-drafted and inserted in this Bill.

Hon. Mr. DANDURAND: It was drafted by the law officers of the Crown and is, I think, fairly clear. It establishes a presumption in favour of the soldier, which must be disproved by the Commission:

> Any disability from which a member of the forces who served in an actual theatre of the Great War was suffering at the time of his discharge, shall for pension purposes be deemed to be attributable to or to have been incurred or aggravated during his military service, unless and until it be established by the Commission that the disability was not attributable to or incurred or aggravated during such service.

Following the argument of my honourable friend, I think that this condition fits the case he has in mind: "unless and until it be established by the Commission that the disability was not attributable to or incurred or aggravated during such service."

Hon. Mr. PARDEE: Quite so. That is the saving clause.

Hon. Sir JAMES LOUGHEED: The responsibility is upon the Commission to establish that he is not entitled to it.

Hon. Mr. PARDEE: Yes, but that does not cover the point I am making. The onus is still there. My contention is that if a man has been accepted for service and has come out unfit to earn a living, or has died, then his dependents are entitled to his pension by reason of the fact that he was accepted and did serve. When he was taken into the service he was supposed to be an A-1 man. He is therefore entitled to that pension while living, whether or not his disability was aggravated by service, and if he has died the dependents he has left behind him are entiled to a pension.

Hon. Sir JAMES LOUGHEED: There are a great many cases in which the evidence is incontrovertible that the man enlisted at a time when he was suffering from the disability.

Hon. Mr. PARDEE: Yes.

Hon. Sir JAMES LOUGHEED: We know that so great was the rivalry during the organization of the different forces that many Commanding Officers implored men to join, and the medical examination was practically not observed. I suppose there are hundreds of tubercular cases which to-day are being pensioned or being looked after by the Government. They are men who were tubercular at the time of enlistment, and knew they were tubercular, and they joined for the purpose of practically throwing upon the Government the obligation of supporting them for the rest of their lives.

Hon. Mr. PARDEE: If I may interrupt my honourable friend—the great trouble in that respect is that they should never have been passed.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. PARDEE: If there was some rivalry, that was not the fault of the men; that was the fault of the authorities. At least, I submit that.

Hon. Sir JAMES LOUGHEED: If the man had a knowledge of the fact himself, it seems to me that, notwithstanding the fact of his being given a clean bill of health, he should not throw upon the Government the responsibility of pensioning him for life.

Hon. Mr. PARDEE: But if he had no knowledge of it, his case should be stronger.

Hon. Sir JAMES LOUGHEED: It seems to me there is sufficient elasticity to prevent injustice being done where the disability was aggravated by service.

Hon. Mr. PARDEE: Just enough elasticity, perhaps, to throw out the application.

Hon. Mr. SCHAFFNER: It seems to me the onus is on the physicians who made the examination. It has always appeared strange to me that, if the man who enlisted and went to war had a medical certificate declaring him to be A-1, he should attribute any trouble he might have on his return to some injury or disease that he had prior to enlistment. I think he should be dealt with on the basis of the medical certificate given to him when he enlisted.

Section 6 was agreed to.

Sections 7 and 9, both included, were agreed to.

The preamble and the title were agreed to.

The Bill was reported as amended.

THIRD READING

Bill 192, an Act to amend the Pensions Act, 1919.—Hon. Mr. Dandurand.

SOLDIER SETTLEMENT BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 193, an Act to amend the Soldier Settlement Act, 1919.

He said: Honourable gentlemen, it would be difficult for me to give an explanation of the Bill on the second reading. I will give the explanation as we proceed in Committee on the Bill.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. De Veber in the Chair.

On section 1—to consolidate indebtedness of settlers who have not abandoned the land or terminated agreement:

Hon. Mr. DANDURAND (reading):

This amendment will enable the Board to grant relief to settlers who are already on the land by changing the terms of repayment of their loans so that every settler will get twenty-five years within which to repay the indebtedness owing and incurred by him prior to the 1st of April, 1922. This period will be reckoned from the date of consolidation to be fixed by the Board, (the standard date in 1922).

Every settler whose loan is consolidated and the terms extended in this manner, will be given interest exemption for a period of two, three or four years, in accordance with the date on which he obtained his first advance from the Board.

During the period of interest exemption the settler's annual instalments will consist of one twenty-fifth part of his consolidated indebtedness as at the date of consolidation, so that payments will be very easy.

As illustrations, the following examples may be given:

Example 1: A settler established on 1st April, 1919, obtaining a loan of $5,000.00 for Land Purchase, Stock and Equipment and Permanent Improvements. Payment due under the old plan on the 1st of October, 1922:—$667.49. Under the proposed amendment, this payment would be $232.40, and the remainder of instalments will be approximately in the same amount. This great reduction will be caused by the extension of Stock and Equipment loan of four annual instalments to twenty-five annual instalments, and by interest exemption of four years.

Example 2: A settler established on 1st April, 1920, on Dominion Lands (raw land), advances for Stock and Equipment and Permanent Improvements, $3,000.00. Payment due under the old plan on the 1st of October, 1922:—$457.12. Under the proposed amendment, this payment will be $127.10. The remainder of payments will be similarly reduced, the reduction being due to an extension of Stock and Equipment loan and to interest exemption.

Hon. Sir JAMES LOUGHEED: Is there any cancellation of interest?

Hon. Mr. DANDURAND: The interest is exempted for four years, three years, and two years. That interest is wiped out, but after those years interest is paid.

Hon. Sir JAMES LOUGHEED: Then the interest is cancelled in the interim?

Hon. Mr. PARDEE: And is never paid.

Hon. Mr. DANDURAND: I think quite a large amount will be lost to the Treasury thereby.

Hon. Mr. TURRIFF: It is already lost.

Hon. Mr. DANDURAND: I will explain subsection j (reading):

This proposed amendment will enable the Board to grant advances to settlers for stock and equipment repayable within the same period

as advances for land purchase, removal of encumbrances, and permanent improvements. Hitherto the terms of repayments in case of advances to settlers for chattels varied from advances for land purchase and permanent improvements. Stock and equipment advances are now repayable in six annual instalments in cases of settlers on purchased and privately owned lands, and four instalments in cases of settlers on Dominion lands. Under the original Act of 1917, all loans for stock and equipment and building material, etc., on Dominion lands and first mortgages were all on a twenty year term, which was a much more appropriate and reasonable provision. Considering the fact that settlers who are already established are to get twenty-five years from the date of consolidation within which to repay their loans and that in their case stock and equipment advances will be repayable on the same terms as land purchase, removal of encumbrances and permanent improvements, it is considered only equitable that settlers securing advances for stock and equipment in future should be given a similar privilege.

Hon. Sir JAMES LOUGHEED: Are we negotiating any loans now or have we concluded all loans under the Settlement Act?

Hon. Mr. DANDURAND: There are a few going through to men to whom the Board was committed.

Hon. Mr. TURRIFF: I should like to know if the loans are being advanced practically as they were at first, and in the same amounts?

Hon. Mr. DANDURAND: The terms have not been altered. There are very few demands coming in.

Hon. Mr. TURRIFF: It would seem to me, with the experience the Department now has of what a small percentage will be able to make a success of farming by taking loans of $3,000 or $4,000 or $5,000, while having practically no capital of their own, that the Government should refuse cases of that kind, even if they were good men and accustomed to farming, because not 10 per cent who take a loan of $5,000 or $6,000 or $7,000, without capital of their own in excess of what is called for, namely, $500, can make a success. I am not at all objecting to the extension of the time. In many cases I believe it is just putting off the evil day, but in some cases no doubt the men may be able to pull through with the longer term when they would not have been able to do so under the shorter term.

Hon. Mr. DANDURAND: The number of applicants has gradually dwindled from season to season. Since the opening of the present season there have not been 200 applicants. The Department is more severe in its scrutiny of the ability and capital of the applicant, and it has been more and more careful in the selection of the land.

Hon. Sir JAMES LOUGHEED: This is all in pursuance of the report, I suppose.

Hon. Mr. DANDURAND: Yes. (Reading):

Settlers securing advances from the Board after the 1st of July are, as a rule, unable to prepare new land for crops next season. It is proposed to treat loans to such settlers, insofar as the date of the first and subsequent advances are concerned, as if the loan had been granted to the settler in the following year.

Clause (d) of Section 59 of the Act as it stands provides that in case of improved lands the Board may vary the terms of payment in in case of land purchase so that the first annual instalments shall be repayable not later than the date two years from the date of sale and shall consist of accrued interest. It was intended, when clause (d) was enacted, to give specially favourable terms of repayment to settlers on unimproved lands, and with this end in view, clause (d) provides that the first payment should consist of accrued interest. In certain instances, however, the accrued interest may be almost as large as the regular amortized payment, so that this section as it stands is of no benefit in many cases. The new clause (1), as proposed, will give relief in cases of this character by prescribing that the first payment shall commence two years from the first standard date after date of loan and that every payment shall be a regular amortized payment.

On section 2—standard date:

Hon. Mr. DANDURAND (reading):

It is proposed to fix by statute the date on which annual instalments are to be paid by settlers, such dates to be the first day of October in Manitoba and in the provinces West thereof, and the first day of November in the provinces east of Manitoba. These dates have already been fixed by the Regulations of the Board, approved by the Governor in Council. It is desired, however, to define these dates by statute, particularly in view of the fact that it has been found necessary to refer to the standard date in connection with the amendment relating to consolidation of advances.

Section 2 was agreed to.

On section 3—notice in writing of amount of indebtedness to soldier:

Hon. Mr. DANDURAND (reading):

In view of the changes in the terms of repayments that will be made, the various amounts and terms of repayment mentioned in the agreements executed by settlers will not be in conformity with the change in the terms of repayments. The proposed amendment, therefore, provides that the Consolidated Notice to be sent to settlers by the Board will be prima facie evidence of the settler's indebtedness and of the changed dates and amounts of payments.

Section 3 was agreed to.

On section 4—Board may order payment of the surplus to credit of the assurance fund:

Hon. Mr. DANDURAND (reading):

Under the Act, as it stands, in the case of a settler who made default in performance of his settlement duties or otherwise, the land and other property, following the rescission of contract is resold by the Board and the surplus must be refunded to the settler. Cases arise where, in equity, the settler is not entitled to such refund. For instance, not infrequently, a settler after having made application to the Board for loan, and after the Board has purchased land for him, refuses to take up residence on the land and drops his application. The Act makes no provision for such cases, and the surplus must be refunded to the settler. In many instances the land acquired by the Board for the settler has been acquired by the Board below the market price, for instance in the case of school lands and certain classes of Dominion lands or other lands where a special reduction is made in consideration of the fact that the land is deeded to the Board for actual settlement of returned men. On the re-sale of such land a considerable profit is not infrequently realized. It is considered that such settler is not entitled to the surplus, but that the surplus should go to the Crown, and become part of a Fund which may in future be used to assist in dealing with special cases.

Section 4 was agreed to.

On section 5—surplus may be paid to the settler or the assurance fund:

Hon. Mr. DANDURAND (reading):

Under Section 27 of the Act, as it stands, if a settler holding an entry on unpatented Dominion lands is fore-closed and the Board resells the land, the settler is not entitled to receive any surplus whatsoever which may be realized by the Board over and above the settler's indebtedness to the Board. In many cases the defaulting settler has completed all the requirements for obtaining patent and, had he applied to the Board for a loan after obtaining patent, he would have been eligible for refund of the surplus, but having applied for a loan before patent, the settler, under the Act as it stands, is not permitted to obtain patent until his indebtedness to the Board is repaid. He is thus prevented from negotiating a sale of the land. This provision in the Act preventing the issuance of patent until the indebtedness is repaid, was incorporated for the purpose of protecting the Board's security; but it stands in the way of the settler obtaining his equity in the land to which he is surely entitled. The proposed amendment would remedy the situation and would enable the Board to make a refund to the settler where he has completed his duties. In some instances, even if the settler has not completed duties the Board would be empowered to make a partial refund to him from the surplus realized, provided he has made substantial improvements on the land by reason of which the Board has been enabled to sell the land at an advanced price. If the settler is not entitled to surplus, the surplus will become a part of the Assurance Fund which may be used in future to assist in dealing with special cases.

Section 5 was agreed to.

On section 6—officers making false reports guilty of an offence:

Hon. Mr. DANDURAND (reading):

This section provides penalty in case of false and misleading reports. Under the proposed amendment any inspector, field supervisor, or officer who, in his appraisal report, wilfully or negligently furnishes wrong information by reason of which wrong opinion is liable to be formed as to the actual selling value of the land the Board wished to purchase, or its character of suitability for soldier settlement, will be liable to heavy penalty.

Section 6 was agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

Bill 193, an Act to amend the Soldier Settlement Act, 1919.—Hon. Mr. Dandurand.

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE

Tuesday, June 27, 1922.

FIRST SITTING

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

CLARENCEVILLE BONDED WAREHOUSE

INQUIRY

Hon. Mr. CASGRAIN inquired:

1. Did the Government issue a license for a Customs and Excise bonded warehouse for the export of intoxicating liquors in the town of Clarenceville, in the county of Missisquoi, in the province of Quebec, last year, or in any other place in the said province?
2. Was such license, if any, issued to the Missisquoi Trading Company or other parties?
3. Was such license granted with the consent of the provincial authorities of Quebec?
4. Was any protest made against the granting of such license either by the authorities of the province of Quebec or the liquor commission of the same province?
5. At whose instance was such license granted, if any?
6. For how long was such license allowed to remain in force?
7. On what date was license issued and on what date was it cancelled?
8. Was the fee for the license or any part thereof returned?

Hon. Mr. DANDURAND:

1 and 2. An application for a bonded warehouse for the storage of alcoholic liquors was granted to the Missisquoi Bay Trading Company, of Clarenceville, October 22, 1921. Privilege was withdrawn for

further warehousing after January 5, 1922, and warehouse was finally cleared February 24, 1922.

3. No.

4. Yes by Quebec Liquor Commission.

5. Application of Missisquoi Bay Trading Company.

6 and 7. Answered by 1.

8. No license fee collected. No part of regular bonding warehouse fee was returned.

RAILWAY RATES BILL

FIRST READING

Bill 206, an Act to amend the Railway Act, 1919.—Hon. Mr. Dandurand.

APPROPRIATION BILL NO. 3

FIRST READING

Bill 202, an Act for granting to His Majesty certain sums of money for the public service for the financial year ending March 31, 1923.—Hon. Mr. Dandurand.

OLEOMARGARINE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 194, an Act to amend the Oleomargarine Act, 1919.

He said: Honourable gentlemen, this is a short Bill which is for the purpose of continuing the Oleomargarine Act of 1919 for another year.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. McLennan in the Chair.

On section 1—time extended for importation and sale:

Right Hon. Sir GEORGE E. FOSTER: I should like to ask the Leader of the Government why this is continued as a yearly offering. It has now been dangling before the two Houses of Parliament for some four years in a stage of experimentation. One would think that length of time would be quite sufficient to establish facts and information upon which the Government could make up its mind as to whether this should be a permanent measure or not. All industry is to a certain extent queered when based upon a limited period of operation. The making and the importation of oleomargarine is permitted in the United States of America; it is legal in Denmark; it is the rule and practice in all the foremost countries of the world; and I do not suppose that any of us feel that we can go back to the position of isolation which we previously occupied in not permitting the making and importation of oleomargarine. Why not, then, cut the matter short, and make this a permanent measure, in so far as the law can make it permanent, and give the industry an opportunity of carrying on operations on the best basis possible? There is always a possibility of repealing a law if the public sentiment of the country, in the experience of that law, come to the conclusion that it is prejudicial. What is the reason that the Government has not made up its mind one way or the other, either to give this life or to cut off its frail thread of existence?

Hon. Mr. DANDURAND: The Minister of Agriculture stated in the other Chamber that the extension of this Act for one year seemed to express the mild and medium average opinion of the House of Commons. This measure came in succession to a resolution of the House of Commons on which opinions seemed to be somewhat sharply divided. I am simply presenting the Bill as it comes from the House of Commons, as expressing the will of the Government I represent in this Chamber. It is in line with my own views as to the necessity of maintaining the right to manufacture and import oleomargarine. I do not know of any sufficient reason to cause me to alter my opinion on this point. I believe that what is good to-day will be good to-morrow and next year and the year after. This is my own opinion. The Bill embodies, at all events, what I feel to be the right principle, and I offer it to the House as I have received it.

Hon. Mr. TURRIFF: I quite agree with the remarks made by my right honourable friend the Senator from Ottawa (Right Hon. Sir George E. Foster). As he said, this measure has been up every year for the last four or five years, and a considerable amount of time is taken up with it, particularly in the House of Commons. To my mind there is absolutely no reason for this. Ninety-eight per cent of the farmers, to judge by the debate in the House of Commons at this session, are in favour of the Bill. It seems to me there is absolutely no reason why, if people want to eat oleomargarine, they should not be allowed to do so. I might point out that when butter is at an ordinary, fair price

there is very little oleomargarine used. Oleomargarine does not come into competition with butter. In the year 1919 there were 16,000,000 pounds used in Canada; in 1920 there were 11,000,000 pounds; and in 1921, when the price of butter was more moderate, there were only three million and some odd pounds—considerably under four million pounds. This shows that there is not much oleomargarine used.

To pass a law declaring that oleomargarine may not be manufactured in Canada or imported into this country would be, to my mind, simply absurd. As the right honourable gentleman has pointed out, there is no other civilized country on earth that puts any impediment in the way of the manufacture, importation, or use of oleomargarine. I quite agree with his suggestion that we ought now to make the law permanent. If there should be any great change in public opinion in the future, we could take action again; but I think that the extension of this Act from year to year is a waste of time and money; it is absolutely absurd, and is not in accordance with the wishes of the great majority of the people of Canada.

Hon. GUSTAVE BOYER (translation): I do not agree with my honourable colleague from Assiniboia (Hon. Mr. Turriff), and I protest against the carrying out of his evident desire that Parliament should go still further than the proposal of the Government with regard to oleomargarine. I take exception not so much to the product itself as to the unfair and injurious competition which it creates against the dairy industry of our country. In the past two years dairying has had innumerable difficulties to encounter. Among our farmers there is discouragement, and nothing should be done which would prolong this feeling.

Nearly all the farmers of this country are interested in the making of butter and cheese, and their organizations represent an enormous capital.

I do not wish to deny the nutritious qualities of oleomargarine, nor do I want to raise my voice against anything good that may be said of it. I will even admit that to a certain degree it contains elements possessing food value. But what I desire particularly to point out to the honourable members of this House is that the competition of this product with butter is a dishonest competition. A pound of butter costs more to produce and gives a much narrower margin of profit than does the same quantity of oleomargarine. The manufacture of oleomargarine is mainly in the hands of a comparatively small number of concerns, whereas the entire agricultural community is interested in the manufacture of butter.

When it is contended that oleomargarine is necessary to the workingman, who wants it because of its cheapness, I say that is a mistake, for in the article delivered the workingmen, or the poorer class, do not obtain their money's worth.

It is a recognized fact, proven by statistics, that dairying proper is not in itself a paying industry. Leaving out of consideration the years of the war, I say dairying is not profitable except for the fact that the keeping of cattle is absolutely necessary for the purpose of maintaining the fertility of the soil.

In the old provinces—Ontario, Quebec and the Maritime Provinces—mixed farming is practised in order that the necessary fertilizer may be available. The farmers in these sections of Canada have learned that the fertility taken from the soil must be restored to it by successive crops. The old saying that farming without cattle is impossible is here understood in its full force. The contrary is the case in the West. There a fertile soil at first yielded abundant crops, but the earliest cultivated areas of the West, far from being as productive as they used to be, are now giving yields considerably lower than the average. Farms in Manitoba which at the start produced from 50 to 60 bushels to the acre give now only 10 to 12 bushels. What is the reason, you ask. It is easily stated: the fertilizing elements have been continuously taken from the soil and never replaced. The consequence is that in those western districts farming without cattle is no longer possible. In fact, the western provinces are organizing for the purpose of engaging in mixed farming. Now, do we wish to discourage the farmers by placing a rival product on the market beside their butter, when butter production is already less remunerative than it might be? I was astonished when in the House of Commons the other day the Progressives voted against the resolution of Mr. Neill to do away with the manufacture and sale of oleomargarine in this country. The Progressives, who are supposed to work with their whole soul and with all their strength for the development and welfare of the agricultural class, have apparently failed to consider the support they owe not only to their own followers in the West, but to all the farmers throughout the country. Only eight Progressives

voted in favour of Mr. Neill's resolution; the other members voting for it were Liberals and Conservatives from the other provinces.

I admit that the members from the cities could not take the same ground on this question as the members from the country districts; and, instead of supporting the Neill resolution, they simply asked that oleomargarine be subjected to strict inspection and placed on the market under its own name, so that it might not be mistaken for butter.

If the Progressive members from the West saw no benefit to themselves in Mr. Neill's proposal to prohibit oleomargarine, they should at least have remembered that their confreres, the farmers of the other provinces, who are largely interested in the dairy industry, would gain by it. The attitude of the western Progressives fully demonstrates this great truth, that the interests of the farmers of the East and those of the farmers of the West are irreconcilable.

If the western farmers would be the real champions of the agrarian interest, they should consider the farmers not merely of one portion of the country, but of the whole of Canada. The measure that was introduced by the former Government and passed, and is now extended for one year at the instance of the present Government, is far from being satisfactory to the farmers, who demand the absolute prohibition of oleomargarine. But at least the Bill should be left in the form in which it is now before us, and at another Session we shall have an opportunity of discussing this question again, and the opponents of the manufacture and sale of oleomargarine may convince the Government once for all that this product should be banned.

The free admission of oleomargarine into this country dates back only to the first year of the war, when the Government thought it should accede to the demands made upon it to permit the entry of oleomargarine as well as its manufacture in Canada. This was done for a purpose which was believed to be humanitarian, as it was expected to lower the cost of living. Now that the war is over, now that the motive invoked has ceased to exist and oleomargarine has not lessened the cost of living as expected, it would be in my opinion reasonable to refuse to allow this product to remain in unfair competition with dairy products.

As all opinions must be respected, and as the new House of Commons was not conversant with the question, as was the former House, it was perhaps good policy to grant an extension of time, which will permit of the question being more thoroughly studied at another Session and disposed of once for all in the best interests of the community.

All the milk producers' associations in the Western Provinces have already adopted resolutions protesting against the importation of oleomargarine and the manufacture of it in this country.

The National Dairy Council of Canada, meeting at Winnipeg in December last, passed a resolution in the name of the butter producers of the country, protesting against the manufacture and sale of oleomargarine in Canada; and many other associations have adopted like resolutions.

In view, therefore, of the general sentiment of the farmers, which is hostile to this article, it seems to me that the Government should do no more than extend the time allowed by the present law.

Hon. JOHN WEBSTER: Honourable gentlemen, I think the Government are wise in presenting this legislation to extend the time for one year only. It has been said by one honourable gentleman on the opposite side of the House that oleomargarine does not interfere with the sale of butter. Let me say that if it is sold as oleomargarine I do not fear the results it may have on the butter market. But who are to-day the buyers of oleomargarine throughout this country? The unsuspecting and the uninnitiated are buying a composition known as oleomargarine. The honourable member from Assiniboia (Hon. Mr. Turriff) spoke of it being manufactured in the United States, but in that country it is not permitted to put colouring into it without paying an excise duty of ten cents per pound. Here in Canada, under the methods of manufacture, a certain amount of butter is used in the product to improve flavor and colour. If it could be arranged to have the constituents of the oleomargarine printed on the label, so that the people might know what they were buying, it would not interfere with first-class dairy or creamery butter. That is the situation as I view it. When butter is at the price at which it is to-day, 40 cents a pound, oleomargarine is sold to people who do not know its food content. I claim that five pounds of oleomargarine do not contain as much food value for a growing child as one pound of our best butter. That

is a statement of the result of doctors' analyses. Oleomargarine is made from vegetable oils and many other ingredients such as refuse fats from abattoirs, etc.

Hon. Mr. CASGRAIN: Did the honourable gentleman say that five pounds of oleomargarine were only as good as one pound of butter?

Hon. Mr. WEBSTER: I said that—yes.

Hon. Mr. CASGRAIN: Then it is much more expensive.

Hon. Mr. WEBSTER: It is much more expensive.

Hon. Mr. ROBERTSON: Honourable gentlemen, just a few words with reference to this subject. I am quite in accord with the legislation which the honourable leader of the Government has brought down, except that I think it would have been better if no time restriction had been included in the Bill. I want to refer for a few moments particularly to a resolution respecting the manufacture and importation of oleomargarine that has been the subject of consideration by Parliament, and to draw an analogy which I think will appeal to honourable gentlemen, and indicate clearly that this restriction upon the importation and manufacture of oleomargarine in Canada ought to be permanently withdrawn. What is the reason of the opposition to its manufacture and sale? It is primarily because it comes into competition with another article which is manufactured in Canada, namely, butter. No one can blame those interested in the butter industry for taking that stand; but I think it is the duty of Parliament to legislate for the benefit of all the people rather than for a particular class; and I think that it is in the interest of a majority of the people of Canada to bring to the doors of the consumers, most of whom are poor men and women, foodstuffs at the most reasonable prices, especially food that is sanitary and wholesome. It cannot be gainsaid that oleomargarine is a wholesome food. It is manufactured under the most advantageous conditions, in much more cleanly surroundings than is most of our butter, and I am sure that inspectors, if asked, would say that it is just as wholesome, just as sanitary, as any dairy butter that is made. Possibly some creameries are conducted in just as cleanly a fashion as are the oleomargarine manufacturing establishments.

However, that is not the point that I want particularly to make. It is this. This law permitting the manufacture of oleomargarine was put on the statute book in 1918 or 1919, when the price of butter was prohibitive to very many people. There is no necessity for restricting the importation or the manufacture of an article that is desired and used by many people who cannot afford something better, unless that importation and manufacture is going to destroy absolutely or seriously hinder some other industry. In that case the prohibition of its manufacture or importation might be worthy of consideration. But no honourable gentleman, I am sure, will contend that there are any dairy farmers out of employment, or that they are not able to find a market for the butter they produce. It is a fact that I am sure no one will dispute that butter has never before brought so good a price as it has since this legislation has been in force. That being the case, it cannot be said that it is necessary to prohibit the importation or manufacture of oleomargarine for the purpose of preventing the destruction of the dairy industry.

Let me cite what I think would be an analogous case. A Minister of the Crown only a few months ago stated from his place in Parliament that there were over 200,000 unemployed men in Canada. That represented, I suppose, probably 400,000 dependents, or an aggregate of more than half a million people in this country without employment and, consequently, most of them without means of purchasing the necessaries of life. I want to suggest to the House that it might have been perfectly consistent and logical for those hundreds of thousands of unemployed men and their dependents to have come to the Government of Canada and said: "We desire you to legislate positively against the importation of agricultural implements into Canada, for the reason that there are in Canada nearly half a million unemployed men and dependents, who might be employed in the manufacture of those things." Agricultural implements can all be manufactured in this country; we can meet our requirements absolutely. No such request has been made, but I say that it would not be inconsistent for them to have made such request. What would have been the result if such legislation had been enacted? There has been imported into Canada during the past two or three years approximately $20,000,000 worth of agricultural implements annually. At least 50 per cent of that amount—and that is a very conservative estimate—represents the labour

that goes into the production and manufacture of materials that enter into those goods. $10,000,000 expended in wages in Canada means what? It means employment at $4 a day for 8,000 men for 300 days in a year. If we had a situation of that sort here, I would not object to our farmer friends, the producers of butter, saying: "Everybody is employed; everybody has money to buy butter; let them buy butter." But so long as our farmer friends say, "We want our Canadian labour to remain unemployed so that we may import our agricultural implements from outside Canada," I say that the consumers of Canada are not going to look favourably upon a proposition to prohibit the importation or manufacture of wholesome, sanitary food that can be obtained by the consumer at a lower rate.

Hon. Mr. TURRIFF: May I remind my honourable friend that the farmers of Canada are largely in favour of the free importation of oleomargarine?

Hon. Mr. ROBERTSON: I appreciate that, but there is a particular class of butter-makers who are not.

Hon. Mr. DANDURAND: I would like to inform my honourable friend from Brockville that the suggestion he has made, that packages of oleomargarine should be marked, is already provided for in the Act, and according to my information, that is the practice. Section 7 of chapter 24 of 1920 provides:

> No person shall sell, offer for sale, or have in his possession for sale, any oleomargarine, unless the packages containing such oleomargarine are marked or labelled "Oleomargarine" in accordance with the provisions of this Act or of any regulations made hereunder.

Hon. Mr. CASGRAIN: Would the honourable ex-Minister of Labour consider it a good thing for the workingman to buy oleomargarine if what the member for Brockville (Hon. Mr. Webster) says is true, that five pounds which cost $1.25 are not as good as one pound of butter that costs 40 cents? Surely it would not be advantageous for workingmen to buy oleomargarine if that be so.

Hon. Mr. ROBERTSON: It is somewhat difficult to accept that statement, for only a moment before the same honourable gentleman indicated that butter was a component part of the oleomargarine.

Hon. JOHN WEBSTER: It is to a certain degree.

Hon. Mr. ROBERTSON: If the butter is contained in it, then surely the statement would not hold good.

Hon. Mr. TURRIFF: We can get certificates from many scientific men that oleomargarine contains more food products than butter.

Hon. Mr. WEBSTER: I would like to see them.

Section 1 was agreed to.

The preamble and title were agreed to, and the Bill was reported without amendment.

THIRD READING

Bill 194, an Act to amend the Oleomargarine Act, 1919.—Hon. Mr. Dandurand.

PUBLIC LOAN BILL

THIRD READING

Hon. Mr. DANDURAND moved the second reading of Bill 197, an Act to authorize the raising, by way of Loan, of certain sums of money for the Public Service.

He said: This Act speaks for itself. It is short—

Hon. Mr. DAVID: But not sweet.

Hon. Mr. DANDURAND: But not sweet. The purpose is to authorize the issue of new loans to meet obligations arising during the coming year or in the early future. There are Treasury Bills to the amount of $143,000,000; there is a loan maturing on the first of December of this year of $182,000,000; these make a total of $325,000,000. Against that we have already obtained in the New York market $100,000,000 so the needs of the Finance Department will be $225,000,000. But the Government is now taking authority also to provide for a loan maturing November 1, 1923, of $172,000,000, and a loan maturing November 1, 1924, of $108,000,000, the two making $280,000,000.

Hon. Sir JAMES LOUGHEED: Is this loan to be put on the Canadian market or the foreign market? I saw an intimation in the press that it was to be a Canadian loan. Does my honourable friend know anything about that?

Hon. Mr. DANDURAND: No, I have no certain data. I had the impression that it would be put on the Canadian market, but it may possibly be put on both markets.

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

THIRD READING

Bill 197, an Act to authorize the raising, by way of Loan, of certain sums of money for the Public Service.—Hon. Mr. Dandurand.

CUSTOMS TARIFF BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 198, an Act to amend The Customs Tariff, 1907.

He said: This Act, which has for its purpose the altering of the tariff to the extent indicated in the Bill, has an amendment to the Customs Tariff Amendment Act of 1921, amending the Customs tariff of 1907 by substituting the following section:

12a. The Governor in Council may from time to time, as he deems it expedient, order that goods of any description or class specified in such order, imported into Canada, shall be marked, stamped, branded or labelled in legible English or French words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding or labelling shall be as nearly indelible and permanent as the nature of the goods will permit.

This, in its terms, is the same marking Act as the one that was passed last year, but it restricts the particular cases to those considered expedient by the Governor in Council. The Act last year was a general Act which applied to trade in general. It was found quite difficult, if not impossible, of application. A date had been fixed for its going into force, and that date was suspended. The Boards of Trade and other interested parties protested against the Act being generally applied. The Government has felt that there was virtue in the Act if it were applied in special cases, and not generally.

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

THIRD READING POSTPONED

Hon. Mr. DANDURAND: I do not know any reason why we should go into Committe on this Bill, as we cannot amend the schedules. I would therefore move the third reading now.

Right Hon. Sir GEORGE E. FOSTER: Do you not have to go into Committee on the Bill?

Hon. Mr. DANDURAND: Not generally, unless there be a special demand on account of some extraneous clause contained in it.

Right Hon. Sir GEORGE E. FOSTER: If it is not considered interfering too much with the time of the Senate I would suggest that the third reading be carried over to the afternoon session. It is just possible that I might like to make a few remarks upon it, but I will govern my impetuosity in that regard somewhat with reference to the time at our disposal.

Hon. Mr. DANDURAND: Take the third reading at the next sitting.

It was ordered, that the third reading of the Bill be placed on the Order Paper for the next sitting.

INLAND REVENUE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 199, an Act to amend the Inland Revenue Act.

He said: This is an Act of the same nature as the preceding, but governing the excise duties levied on tobacco and on spirits, and with a change in the excise duties levied on sugar made from sugar beets.

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

THIRD READING

Hon. Mr. DANDURAND: The statement I made concerning the last Bill will apply to this one, and, unless it is desired that we should go into Committee—and I do not see that we could amend this Bill in any particular—I would now move the third reading.

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

SPECIAL WAR REVENUE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 200, an Act to amend the Special War Revenue Act, 1915.

He said: This Bill bears on the rates to be levied under the Act. It extends the power to levy taxes on insurance companies, on unlicensed British or foreign companies, or on unlicensed inter-insurance associations. It has been found equitable to reach the insurance companies that do business without any regular licensed agency in Canada by levying a five per cent tax on the premiums paid by the assured. The tax on cable and telegraph companies is increased. The tax on promissory notes is defined. There is a tax on cheques on a graduated scale: a two-

cent stamp as heretofore on sums not exceeding $50, and two cents per $50 or fraction thereof up to $5,000, which makes a maximum of $2. Thereafter the tax remains at $2, even for the larger figures.

Hon. Mr. ROCHE: What would a cheque for $98 have to pay?

Hon. Mr. DANDURAND: Four cents. There are other levies which honourable gentlemen can find by looking at the various clauses. The stamp tax on sales or transfers of stock is increased from two to three cents. The stamp tax on money orders of express companies and the stamp tax on post office money orders are increased. There is a stamp tax on receipts, under clause 10:

No person shall give a receipt unless there is affixed thereto an adhesive stamp or unless there is impressed thereon by means of a die a stamp of the value of two cents.

Receipts will bear that tax, which will be an even tax of two cents for whatever is the amount of the receipt. I think that tax has been in existence in England for a number of years. In every European country it has been in existence for many years before the war, and has produced a considerable income.

Hon. Mr. BENNETT: On some cash registers, when a customer gets a bill marked "Paid," will that have to bear a two cent stamp?

Hon. Mr. DANDURAND: There will need to be a stamp for all such purchases above $10.

Hon. Mr. BENNETT: So that a merchant who has one of those cash registers, and in the course of a day punches out, as they term it, a number of those bills with "Paid" marked on the bottom, whenever they exced $10, will have to put a two cent stamp on each receipt?

Hon. Mr. CASGRAIN: It is worth two cents to get your receipt when you are buying more than $10 worth, because the shopkeeper might say, "I never got the money, the clerk got it," or something else.

Right Hon. Sir GEORGE E. FOSTER: Suppose the bill of sale was $50 and the bills were made out in five sections of $10 each, there would be no tax.

Hon. Mr. DANDURAND: The Act provides for that, and I may say, in answer to my honourable friend that this will not come into effect before the 1st of January next. The Department is in correspondence with the British authorities to see how their Act is applied on cash purchases such as have been described.

Right Hon. Sir GEORGE E. FOSTER: How does the Act deal with the case I have mentioned?

Hon. Mr. CASGRAIN: In England you only get a receipt if you insist upon having it. Very often you are told it will be a penny for the stamp.

Hon. Mr. DANDURAND: The answer to my right honourable friend is to be found in subsection 3 of section 10.

Hon. Mr. BENNETT: When the Minister speaks of the Bill not coming into force until the 1st of January, will he give it the same benediction that the Minister of Agriculture gave to the Oleomargarine Bill in the other House when he denounced it as a rotten Bill and when he said that perhaps there would be a Bill passed at the nest Session of Parliament to do away with it altogether? What are the fighting chances of the law ever going into effect at all?

Hon. Mr. DANDURAND: My honourable friend will admit that this country needs to levy a larger income than it has.

Hon. Mr. BENNETT: Why not tax the big interests. Why not increase the tax proportionately on cheques above $5,000? When a man rolling in wealth or the big interests issue a cheque up to $5,000 there are stamps affixed to a certain amount, and above that amount there is nothing additional.

Hon. Mr. DANDURAND: The cheque is no evidence of wealth.

Hon. Mr. BENNETT: It is generally a good evidence.

Hon. Mr. DANDURAND: No, the cheque is simply the instrument used to discharge a debt. There may be thousands of transactions between banks and corporations by which money is simply moved from one place to another, and there is no gain to anybody.

Hon. Mr. BENNETT: Are not corporations simply associations of individuals?

Hon. Mr. DANDURAND: Yes. The reason the increase in the tax stopped at $5,000 is that most of the daily transactions upon which the Government will levy are of that class. My personal view is that the taxe goes too far in going up to $5,000. But we need the money. Such operations as transfers of money from one

place to another were brought to the attention of the Finance Department, and the Minister of Finance realized that a tax on such transactions would bear heavily upon ordinary financial operations. We will see how this works, and if there is need to retrace our steps we will have to do so. I fear that we shall have to retrace our steps rather than go forward.

Hon. Mr. MITCHELL: Would not the same argument apply to transactions involving less that $5,000? There are many transactions below that figure in which there is no gain. Generally when brokers sell bonds there is some gain. Would the same principle apply to the poor man who transferred $500 that would apply to the man who spends $100,000?

Hon. Mr. BEAUBIEN: Section 4 would seem to hold out some hope to people who believe that the stamp tax on cheques is a very ill-advised one, because it puts a very serious obstacle in the way of trade. The cheque is the great highway of business. What you are going to do is to place a toll-gate on this highway, and stop every cheque to see whether the requisite amount has been paid on it. Therein, to my mind, lies the defect in this new mode of taxation. I notice in section 4 that the Minister of Finance, notwithstanding anything in the Act, reserves the power to make regulations in virtue of which a cheque may bear on it a stamped die stating that stamps of the requisite value in respect thereof have been duly paid. If the Government could devise some means by which practically all calculations on these cheques would be done away with, I think it would be rendering a very great service. Honourable gentlemen know what is involved in the control of enormous quantities of cheques. When a bank receives large piles of cheques in deposits, every one of those cheques has to be controlled. I disagree with my honourable friend from Simcoe (Hon. Mr. Bennett) who said that a man issuing small cheques was generally a poor man. Who are the people who issue cheques, be they small, medium, or large? They are not people of the very poor class by any means; they are rather people who spend their money freely and are in the habit of using cheques. Does the workingman issue cheques?

Hon. Mr. BENNETT: If my honourable friend were conversant with the practice in small towns he would know that workingmen very often keep a bank account, so that if there is any question as to whether an account has been paid or not, the transaction can be traced even though the cheque or the receipt may have been lost.

Hon. Mr. DANDURAND: Yes, but my honourable friend will recognize that more than nine-tenths of these cheques are below $50, so that the two-cent stamp which they have been in the habit of putting on the cheques is still sufficient, and the tax is not increased by this Bill.

Hon. Mr. BEAUBIEN: I do not deny what my honourable friend has said, but my contention is that for every man in poor circumstances who issues cheques to pay an account, there are twenty-five or perhaps fifty who do not. The workingman generally gives his money to his wife, and she pays the accounts. Take the farmer, for instance. Will he issue cheques?

Hon. Mr. DONNELLY: Yes, sir.

Hon. Mr. BEAUBIEN: In great numbers? He will not. The business community is the part of the community particularly interested in this and will suffer most from it. It will suffer more by the loss of time and the extra wages paid for clerical labour than it will from the imposition of the tax. In other words, if the Government is going to levy $5,000,000 a year by this tax, it will cost the country a great deal more than that for clerical labour to look after the cheques and see that they are properly stamped. Every cheque has to be examined, and if there are not sufficient stamps on them, they will have to be rejected. I hope the Minister of Finance has reserved the power to make regulations whereby the toll-gate which he has erected in the highway of trade will automatically open every time a cheque comes along, so that there may be an economy of time in the transactions of the country. If he does that, he will have rendered a great service.

Hon. Mr. GORDON: Unlike my honourable friend, I am under the impression that this is one of the best and easiest methods of collecting taxation. I only rise for the purpose of asking whether the tax in respect to promissory notes will be collected in the same way? In glancing over the Bill, it seems to me that there is no limit to the two-cent tax on every $50.

Hon. Mr. DANDURAND: There is no limit in the case of the promissory note.

Hon. Mr. GORDON: My opinion is that that will be more of a hardship than

the tax on cheques, because the borrower is more apt to be a poor man than the lender or the issuer of a cheque. I do not see why notes should not be placed on a par with cheques.

Hon. Mr. DANDURAND: The old Act levied two cents per $100 on promissory notes. The tax now is 2 cents per $50.

Hon. Mr. BENNETT: And bills of exchange are treated in the same way as cheques.

Hon. Mr. GORDON: Is there any reason for placing a higher tax on notes than on cheques?

Hon. Mr. DANDURAND: There is no other reason that I know of, but that it will produce more.

Hon. Mr. HARMER: Will the Minister inform us whether the Department has any information from the banks as to the total number of cheques that usually go through the banks or clearing houses in a year?

Hon. Mr. DANDURAND: I do not know whether all the banks keep records of the cheques that pass through their institutions. They make no report to the Government, and there is no official data. I may say that in an institution with which I am connected, upon the imposition of the 2-cent stamp tax there was a decrease of 1,100,000 in the number of cheques passing through the wickets in the first year; but in the twenty-four months that followed, the number gradually came back to normal. This means that people had decided that they would pay certain small accounts in cash, or that in making deposits in the bank they would retain a certain amount. But as they felt that they had to obtain receipts and preserve them, they gradually came back to the old habit of paying by cheque. There may be a certain decrease again under this Act, but gradually the people will get into the old groove of issuing cheques in payment of their accounts thereby ensuring that they will have an evidence of the payment of the accounts, without the necessity of retaining receipts.

Hon. Mr. BEAUBIEN: I hope the honourable Minister will not forget to give that instance of what the 2-cent tax did to the Minister of Finance, and at the same time point out to him the probable effects of the progressive tax on cheques. It will be very much more serious.

Hon. Mr. DANDURAND: My honourable friend will surely credit me with enough public spirit to think that I have already imparted that information.

Hon. Mr. HARMER: I have been informed on very high authority that the information I have asked for could be obtained by the Department within twenty-four hours. I understand that the approximate number of cheques passing through clearing houses last year was in the neighbourhood of three-quarters of a billion. On that basis if there were a flat rate of 3 cents charged, more revenue would be produced than will be produced under the present system of a graduated scale. No doubt the Stamp Act in England has reached a high state of perfection. I think the Government would be well advised to inquire about it, or to send a man over there to study the system.

Hon. Mr. DANDURAND: I said there was no official data in the Department. Of course, the Minister of Finance had general information which would give him a pretty good idea of what this tax would produce.

Hon. Mr. GORDON: Did I understand the honourable gentleman to say that the 2-cent stamp tax had the effect of lessening the amount passing through a certain institution by $1,100,000?

Hon. Mr. DANDURAND: No; 1,100,000 cheques.

Hon. Mr. GORDON: If that is the case, the view which I expressed a short time ago must have been very wrong because if a two-cent stamp had that effect, what would be the effect of a two-dollar stamp?

Hon. Mr. DANDURAND: The answer is quite easy to give.

Hon. Mr. GORDON: Then my honourable friend must be right.

Hon. Mr. DANDURAND: My honourable friend from Montarville (Hon. Mr. Beaubien) is not exactly correct when he thinks that the labouring element does not utilize the cheque. I know of a savings institution, the large majority of whose depositors are of the labouring element, and whose cheques are regularly used by them. That labour element felt, when the Stamp Act came into force, that it could refrain from issuing small cheques of $5, $10, and $15. Those people decided they would hold a certain amount from deposit, and would pay their small debts and thus save the two-cent stamp for each payment. That caused a certain temporary deflection, but gradually they returned to the safer

method of depositing the money and drawing upon their accounts. Now, cheques of from $50 to $100 are in the great majority. When it is a question of paying a debt of $200 or $500, who will claim that a person will keep money in his house and withhold it from deposit in the bank in order not to be obliged to put a stamp on the cheque? When the amount is sufficiently important to be deposited in a bank for safety, there will be no difficulty as to the working of the Stamp Act. The banks will of course feel a deflection here and there for a certain time, but gradually people will become accustomed to the Act and will come up to the mark.

Hon. Mr. GORDON: I hope my honourable friend will take an opportunity of looking into the case which was specifically mentioned, because I feel quite satisfied that his figures are not correct. I would ask him to look that up.

Hon. Mr. DANDURAND: What figure?

Hon. Mr. GORDON: With all due respect to my honourable friend, I cannot understand how there would be in one institution, 1,100,000 cheques.

Hon. Mr. DANDURAND: During the year.

Hon. Mr. GORDON: I think that if the honourable gentleman will look into that matter he will find there must be something wrong with his figures.

Hon. Mr. DANDURAND: I am speaking of an institution that has within a radius of three or four miles over 200,000 depositors.

Hon. Mr. BEAUBIEN: How much on deposit, may I ask? That information will enlighten my honourable friend (Hon. Mr. Gordon).

Hon. Mr. DANDURAND: An average of $230 or $240.

Hon. Mr. BEAUBIEN: But how much is held on deposit in that bank, as a rule?

Hon. Mr. DANDURAND: About $47,000,000 or $48,000,000.

Hon. Mr. DONNELLY: At the present time the parties issuing cheques have the privilege of using either the war tax two-cent stamp or a two-cent postage stamp. I understand that the Department have no reliable information as to the extent to which the revenue of the Post Office has been increased by the use of 2-cent stamps, or as to the total revenue derived from the stamp tax. Is it not possible that a false impression may be given regarding the revenue of the Post Office Department by the widespread use of the two-cent postage stamp upon cheques? People may be clamouring for a reduction in the postal rates because the Post Office Department is showing a surplus, when, as a matter of fact, the surplus is derived from the use of the 2-cent stamps upon cheques. I think it would be very proper for the Government to amend the Act so that only war-tax stamps or revenue stamps might be used. The Government would then be in a position to give us definite information as to the total revenue from the stamp tax, and we would also know exactly the postal revenue. I think that would be much better than the present rather haphazard way of using either postage stamps or revenue stamps.

Hon. Mr. DANDURAND: We all know how annoying to the public in general has been the obligation of affixing a stamp on every cheque, because a person does not always have a stamp. This proposal was carefully considered, but the Government felt that it was better not to go beyond the inconvenience caused by the requirement to affix a stamp; but the requirement of affixing a special stamp on every cheque would be condemned by the whole population from the Atlantic to the Pacific. Ordinary postage stamps are needed by everyone who writes a letter and are always at hand. Let us try to facilitate the collection of the tax with as little annoyance as possible to the people of the country.

Hon. Mr. DONNELLY: The annoyance works both ways. I may state my own case. One day I was writing a letter and found that I was short of postage stamps. I had an abundance of revenue stamps, and I put on two of them—thoughtlessly, I suppose. The result was that a week later the letter was returned to me through the dead letter office.

Hon. JOHN WEBSTER: What would the honourable Minister think of the suggestion to increase the tax on every cheque, say, to four cents, or, if that will not cover the case, make it five cents?

Hon. Mr. SCHAFFNER: That would be hitting the poor man.

Hon. Mr. WEBSTER: I think that would be an improvement.

Hon. Mr. DANDURAND: There was an impression that going up to $5,000 would

equalize the burden among the various classes of the population.

Hon. Mr. GORDON: What is the largest denomination in postage stamps?

Hon. Mr. DANDURAND: I am told that there is a dollar stamp; but there are $50 revenue stamps.

Hon. Mr. GORDON: But I mean postage stamps.

Hon. Mr. DANDURAND: They go perhaps up to one dollar.

Hon. Mr. MULHOLLAND: If you receive an American cheque and deposit it in the bank, do you have to attach the stamp to it?

Hon. Mr. DANDURAND: For the depositing of the cheque?

Hon. Mr. MULHOLLAND: Yes.

Hon. Mr. DANDURAND: No.

Hon. Mr. MULHOLLAND: American cheques?

Hon. Mr. DANDURAND: Depositing is equivalent to passing a cheque. I am told that if you deposit a cheque in a bank you have to affix a stamp to it.

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

THIRD READING

Bill 200, an Act to amend The Special War Revenue Act, 1915.—Hon. Mr. Dandurand.

CUSTOMS AND EXCISE BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 201, an Act to amend the Customs Act and the Department of Customs and Excise Act.

He said: This Bill involves a contentious question, that of the valuation of goods coming from countries with a depreciated currency. There was in the Customs Act a provision giving power to value the depreciated currency up to 50 per cent of its face value. Section 59 of the Customs Act contains the following subsection enacted in 1921:

(6) Notwithstanding any of the provisions of this section, in computing the value for duty of the currency of an invoice, no reduction shall be allowed in excess of fifty per cent of the value of the standard or proclaimed currency of the country from whence the goods are invoiced to Canada, irrespective of the rate of exchange existing between such country and Canada on date of the shipment of the goods; and in respect of goods shipped to Canada from a country where the rate of exchange is adverse to Canada, the value for duty of the currency of the invoice shall be computed at the rate of exchange existing between such country and Canada at the date of the shipment of the goods.

That is replaced by the following:

"(2) In the case of importations of goods the manufacture or produce of a foreign country, the currency of which is substantially depreciated, the value for duty shall not be less than the value that would be placed on similar goods manufactured or produced in the United Kingdom and imported from that country, if such similar goods are made or produced there. If similar goods are not made or produced in the United Kingdom, the value for duty shall not be less than the value of similar goods made or produced in any European country the currency of which is not substantially depreciated.

The minister may determine the value of such goods, and the value so determined shall, until otherwise provided, be the value upon which the duty on such goods shall be computed and levied under regulations prescribed by the minister."

There was considerable difficulty in applying the old Act, because there were untold possibilities of fraud being perpetrated on the Canadian Customs by the goods of a foreign country of depreciated currency being shipped to Canada through some other country with a normal currency. I have been informed by a manufacturer that goods which he bought in England were to his mind German goods. They showed no indication of their origin. They had been used by him in his manufacturing for the last twenty-five years. Similar goods were made in England, but he was firmly of the conviction that the goods in question were from Germany. Yet these goods were coming in under the preference granted to Great Britain. Now the standard will be that of similar goods imported from other European countries.

Hon. Mr. BEAUBIEN: May I ask the honourable gentleman a question? Is he quite sure that the section as drafted will meet the difficulty that has faced the Customs officials of Canada? The difficulty in the past, as I understand, has been that the produce of a country with a depreciated currency lost its nationality completely. In other words, such goods were entered in the Canadian Customs House, not as coming from Germany, but as coming from Switzerland or England. They were supposed to be English or Swiss goods. Therefore what you have to guard against is that under this Bill goods may enter Canada in the same way. If under the present Bill goods coming from Germany can lose their nationality and come in under the

mask of English or Swiss manufacture and pass scot-free through the Customs, then this Bill is not sufficient. What does it provide?

> In the case of importations of goods the manufacture or produce of a foreign country, the currency of which is substantially depreciated, the value for duty shall not be less than the value. . . . .

Where does my honourable friend find the remedy to prevent goods losing their nationality? That is what I cannot find. Goods in the future, as in the past, when shipped from Germany to Switzerland, will cease to be German goods and will become Swiss. The Swiss currency is not depreciated. They will be presented to the Canadians Customs as the manufacture of Switzerland, and this clause will not apply, because it is limited exclusively to goods produced or manufactured by countries whose currency is depreciated. You will have goods coming ostensibly from Switzerland, whose currency is not depreciated. The Customs Officer will receive the knives of which Mr. Stevens spoke so clearly and forcibly in another place. Those knives will be offered to you for 50 cents or 60 cents a dozen, and they would cost $3.45 to manufacture in Canada. How will you stop them? They will be " Swiss goods ". They will no longer be German goods.

Hon. Mr. DANDURAND: The Bill will be an improvement, for this reason. The other Act offered a very strong incentive to the manufacturer in a country with a substantially depreciated currency to defraud the Canadian Customs, because his trading in this country was practically prohibited. The incentive to him was to try to rival his competitors by sending goods through a fraudulent channel. Under this Bill it will not be necessary to go to all the trouble and risk of entering by the back door—of coming through other countries—with all the expense that would represent. The manufacturer in the country with depreciated currency will be able to deal direct, knowing that he is being treated on a parity with the manufacturers in other countries. Of course, his goods will be valued under the general tariff, whereas English goods are valued under the preferential. These are the conditions that prevailed before the war. It seems to me that by means of this measure there will be a far better chance of levying duties upon the goods coming from the country with a depreciated currency than there was under the preceding Act. Foreign shippers were bound to find a way to shield themselves. They could not do business when their currency was valued at 50 per cent. Now the currency has nothing to do with the valuing of their goods; it is the goods themselves as compared with similar goods imported from Great Britain.

Hon. Mr. BEAUBIEN: The honourable gentleman will perhaps allow me to inform him that goods from Germany, being subject to increased valuation in Canada, went through England or through Switzerland, and that is exactly what is going to take place under this Bill in the case of importation of goods which are the manufacture or produce of countries whose currency is substantially depreciated. Though the method is changed, the increase in valuation remains, and the incentive to the producer in Germany remains also to try to evade our Customs regulation. The clause says:

> The Minister may determine the value of such goods, and the value so determined shall, until otherwise provided, be the value upon which the duty on such goods shall be computed and levied under regulations prescribed by the Minister.

That means that if the system provided by the first section fails, the Minister will practically put his own valuation on the goods. The trouble will be that you will have coming in goods that belong apparently to a certain country, because they cannot belong to another country with depreciated currency and be exported to Canada. They will be disowned by their country, and will belong simply to the agent who sells them, and who will give them the nationality of England or Switzerland; but we shall continue to be inundated with goods so cheap that we cannot reasonably hope to compete with them and still give our workmen a decent living in this country.

Hon. Mr. DANDURAND: I could indicate by illustration how it was impossible for a German manufacturer to enter goods under the old Act, and how he may now enter at pre-war figures, but enter honestly, for those Canadians who feel that they need the article.

Hon. Sir JAMES LOUGHEED: That is only for the purposes of duty.

Hon. Mr. DANDURAND: For the purposes of duty.

Hon. Mr. BEIQUE: The trouble under the old Act, as I understand it, was that it was left to the Customs officer to ascertain at what value the goods were to be

assessed, whereas here that will be determined by the Minister under the last paragraph of the clause. I understand that the honourable gentleman suggests that it will be difficult to trace the goods to country in which they were manufactured. Of course, it was impossible for the Customs officer to do that, but the Minister may be better able to do so, and prevent goods manufactured in Germany from being sent to Switzerland or to England and sold as English or Swiss goods. It is known that the Minister has means of knowing where the goods were manufactured. So I fail to see the matter as my honourable friend puts it.

Hon. Mr. BEAUBIEN: I think my honourable friend is labouring under an error. Under the old law the Customs officer received with the goods an invoice to evidence the date of the sale and the value of the foreign depreciated currency. He had in one hand a bill of sale, and in the other the certified value of depreciated currency of the country from which these goods came. Therefore he had absolutely no discretion: the value was there. What my honourable friend has been pointing out will certainly happen under this Act, because there will be no evidence before the Customs officer at all, as there was under the old system, of the value of the article imported into Canada. He had then the bill of sale and the value of the foreign currency as compared to ours, whereas he has nothing at all now, and if he receives goods from Rumania—

Hon. Mr. BEIQUE: He will have the ruling of the Minister.

Hon. Mr. BEAUBIEN: The ruling of the Minister on what? On 5,000 sorts of goods that come into Canada? He will have to use his discretion; otherwise the wires will be kept hot between every Customs officer in Canada and the Minister. When the Customs officer receives goods he will have to apply his own judgment and ascertain first what the value of the goods is in England; if he cannot find that, then what the value of the goods is in Europe; and if he cannot find that, I suppose he will turn the matter over to the Minister; whereas, under the other system, the value of the goods was fixed automatically by evidence as to the value of the depreciated currency at the time the goods were imported.

Hon. Mr. REID: As I had experience in the Customs while I was Minister of Customs, I was naturally interested in the changes that were being made. Under the operation of the Customs law, every person entering goods at a port had to produce a certified invoice, or, failing that, had to make a declaration. The invoice would show what country the goods came from, and the value for duty. If there was any doubt as to the value or the rate of duty to be paid, the officer would call the Board of Customs, which was established under section 40, and that body always finally settled those points. Section 40 was as follows:

> Whenever any duty ad valorem is imposed on any goods imported into Canada, the value for duty shall be the fair market value thereof, when sold for home consumption, in the principal markets of the country whence and at the time when the same were exported directly to Canada.

Clause 41 was as follows:

> Such market value shall be the fair market value of such goods in the usual and ordinary commercial acceptance of the term—

Following in the ordinary course of trade, providing for discounts for cash, and so on. Under that Act it was the Board of Customs that finally decided matters of that kind.

Hon. Mr. BELCOURT: That is the law now.

Hon. Mr. REID: Yes, that is the law now, and if the case were referred to the Minister he would simply take the advice of the Board of Customs. Then we have section 46, as follows:

> Whenever goods are imported into Canada under such circumstances or conditions as render it difficult to determine the value thereof for duty—

That clause states that in a case of that kind—

> —the Minister may determine the value for duty of such goods and the value so determined shall, until otherwise provided, be the value upon which the duty on such goods shall be computed and levied.

Then subsection 2 says that the Minister shall have full authority to deal with the matter.

Hon. Mr. BELCOURT: They are not amending that clause at all?

Hon. Mr. REID: No, but this clause is being put in as a subsection, I understand, so that in cases of depreciated currency the same method will apply. Of course, it is not the Minister who is going to deal with every case: it is the Board of Customs. I went into this matter pretty thoroughly, because it seemed to me that a change was being made in the law that had been in

force so many years; but as I interpret the Act now, after having had some of the officials thoroughly explain it to me, it is being left without any change whatever except that clause 46 is being made to apply to depreciated currency, and if there is any change of valuation on account of depreciated currency it will be between the Minister and the Board of Customs to decide what shall be a fair charge and valuation.

Right Hon. Sir GEORGE E. FOSTER: It is only an amendment.

Hon. Mr. REID: It is only an amendment, and the fact of changing it to the Minister does not change the law now in force.

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

THIRD READING

Bill 201, an Act to amend the Customs Act and The Department of Customs and Excise Act.—Hon. Mr. Dandurand.

The Senate adjourned until 2.30 p.m. this day.

SECOND SITTING

The Senate met at 2.30 p.m., the Speaker in the Chair.

RULES OF THE SENATE

MOTION DROPPED

On the Notice of Motion:

By the Honourable Mr. Dandurand:

That he will move to make the following a rule of the Senate as Rule 18A, and that the Senators in attendance on the Session be summoned to consider the same, namely:

18A. When a Bill or other matter relating to any subject administered by a Department of the Government of Canada is being considered by the Senate or in Committee of the Whole, the Minister administering the Department may, with the assent of the Senate, upon the initiative of the Minister representing the Government, enter the Senate Chamber, and, subject to the Rules, Orders, Forms of Proceeding and Usages of the Senate, may, for the furtherance of legislation relating to the Bill or matter in question, take part in the debate.

Hon. Mr. DANDURAND: Honourable gentlemen, I have already given the reasons which prompted me in moving this addition to our rules.

Hon. Sir JAMES LOUGHEED: Will my honourable friend pardon me if I interrupt him? I very much doubt the propriety of taking up this subject in the dying hours of the Session; it is one that will bear considerable discussion, and I should not like to see such an important matter summarily disposed of. I do not think my honourable friend would be doing justice to the subject in forcing it on when prorogation is just a few hours away.

Hon. Mr. DANDURAND: This is a matter which we can reasonably postpone to the next Session, as it is worthy of considerable discussion. I will drop my motion.

The motion was dropped.

CUSTOMS TARIFF BILL

THIRD READING

Bill 198, an Act to amend the Customs Tariff, 1907.—Hon. Mr. Dandurand.

QUEBEC HARBOUR ADVANCES BILL

FURTHER CONSIDERED IN COMMITTEE

The Senate again went into Committee on Bill 78, an Act to provide for further advances to the Quebec Harbour Commissioners.—Hon. Mr. Dandurand.

Hon. Mr. Fisher in the Chair.

On section 2—$1,500,000 may be advanced to Harbour Commissioners for terminal facilities:

The Hon. the CHAIRMAN: It has been moved in amendment by Hon. Mr. Reid, seconded by Hon. Mr. Robertson:

That clause 2 be amended by striking out the words "one million" in lines 4 and 5, and also by inserting the words "maintenance and repairs" in line 6 of the said clause after the word "the" where it occurs the second time.

Hon. Mr. REID: I may say that, since the Bill was last before the House, the Marine Department has submitted a plan which I have gone into with some of the officials of the Department. They represent that there was a mistake—that the entrance is about 500 feet wide, and that some silt has flowed into the channel, and that if we do not do some dredging the results may be serious. They state that this contention is borne out by the reports of the engineers of the Harbour Commission. In view of these statements I feel that I should not perhaps take the responsibility of moving to reject the expenditure for dredging.

I still hold, however, that the new work mentioned in item 2 of the details should not be proceeded with under present financial conditions. I go further than that, and take the ground that it should not be

proceeded with at all. In this connection may I repeat what I said a few days ago, that I have no desire to injure the harbour of Quebec; on the contrary, I should like to see everything done to make it one of the greatest ports in the world. I may also say that the late Chairman of the Quebec Harbour Commission, the honourable gentleman from the Gulf (Hon. Mr. L'Espérance), a gentleman in whom we all have the greatest confidence, states that the dredging is absolutely necessary. Therefore, with the consent of the House I would ask that this figure be reduced to $750,000, and I would then like to have the House decide whether the section should pass.

Hon. Mr. L'ESPERANCE: Honourable gentlemen, I am glad to hear the honourable gentleman from Grenville (Hon. Mr. Reid) admit that the dredging at least is a very urgent necessity. However, before we take the vote on the amendment proposed by the honourable gentleman, which, if it carries, may defeat the Bill, will the leader of the House tell us whether he is willing to accept it? If he is I have nothing more to say.

Hon. Mr. DANDURAND: I cannot accept the amendment of the honourable gentleman.

Hon. Mr. L'ESPERANCE: Honourable gentlemen, before taking a vote on this amendment to a Money Bill, which, should it carry, would mean the rejection of the whole Bill and prove very serious, if not fatal, to the best interest of the port of Quebec and highly detrimental to the interest of the whole of Canada, I hope this honourable body will give me a few more minutes of attention. The money asked for in this Bill is to be expended over a period of three years. It is for the protection and continuation of plans approved and work authorized under the late Administration.

My honourable friend from Grenville has said that he is not against the port of Quebec, and I believe him. His past record is there to prove that he is not. He was a leading and active member of an Administration which did more for the development of the port of Quebec between 1913 and 1921 than had been done by all previous Administrations since Confederation. I am sure, therefore, that he will give a sympathetic hearing to one who has been a constant and loyal supporter of this policy, one who has been intimately connected with the improvements of that port and who has made a special study of transportation by rail and water in relation or co-ordination with the Canadian National Railways and the port of Quebec.

My honourable friend, while approving of most of the items in the list of improvements to be carried out under the provisions of this Bill, has made objection to the dredging the Quay Wall. I will be perfectly frank with this honourable body. I believe that all the improvements asked for are necessary and will ultimately have to be carried out, but that some are more urgent than others. In my opinion, the dredging and the building of piers, item No. 18, are of immediate importance. They are urgently required to protect and to take full advantage of the work we have previously done at a considerable expense to this country.

As to item No. 2, although I am of opinion that it must eventually be carried out in order to fill the gap now existing between the present pier and the River St. Charles lock wall, it may not have the same urgency, but it should be proceeded with as soon as conditions justify. The sand which accumulates in the St. Charles basin and has to be dredged yearly comes for the most part through this gap. When this is filled it will give the harbour some 200,000 feet of reclaimed land worth more than the whole appropriation asked for in this item.

It may not be so urgent as the rest, but I would not for this item alone take the responsibility of defeating a Money Bill which was debated and passed in the other House, which, after all, has the full responsibility of expenditures of public moneys. Why, it was only yesterday that I heard my right honourable friend the ex-Minister of Trade and Commerce pronounce one of the most severe arraignments which I have heard in this Chamber against the Government for introducing a measure which, in the honourable gentleman's estimation, is going to tax and increase the price of the food of every man, woman and child of this country; and still my right honourable friend very wisely refrained from taking the responsibility of killing that measure, and why? Because, as he said, the measure had been debated and voted in a House freshly elected by the people of this country. If my right honourable friend can conscientiously adopt this course on a question involving a very high fundamental principle, surely we ought not to adopt a different course on a Bill involving only a comparatively small expenditure of money. I

trust, therefore, that my honourable friend from Grenville, who has been such a good and consistent supporter of the development of the port of Quebec, will reconsider his action and withdraw the amendment he has proposed. Should he decide to do so, I hope that the honourable leader of this House will represent to the Government the necessity of authorizing, for the present, only such works as require immediate attention, and delay as long as possible the building of the Quay Wall in the port of Quebec.

Hon. Mr. DANDURAND: I crave the permission of the House to add a few words to the argument we have just heard from the honourable gentleman from the Gulf (Hon. Mr. L'Espérance). It is asked that $700,000 be spent to extend the wharf so as to close in the gap through which sand and mud wash in and out and settle along the 3,000 feet of wharf, which has been splendidly equipped to receive ships, and where our immigrant buildings are erected. The sum of $700,000, if the money is to be had from the Federal Treasury, will represent at 5 per cent, $35,000 a year. Is it not manifest that that sum, or an amount approximating it, or exceeding it will be needed to clean up that basin every spring and summer and put it in a condition to receive large steamships? In addition to the fact that this proposed expenditure represents a charge of only $35,000 a year, the honourable gentleman from the Gulf has stated that the dredging of that basin will permit of the reclamation of land the rental of which will diminish considerably this amount of $35,000. So it appears to be a good commercial proposition for the maintenance and use of the works that have been built there at a cost of millions. The work proposed is not to be carried on and finished within one year. The dredging is to cover a period of three years. Under these circumstances, I suggest that my honourable friend (Hon. Mr. Reid) agree to our giving the Harbour Commission and the Marine Department the necessary leeway to enable them to protect that basin in the manner which has been indicated by the engineers, who are convinced that by reason of the land being reclaimed and leased to private parties and corporations, the charge may not, after all, weigh very heavily upon the public treasury.

Hon. Mr. ROBERTSON: Honourable gentlemen, just a word further on this matter, as I took some part in the discussion of it yesterday. It has been pointed out that some dredging is necessary. After hearing from some of the officers of the Department of Marine, we must agree that a slight amount of dredging at the entrance of the St. Charles river is desirable; though I do not think they have proven that it is absolutely necessary.

It is proposed to spend the sum of $125,000, as set forth in one of the items, for the building of a protecting wall across the harbour, several thousand feet away from the present docks. That was shown on a plan made in the year 1913. A substantial portion of this money is included for the carrying on of the general plan of development of that harbour that was started at that time, but which the engineer or the department official did not say, and in my opinion could not say, was an absolute necessity. But in 1913 this dock 5,000 feet long, was complete, with 35 feet of water in front of it, and ready to accommodate ships far in excess of any of the requirements that have occurred up to date. And, mind you, there has not been up to this year, so far as we have been able to ascertain, any demand on the part of the Harbour Commissioners at Quebec for this important dredging proposal that has suddenly developed. Had the silting been serious and the filling in continuing year after year, I fancy the late Board of Harbour Commissioners of Quebec would probably have said something about it. They did not. Now, all at once, it develops that this large amount of work is necessary.

As the honourable leader of the Government has explained, it is intended that the spending of the money under this vote shall cover a period of three years. I submit that if the vote is cut in two, as is proposed by the mover of the amendment (Hon. Mr. Reid), it will have the effect of causing those responsible for the spending of that money to be a little more careful and cautious as to how it is spent, so as to get the best possible returns from it. Should it happen a year hence that further appropriations are required, provision can then be made for them. Nobody wants to see the port of Quebec hampered; but it is believed that a vote of $1,500,000 for further public works to develop that port is unnecessary. The port has already been developed far beyond its present requirements, and it has never yet returned to the country a single cent by way of interest on the money invested. I therefore hope that the amendment made by the honourable member from Grenville will prevail.

Hon. Mr. DANDURAND: I would not like honourable members to be influenced by the argument that has been advanced in this Chamber, that the Quebec harbour has given no return for the money expended upon it. I have refrained from entering upon that ground; but I would remind my honourable friends that on ports which in my opinion it was proper to equip we have advanced considerable money, knowing that there was no immediate return. Halifax cost us $16,738,000 in money directly spent by us; St. John harbour, $14,000,000; Vancouver, $7,000,000; Toronto, $8,506,000; upon which expenditure we received no return. I mention these facts simply in order that the re-affirmation of the fact that Quebec has paid no interest may not deter us from fulfilling our obligations—

Hon. Mr. ROBERTSON: So far as necessary.

Hon. Mr. DANDURAND: —to the extent of equipping the port to a satisfactory degree.

Hon. Mr. PROUDFOOT: Honourable gentlemen, I have heard all the arguments which have been advanced in reference to cutting down this vote, and I do not see my way clear to vote for the amendment, because I feel that the Government should take the responsibility. The Government and the engineers say that this work is required. That being so, I am not going to set up my judgment in opposition to theirs.

There is another consideration which appeals to me strongly. For many years I represented, and I am still interested in, a harbour. The people in my former constituency have been applying to the Government, year in and year out, to supply money for the protection of that harbour, and for continuing it. We are still making applications of that kind. We have an application before the Governement at the present time, and they have seen fit, at our request, to grant a considerable sum of money for improvements at that harbour. Next year I intend to press them very strongly to make a considerably larger appropriation than they did this year. That being so, I do not see how I can with any degree of consistency say to the Government, " You are wrong in applying to Parliament for this amount of money," and next year go to them, as I have done this year, and ask them to make grants for the harbour in which I am interested.

Hon. Mr. ROBERTSON.

Hon. Mr. REID: I desire to add one word with reference to the statement made by the honourable leader of the Government. The honourable gentleman said there had been $17,000,000 or $18,000,000 spent at Halifax. That is true, but vessels have the free use of those facilities. Toronto has been referred to. The expenditure in Toronto was agreed to on condition that the city of Toronto would spend an equal amount; so that for practically every dollar spent by the Government the city of Toronto must spend an equal amount. The case of Vancouver was the same prior to that harbour being taken over by the Harbour Commissioners. The same applied to Montreal and Quebec.

Hon. Mr. DANDURAND: I did not present the statement as an argument for each case must be treated on its merits. I alluded to it only because it had been repeated quite often in this Chamber that Quebec was paying no interest.

Hon. Mr. FOWLER: Honourable gentlemen, I am a very strong believer in the improvement of our harbours. I believe that the great harbours, such as St. John, Halifax, Quebec, Montreal, Vancouver, and Victoria particularly, should have all the equipment that is necessary to enable them to carry trade that we hope will come to this country. For that reason I intend voting for the motion.

Hon. Mr. TESSIER: Honourable gentlemen, I will add only a few words to express my regret that so much opposition has been offered to this request from the harbour of Quebec. As has been well stated by the honourable gentleman from the Gulf (Hon. Mr. L'Espérance), Quebec has a natural harbour, created by the Almighty for the purposes of navigation. Situated at the mouth of the St. Lawrence, it is a national harbour for big shipping, and, being a national harbour, it ought to be protected and maintained by the nation.

Hon. Mr. WATSON: Why was not Quebec content with the natural harbour that the Almighty made? Why did they strive to make it an artificial harbour?

Hon. Mr. TESSIER: It is a natural harbour, but we are trying to improve it, for nature must be assisted. The appropriation in question has been voted by the House of Commons, which in matters of expenditure and public credit represents the nation; and I think the Senate ought to be very careful, as it has always been,

about refusing to sanction money votes passed by the House of Commons. It is the business of the House of Commons to vote money. They are responsible directly to the people for money grants. Therefore I think that in this case we ought to comply with the request that has been made by those who are more familiar than we can be with the situation. The request comes from the Harbour Commission, whose duty it is to study the needs of the harbour; it comes from the engineers, who have thoroughly studied the question, who know their business, and know exactly what they want. We are not harbour engineers. The men who have studied the question must take the responsibility for their recommendations, and we ought not to oppose them.

I have no desire to pass any reflections upon honourable gentlemen who have spoken in this House, but I am surprised at the opposition offered by men who have been Ministers of the Crown and for a long time leaders of their party in the House of Commons, and who have certainly asked for very large appropriations and have made large expenditures with which the country has been saddled and will be for a long time to come. These honourable gentlemen now speak against the principles which they formerly advocated. How would the ex-Minister of Railways (Hon. Mr. Reid) have liked it if every time he came to ask for money for the carrying out of his railway policy the Senators had stopped his appropriation and prevented him from undertaking work which he thought it his duty to do for this country? He would not have liked it. He would have spoken against the Senate. Our party had at one time the majority in the Senate. We did not block the Money Bills; we did not block the appropriations. We deemed it our duty to criticize, but not to pass amendments that would nullify the Money Bills and prevent the appropriation asked for by the House of Commons.

Naturally I am a little sensitive when Quebec is spoken of, because it is my native city. We heard the ex-Minister of Labour (Hon. Mr. Robertson) state three or four times: "I am not in favour of the appropriation asked for the harbour of Quebec, because it is not a paying proposition." After all, as has been stated by the honourable gentleman on the other side who spoke of harbours in Ontario (Hon. Mr. Proudfoot), the harbours of Ontario are certainly not paying propositions. However, since Quebec harbour has been improved it has been doing better every year, and, if I remember rightly the report submitted to us last year, there was a surplus of some $23,000 or $25,000 over the expenses in the administration of the Quebec harbour. That means that the tendency is in the right direction, and that the harbour will finally be a paying proposition if it is properly equipped and we grant what is asked for maintenance and improvements by the engineers and the Harbour Commission.

Hon. Mr. GORDON: Honourable gentlemen, from what has been said in this House so far, I gather that no honourable member would oppose this Bill if he could be sure that the money would be spent to the advantage of the harbour. Personally I do not know very much about the harbour, but I am going to vote for the Bill because I know well the Chairman of the Board, and I know that under his jurisdiction none of this money will be spent improperly. I believe that if the whole of the money is not required he will see that whatever is not needed is not obtained or spent. That is the sole reason why I am going to support this Bill.

Hon. Mr. BEAUBIEN: I should be very sorry if the impression went abroad that the comprehensive plan of development and improvement for the port of Quebec, prepared with a great deal of care by the former Administration and now to be carried out by the new, were to be blocked by the Senate. I think it would be very difficult to explain why a plan made, approved for years, and now being carried out, should be put aside, the works stopped, and the policy adopted by both parties abandoned. I think that we ought to be very careful before we prevent, by any action of this House, the proper development of one of our national ports. I think that we ought to be very prudent indeed; and for my part I am not prepared to assume the responsibility of saying to the old Administration that they were wrong, or to the new Administration that they are equally wrong in this plan for the development of the port of Quebec.

Hon. Mr. CHAPAIS: I beg the forbearance of the House for a few minutes, but I feel that I should raise my voice on this question. I would be very sorry if the city of Quebec had to bear the stigma of being selected by honourable members of this House as a subject of attack on the score of economy. This is no new question, be-

cause it happens that the special improvements and extensions which have come before this Parliament during the present Session belong to the general plan of improvement that was prepared many years ago. My honourable friend the member for Grenville (Hon. Mr. Reid) knows a great deal about it, and I would ask him not to press his amendment, which would surely be very badly received in the city of Quebec and in the province of Quebec. The amount involved is several hundred thousand dollars, but I think the objection is what we used to call cheese-paring, and I would be very sorry if my sisters and brothers were selected for an example of the rigid economy that is coming to be the practice in this House. I trust my honourable friend will be impressed by the explanations that have been given by the honourable member for the Gulf division (Hon. Mr. L'Espérance), who knows all about the matter, he having been the Chairman of the Harbour Commission for many years, and also by the pledge that has been given by the leader of the Government on this occasion that he would see, and that the Government would see, that the money should be spent only to the extent of the expenditure asked for. In view of all the explanations that have been given in this House, I would be very glad if my honourable friend the member for Grenville would withdraw his amendment. If it is put to a vote, I shall have to vote against it, and vote for the Bill in toto.

The proposed amendment of Hon. Mr. Reid was negatived: years, 30; nays, 36.

Sections 2 to 8, both included, were agreed to.

The preamble and the title were agreed to.

The Bill was reported without amendment.

THIRD READING

Bill 78, An Act to provide for further advances to the Quebec Harbour Commissioners.—Hon. Mr. Dandurand.

CANCELLATION OF LEASES OF DOMINION LANDS BILL

CONSIDERATION OF HOUSE OF COMMONS AMENDMENTS

On motion of Hon. Mr. Dandurand, the Senate proceeded to consider the amendments made by the House of Commons to Bill Y2, An Act respecting Notices of Cancellation of Leases of Dominion Lands.

Hon. Mr. CHAPAIS.

Hon. Mr. DANDURAND: Honourable gentlemen, the House of Commons having disagreed to clause 3 of the Bill as passed by the Senate, regarding it as unnecessarily tying the hands of the Government and the Department, I beg to suggest that the Senate do not insist on its amendment. I may say that it is not the intention of the present head of the Department of the Interior to recommend any relaxation in the provisions of the Order in Council passed on the 6th of October, 1919, which I had occasion to mention in the course of the debate, by which a certain area of land sought by the amendment to be only leased under statutory enactment has been withdrawn from disposal under the provisions of the coal mining regulations of the Department. This area is in Townships 55, 56, 57, 58 and 59, Ranges 7, 8, and 9, west of the sixth initial meridian. Under the circumstances I feel that we should not insist upon our amendment. I may say, furthermore, that while the Minister of the Interior advises me to make that statement, he adds that before long all of those lands will probably be transferred to the province of Alberta and be no more in the right of the Dominion.

Hon. Sir JAMES LOUGHEED: May I point out to my honourable friend that a complication has arisen owing to an amendment inserted by the Commons which destroys the essential clause in the Bill passed by this Chamber.

Hon. Mr. DANDURAND: We might perhaps first dispose of the first amendment made by the Commons. They have rejected clause 3 of our Bill—because we must not forget that it was initiated in this Chamber. So I will move—

Hon. Mr. BEIQUE: Let us understand where we are.

Hon. Mr. DANDURAND: That is just what I am trying to explain.

The Hon. the SPEAKER: I would suggest to the honourable gentleman that the House go into Committee on the amendments.

On motion of Hon. Mr. Dandurand, the House went into Committee on the amendments.

Hon. Mr. Blain in the Chair.

Hon. Mr. DANDURAND: Section 3, which has been rejected by the Commons, reads as follows:

Notwithstanding anything in The Dominion Lands Act, chapter twenty of the Statutes of

1908, and in the amendments thereof, coal mining rights and lands containing coal, if such rights or lands are within or adjoin the coal reservation near the junction of the Muskeg and Smoky rivers in the province of Alberta, which reservation was established by the Order in Council (P.C. No. 2044) dated the sixth day of October, 1919, withdrawing from disposal under the provisions of the regulations then in force certain coal mining rights which are the property of the Crown in townships 55, 56, 57, 58 and 59, ranges 7, 8 and 9 west of Sixth Initial Meridian, shall not be sold, leased or otherwise disposed of, except under the authority of and in accordance with the provisions of any Act of the Parliament of Canada hereafter passed and specifically relating to such rights or lands and to the sale, lease or other disposition thereof.

The Minister of the Interior asked the House of Commons not to affirm that amendment, inasmuch as it seemed to restrict the general powers of the Department and of the Governor in Council; and he felt that, since the Government of Canada had by Order in Council withdrawn from lease or sale those areas, there was no reason to go beyond the statement of policy he was making; and he added that before long those areas, with the lands now held by the Dominion in Alberta, would be returned to the province of Alberta. I move that the Senate concur in that amendment.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, the situation is as follows. Section 3 was introduced into the Bill practically to supplement an Order in Council known as number 2,044, whereby the lands in question, in the words of the Order in Council,

shall be, and the same are hereby withdrawn from disposal under the provisions of the coal mining regulations above referred to.

It is apparent to every honourable gentleman that an Order in Council may readily be cancelled; hence it was desired that this reservation should be made by statute. Very considerable interest has been evinced in the province of Alberta regarding these coal areas. They were the subject-matter of an inquiry by a Senate Committee some three or four years ago, and the recommendation of the Committee was that this reservation should be made, and accordingly it was made by the Government of the day.

I can very well realize that the present Minister of the Interior would regard the placing upon the statute book of a prohibition to the Department to deal with this matter as somewhat reflecting upon his administration. It was never done with that intention. I venture to say that had the Dominion Lands Act been amended by the late Government when in office, the same provision would have been inserted in the Act. However, as the Minister of Interior felt somewhat sensitive upon the subject, and as it was represented on the part of the Government that the reservation which was made by the late Government would be protected and continued, it was thought that that would probably be a sufficient assurance to those who were interested in the matter to permit of their consenting to the withdrawal of clause 3, thus permitting of the Bill being accepted by the Commons as it was originally introduced in the Senate.

I may say that I took up the subject with the Minister of the Interior, who informed me that his views were substantially the same as those of the late Government, and told me that he would not object to any assurance that might be desirable for the purpose of giving expression to those views. He accordingly sent me a letter, which I beg to read to the Senate, and which I accept as a satisfactory assurance that the policy of the late Government in dealing with these lands will be followed by the present Minister of the Interior and by the Government. He states in his letter:

In case the explanation which I furnished to the House of Commons on Friday last in connection with Bill No. 153, respecting Notices of Cancellation of Leases of Dominion Lands, was not a sufficiently definite indication of the position which, as Minister of the Interior, I take with respect to the lands formerly comprised within what were known as the Isenberg leases, I wish to state that, while, as Minister of the Department, I am opposed on principle to the reservation of this area by Act of Parliament, I am heartily in sympathy with the action taken by the former Minister of this Department to reserve the area by Order in Council.

It is not my intention to recommend any relaxation in the provisions of this Order in Council (P.C. 2044, dated October 6, 1919), copy of which is annexed hereto.

If the Bill is passed by the Senate as originally submitted by Senator Dandurand, I will do my best to see that it goes through the House of Commons, without amendment.

I am writing you this letter with the full knowledge and consent of the Prime Minister, the matter having been discussed in Council yesterday.

Believe me,
Yours faithfully,
Chas. Stewart.

In view of the fact that the Commons would not accept clause 3 of the Bill, and inasmuch as very important matters dealt with in the Bill would be prejudiced and jeopardized if we rejected their amendment and came in conflict with them, I feel confident that the assurance given by the Minister of the Interior will be sufficient

to take the place of clause 3 which we inserted in the Bill.

The motion of Hon. Mr. Dandurand was agreed to.

Hon. Mr. DANDURAND: There are two other Commons amendments to be dealt with. That House, I think through a misunderstanding, rejected a further clause. I had moved a supplementary clause to meet the objection which had been raised that under the Act we seemed to nullify the effect of the judgment of the Privy Council in the case of Paulson, and to deny to him advantages that he had obtained under that judgment. I drew the attention of the Department to the fact, and received an amendment which read in this way:

This Act shall not affect any rights under any judgment rendered before the date of the passing of this Act—

That was to cover the Paulson case.

—or under any action, suit or other proceeding instituted before the 1st day of May, 1922.

A question arose as to the word "proceeding," which we said was a legal proceeding, and this amendment was accepted, but it was struck out in the Commons. I will read it as further amended by the Commons:

This Act shall not affect any rights under any judgment rendered before the date of the passing of this Act or claimed in any action, suit or petition of right instituted or presented before the 1st day of July, 1922.

Hon. Mr. FOWLER: Why July? Why not last May?

Hon. Mr. DANDURAND: It was in order to allow a claimant an opportunity to obtain a fiat.

I move that our own amendment as embodied in clause 5 be maintained, and that we do not concur in the amendment made by the House of Commons to strike out clause 5.

Hon. Sir JAMES LOUGHEED: We restore clause 5, and do not consent to the Commons amendment.

Hon. Mr. DANDURAND: We restore clause 5 and do not consent to the alternative.

The motion was agreed to.

Hon. Mr. DANDURAND: Now I should like to say a word which I think is called for. In the Commons Debates I saw a statement of the Minister of Interior that the representative of the United States of America had lodged a complaint with the Department against the adoption of this

Act, because, in the mind of that representative, it would injuriously affect the claim of an American citizen. I want to draw the attention of the Senate to the fact that, under the Act as it will be, we shall cure only the technical defects, detected by the courts, in the form of the cancellations of leases, and in the service of those cancellations. This Bill will cover some 20,000 claims under a uniform enactment. Among the claimants will be our nationals as well as those of foreign countries. The form had been accepted as sufficient by the 20,000 people whose leases had been cancelled under it. Under our clause anyone who acquired a right, by petition of right or a suit before the 1st of May last, may continue to further his interests before our courts. This Bill will simply deny to those 20,000 claimants, whoever they may be, the right to raise the question of the form of the cancellation or of the notice; and whatever other rights may accrue to the previous holders of the leases remain in their entirety under the general law. We are simply declaring that what the Department did in the past in cancelling leases and giving notice will not be attacked in the courts. I thought I should make this statement, because we are dealing fairly and equitably and on the same basis with all the people who have had dealings with the Department.

Hon. Mr. BELCOURT: You are doing nothing of the kind.

Hon. Sir JAMES LOUGHEED: I have no doubt that, if any manifest injustice has been done in a matter of this kind, Parliament will give relief.

Hon. Mr. BELCOURT: Parliament is taking away the relief.

Hon. Sir JAMES LOUGHEED: Then it will exercise its right to grant relief.

Hon. Mr. DANDURAND: We are taking it away only on a question of procedure. Reasons will have to be drafted for our non-concurrence in the Commons amendments.

The Committee rose and reported that they had agreed to the first amendment made by the House of Commons, and had disagreed to the second and third amendments made by the House to Bill Y2, an Act respecting Notices of Cancellation of Leases of Dominion Lands.

On motion of Hon. Mr. Dandurand, the report was concurred in.

Hon. Mr. DANDURAND moved that a message be sent to the House of Commons to acquaint that House accordingly.

The motion was agreed to.

RAILWAY RATES BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 206, an Act to amend the Railway Act, 1919.

He said: Honourable gentlemen, this Bill has for its object the continuance of the suspension of what is known as the Crowsnest Pass Agreement, which is to be found in chapter 5 of the Statutes of Canada of 1897, with the exception of the rates on grain and flour. The Bill reads:

> Subsection 5 of section 325 of the Railway Act, 1919, shall nothwithstanding the proviso thereof, remain in effect until the sixth day of July, 1923, and may be continued in force for a further period of one year by order of the Governor in Council published in the Canada Gazette: Provided that, nothwithstanding anything herein or in the said subsection 5 contained, rates on grain and flour shall, on and from the sixth day of July, 1922, be governed by the conditions of the agreement in pursuance of chapter five of the Statutes of Canada, 1897.

I will not impose upon the members of this House a statement explaining what this Bill means. We all know that a subcommittee of the House of Commons has been sitting for the last month examining into the advisability of suspending for a further period the Crowsnest Pass Agreement or allowing it to be restored on the 6th of July next. The Committee decided that the suspension of the agreement should be continued for another year, and that the Governor in Council should have the right to continue it for twelve months longer, except with respect to the rates on grain and flour. The Committee's recommendation was accepted by the Commons and is now before us. It involves a number of questions. It has a bearing upon the income of the railways, not only the Canadian Pacific Railway, but also the National Railways, which will be affected thereby. It will need to be supplemented by some action on the part of our Railway Board in fixing rates generally, except for flour and grain. But, as honourable members are at least as familiar as I am with this intricate question, I submit the Bill to the judgment of this Chamber.

Hon. Mr. SCHAFFNER: Does this say wheat or grain?

Hon. Mr. DANDURAND: It says grain and flour.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I do not intend to discuss the Bill except to point out that the considerations involved are important and very complicated. It has received particular attention in the House of Commons from all parties in that Chamber. It has been the subject-matter of an inquiry by a special committee whose work extended over a considerable period, and, as in the case of many other complicated subjects, the Bill is probably unsatisfactory to all parties concerned. It seems to me that any discussion of it by myself or by other honourable members would not further illuminate the situation or facilitate the carrying out of the purposes in view. I am therefore impelled to accept the Bill as it has come from the House of Commons, and, so far as I can determine the tendency of this House, I fancy it is very much the same as that which I have expressed.

Hon. Mr. REID: I have two objections to this Bill, and I will state them in about five minutes. The subsection reads:

> Subsection 5 of section 325 of the Railway Act, 1919, shall, nothwithstanding the proviso thereof, remain in effect until the sixth day of July, 1923.

That is, for one year. Then the following words:

> And may be continued in force for a further period of one year by order of the Governor in Council published in the Canada Gazette.

That is the first objection I have. My reason for objecting is that Parliament will probably be in session in January next and continue until probably this time next year, and it does not seem to me quite fair that when Parliament is in session its powers should be delegated to the Governor in Council. I think Parliament should have retained the right to consider the further extension, and my reason for stating so is that we do not know what will be the effect of this Bill. It is possible that, as a result of enacting what I consider to be class legislation granting lower freight rates to a part of this country, there will be a loss on the operations of the railways and that a heavy burden of higher freight rates will have to be borne by the other provinces to make up for that loss. I object therefore to the extension being granted by Order in Council. It would have been better, in my judgment, to have given Parliament an opportunity of considering the matter for the follow-

ing year in view of the situation that would then exist, and of determining whether or not it would be necessary to extend the arrangement. I have always understood that the Governor in Council was empowered to act when Parliament was not in session; but it will be in session next year at a time when the Crowsnest agreement might properly be considered. The question of continuing its suspension at that time ought to have been left for Parliament to decide.

The other part of this Bill which I consider objectionable is the proviso:

> Provided nothwithstanding anything herein or in said subsection five contained, rates on grain and flour shall, on and from the sixth day of July, 1922, be governed by the provisions of the agreement made pursuant to chapter five of the Statutes of Canada, 1897.

That means that for the next two years at least there will be very low rates on grain and flour—rates that may perhaps be in the judgment of the Board of Railway Commissioners too low, owing to the cost of operation, till conditions became normal. Other parts of the country will have to bear the extra burden.

I object also for this reason, that other parts of the Dominion may want similar advantages. There are great coal mines in Nova Scotia, and also in Alberta. Nova Scotia supplies Quebec with coal and could supply parts of Ontario were it not for the high rates on account of the long haul. I cannot see why Nova Scotia should not say to the Dominion Parliament: "You agree to the carrying of grain and flour from the Prairie Provinces at a rate that does not pay, and the people of this country have to pay extra taxes because those products are carried at less than the cost. We want to supply our coal to Quebec and Ontario, and we insist on being exempted from the jurisdiction of the Board of Railway Commissioners, and we want Parliament to fix special rates on our coal, as it has done on grain and flour in the West." A similar request might be made by each of the other provinces. Every province has its own particular kind of natural produce. It is not a good policy for Parliament to provide special rates for any particular province.

As the other Chamber has by a large majority decided that this measure should come into force, I feel that, having expressed my objections and stated my reasons, I have done my duty. The Government must assume responsibility for the Bill.

Hon. Mr. TURRIFF: Honourable gentlemen, I will not take up more than a minute. I desire to point out that by this Bill we are not giving anything to any class of people; we are only putting into force what the people of Canada were given in return for a large cash subsidy. It was the Progressive party in the House of Commons that urged strongly that this Bill should be passed. While it agreed that the reduction of rates on the other items mentioned in the Crowsnest Agreement should stand in abeyance for a year or two, it was on the general understanding that in the course of another year, or two years at the most, in all probability, freight rates all over this continent would come down, and the natural state of affairs would be such that the railways of their own accord would reduce the rates on other articles besides grain and flour and the other articles mentioned in the agreement. In a short time there will be a general reduction of freight rates. The reduction will come when one or two questions particularly the labour question, are settled. The Crowsnest freight rate on grain and flour is a paying rate. The railway company has not suffered to any great extent, and the present arrangement is, I think, very satisfactory all round.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

Hon. JOHN WEBSTER: Do the by-products of the mills, such as bran and shorts, receive the benefit of the lower rate of freight in the West?

Hon. Mr. DANDURAND: I am a little short of information on that point.

Hon. Sir JAMES LOUGHEED: The Crowsnest agreement speaks for itself. It deals only with Western lines.

Hon. Mr. DANDURAND: I am informed that, under the practice to be followed under this measure, I might safely answer in the affirmative.

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

APPROPRIATION BILL No. 3

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 202, an Act for granting to His Majesty certain sums of

money for the public service of the financial year ending the 31st March, 1923.

He said: Honourable gentleman, I have no comment to make on this Bill, which covers the sums of money voted for the public service of the present financial year. In March last we voted a certain portion of the money needed. This completes the amount required for the whole year. The appropriations, which have been voted in the Commons, appear in the various schedules attached to the Bill.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

CANADA TEMPERANCE BILL

CONSIDERATION OF COMMONS DISAGREEMENT TO SENATE AMENDMENTS

On motion of Hon. Mr. Dandurand, the Senate proceeded to consider a message from the House of Commons disagreeing to certain amendments made by the Senate to Bill 132, an Act to amend the Canada Temperance Act.

Hon. Mr. DANDURAND: Honourable gentlemen, we have now to deal with a message from the House of Commons, informing this Chamber that they have not agreed to the amendments made by the Senate to Bill 132, "for the reason that the said amendments would destroy the effect of the whole Bill." I notice that the House of Commons, in refusing to accept the rejection by the Senate of the second part of the Bill, consciously or unconsciously rejected also the small amendment that we made. It thus refuses to accept our two amendments.

Hon. Sir JAMES LOUGHEED: What are the two?

Hon. Mr. DANDURAND: It rejects our striking out of Part V of the Act, which authorized the prohibition of the importation of liquor into any province that would ask the Governor in Council, by resolution of its Executive Government, to pass such prohibition.

Right Hon. Sir GEORGE FOSTER: What was the other?

Hon. Mr. DANDURAND: The other one was our amendment adding the words: "Provided that such day shall not be prior to the first day of October, 1922."

That is, that the Order in Council prohibiting the exportation of liquor in a province should not come into force before the first day of October next. I move that the Senate insist upon this amendment.

The motion was agreed to.

Hon. Mr. DANDURAND: The other amendment in which the House of Commons has not seen fit to concur was the amendment moved by the honourable gentleman from Victoria (Hon. Mr. Barnard) striking out Part V, which enabled a province to prohibit the importation of liquor except by the Government or a Government Commission. I move that the Senate do not insist on that amendment.

Right Hon. Sir GEORGE E. FOSTER: What are the reasons that the other Chamber gives?

Hon. Mr. DANDURAND: The reason is that the said amendment would destroy the effect of the whole Bill.

Right Hon. Sir GEORGE E. FOSTER: I should like to understand the way in which it destroys the effect of the whole Bill. As I understand it, the rejection of section 3 and what is contained in it, does not in any way, manner, or form affect the preceding part of the Bill, to which we did agree. It takes away no right, that I see.

Hon. Mr. DANDURAND: I am disposed to view the reason given by the Commons in the same light as my right honourable friend.

Hon. Mr. BELCOURT: That is no reason at all.

Hon. Mr. DANDURAND: The reason is that the disappearance of section 3 would destroy the whole effect of the second part of the Bill.

But I do not intend to stand on any technical objection to the message before us. It is a strange way of expressing dissent from the policy involved in our action. We must simply take the fact that this Bill comes back to the Senate with a refusal by the Commons to concur in the amendment we made. The reason why I move that this amendment be not insisted upon is this. We have affirmed the principle, both in the present and in the preceding Parliament, when a good number of honourable gentlemen now in this Chamber were members of the Cabinet that adopted the policy of settling the temperance question, for a certain time, at all events, on certain lines. We decided to

give full effect to the will of the people of the various provinces. We affirmed that policy. One province states its will; a neighbouring province states another will. But has not each and every province of the Dominion perfect freedom, under the policy adopted by my right honourable friend, and supported by him in the other Chamber, and carried into the statutes? I said the other day that this was the only way to maintain Confederation—that it was the spirit which had been accepted by the fathers of Confederation. My honourable friend from New Brunswick (Hon. Mr. Fowler) challenged my statement, which went beyond the liquor question: it reached to the habits of life of each people. We felt and we said that we would not be disturbed or annoyed in regard to our way of living, domestic and social. That is what we said when we entered Confederation, because we felt that under that compact we would live our own life happily, freely, as we pleased, and as we had heretofore done. This is the position I took when the Federal Parliament, under the leadership of my revered leader, Sir Wilfrid Laurier, enacted the Lord's Day Observance Act. I told him that we would shake the columns of the temple before we would allow the habits of Quebec to be imposed upon Ontario, and that, on the other hand, Quebec would not accept the habits of thought and the ways of living, social and otherwise, of another province. That was the basis of Confederation.

To-day we reaffirm that principle. I accepted with enthusiasm the policy initiated by the preceding Cabinet of respecting the will of the provinces. In this Bill there is continued the same policy. British Columbia, Quebec, and every other province has the right to import liquor. Ontario retains that right and also New Brunswick, Nova Scotia and all the other provinces, upon certain conditions. When we were asked to limit the right of importation in a province to the Government of that province, of which it was but the instrument or creation, we said: "We will agree to that." Is there anything unfair in that? I quite realize that it may not accord with the principles of my right honourable friend, who is a teetotaler and a prohibitionist, to accept a law which gives a monopoly of any kind to the Government of a province or to an agency of that Government. He does not like, by his vote, to grant power to sell liquor. But his view has not been accepted by the Cabinet of which he was a member. Every one in that Cabinet knew what his views were, but I am quite sure the large majority of those who sat around him at the Council table were non-teetotallers, as I hope are the majority of those at the Council table where I sit. But that is the business of each and every one of them.

I say that this amendment, which the Commons rejects, would thwart the will of any province that desired to have the right to limit importation into that province to the Government itself. We have heard in this Chamber the assertion that what the Executive of a province did was not representative of the will of the people of that province. That is quite a paradox, constitutionally speaking, for the will of the people can only be expressed by its parliament, and on this question the Legislature and the Executive speak for the people. The people can alter its will and change its policy; but, so long as there is a majority in the Legislature to maintain the Executive, that Executive or Cabinet speaks for the people of that province. That is my reason for suggesting that the Senate do not insist on this amendment.

The Senate carried the amendment by only a few votes. It is an open question. I appeal to Caesar better informed. I say that the Senate of Canada should allow the provinces to live their own lives and to determine freely their manner of disposing of the temperance or liquor question. For these reasons, honourable gentlemen, I ask that the Senate declare that it does not insist on its amendment.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, this question can be put in a nutshell. It is simply a question as to whether the law shall stand as it is, or whether my honourable friend's dictum shall prevail, that we shall change the law. The law as it is represents the will of the people. The law as my honourable friend wants it this afternoon represents the absolutism of a provincial Executive against the will of the people. The people referred to are those of British Columbia and Quebec. Under the law placed upon the statute book, and supported by my honourable friend when it was so placed, the people have a right as against the Executive in those provinces to import whatsoever liquor they choose, qualified by whatever the Dominion statute may be. The provincial Executive steps in and says: "We are going to thwart the will of the people as guaranteed by the federal Government so that we may enjoy the monopo-

listic right of all importation into the province." That is what my honourable friend asks this House to do. My honourable friend grows excited, and tells us that the pillars of the temple will be pulled down if we do not consent to giving this monopoly to two provinces in the Dominion.

Hon. Mr. DANDURAND: Why have they asked for it?

Hon. Sir JAMES LOUGHEED: Then, may I ask my honourable friend: what right have they, after a statute is solemnly and deliberately placed upon the statute book giving the provinces a broad measure of liberty, to come to the Federal Parliament and say: "We demand that this shall be repealed and that absolute powers be vested in us." That is what those provinces ask to-day—and why? That they may wield the big stick politically over the provinces in which the Executive carries out its will.

Hon. Mr. DANDURAND: What has politics to do with that?

Hon. Sir JAMES LOUGHEED: I say those provinces have deliberately gone into the liquor business. The liquor business in those provinces is to-day supreme over every other interest. The provinces referred to have entered upon an undertaking which overshadows all other provincial considerations, and from which they enjoy a revenue which transcends all their other revenues. They are giving more attention to that business, and I may say, with some degree of confidence, to establishing the ramifications of the liquor business within the boundaries of their provinces than to any other subject within their authority and jurisdiction.

Hon. Mr. DANDURAND: My honourable friend is not speaking for Quebec, surely?

Hon. Sir JAMES LOUGHEED: I dare say my honourable friend can scarcely point to any other interest being administered in the province of Quebec that can compare with the liquor interest of that province.

Hon. Mr. DANDURAND: Our road system is the envy of all the other provinces.

Hon. Sir JAMES LOUGHEED: The road system and all the other systems of the province are subordinate. This is the source from which the sinews of war are drawn, and from which, to a very large extent, is derived the means to carry on these other systems.

Hon. Mr. MITCHELL: They are trying to correct an evil.

Hon. Sir JAMES LOUGHEED: Well, I leave that to my Quebec friends. When I hear gentlemen who have assumed the role of moral reformers impressing upon this Chamber the fact that those two provinces are seriously engaged in a great work of moral reform in their administration of the liquor business, it appeals to my sense of levity; and if their observations seem to me somewhat grotesque and appeal to my risibilities, I hope they will attribute it to an undue sense of humour on my part.

Hon. Mr. BELCOURT: May I ask why my honourable friend is making this a political and party question? What is the motive in doing that?

Hon. Sir JAMES LOUGHEED: I am not dealing with it from a political or party standpoint. I am dealing with it from a moral and economic standpoint, and from the standpoint of every consideration that can enter into the mind of anybody. Can my honourable friend point to any question in any of those provinces which possesses more political possibilities than the liquor question? If he can, I may say that I am entirely unaware of it.

Hon. Mr. DANDURAND: I may inform my honourable friend that the Commission in the province of Quebec is so absolutely independent that in order to establish its independence it has appointed Conservatives to the majority of the positions of representatives and agents. It has absolutely refused to yield to the will of members of Parliament in that respect.

Hon. Sir JAMES LOUGHEED: I congratulate my honourable friend on the altruism of the province of Quebec and the idealism with which it administers this important undertaking. If such a desirable condition has been reached in that province, why, in view of the satisfactory results that have already been experienced, do they want to be given a monopoly? Are they not satisfied with the present system?

Hon. Mr. DANDURAND: Is not my honourable friend aware that if anyone outside of the Commission is allowed to import, the door is opened wide to all kinds of devices of bootleggers to import liquor into the province?

Hon. Sir JAMES LOUGHEED: I am not prepared to admit that. I should think that a liquor system that would produce such revenues in both provinces would probably be regarded as being upon a satisfactory basis; and I accept the results as the very highest tribute which can be paid not only to the system, but to its administration. In a word, there are two conditions facing the people of Canada in connection with this question. In the dry provinces importation is prohibited—I am speaking now of importation by the public as distinguished from importation by the provincial Government—in the wet provinces—I am so designating the province of Quebec and the province of British Columbia—the people enjoy the right of importation. At the same time, the Government of the wet provinces can and do control that importation by publicly levying a tax, by measure or otherwise, so that they derive a substantial revenue from such importations. I think it will be admitted that in both provinces the system enforced by the Executive in regard to importation by private individuals contributes a satisfactory revenue to the respective provinces. This is the question in a nutshell. The people to-day have the right to import: the provinces say: " That is unsatisfactory, and we demand a monopolistic right, and a prohibition against the people of these provinces importing liquor." I say it is democracy opposed to absolutism, and I am in favour of the will of the people prevailing, and a democratic law like the present one remaining on the statute book.

Hon. Mr. BELCOURT: What means are there of ascertaining public opinion except through the legislatures?

Hon. Sir JAMES LOUGHEED: I may say to my honourable friend that there are times when this Parliament is entrusted with the right of declaring the will of the people in any of the provinces. That we have done.

Hon. Mr. BELCOURT: I do not know of the opinion given by the people themselves.

Hon. Mr. CASGRAIN: What does section 5 say? It says that no person except the Executive shall import any liquor into any province. That is the whole thing. I ask, honourable gentlemen, how the Commission, say in the province of Quebec, could operate, unless the public were prohibited from importing? In the province of Quebec to-day, as the leader of the Opposition says, we have the right to import.

But it does us no good. We can only get the liquor as far as the Customs house, and we have to pay the duties on it there. The province of Quebec this year has contributed to the Dominion Treasury, through the Customs house, the magnificent sum of $8,000,000. The duty on one case of Scotch is $20; on a gallon it is $10. If the liquor runs above a certain percentage of spirit there is an additional duty. On highwines the duty is as much as $14 or $15 a gallon. If anybody outside of the Commission wants to import, what is to prevent it being done? The minute I try to get my liquor outside the Customs house I run against the police of the Quebec Liquor Commission. They say: " Where are you going with that liquor?" No one has the right to carry one drop of intoxicating liquor in the streets of Montreal or any place in the province of Quebec unless it has come from the Commission itself. I know of a man who ordered intoxicating liquor before the law was in operation, but it did not arrive in time. The only way you can bring liquor into Montreal is by having it consigned to the Liquor Commission. If liquor comes to Montreal consigned to an individual, the officials at the Customs house simply telephone to the Liquor Commisison that So-and-so has imported so many cases of this or that, and the liquor is watched and cannot be taken out of the Customs house. But there is some doubt as to whether the law does not give one the right to carry to his house liquor that he has imported. If this legislation goes through there will be no doubt about it, and nobody but the Commission can import. I think it is only fair to give the provinces the right to say no if they want to say no. Why should my right honourable friend (Right Hon. Sir George E. Foster) not be the first to agree to that?

Hon. Mr. MURPHY: What is to prevent a bootlegger organizing a syndicate?

Hon. Mr. CASGRAIN: Bootlegging is almost done away with in our province, as far as we know.

My honourable friend alluded to the Liquor Commission. I affirm upon my responsibility as a Senator that I have gone repeatedly to try to get some person employment with the Commission, and the moment I stated to the Chairman of the Board, Mr. Simard, that this man was recommended by So-and-so—this was when Hon. Mr. Gouin was Premier of Quebec—he said: "I don't care for Mr. Gouin or

Mr. Taschereau. I am the President of the Liquor Commission, and I am going to run it as I think fit." Many members of the local legislature have been refused by the Commission. I have been in the offices of the Commission, and have seen strong Conservatives, friends of mine, employed there—some of them in important positions. Even one of the Commissioners is an out-and-out Conservative, and he gives all the patronage to Conservatives, and we cannot get any of it. So there is no use of talking about politics. I do not see why the House should not allow the provinces to have their own way in this matter. I brought up a motion to give further liberties to the provinces, but it was turned down.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, my honourable friend the leader of the Government in this House seemed to me to be a little bit excited when he commenced his statement with reference to this matter. I want to inform my honourable friend that he started out on entirely wrong premises, and consequently came to a conclusion that has no foundation upon which to stand. I had the honour of presenting to this Chamber a few days ago a brief summary of the course of legislation in this connection. The basic fact to keep in mind is this: that nobody came to this Parliament by plebiscite or otherwise asking this Parliament to undertake to carry out or promote in any way a license system. The plea which came to this Parliament from the earliest time up to the present time was not for regulation by license, but for control by prohibition. Prohibitory measures were asked for, prohibitory possibilities were contemplated. The old Dunkin Act, the old Scott Act, and the plebiscites that have been held so far, have not been upon the question of a license system, but with reference to prohibition. Parliament, when it took the requests into account, as I said before, found it impossible or impracticable to give Dominion prohibition, but said: "We will give you the opportunity to choose for yourself whether you will or will not have prohibition. If you decide that you wish prohibition, and that is shown by the plebiscite, and your Legislature acts upon the wishes of the people as shown in the plebiscite, come to us and we will give you these additional aids to enable you to carry out prohibition." That has been the consistent course of Parliament in regard to temperance and prohibition from the earliest days.

Under the old Government we confirmed that principle and carried it out, and the first part of this Bill carries out the same principle, namely, that when a province demands prohibition, and by a plebiscite or by its Legislature shows the will of the people to be for prohibitory legislation, not license legislation, this Parliament will add its powers as they affect manufacturing and importation and exportation, in order that that province may carry out, not license, but prohibition. That is the basis upon which we commenced, and upon which we have proceeded; and, in so far as that is concerned, we have said to the provinces: "We will give you all the rights and powers we ourselves possess to aid you in your efforts to enforce prohibition and make it the law in your province." I think my honourable friend rather forgot that course of legislation. He seemed to go on the assumption that we have made it a principle in Federal legislation to give to each province absolute right, and add to that our different authorities to carry out licensed operations, in monopoly or otherwise, by thorough control or by distributed control. There never was any fair ground for coming to that conclusion. What we did—and I want to make it as clear as I possibly can—was to say: "You have asked for prohibition. We cannot give you Dominion prohibition, but we will give you an opportunity to have provincial prohibition; and, as you come to us from time to time asking us to implement with our powers those that you have for carrying out the prohibition that you are endeavouring to put into operation, in order that there may be a better fulfilment of the law we will aid you with our powers." But we never have, by law, or by precept, or by our example, declared: "We will give to every province full right to do as it likes in the matter of prohibition and license, and we will put behind each province, whether it is for prohibition or for license, all the subsidiary powers which as a Federal legislature we possess, and will therefore aid you in your work." That is the distinction I want my honourable friend to draw between the position as I put it and the position as he is putting it.

Now let me refer to this one particular case. Take the province of Ontario. They have had plebiscite after plebiscite, with overwhelming majorities. On the top of the actual unit vote of the electors they have enacted their legislation. Their people, by their plebiscites and their legislators chosen by the people, give you an absolute right to say that the outcome is the result

of the will of the people. There is no such case as that in the other provinces. It may be more or less of a fiction, but we must go upon the theory that if a province elects a legislature, that legislature speaks for the province, because it has come from the vote. But in no way can the pronouncement of the legislature be taken to be as strong and deep or as thorough and honest a representation of the will of the people as is manifested when you have, outside of the election of the legislature, and underneath that, a prohibition plebiscite in which the majority is strongly in favour of one line of view. Whilst technically the legislature does express the will of the people upon a great many different subjects, yet there are a great many factors that enter into the election of a legislature. But when the people speak by a plebiscite on one question, and one alone, the verdict is proof positive of what the will of the people is, and that is what gives the province its claim upon us to help it by our subsidiary powers.

My honourable friend seemed to intimate that because I had views on the matter of temperance and prohibition which were in his opinion maybe a little extreme—though he may in his heart quite well agree with me—therefore I was rather in the position of a bigoted individual who did not want to let other people have their own views. I am not in that way at all. I have my beliefs. I am bound to put my beliefs into my life work. I am bound to embody my beliefs, in so far as I think they affect the public weal, in the public work that I do in the legislature. On that ground I am opposed to making a licensed monopoly in any province in our Dominion, and in so far as legislation of the Dominion Parliament is required to buttress that, I am bound as a member of the Dominion Parliament to carry out my feelings of opposition in that respect and to represent my principles. That I do.

Hon. Mr. DANDURAND: I did not mean to go further.

Right Hon. Sir GEORGE E. FOSTER: No, I do not think my honourable friend did.

Now, coming down to this point, I can see where, to my mind, the giving of the monopoly of importation to a Government in a province does two things. In the first place it puts the system which they are carrying out on a basis of revenue and money-getting, which buttresses it and makes it more difficult for prohibition ever to become successful in such a province. Why, the very fact has come out heretofore in this discussion. One of the strong points that have been urged is that in the province of Quebec you get a large revenue and that consequently you are able to build roads, help educational institutions and help all philanthropic and charitable institutions that you wish. What is the effect of all that? It is that as you feed these with money that you get from a certain system you buttress that system, and you make it more difficult to turn from a system of license, supported in that way, to a system of prohibition, that does away with the revenues which come from drink.

Hon. Mr. DANDURAND: But which may go towards temperance.

Hon. Mr. MURPHY: Will the right honourable gentleman permit me a question? Which does he think is right—that private interests should pocket that money or that it should go into the public chest and be used for the general benefit of the country?

Right Hon. Sir GEORGE E. FOSTER: If an answer is required to that question, my answer is this. I have no sympathy with the employment of any of the revenues which come from a traffic which I consider is prejudicial to the general good of the country and of the people.

Hon. Mr. MURPHY: But that does not answer my question.

Hon. Mr. DANDURAND: The other system will make plutocrats.

Right Hon. Sir GEORGE E. FOSTER: Will make plutocrats in what way?

Hon. Mr. DANDURAND: If you leave the trade to the private initiative of a few men you will simply make millionaires and plutocrats of them and I do not see that the public in general will benefit through expenditure on education, goods roads, etc.

Hon. Mr. ROBERTSON: Not when they cannot import for sale.

Hon. Mr. MURPHY: Will the right honourable gentleman give me a straight answer to that question? I would like to have this explained by the right honourable gentleman, who is so well able to explain things. Time and time again it has been proven that you cannot stop the trade. Of course, I understand the right honourable gentleman's statement about prohibition; but my question was this: does not the right honourable gentleman think that it is better for a province to derive the profit and invest it in philanthropic works than to al-

low the profit to go to individuals who become plutocrats, powerful men in the community, and do what they like with the money?

Right Hon. Sir GEORGE E. FOSTER: I do not, for my part, acknowledge in any way that it is impossible to prevent the private individual from amassing gain from the sale of liquor in a traffic such as this.

Hon. Mr. MURPHY: But, as a practical man, what does my right honourable friend think?

Right Hon. Sir GEORGE E. FOSTER: I do not think that prohibition is impracticable. I do not think that prohibition, in its enforcement, has been a failure. I think that in the provinces of our own country which have taken it up and carried it out so far it has been much different from a failure; and I am of the opinion that in the United States of America it has not been a failure. The people of the United States have for forty years tested out this question. They have gone in regular march through State after State, by state amendments prohibiting the liquor traffic, and then have marched up to the 18th amendment of the Constitution and have had prohibition adopted throughout the United States. I am of the opinion that in that country as well as in ours, on an average, the benefits that have come from prohibition have been incalculable. I am of this opinion as well, that the enforcement of prohibition is from day to day becoming more effective. It is following the ordinary course of laws which are enacted from time to time along new lines. It requires time to come to what may be called the average efficiency in the execution of law. It is plain enough to see that in regard to almost every one of our laws there is not perfect fulfilment; you find breakages more or less; and that condition will continue so long as humanity is fallible and has its weaknesses. But it is a fact, to my mind, that prohibition is following the course of other legislation, and that the enforcement of it will be just as good as the average enforcement of our other laws.

I have taken the time of this Chamber longer than I should have done, but I wished to point out the error into which my honourable friend fell in respect to the basis of his argument. I wish also to state that I am not in favour of making a licensed monopoly in any province of this Dominion. It is on those two grounds that I have given the vote that I have given in this Chamber and intend to persist along the same line.

Hon. Mr. BEIQUE: Honourable gentlemen, if this were not a question of primary importance I would not detain this honourable House for a minute or two longer; but I think it is a question in which the unity of the country is involved. With the legislative power divided as it is, if the people of a province find that their will in what is within their sphere is not supreme, or will not be obeyed they will feel that even in matters coming within the jurisdiction of their own legislature their province is ruled, not by their own Government, but by the Federal Parliament, because of this Parliament possessing some portion of the legislative power which is necessary to supplement and give effect to the will of the people of the province.

Now I ask the right honourable gentleman who has just spoken if, as a member of the late administration, in power from 1911 to last year, he did not agree, and I ask the honourable leader of the other side (Hon. Sir James Lougheed), who was also a member of the Cabinet in those administrations, if he did not likewise agree, to this principle, that the question of temperance —or call it prohibition if you will—was a question to be decided by the people of each province. Were we not agreed upon that? And has it not been the policy of the Government of the honourable gentlemen ever since 1911 to respect the right of each province to decide whether it would have prohibition or not, or in what way it would enforce prohibition?

Is it not a question of the manner of enforcing prohibition? There may be a province, like the province of Ontario, which is of opinion that what is best for its people is complete prohibition. In the province of Quebec the will of the people was ascertained, and, as I said the other day, the province by a tremendous majority, almost unanimously, decided, not to have complete prohibition, but to allow beer and wine. It decided also in favour of its present system —not in the first instance, but when it was found that the other system was opening the door to bootleggers and so demoralizing the whole community. Now, are we to understand that the representatives of the other provinces in this Parliament will interfere and place obstacles in the way of the people's will being carried out? That is what I would like to understand. The Government of the province of Quebec de-

cided that in the interests of temperance it was better to adopt the system which has been latterly adopted. Not only the Government, but also the leader of the Opposition and every other member of the Legislature are agreed upon that. I defy the right honourable gentleman to contradict this statement. Are we not to take that as the will of the province? Now, because some of us desire another system of temperance, or are of the opinion that another system would be better, the liberty of the subject is not to be interfered with, and he is not to be prevented from exercising his right to import his own liquor. The Parliament of Canada shall say to the province: "We refuse to supplement your power so as to enable you to carry out the will of your people and give effect to the law which is now in operation in the province." I stated the other day, and I reiterate it without hesitation, that if it is open to anybody to import liquor, we shall have a repetition of the condition which prevailed two or three years ago; we shall have in the province of Quebec any number of bootleggers, who will use that liquor, which will be imported right and left, for the purpose of selling it in the United States, or in Ontario, or in other provinces. It is not so much that the province itself would suffer, but it would be a cause of demoralization in the community.

Hon. Mr. MURPHY: Before the honourable gentleman sits down, I should like to ask him a question. Does not the Doherty Act protect you really as well as this does?

Hon. Mr. BEIQUE: No. When the Doherty Act was passed—I think, in 1912 or 1913—when the province of Ontario decided that it would not permit of any liquor being imported into the province, the honourable leader of the Opposition (Hon. Sir James Lougheed) presented a Bill. My best friends were against the Bill. My best friends in this very House were against it. The honourable gentleman's Bill was defeated in Committee of the Whole of this honourable House. Did I not come to his rescue? I was not present at the time it was considered in committee, but when I came back and the report was made to the House, I helped the honourable gentleman and succeeded in having full effect given to the will of the province. Now it is the very same thing that I ask for my province.

Hon. Mr. MURPHY: Absolutely.

Hon. Mr. DANDURAND: What was the province in that case?

Hon. Mr. BEIQUE: It was the province of Ontario. I am now asking that the same measure of justice as was given to the people of Ontario be given to the province of Quebec. The present law works to the satisfaction not only of the people generally, but also of those who, like the right honourable gentleman, have given fifteen or twenty years, the best of their lives, to the cause of prohibition and temperance. They acknowledge that the law is working properly and in the best direction. It was passed with the unanimous consent of the people of the province of Quebec. Where is the reason for refusing now to supplement the power required by the province to give full effect to the will of the people?

Hon. Mr. MURPHY: I want to ask a question or two on this. How will this Bill affect you by giving you more power?

Hon. Mr. BEIQUE: In this way, that it is only the Parliament of Canada that can prevent importation, and, if this Bill does not pass as it was printed, it means that myself or any other citizen of the province will be at liberty to import a large quantity of liquor, and dispose of it, if we can do so without being detected by the Commission. Of course, I am sure the Commission will succeed in confiscating a large portion of it, but a large portion will escape and will tend to demoralize the trade and the community. Now, you are agreed that in the interest of temperance or of prohibition Parliament should restrict the exercise of the rights of the people. It is merely a question of degree. You approve of Parliament preventing the people in certain provinces from having liquor in their own homes or purchasing any liquor at all. We are not going that far. We are interfering merely to prevent individuals importing, but are giving them the privilege of having their importation made by the Commission. The Commission insist on that being done because they can then control the entire quantity of liquor which is imported into the province, and prevent the abuse which otherwise would occur.

Hon. Mr. BARNARD: I want just to correct one impression. The honourable leader of the Government and also the honourable gentleman who has just spoken have argued from the basis that the people of the two provinces have spoken on this question. I pointed out in the debate on the third reading of this Bill, and I want to emphasize it again, that in introducing

this measure the leader of the Government informed us that the people of the province of Quebec, or at least the Government of Quebec, had not asked for this legislation at all. Now, if the Bill does not pass, the law that is in force in the province of Quebec, which the last honourable gentleman who spoke (Hon. Mr. Béique) has extolled so highly, will not be changed in the least. The position will be precisely as it was before this Bill was introduced. With regard to the province of British Columbia, it is true that one member of the Executive Council of that Province has asked for this legislation, that is to say, the Attorney General; but as a matter of fact neither the legislation on the statute book nor any prebiscite has touched the question of private importation, with this exception, that the very Government of which that Attorney General is a member put legislation on the statute book containing a clause which impliedly provides for and permits importation by imposing a duty on liquor which is imported. So that when you say that the people of the provinces speak through their legislatures. I say that so far as British Columbia is concerned they have impliedly agreed to and asked for the right of private importation, because their own legislation as it stands provides that importation may take place if the importer pays a certain tax to the Government.

How my honourable friend can base his very eloquent and impassioned argument on the suggestion that the people of British Columbia has asked for this legislation, and are being refused something that they have asked for, I cannot see. The question of private importation has never been put before the people. As a matter of fact, in the old prohibition law the right of private importation was expressly reserved to the household. When the new policy was decided upon, a referendum was put to the people, and the only question in that referendum was: "Are you in favour of the sale of liquor in sealed packages by the Government?" Then, following their previous policy as to the right of importation, the legislature provided for importation by requiring the importer to pay a duty. So the demand for this legislation comes, not from the people, not from the legislature, but from a single person.

Hon. Mr. DANDURAND: I am very much surprised to hear a representative of the province of British Columbia taking that stand in the Senate of Canada, and he is not alone in that respect among the representatives of British Columbia. Are they not aware that last evening, when the honourable the Solicitor General moved not to concur in this amendment, he was seconded by Mr. Ladner, from Vancouver, who said:

> I would just like to say a word in favour of the motion. The amendments made by the Senate do have the effect stated. I am of the opinion that it is in the interests of the province of British Columbia that the control of liquors be vested in the provincial government, and for that reason, without delaying the House any further, I express my approval of the motion.

It seems that, in addition to the member of the Executive to whom my honourable friend refers, a member of this very Parliament, a member freshly elected by the people, from the very city from which my honourable friend comes, tells him that the interests of his own province are protected by the amendment which he is now seeking to reject. It means that British Columbia is simply given authority to maintain a monopoly in the hands of the Executive. That authority will last how long? So long as the people of British Columbia maintain that Executive. When, to-morrow or the day after to-morrow, an election changes that Executive, it may assert its will by rescinding this legislation. The machinery is in the Act. The Lieutenant Governor in Council may repeal what the Lieutenant Governor in Council may have done a year before, or a month before. So we are simply giving the Legislature, the people of British Columbia, the right to use our Federal power to enforce their own will; and I am surprised that representatives of British Columbia in this Chamber should say: "Nay, my province shall not have that power." I do not know on what principle they deny to their own province the application of its own will to-day and the application of its own will to-morrow, if to-morrow that will is not the same as it is to-day. I have heard and I have read in the press that there will be an appeal to the people this year or next year. Parliaments do not live long. They are but shadows in a procession that moves constantly. The will of the people of British Columbia will be expressed at the polls, it will be indicated by the return of the members of the legislature, who will then form their Committee or Executive; and this Bill is but giving to the people of any province the right to express their will. It seems that we should not begrudge them that right.

Hon. Mr. GIRROIR: I want to vote on this question conscientiously, as far as I can see it, and as I am going to vote contrary, as I believe, to a great many of my friends on this side of the House, I think I should state my reasons for so voting. As I understand this question, the liquor problem is a matter for the provinces, which under the constitution have the right to legislate with regard to the sale or non-sale of liquor within their confines. I do not think anybody disputes that. The different provinces have legislated in different ways—Ontario in favour of prohibition, and Quebec assuming the control of the sale of liquor through agents appointed by the provincial executive. Even if we had the right to prevent the provinces from carrying out their own wishes as expressed in their legislation, I think we should not exercise it. There are many in this House, and no doubt there are many in the House of Commons, who did not see eye to eye with the Government of Ontario when it enacted its legislation, and yet when that province came to this House and asked for legislation to enable it more effectively to carry out its policy, members of this House did not hesitate to grant the legislation necessary for that purpose, because everyone felt that it was a provincial matter, and that the constitution provided that the province should control this subject; hence they said, "We will do what we can to enable you to carry out your law."

Many of the honourable gentlemen who have spoken against this Bill seem to put their views in this way: "We are willing to grant enabling legislation to the provinces if they see eye to eye with us, and want prohibition; but if any province dares to take a contrary view, and feels that prohibition is not in the public interest, we will not grant that province enabling legislation." I think that is a wrong view. When the fathers of Confederation allotted the various subjects to the provincial legislatures and that of the Dominion, they had an object in view. Matters of local concern, such as education, were placed in the hands of the provinces. This course was taken wisely, and it seems to me only right that we should assist the provincial legislatures in carrying out the desires of the founders of this Dominion in that respect.

As I pointed out the other day, Ontario has provincial control, just as Quebec has. It does not matter a particle whether or not the province of Quebec or Ontario or British Columbia makes money out of this legislation: that is a matter for themselves. The province of Ontario is selling liquor for medicinal and sacramental purposes in a way which it thinks proper.

Hon. Mr. BELCOURT: It is selling wine that contains 25 per cent of alcohol.

Hon. Mr. GIRROIR: I have no desire to discuss the legislation of the provincial Parliaments. Whether or not the law of the province of Ontario or that of the province of Quebec is a good law does not matter to me because I realize that the question upon which they are legislating is one within the power of the provincial legislature, and they must be left to decide how they shall treat the subject, and what laws governing it, they shall place upon the statute book. If we take away from the province of Quebec the right to control this question as it sees fit, to be consistent we would be obliged to remove from the statute book of the Dominion the enabling legislation which was granted to the province of Ontario.

To say that the province of Quebec or the province of British Columbia does not want this law is, to me, a very strange pronouncement. No doubt the governments of those provinces were well aware of this law being now before this Parliament; yet we have not heard any protest from either province against it, or any resolution passed by either Provincial Assembly in regard to it. We have evidence that the province of British Columbia, through one of its Ministers, asked for this law. Therefore I take it that those provinces are coming to this Parliament in the same way as Ontario, Nova Scotia and New Brunswick came, and are asking this Parliament to give them whatever assistance we can to carry out the laws which have been passed by their legislatures, and which having been so passed, must be taken to be the will of those provinces until we have proof to the contrary.

The motion of Hon. Mr. Dandurand, that the Senate doth not insist on the second amendment made by the Senate to Bill 132, an Act to amend the Canada Temperance Act, was negatived on the following division:

CONTENTS

Honourable Messieurs

Béique,	Dessaulles,
Belcourt,	De Veber,
Boyer,	Farrell,
Chapais,	Girroir,
Cloran,	Gordon,
Dandurand,	Harmer,
David,	King,

McCoig,
McHugh,
McLennan,
Mitchell,
Pardee,
Poirier,
Proudfoot,
Ratz,
Roche,
Ross (Moosejaw),
Thibaudeau,
Turriff,
Watson,
Wilson,
Yeo—29.

NON-CONTENTS

Honourable Messieurs

Beaubien,
Bénard,
Bennett,
Blain,
Bolduc,
Bradbury,
Calder,
Crowe,
Curry,
Daniel,
Donnelly,
Fisher,
Foster (Sir George),
Fowler,
Gillis,
Green,
Lougheed (Sir James),
Lynch-Staunton,
Macdonell,
Martin,
McCall,
McCormick,
McDonald,
McLean,
Mulholland,
Murphy,
Planta,
Pope,
Reid,
Robertson,
Schaffner,
Sharpe,
Taylor,
Webster (Brockville).
—34.

Hon. Mr. TANNER: I was paired with the honourable gentleman from the Gulf (Hon. Mr. L'Espérance); otherwise I would have voted against the motion.

Hon. Mr. TESSIER: I was paired with the honourable gentleman from Victoria (Hon. Mr. Barnard); otherwise I would have voted for the motion.

It was ordered, that a messa e be sent to the House of Commons acquainting that House that the Senate doth insist upon its amendment to Bill 132, an Act to amend the Canada Temperance Act?

RED CROSS SOCIETY BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 175, an Act respecting the Canadian Red Cross Society.

He said: Honourable gentlemen, this Bill merely provides for the consolidation of two or three former Acts passed by Parliament to establish a peace-time agency of the Red Cross Society in Canada, together with some amendments to those Acts with a view to conforming with the provisions of the Covenant of the League of Nations.

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

CONSIDERED IN COMMITTEE

On motion of Hon. Mr. Dandurand, the Senate went into Committee on the Bill.

Hon. Mr. Belcourt in the Chair.

The Bill was reported.

THIRD READING

Bill 175, an Act respecting the Canadian Red Cross Society.—Hon. Mr. Dandurand.

PEACE TREATIES BILL

MOTION FOR SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 203, an Act for carrying into effect the Treaty of Peace between His Majesty and Hungary and Turkey.

He said: Honourable gentlemen, this Bill is an Act for carrying into effect the Treaties of Peace between His Majesty and Hungary and Turkey. It provides:

(1) The Governor in Council may make such appointments, establish such offices, make such Orders in Council, and do such things as appear to him to be necessary for carrying out the said Treaties and for giving effect to any of the provisions of the said Treaties.

(2) Any Order in Council made under this Act may provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act, but may be varied or revoked by a subsequent Order in Council.

(3) Any expense incurred in carrying out the said Treaties shall be defrayed out of moneys provided by Parliament.

Right Hon. Sir GEORGE E. FOSTER: One of these treaties has been ratified, the other has not.

Hon. Mr. DANDURAND: I do not think either of them has been ratified by Parliament.

Right Hon. Sir GEORGE E. FOSTER: The Turkish Treaty has not been ratified by Turkey.

Hon. Mr. DANDURAND: There never has been any ratification as regards Turkey; and, in view of the most recent despatches upon the subject, that country may never ratify the Treaty.

Right Hon. Sir GEORGE E. FOSTER: Why are we required to ratify it?

Hon. Mr. DANDURAND: It is necessary that the treaties be ratified for the purpose of dealing with former enemy property and debts in Turkey and Hungary in a manner similar to that which is already provided for dealing with former enemy property and debts in Germany, Austria and Bulgaria. That the House may see the need of this legislation I might mention that one concern in Canada has a claim against these countries amounting to $600,000, which cannot be dealt with without the statute in question.

Hon. Mr. BELCOURT: It is extraordinary that we should pass an Act to provide means for carrying out a treaty which we have not ratified.

Hon. Mr. DANDURAND: We are now ratifying it.

Hon. Mr. BELCOURT: This is for carrying it into effect, and assumes that we have ratified it.

Right Hon. Sir GEORGE E. FOSTER: No.

Hon. Mr. BELCOURT: Then what does it mean?

Right Hon. Sir GEORGE E. FOSTER: These treaties have been passed and have been signed by us, but as I understand, Turkey has not agreed to sign the treaty in question?

Hon. Mr. BELCOURT: Nor has Turkey ratified it.

Hon. Mr. BEAUBIEN: The Bill gives authority for the appointment by the Governor in Council of certain officers to carry it out. What does that mean? That means that we accept it. That is the implication.

Hon. Mr. BELCOURT: But my right honourable friend points out that Turkey has not signed it yet.

Hon. Mr. BEAUBIEN: I do not deny that.

Right Hon. Sir GEORGE E. FOSTER: We will do our part.

Hon. Mr. BEAUBIEN: One has to act before the other anyway.

Hon. Mr. BELCOURT: Parliament should not ratify a treaty that one of the parties has not signed.

Right Hon. Sir GEORGE E. FOSTER: I think the treaties have been signed.

Hon. Mr. BEAUBIEN: But have not been ratified by their Parliaments?

Hon. Mr. DANDURAND: Yes, they have been signed.

Hon. Sir JAMES LOUGHEED: Should not the exercise of these powers be made subject to the ratification of the treaty, and should not the Bill so provide? It seems to me a rather peculiar step to take —to make provision for appointments, establishing offices, passing Orders in Council, and doing all other things necessary to the carrying out of the treaty, if it is not an effective instrument.

Hon. Mr. DANDURAND: I will ask that this debate be adjourned, and after recess I will have the proper information.

Hon. Sir JAMES LOUGHEED: My recollection is that in the case of former treaties growing out of the Treaty of Peace, the Government of Canada signed them and we afterwards ratified them. That is to say, effect was given to them and we approved by statute of what was done. It seems to me that that would be the better course to pursue in this case.

Right Hon. Sir GEORGE E. FOSTER: Both of these treaties have really been signed by us and by Great Britain. I imagine the difficulty arises in this respect: the Treaty was with the Turkish Government, but there is an imperium in imperio in Turkey and ratification has not been made because of the Kemalites.

Hon. Mr. DANDURAND: I will get the information and have it after the sitting is resumed.

On motion of Hon. Mr. Dandurand, the debate was adjourned.

TRENTON HARBOUR BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 204, an Act respecting the Harbour of Trenton, in the Province of Ontario.

He said: This Bill creates a Harbour Commission for the harbour of Trenton. It provides:

> The mayor of the town of Trenton, for the time being, and two persons appointed from time to time by the Governor in Council, shall be commissioners under this Act to have the superintendence of the harbour and harbour master of the port of Trenton, under the title of "The Trenton Harbour Commissioners."

A harbour master is to be appointed.

Hon. Sir JAMES LOUGHEED: Who is going to pay?

Hon. Mr. ROBERTSON: I do not intend to make any serious objection to this proposal, but I would point out one or two things that are, I think, of doubtful wisdom. Having taken some part in the debate on another harbour matter, I cannot let this Bill pass without voicing my views upon it.

Trenton is located at the outlet of the Trent canal into Lake Ontario. A request is made for the establishment of a Harbour Commission at this point, where the volume of traffic by water is small as compared with that of many ports in the

Great Lakes where Harbour Commissions do not exist. What I desire to point out to the Government is that if a Harbour Commission is once established, with the Mayor of the municipality or other local gentlemen drawing a small salary supposed to be earned by fees collected, it drifts in a few years' time into a harbour commission maintained as are the commissions of many of our large harbours to-day, and that if this legislation is passed and a Harbour Commission is constituted at a small port, where very little business is done and only a small sum can be collected in fees, encouragement will be given to the people of many other ports, where more business is done, to come forward and ask for similar consideration.

Furthermore, it is proposed by this Bill that the Harbour Board of the town of Trenton shall collect fees—on what? For instance, on railway ties, logs, telegraph poles, etc., that have floated down the Trent for perhaps 100 miles. Before they can pass through that municipality and get into Lake Ontario, toll must be paid on them to the Harbour Commission of the town of Trenton, although the goods did not originate there and are not destined there. I think that is a very objectionable feature of the Bill.

At this late hour I do not intend moving any amendment, but I would call the attention of the Government to these two matters that are worthy of consideration.

Hon. Mr. DANDURAND: But it they are worthy of consideration, they would perhaps justify suspending the action of Parliament. It is for honourable members who possess knowledge of the local situation to inform this Chamber. Personally I know little of this proposal.

Hon. Mr. DONNELLY: Honourable gentlemen, I do not think this is an entirely new departure. There is already a harbour at Belleville, which is not far from Trenton. While Belleville may be somewhat larger, its volume of shipping is no greater. My understanding of this proposal is that the people of Trenton are not asking for any Government aid: they are asking to be authorized to organize this Harbour Commission so that they may be in a position to collect fees from their harbour and maintain it properly.

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

THIRD READING

Hon. Mr. DANDURAND: I move that the House go into Committee on this Bill.

Hon. Mr. BELCOURT: Move the third reading.

Hon. Mr. DANDURAND: I have indicated the purpose of the Bill. Shall we go into Committee or give it the third reading?

Hon. Mr. ROBERTSON: You may proceed with it, so far as I am concerned.

Hon. Mr. DANDURAND: If there is no objection to the various clauses, I move the third reading of the Bill.

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

HOUSE OF COMMONS HANSARD, FRENCH VERSION

REPORT OF COMMITTEE

Hon. Mr. BEAUBIEN moved concurrence in the third report of the Standing Committee on Debates and Reporting.

Hon. Mr. DANIEL: I think some explanation ought to be given. This is a rather unusual kind of report. Probably most of the members have not read it or do not know what it contains.

Hon. Mr. DANDURAND: The Committee recommends:

1. That for future sessions the number of the unrevised edition of the House of Commons Hansard, French version, for distribution to Senators through the Senate post office, be increased by two hundred.

2. That in addition to the present distribution of the bound volumes of the House of Commons, French version, one hundred additional copies of the said volumes be available for distribution under the direction of the Chairman of the Committee.

Hon. Sir JAMES LOUGHEED: As I understand, it places the Senate on a parity with the House of Commons in this respect. Members of the House of Commons, I understand, are entitled to both French and English editions of Hansard. Members of the Senate are not. The purpose of this is to permit of members of the Senate who desire the French version receiving it.

Hon. Mr. DANIEL: But this would do more. I think the number of English copies is 125. This report recommends 225 French copies to 125 English.

Hon. Mr. BEAUBIEN: I really believe that if we can in any way spread in our Province a knowledge of what is going on

in Parliament it will be a good thing. The cost is very little.

Hon. Mr. WATSON: If the number of English copies is 125, I do not see why the number of the French copies should be more than that.

Right Hon. Sir GEORGE E. FOSTER: Make them equal.

Hon. Mr. WATSON: Why should the Senate ask for more copies of the French Hansard than of the English?

Hon. Mr. BEAUBIEN: This report recommends that we obtain 200 more copies of the French version. I do not know of any reason why there could not be an equal number of copies in English.

Hon. Mr. DANDURAND: Was the honourable gentleman present at the Committee meeting when this matter was decided?

Hon. Mr. BEAUBIEN: No, I was not.

Right Hon. Sir GEORGE E. FOSTER: Better leave this.

Hon. Mr. BELCOURT: My honourable friend points out that there is a lesser number of English copies. I think we should be fair. Why should we double the number of French copies?

Hon. Mr. DANDURAND: Perhaps my honourable friend (Hon. Mr. Beaubien) can obtain information from the Chairman of the Committee between now and 8 o'clock, and we may take up this matter again.

The motion stands.

DEPARTMENT OF SOLDIERS' CIVIL RE-ESTABLISHMENT BILL

FIRST READING

Bill 207, an Act respecting the Department of Soldiers' Civil Re-establishment. —Hon. Mr. Dandurand.

SECOND READING

Hon. Mr. DANDURAND moved the second reading of the Bill.

He said: Honourable gentlemen, the object of this Bill is to give power to the Governor in Council for—

the constitution of medical boards, including appeal boards with such powers as may be deemed expedient; the sheltered employment of ex-members of the forces, including after-care of the tuberculous; the granting of free transportation in Canada to any ex-member of the forces who has been pensioned for total blindness or for a disability which necessitates an escort when travelling; for providing burial expenses for ex-members of the forces who die in destitute circumstances; for the administration and disposal of canteen funds; for the repatriation of ex-members of the forces discharged in England and their dependents and relief for distressed ex-members of the forces in the United Kingdom; for the treatment of former members of the forces classified as wholly incurable or chronically recurrent cases needing institutional care; for the provision of measures of unemployment relief to ex-members of the forces and their dependents; and for the payment of compensation in respect of industrial accidents and the return of premiums paid by employers of ex-members of the forces to Workmen's Compensation Boards; the whole subject to such appropriations as Parliament may provide.

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

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

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

BANKRUPTCY BILL

COMMONS AMENDMENTS AGREED TO

The Senate proceeded to consider a message from the House of Commons returning Bill 107, an Act to amend the Bankruptcy Act, and informing the Senate that that House had concurred in the first, second, third, fourth and fifth amendments and in clauses 10, 11 and 13 of the sixth amendment; that they had made a consequential amendment to section 12 in amendment No. 6 by striking out the word "majority" in line 39, page 5, of the Bill as reprinted, and substituting therefor the word "two-thirds"; and that they did not concur in section 14 of amendment No. 6 because it tended to destroy the effect of the Bill.

Hon. Mr. DANDURAND: The honourable gentleman from De Salaberry (Hon. Mr. Béique) will explain those amendments.

Hon. Mr. BEIQUE: The substitution of the word "two-thirds" is intended to cover an oversight; so there can be no objection to that.

As regards clause 14, I fail to see any reason for the objection of the House of Commons to that clause; but the elimination of it will not affect the Bill at all. It was merely for the purpose of providing that the sale of the property should have the effect of a sheriff's sale. Without this clause it will have practically the same effect.

I move that this House agree to the amendments made by the House of Commons.

The motion was agreed to.

THE WORK OF THE SENATE

PUBLICATION OF ITS PROCEEDINGS

Hon. Mr. BEIQUE: I would like to call the attention of this honourable House to a suggestion which I made, but which has not been acted upon. I think we are satisfied that this honourable House is doing good work during each Session, but that work is not made known to the country at large because the newspapers do not give it much notice. I would suggest that the honourable leader of the Government in this House take the trouble to see that a report is made after the Session, a short and very summary report of the work that has been done by this House, so that it may be published. There is no doubt that the newspapers will be glad to publish it, in order to acquaint the public with the work that has been done by this honourable House.

Right Hon. Sir GEORGE E. FOSTER: That is, a summary of the Session's work?

Hon. Mr. BEIQUE: Yes; a very short summary.

Hon. Mr. WATSON: Our newspaper reporter is not here to-day at all.

Hon. Mr. BEIQUE: No; and the people do not at all know the work that has been done by this honourable House. The very good work that is done in Committees does not appear as part of the proceedings, and the only way to make it known is to have somebody who will make a summary report of the work of the Session. It could be put into very small compass, and it would be interesting to the public and would be to the credit of this honourable House.

Hon. Mr. DANDURAND: I will confer with His Honour the Speaker and the Clerk of the Senate over this matter, and see what we can do.

At 6 o'clock the Senate took recess.

The Senate resumed at 8 o'clock.

PEACE TREATIES BILL

SECOND READING

Hon. Mr. DANDURAND resumed the adjourned debate on the motion for the second reading of Bill 203, an Act for carrying into effect the Treaties of Peace between His Majesty and Hungary and Turkey.

He said: I was to obtain some information concerning this Bill. The Treaty with Hungary has been ratified by this Parliament, but not the treaty with Turkey. This Act will enable the Government to pass the necessary Order in Council concerning matters now to be taken up with Hungary, and also to pass an Order in Council when the treaty with Turkey is ratified. This Order in Council will bring into effect the economic clauses of the treaty, so that enemy property in Canada may be liquidated and claims made for damages to property of Canadians taken over by those countries during the war. These claims must be brought before the mixed tribunal in Paris. The Order in Council to which I referred has already been in operation, and been applied to the settlement of claims between Canada and Germany. That Order in Council was drafted by Mr. Mulvey, and Mr. Robinson, K.C.

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

THIRD READING

An Act for carrying into effect the Treaties of Peace between His Majesty and Hungary and Turkey.—Hon. Mr. Dandurand.

THE WASHINGTON CONFERENCE TREATIES

RESOLUTION OF APPROVAL

Hon. Mr. DANDURAND moved the following proposed resolution:

Resolved, that it is expedient that Parliament do approve of the following Treaties, of which copies have been laid before Parliament:

The Treaty between the United States of America, the British Empire, France, Italy, and Japan, for the limitation of naval armament which was signed at Washington on the sixth day of February, nineteen hundred and twenty-two;

The Treaty between the United States of America, the British Empire, France, Italy, and Japan, to protect neutrals and non-combatants at sea in time of war and to prevent the use in war of noxious gases and chemicals, which was signed at Washington on the sixth day of February, nineteen hundred and twenty-two;

The Treaty between the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal, to stabilize conditions in the Far East, which was signed at Washington on the sixth day of February, nineteen hundred and twenty-two;

The Treaty between the United States of America, Belgium, the British Empire, China, France, Italy, Japan, The Netherlands, and Portugal, relating to the Chinese customs tariff, which was signed at Washington on the sixth day of February, nineteen hundred and twenty-two;

The Treaty between the United States of America, the British Empire, France, and Japan,

for the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean (and the accompanying Declaration), and the Agreement between the same Powers supplementary thereto, which Treaty and Agreement were signed at Washington on the thirteenth day of December, nineteen hundred and twenty-one, and on the sixth day of February, nineteen hundred and twenty-two, respectively; and that this House do approve of the same.

He said: Honourable gentlemen, there appears in my name a resolution for the approval by this Chamber of seven Treaties that were signed in Washington on the 6th of February last. The first treaty is one between the United States of America, the British Empire, France, Italy and Japan, and is for the purpose of limiting naval armaments.

We will all agree that it was a happy thought that moved the President of the republic to the south of us to call to Washington a Conference with the primary object of arranging for a treaty between the nations that were interested in the maintenance of peace on the Pacific Ocean. The Treaty which is before us contains an admirable principle in international relations —that of co-operation. Mr. Woodrow Wilson, on a visit to England, used the cryptic phrase that together the Allies had won the war, and only together could they win the peace. If that was a good principle for the five Powers that signed this Treaty in trying to establish peace on the Pacific on a permanent basis it seems that it is a principle that could as well be applied to all the Allies—and if it were extended to all the Allies, it would truly be a league of nations.

This first step in the application of principles to be found in this Treaty of Peace may be of untold benefit. If the principle embodied in the Treaty now before us for review develops and fructifies—if it enters into the traditions of the people—it may help to create a better world in which to live, a world of nations which, having no formidable weapons, may become one, a world where peace may have a chance to reign.

The dream of aggrandizement which nourishes imperialism, based as it is on unavowed human weakness and covetousness which are called megalomania, would thus be curbed and would soon vanish. If imperialism is strongly armed it will try to extend territorially and commercially by brute force. That has been the tradition and the way of imperialism throughout all the ages.

The second treaty adopts rules for the protection of neutrals, and non-combatants at sea. Article 5 prohibits the use of asphyxiating, poisonous, or other gases. After nineteen centuries of Christianity we must prohibit between men what would seem more fit for the wild and ferocious animals of the jungle.

The third treaty concerns China, which other nations having the might, have often invaded and preyed upon in divers ways. The signatories to the treaty agree to respect the sovereignty, the independence, and the territorial and administrative integrity of China; they agree to apply the principle of the "open door", or equality of opportunity, to all nations for trade in China. This shows to what an extent trade plays a part in the maintenance of peace. The "open door" throughout the world would remove nine-tenths of the causes of war; free trade all around would be a most potent factor for peace.

The fifth Treaty is between the United States, the British Empire, France, and Japan. These powers agree between themselves to respect each other's rights in relation to their insular possessions and insular dominions in the region of the Pacific ocean. This agreement is to continue in force for ten years, and to be subject thereafter to twelve months' notice. It imposes no military obligations. In cases of difference the parties to the Treaty agree to conference. This will undoubtedly make for amicable settlement.

Canada is most vitally interested in these treaties concerning the Pacific ocean. If peace is thus established and secured between the United States and Japan, it will mean that the thought of peace will permeate the minds of Americans and Japanese, and that the trade of the warmongers and the newspapers preaching the "yellow-peril," will come to an end. If these two treaties which ensure peace in the Pacific ocean are held to be a blessing by the many nations that dwell on the Pacific, why should not the United States, which stretches to the Atlantic, join in a similar treaty for the maintenance of peace on that great ocean, and enter into an agreement that, if any differences arose there, they should be settled by conference. It is my firm conviction that peace on the Atlantic could be secured forever by such an agreement.

The sixth treaty is a short one. It contains a reservation by the United States as to the mandated islands in the Pacific, and as to its rights to negotiate with the

mandatory Powers in relation to the said islands.

The seventh treaty adds a clause to the Peace Treaty of the Pacific. Some islands are excluded from the scope of the treaty at the request of the United States and Japan.

I think that this work, which was carried on and brought to a successful conclusion at Washington, will mark an epoch in the history of the world. I was happy to learn that Canada was officially represented at that Conference, and I must congratulate the Dominion upon having had as her representative the Right Honourable Sir Robert Borden, a gentleman who had the necessary qualifications to assert our interests, and to meet on equal terms with the representatives of other nations.

I have pleasure in proposing the ratification of these treaties, seconded by Hon. Mr. Belcourt.

Right Hon. Sir GEORGE E. FOSTER: Honourable gentlemen, I desire to support the motion which has been made by my honourable friend opposite, who represents the Government (Hon. Mr. Dandurand), and seconded by the honourable the senior member for Ottawa (Hon. Mr. Belcourt). It is probably not necessary for either the leader of the Government or myself to spend very much time in adding to the information already possessed by members of this Chamber. We all followed with a great deal of interest the formation of this Conference at Washington, and the mode of operation which was adopted there. We have all been advised more or less fully of the results of the Conference, as seen in the treaties which were framed and which have been alluded to by my honourable friend. This being so, it is not at all necessary to go into the details of the Treaties.

What strikes one first in regard to the results of that Conference, is, I think, the great onward step taken by the United States, one of the greatest Powers of the world, towards the elimination, as far as it can possibly be done by agreement between the Powers, of the causes of destruction, which, if not eliminated, might result in great wars, or a repetition in part at least of what we have already gone through. It was therefore encouraging to every lover of peace, and to that extent discouraging to every lover of the old system of war, to see so great a nation as the United States throw her influence in the balance on the side of peace. That, I think, is one of the greatest results which has accrued. It has given heart to all friends of peace, and it has taught all enemies of the new methods of settling international disputes that they are up against the great moral influence of the British peoples in this contest which is going on between the old methods and the new. It has strengthened every adherent of the League of Nations, because the influence and example of the United States seems at this moment to have been, if not necessary, yet very useful in bringing the fifty-one nations who belong to the League of Nations to a realization of the fact that the United States, though not a member of the League, is still marching along step by step with the cardinal principles and the main ideas of the League. We may have different views as to just how the ultimate peace of the world is to be brought about; but it is a great thing to have removed a prejudice or a presumption that the United States, by holding herself aloof from active union with the League, was not in sympathy with the principles of the League. That idea cannot have any further existence.

The other great thing that has happened through that Conference is that the United States of America has removed a very great obstacle from one of the cardinal principles and aims of the League, namely, the diminution of armaments. That was especially stressed in the programme of the League of Nations as set forth in the Covenant; but the practical difficulties were impossible of being surmounted, and the problem was insoluble so long as the United States remained outside of the League of Nations and at the same time did not give her views and indicate her position with reference to the diminution of armaments. Take naval armaments, for instance. That was the difficulty that faced the League of Nations in all its Council meetings and in the two Assemblies which have already taken place. How was it possible to carry out disarmament under the existing circumstances, when the United States had proclaimed and put into process of construction a naval scheme which, when carried to its fulfillment a few years hence, would make her fleet the most powerful in the wide world? It was impossible then that Britain or France or Italy or Japan could consent to disarmament or the diminution of their naval forces unless they knew what would be the sentiment and the action of the United States. That was all cleared up at Washington, and the remarkably practical, clear, and courageous plan which was

placed before the Conference, and which gained at once the assent of Great Britain and Italy, and to a large extent the assent of France as well—that proposition had behind it the 110 millions of people in the Republic. It was carried to a successful conclusion. It set the pace with respect to naval diminution and has taught the lesson that on the whole question of possible disarmament the United States is in perfect accord with all the other peace-loving nations of the world.

There is one further advantage which ought not to be underrated, and that is the position taken by those Powers in Washington towards China, that great, widely distributed, immensely populated country on the Asiatic coast, which has been torn asunder now for five or six years; which had been previously a prey to national exploiters and adventurers and had suffered—perhaps unavoidably at that time—from the interference of greater and more powerful nations than herself, from almost every quarter of the globe. The expression of friendly feeling which was made at Washington and was a notable feature of that Conference, has heartened China and has cleared away a great many of those difficulties without the clearing away of which China, in the near or the more remote future, as she healed her domestic differences, would have found it hard to make the progress which is to my mind her due. No one who visits China and travels through it, as I have had the opportunity and privilege of doing, comes out after his short or longer journey in that immense continent, without having been impressed with its wealth of human labour, patient, diligent, docile, and intelligent as well; with its resources as great as, possibly greater than, those of almost any other country in the world; with the long line of traditions and history behind it—traditions which in many respects have been noble and elevating; and a history in science and in literature which might well be envied by many other nations. That vast conglomeration of peoples, though lightly held together by the ties of actual national loyalty, is unconquerable. Foreign Powers have not conquered it in the way of assimilating themselves in China up to the present time. The visitor to China is impressed with its vast possibilities and the effect they may have upon the world. I do not doubt that the problems of China have been brought considerably nearer to a solution and its possibilities to development by the action which was taken at Washington by the consent of the different Powers.

On the Pacific Ocean, Japan and China will continue to be the two great powers. With the wonderful later development of Japan, with her versatility, with the strong cement of nationality that binds her people together, with her quick and easy adaptation of improved and western methods of civilization and of industry, and with the firm position that she holds there to-day, with an army strong and well disciplined and a navy large, powerful and modern, it is quite within the range of what is natural and right that Japan should have a commanding position on the Pacific. Just opposite to her is her great, big, sprawling neighbour, not yet brought into unity and compactness of force, not yet welded by a strong feeling of national unity. She ought not to be a prey to a superior menace, or, what would be still worse, a prey to active and propagandist efforts on the part of her neighbour. It is of interest to the world, I think, that those two nations should remain together in a position of great strength on the Pacific Ocean—as neighbours, not as enemies; yet as two distinct civilizations, each powerful and strong in itself, and without that kind of combination which would make them a strong inimical force, possibly, in the development of the world as a whole.

The sympathy and the spirit and the trust and confidence that were shown at Washington by the other great nations of the world with regard to the future of China, and the respect which was shown to the national development of Japan, will have a steadying and stimulating effect; stimulating to the Chinese and steadying to the Japanese nation. That force, mingled as it has been, and expressed and put into active running channels, will have a mighty influence in preserving peace on the Pacific Ocean.

If peace can be preserved on the Pacific Ocean, and on the Atlantic seaboard and in Europe, and if we can get back to the love of peace and in due time, the practice of it as well as the theoretical assertion of it, there is a bright prospect for the future of the world. The forces of war will gradually diminish before the forces of peace. There will be a grand unity of sentiment and desire among the great, forward nations of the world, and an actual working towards the common purpose. There is a silver lining to the cloud of unrest and discontent and disorder which hangs over

the world as a result of the war. Let us who believe in the League of Nations gather strength from what has been done at Washington. Let us keep our faith strong, and let our faith grow stronger, in the ultimate destiny of the great English-speaking peoples of the Empire to which we belong and the Republic which is our neighbour to the south, with their common ideals and common institutions; not as forces to overpower and to overawe, but as civilizing, guiding, strengthening forces, directive in the very best sense of the word as pointing the way in which the nations of the world should walk.

Hon. Mr. ROCHE: Honourable gentlemen, I wish to add my feeble tribute of gratification that the negotiations at Washington will result in the benefits to the world which have been depicted so eloquently by my right honourable friend the junior member for Ottawa (Right Hon. Sir George E. Foster) and also in the essay with which the honourable leader of the Government introduced the approval of the resolution.

I wish that I were as optimistic and sanguine as my right honourable friend opposite, that the negotiations at Washington will result in such widespread harmony and brotherly love as he desires. I desire as ardently as he, or as any friend of peace desires, that those negotiations and the feelings engendered by them and by the meetings may result in the attainment and the maintenance of world peace. But this we must keep in mind, that the press is used by some power or influence to pervert the tendencies of the events and actions which are going on in Europe. Whether it be for the furtherance of the purposes of any one nation, or whether it be designed to influence the stock exchange, or what the object is, I do not know; but the press seems to be controlled and managed by some unseen power for the furtherance of oblique designs.

My right honourable friend opposite, with his usual eloquence, has declared that the reduction of naval armaments is a great factor in securing the peace of the world; that it is a great evidence of the good will and mutual respect which the nations bear towards one another. Let us examine that proposition. Each one of those nations profoundly distrusts the other. Each of the fifty-one nations that signed the Treaty and joined in the League of Nations distrusts the other fifty, believing that they are merely deceitful and have sinister designs. The United States are to have a quota of 525,000 tons of capital ships; England also is to have 525,000 tons of capital ships; Japan 325,000 tons of capital ships; Italy 175,000; and so on. Each nation has reserved the very power which it could exercise to the utmost advantage to dominate other powers. All peace makers.

I have seen, and probably other honourable gentlemen have seen, the Renown, the latest production of the British Navy. She is a capital ship. A vesssl of that description would have about 25,000 tons displacement; I think the calculation is on the displacement. The allowance of 525,000 tons would permit of 21 capital ships like the Renown being built and maintained by Great Britain or the United States. The cost of each one of those ships would be $30,000,000. There we have, for the mere building of ships, an expenditure of $650,000,000. Each of these ships is the equivalent of three ships, one inside another. They are built to resist torpedoes, shot, and submarine attack.

What was the action of the French Government? It reserved the right to build submarines. Other nations reserved a similar right to build submarines—Why? Because they know that the submarine is the only marine creation that can resist the capital ship, and is a match for it. That is the reason why they retain the right to build and operate submarines. They excluded the use of noxious gas and dealt with other matters of no great consequence or effect in war. During the Great War the Allied fleet had 47 of the best ironclads. They were protected by torpedo chains and torpedo destroyers and various other means of defence, but they dare not venture out to sea on account of the submarines. Seven of them were lost in the Battle of Jutland. We heard nothing about it at the time. It is known by every expert—and I do not pretend to be an expert—that a great many ships of the British Navy have to be scrapped because they have not the inside protection necessary to defend themselves against submarines.

So there is not so much security for peace when the most formidable engines of war have not been eliminated and when, under the allowance of tonnage, Great Britain and the United States can each build 21 of the most powerful modern ironclads and put them on the Atlantic or the Pacific as they choose.

And what is the attitude of France, another great Power? France has carefully

reserved the right to maintain her army at its full strength. Monsieur Aristide Briand went from the Conference at Washington and on his return to Paris was supported in the attitude he had taken regarding the maintenance of the French army at its full strength and the retention of the full strength of submarines. Here are the principal parties to the Treaty reserving to themselves the right to construct and operate the most formidable engines of war that modern science can devise.

What is France doing in Germany? She is maintaining an army of occupation. She is holding the territory she has acquired. What is the purpose of all that? Is it the promulgation of the spirit of peace? Why has the French nation carefully abstained from committing itself to the diminution of its army or the diminution of its strength on the ocean?

What about the other nations? The Italians are at war in Africa, and they are at war in Dalmatia. The Spaniards are carrying on war in Africa; the Turks and the Greeks have just terminated their contest; there is a war in Silesia and Poland; and wars are looming up in all quarters. So that although we most ardently and most devoutly desire that peace may come, I am afraid that the old arbitrament of war will be resorted to; and so soon as the nations of Europe acquire sufficient power they will go at it again. We have this escape and safety, and if we refrain from European combinations our safety and welfare will be secure.

The resolution was agreed to.

LEAGUE OF NATIONS COVENANT

APPROVAL OF PROPOSED AMENDMENTS

Hon. Mr. DANDURAND moved the following resolution:

Resolved, that it is expedient that Parliament do approve of the Protocols of Amendment signed on behalf of Canada at Geneva on May 20, 1922, of which copies have been laid before Parliament, embodying certain proposed amendments to Articles 4, 6, 12, 13, 15 and 26 of the Covenant of the League of Nations, which were adopted by the Second Assembly of the League at Geneva on October 3, 4 and 5, 1921; and that this House do approve of the same.

He said: Honourable gentlemen, in availing myself of the privilege of moving this resolution, I desire to couple with it, as seconder, Right Honourable Sir George Foster, who was one of the representatives of Canada at the Geneva Conference where these protocols were framed and accepted, and I will ask the right honourable gentleman to explain his work to this Chamber.

Right Hon. Sir GEORGE E. FOSTER: I do not think there is much necessity for a lengthy explanation of these protocols, which are simply amendments, made at the last Assembly of the League of Nations at Geneva, in order to get over certain difficulties of procedure. They deal with procedure entirely. They do not touch any vital principle of the Covenant; they are intended simply to make the procedure of the Assembly more definite and more practical than it is at the present time. The Articles which are amended are Articles 4, 6, 12, 13, 15 and 26.

Article 4 of the Covenant of the League, in one of its clauses, deals with the duties of the Council, and provides for the appointment of four members of the Council representing the four great nations. The other four members of the Council are to be elected by the Assembly itself.

Hon. Mr. CASGRAIN: I thought there were nine members in the Council.

Right Hon. Sir GEORGE E. FOSTER: If the United States had come into the League there would have been nine; but, as the United States did not come, there are eight. The Covenant simply says that those four members are to be elected by the Assembly, but it does not define any method by which those elections are to be carried out; consequently the Assembly found itself up against a lack of procedure, and an amendment to the Covenant was required in order to make that definite.

Hon. Mr. CASGRAIN: Was it not arranged that those four members would be elected by groups of smaller nations at the first?

Right Hon. Sir GEORGE E. FOSTER: No; the four members were simply named by the four great Powers.

Hon. Mr. CASGRAIN: I am speaking of the other four.

Right Hon. Sir GEORGE E. FOSTER: The other four were to be elected by the Assembly, but the League was in existence and carrying on its work, and had to have a Council, and naturally, up to the first Assembly meeting in the autumn of the year, the four members were appointed by the four great Powers. Then, when the Assembly met, the membership of those four members lapsed, and it was up to the Assembly to elect its four; but there was no procedure. The amendment which has been proposed and carried, and which we are asked to approve, is that those four members shall be elected by a unanimous

vote of the great power representatives on the Council and a two-thirds vote of all the members represented in the Assembly.

The second is Article 6, which provides for the expenses of the Assembly. In that Article the Covenant provides that those expenses shall be allocated to the different members of the Assembly on the basis of the Universal Postal Union, which has as its members most of the nations of the world. It has an annual meeting, and it has expenses, but those expenses are infinitesimal; they are simply nominal; consequently when the various countries were asked to join the Postal Union many of them that were not even second-rate or third-rate Powers took the position of a first-rate Power. There was no very great monetary disadvantage in this position, and they thought it would be better to be amongst the first than amongst the second or third or fourth. But when the League comes to have a Budget of $5,000,000, those smaller countries which were ambitious to go into the Postal Union as first-class countries are rather sorry that they went in on so high a scale, as they consequently found themselves mulcted with expenses over and above what was reasonable. Up to the time of the change that is now made, Canada has had to pay exactly the same amount to the League of Nations expenses that Great Britain has had to pay, or that France has had to pay; and South Africa, which has only a fringe of white population, so to speak, has had to pay a very large sum.

Hon. Mr. CASGRAIN: Not the same as Canada.

Right Hon. Sir GEORGE E. FOSTER: Not the same, but still a very large amount. This has naturally caused discontent, and the effort of the League since its formation has been to get down to a different basis of allocation. But it is impossible to do that authoritatively without an amendment to the Covenant of the League: consequently the second amendment is to Article 6. Committees have been appointed and negotiations have been had with the view of changing the allocation as in the Postal Union, but it has been found difficult to do that. Consequently the Committees after a year and a half of careful investigation, arranged a more reasonable system of allocation of the expenses, which they erected into a schedule; and they have established that schedule as the basis upon which payment shall be made for the present year, and have passed this amendment so as to give them the power, in the end, to make their own basis of allocation of expenses.

Hon. Mr. CASGRAIN: Can the honourable gentleman tell us what Canada will pay now?

Right Hon. Sir GEORGE E. FOSTER: I do not know exactly, but I think that whereas we paid $200,000 before, under this present schedule we are to pay between $140,000 and $150,000. The Committees are at work, and at the next Assembly of the League, if these protocols are agreed to by the different members, they will be in a position to arrange their own basis of allocation, and when that is done we have an idea that the share of Canada will be possibly something less than that which is allotted to her in the other scale.

With reference to the others, Articles 12, 13 and 15 make changes to provide for the entrance of the new organ in the work of the League, the permanent Court of International Justice. These articles provide that disputes shall be taken before the Council or before the Assembly or before arbitrators, because at the time the Covenant of the League was formed there was no permanent Court of International Justice. These amendments are to provide that hereafter the disputes can be taken before the Council, before the Assembly, before arbitrators agreed upon, or before the permanent Court of International Justice. These amendments are necessary in order to put the permanent Court of International Justice in its rightful place as one of the arbitrators or settlers of disputes.

The next Article, No. 26, refers to amendments to the Covenant of the League. It says:

> Amendments to the Covenant will take effect when ratified by the members of the League whose representatives compose the Council, and by a majority of the members of the League whose representatives compose the Assembly.

That is amended in this form:

> That the Covenant of the League may be amended by a resolution or amendment which is agreed upon by all members of the Council, and agreed upon by a majority of the members of the Assembly.

So that the League Covenant cannot be amended until the proposed amendment has received the assent of all members of the Council, and the assent of the majority of the members represented in the Assembly. That has to be put in the form of a notice, which is sent to the different members of the League, who are asked to ratify it.

When ratifications to the requisite number have been received, the amendment to the Covenant goes into force. Twenty-two months are given as the time limit during which members of the League may ratify, if they have not ratified within that time, the amendment falls. Any members that do not ratify after the twenty-two months are notified, and given one year more in which to assent. If they do not assent within a year, they cease to be members of the League.

There were amendments included in the protocols of Article 16, which has to do with the economic force in relation to the bringing to bear of influence to prevent war and to perpetuate peace. It is not proposed at the present time to ratify these protocols; both Great Britain and France have asked that they be left over until another meeting of the Assembly. Consequently, it is not necessary for us to take those up at the present time.

As I have said, the amendments that it is proposed to ratify are eminently practical, having to do entirely with methods of procedure.

Hon. Mr. CASGRAIN: At first it was desired that five of the great Powers should have a majority in the Council, and the United States not joining, only four were left. Were not four more then elected in a group—for instance, Spain, Holland, Denmark, and another country—and did they not elect one man?

Right Hon. Sir GEORGE E. FOSTER: No.

Hon. Mr. CASGRAIN: How were the first four elected?

Right Hon. Sir GEORGE E. FOSTER: The first four were appointed by the four great Powers. The first election was at the first Assembly of the League of Nations. Every delegate to the League of Nations wrote the name of a candidate upon his ballot paper, and deposited his vote in the box. The votes were counted afterwards by the tellers or scrutineers, and the results were announced by the President. The members were not elected by groups at all: they were elected by the individual votes placed, as I have stated, in the urn by the chief of each delegation.

Hon. Mr. CASGRAIN: May I ask another question? Canada has been paying $200,000 a year up to the present time; South Africa has been paying about a quarter of that amount. Will the right honourable gentleman tell us if there is any difference in the value of the vote of the one or the other? I mean to say, has Canada any more power in the Assembly than South Africa?

Right Hon. Sir GEORGE E. FOSTER: As I explained before in this Chamber, this is a particularly democratic League. The smallest country belonging to the League has one vote and the largest country belonging to the League has one vote; and the representatives of the smaller countries as well as those of the larger countries have an equal freedom and an equal right to express their opinions on the floor of the Assembly. A greater influence naturally inheres in the Power which occupies the strongest position in the world, and the position which it occupies in respect to the calibre and the adaptability of its delegation. The same is true of all bodies. Whilst you may have a hundred members, each with one vote, there may be very different degrees of influence exercised upon the assembly by the different members.

The motion was agreed to.

The Senate adjourned during pleasure.

After some time the sitting was resumed.

CONFERENCE OF THE TWO HOUSES

CANADA TEMPERANCE BILL AND CANCELLATION OF LEASES OF DOMINION LANDS BILL

The Hon. The SPEAKER presented a message from the House of Commons requesting a free conference with the Senate to consider certain amendments made by the Senate to Bill No. 132, an Act to amend the Canada Temperance Act, to which amendments the House of Commons has not agreed, and upon which the Senate insists; and to consider also any amendment which at such conference it may be considered desirable to make to the said Bill or amendments thereto.

The Hon. The SPEAKER presented another message from the House of Commons requesting a free conference with the Senate to consider the reasons for the House of Commons insisting upon its amendments to Bill No. 153 (Letter Y2 of the Senate) intituled "An Act respecting Notices of Cancellation of Leases of Dominion Lands," and to consider also any amendment which, at such conference, it may be desirable to make to the said Bill or amendments thereto.

Hon. Mr. DANDURAND moved:

Resolved that a message be sent to the House of Commons to acquaint that House that the

Senate accedes to their request for a free conference to consider the Bill No. 132, An Act to amend the Canada Temperance Act and any amendments which at such conference it may be desirable to make thereto; and have appointed the Honourable Messieurs Sir James Lougheed, Dandurand, Watson, Barnard and Bradbury as managers on their part at the said conference.

He said: There are two messages asking for a conference. I suppose there is no objection to naming the one delegation for the two conferences and informing the Commons that that conference will deal with the two Bills at the same time.

The motion was agreed to.

The Senate adjourned during pleasure.

After some time the sitting was resumed.

The Hon. THE SPEAKER: Honourable gentlemen, a message has been received from the House of Commons with Bill Y2, an Act respecting notices of Cancellation of Leases of Dominion Lands, informing this House that the Senate amendment has been concurred in.

Another message, honourable gentlemen, has been received from the House of Commons with Bill 132, an Act to amend the Canada Temperance Act, informing the Senate that the House has concurred in the amendment made by the Senate.

Hon. Mr. DANDURAND: It is perhaps my duty, honourable gentlemen, to state that the House of Commons managers at the conference were most desirous of having the second part of the Temperance Bill retained, and they offered to leave with the Legislature instead of the Lieutenant Governor in Council the authority to decide whether or not the Governor in Council should be asked to implement their powers. The Senate managers did not deem it prudent to accede to that request. The Senate's amendment was accepted and thus the first part of the Bill was saved.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, having participated in the conference, I may be permitted to say that there was a sharp difference between the Senate managers and the Commons managers; a difference which might well occur and in which there was ground on both sides for insistence. The Senate was asked to accept the position taken by the Commons; but we took the opportunity of pointing out that, owing to the lateness of the hour at which attention was directed to the difference between us, it was impossible again to consult the Senate upon the subject, upon which they had voted no less than twice. There was a desire on the part of the Senate managers to meet, as far as possible, the views entertained by the Commons. I have no doubt—I speak with confidence on this point—that had the discussion taken place earlier we should have taken an opportunity to consult the honourable members of the Senate regarding the changes suggested by the Commons managers; but, in my judgment, owing to many of the Senators having left for their homes, we were not permitted to discuss the subject in its entirety, as we should have liked to do; therefore we felt more or less justified in refusing to accede to the desires of the Commons.

I mention this for the purpose of expressing my satisfaction at the tolerant attitude taken by the Commons regarding the views which the Senate managers pressed upon the representatives of that body. I for one appreciate it very much, because invariably the situation is difficult when representatives of the two branches of the Legislature meet together to discuss a difference so clearly marked as that between us. That the Commons has given way and accepted the amendments of the Senate is something which I think merits our appreciation, and I desire to express myself accordingly.

PROROGATION OF PARLIAMENT

Wednesday, June 28, 1922.

This day at 1.30 o'clock a.m., the Right Honourable Sir Louis Davies, K.C.M.G., Chief Justice of Canada and Deputy Governor General, came and took his seat at the foot of the Throne.

The Members of the Senate being assembled, the Deputy Governor General was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to in His Majesty's name by the Deputy Governor General, namely:

An Act for the relief of Joseph Robert Lloyd Beamish.

An Act for the relief of Clarence Robinson Miners.

An Act for the relief of Mary Eleanor Menton.

An Act for the relief of Harvey Easton Jenner.

An Act for the relief of Alexander Lawrie.

An Act for the relief of Alexander Frederick Naylor.

An Act for the relief of Margaret Yallowley Jones Conalty.

An Act for the relief of Daisy Mary Nicholson.

An Act for the relief of Edwin Dixon Weir.

An Act for the relief of Henry James Bristol.

An Act for the relief of Florant Brys.
An Act for the relief of Catherine Rudd.
An Act for the relief of Norman Edward Harris.
An Act for the relief of Maria Amy Drury.
An Act for the relief of George Daly.
An Act for the relief of Wrae Elizabeth Snider.
An Act for the relief of Oliver Kelly.
An Act for the relief of Vera Hamlin.
An Act for the relief of George Drewery.
An Act for the relief of Kate Holmes.
An Act for the relief of Ernest Hull.
An Act for the relief of Leslie George Dewsbury.
An Act for the relief of John Douglas Stewart.
An Act for the relief of Helen Garrett.
An Act for the relief of Arthur Leslie Smith.
An Act for the relief of D'Eyncourt Marshall Ostrom.
An Act for the relief of George Herbert Stanley Campbell.
An Act for the relief of Deliah Jane Mills.
An Act for the relief of Robert James Owen.
An Act for the relief of Gibson Mackie Tod.
An Act for the relief of Agnes Mary Flynn Donoghue.
An Act for the relief of Margaret Thompson.
An Act for the relief of Daniel Calvin Bell.
An Act for the relief of Stanley Davidson Morning.
An Act for the relief of Johnston Nixon.
An Act for the relief of William Andrew Hawkins.
An Act for the relief of James Malone.
An Act for the relief of Marjorie Elizabeth Wickson.
An Act for the relief of Charles William Murtagh.
An Act for the relief of Marie Louis Dagenais.
An Act for the relief of Telesphore Joseph Morin.
An Act respecting The Esquimalt and Nanaimo Railway Company.
An Act respecting The Canadian Transit Company.
An Act respecting Itabira Corporation, Limited, and to change its name to "Itabira Corporation."
An Act respecting Niagara River Bridge Company.
An Act to incorporate The Frontier College.
An Act to incorporate The General Missionary Society of the German Baptist Churches of North America.
An Act respecting the Department of National Defence.
An Act to amend the Judges Act.
An Act respecting the Canadian Pacific Railway Company.
An Act for the relief of James Hosie.
An Act for the relief of Maria Ila Cameron.
An Act for the relief of Frank Hamilton Bawden.
An Act for the relief of Harry Alexander Smith.
An Act for the relief of Allen Richard Morgan.
An Act for the relief of Mildred Emma Blachford.
An Act for the relief of James Henry Boyd.
An Act for the relief of Georgina Gibbings.
An Act to incorporate The Sisters of Saint Mary of Namur.
An Act to amend the Animal Contagious Diseases Act.
An Act to amend the Admiralty Act.
An Act to amend The Air Board Act.
An Act to amend The Salaries' Act and the Senate and House of Commons Act.

Sir JAMES LOUGHEED.

An Act to amend the Consolidated Revenue and Audit Act.
An Act to amend the Fisheries Act, 1914.
An Act to amend The Currency Act, 1910.
An Act to amend The Public Service Retirement Act.
An Act to amend The Vancouver Harbour Comimssioners Act.
An Act to amend the Supreme Court Act.
An Act to amend The Canada Shipping Act (Public Harbours and Harbour Masters).
An Act to amend The Fisheries Act, 1914.
An Act to amend The Meat and Canned Foods Act.
An Act to amend The Penny Bank Act.
An Act for the relief of Roy Wilbert Shaver.
An Act for the relief of Frank Clifford Gennery.
An Act for the relief of Sarah Brackinreid.
An Act for the relief of Mildred Catherine Touchbourne.
An Act for the relief of Frederick McClelland Aiken.
An Act for the relief of Arthur Percival Allen.
An Act for the relief of Eva Florence Heavens.
An Act for the relief of Dorothy Lillian Jewitt.
An Act for the relief of Gladys Mae Larivey.
An Act for the relief of Gladys Caroline Hilton.
An Act for the relief of Eva McRae.
An Act for the relief of Warren Garfield Young.
An Act for the relief of Benjamin Charles Bowman.
An Act for the relief of Ivy Elsie Myron-Smith.
An Act for the relief of Lillian May Maybee.
An Act for the relief of Phoebe Levina Simpson.
An Act for the relief of Thomas Preece.
An Act for the relief of Frederick Greenhill.
An Act for the relief of Hazel May Dillon.
An Act for the relief of William Arthur Parish.
An Act for the relief of James Hayden.
An Act for the relief of Bertha Plant.
An Act for the relief of James Murray Johnston.
An Act for the relief of Thomas Leonard Armstrong.
An Act for the relief of Henry Hardy Leigh.
An Act to amend the Canada Shipping Act (Pilotage).
An Act to amend The Escheats Act.
An Act to amend the Dominion Elections Act.
An Act to incorporate National Casualty Company.
An Act respecting The Edmonton, Dunvegan and British Columbia Railway Company.
An Act to provide for further advances to the Harbour Commissioners of Montreal.
An Act to amend the Indian Act.
An Act to regulate the Sale and Inspection of Root Vegetables.
An Act to provide for the constitution and powers of The Canadian Wheat Board.
An Act to amend The Income War Tax Act, 1917.
An Act respecting The Canadian Patriotic Fund.
An Act to amend The Returned Soldiers' Insurance Act.
An Act to amend The Soldier Settlement Act, 1919.
An Act to amend The Oleomargarine Act, 1919.

An Act to authorize the raising by way of loan, certain sums of money for the public service.

An Act to amend The Inland Revenue Act.

An Act to amend The Insurance Act, 1917.

An Act to amend The Loan Companies Act, 1914.

An Act to amend The Trust Companies Act, 1914.

An Act to amend The Criminal Code.

An Act to amend The Opium and Narcotic Drug Act.

An Act to regulate the Sale of Agricultural Fertilizers.

An Act to amend The Special War Revenue Act, 1915.

An Act to amend The Customs Act and The Department of Customs and Excise Act.

An Act for the relief of Margaret Maud Evelyn Clark Leith.

An Act for the relief of Mary Ann Phair.

An Act for the relief of William Park Jefferson.

An Act for the relief of Eva Maud Ginn.

An Act for the relief of Louise Janet Maude Bigford.

An Act for the relief of James Dickson Couch.

An Act for the relief of Cecil Grenville Bell.

An Act for the relief of Nykola Pirozyk.

An Act for the relief of Margaret Mary Ivor Horning.

An Act respecting a Patent of Simon W. Farber.

An Act respecting a Patent of Daniel Herbert Schweyer.

An Act respecting certain Patents of the Holophane Glass Company.

An Act respecting a Patent of the Dominion Chain Company.

An Act to amend The Customs Tariff, 1907.

An Act to provide for further advances to the Quebec Harbour Commissioners.

An Act to amend The Railway Act, 1919.

An Act respecting the Canadian Red Cross Society.

An Act to amend The Department of Soldiers' Civil Re-establishment Act.

An Act to amend The Bankruptcy Act.

An Act respecting the Harbour of Trenton, in the Province of Ontario.

An Act for carrying into effect the Treaties of Peace between His Majesty and Hungary and Turkey.

An Act to amend the Canada Temperance Act.

An Act respecting Notices of Cancellation of Leases of Dominion Lands.

An Act to amend the Pension Act.

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1922, and the 31st March, 1923.

After which His Excellency the Deputy Governor General was pleased to close the first session of the fourteenth Parliament of the Dominion of Canada, with the following speech:

Honourable Members of the Senate:

Members of the House of Commons:

In relieving you of the duty of further attendance in Parliament, I desire to express my pleasure and satisfaction at the extent to which, in addition to other matters of public interest, you have found it possible to deal with the many important subjects to which your consideration was invited at the openirg of the session.

The readjustment of the Customs Tariff, to the consideration of which much time has been given, will, it is hoped, meet in a considerable degree the desire for tariff revision, while not creating any serious disturbance of industrial conditions.

The attention given to the question of transportation costs, the recommendations of the special committee of the House of Commons which has so fully investigated the whole problem, and the resultant legislation, will effect immediate substantial reduction of freight rates in a manner which cannot fail to be of far-reaching benefit to all parts of the Dominion.

The measures passed to aid or control the marketing of certain farm products, and the manufacture, marking, and sale of fertilizers; for the expansion of cold storage facilities, and for further experimental and research work in the control of fruit diseases and the eradication of bovine tuberculosis, should prove of substantial service in the development of the grain, live stock, dairying, and fruit production industries of the country, and in further protection against their natural foes.

Pursuant to representations made on behalf of the prairie provinces, legislation has been adopted for the re-establishment of a Wheat Board, which it is hoped will meet the desire for a more equitable method of marketing Canadian wheat.

The special committee of the House of Commons appointed to examine into the questions and problems related to the welfare of soldiers and their dependents has submitted many useful and important recommendations on pensions, insurance, land settlement, sheltered employment, and other aspects of re-establishment, which, together with the legislation based thereon, should do much to ensure the fulfilment of the just and patriotic purposes these measures are intended to serve.

The co-ordination, under one ministerial head, of the defence forces of Canada, in a single department of National Defence, is certain to increase efficiency, and at the same time effect a much-needed economy in these branches of the national service.

By amendment to the election laws, full freedom of the franchise has been secured for additional thousands of Canadian women. Important temperance legislation has also been placed upon the statutes.

Substantial progress has been made in the negotiations which have taken place with respect to granting the control of the natural resources of the three western provinces to their respective provincial governments.

It is gratifying to observe that the depression of business is gradually becoming relieved, and that unemployment throughout the Dominion has correspondingly decreased. The conference being arranged between the federal and provincial authorities will, it is hoped, disclose means of more effectively dealing with problems incidental to unemployment, whenever and whereever they may arise.

The success of the recent loan operations of the Dominion is gratifying to all. The measures adopted to provide needed additional revenue give assurance of a determination to make reasonable provision for the public service and to maintain the high credit of Canada in the money markets of the world.

Members of the House of Commons:

I thank you for the supplies granted for the carrying on of the public services of the Domin-

ion. The sums appropriated will be expended with due regard to economy and efficiency.

Honourable Members of the Senate:

Members of the House of Commons:

In view of the approval you have given to the treaties concluded at the Washington Conference on the Limitation of Armaments, the Government will be in a position immediately to sanction on behalf of Canada the ratification of these agreements, the effect of which, it may confidently be anticipated, will be of far-reaching significance in promoting international good-will and co-operation.

I humbly thank Divine Providence for the promise of a bountiful harvest, and devoutly pray that when Parliament reassembles, the prospects, at present so bright, will have been realized in all parts of the Dominion.

INDEX TO SENATE DEBATES

FIRST SESSION, FOURTEENTH PARLIAMENT, 1922

ABBREVIATIONS:—1r, 2r, 3r=first, second, or third reading. Com=Committee. M=Motion. Ref=Referred. Rep=Report.

Address in reply to the Governor General's Speech
Motion for, 3, 20
Adoption of, 40

Admiralty Bill. 1r, 322. 2r, 377. Com, 381. 3r, 395

Agricultural Fertilizers Bill. 1r, 502. 2r, 538. Com, 538, 562. 3r, 563

Agriculture
British embargo on Canadian Cattle, 518
Cattle, care of, in transportation, 441
Dairy industry, 7
Development, 4, 17
Live stock industry, 5
Tobacco growing, 5
See Agricultural Fertilizers Bill, Animal Contagious Diseases Bill, Canadian Wheat Board Bill, Oleomargarine Bill, Root Vegetables Bill

Air Board Bill. 1r, 322. 2r, 378. Com, 383, 404. 3r, 406

Animal Contagious Diseases Bill. 1r, 322. 2r, 373. Com, 395. 3r, 399

Appeals in criminal cases, 480, 566. *See* Criminal Appeals Bill

Appropriation Bills
No. 1. 1r, 69. 2r, 70. 3r, 75
No. 2. 1-2-3r, 254
No. 3. 1r, 680. 2r, 702. 3r, 703

Bankruptcy Bill. 1r, 394. 2r, 472. Ref to Com on Banking and Commerce, 473; rep of Com, 599. Com, 599, 650. 3r, 650

Barnard Hon. George H., K.C.
Admiralty Bill, 381
Canada Temperance Bill, 415, 420, 520, 532, 576, 577, 710
Criminal Code Bill, 443, 449, 450, 456
Judges Bill, 214, 274, 280
Salaries and Senate and House of Commons Bill, 285, 287, 292, 328, 407

Beaubien, Hon. C. P.
Animal Contagious Diseases Bill, 374, 375
Canada Temperance Bill, 421, 535
Canadian Wheat Board Bill, 662, 665
Cancellation of Leases of Dominion Lands Bill, 337
Cold Storage Warehouse Bill, 367
Commons Debates, French version of, 715
Customs and Excise Bill, 690, 692
Divorce — proposed amendment of rules, 392
Judges Bill, 280
Quebec Harbour Bill, 697
Salaries and Senate and House of Commons Bill, 296
Special War Revenue Bill, 687

Béique, Hon. F. L.
Agricultural Fertilizers Bill, 538, 562
Air Board Bill, 405, 406
Appeals in criminal cases, 482, 566
Bankruptcy Bill, 472, 599-609
Bills, rule for printing, 410
Canada Temperance Bill, 410, 416, 514, 517, 524-535, 579, 580, 590, 709
Cancellation of Leases of Dominion Lands Bill, 337-339
Consolidated Revenue and Audit Bill, 468
Criminal Code Bill, 436, 456, 544, 565
Customs and Excise Bill, 691
Department of National Defence Bill, 233, 244, 267
Dominion Elections Bill, 401, 495
Farber, Simon W., Patent Bill, 379
Holophane Glass Company Patent Bill, 379
Judges Bill, 188, 283
League of Nations, 310, 314
Matches Bill, 463, 464, 570
Opium and Narcotic Drug Bill, 477, 482, 550, 566
Patents, Bills to extend, 379
Salaries and Senate and House of Commons Bill, 291, 408
Senate, publication of proceedings of, 717
Washington Armaments Conference, Canada's representative at, 314

Belcourt, Hon. N. A., P.C.
Agricultural Fertilizers Bill, 539
Animal Contagious Diseases Bill, 374, 375, 396-398
Appeals in criminal cases, 483-487, 566-567
Bankruptcy Bill, 601-609
Bills, rule for printing, 410, 411
Buffalo and Fort Erie Bridge Company Bill, 304
Canada Temperance Bill, 410, 411, 511-518, 531-536, 568, 569, 576, 580
Cancellation of Leases of Dominion Lands Bill, 276
Cold Storage Warehouse Bill, 116, 145, 370
Consolidated Revenue and Audit Bill, 466-468
Criminal Code Bill, 453, 541-545, 564, 565
Department of National Defence Bill, 200-206, 234-253, 268, 269, 273
Divorce — proposed amendment of rules, 390, 391
Dominion Elections Bill, 400-402, 494
Escheats Bill, 497, 498
Explosives Bill, 387
Farber Patent Bill, 284
Fisheries Bill, 470
G. T. R. revenue and expenses, 127
Holophane Glass Company Patent Bill, 323, 325
Judges Bill, 215, 281
Lake of the Woods Bill, 632-637, 647
League of Nations, 316
Meat and Canned Foods Bill, 498, 499
Opium and Narcotic Drug Bill, 483-487, 551-553, 566, 567
Parliamentary Procedure
Bill, report of special committee on, 370
Peace Treaties Bill (Hungary and Turkey), 714
Pension Bill, 674, 675
Public Service Retirement Bill, 489-491
Quebec Harbour Bill, 537
St. Lawrence river hydrographic survey, 150
Salaries and Senate and House of Commons Bill, 286
Washington Armaments Conference, Canada's representative at, 317

Bennett, Hon. W. H.
Address in reply to Governor General's Speech, 28
The New Government, 29
Business conditions and the tariff, 31
The railway question, 32
The St. Lawrence waterway, 38
Criminal Code Bill, 448-454
Judges Bill, 183
Quebec Harbour Bill, 627
Special War Revenue Bill, 686

Betting and gambling devices, 443, 449, 540, 563, 581

Bills. *See their titles; see also* Divorce Bills, Private Bills

Black, Hon. Frank B.
Agricultural Fertilizers Bill, 539
Cape Tormentine shipping facilities, 261, 340, 341, 446, 572
Introduction to Senate, 2
Matches Bill, 509
Sackville shipping facilities, 278, 322

Blondin, Hon. P.E., P.C.
Commons Debates, French version of, 520

Bolduc, Hon. Joseph, P.C.
Salaries and Senate and House of Commons Bill, 330

Bostock, Hon. Hewitt, P.C. (Speaker)
Parliamentary Procedure
Discussion under notices, 172
Salaries and Senate and House of Commons Bill, 274, 286, 298, 327, 408
Senate
Daylight saving time, observance of, 111
Rules, proposed amendments to, 355
Speaker, appointment as, 1

Boyer, Hon. Gustave
Address in reply to Governor General's speech, 6
The late Senator from Rigaud, 6
Agriculture, prices and markets, 6
The dairy industry, 7
Our financial situation, 8
The new Government, 9
Explosives, manufacture of, 151
Introduction to Senate, 3
Montreal Dry Dock Company, 171
Oleomargarine Bill, 681

Bradbury, Hon. George H.
Canada Temperance Bill, 516
Canadian Wheat Board Bill, 668
Cold Storage Warehouse Bill, 44, 112, 128, 148, 359-371
Danish expedition in Canadian territory, 213
Fisheries Bill, 471
Indian Bill, 562
Lake of the Woods Bill, 649
Quebec Railway, Light and Power Company Bill, 358
Root Vegetables Bill, 651, 653

British Empire Steel Corporation labour dispute, 50, 51, 77, 285

Calder, Hon. J. A., P.C.
Appeals in criminal cases, 487, 488, 566
Canadian Wheat Board Bill, 666
Cancellation of Leases of Dominion Lands Bill, 332, 334
Criminal Code Bill, 563
Department of National Defence Bill, 167-171, 202-212, 232-234, 241, 242, 249, 251, 271
Introduction to Senate, 1
Matches Bill, 461-466
Opium and Narcotic Drug Bill, 477, 487, 488, 552, 566
Public Service Retirement Bill, 488-491

Canada Temperance Bill. 1r, 388. M. for 2r, 409; 2r, 423; Com, 509, 520, 556, 568. 3r, 575. Commons disagreement, 703. Conference, 724

Canadian Patriotic Fund Bill. 1r, 574. 2r-Com-3r, 672

Canadian reparation claims, 78

Canadian Wheat Board Bill. 1r, 574. 2r, 654. 3r, 670

Canals, cost of, 216

Cancellation of Leases of Dominion Lands Bill. 1r, 214. 2r, 275. Com, 298, 331, 343. 3r, 380. Commons amendments, 698. Conference, 724

Cape Tormentine shipping facilities, 261, 340, 446, 572

Casgrain, Hon. J. P. B.
Canada Temperance Bill, 423, 428, 511, 514, 521, 527, 528, 534, 576-580, 590, 706
Canadian Wheat Board Bill, 659
Clarenceville bonded warehouse, 679
Dominion Elections Bill, 492, 493
Fisheries Bill, 497
League of Nations, 319
Matches Bill, 465
Privilege, question of—the rule as to voting, 590
Quebec Harbour Bill, 584-589, 595-598
Quebec Harbour, 216
St. Lawrence River Ship Canal, 171, 172, 217
Trust Companies Bill, 495
Washington Armaments Conference, Canada's representative at, 319

Cattle. *See* Agriculture

Census
Method of taking, 257
Parliamentary representation and, 44

Chapais, Hon. Thomas
League of Nations, 308
Quebec Harbour Bill, 697

Civil Service
Retirement. *See* Public Service Retirement Bill
Statistics, 1911-1922, 45
Union No. 66, 231

Clarenceville bonded warehouse, 679

Cold Storage Warehouse Bill. 1r, 44. M for 2r, 112. 2r, 127. Ref to Special Com, 149; rep, 215. Com, 359. 3r, 371. *See* 278

Commons Debates, French version of, 520, 715

Consolidated Revenue and Audit Bill. 1r, 394. 2r, 466. Com, 467. 3r, 468

Criminal Appeals Bill. 1r, 40. 2r, 46. Com, 49. *See* 480

Criminal Code Bills
General. 1r, 388. 2r, 406. Com, 430, 446, 540. M for 3r, 563; 3r, 581
Betting and gambling devices, 443, 449, 540, 563, 581
Cattle, transportation of, 441
Fines in Ontario, 441, 446
Morality, offences against, 431-442
Motor vehicles for immoral uses, 388, 443 546
Scrip frauds. 1r, 446. 2r postponed, 499 Rejected, 553

Crowe, Hon. Sanford J.
Introduction to Senate, 2

Currency Bill. 1r, 394. 2r-Com-3r, 488

Curry, Hon. N.
Canada Temperance Bill, 509
Cape Tormentine shipping facilities, 262
Criminal Code Bill, 456
Department of National Defence Bill, 235, 250
Patents, Bills to extend, 325, 327

Customs and Excise Bill. 1r, 575. 2r, 690. 3r, 693

Customs Tariff Bill. 1r, 574. 2r, 685. 3r, 693

Dandurand, Hon. Raoul, P.C.
Address in reply to Governor General's Speech, 15
The Senate and party, 15
Finance, 16
The railway question, 17
Land settlement, 17

Dandurand, Hon. Raoul, P.C.—*Con.*
The change of Government, 17
Political blocs, 18
Admiralty Bill, 377, 381
Air Board Bill, 378, 387, 405, 406
Animal Contagious Diseases Bill, 373-375, 395-399
Appeals in criminal cases, 481-487
Appropriation Bills, 74, 254, 702
Bankruptcy Bill, 473, 601
Bills, rule for printing, 410, 415
British Empire Steel Corporation labour dispute, 50, 59, 62
Canada Temperance Bill, 409-421, 428, 510-524, 533-536, 556, 568-570, 575, 576, 703-711, 725
Canadian reparation claims, 78
Canadian Wheat Board Bill, 654
Cancellation of Leases of Dominion Lands Bill, 214, 275, 276, 298-302, 332-339, 343, 698, 700
Cape Tormentine shipping facilities, 262, 340, 446, 572
Census and parliamentary representation, 44
Census, method of taking, 258
Clarenceville bonded warehouse, 679
Cold Storage Warehouse Bill, 148, 368, 371
Commons Debates, French version of, 520
Consolidated Revenue and Audit Bill, 466-468
Credits for European countries, 150
Criminal Code Bill, 388, 406, 430-443, 447-457, 540-546, 565, 582
Currency Bill, 488
Customs and Excise Bill, 690-691
Customs Tariff Bill, 685
Danish expedition in Canadian territory, 213
Department of National Defence Bill, 103, 156, 157, 166-171, 191-213, 231-253, 262-273. *See* 278, 285
Dominion Elections Bill, 376, 399-403, 493-495
Edmonton, Customs officials at, 150
Elections, cost of, 231
Escheats Bill, 430, 497, 498
Explosives Bill, 284, 387. *See* 151
Fisheries Bills
Curing and canning fees, 429
Lobster and salmon, 468-471
France, trade with, 75
German reparation payment, 49
Government loans to farmers, 66
Harbours and Harbour Masters Bill, 429, 496
Hudson Bay Company documents, 111
Ice-breaker J. D. Hazen, 502
Income War Tax Bill, 670
Indian Bill, 556-562, 611-615
Inland Revenue Bill, 685

Dandurand, Hon. Raoul, P.C.—*Con.*
Judges Bill, 90-97, 181, 187-190, 214, 279
Lake of the Woods Bill, 629-633
League of Nations, 311, 321, 722
Leinster Royal Canadian Regiment, 76
Lignite carbonizing in Saskatchewan, 50
Loan Companies Bill, 495
Matches Bill, 394, 458-465, 507-509
Military
Ex-service men, transportation of, 406, 503, 505
Returned Soldiers' Insurance Bill, 672
Returned soldiers on farms, 256
Soldier Settlement Bill, 677-679. *See* 74
Montreal Harbour Bill, 609
Oleomargarine Bill, 680
Opium and Narcotic Drug Bill, 473-487, 547-553
Peace Treaties Bill (Hungary and Turkey), 713, 717
Penitentiary Bill, 103, 154, 155
Penny Bank Bill, 501
Pension Bill, 673-676
Pilotage Bill, 380, 404
Prince Edward Island fisheries protection service, 45
Prince of Wales — congratulatory resolution, 573
Public Loan Bill, 684
Public Service Retirement Bill, 488, 490
Publications banned from Canada, 67
Quebec Harbour Bill, 536, 582-593, 617-627, 629, 695, 696
Queens County, N.S., military pensions in, 277
Railways
G.T.R. revenue and expenses, 127
Rates Bill, 701
Red Cross Society Bill, 713
Research Council of Canada, 50
Root Vegetables Bill, 650-654
Royal Irish Constabulary, 127
Sackville shipping facilities, 278
St. Lawrence river
Hydrographic survey, 150
Ship canal, 355
Salaries and Senate and House of Commons Bill, 127, 273, 286, 292, 298, 330, 408
Scrip Frauds Bill, 499, 501, 556
Senate
Adjournments, 44, 50, 65, 75, 76, 277
Bi-daily sittings, 394
Deceased Senators, tributes to, 40, 98
Rules, proposed amendments to, 356-358, 519, 628, 693
Soldiers. *See* Military
Special War Revenue Bill, 685-690
Strike in printing trades, 67
Supreme Court Bill, 409
Trenton Harbour Bill, 714

Dandurand, Hon. Raoul, P.C.—*Con.*
Trust Companies Bill, 495, 571
Vancouver Harbour Bill, 409
Washington Armaments Conference
Approval of Treaties, 717
Canada's representative at, 311, 315

Daniel, Hon. John W.
Animal Contagious Diseases Bill, 373, 397
Cold Storage Warehouse Bill, 146, 360-368
Criminal Code Bill, 447, 448
Department of National Defence Bill, 156, 157, 253
Divorce — proposed amendment of rules, 393
Dominion Elections Bill, 494
Opium and Narcotic Drug Bill, 473-480
Penitentiary Bill, 154
Pension Bill, 675
Pilotage Bill, 380, 404
Quebec Harbour Bill, 537

Danish expedition in Canadian territory, 213

David, Hon. L. O.
Canadian exports to France, 75
Census and parliamentary representation, 44
Civil Service statistics, 1911-1922, 45
Cold Storage Warehouse Bill, 132
Elections, cost of, 231
Electoral lists, 65
League of Nations, 306
Prince of Wales — congratulatory resolution, 573
Soldier settlement, 45
Women voters, unmarried, 152

Department of National Defence Bill. 1r, 77. 2r, 103. Com, 156, 191, 231, 262. 3r, 277. *See* 278

Divorce
Courts in the Provinces, 423
Rules, proposed amendment of, 356, 388
Statistics, 422

Divorce Bills
Aiken, Frederick McL. 1r, 306. 2r, 323. 3r, 341
Allen, Arthur P. 1r, 340. 2r-3r, 380
Anderson, Walter M. 1r, 76. 2r, 101. 3r, 111
Armstrong, Thomas L. 1r, 340. 2r-3r, 380
Barnes, Wentworth. 1r, 64. 2-3r, 75
Bawden, Frank H. 1r, 254. 2r, 284. 3r, 285
Beamish, Joseph R. L. 1r, 110. 2r, 149. 3r, 150
Bell, Cecil G. 1-2-3r, 406
Bell, Daniel C. 1r, 230. 2-3r, 277
Berry, Nellie. 1-2-3r, 76
Bigford, Louise J. M. 1-2-3r, 406

Divorce Bills — *Con.*
Blachford, Mildred. 1r, 254. 2r, 284. 3r, 285
Bowman, Benjamin C. 1r, 340. 2r, 378. 3r, 380
Boyd, James H. 1r, 278. 2r, 306. 3r, 322
Brackenreid, Sarah. 1r, 285. 2r, 323. 3r, 341
Bristol, Henry J. 1r, 149. 2r, 181. 3r, 190
Brown, Rhoda R. M. 1r, 76. 2r, 101. 3r, 111
Brys, Florant. 1r, 150. 2r, 181. 3r, 190
Butt, Frank C. 1-2-3r, 75
Cameron, Mary I. 1r, 254. 2r, 284. 3r, 285
Campbell, George H. S. 1r, 216. 2r, 276. 3r, 277
Carley, Albert B. 1-2-3r, 75
Conalty, Margaret T. J. 1r, 127. 2r, 154. 3r, 180
Couch, James D. 1-2-3r, 406
Dagenais, Marie Louise. 1r, 111. 2r, 149. 3r, 150. *See* 99
Daly, George. 1r, 154. 2r, 216. 3r, 217
Dewsbury, Leslie G. 1r, 171. 2r, 216. 3r, 217
Dillon, Hazel M. 1r, 340. 2-3r, 380
Donaghue, Agnes M. F. 1r—. 2-3r, 277
Drewery, George. 1r, 171. 2r, 216. 3r, 217
Drury, Maria A. 1r, 150. 2r, 181. 3r, 190
Fredenburg, Mary E. 1r, 76. 2r, 101. 3r, 111
Garrett, Helen. 1r, 171. 2r, 216. 3r, 217
Gennery, Frank C. 1r, 285. 2r, 322. 3r, 323
Gibbings, Georgina. 1-2-3r, 75
Gill, Frederick H. 1r, 64. 2-3r, 75
Ginn, Eva M. 1-2-3r, 406
Greenhill, Frederick. 1r, 340. 2r, 378. 3r, 380
Hamlin, Vera. 1r, 171. 2r, 216. 3r, 217
Harris, Norman E. 1r, 150. 2r, 181. 3r, 190
Hawkins, William A. 1r, 231. 2-3r, 277
Hayden, James. 1r, 340. 2-3r, 380
Heavens, Eva F. 1r, 322. 2r, 378. 3r, 380
Hilton, Gladys C. 1r, 340. 2r, 378. 3r, 380
Holmes, Kate. 1r, 171. 2r, 216. 3r, 217
Horning, Margaret M. I. 1-2-3r, 502
Hosie, James. 1r, 254. 2r, 284. 3r, 285
Hull, Ernest. 1r, 171. 2r, 216. 3r, 217
Jamieson, Percival A. 1r, 64. 2-3r, 75
Jefferson, William P. 1-2-3r, 406
Jenner, Harvey E. 1r, 111. 2r, 149. 3r, 150
Jewitt, Dorothy L. 1r, 340. 2r, 378. 3r, 380
Johnston, James M. 1r, 340. 2-3r, 380
Kelly, Oliver. 1r, 171. 2r, 216. 3r, 217
Larivey, Gladys M. 1r, 340, 2r, 378. 3r, 380

Divorce Bills — *Con.*
Lawrie, Alexander. 1r, 111. 2r, 149. 3r, 150
Leach, Harry J. 1-2-3r, 75
Leibovitz, Abraham. 1r, 77. 2r, 111. 3r, 112
Leigh, Henry H. 1r, 340. 2-3r, 380
Leith, Margaret M. E. 1r, 358. 2r, 395. 3r, 407
Lovell, Edward. 1r, 64. 2-3r, 75
Macdonell, Blanche E. 1r, 64. 2-3r, 75
Malone, James. 1r, 231. 2-3r, 277
Maybee, Lillian M. 1r, 340. 2r, 378. 3r, 380
McInally, Hazel. 1r, 64. 2-3r, 75
McRae, Eva. 1r, 340. 2r, 378. 3r, 380
Menton, Mary E. 1r, 111. 2r, 149. 3r, 150
Mills, Deliah J. 1r, 216. 2r, 276. 3r, 277
Miners, Clarence R. 1r, 111. 2r, 149. 3r, 150
Morgan, Allan R. 1r, 254. 2r, 284. 3r, 285
Morin, Télesphore J. 1r, 127. 2r, 154. 3r, 180
Morning, Stanley D. 1r, 230. 2-3r, 277
Murtagh, Charles W. 1r, 171. 2r, 216. 3r, 217
Myron-Smith, Ivy E. 1r, 340. 2r, 378. 3r, 380
Naylor, Alex. F. 1r, 127. 2r, 154. 3r, 180
Nicholson, Daisy M. 1r, 127. 2r, 154. 3r, 180
Nixon, Johnston. 1r, 230. 2-3r, 277
Ostrom, D'Eyncourt M. 1r, 216. 2r, 276. 3r, 277
Owen, Robert J. 1r, 230. 2-3r, 277
Parish, Wm. A. 1r, 340. 2-3r, 380
Phair, Mary A. 1r, 378. 2r, 395. 3r, 407
Pirozyk, Nykola. 1-2-3r, 446
Plant, Bertha. 1r, 340. 2-3r, 380
Preece, Thomas. 1r, 340. 2r, 378. 3r, 380
Robinson, Sheriff E. 1r, 76. 2r, 101. 3r, 111
Rudd, Catherine. 1r, 150. 2r, 181. 3r, 190
Sharpe, Elizabeth L. 1r, 64. 2-3r, 75
Shaver, Roy W. 1r, 278. 2r, 306. 3r, 322
Simpson, Phoebe L. 1r, 340. 2r, 378. 3r, 380
Smith, Arthur L. 1r, 171. 2r, 216. 3r, 217
Smith, Harry A. 1r, 254. 2r, 284. 3r, 285
Snider, Wrae Elizabeth. 1r, 171. 2r, 216. 3r, 217
Stewart, John D. 1r, 171. 2r, 216. 3r, 217
Thompson, Margaret. 1r, 230. 2-3r, 277
Tod, Gibson M. 1r, 230. 2-3r, 277
Touchbourne, Mildred C. 1-2r, 306. 3r, 323
Turner, Ethel. 1r, 76. 2r, 101. 3r, 111
Turpin, Edward S. J. 1-2-3r, 75
Weir, Edwin D. 1r, 149. 2r, 181. 3r, 190
Wickson, Marjorie E. 1r, 231. 2-3r, 277
Young, Warren G. 1r, 340. 2r, 378. 3r, 380
Zufelt, Ernest. 1-2-3r, 75

Dominion Elections Bill. 1r, 322. 2r, 376. Com, 399, 491. 3r, 495

Donnelly, Hon. James J.
British embargo on Canadian cattle, 518
Pension Bill, 673
Special War Revenue Bill, 689
Trenton Harbour Bill, 715

Edmonton, Customs officials at, 150

Elections
Cost of, 231
Proportional representation, 25
Redistribution, 24

Escheats Bill. 1r, 394. 2r, 430. Com, 497 3r, 498

Explosives Bill. 1r, 254. M for 2r, 284, 387. Dropped, 540. *See* 151, 262

Farrell, Hon. E. M.
Queens County, N.S., military pensions in, 277

Finance, 8, 16
Credits for European countries, 127, 150
Government loans to farmers, 66
See Currency Bill, Loan Companies Bill, Public Loan Bill, Trust Companies Bill

Fisheries Bills
Curing and canning fees. 1r, 388. 2r, 429. Com, 496. 3r, 497
Lobster and salmon protection. 1r, 394. 2r, 468. Com-3r, 472. *See* 45

Foster, Right Hon. Sir George E., P.C., G.C.M.G.
Animal Contagious Diseases Bill, 396
Bills
Delayed introduction of, 411
Rule for printing, 411
Canada Temperance Bill, 411, 423, 429, 510, 515, 517, 526, 536, 576, 578, 703, 707-709
Canadian Wheat Board Bill, 654, 657, 669
Cancellation of Leases of Dominion Lands Bill, 299
Consolidated Revenue and Audit Bill, 467
Credits for European countries, 127
Criminal Code Bill, 431, 436, 437, 454, 564
Department of National Defence Bill, 191-206, 236
High Commissioner for Canada, 45
Indian Bill, 561, 615
Introduction to Senate, 3
Judges Bill, 214, 282
League of Nations, 78, 320, 722
Matches Bill, 459-461
Oleomargarine Bill, 680
Opium and Narcotic Drug Bill, 480
Patent, Bill to extend, 342

Foster, Right Hon. Sir George E., P.C., G.C.M.G. — *Con.*
Peace Treaties Bill (Hungary and Turkey), 713
Pension Bill, 675
Quebec Harbour Bill, 537, 584-586, 624
Root Vegetables Bill, 652-654
Washington Conference Treaties, approval of, 719

Foster, Hon. George G.
Cold Storage Warehouse Bill, 132, 148
Judges Bill, 275

Fowler, Hon. George W.
Animal Contagious Diseases Bill, 373-376
Bills
Delayed introduction of, 414
Rule for printing, 413, 414
Canada Temperance Bill, 413-417, 516, 527, 528
Census, method of taking, 260
Cold Storage Warehouse Bill, 363-369
Criminal Code Bill, 433-436, 442, 448-456, 542, 543
Dagenais divorce case, 99
Department of National Defence Bill, 234-239
Divorce — proposed amendment of rules, 390
Ex-service men, transportation of, 503, 504
Indian Bill, 557
Judges Bill, 90-98
Patents, Bills to extend, 327
Quebec Harbour Bill, 696
Root Vegetables Bill, 652
Salaries and Senate and House of Commons Bill, 295, 329
Senate adjournments, 76

France, exports to, 75

Gambling devices, 443, 449, 540, 563, 581

German goods, imports of, 322

German reparation payment, 49

Gillis, Hon. Archibald B.
Introduction to Senate, 1

Girroir, Hon. Edward L.
Admiralty Bill, 382
Appeals in criminal cases. 483
Canada Temperance Bill, 531, 712
Fisheries Bill, 470, 471
Matches Bill, 462
Opium and Narcotic Drug Bill, 478, 483

Gordon, Hon. George
Criminal Code Bill, 451
Department of National Defence Bill, 251
Matches Bill, 465
Quebec Harbour Bill, 697
Special War Revenue Bill, 687-690

Governor General
Speeches from the Throne
Opening Session, 2
Closing Session, 727

Grain. *See* Canadian Wheat Board Bill

Green, Hon. Robert F.
Canada Temperance Bill, 509, 515
German reparation payment, 49
Introduction to Senate, 1
Opium and Narcotic Drug Bill, 548

Griesbach, Hon. W. A., C.B., C.M.G., D.S.O.
Census, method of taking, 257-260
Department of National Defence Bill, 158, 243, 247, 272
Edmonton, Customs officials at, 150
Hudson Bay Company documents, 111
Introduction to Senate, 1
League of Nations, 161
Royal Irish Constabulary, 127
United States lawbreakers in Canada, 111

Harbours and Harbour Masters Bill. 1r, 388. 2r, 429. Com-3r, 496

Hardy, Hon. Arthur C.
Introduction to Senate, 51

Harmer, Hon. Wm. J.
Special War Revenue Bill, 688

High Commissioner for Canada, 45

Hoppe coal lease, 331

Hudson Bay Company documents, 111

Ice-breaker J. D. Hazen, 502

Income War Tax Bill. 1r, 574. 2r-Com, 670. 3r, 672

Indian Bill. 1r, 446. 2r, 556. Com, 611, 613. 3r, 617

Inland Revenue Bill. 1r, 574. 2-3r, 685

Insurance Bill. 1r, 446. 2r, 499. Com, 571. 3r, 581. (*See* Returned Soldiers Insurance Bill.

Judges Bill. 1r, 75. 2r, 90, 181. Com, 214, 274, 279. 3r, 285

Kemp, Hon. Sir Albert Edward, P.C., K.C.M.G.
Department of National Defence, 196
Introduction to Senate, 2

Labour
British Empire Steel Corporation labour dispute, 50, 51, 77, 285
Organized Labour and the League of Nations, 104
Strike in printing trades, 67
Unemployment, 112

Laird, Hon. Henry W.
Canada Temperance Bill, 510, 512, 515, 516
Cold Storage Warehouse Bill, 136, 361, 362. *See* 278

Lake of the Woods Bill. 1r, 570. M for 2r, 629. Rejected, 650

League of Nations, 78, 104, 306, 722

L'Espérance, Hon. D. O.
Quebec Harbour Bill, 586, 597, 618, 694

Lignite carbonizing in Saskatchewan, 49, 67

Loan Companies Bill. 1r, 394. 2r, 495. Rep of Com, 571. 3r, 581

Lougheed, Hon. Sir James, P.C.
Address in reply to Governor General's Speech, 9
The change of Government, 9
Accomplishments of the late Government, 10
The Liberal Conservative party and the electors, 10
The railway question, 11
Political parties in Quebec, 13
Group representation, 13
Admiralty Bill, 382
Agricultural Fertilizers Bill, 539
Air Board Bill, 383, 386
Appeals in criminal cases, 483, 487, 565
Appropriation Bills, 70
Bills, rule for printing, 412
Canada Temperance Bill, 412-416, 511, 518, 531, 568-570, 704-706, 725
Cancellation of Leases of Dominion Lands Bill, 276, 335-339, 698-700
Consolidated Revenue and Audit Bill, 466-468
Criminal Code Bill, 431-440, 448-452, 541-545, 565, 582
Department of National Defence Bill, 104, 156, 157, 167-171, 196-198, 204-213, 240-253, 263-267
Divorce — proposed amendment of rules, 357, 388, 391
Dominion Elections Bill, 401, 402, 493-495
Escheats Bill, 497
Explosives Bill, 284, 387
Farber Patent Bill, 284
Fisheries Bill, 469-471
Hoppe coal lease, 335
Indian Bill, 557-562, 611-613
Judges Bill, 91, 188, 279, 283
Lake of the Woods Bill, 633
Matches Bill, 458-463, 508, 571
Niagara River Bridge Company Bill, 279
Opium and Narcotic Drug Bill, 475-487
Patents, Bills to extend, 323, 326, 378
Peace Treaties Bill (Hungary and Turkey), 714

Lougheed, Hon. Sir James, P.C. — *Con.*
Pension Bill, 674-677
Prince of Wales — congratulatory resolution, 573
Public Service Retirement Bill, 489-491
Quebec Harbour Bill, 536, 629
Railway Rates Bill, 701
Salaries and Senate and House of Commons Bill, 286, 330, 408
Scrip Frauds Bill, 499, 553
Senate
Deceased Senators, tributes to, 42, 98
Rules, proposed amendments to, 356, 357, 388, 391, 693
Trust Companies Bill, 495
Washington Armaments Conference, Canada's representative at, 315

Lynch-Staunton, Hon. George
Bankruptcy Bill, 472-473, 602-606
Bills, rule for printing, 410-413
Canada Temperance Bill, 410-418, 580
Cancellation of Leases of Dominion Lands Bill, 299, 302, 337
Criminal Code Bill, 431, 433, 439, 442, 455
Department of National Defence Bill, 201-207, 271-272
Judges Bill, 187
Lake of the Woods Bill, 645
Matches Bill, 461, 464
Quebec Harbour Bill, 618, 622
St. Lawrence River Ship Canal, 343
Salaries and Senate and House of Commons Bill, 289, 293

Macdonell, Hon. Archibald H., C.M.G.
Department of National Defence Bill, 251
Introduction to Senate, 2

Marine. *See* Harbours and Harbour Masters Bill, Pilotage Bill

Martin, Hon. Peter F.
Introduction to Senate, 2

Matches Bill. 1r, 394. 2r, 458. Com, 459. Ref to Com on Banking and Commerce, 507. Rep. of Com, 570. 3r, 571

McCoig, Hon. Archibald B.
Address in reply to Governor General's Speech, 4
Labour and tariff problems, 4
The railway question, 4
Agricultural development, 4
The live stock industry, 4
Tobacco growing, 5
Introduction to Senate, 2

McCormick, Hon. John
British Empire Steel Corporation labour dispute, 60
Introduction to Senate 1

McDonald, Hon. John A.
Canals, cost of, 216
Criminal Code Bill, 453, 545, 563, 565, 581
Unemployment, 112

McHugh, Hon. George
Patents, Bills to extend, 324

McLean, Hon. John
Bankruptcy Bill, 608
Cold Storage Warehouse Bill, 147, 361

McLennan, Hon. John S.
C.N.R. passenger traffic, 64
Department of National Defence Bill, 158
League of Nations, 109
St. Lawrence River Ship Canal, 354
Salaries and Senate and House of Commons Bill, 292, 297

McMeans, Hon. Lendrum
Appeals in criminal cases, 481-484, 567
Bankruptcy Bill, 605
Criminal Appeals Bill, 46
Criminal Code Bill, 433, 435, 453, 456, 457
Judges Bill, 97
Opium and Narcotic Drug Bill, 481-484, 547-553, 567
Publications banned from Canada, 67

Meat and Canned Foods Bill. 1r, 394. 2r-Com, 498. 3r, 499

Michener, Hon. Edward
Militia officers' salaries and allowances, 278 285

Military
Ex-service men, transportation of, 406, 503
Leinster Royal Canadian Regiment, 76
See Canadian Patriotic Fund Bill, Department of National Defence Bill, Indian Bill, Pension Bill, Returned Soldiers' Insurance Bill. Soldier Settlement Bill, Soldiers' Civil Re-Establishment Bill

Mineral
Oil shales, iron, ore, and coal deposits, 46

Mitchell, Hon. William
Canada Temperance Bill, 516, 580
Department of National Defence Bill, 270

Montreal Dry Dock Company, 171

Montreal Harbour Bill. 1r, 446. 2r, 609. Com, 609. 3r, 611

Morality, offences against, 431-442

Motor Vehicles for immoral uses, 388, 443, 546

Murphy, Hon. Patrick C.
British Empire Assurance Company Bill, 102
Canada Temperance Bill, 708
Cold Storage Warehouse Bill, 360-365
Fisheries protection service, 45
Frontier College Bill, 305
Ice-breaker J. D. Hazen, 502
Matches Bill, 465
Patents, Bills to extend, 324
Penitentiary Bill, 155, 180
Pension Board's classification, 156
Quebec Railway, Light and Power Company Bill, 359
Root Vegetables Bill, 653, 654
Salaries and Senate and House of Commons Bill, 329

Natural resources of western provinces, 46

Nova Scotia road projects, 302

Oil shales, etc., Committee, 46

Oleomargarine Bill. 1r, 574. 2r-Com, 680. 3r, 684

Opium and Narcotic Drug Bill. 1r, 394. 2r, 473. Com, 475, 547, 565. 3r, 568

Pardee, Hon. Frederick F.
Canada Temperance Bill, 569
Census, method of taking, 259
Criminal Code Bill, 546
Department of National Defence Bill, 238
Dominion Elections Bill, 400-403
Introduction to Senate, 76
Lake of the Woods Bill, 639
Pension Bill, 674-677
Schweyer Patent Bill, 341

Parliament
Royal Assent, 76, 277, 725
Session
Opening, 1, 2
Prorogation, 725
Speeches from the Throne, 2, 727

Parliamentary procedure
Bills
Report of Special Committee on, 370
Rule for printing, 410
Discussion under notices, 171

Peace Treaties Bill (Hungary and Turkey) 1r, 613. M for 2r, 713. 2-3r, 717

Penitentiary Bill. 1r, 77. 2r, 103. Com, 154. 3r, 180, 190

Penny Bank Bill. 1r, 446. 2r, 501. Com-3r, 502

Pension Bill. 1r, 574. 2r-Com, 673. 3r, 677

Pictou, military pensions in, 303

Pilotage Bill. 1r, 355. 2r, 380. Com-3r, 404

Pope, Hon. Rufus H.
Canada Temperance Bill, 529
Cancellation of Leases of Dominion Lands Bill, 331
Civil Service Union No. 66, 231
Commons Debates, French version of, 520
Department of National Defence Bill, 157
Hoppe coal lease, 331
Soldier settlement, 71, 254

Prince Edward Island
Fisheries protection service, 45

Prince of Wales — congratulatory resolution, 573

Private Bills
Aberdeen Fire Insurance Company. 1r, 154. 2r, 216. 3r, 262
Armour Life Assurance Company. 1r, 154, 2r, 216. 2r, 262
Baptist Convention of Ontario and Quebec. 1r, 149. 2r, 154. 2r, 217
British Empire Assurance Company. 1r, 77. 2r, 101. 3r, 180
Buffalo and Fort Erie Public Bridge Company. 1r, 279. 2r, 303.
Burrard Inlet Tunnel and Bridge Company. 1r, 77. 2r, 103. 2r, 150
Canada Trust Company. 1r, 77. 2r, 103. 3r, 154
Canadian Casualty Company. 1r, 254. 2r, 284. 3r, 380
Canadian General Insurance Company. 1r, 77. 2r, 103. 3r, 154
Canadian Pacific Railway Company. 1r, 279. 2r, 306. 3r, 359
Canadian Transit Company. 1r, 216. 2r, 276. 3r, 322
Dominion Chain Company. 1r, 395. 2r, 446. 3r, 502
Eaton (T.) General Insurance Company. 1r, 154. 2r, 216. 3r, 262
Edmonton, Dunvegan, and British Columbia Railway. 1r, 306. 2r, 323. 3r, 359
Esquimalt and Nanaimo Railway Company. 1r, 214. 2r, 276. 3r, 322
Farber, Simon W., Patent. 1r, 254. 2r, 284, 322. Com, 379. 3r, 404
Frontier College. 1r, 279. 2r, 305. 3r, 321
General Missionary Society of the German Baptist Churches of North America. 1r, 216. 2r, 276. 3r, 321
Great West Bank. 1-2r, 340. Refund of fees, 553
Holophane Glass Company Patents. 1r, 321. 2r, 332. Com, 378. 3r, 404
Interprovincial and James Bay Railway Company. 1r, 77. 2r, 103. 3r, 150

Private Bills — *Con.*
Itabira Corporation. 1r, 216. 2r, 276. 3r, 322
Kettle Valley Railway Company. 1r, 77. 2r, 103. 3r, 150
La Compagnie du Chemin de Fer de Colonisation du Nord. 1r, 77. 2r, 103. 3r, 150
Niagara Bridge Company. 1-2r, 279. 3r, 322
Prudential Trust Company. 1r, 154. 2r, 216. 3r, 262
Quebec Railway, Light and Power Company. 1r, 216. 2r, 276. Com, 358
Schweyer, Daniel H., Patent. 1r, 306. 2r, 341. 3r, 395
Sisters of Saint Mary of Namur. 1r, 279, 2r, 306. 3r, 395

Proudfoot, Hon. William
Air Board Bill, 385, 386, 404, 405
Animal Contagious Diseases Bill, 374
Appeals in criminal cases, 485, 566, 567
Bankruptcy Bill, 600-608
Canada Temperance Bill, 414
Canadian reparation claims, 78
Criminal Code Bill, 388, 433-443, 456, 544, 546, 582
Dagenais divorce case, 100
Divorce
Courts in the Provinces, 423
Rules, proposed amendment of, 356, 392
Statistics, 422
Dominion Chain Company Patent Bill, 446
Judges Bill, 282, 283
Lake of the Woods Bill, 647
Matches Bill, 464
Motor Vehicles for immoral uses, 388, 443, 546
Opium and Narcotic Drug Bill, 485, 549-552, 566, 567
Personal statement—position as Senator, 19
Quebec Harbour Bill, 696
Senate rules, proposed amendments to, 356, 392
Timber licenses in Western Canada, 64
Venereal Diseases, Canadian National Council for Combating, 443

Public Loan Bill. 1r, 574. 2r, 684. 3r, 685

Public Service Retirement Bill. 1r, 394. 2r-Com, 488. 3r, 491

Publications banned from Canada, 67

Quebec Harbour Bill. 1r, 446. M for 2r, 536. 2r, 582. Com, 591, 617, 629, 693. 3r, 698. *See* 216

Queens County, N.S., military pensions in, 277

Railway Rates Bill. 1r, 680. 2r, 701. 3r, 702. *See* 4, 11, 17, 25, 32

Railways
C. N. R. passenger traffic, 64
G. T. R. revenue and expenses, 127
New Glasgow-Thorburn, N.S., railway, 302
Problem in Canada, 4, 11, 17, 32

Red Cross Society Bill. 1r, 613. 2r-Com-3r, 713

Reid, Hon. John D.
Bankruptcy Bill, 472
Canada Temperance Bill, 514, 516, 533, 579
Customs and Excise Bill, 692
Department of National Defence Bill, 192-211, 232, 235, 238, 248
Dominion Elections Bill, 399-403, 491-495
Ex-service men, transportation of, 507
Introduction to Senate, 44
Matches Bill, 459-463, 508
Patents, Bills to extend, 325
Quebec Harbour Bill, 589, 591-599, 617-626, 693, 696
Railway Rates Bill, 701
St. Lawrence River Ship Canal, 348

Research Council of Canada, 49, 67

Returned Soldiers' Insurance Bill. 1r, 574. 2r-Com, 672. 3r, 673

Robertson, Hon. Gideon D.
Air Board Bill, 405-406
Animal Contagious Diseases Bill, 398
British Empire Steel Corporation labour dispute, 55
Buffalo and Fort Erie Bridge Company Bill, 303
Canada Temperance Bill, 421, 578
Cold Storage Warehouse Bill, 359-365
Department of National Defence Bill, 171, 200, 201, 207, 213, 233, 242-244, 252, 270, 271
Dominion Elections Bill, 402
Ex-service men, transportation of, 406, 503, 506
Indian Bill, 617
Judges Bill, 215
League of Nations, 104
Oleomargarine Bill, 683
Opium and Narcotic Drug Bill, 552
Quebec Harbour Bill, 537, 584, 593, 618, 622-626, 695
Trenton Harbour Bill, 714
Unemployment, 112

Roche, Hon. William
Admiralty Bill, 381
Air Board Bill, 384, 386
Animal Contagious Diseases Bill, 396, 397
Bankruptcy Bill, 604

Roche, Hon. William — *Con.*
British Empire Assurance Company Bill, 101
Canada Temperance Bill, 578
Matches Bill, 459, 462
Quebec Harbour Bill, 619
Root Vegetables Bill, 652
Washington Conference Treaties, approval of, 721

Root Vegetables Bill. 1r, 574. 2r, 650. Com, 651. 3r, 654

Royal Assent. *See* Parliament

Royal Irish Constabulary, 127

Sackville shipping facilities, 278, 322

St. Lawrence River
Hydrographic survey, 150
Ship canal, 38, 171, 217, 343

Salaries and Senate and House of Commons Bill. 1r, 77. 2r, 127. Com, 273, 285, 327. 3r, 407

Saskatchewan
Judge, appointment of. *See* Judges Bill
Railway land grants, 231

Schaffner, Hon. Frederick L.
Animal Contagious Diseases Bill, 398
Canadian Wheat Board Bill, 657, 658
Criminal Code Bill, 435
Department of National Defence Bill, 247
Opium and Narcotic Drug Bill, 476
Pension Bill, 677

Senate
Adjournments, 44, 50, 65, 75, 76, 277
Bi-daily sittings, 393
Bills, delayed introduction of, 411
Daylight saving time, 111
Deceased Senators
Beith, the late Hon. Robert, 42, 43
Boyer, the late Hon. Arthur, 41, 43
Crothers, the late Hon. T. W., 41, 42
Domville, the late Hon. James, 41, 42
Edwards, the late Hon. W. C., 41, 42
Milne, the late Hon. J. W., 42, 43
Nicholls, the late Hon. F., 41, 42
Power, the late Hon. L. G., 40, 42
Thompson, the late Hon. F. P., 98
New Senators, 1, 3, 44, 51, 76
Notices, oral, 76
Partyism in, 15
Publication of proceedings, 717
Rules
Proposed amendments to, 355, 388, 519, 628, 693
Suspension of, 394
Speaker, appointment of, 1

Sexual offences. *See* Criminal Code Bill

Soldier Settlement Bill. 1r, 574. 2r-Com, 677. 3r, 679. *See* 45, 71, 73, 74, 254

Soldiers. *See* Military

Soldiers' Civil Re-establishment Bill. 1-2-3r, 716

Special War Revenue Bill. 1r, 575. 2r, 685. 3r, 690

Supply. *See* Appropriation Bills

Supreme Court Bill. 1r, 388. 2r, 409. Com-3r, 496

Tanner, Hon. Charles E.
Admiralty Bill, 382
British Empire Steel Corporation labour dispute, 50, 51, 61, 77, 285
Dominion Elections Bill, 493
Ex-service men, transportation of, 406
Frontier College Bill, 303, 305
German goods, imports of, 322
Government loans to farmers, 66
Judges Bill, 93, 186
Leinster Royal Canadian Regiment, 76
Natural resources of western provinces, 46
New Glasgow-Thorburn, N.S., railway, 302
Nova Scotia road projects, 302
Parliamentary procedure — discussion under notices, 171
Pictou, military pensions in, 303
Salaries and Senate and House of Commons Bill, 273, 293, 294, 327

Tariff, 31. *See* Taxation

Taylor, Hon. James D.
Canada Temperance Bill, 524, 530

Taxation
See Customs and Excise Bill, Customs Tariff Bill, Income War Tax Bill, Inland Revenue Bill, Special War Revenue Bill

Tessier, Hon. Jules
Department of National Defence Bill, 235
Quebec Harbour Bill, 696

Thompson, Hon. Frederick P.
Death of, 98

Timber licenses in Western Canada, 64

Trade
Export Trade Routes Committee, 50
France, exports to, 75
German goods, imports of, 322
Reciprocity, 22
See Transportation

Transportation. *See* St. Lawrence River Ship Canal; Trade

Trenton Harbour Bill. 1r, 613. 2r, 714. 3r, 715

Trust Companies Bill. 1r, 394. 2r, 495. Rep of Com, 571. M for 3r, 571. 3r, 581

Turriff, Hon. J. G.
Address in reply to Governor General's Speech, 20
The change of Government, 20
Growth of the Progressive party, 21
Reciprocity, 22
Redistribution, 24
Proportional representation, 25
Railway freight rates and wages, 25
Admiralty Bill, 382
Air Board Bill, 384
Appropriation Bill, 72
Bills, rule for printing, 413
British Empire Assurance Company Bill, 102
Buffalo and Fort Erie Bridge Company Bill, 305
Canada Temperance Bill, 413, 419, 510, 514
Canadian Wheat Board Bill, 659
Cold Storage Warehouse Bill, 143
Criminal Code Bill, 436
Department of National Defence Bill, 164, 232, 233, 239, 268
Ex-service men, transportation of, 505
Judges Bill, 97
Lake of the Woods Bill, 644
Lignite carbonizing in Saskatchewan, 49, 67
Matches Bill, 461
Oleomargarine Bill, 680
Pension Bill, 675
Quebec Harbour Bill, 537, 589, 620
Railway Rates Bill, 702
Research Council of Canada, 49, 67
Salaries and Senate and House of Commons Bill, 273, 327
Scrip Frauds Bill, 555
Soldier Settlement Bill, 678. *See* 73

United States lawbreakers in Canada, 111

Vancouver Harbour Bill. 1r, 388. 2r, 409. Com-3r, 496

Venereal Diseases, Canadian National Council for Combating, 443

Washington Armaments Conference
Canada's representative at, 311, 514
Treaties, approval of, 717

Watson, Hon. Robert
Animal Contagious Diseases Bill, 373-376, 397
Cold Storage Warehouse Bill, 361
Ex-service men, transportation of, 503

Watson, Hon. Robert — *Con.*
Lake of the Woods Bill, 641
Senate — proposed amendment of rules, 357, 393

Webster, Hon. John
British Empire Assurance Company Bill, 102
Cold Storage Warehouse Bill, 134
Oleomargarine Bill, 682

Wheat. *See* Canadian Wheat Board Bill

White, Hon. Gerald V.
British Empire Assurance Company Bill, 101, 102

White, Hon. Richard S.
Strike in printing trades, 67

Willoughby, Hon. W. B.
Appeals in criminal cases, 482, 566
Bankruptcy Bill, 605
Canada Temperance Bill, 513
Canadian Wheat Board Bill, 662
Criminal Code Bill, 453
Divorce — proposed amendment of rules, 392
Opium and Narcotic Drug Bill, 474, 480, 482, 566
Railway land grants in Saskatchewan, 231
Salaries and Senate and House of Commons Bill, 290

Wilson, Hon. J. M.
Canada Temperance Bill, 527

Women voters, unmarried, 152